

## **PREFACE**

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.

# City of Fort Payne Local Government Manual

Local Gov Policy

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## **Chapter 1 - Role and Authority**

## Policy Manual

### 100.1 PURPOSE AND SCOPE

The manual of the City is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules, and guidelines of this city. All employees are to conform to the provisions of this manual.

All prior and existing manuals, orders, and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

### 100.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to employees of this city under the circumstances reasonably available at the time.

#### 100.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the City and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials, or its employees. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training, or discipline. The City reserves the right to revise any policy content, in whole or in part.

#### 100.2.2 EMPLOYEES COVERED UNDER THIS POLICY

Only regular full-time employees are entitled to the benefits under this policy, as well as specific applications for their employment classification. This section only refers to benefits granted by the city. Rules and rights in this manual apply to all members of the city

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

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- City Treasurer
- Fire Chief
- Police Chief

The following department heads or supervisors serve in their capacity at the pleasure of the Mayor:

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

### **100.3 AUTHORITY**

The Mayor shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state, and local laws, rules, and ordinances. The Mayor or the authorized designee is authorized to issue directives, which shall modify those provisions of the manual to which they pertain. Directives from the Mayor or the authorized designee shall remain in effect until such time as they may be permanently incorporated into the manual.

### **100.4 DEFINITIONS**

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Elected official** - Any individual who serves in the City government based upon selection by a public vote, as well as any individual who is appointed or otherwise selected to fill such a position that has been vacated prior to the conclusion of the elected individual's term.

**Employee** - Any person employed by the City, including:

- Full- and part-time employees.
- Appointed personnel. This does not include persons appointed to fill an elected official vacancy.

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**Manual** - The City Policy Manual.

**May** - Indicates a permissive, discretionary, or conditional action.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other city employees, directing the work of other employees, or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

### **100.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all employees on the city network for viewing and printing. No changes shall be made to the manual without authorization from the Mayor or the authorized designee.

Each employee shall acknowledge having access to and having the opportunity to review the Policy Manual and any directives issued by the Mayor or the authorized designee. Employees shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

### **100.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Mayor will ensure that the Policy Manual is periodically reviewed and updated as necessary.

### **100.7 REVISIONS**

All revisions to the Policy Manual will be provided to each employee on or before the date the policy becomes effective. Each employee will be required to acknowledge having reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Employees are responsible for keeping abreast of all Policy Manual revisions.

All city employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their supervisors, who will consider the recommendations and forward them to the Mayor as appropriate.

## Standards of Conduct for Elected Officials

### 101.1 PURPOSE AND SCOPE

This policy establishes standards of conduct expected of all elected officials. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct.

#### 101.1.1 DEFINITIONS

Definitions related to this policy include:

**Conflict of interest** - Any actual, perceived, or potential conflict in which it reasonably appears that an elected official's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

### 101.2 POLICY

Elected officials of the City are expected to conduct themselves with the utmost professional integrity and objectivity. The service of every elected official of the City shall be based on conduct that reasonably conforms to the guidelines in this policy.

### 101.3 UNLAWFUL DIRECTIVES

Elected officials should not knowingly direct action or inaction that, if carried out, would result in a violation of any law or city policy. Elected officials should not make new commands that conflict with any previous command without making reasonable clarification that the new command is intended to countermand the earlier command.

### 101.4 GENERAL STANDARDS

Elected officials should conduct themselves in accordance with the federal and state constitutions and all applicable laws, ordinances, and rules.

Elected officials should familiarize themselves with policies and procedures applicable to their conduct and the conduct of all employees under their supervision.

### 101.5 ETHICS

Elected officials should avoid engaging in the following conduct:

- a. Using one's status as an elected official of the City in any way that could reasonably be perceived as an attempt to gain influence or authority for non-city business or activity.
- b. The wrong or unlawful exercise of authority for malicious purpose, personal gain, willful deceit, or any other improper purpose.

## *Standards of Conduct for Elected Officials*

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- c. Acceptance of fees, gifts, money, tangible or intangible personal property, or any service, gratuity, favor, entertainment, hospitality, loan, promise, or any other thing of value from any person, business, or organization that is doing business with, or seeking to do business with, the City, or contrary to the rules of this city and/or laws of the state.
- d. Offer or acceptance of a bribe or gratuity.
- e. Misappropriation or misuse of public funds, property, personnel, or services.
- f. Any other failure to abide by the standards of ethical conduct.

### **101.6 DISCRIMINATION, OPPRESSION, OR FAVORITISM**

Elected officials should not discriminate against, oppress, or provide favoritism to any person based on a classification or status protected by law.

### **101.7 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE**

Elected officials should avoid:

- a. Unauthorized or inappropriate release of confidential or protected information, materials, data, forms, or reports obtained as a result of the elected official's position with this city.
- b. The use of any information, photograph, video, or other recording obtained or accessed as a result of the elected official's position with this city for personal or financial gain.
- c. Using city resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.
- d. Loaning, selling, allowing unauthorized use, giving away, or appropriating any city badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- e. Using city resources for campaign or other political purposes.

### **101.8 CONFLICTS OF INTEREST**

Elected officials shall follow all laws regarding actual and perceived conflicts of interest and should avoid the appearance of actual or perceived conflicts of interest.

Elected officials should avoid directly supervising any employee who is a relative or with whom they are involved in a personal or business relationship. Elected officials should also avoid participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

### **101.9 ETHICAL COMPLIANCE DOCUMENTATION**

Elected officials should ensure that all required documentation pertaining to ethics, conflicts of interest, or any other matter related to conduct are timely completed and submitted to the appropriate authorities.

### **101.10 OUTSIDE EMPLOYMENT**

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## *Standards of Conduct for Elected Officials*

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Elected officials should avoid maintaining any outside employment or accepting any appointment that creates an actual or perceived conflict of interest or that inhibits their ability to competently complete the requirements of the office to which they have been elected. All laws related to the maintenance of outside employment for elected officials should be observed.

## Standards of Conduct for All Employees

### 102.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the City and are expected of all employees. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, employees are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this city or an employee's supervisor.

#### 102.1.1 DEFINITIONS

Definitions related to this policy include:

**Conflict of interest** - Any actual, perceived, or potential conflict in which it reasonably appears that an employee's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

### 102.2 POLICY

The continued employment or appointment of every employee of the City shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether during work hours or non-work hours, may be cause for disciplinary action.

### 102.3 GENERAL STANDARDS

Employees shall conduct themselves in accordance with the federal and state constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Employees shall familiarize themselves with policies and procedures and are responsible for compliance with each. Employees should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

### 102.4 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, or ethics, and specific action or inaction that is detrimental to the city's ability to effectively serve the public.

#### 102.4.1 LAWS, RULES, AND ORDERS

## Standards of Conduct for All Employees

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- a. Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in city manuals.
- b. Disobedience of any lawful direction or order.
- c. Violation of federal, state, local, or administrative laws, rules, or regulations.

### 102.4.2 ETHICS

- a. Using or disclosing one's status as an employee of the City in any way that could reasonably be perceived as an attempt to gain influence or authority for non-city business or activity.
- b. The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- c. The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the employee's work with the City.
- d. Acceptance of fees, gifts, or money contrary to the rules of this city and/or laws of the state.
- e. Offer or acceptance of a bribe or gratuity.
- f. Any other failure to abide by the standards of ethical conduct.

### 102.4.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

### 102.4.4 RELATIONSHIPS

- a. Unwelcome solicitation of a personal or sexual relationship during work hours or through the use of one's official capacity.
- b. Engaging in sexual activity during work hours, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- c. Establishing or maintaining an inappropriate personal or financial relationship as a direct result of any official business.
- d. Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the employee knows or reasonably should know of the criminal nature of the organization.

### 102.4.5 ATTENDANCE

- a. Leaving the job to which the employee is assigned during work hours without reasonable excuse and proper permission and approval.
- b. Unexcused or unauthorized absence or tardiness.
- c. Excessive absenteeism or abuse of leave privileges.
- d. Failure to report to work or to the place of assignment at the time specified and fully prepared to work without reasonable excuse.
- e. Outside work/moonlighting which interferes with job performance or represents a conflict of interest

## *Standards of Conduct for All Employees*

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### 102.4.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- a. Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the employee's position with this city.
- b. The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this city for personal or financial gain or without the express authorization of the Mayor or the authorized designee.
- c. Loaning, selling, allowing unauthorized use, giving away, or appropriating any city badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- d. Using city resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

### 102.4.7 EFFICIENCY

- a. Neglect of duty.
- b. Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- c. Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- d. Unauthorized sleeping during work hours or assignments.
- e. Failure to notify the City within 24 hours of any change in residence address or contact numbers.
- f. Failure to notify a supervisor of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.
- g. Improper or excessive use of telephones to conduct personal business
- h. Refusal to work overtime

### 102.4.8 PERFORMANCE

- a. Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.
- b. The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any city record, public record, book, paper, or document.
- c. Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any city-related business.
- d. Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this city or its employees.
- e. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this city or subverts the good order, efficiency, and discipline of this city or that would tend to discredit any of its employees.

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## Standards of Conduct for All Employees

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- f. Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on city premises.
  - 2. At any work site, during work hours, or while using any city equipment or system.
- g. Improper political activity, including:
  - 1. Unauthorized attendance during work hours at official legislative or political sessions.
  - 2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position during work hours or on city property except as expressly authorized by city policy, an employment agreement or contract, or the Mayor or the authorized designee.
- h. Engaging in political activities during work hours except as expressly authorized by city policy, any employment agreement or contract, or the Mayor or the authorized designee.
- i. Any act that brings discredit to this city.

### 102.4.9 CONDUCT

- a. Failure to promptly and fully report activities on the employee's part or the part of any other employee where such activities resulted in contact with any law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- b. Unauthorized or unlawful fighting, or threatening or attempting to inflict unlawful bodily harm on another.
- c. Engaging in horseplay that reasonably could result in injury or property damage.
- d. Discourteous, disrespectful, or discriminatory treatment of any member of the public or any employee of the City.
- e. Use of obscene, indecent, profane, or derogatory language during work hours or in uniform.
- f. Criminal, dishonest, or disgraceful conduct that adversely affects the employee's relationship with the City.
- g. Unauthorized possession of, loss of, or damage to city property or the property of others or endangering it through carelessness or maliciousness.
- h. Attempted or actual theft of city property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of city property or the property of another person.
- i. Activity that is incompatible with an employee's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract, including fraud in securing the appointment or hire.
- j. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Mayor or the authorized designee of such action.
- k. Any other conduct that any employee knows or reasonably should know is unbecoming an employee of this city, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon the City or its employees.
- l. Any employee subject to criminal investigation or criminal or civil proceedings must notify the appropriate Department Head and Human Resources within twenty-four (24) hours.

## *Standards of Conduct for All Employees*

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### 102.4.10 SAFETY

- a. Failure to observe or violating city safety standards or safe working practices.
- b. Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- c. Failure to maintain good physical condition sufficient to adequately and safely perform the work assigned, if applicable.
- d. Unsafe firearm or other weapon handling, including loading or unloading firearms in an unsafe manner.
- e. Carrying, while on the premises of the work site, any firearm or other weapon that is not authorized by law or the member's appointing authority.
- f. Unsafe or improper driving habits or actions in the course of employment or appointment.
- g. Any personal action contributing to a preventable traffic accident.
- h. Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

### 102.4.11 INTOXICANTS

- a. Reporting for work or being at work while intoxicated or when the employee's ability to work is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- b. Possession or use of alcohol during work hours.
- c. Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to work.

## **Chapter 2 - Organization and Administration**

## **Electronic Mail**

### **200.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the City.

### **200.2 POLICY**

Employees shall use email in a professional manner in accordance with this policy and current public records laws.

### **200.3 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to emails accessed, transmitted, received, or reviewed on any city technology system (see the Information Technology Use Policy for additional guidance).

All email messages, documents, and correspondence and data obtained via internet use are considered City property.

### **200.4 RESTRICTIONS ON USE OF EMAIL AND EMPLOYEE RESPONSIBILITIES**

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration, or practices of the City.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire City are only to be used for official business-related items that are of particular interest to all users. In the event that an employee has questions about sending a particular email communication, the employee should seek prior approval from a supervisor.

It is a violation of this policy to transmit a message under another employee's name or email address or to use the password of another to log into the system. Employees are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an employee's email, name, or password. Any employee who believes the employee's password has become known to another person shall change the password immediately.

Users shall check their email regularly and delete all non-business-related email.

Only individuals with administrative responsibilities (i.e., IT Administrators, Human Resource Manager, or Security Official) or their designee may be granted access to the email account of their former employee or vendor. This shall require written approval from requestor's supervisor.

## *Electronic Mail*

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- a. The account shall be used only for the retrieval of existing email and shall not be used to impersonate the former personnel or send email communications.
- b. Access shall be granted for 30 days, and any extension must be approved by the Organization Security Official.

Users shall delete chain and junk email messages without forwarding or replying to them. Electronic chain letters and other forms of non-business-related mass mailings are prohibited.

Personnel shall not use City resources to view, record, or transmit materials which violate City policies. Inappropriate messages, pictures, and/or other visual images/materials include, but are not limited to:

- a. Fraudulent messages - Messages sent under an anonymous or assumed name with the intent to obscure the origin of the message.
- b. Harassment messages - Messages that harass an individual or group for any reason, including race, sex, religious beliefs, national origin, physical attributes, or sexual orientation.
- c. Obscene messages - Messages that contain obscene or inflammatory remarks.
- d. Pornographic materials - This includes, but is not limited to pictures, audio/video files, literature, or newsgroups.

Users shall not engage in spamming activities. Electronic chain letters and other forms of non-business-related mass mailings are prohibited.

Users shall not forward email containing sensitive information or Protected Health Information (PHI) and Personally Identifiable Information (PII) to public email systems such as Hotmail.com, gmail.com, or other public email system services. In addition, users shall not forward sensitive information, PHI, or other Organization business information to their personal email accounts. Because HIPAA retention requirements require business related communication be retained for six (6) years personal email accounts shall not be used for official business.

## **200.5 EMAIL RECORD MANAGEMENT**

Email may, depending upon the individual content, be a public record and must be managed in accordance with the established records retention schedule and in compliance with state law.

The City Clerk should ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

## Subpoenas and Court Appearances

### 201.1 PURPOSE AND SCOPE

This policy establishes the guidelines for city employees who must appear in court. It will allow the City to cover any related work absences and keep the Mayor informed about relevant legal matters.

### 201.2 POLICY

Employees will respond appropriately to all subpoenas and any other court-ordered appearances.

### 201.3 SUBPOENAS

Only employees authorized to receive a subpoena on behalf of the City or any of its employees may do so.

#### 201.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any employees who are subpoenaed to testify, agree to testify, or provide information on behalf or at the request of any party other than the City or the prosecutor shall notify their immediate supervisors without delay regarding:

- a. Any civil case where the City or one of its employees, as a result of the employee's official capacity, is a party.
- b. Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of the member's official capacity, is a party.
- c. Any criminal proceeding where the employee is called to testify or provide information on behalf of the defense.
- d. Any civil action stemming from the employee's work activity or because of the employee's association with the City.
- e. Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the City.

The supervisor will then notify the Mayor and the appropriate prosecuting attorney if applicable. The Mayor should determine if additional legal support is necessary.

No employee shall be retaliated against for testifying in any matter.

#### 201.3.2 WORK-RELATED SUBPOENAS

The City will compensate employees who appear in their official capacities on matters arising out of their official duties.

The City should seek reimbursement for the employee's compensation for appearances on civil subpoenas through the attorney of record who subpoenaed the employee.

#### 201.3.3 OTHER SUBPOENAS

## *Subpoenas and Court Appearances*

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Employees receiving valid subpoenas for actions unrelated to their employment or appointment with the City will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

### **201.4 FAILURE TO APPEAR**

Any employee who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

### **201.5 COURTROOM PROTOCOL**

When appearing in court, employees shall:

- a. Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- b. Dress and prepared to proceed immediately with the case for which they are scheduled to appear.
- c. Observe all rules of the court in which they are appearing and remain alert to change in the assigned courtroom where their matter is to be heard.

#### **201.5.1 TESTIMONY**

Before the date of testifying, the subpoenaed employee should review relevant reports or documents in order to be prepared for court.

#### **201.5.2 RECORDS**

When an employee is directed by a subpoena to appear in court with records, that employee should notify the Human Resources Department or the Mayor's office promptly after receiving the subpoena that the specified records are needed for court.

## Limited English Proficiency Services

### 202.1 PURPOSE AND SCOPE

This policy provides guidance to employees when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 202.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the City to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficiency (LEP) individual** - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking, understanding) but still exhibit LEP for other purposes (e.g., reading, writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

**Qualified bilingual employee** - An employee of the City, designated by the Mayor or the authorized designee, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual employees may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 202.2 POLICY

It is the policy of the City to reasonably provide LEP individuals with meaningful access to services, programs, and activities, while not imposing undue burdens on the City or its employees.

The City will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right.

### 202.3 LEP COORDINATOR

The Mayor or the authorized designee should delegate certain responsibilities to an LEP coordinator.

The responsibilities of the coordinator should include but not be limited to:

## *Limited English Proficiency Services*

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- a. Coordinating and implementing all aspects of the city's LEP services to LEP individuals.
- b. Developing procedures that will enable employees to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all employees.
- c. Maintaining and making available to employees, as appropriate, a list of all qualified bilingual employees and authorized interpreters. The list should include information regarding:
  1. Languages spoken.
  2. Contact information.
  3. Availability.
- d. Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- e. Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
  1. Content on the city website should be included in this review and should be translated on the website, if appropriate.
- f. Annually assessing demographic data and other resources, including contracted language services utilization data and data from government and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- g. Identifying standards and assessments to be used to qualify individuals as qualified bilingual employees or authorized interpreters.
- h. Periodically reviewing efforts of the City in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures, or recommending modifications to this policy.
- i. Receiving and responding to complaints regarding city LEP services.
- j. Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to city services, programs, and activities.
- k. Requiring third parties providing city services, rights, or programs through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prohibit discrimination or denial of access or services based upon national origin or any other protected interest or right.

## **202.4 FOUR-FACTOR ANALYSIS**

Because there are many different languages that employees could encounter, the City will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- a. The number or proportion of LEP individuals eligible to be served or likely to be encountered by city employees, or who may benefit from programs or services within the jurisdiction of this city.
- b. The frequency with which LEP individuals are likely to come in contact with city employees, programs, or services.

## Limited English Proficiency Services

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- c. The nature and importance of the contact, program, information, or service provided.
- d. The cost of providing LEP assistance and the resources available.

### **202.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Employees should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The City will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The City will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept city-provided LEP services at no cost, or they may choose to provide their own.

City-provided LEP services may include but are not limited to the assistance methods described in this policy.

### **202.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. If English versions of any vital documents are published on the city website, the translated versions of the same document must also be posted on the website. The LEP coordinator will arrange to make all translated documents available to employees and other appropriate individuals, as necessary.

### **202.7 AUDIO RECORDINGS**

The City may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

### **202.8 QUALIFIED BILINGUAL EMPLOYEES**

Bilingual employees may be qualified to provide LEP services when they have demonstrated through established city procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Employees utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit.

When a qualified bilingual employee is not available, personnel from another department who have been identified as having the requisite skills and competence may be requested.

### **202.9 AUTHORIZED INTERPRETERS**

## Limited English Proficiency Services

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Any person designated by the City to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the transaction involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a legal or other proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:

- a. The competence and ability to communicate information accurately in both English and in the target language.
- b. Knowledge, in both languages, of any applicable specialized terms or concepts and of any particularized vocabulary or phraseology used by the LEP individual.
- c. The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- d. Knowledge of the ethical issues involved when acting as a language conduit.

### 202.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The City may contract with authorized interpreters who are available over the telephone. Employees may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual employees of another department within the City.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as court interpreters, among others.

### 202.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the City to communicate with LEP individuals.

Where qualified bilingual employees or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, employees must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

## *Limited English Proficiency Services*

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### **202.10 CONTACT AND DOCUMENTATION**

Although all public contacts, services, and individual rights are important, this city will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular activity involved.

Whenever any employee of this city is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report or documentation. Employees should document the type of interpretation services utilized and whether the individual elected to use services provided by the City or some other identified source.

### **202.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The City will take reasonable steps to develop in-house language capacity by hiring or appointing qualified employees proficient in languages representative of the community being served.

#### **202.11.1 EMERGENCY ASSISTANCE**

City employees will make every reasonable effort to promptly accommodate LEP individuals who appear to be in need of emergency assistance. An employee who determines that a person in need of emergency assistance is an LEP individual should attempt to gather sufficient information to determine what type of assistance the person needs and to initiate an appropriate response to the situation. As soon as possible, if language assistance is still needed and the language is known, the employee should attempt to locate a qualified bilingual employee to assist with the situation.

If a qualified bilingual employee is not available or the employee is unable to identify the primary language used by the LEP individual, the employee should contact the contracted interpretation service for assistance.

### **202.12 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this city are important to the ultimate success of local government and achievement of the city's mission. This city will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

### **202.13 TRAINING**

To ensure that all employees who may have contact with LEP individuals are properly trained, the City will provide periodic training on this policy and related procedures, including how to access authorized telephonic and in-person interpreters and other available resources.

New employees should receive LEP training. Those who may have contact with LEP individuals should receive periodic refresher training. Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

## *Limited English Proficiency Services*

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### 202.13.1 TRAINING FOR AUTHORIZED INTERPRETERS

All employees on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Employees on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

Authorized interpreters will receive annual refresher training.

## ADA Compliance

### 203.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to local government services, programs, and activities for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities and to protect the rights of individuals who use service animals in accordance with the ADA.

#### 203.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

**ADA coordinator** - The employee designated by the Mayor to coordinate the City's efforts to comply with the ADA (28 CFR 35.107).

**Assistive devices, auxiliary aids, and services** - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

**Facility** - All aspects of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

**Modification** - Any change, adjustment, alteration, adaptation, or accommodation that renders a city service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to programs, services, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

**Power-driven mobility device** - Any mobility device powered by batteries, fuel, or other engine type used by persons with disabilities for mobility assistance, regardless of whether the device was primarily designed for that purpose (e.g., golf carts, Segway® PT, mobility scooters). For purposes of this policy, it does not include wheelchairs.

## ADA Compliance

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**Qualified interpreter** - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability.

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for persons with disabilities, provided the horse is housebroken, is under the handler's control, the building or facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

### **203.2 POLICY**

It is the policy of the City that persons with disabilities have equal access to city services, programs, and activities.

The City will not discriminate against or deny any individual access to services, programs, or activities based upon disabilities.

### **203.3 AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR**

The responsibilities of the ADA coordinator, which will be the City Clerk, include but are not limited to (28 CFR 35.130):

- a. Coordinating efforts among each city department to provide equal access to services, programs, and activities including:
  1. Establishing procedures to provide for the performance of routine maintenance on buildings, facilities, or equipment that provide access to persons with disabilities (28 CFR 35.133).
  2. Maintaining city department compliance with accessibility standards for city department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).
- b. Recommending amendments to this policy, as needed.
- c. Coordinating a process of periodic self-evaluation. The process should include:
  1. Inspection of current city buildings and facilities to identify access issues.
  2. Review of current city services, activities, and programs for access issues.
  3. Assessment and update of current compliance measures.
  4. Identification of recurring areas of complaint for which new methods of modification should be considered.
  5. Review of the city's emergency programs, services, and activities as they apply to persons with disabilities.
  6. Recommendation of a schedule to implement needed improvements.
- d. Acting as a liaison with local disability advocacy groups or other disability groups regarding access to city services, programs, and activities.

## ADA Compliance

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- e. Developing procedures for the review and processing of requests for assistance or modifications that will help employees provide persons with disabilities access to city services, programs, and activities, as appropriate.
- f. Providing notice to the public regarding the rights and protections afforded by the ADA (e.g., posters, published notices, handbooks, manuals, and pamphlets describing city services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications) (28 CFR 35.106).
- g. Developing procedures for employees to access assistive devices, auxiliary aids, and services, including qualified interpreters, and making the procedures available, as appropriate.
  - 1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to employees.
- h. Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities (28 CFR 35.107). The complaint procedures should include an appeal process.
- i. Requiring third parties providing city services, programs, or activities through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
- j. Developing and implementing procedures to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
- k. Developing and implementing procedures to provide that new construction and alteration of city-maintained roadways, highways, and streets include curb ramps or other sloped areas to make pedestrian-level walkways accessible as required by law (28 CFR 35.150(d)(2); 28 CFR 35.151(i)).
- l. Coordinating with appropriate city staff to address the needs of persons with disabilities in the City's emergency disaster preparedness planning, including consideration of shelters and care facilities, transportation, means of evacuation, communication methods (e.g., warning and emergency notification systems), and post-disaster canvassing.

## **203.4 REQUESTS**

The goal of any modification should be to allow the person to participate in the service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, employees should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Employees should not ask about the nature and extent of a person's disability, but should limit questions to information necessary to determine the need for a modification and the type of modification that is appropriate.

If the requested modification, or an alternative modification, can reasonably be made at the time of the request, the employee should make the modification. An employee who is unable to accommodate a request or unsure about whether a request should be accommodated, should contact a supervisor.

## *ADA Compliance*

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The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

### 203.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- a. Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
  1. A substantial alteration of the service, program, or activity.
  2. An undue financial or administrative burden on the City. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
  3. A threat to or the destruction of the historic significance of an historic property.
  4. A direct threat to the health or safety of others (28 CFR 35.139).
- b. If any of these circumstances are present, the ADA coordinator should work with department staff and the person requesting the modification to determine if an alternative modification is available.
- c. Where physical modification of an existing building or facility, or new construction, would be unfeasible or unduly burdensome, the ADA coordinator should work with department staff to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
  1. Reassigning services, programs, or activities to accessible buildings or facilities.
  2. Utilizing technology, equipment, rolling stock, or other conveyances.
  3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
  4. Any other means or methods that would make services, programs, or activities readily accessible.
- d. If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the public service, program, or activity will not be made (28 CFR 35.150).

### 203.4.2 PERSONAL DEVICES AND ASSISTANCE

Although employees should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

### 203.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications to public services, programs, and activities (28 CFR 35.130(f)).

## *ADA Compliance*

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### **203.5 MOBILITY DEVICES**

Wheelchairs and manually powered mobility devices such as walkers, crutches, canes, and braces are permitted in any areas open to pedestrians.

Power-driven mobility devices other than wheelchairs may be restricted only if a legitimate safety interest is identified that warrants the restriction (28 CFR 35.130(h); 28 CFR 35.137).

An employee should not ask a person using a power-driven mobility device to terminate the use of the device or leave the area unless an imminent and legitimate safety issue is present. If an employee is concerned about the use of a power-driven mobility device by a person with a disability, the employee should contact a supervisor.

The determination of whether a reasonable modification should be made for the use of a power-driven mobility device within a public building or facility should be based on whether the device, given its size and speed, can be safely used within the particular building or facility taking into account the layout and design of the building or facility, the amount of pedestrian traffic present in the building or facility, and whether there is any risk of damage to the building or facility or its immediate environment as set forth in 28 CFR 35.137.

#### **203.5.1 INQUIRIES REGARDING MOBILITY DEVICES**

If an individual is using a power-driven mobility device other than a wheelchair, the employee may seek credible assurance from the individual that the device is needed because of a disability. Credible assurance of the device's necessity may be provided in one of the following ways (28 CFR 35.137):

- a. Presentation of a valid, state-issued disability placard or card
- b. Presentation of any other state-issued proof of disability
- c. A verbal statement, not contradicted by observable fact, that use of the device is necessary for mobility purposes

### **203.6 COMMUNICATIONS WITH PERSONS WITH DISABILITIES**

Employees should remain alert to the possibility of communication problems when engaging with persons with disabilities. When an employee knows or suspects an individual requires assistance to effectively communicate, the employee should identify the individual's choice of assistive device, auxiliary aid, and service.

The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- a. The methods of communication usually used by the individual.
- b. The nature, length, and complexity of the communication involved.
- c. The context of the communication.

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In emergency situations involving an imminent threat to the safety or welfare of any person, employees may use whatever assistive device, auxiliary aid and service reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate assistive device, auxiliary aid, and service. Once the emergency has ended, the continued method of communication should be reconsidered. The employee should inquire as to the individual's preference and give primary consideration to that preference.

### 203.6.1 TYPES OF ASSISTANCE AVAILABLE

Employees shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The City will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving assistance. The City will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The City will not require that persons with disabilities use city-provided assistive devices, auxiliary aids, or services.

City-provided assistive devices, auxiliary aids, and services may include but are not limited to the assistance methods described in this policy.

### 203.6.2 AUDIO RECORDINGS AND ENLARGED PRINT

The City may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, employees may read aloud from the appropriate form or provide forms with enlarged print.

### 203.6.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex interactions (e.g., public meetings or hearings, special or emergency meetings, plan reviews) for individuals who normally rely on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the exchange. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a local government or legal proceeding.

Qualified interpreters should be:

- a. Available within a reasonable amount of time.
- b. Experienced in providing interpretation services.
- c. Familiar with the use of VRS and/or video remote interpreting services.
- d. Certified in either American Sign Language (ASL) or Signed English (SE).

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- e. Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- f. Knowledgeable of the ethical issues involved when providing interpreter services.

Employees should use city-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. Persons with disabilities shall not be required to provide their own interpreters (28 CFR 35.160).

### 203.6.4 TTY AND RELAY SERVICES

The City will accept all TTY or TDD calls placed by individuals with communications-related disabilities and received via a telecommunications relay service or equally effective telecommunications systems (28 CFR 35.161).

### 203.6.5 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the City to provide interpreter services.

When qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, city employees must carefully consider the nature of the interaction and the relationship between the person with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

### 203.6.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the person with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person when no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

Adults may be relied upon when (28 CFR 35.160):

- a. There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- b. The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

### 203.6.7 FIELD ENFORCEMENT CONSIDERATIONS

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It is important that employees are able to effectively communicate with persons with disabilities even though the location of the communication may hinder the employee's ability to provide assistive devices, auxiliary aids, and other services in a prompt manner.

Employees involved in interactions with persons with disabilities that occur in the field and that could result in any type of civil or criminal enforcement action (e.g., issuing code enforcement citations, shutting off a utility service) should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

### **203.7 SERVICE ANIMALS**

Service animals that are assisting persons with disabilities are permitted in all city buildings and facilities and other areas where the general public is allowed. City employees are expected to treat people with service animals with the same courtesy and respect that the City affords to all members of the public (28 CFR 35.136).

#### **203.7.1 IDENTIFICATION AND USE OF SERVICE ANIMALS**

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- a. Guiding people who are blind or have low vision.
- b. Alerting people who are blind or have low vision.
- c. Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- d. Pulling wheelchairs.
- e. Providing physical support and assisting with stability and balance.
- f. Doing work or performing tasks for people with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- g. Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

#### **203.7.2 INQUIRIES REGARDING SERVICE ANIMALS**

If it is apparent or if an employee is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the employee should ask the individual only the following questions (28 CFR 35.136(f)):

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- a. Is the animal required because of a disability?
- b. What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. Employees should not question individuals about their disabilities nor should employees ask any individual to provide a license, certification, or identification card for a service animal.

### 203.7.3 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. City employees should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

### 203.7.4 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an employee should notify an appropriate supervisor who may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, or activities to a person with a disability. Employees are expected to provide all services that are reasonably available to a person with a disability, with or without a service animal.

## **203.8 WEBSITE ACCESS**

The ADA coordinator should work with appropriate city employees to develop online content that is readily accessible to persons with disabilities. City web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

## **203.9 DOCUMENTATION**

Whenever any modification, assistive device, auxiliary aid, and service has been provided, the employee involved should document:

- a. The type of modification, aid, or service provided.
- b. Whether the individual elected to use an assistive device, auxiliary aid, and service provided by the City or some other identified source, if applicable.

## *ADA Compliance*

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- c. Whether the individual's express preference for the modification, assistive device, auxiliary aid, and service was not honored, and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

### **203.10 COMPLAINTS**

An employee who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access a city program, service, or activity should document the complaint and refer the matter to the ADA coordinator (28 CFR 35.107).

### **203.11 TRAINING**

Employees who may have contact with persons with disabilities should receive periodic training on ADA compliance, to include:

- a. Awareness and understanding of this policy and related procedures, related forms, and available resources.
- b. Procedures for handling requests for modifications.
- c. Accessing assistive devices, auxiliary aids, and services needed to communicate with persons with disabilities.
- d. General requirements of the ADA, including modifying policies and practices, communicating with and assisting customers, accepting calls placed through alternative systems, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the employee's job duties.

Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

## **Emergency Management Plan**

### **204.1 PURPOSE AND SCOPE**

This policy addresses the preparation, maintenance, and activation of the city's emergency management plan.

### **204.2 POLICY**

The City will prepare for large-scale emergencies within and outside its jurisdiction through planning, mutual cooperation with other agencies, and maintenance of an emergency management plan.

### **204.3 CITY RESPONSIBILITIES**

The Mayor should designate a person responsible for the city's emergency management plan and the coordination with applicable local and state departments and entities for disaster planning, mitigation, response, and recovery efforts.

### **204.4 ACTIVATING THE EMERGENCY MANAGEMENT PLAN**

The emergency management plan should include direction on how to activate the emergency management plan and who can activate it in response to a major emergency.

#### **204.4.1 RECALL OF PERSONNEL**

In the event that the emergency management plan is activated, all employees of the City are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary.

Failure to promptly respond to an order to report to work may result in discipline.

### **204.5 LOCATION OF THE EMERGENCY MANAGEMENT PLAN**

Copies of the emergency management plan should be available to appropriate personnel. All supervisors should familiarize themselves with the emergency management plan and assist employees in familiarizing themselves with the roles they will play when the plan is implemented.

### **204.6 EMERGENCY MANAGEMENT PLAN REVIEW**

The Mayor or the authorized designee should review the emergency management plan at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The Mayor or the authorized designee should appropriately address any needed revisions.

### **204.7 TRAINING**

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## *Emergency Management Plan*

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The City should provide training on the emergency management plan for appropriate personnel. Training should incorporate a full or partial exercise or a tabletop or command discussion

## Volunteers

### 205.1 PURPOSE AND SCOPE

This policy establishes the guidelines for volunteers to supplement and assist city personnel in their duties. Trained volunteers can augment city personnel and help complete various tasks.

#### 205.1.1 DEFINITIONS

Definitions related to this policy include:

**Volunteer** - An individual who performs a service for the City without promise, expectation, or receipt of compensation for services rendered. This may include interns, persons providing administrative support, and individuals participating in school-sponsored, educational, or diversion programs, among others. Volunteers may be youths or adults.

### 205.2 POLICY

It is the policy of the City that volunteers be appointed, trained, and supervised to carry out specified tasks and duties in an effort to create an efficient local government and improve services to the community.

### 205.3 ELIGIBILITY

Requirements for participation as a volunteer for the City may include but are not limited to:

- a. Residency in the City.
- b. The ability to meet any necessary age requirements.
- c. Possession of a valid driver's license, if the position requires vehicle operation.
- d. Possession of liability insurance for any personally owned equipment, vehicles, or animals utilized during volunteer work.
- e. No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime that would be inconsistent with volunteer service with the City.
- f. The ability to meet physical requirements reasonably appropriate to the assignment.
- g. A personal background history and character suitable for a person representing the City, as validated by a background investigation, as appropriate.

The Mayor may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

#### 205.3.1 MINORS

Volunteers younger than age 14 must be accompanied by a parent or legal guardian during the performance of their volunteer assignments. Volunteers between the ages of 14 and 18 must have the written consent of a parent or guardian prior to volunteering.

## *Volunteers*

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### **205.4 RECRUITMENT, SELECTION, AND APPOINTMENT**

The City shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this city.

#### **205.4.1 RECRUITMENT**

Volunteers should be recruited on a continuous and ongoing basis consistent with city policy on equal opportunity, nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the City in serving the public.

Requests for volunteers should be submitted in writing by interested city employees to the Human Resources Department through the requester's immediate supervisor. A complete description of the volunteer's duties and a requested time frame should be included in the request. All city employees should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The City may withhold assignment of any volunteer until such time as the requester is prepared to make effective use of volunteer resources.

#### **205.4.2 APPOINTMENT**

Service as a volunteer with the City shall begin with an official notice of acceptance or appointment by the Mayor or the authorized designee. Notice may only be given by an authorized representative of the City.

No volunteer should begin any assignment until officially accepted for the position and all required screening and paperwork has been completed. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the City.

All volunteers shall receive a copy of applicable volunteer orientation materials and shall be required to sign a volunteer agreement. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the City.

Volunteers serve at the discretion of the Mayor.

### **205.5 IDENTIFICATION AND DRESS CODE**

As representatives of the City, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their assignment.

Uniforms and necessary safety equipment will be provided for each volunteer, if appropriate for the volunteer position. Identification symbols worn by volunteers shall be different and distinct from those worn by city employees through the inclusion of "Volunteer" on the uniform.

Certain volunteers may be issued city identification cards to be carried at all times while in the performance of their assignment. The identification cards may be the standard city identification cards, except that "Volunteer" will be indicated on the cards.

## *Volunteers*

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### **205.6 PERSONNEL WORKING AS VOLUNTEERS**

Qualified regular city personnel, when authorized, may also serve as volunteers. However, this city shall not utilize the services of volunteers in such a way that it would violate employment laws or employment agreements. Therefore, the Human Resources Department should consult with the Mayor or the authorized designee prior to allowing regular city personnel to serve in a volunteer capacity (29 CFR § 553.100 et seq.).

### **205.7 RESPONSIBILITIES**

Volunteers assist city personnel as needed. Volunteers may be assigned to one department to augment the support of paid personnel, but they may be reassigned as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the City.

#### **205.7.1 COMPLIANCE**

Volunteers shall be required to adhere to all city policies and procedures. A copy of the policies and procedures will be made available to each volunteer upon appointment. The volunteer shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this Policy Manual refers to city employees, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required to meet city-approved training requirements as applicable to their assignments.

#### **205.7.2 VOLUNTEER MEETINGS**

All volunteers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the City.

### **205.8 TASK-SPECIFIC TRAINING**

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assignments. Training should correspond to the volunteer's assignment as determined by the City.

Volunteers will be provided with an orientation program to acquaint them with the policies of the City and procedures applicable to their assignments.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors.

Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission imply that they are, full-time employees of the City. They shall always represent themselves as volunteers.

## *Volunteers*

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All volunteers shall comply with the standards of conduct and with all applicable orders and directives, either oral or written, issued by the City.

### **205.9 SUPERVISION**

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assignment. The following are some considerations that supervisors should keep in mind while supervising volunteers:

- a. Take the time to introduce volunteers to employees on all levels.
- b. Ensure volunteers have work space and necessary office supplies.
- c. Make sure the work is challenging. Do not hesitate to give volunteers an assignment or task that will utilize these valuable resources.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee.

#### **205.9.1 EVALUATIONS**

A volunteer will be considered a trainee until training has been satisfactorily completed. Volunteers who have completed their training should be evaluated annually using performance dimensions applicable to the assignment and authorities granted to that volunteer.

#### **205.9.2 FITNESS FOR DUTY**

No volunteer shall report for work or be at work when the volunteer's judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their assignments.

### **205.10 INFORMATION ACCESS**

With appropriate security clearance, a volunteer may have access to or be in the vicinity of confidential or protected information, including but not limited to legal materials, financial data, or information portals. Unless otherwise directed by a supervisor, the responsibilities of the position, or policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized employees shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by city policy and supervisory personnel.

A volunteer whose assignment requires the use of, or access to, confidential or protected information will be required to obtain the necessary security clearance, which may include a criminal background check

## *Volunteers*

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and/or the submission of fingerprints to the appropriate state agency. Volunteers working this type of assignment will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the City. Subsequent unauthorized disclosure of any confidential information verbally, in writing, or by any other means by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the City, or maintain that they represent the City in such matters without permission from the proper city personnel.

### 205.10.1 RADIO USAGE

Any volunteer who operates city radios while acting in the capacity of a volunteer should receive appropriate training on radio usage.

## **205.11 EQUIPMENT**

Any property or equipment issued by the City shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the City and shall be returned at the termination of service.

### 205.11.1 VEHICLE USE

Any volunteer who operates any vehicle while acting in the capacity of a volunteer shall receive training in safe driving. The specific training and course of study shall be determined by the supervisor in charge of the volunteer's assignment.

Volunteers whose assignments require the use of a vehicle must first complete:

- a. A driving safety briefing and, if necessary to the volunteer position, a city-approved driver safety course.
- b. Verification that the volunteer possesses a valid driver's license.
- c. Verification that the volunteer carries current vehicle insurance.

The City should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating city vehicles, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate marked law enforcement or other emergency operation vehicles unless there is a prominently placed sign indicating that the vehicle is out of service.

Volunteers are not authorized to operate city vehicles while using the vehicle's emergency equipment (e. g., emergency lights, siren).

## *Volunteers*

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### **205.12 DISCIPLINARY PROCEDURES/TERMINATION**

If a volunteer becomes the subject of a complaint or administrative investigation, the matter may be investigated in accordance with city procedures applicable to regular employees.

Volunteers are considered at-will and may be removed from service at the discretion of the Mayor or the authorized designee, with or without cause. Volunteers shall have no property interest in their continued appointments or due process interest in an administrative investigation. However, if removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear the volunteer's name through a liberty interest hearing, which shall be limited to a single appearance before the Mayor or the authorized designee.

Volunteers may resign from volunteer service with the City at any time. It is requested that volunteers who intend to resign provide advance notice and a reason for their decision.

#### **205.12.1 EXIT INTERVIEWS**

The Human Resources Department should conduct exit interviews, where possible. These interviews should ascertain why the volunteer is leaving the position and should solicit the volunteer's suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the City.

## Purchasing and Procurement

### 206.1 PURPOSE AND SCOPE

This policy provides guidelines for the purchasing and procurement of goods and services for the city.

### 206.2 POLICY

It is the policy of the city to conduct purchasing and procurement in an efficient and cost-effective manner consistent with federal, state, and local laws, rules, and requirements in order to protect the integrity of the city and maintain public trust.

It shall be the responsibility of all employees to follow the Purchasing Policy of the City of Fort Payne. Improper purchases will be the personal financial responsibility of the employee making the commitment and the City of Fort Payne reserves the right to recover any and all costs associated, from the employee, as may be required or to affect other disciplinary action that is considered to be appropriate.

#### 206.2.1 DEFINITIONS

Definitions related to this policy include:

**Goods** – Any property purchased by the City, including but not limited to equipment, supplies, materials, and parts.

**Procurement** – The acquisition of goods or services.

**Services** – The furnishing of labor by a contractor that includes all work or labor performed for the city on an independent contractor basis, including but not limited to maintenance, construction and personal or professional services.

### 206.3 PROCUREMENT SERVICES MANAGER RESPONSIBILITIES

The City Treasurer will oversee purchases and procurement for the city. The responsibilities of the Procurement Services Manager include but are not limited to:

- a. Establishing rules and procedures for the city's procurement process.
- b. Establishing procedures for employee use of city payment methods (i.e., purchasing cards, checks).
- c. Maintaining compliance with federal, state, and local purchasing and procurement laws, rules, and requirements.
- d. Reviewing proposed purchases to determine the most appropriate method of procurement.
- e.
  1. If the procurement method selected is one other than competitive bidding, documenting why another method was selected.
- f. Participating in all purchases made on a competitive bid process and ensuring that all purchased supplies, materials, and equipment are delivered in accordance with the contract terms.

## *Purchasing and Procurement*

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- g. Assisting city employees involved with purchasing and procurement of goods or services in following purchasing requirements and rules applicable to the method of procurement.
- h. Forwarding all contracts and purchase orders to the Mayor or the authorized designee for review, approval, and execution.

### **206.4 PURCHASING PROCEDURE**

Purchasing is a function of the Finance Department at City Hall.

- a. All purchases by the City of Fort Payne shall be covered by a Purchase Order issued in accordance with this Policy.
- b. Purchase Order books/logs will be issued by City Hall. These books/logs will come in three parts:
  - 1. One copy for the vendor,
  - 2. One copy to include with invoice
  - 3. One copy to remain in the book.
  - 4. Finished books will be returned to City Hall.
- c. Authority to Requisition Purchase Orders shall be as follows:
  - 1. \$0 to \$75 — Department Head or duly authorized delegate may make minor one-time supply purchases of items required immediately for normal day-to-day operations.
  - 2. \$0 to \$1,500 — Department Head may make purchases for normal operational or capital items included in and approved in budget.
  - 3. \$1,501 to \$5,000 — Department Head may make purchases that are countersigned by the City Treasurer, have a record of quotations attached, and are for items included in and approved in the budget.
  - 4. \$5,000 to \$29,999 — Department Head may make purchases that are countersigned by the City Treasurer and Mayor. These purchases must have a formal record of quotations attached, be for items that are included in and approved in the budget.
  - 5. \$30,000 and over— Purchases must follow State Bid Laws and be recorded in the Minutes,
- d. Any purchase that involves two departments will be issued at City Hall and signed by both Department Heads and the City Treasurer.

#### **206.4.1 BUDGET APPROVAL**

It shall be the responsibility of the Department Head to ensure that funds have been provided in the budget for the proposed expenditure and that the purchase will not result in an unapproved over-expenditure of any budget account. If it results in an over-expenditure, a budget adjustment form must be prepared and given to the City Treasurer to verify if funds are available and presented to the City Council.

### **206.5 AUDITS**

The City Treasurer should ensure that periodic reviews and an annual audit of purchasing and procurement activities are conducted to determine compliance with any applicable federal, state, and local laws, rules, and requirements.

## *Purchasing and Procurement*

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### **206.6 RECORDS**

All records created and submitted during and related to the purchasing and procurement process should be maintained in accordance with the established records retention schedule.

## News Media and Community Relations

### 207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for communicating with the media and the public to ensure the timely, accurate, and consistent dissemination of information and promote positive relationships with the community. It addresses communication regarding newsworthy events, including routine matters and critical incidents.

Nothing in this policy prohibits Department-designated spokespersons from communicating with the media regarding information specific to their department (e.g., police, fire). However, Department-designated spokespersons remain subject to coordination with the City [PressInformationOfficer] ([PIO]) during incidents that have city-wide or cross-department impact.

### 207.2 POLICY

It is the policy of the City to establish and maintain a positive working relationship with the media and the community by providing timely and accurate information.

### 207.3 [PRESSINFORMATIONOFFICER]

The Mayor should designate a City [PIO] to centralize communication with the media and the public. The [PIO] should report directly to the Mayor and is responsible for:

- a. Serving as the media's primary point of contact for the City.
- b. Responding to media inquiries.
- c. Managing distribution of news releases, advisories, and other information to the media and the public.
- d. Working with City representatives to coordinate and manage briefings, news conferences, and media interviews.
- e. Developing a process for the approval of news releases, news conferences, and other official communications in coordination with the Mayor.
- f. Establishing protocols for coordinating with department spokespersons (e.g., police, fire) to maintain consistency with overall City messaging.
- g. Arranging access to or special tours of city facilities and incident scenes for media representatives, local leaders, and other visitors in accordance with established procedures, as applicable.
- h. Developing and maintaining pre-scripted messages, frequently asked questions (FAQs), and communication templates.
- i. Maintaining an updated list of media contacts.
- j. Maintaining up-to-date information on the City website and social media platforms, including contact information for media inquiries.
- k. Tracking and archiving media coverage related to the City in accordance with the established records retention schedule.

## *News Media and Community Relations*

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- i. Engaging in proactive communication to promote community awareness of City programs, services, contributions, and achievements.

### **207.4 CRITICAL INCIDENT SCENE CONSIDERATIONS**

At the scene of a critical incident (e.g., natural disaster, infrastructure failure, transportation accident, public health emergency), the [PIO]:

- a. Should coordinate media activities and messaging with:
  1. Elected officials or their designees to avoid conflicting statements during active incidents.
  2. The Emergency Operations Center (EOC) (if activated).
  3. Any city department involved.
- b. May provide authorized media representatives with access to critical incident scenes when such access can be accomplished safely and when the Mayor has authorized such activities. Access by the media is subject to the following conditions:
  1. Media representatives shall produce valid press credentials and prominently display them at all times while in areas otherwise closed to the public.
  2. A reasonable effort should be made to provide a safe staging area for the media that is near the scene, when feasible.
  3. Media representatives shall be prevented from interfering with emergency operations, investigations, and incident response activities.
  4. Media personnel shall wear proper protective clothing as warranted.
  5. Media representatives may be allowed to take photographs and video, provided they do not interfere with facility or incident operations or create a safety hazard.
  6. Access may be denied or revoked at any time if safety, security, or operational integrity is compromised.

### **207.5 NEWS CONFERENCES**

A news conference is a pre-scheduled event intended to highlight a newsworthy event, such as a promotion or the opening of a new municipal facility; news conferences can also be used when a representative of the City desires to make a public appearance. The Mayor will determine the purpose and scope of the conference. Specific information should not be released prior to the conference.

The [PIO]'s responsibilities should include:

- a. Preparing a news release and/or a prepared statement for the city spokesperson.
- b. Making arrangements for the site, obtaining required equipment, arranging for availability of the news release, identifying photo locations, and providing escorts, as necessary.
- c. Notifying the appropriate city personnel of the date, time, and location of all news conferences.

The conference may include a moderator or the [PIO], who should make introductory remarks and introductions, assist with any question-and-answer period that may follow, and conclude the conference.

## *News Media and Community Relations*

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City personnel attending the news conference should wear clothing, including dress uniforms, if applicable, as specified in the Dress Code Policy. Attendance requirements will be determined by the Mayor.

### **207.6 TRAINING**

The [PIO] should receive periodic training in protocols, media relations, and crisis communication.

## Chapter 3 - Facilities

## Key and Electronic Access Device Controls

### 300.1 PURPOSE AND SCOPE

The control and accountability of keys is important to maintain a safe and secure environment for employees and members of the public.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Key** - All electronic or mechanical devices used to access or exit city buildings and facilities. It includes proximity cards, key fobs, and other electronic access devices.

### 300.2 POLICY

It is the policy of the City that all keys used to access local government buildings and facilities are inventoried and controlled.

### 300.3 KEY IDENTIFICATION

All keys that open any doors or locks to city buildings or facilities should be marked with unique identification codes that will allow for quick inventory. Keys that are bundled together as a set should be numbered or coded with a tag to identify that set and the number of keys on the ring. The identifying numbers or codes on keys should not correspond to numbers/codes on locks.

A separate secure document identifying all keys will be maintained by the Mayor or the authorized designee.

### 300.4 KEY CONTROL

Keys may be issued to employees or accessed and checked out by authorized employees from secure designated areas. Keys issued to or accessed and checked out by employees shall be limited to only those keys necessary for the employee's position.

Employees shall not loan a key or key set to another person. All keys must be issued or checked out through the control process. Employees shall not possess any key for which they have not been authorized.

All keys issued or checked out to employees remain the property of the City. Employees shall not duplicate, mark, alter, or manufacture any key without written authorization from the Mayor or the authorized designee.

The Mayor or the authorized designee should regularly inventory all city keys.

### 300.5 LOCK POLICY

## *Key and Electronic Access Device Controls*

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All city buildings and facilities should be kept locked during non-operating hours. Employees shall not leave public entrances to city buildings and facilities unlocked or propped open during non-operating hours. Employees should never leave non-public entrances to city buildings and facilities unlocked or propped open.

### **300.6 TESTING**

The Mayor or the authorized designee should periodically test locks to doors and gates for proper function and document the testing.

### **300.7 EMERGENCY KEY SET**

At least one key set containing every key for city buildings and facilities should be kept separate from all of the other key sets in a secure location and made accessible only to the Mayor or the authorized designee in the event of an emergency.

### **300.8 MISSING KEYS**

Any employee who discovers that a key or key set is missing shall report it to a supervisor as soon as reasonably practicable. If a reasonable effort to locate the key fails, the supervisor shall notify the Mayor or the authorized designee regarding the loss of the key, when it was discovered, and the circumstances involved.

The Mayor or the authorized designee will determine whether to re-key any locks that may have been compromised, and whether this should be done immediately.

### **300.9 DAMAGED KEYS OR LOCKS**

Malfunctioning or damaged keys or locks shall be promptly reported to a supervisor. No part of a broken key should be left in the lock. All portions of the damaged key must be turned in to a supervisor, who will provide a replacement key as needed. Damaged locks should be replaced or repaired as soon as practicable. Appropriate security measures should be taken until such time as the lock is properly restored.

### **300.10 KEY CONTROL RECORDS**

The Mayor or the authorized designee will maintain documentation for the accounting and security of all keys and key sets. Key control measures should be documented by the designated employee and the records retained in accordance with established records retention schedule.

## Public Safety Video Surveillance System

### 301.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of city public safety video surveillance, as well as the storage and release of the captured images.

### 301.2 POLICY

The City operates a public safety video surveillance system to enhance public safety and security in public areas. Cameras may be placed in strategic locations to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters, and to assist city officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

### 301.3 OPERATIONAL GUIDELINES

Only city-approved video surveillance equipment shall be utilized. Employees authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Mayor or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

#### 301.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Mayor or the authorized designee should confer with any appropriate city department and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, and presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras should only record video images and not sound. The public safety video surveillance system may be useful for the following purposes:

- a. To prevent, deter, and identify criminal activity.
- b. To respond to critical incidents.
- c. To augment resources in a cost-effective manner.
- d. To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. When activity warranting further investigation is reported or detected at any camera location, the available information should be preserved and the appropriate department should be notified in a timely manner.

## *Public Safety Video Surveillance System*

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The Mayor or the authorized designee may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by law enforcement, government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination, or retention of anything documented by public safety surveillance equipment is prohibited.

### 301.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment should be marked in a conspicuous manner with appropriate signs to inform the public that the area is under surveillance by the City. Signs should be well lit, placed appropriately, and without obstruction to ensure visibility.

### 301.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The City may elect to integrate its public safety video surveillance system with other technology to enhance available information. Integration with video-based analytical systems may be considered based upon availability and the nature of the surveillance strategy.

The City should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems requires additional safeguards.

## **301.4 VIDEO SUPERVISION**

Supervisors should monitor video surveillance access and usage to ensure employees follow city policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

### 301.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- a. Date and time access was given.
- b. Name and department of the person being given access to the images.
- c. Name of the person authorizing access.
- d. Identifiable portion of images viewed.

### 301.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race,

## *Public Safety Video Surveillance System*

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ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

### **301.5 STORAGE AND RETENTION OF MEDIA**

All downloaded media shall be stored in a secure area with access restricted to authorized persons. All actions taken with respect to preservation or retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with this policy and the established records retention schedule.

#### **301.5.1 EVIDENTIARY INTEGRITY**

Any recording that has been identified as evidence, or that could be relevant to pending or reasonably anticipated investigations or legal action, shall be preserved in a manner that retains its original content.

### **301.6 RELEASE OF VIDEO IMAGES**

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the City.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for public records.

Requests for recorded images from other government entities shall be referred to the Mayor.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established city subpoena process.

### **301.7 VIDEO SURVEILLANCE AUDIT**

The Mayor or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit, and effectiveness of the system, including any public safety issues that were effectively addressed and any systemic operational or administrative issues that were identified, including those related to training, discipline, or policy.

The results of each review shall be appropriately documented and maintained by the Mayor or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

### **301.8 TRAINING**

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## *Public Safety Video Surveillance System*

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All city employees authorized to operate or access public safety video surveillance systems should receive appropriate training. Training should include guidance on the use of cameras and a review of relevant policies and procedures. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

## Use of Public Facilities

### 302.1 PURPOSE AND SCOPE

This policy provides guidance regarding the permitting process for the use of city facilities by members of the public.

This policy does not apply to spontaneous expressive activities such as demonstrations or to expressive activities of groups of fewer than 50 people. Nor does it apply to other gatherings of fewer than 50 persons when the department head has developed appropriate nondiscriminatory application or request processes for the use of city facilities under the control of the department head.

#### 302.1.1 DEFINITIONS

Definitions related to this policy include:

**Applicant** - Any individual, group, or organization seeking approval to use city facilities.

**Facilities** - Any buildings, rooms, structures, sites, complexes, parks, roads, walkways, parking areas, equipment, and other real or personal property owned or leased by the city that are made available for use by the general public.

### 302.2 POLICY

It is the policy of the City to make certain facilities available for public use in a fair and equitable manner based on an established application and permitting process.

### 302.3 PERMIT PROCESS

The Mayor or the authorized designee should develop, implement, and maintain a permitting process for the use of city facilities. The process should include:

- a. A standardized application and reservation system.
- b. An application submittal period and review process.
- c. A method of communicating confirmations and denials of applications, as well as an appeals process for denials.
- d. Permit forms for facility use.
- e. A fee schedule for facility use and for payment of deposits, balances due, and refunds.
- f. A nondiscriminatory process for establishing how much liability insurance will be required from applicants.
- g. A process for making changes to existing reservations and for cancellations.
- h. The designation of city employees responsible for enforcing permit terms.
- i. Rules and regulations for facility use (e.g., cleaning, smoking/vaping, alcohol use, food and beverage sales or service, insurance coverage).

## *Use of Public Facilities*

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- j. A process for determining when free speech expression areas will be necessary and a process for designation and monitoring of such areas, when used.

The Mayor should also adopt and maintain city requirements related to facility use permits, including duration of use, traffic control, and noise limitations.

### 302.3.1 APPLICATION REVIEW

- a. The following should be considered when determining whether to grant or deny an application for facility use:
  1. The application should be complete and not contain false or misleading information.
  2. The activity or event should not pose unreasonable health or safety risks.
  3. Appropriate ancillary facilities such as parking and sanitary facilities should be available and adequate for the activity or event.
  4. The activity or event should not pose an unreasonable risk of damage to city facilities.
  5. An application should be denied if the applicant has damaged city facilities in the past and has failed to pay for the damages.
  6. Adequate supervision and security personnel for the activity or event should be provided by the applicant.
- b. When determining whether to grant or deny an application for facility use, the City shall not consider an applicant's:
  1. Actual or perceived classification or status protected by law, such as religion, race, or gender identity or expression.
  2. Political, social, or ideological beliefs.
  3. Viewpoint, message, or program content and any anticipated response.

### 302.3.2 PERMIT TERMS

Permits should contain the applicant's agreement to:

- a. Return the facilities to their original condition and assume responsibility for any damage or loss sustained.
- b. Comply with all federal, state, and local laws, regulations, and ordinances, as well as all permit requirements and conditions imposed by the City.
- c. Refrain from promoting, permitting, or engaging in illegal activity.
- d. Obtain a general liability insurance policy in the amount required naming the City as an additional insured and identifying the policy as primary to the city's insurance coverage.
- e. Make it clear to the public that the activity or event is the applicant's and that any message is not endorsed or made by the City.

Permits should also contain notice to the permittee that failure to comply with permit terms may result in enforcement action and denial of future applications.

## **302.4 DISTURBANCES OR CRIMINAL ACTIVITY**

## *Use of Public Facilities*

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Non-law enforcement employees should not attempt to physically control a person or group that is creating a disturbance or engaging in criminal activity on city property during a permitted activity or event. Such instances, as well as unapproved demonstrations or acts of civil disobedience, should be reported to law enforcement for handling.

### **302.5 RECORDS**

All records created and submitted during and related to the permitting process should be maintained in accordance with the established records retention schedule.

## Holiday Displays

### 303.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on holiday displays by the City.

The use of city facilities by members of the public or private groups is addressed in the Use of Public Facilities Policy.

Memorials on city property are addressed in the Memorials on Public Property Policy.

### 303.2 POLICY

It is the policy of the City that city seasonal temporary holiday displays be appropriate and lawful.

### 303.3 RESPONSIBILITIES

The Mayor should review and approve each city holiday display.

The Mayor's review should be completed prior to installation of the display and should include a review of the following:

- a. The location of the display, including the types of structures and properties immediately adjacent to the display.
- b. The manner and format in which the different secular and non-secular decorations will be displayed.
- c. Whether the display complies with the criteria set forth in this policy.

If the Mayor has any concerns regarding the content of the display, counsel should be consulted prior to proceeding.

### 303.4 REVIEW CRITERIA

A city holiday display should not have an overall effect of supporting or endorsing a religion or denigrating or inhibiting any religion or religious belief. When reviewing a proposed display, the Mayor should consider the following:

- a. The holiday display should:
  1. Have a primary purpose that is secular.
  2. Recognize the celebration of the holidays and/or seasonal traditions (e.g., lights, snowflakes, Santa Claus in the winter; bunnies, baskets, eggs in the spring).
  3. Include religious symbols only if they are accompanied by numerous other non-religious holiday items and in a non-religious setting.
- b. The holiday display should not:
  1. Include religious symbols (e.g., a nativity scene, a cross, a menorah) alone or in a setting that focuses on or draws attention to a specific religion or the religious nature of a symbol.

## *Holiday Displays*

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2. Be placed in any location that makes it appear that the display endorses a religion (e.g., on property adjacent to a church, other religious institution, or area connected to a religion; on city property that has a statue, monument, or sign that in combination with a holiday display might appear to endorse a religion).
3. Be used for any religious practices or ceremonies.

## Memorials on Public Property

### 304.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on the review and approval of city memorials and the relocation, alteration, or removal of existing memorials on city property.

This policy addresses memorials established by the City and memorials requested or donated by members of the public.

This policy does not apply to the following:

- a. Works of art that are not memorial or commemorative in nature
- b. Signage or plaques placed on city property for the purpose of acknowledging a donor or sponsor
- c. Historical markers or placards that provide information to the public

Temporary displays on city property are addressed in the Holiday Displays and the Use of Public Facilities policies.

#### 304.1.1 DEFINITIONS

Definitions related to this policy include:

**Memorial** - A permanent monument, museum, building, garden, plaque, sculpture, or the like intended to commemorate or preserve the memory of a person, group, action, or event.

### 304.2 POLICY

It is the policy of the City that memorials on city property be considered and approved pursuant to this policy.

### 304.3 RESPONSIBILITIES

The Mayor or the authorized designee should:

- a. Establish procedures for the submission, review, and approval of requests by members of the public for new city memorials or for the removal, alteration, or relocation of existing memorials. The procedures should include:
  1. That all requests be submitted in writing.
  2. For new memorials, that the request includes detailed information regarding the form and substance of the proposed memorial, the proposed location, and the proposed source of funding.
    - a. The proposed memorial should be presented either in fully finished form or in a model prior to final acceptance by the City.

## *Memorials on Public Property*

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3. For existing memorials, that the request includes the reason for the requested removal, relocation, or alteration.
    - a. Requests for relocation should identify the new proposed location.
    - b. Requests for alteration should detail the type and form of the proposed alteration.
  4. Review by any appropriate department.
  5. The opportunity for input from members of the public.
  6. The opportunity for the City to ask the requester for modifications to a proposed memorial, relocation, or alteration consistent with this policy.
  7. That any denial of a request be documented.
  8. An appeal process to the Mayor or the governing body for application denials or modification requests.
- b. Provide notice to members of the public making requests that:
1. For new memorials, the memorial becomes the property of the City upon installation.
  2. The City may deny any request after a review of the request under the procedures established by this policy.
  3. The City will make a final determination as to the location of all new or relocated memorials within the City.
  4. Existing memorials on city property do not establish a precedent for any future approvals.
- c. Adopt and maintain additional city requirements relating to new memorials or the removal, alteration, or relocation of existing memorials.
1. Requirements may include size, material quality, and appearance standards.
- d. Coordinate a process for the periodic review of existing memorials to consider whether:
1. Relocation, alteration, or removal is appropriate. This process should include the evaluation of the overall condition of the memorial and whether there are any reasons to consider the relocation, alteration, or removal of the memorial.
  2. Designation as a historic landmark or district under federal, state, or local laws or guidelines is appropriate for any memorials.
- e. Create a list of all memorials within the City that includes the type of memorial, the current location of the memorial, and any specific maintenance, safety, or access information relevant to the memorial.

### **304.4 CONSIDERATIONS FOR NEW MEMORIALS**

The following criteria should be considered for all new memorials:

- a. The memorial should:
1. Support or promote the common history of the City, local culture, civic identity, or mission of the City.
  2. Be of historical or social significance.
  3. Be located in an area that is connected with the person or event being commemorated.
  4. Be compatible with the area surrounding the proposed location.
    - a. The size, content, and appearance of the memorial should improve or otherwise enhance the social and physical environment of the surrounding area.

## *Memorials on Public Property*

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5. Comply with any additional city requirements related to memorials.
- b. The memorial should not:
  1. Present unreasonable maintenance, security, environmental, or access issues.
  2. Be offensive to a reasonable person.
  3. Reasonably appear to be promoting, favoring, or inhibiting any or political affiliation.

Consideration should be given to how the memorial corresponds with other memorials in the immediately surrounding area and in the City generally.

### **304.5 CONSIDERATIONS FOR THE REMOVAL, ALTERATION, OR RELOCATION OF EXISTING MEMORIALS**

The following criteria should be applied to all cases where the removal, alteration, or relocation of a memorial is being considered, whether initiated by a request from members of the public or internally by city officials or staff.

- a. The memorial should be removed, altered, or relocated, as appropriate, if:
  1. The memorial has deteriorated to the extent that it cannot be safely maintained in its current location.
  2. Security issues make the current location unreasonable.
  3. The memorial is damaged beyond reasonable repair.
  4. Social or environmental changes to the location or surrounding area have made the memorial no longer appropriate for the location.
  5. The memorial is no longer sufficiently connected to the common history, local culture, or mission of the City.
  6. A more appropriate alternative location for the memorial is reasonably available.
- b. The memorial should not be removed, altered, or relocated:
  1. If federal, state, or local laws restrict the removal, alteration, or relocation of the memorial.
  2. Without appropriate pre-approvals from federal, state, or local officials, as required.
  3. If removal, alteration, or relocation is not consistent with additional requirements adopted or maintained by the Mayor.
  4. Without final approval of the City's governing body.

### **304.6 DAMAGE OR DETERIORATION**

Employees who observe damage to or significant deterioration of an existing memorial should report the damage to a supervisor. Appropriate repairs may be made with supervisory approval.

If damage or deterioration to a memorial reasonably appears to present a safety issue, access to the memorial should be restricted and a supervisor should be immediately notified.

### **304.7 DOCUMENTATION**

## *Memorials on Public Property*

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The following should be created and maintained consistent with the established records retention schedule:

- a. The list of memorials within the City.
- b. Documentation relating to the approval of any new memorials.
- c. Documentation relating to the removal, relocation, or alteration, of any memorial, including the reason for the action, and whether the memorial has been stored or otherwise disposed of.

## Flags

### 305.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper display of flags at city facilities.

### 305.2 POLICY

It is the policy of the City to display flags in compliance with federal and state laws and local ordinances.

### 305.3 DISPLAY OF FLAGS

Flags flown at city facilities will be displayed in the following order of prominence:

- a. The United States flag
- b. Flags of foreign governments recognized by the United States when flown with the United States flag
- c. The state flag
- d. The city flag
- e. The department flag
- f. Any commemorative flags

### 305.4 DISPLAYING THE FLAG OF THE UNITED STATES

Federal law providing for the use and the display of the United States flag is contained in Title 4 Chapter 1 of the United States Code, commonly referred to as the “Flag Code.” The City will display the flag of the United States in accordance with the provisions of 4 USC § 1 through 4 USC § 10.

#### 305.4.1 DISPLAY OF THE UNITED STATES FLAG IN DAILY OPERATIONS

Employees should consult the Flag Code for guidance whenever the flag of the United States is to be displayed in any manner. This is to ensure that the display is presented in accordance with the Flag Code and as follows:

- a. The United States flag should be conspicuously posted on all city facilities during hours of operation.
- b. It is the universal custom to display the flag only from sunrise to sunset on buildings and on a stationary flagstaff in the open. However, the flag may be displayed 24 hours a day if it is properly illuminated during the hours of darkness (4 USC § 6).
- c. The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed (4 USC § 6).
- d. The United States flag may only be flown at half-staff by Presidential or Gubernatorial decree, and on Memorial Day until noon (4 USC § 7).

Whenever the United States flag is displayed in conjunction with other flags or symbols it should occupy the “Place of Honor” (4 USC § 7).

## *Flags*

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### **305.5 DISPLAY OF THE STATE FLAG**

The City will display the state flag prominently and in the proper position of honor in accordance with the United States Flag Code.

#### **305.5.1 DISPLAY OF THE STATE FLAG IN DAILY OPERATIONS**

Employees should review state law for guidance whenever the flag is to be displayed in any manner to ensure that the display is presented appropriately. Displays of the flag should be consistent with the following protocol:

- a. The flag should be conspicuously posted on all city facilities during hours of operation.
- b. Generally, the flag should be displayed only from sunrise to sunset on buildings and on a stationary flagstaff in the open. However, the flag may be displayed 24 hours a day if it is properly illuminated during the hours of darkness.
- c. The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.
- d. The flag shall be flown at half-staff whenever the flag of the United States is flown at half-staff, and may only be flown at half-staff at other times by order of the Governor.
- e. Whenever the flag is displayed in conjunction with the United States flag, the United States flag shall occupy the position of first honor (4 USC § 7). When the flag is displayed in conjunction with other flags or symbols, it should occupy the position of honor.

### **305.6 DISPLAY OF COMMEMORATIVE OR UNOFFICIAL FLAGS**

City flag displays, including but not limited to flagstaffs, are not intended to serve as a forum for free expression by the public. Commemorative flags or flags not identified in this policy, including flags of a government not recognized by the United States, should not be displayed by the City without prior approval from the Mayor.

## Facility Security

### 306.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the safety and physical security of all City facilities. Additional guidelines can be found in the Key and Electronic Access Device Controls Policy.

For information related to the protection of information systems and information technology infrastructure, see the Information Technology Use and Cybersecurity policies.

### 306.2 POLICY

It is the policy of the City to provide physical security measures to safeguard facilities under City control.

### 306.3 SECURE FACILITY ACCESS

All City facilities that are not open to the public should be equipped with self-closing and self-locking exterior doors. All exterior doors should remain closed and locked at all times, unless secondary barriers are in place or a City employee is present to prevent unauthorized access. Other points of entry to the City facility and all exterior units, including storage rooms and lockers, should remain closed and locked unless directly monitored by a City employee.

The Mayor or the authorized designee should develop and implement a process for vendor and contractor access to secure facilities.

#### 306.3.1 PUBLIC FACILITY ACCESS

All City facilities with public access should remain open and accessible during established business hours. All exterior doors that do not provide public access should remain closed and locked at all times. Each facility should maintain a designated reception area or secondary barriers to prevent unauthorized access to restricted areas. Restricted areas should be clearly and prominently marked. Sufficient staffing should be available to monitor visitor movement and prevent access to restricted areas (see the Public Safety Video Surveillance System Policy).

The Mayor or the authorized designee should develop and implement a visitor control process for each City facility that allows public access.

### 306.4 SUSPICIOUS ACTIVITY

City employees should remain vigilant for any suspicious activity occurring in or around City facilities and should promptly report any such activity to a supervisor. Suspicious activity may include but is not limited to:

- Anyone loitering in the vicinity of the facility for an extended period of time.

## *Facility Security*

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- Unauthorized individuals photographing or taking images of the facility, employees of the City assigned to the facility, or City vehicles.
- Unknown individuals who appear to be monitoring the activities taking place at the facility.
- Anyone attempting to gain access or requesting access to City facilities without proper authorization.
- Any unknown or abandoned packages, vehicles, or other items left on City grounds or adjacent to City facilities.
- Unmanned aerial systems (drones) operating over or near City facilities without authorization, especially when hovering, filming, or flying at low altitudes.

### **306.5 THREATS AGAINST CITY FACILITIES**

If a City employee receives a threat against a City facility that presents immediate danger (e.g., bomb threat, active shooter, other imminent risk to life or safety), the employee should obtain as much information about the threat as reasonably possible and immediately contact law enforcement. As soon as practicable afterward, the employee should notify the Department Head, who will notify the Mayor.

If the threat does not pose an immediate danger, the employee should obtain as much information about the threat as reasonably possible and promptly notify the Department Head, who will notify the Mayor. The Department Head or the Mayor will notify law enforcement and assist with coordination, if requested.

### **306.6 BREACH OF SECURITY**

Any breach in security at a City facility should be immediately reported to a supervisor, who should address the incident and report it to the Department Head.

If the breach presents an active or imminent threat to safety, the employee should first contact law enforcement, then notify the Department Head as soon as practicable.

In either case, the Department Head will notify the Mayor of the breach.

#### **306.6.1 POST-INCIDENT REVIEW**

In the event of a breach in security at a City facility, the Mayor, the Department Head, or an authorized designee should conduct a post-incident review to evaluate the nature of the breach and determine appropriate follow-up actions based on the level of risk involved.

### **306.7 BUILDING EVACUATION PLAN**

The Mayor or the authorized designee should establish a general evacuation plan for each City facility for use during any emergency requiring the evacuation of employees or the public. The plan should include clearly marked exits, evacuation maps, and specific instructions for assisting individuals with disabilities.

In the event of an evacuation, all employees should follow the established evacuation plan and comply with posted exit strategies.

## *Facility Security*

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See the Emergency Management Plan Policy for additional guidance.

### **306.8 SECURITY ASSESSMENTS**

The Mayor should designate an employee or external consultant to periodically conduct facility risk assessments to identify vulnerabilities and improve security plans.

## **Chapter 4 - Equipment and Technology**

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## Local Government-Owned and Personal Property

### 400.1 PURPOSE AND SCOPE

This policy addresses the care of city-owned property and the role of the City when personal property, the property of another person or entity, or city-owned property is damaged or lost.

### 400.2 POLICY

The City will ensure that employees are issued appropriate property and equipment necessary for the employee's job function. The City will take steps to minimize the cost associated with maintaining city property, including personal property authorized for use in the employee's duties.

### 400.3 LOCAL GOVERNMENT-ISSUED PROPERTY

Supervisors should document all property and equipment issued by the City in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving employee's signature. Upon separation from the City, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

#### 400.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and replacement of city property that has been assigned or entrusted to them.

- a. Employees shall promptly report, through their supervisors, any loss of, damage to, or unserviceable condition of any city-issued property or equipment.
- b. The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- c. Except when otherwise directed by a supervisor or when exigent circumstances exist, city-issued property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- d. City-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval.
- e. Employees should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

### 400.4 PERSONAL PROPERTY

Personal property or equipment shall not be carried during work hours or used for work-related purposes without prior approval by the Mayor or appropriate supervisor. The employee should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried (e.g., cell phone, wallet, sunglasses) is excluded from this requirement (see the Personal Communication Devices Policy).

## Local Government-Owned and Personal Property

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The City will not replace or repair property that is not reasonably required as part of work.

### 400.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

An employee requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the employee's immediate supervisor.

Upon review by the supervisor and a finding that no misconduct or negligence was involved, repair or replacement may be recommended to the Mayor or the authorized designee, who will then forward the claim to the department responsible for issuing payments.

## **400.5 SUPERVISOR RESPONSIBILITIES**

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the Mayor or the authorized designee. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

In cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property, the supervisor should consider whether disciplinary or other corrective action would be appropriate.

## **400.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY**

Employees who intentionally or unintentionally damage or cause to be damaged the real or personal property of another person or entity while performing any city function shall promptly report the damage to a supervisor.

### 400.6.1 DAMAGE BY OTHERS

Employees who observe damage to the real or personal property of the City should report the damage as follows:

- a. A verbal report should be made to the employee's immediate supervisor and to the employee or department responsible for the property as soon as practicable.
- b. A written report should be submitted before the end of the employee's workday or as otherwise directed by the supervisor.

## **Vehicle Maintenance**

### **401.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that city vehicles are appropriately maintained.

### **401.2 POLICY**

The City will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

### **401.3 GENERAL DUTIES**

Employees are responsible for assisting in maintaining city vehicles so that they are properly equipped, maintained, and refueled and present a clean appearance.

### **401.4 DEFECTIVE VEHICLES**

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition and forwarded to a supervisor for action.

Documents describing the correction of the safety issue shall be promptly filed by the supervisor with the vehicle history.

#### **401.4.1 DAMAGE OR POOR PERFORMANCE**

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

#### **401.4.2 SEVERE USE**

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, and severe weather exposure.

### **401.5 VEHICLE REFUELING**

Generally, vehicles should not be operated with less than one-quarter tank of fuel. Vehicles should not be returned to the pool or the assigned department at the end of the workday with less than one-quarter tank of fuel. Vehicles shall only be refueled at an authorized location.

### **401.6 WASHING OF VEHICLES**

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the City.

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Local Gov Policy

## *Vehicle Maintenance*

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Employees using a vehicle shall remove any trash or debris at the end of their workday. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

## Vehicle Use

### 402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for employees who use vehicles for city business. This policy does not create or imply any contractual obligation by the City to provide assigned vehicles.

Individual department heads may have additional policies for vehicle use to address specific vehicles (e.g., emergency vehicles) and duty assignments (e.g., law enforcement undercover work).

### 402.2 POLICY

The City authorizes the use of certain vehicles for official city business to enhance operational efficiency and requires that vehicles are operated in a safe and legal manner.

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.

### 402.3 USE OF VEHICLES

#### 402.3.1 VEHICLE ASSIGNMENTS

City vehicles may be assigned to individual employees at the discretion of the Mayor or department head. Vehicles may be assigned for partial or full workday use and/or take-home use. Vehicle assignments may be changed or suspended at any time. Permission to take home a vehicle may be withdrawn at any time.

Vehicle assignments shall be based on the employee's job description, essential functions, and employment status. Vehicles may be reassigned or utilized by other city employees at the discretion of the Mayor or department head.

The Mayor or department head is responsible for creating a vehicle assignment roster each day and for maintaining the rosters in accordance with the established records retention schedule.

#### 402.3.2 EMPLOYEE RESPONSIBILITIES

Employees operating a vehicle as part of their job with the City shall:

- a. Possess a valid driver's license.
  1. Employees shall report any suspensions or revocations of their license and any changes to driving privileges as soon as practicable and before any subsequent city vehicle use or personal vehicle use for city business.
  2. Employees must possess a valid commercial driver's license or special class license when applicable.
- b. Provide the city with a driver's history report upon request.

## *Vehicle Use*

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- c. Possess appropriate insurance as required for personal vehicles used for city business.
  - 1. Employees shall notify a supervisor if their automobile insurance has been canceled, declined, or not renewed.
  - 2. The private insurance of employees using their personal vehicles under this policy shall be considered the primary insurance for any accidents or damage.
- d. Notify a supervisor of any citations or arrests for motor vehicle-related violations or offenses as soon as practicable.
- e. Obey all traffic laws.
- f. Maintain any personal vehicles used for city business in safe working order.

### 402.3.3 INSPECTIONS

Employees shall be responsible for inspecting the interior and exterior of any assigned city vehicle. If the vehicle is assigned for the workday, it should be inspected before use and at the conclusion of the workday. If the vehicle is assigned for less than a workday, it should be inspected before use and upon conclusion of use. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

All city vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

### 402.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times to safeguard any city equipment prior to parking or leaving the vehicle.

### 402.3.5 VEHICLE LOCATION SYSTEM

City vehicles, at the discretion of the Mayor, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, employees are not relieved of their responsibility to use any required communication practices to report their location and status.

Employees shall not make any unauthorized modifications to the system. If an employee finds that the system is not functioning properly at any time, the employee should notify a supervisor as soon as reasonably practicable.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Mayor approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

### 402.3.6 KEYS

## *Vehicle Use*

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Employees who are assigned a specific vehicle should be issued keys for that vehicle. Employees shall not duplicate keys or share them with any person except another employee authorized to use that vehicle. The loss of a key shall be promptly reported in writing to the employee's supervisor.

### 402.3.7 AUTHORIZED PASSENGERS

Employees operating assigned vehicles shall not permit unauthorized persons to ride as passengers in the vehicle.

### 402.3.8 PARKING

Employees should obey parking regulations at all times.

City vehicles should be parked in assigned spaces. Employees shall not park personal vehicles in spaces assigned to city vehicles or in other parking areas that are not so designated unless authorized by a supervisor.

### 402.3.9 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions, or removal of any equipment or accessories from city vehicles without written permission from the Mayor or department head.

## **402.4 UNSCHEDULED TAKE-HOME USE**

Employees may take home city vehicles only with prior approval of a supervisor and shall meet the following criteria:

- a. The circumstances are unplanned and were created by the needs of the City.
- b. Other reasonable transportation options are not available.
- c. The employee lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the city limits.
- d. Off street parking will be available at the employee's residence.
- e. The vehicle will be locked when not attended.
- f. All portable city equipment will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

When such circumstances occur, the Mayor or department head shall document the unscheduled take-home use in the vehicle assignment roster.

## **402.5 ASSIGNMENT OF TAKE-HOME VEHICLES**

Assignment of take-home vehicles should be based on the location of the employee's residence, the nature of the employee's job, whether the employee performs work outside of regular business hours, the employee's employment status, and available resources.

## *Vehicle Use*

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Employees are cautioned that under federal and local tax rules, personal use of a city vehicle may create an income tax liability for the employee. Questions regarding tax rules should be directed to the employee's tax adviser.

Travel to and from the home will not be considered work time unless the employee is responding to and from an emergency as part of the employee's duties.

### **402.5.1 TAKE-HOME VEHICLE AGREEMENT**

Employees shall sign a take-home vehicle agreement that outlines how the vehicle shall be used, where it shall be parked, vehicle maintenance responsibilities, and any other appropriate requirements. The agreement should minimally provide that:

- a. Vehicles shall only be used for work-related purposes and shall not be used for personal reasons, unless special circumstances exist and the Mayor or the authorized designee gives prior authorization.
- b. Vehicles are to be parked off-street at the employee's residence unless prior arrangements have been made with the Mayor or the authorized designee. If the vehicle is not secured inside a locked garage, all removeable city equipment shall be removed and properly secured in the residence.
- c. Vehicles are to be secured at the employee's residence or the appropriate city facility, at the discretion of the employee's supervisor, when an employee will be away (e.g., on vacation) for periods exceeding one week.
  1. If the vehicle remains at the employee's residence, the City shall have access to the vehicle.

### **402.6 DAMAGE, ABUSE, AND MISUSE**

When any city vehicle is involved in a traffic accident or otherwise incurs damage, the involved employee shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction, with a copy provided to the Mayor or the authorized designee.

Damage to any city vehicle that was not caused by a traffic accident shall be immediately reported during the shift or workday in which the damage was discovered and documented in memorandum format, which shall be forwarded to the Mayor or the authorized designee. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

### **402.7 TOLL ROAD USAGE, FUEL, AND MILEAGE**

Employees operating vehicles for city business shall pay the appropriate toll charge or utilize the appropriate tollway transponder.

With the exception of take-home vehicles driven to and from the employee's residence, employees may submit for reimbursement from the City for toll fees and fuel expenses incurred in the course of official business. In lieu of fuel expenses, employees may submit for reimbursement for mileage accrued on personal vehicles used for city business.

## Vehicle Safety Restraints/Safety Belts

### 403.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all employees operating or riding in city vehicles.

Individual department policies may provide additional guidance.

#### 403.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213.

### 403.2 POLICY

It is the policy of the City that employees use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

### 403.3 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints at all times when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this city, or in any privately owned vehicle when conducting city business. The employee driving such a vehicle shall ensure that all other occupants, including those who are not employees of the City, are properly restrained.

### 403.4 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with federal and state law.

### 403.5 INOPERABLE SAFETY BELTS

City vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

City vehicle safety belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Mayor or the authorized designee.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

### 403.6 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

## *Vehicle Safety Restraints/Safety Belts*

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Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

### **403.7 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Personal Protective Equipment

### 404.1 PURPOSE AND SCOPE

This policy addresses the use of personal protective equipment (PPE) provided by the City.

#### 404.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

### 404.2 POLICY

The City endeavors to protect employees by supplying certain PPE as provided in this policy.

### 404.3 SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for identifying and making available PPE appropriate for the work environment.

### 404.4 EMPLOYEE RESPONSIBILITIES

Employees are required to use PPE pursuant to their training.

Employees are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any employee who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

### 404.5 EQUIPMENT PROCUREMENT AND USE

PPE shall meet or exceed any applicable requirements. Federal or other nationally recognized standards should be used as a guide for the procurement, use, maintenance, and storage of the following safety-related equipment in the absence of other mandatory requirements:

- a. Hearing protection (29 CFR 1910.95)
- b. Eye protection (29 CFR 1910.133)
- c. Respiratory protection (29 CFR 1910.134)
- d. Head protection (29 CFR 1910.135)
- e. Foot protection (29 CFR 1910.136)
- f. Electrical protective equipment (29 CFR 1910.137)
- g. Hand protection (29 CFR 1910.138)

## *Personal Protective Equipment*

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- h. Personal fall protection systems (29 CFR 1910.140)

### **404.6 RECORDS**

Supervisors are responsible for maintaining records of all:

- a. PPE training.
- b. PPE procurement and distribution.
- c. Fit tests and medical evaluations related to respiratory protection equipment, when applicable. Medical evaluation questionnaires and any physical examination results related to respirator use shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the city records retention schedule.

### **404.7 TRAINING**

Employees should be trained in the hazards to which they may be potentially exposed during routine and emergency situations.

All employees should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for PPE; and the limitations of each device (29 CFR 1910.132).

Employees issued respiratory PPE should attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134).

## Physical Asset Management

### 405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for maintaining a system of inventory and accountability over the city's physical assets. This policy does not address management of intangible assets (e.g., intellectual property), fluid assets (e.g., cash, stocks, marketable securities), real property, or natural assets (e.g., water, air quality, minerals).

Individual department heads may have additional policies for department-specific assets.

#### 405.1.1 DEFINITIONS

Definitions related to this policy include:

**Physical assets** – All tangible items of value, including but not limited to materials, machinery, tools and equipment, vehicles, office supplies, and furniture.

### 405.2 POLICY

It is the policy of this city to accurately inventory, maintain, and dispose of its physical assets in a manner that controls costs, avoids waste, and promotes the mission of the City.

### 405.3 RESPONSIBILITIES

The Mayor should assign a person or persons to be responsible for the inventory, maintenance, and disposal of city physical assets, including:

- a. Maintaining compliance with federal, state, and local laws regarding physical asset management, inventory control, and reporting requirements.
- b. Developing procedures for the implementation of this policy, including:
  1. Procedures for disposal of all city-owned physical assets in accordance with federal, state, and local law.
  2. Procedures for safe disposal of hazardous waste.
  3. Procedures for inter-department transfers of physical assets.
  4. Procedures for each department to inventory assets as according to internal reporting deadlines (e.g., quarterly, annually).
- c. Developing a physical asset management plan to track the city's physical assets and maintain accurate and complete records related to these assets. The plan should include:
  1. A minimum value of the physical assets that are subject to this policy, the plan, and the implementing procedures.
  2. An inventory control and recordkeeping system to account for the movement, storage, maintenance and use, loss, damage, destruction, and disposal of the city's physical assets.
  3. Routine internal and external audit practices.

## *Physical Asset Management*

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4. Procedures to access physical assets for re-use, transfer, recycle, or disposal.
- d. Designating custodians within each department, as appropriate, for inter-department communication and to serve as inventory liaisons under the physical asset management plan.
- e. Annual physical asset acquisition planning.

### **405.4 SURPLUS OR OBSOLETE ASSETS**

A department that no longer utilizes a physical asset should have the asset identified as surplus or obsolete. If the physical asset retains value that may be utilized by another department, the item should be stored as surplus or transferred in accordance with the procedures established pursuant to this policy. If the physical asset is deemed obsolete, the item shall be disposed of in accordance with this policy.

#### **405.4.1 STORAGE**

When practicable, physical assets that retain value but are not being utilized should be stored in lieu of disposal. Physical assets in storage are subject to routine inventory and revaluation. If the physical asset's value is less than the cost of storage, the City should pursue disposal of the item in accordance with this policy.

#### **405.4.2 TRANSFERS**

When a physical asset is transferred from one department to another, the value of the physical asset should transfer with the asset. Inter-department transfers shall be documented through the inventory control and recordkeeping system implemented by the physical asset management plan.

### **405.5 LOSS, DAMAGE, OR DESTRUCTION**

Circumstances surrounding loss, damage, or destruction of the city's physical assets shall be promptly reported to and investigated by the Mayor or the authorized designee for purposes of inventory, valuation, and recordkeeping. Otherwise, loss, damage, or destruction of such assets shall be handled in accordance with the Local Government-Owned and Personal Property Policy.

### **405.6 USAGE MONITORING**

Physical asset performance should be regularly monitored for functionality, utility, wear-and-tear, and cost-effectiveness. Usage monitoring of the city's physical assets should include the duration of use (e.g., daily use and number of hours in use), user satisfaction, costs of operating the asset, and the asset's contribution to employee performance and overall productivity.

### **405.7 MAINTENANCE**

Routine maintenance of physical assets should be proactive to limit interruption of the city's daily operations. Employees should report any physical asset performance issues to a supervisor.

Maintenance requests and reports shall be recorded in the inventory control and recordkeeping system implemented by the physical asset management plan. The Mayor or the authorized designee shall routinely evaluate maintenance expenditures to determine whether continued maintenance is beneficial.

## *Physical Asset Management*

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### **405.8 DISPOSAL**

Physical assets slated for disposal should be evaluated for salvage value (e.g., items containing reusable materials like aluminum or copper) or transfer or storage in accordance with this policy.

### **405.9 INVENTORY AND REPORTS**

Routine inventory of physical assets should be conducted for purposes of loss control, revaluation, retagging, documenting asset movement and condition, disposition and acquisition planning, and obtaining adequate insurance coverage.

All internal controls and inventories related to physical asset management shall be accurately documented and subject to both internal and external audit. Inventory reports should include an explanation of any discrepancies from the previous period.

All inventory documentation shall be retained and stored in accordance with the records retention schedule.

### **405.10 TRAINING**

Employees and supervisors accountable for the proper care, use, transfer, maintenance, storage, loss, and disposition of all city physical assets should receive training regarding their responsibilities under the physical asset management plan.

## Chapter 5 - Records and Documents

## Records Maintenance and Release

### 500.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of city records. Protected information is separately covered in the Protected Information Policy.

### 500.2 POLICY

The City is committed to providing public access to records in a manner that is consistent with state public records laws.

### 500.3 CITY CLERK

The Mayor shall designate a City Clerk. The responsibilities of the City Clerk include but are not limited to:

- a. Managing the records management system for the City, including the retention, archiving, release, and destruction of city public records.
- b. Maintaining and updating the city records retention schedule, including:
  1. Identifying the minimum length of time records must be kept.
  2. Identifying the city department responsible for the original record.
- c. Establishing rules regarding the inspection and copying of public records as reasonably necessary for the protection of such records.
- d. Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- e. Establishing rules regarding the processing of subpoenas for the production of records.
- f. Ensuring the availability of a current schedule of fees for public records as allowed by law.
- g. Preparing and making available to the public the records request process, to include the cost of inspecting or obtaining copies.

### 500.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any employee who receives a request for any record shall route the request to the City Clerk or the authorized designee.

#### 500.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

- a. All requests should be made in writing or on a form supplied by the City.
- b. Clarification may be sought if the request is unreasonably broad or unclear.
- c. Inspection of records should be during regular business hours unless otherwise authorized by the City Clerk.

## Records Maintenance and Release

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- d. Records should be made available in a format readily accessible to the requester. Records may also be made available in a specific format requested and a fee charged for reasonable costs of any required processing.
- e. Records should be provided or a denial provided to a requester within a reasonable period of time.
  - 1. If a delay in providing records is anticipated, the requester should be provided a written response with the reason for the delay and the anticipated date the records will be provided.
- f. Fees should be charged as allowed by law and established by the City.
- g. The City is not required to create records that do not exist.
- h. When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the city file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the city-approved media storage system and a notation should be made in the file to document the release and the reasons for the redacted portions.

### 500.4.2 DENIALS

The denial of a request for records should be documented and include:

- a. A description of the records requested.
- b. The specific reasons for the denial.
- c. The name, title, and signature of the City Clerk.
- d. The procedure to appeal the denial.

### 500.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- a. Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any city record, except as authorized by the City, and only when such use or disclosure is permitted or required by law to carry out a legitimate government purpose.
- b. Certain personnel information, including but not limited to an employee's residential address and telephone number, Social Security number, marital status, medical history, confidential recommendations for employment, and performance evaluation history.
- c. Records pertaining to internal investigations and disciplinary matters, including but not limited to complaints and other records relating to allegations of discrimination, harassment, or retaliation, until the investigation is complete or is made part of the official record of any hearing or court proceeding.
- d. Certain 9-1-1 records.
- e. Audio and video recordings obtained through use of body-worn cameras by law enforcement officers, except as provided by statute.
- f. Certain concealed firearm license/permit information of an applicant.

## *Records Maintenance and Release*

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- g. Records concerning security plans, procedures, assessments, measures, or systems, and other records relating to the security of persons, structures, facilities, infrastructure, or information technology systems that could reasonably be expected to be detrimental to the public's safety or welfare.
- h. Records pertaining to strategy or negotiations related to labor relations, employment contracts, or collective bargaining and related arbitration proceedings.
- i. Drafts, notes, recommendations, or intra-governmental memorandums pertaining to the development of resolutions, regulations, statements of policy, management directives, ordinances, or amendments prepared by or for the City.
- j. Records where disclosure would be detrimental to the best interests of the public.
- k. Records pertaining to pending or potential litigation that are not records of any court.
- l. Any other information that may be appropriately denied by federal or state law.

### **500.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any employee who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the City Clerk for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas should be referred to the Mayor or the authorized designee.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to the Mayor or legal counsel so that a timely response can be prepared.

### **500.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the city name and to whom the record was released.

Each audio/video recording released should include the city name and to whom the record was released.

### **500.8 SECURITY BREACHES**

Employees who become aware that any city records system may have been breached should notify the City Clerk as soon as practicable.

The City Clerk shall ensure any required notice of the breach is given.

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the City Clerk should promptly notify the appropriate employee designated to oversee the security of protected information (see the Protected Information Policy).

## *Records Maintenance and Release*

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If the breach involves or may involve a cybersecurity incident, the IT Department should immediately report it pursuant to the incident reporting procedures established by the Information Security Officer (see the Cybersecurity Policy).

### **500.9 EXPUNGEMENT**

The City Clerk shall review all court orders and other filings that pertain to the expungement or sealing of records for appropriate action. Once a record is expunged or sealed, employees shall respond to any inquiry as though the record did not exist.

### **500.10 TRAINING**

Employees authorized to manage, release, or facilitate public access to city records should receive training that includes identification of material appropriate for release or public access and the city systems and procedures guiding such release and access.

## Protected Information

### 501.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by employees of the City, contractors, and vendors. This policy addresses the protected information that is used in the day-to-day operation of the City and not the public records information covered in the Records Maintenance and Release Policy.

#### 501.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored, or accessed by employees of the City and is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information contained in federal, state, or local databases that is not accessible to the public.

### 501.2 POLICY

Employees of the City will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

### 501.3 RESPONSIBILITIES

The City Clerk should designate an employee of the City to coordinate the use of protected information, including:

- a. Overseeing employee compliance with this policy and with requirements applicable to protected information.
- b. Developing, disseminating, and maintaining procedures necessary to comply with any requirements for the access, use, dissemination, release, and security of protected information.
- c. Developing procedures to ensure training and certification requirements are met.
- d. Resolving specific questions that arise regarding authorized recipients of protected information.
- e. Implementing security practices and procedures to comply with requirements applicable to protected information.

### 501.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, use agreement, city policy, or training. Only those employees who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the employee has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited.

## *Protected Information*

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### **501.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a lawful right to know and need to know.

An employee who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the City Clerk for information regarding a formal request.

Employees shall abide by the principles of "Minimum Necessary" access standards. It is the policy of the Organization that all employees abide by the minimum necessary standard, i.e., that the amount and type of PII, confidential or other restricted information requested, accessed, used and/or disclosed shall be limited to the "minimum necessary" information that is needed to accomplish the intended, authorized purpose of the use, disclosure, or request for that information in printed or electronic form.

### **501.6 SECURITY OF PROTECTED INFORMATION**

The City Clerk should designate an employee of the City to oversee the security of protected information, including:

- a. Coordinating with the Information Security Officer (ISO) to develop and maintain security practices, procedures, and training.
- b. Maintaining compliance with any federal, state, and local requirements pertaining to the security of protected information.
- c. Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including cyberattacks.
- d. Tracking, documenting, and reporting all breach of security incidents pursuant to the incident reporting procedures established by the ISO, where applicable, the Mayor, and appropriate authorities (see the Cybersecurity Policy).

#### **501.6.1 EMPLOYEE RESPONSIBILITIES**

Employees accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes not leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

Users shall not photograph, copy, post, or transmit ePHI, electronically or otherwise, without a signed authorization.

Users shall not share sensitive information or PHI on public web sites (i.e., Google Apps, DropBox.com, Google Docs, iCloud, etc.).

Users shall not forward email containing sensitive information or PHI and PII to public email systems such as Hotmail.com, gmail.com, or other public email system services. In addition, users shall not forward

## *Protected Information*

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sensitive information, PHI, or other Organization business information to their personal email accounts. Because HIPAA retention requirements require business related communication be retained for six (6) years personal email accounts shall not be used for official business.

### **501.7 TRAINING**

All employees authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

## Personnel Records

### 502.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual employee's name.

### 502.2 POLICY

It is the policy of the City to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of this state.

### 502.3 PERSONNEL FILE

A personnel file shall be maintained as a record of a person's employment/appointment with this city. The personnel file should contain, at a minimum:

- a. Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information.
- b. Election of employee benefits.
- c. Personnel action reports reflecting assignments, promotions, and other changes in employment /appointment status.
- d. Original performance evaluations.
- e. Discipline records, including copies of sustained personnel complaints.
- f. Adverse comments such as supervisor notes or memos may be retained in the city file after the employee has had the opportunity to read and initial the comment.
  1. Once an employee has had an opportunity to read and initial any adverse comment, the employee shall be given the opportunity to respond in writing to the adverse comment.
  2. Any employee response shall be attached to and retained with the original adverse comment.
  3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the employee's file.
- g. Commendations and awards.
- h. Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

### 502.4 DEPARTMENT, DIVISION, OR AGENCY FILE

Department files may be separately maintained internally by an employee's supervisor for the purpose of completing timely performance evaluations. The file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

## *Personnel Records*

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### **502.5 TRAINING FILE**

An individual training file should be maintained for each employee whose position requires specialized training or certification. Training files should contain records of all training; original or photocopies of available certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications, as applicable. Training records may also be created and stored remotely, either manually or automatically.

- a. The involved employee is responsible for providing an immediate supervisor with evidence of completed training/education in a timely manner.
- b. Supervisors should ensure that copies of such training records are placed in the employee's training file.

### **502.6 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the employee's medical condition and history, including but not limited to

- a. Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- b. Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- c. Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.
- d. Medical release forms, doctor's slips, and attendance records that reveal an employee's medical condition.
- e. Any other documents or materials that reveal the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

### **502.7 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy, or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Mayor or representatives of the City in connection with official business.

#### **502.7.1 REQUESTS FOR DISCLOSURE**

Any employee receiving a request for a personnel record shall promptly notify the City Clerk or other person charged with the maintenance of such records.

## *Personnel Records*

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Upon receipt of any such request, the responsible person shall notify the affected employee as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

All requests for disclosure that result in access to an employee's personnel records shall be logged in the corresponding file.

### **502.8 EMPLOYEES' ACCESS TO THEIR PERSONNEL RECORDS**

Employees may request access to their own personnel records by making the request with the City Clerk or the Human Resources Department. Employees seeking the removal of any item from their personnel records should file a written request to the Mayor. The City should remove any such item if appropriate, or within 30 days provide the employee with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the written response from the City should be retained with the contested item in the employee's corresponding personnel record.

Employees may be restricted from accessing files containing certain information (e.g., ongoing investigations to the extent that it could jeopardize or compromise the investigation).

### **502.9 RETENTION AND PURGING**

Personnel records shall be maintained in accordance with the established records retention schedule:

- a. During the preparation of each employee's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the employee's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- b. If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained from the Mayor.
- c. If, in the opinion of the Mayor, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

## **Chapter 6 - Personnel**

## Recruitment and Selection

### 600.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements other city rules governing employment practices.

### 600.2 POLICY

In accordance with applicable federal, state, and local law, the City provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The City does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The City will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 600.3 RECRUITMENT

The Mayor should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- a. Identification of racially and culturally diverse target markets.
- b. Use of marketing strategies to target diverse applicant pools.
- c. Expanded use of technology and maintenance of a strong internet presence. This may include an interactive city website and the use of city-managed social networking sites, if resources permit.
- d. Expanded outreach through partnerships with media, community groups, local colleges, universities, and the military.
- e. Posting and outreach within the City for internal candidates, when applicable and/or required.
- f. Use of local, state, or national professional organizations (e.g., National League of Cities, National Association of Counties, American Society for Public Administration).

The City should avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The City strives to facilitate and expedite the interview and selection process, and should periodically inform candidates of their status in the recruiting process.

### 600.4 SELECTION PROCESS

## *Recruitment and Selection*

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The City should actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the City should employ a comprehensive screening, background investigation, and selection process that assesses the candidates' aptitude for the position and includes review and verification of the following:

- a. A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
- b. Driving record (if applicable to the position)
- c. Reference checks
- d. Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes
- e. Information obtained from public internet sites
- f. Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- g. Local, state, and federal criminal history record checks
- h. Medical and/or psychological examination, as applicable and legally permissible (may only be given after a conditional offer of employment)
- i. Review board or selection committee assessment

### 600.4.1 VETERAN PREFERENCE

The City will provide any veteran preference required by law.

## **600.5 BACKGROUND INVESTIGATION**

The City will identify job positions that require a background investigation to verify the candidate's application information and ability to perform duties relevant to the position.

### 600.5.1 NOTICES

Background investigators should ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and applicable state law (15 USC § 1681d).

### 600.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the City should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

The City should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- a. The legal rights of candidates are protected.
- b. Material and information to be considered are verified, accurate, and validated.

## *Recruitment and Selection*

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- c. The City fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Mayor or the authorized designee should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

### 600.5.3 RECORDS RETENTION

The background report and all supporting documentation should be maintained in accordance with the established records retention schedule.

### 600.5.4 DOCUMENTING AND REPORTING

The background investigator should summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report should not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation should be included in the candidate's background investigation file.

## **600.6 EMPLOYMENT STANDARDS**

All candidates shall meet any minimum standards required by state and local law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the City and the community.

Validated, job-related, and nondiscriminatory employment standards should be established and maintained for each job classification and should minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation.

## **600.7 JOB DESCRIPTIONS**

The Mayor or the authorized designee should maintain a current job description for each position in the City.

## **600.8 PROBATIONARY PERIODS**

The Mayor or the authorized designee should coordinate with supervisors to identify positions subject to probationary periods and procedures for:

- a. Appraising performance during probation.
- b. Assessing the level of performance required to complete probation.
- c. Extending probation.
- d. Documenting successful or unsuccessful completion of probation.

## Performance Evaluations

### 601.1 PURPOSE AND SCOPE

This policy provides guidelines for the City performance evaluation system.

### 601.2 POLICY

The City shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The City evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

### 601.3 TYPES OF EVALUATIONS

The City shall use the following types of evaluations:

**Regular** - An evaluation completed at regular intervals by the employee's immediate supervisor, minimally, on the anniversary of the date of hire or the last promotion.

When an employee transfers to a different assignment in the middle of an evaluation period and less than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

**Special** - An evaluation that may be completed at any time the supervisor and Mayor or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

#### 601.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

**Outstanding** - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Exceeds standards** - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of outstanding.

## *Performance Evaluations*

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**Meets standards** - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

**Needs improvement** - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the employee.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be allowed to continue.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

### 601.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures, and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review the employee's performance and the status of the PIP at least monthly.

## **601.4 EVALUATION PROCESS**

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance, and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days' written notice prior to the end of the evaluation period.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

## *Performance Evaluations*

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### **601.5 EVALUATION FREQUENCY**

Supervisors shall evaluate all employees they supervise at least once every year on the anniversary of the employee's date of appointment or hire.

Those employees who are required to successfully complete a probationary period should be evaluated at least quarterly.

### **601.6 EVALUATION INTERVIEW**

When the supervisor has completed an evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

#### **601.6.1 DISCRIMINATORY HARASSMENT FORM**

At the time of each employee's annual evaluation, the supervisor shall provide access to and require the employee to read the City Discriminatory Harassment Policy. The supervisor shall give the employee a form to be completed and returned that acknowledges the following:

- a. The employee understands the policy.
- b. The employee has had all questions regarding the policy sufficiently addressed.
- c. The employee knows how to report alleged harassment and discrimination policy violations.
- d. Whether the employee has been the subject of, or witness to, any unreported conduct that may violate the policy.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken.

### **601.7 APPEAL**

An employee who disagrees with an evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days to the Mayor or the authorized designee. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

## *Performance Evaluations*

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### **601.8 CHAIN OF REVIEW**

The signed performance evaluation and any employee attachment should be forwarded to the appropriate department head who will then forward it to the Mayor and the Human Resources Department. The Mayor or the Human Resources Department shall review the evaluation for fairness, impartiality, uniformity, and consistency, and shall consider any written response or appeal made by the employee.

The Mayor or the authorized designee should evaluate the supervisor on the quality of ratings given.

### **601.9 RETENTION AND DISTRIBUTION**

The original performance evaluation and any original correspondence related to an appeal shall be maintained in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee.

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## Discriminatory Harassment

### 602.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent city employees from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

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.

### 602.2 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.

All incidents of harassment and discrimination will be thoroughly investigated.

### 602.3 DEFINITIONS

Definitions related to this policy include:

#### 602.3.1 DISCRIMINATION

The City prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the

## Discriminatory Harassment

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effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or city equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to city policy and to a work environment that is free of discrimination.

### 602.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

### 602.3.3 SEXUAL HARASSMENT

The City prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

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

### 602.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- a. Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and any related state agency guidelines.
- b. Bona fide requests or demands by a supervisor that an employee improve work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

## 602.4 RESPONSIBILITIES

This policy applies to all city employees, who shall follow the intent of these guidelines in a manner that reflects city policy, professional standards, and the best interest of the City and its mission.

## Discriminatory Harassment

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Employees are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to an immediate supervisor may make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Human Resources Department.

Any employee who believes, in good faith, that the employee has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

### 602.4.1 QUESTIONS OR CLARIFICATION

Employees with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, or the Mayor for further information, direction, or clarification.

### 602.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- a. Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- b. Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- c. Ensuring that their subordinates understand their responsibilities under this policy.
- d. Ensuring that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- e. Making a timely determination regarding the substance of any allegation based upon all available facts.
- f. Notifying the Mayor and the Human Resources Department in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day. Failure to make this notification as required could result in discipline.

### 602.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- a. Behavior of supervisors and managers should represent the values of the City and professional standards.
- b. False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent employees.

## *Discriminatory Harassment*

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Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining assignments, evaluating or counseling employees, or issuing discipline in a manner that is consistent with established procedures.

### **602.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved employee should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. All complaints of discrimination, retaliation, or harassment should be fully documented and promptly and thoroughly investigated.

#### **602.5.1 SUPERVISORY RESOLUTION**

Employees who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the employee feels uncomfortable or threatened or has difficulty expressing the employee's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

#### **602.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any employees involved. No influence will be used to suppress any complaint and no employee will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Employees who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to file a complaint with their immediate supervisor but may also file a complaint directly with the Mayor or the Human Resources Department.

At the conclusion of the City'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.

#### **602.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the City. Employees who believe that they have been harassed, discriminated, or retaliated against are

## *Discriminatory Harassment*

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entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

### **602.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Mayor. The outcome of all reports shall be:

- a. Approved by the Mayor.
- b. Maintained in accordance with the established records retention schedule.

#### **602.6.1 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

### **602.7 TRAINING**

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that the employee has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the employee's term with the City.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

## Grievances

### 603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the city grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

#### 603.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- Current employment agreements
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any city employee that, if true, would constitute a violation of city policy or federal, state, or local law.

The grievance procedure shall not be used to resolve differences between or among employees of equal rank.

### 603.2 POLICY

It is the policy of the City to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

Nothing in this policy shall be construed to exclude the right of the employee to seek recourse from wrongful action through civil processes in a court of law.

### 603.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

Except as otherwise required under current employment agreements, if an employee wishes to initiate a grievance as defined above, the following process shall be used:

## *Grievances*

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- a. 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.
- b. 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 Mayor or Human Resources within fourteen (14) calendar days.
- c. Mayor's Office - Upon appeal to this level, the Mayor or HR will review the records of the previous steps, and within fourteen (14) calendar days render a decision in writing. It is the Mayor and Human Resources' 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 Mayor or Human Resources' 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.
- d. 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.

### **603.4 GRIEVANCE RECORDS**

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Mayor or the authorized designee for inclusion in a secure file for all written grievances.

### **603.5 POLICY OR TRAINING IMPLICATIONS**

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change, or an immediate training need, the employee should promptly notify the Mayor in the memorandum.

### **603.6 GRIEVANCE AUDITS**

The Mayor should designate an employee to perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure, or training may be appropriate to

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avoid future grievances. The evaluation should be documented in a confidential memorandum to the Mayor without including any identifying information about any individual grievance.

## Anti-Retaliation

### 604.1 PURPOSE AND SCOPE

This policy prohibits retaliation against employees who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of employees.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance, or current employment agreement.

### 604.2 POLICY

The City has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 604.3 RETALIATION PROHIBITED

No employee may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because the person has engaged in protected activity.

### 604.4 COMPLAINTS OF RETALIATION

## *Anti-Retaliation*

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Any employee who feels retaliated against in violation of this policy should promptly report the matter to any supervisor, or the Mayor or the authorized designee.

Employees shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Employees shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting employee is known, thereby allowing investigators to obtain additional information from the reporting employee. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the employee are part of the investigative process.

### **604.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include but are not limited to:

- a. Ensuring complaints of retaliation are investigated.
- b. Receiving all complaints in a fair and impartial manner.
- c. Documenting the complaint and any steps taken to resolve the problem.
- d. Acknowledging receipt of the complaint, notifying the Mayor or the authorized designee, and explaining to the employee how the complaint will be handled.
- e. Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- f. Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation.
- g. Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- h. Not interfering with or denying the right of an employee to make any complaint.
- i. Taking reasonable steps to accommodate requests for assignment or schedule changes made by an employee who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

### **604.6 COMPLAINT PROCESS**

The Mayor should communicate to all supervisors the prohibition against retaliation.

Supervisors shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- a. Communicating to all employees the prohibition against retaliation.
- b. The timely review of complaint investigations.

## *Anti-Retaliation*

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- c. Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- d. The timely communication of the outcome to the complainant.

### **604.7 WHISTLE-BLOWING**

Employees who believe they have been the subject of retaliation for engaging in protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Mayor or the authorized designee for investigation.

### **604.8 RECORDS RETENTION AND RELEASE**

The City Clerk shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

### **604.9 TRAINING**

This policy should be reviewed with each new employee.

All employees should receive periodic refresher training on the requirements of this policy.

## Drug-and Alcohol- Free Workplace

### 605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

### 605.2 POLICY

It is the policy of the City to provide a drug- and alcohol-free workplace for all employees.

The City is committed to providing a safe work environment and to fostering the well-being and health of its employees and the general public. That commitment is jeopardized when any City employee illegally uses drugs, abuses prescription drugs, or uses alcohol on the job; comes to work under the influence; or possesses, distributes, or sells drugs in the workplace. For these reasons the City has decided to implement an Alabama Drug-Free Workplace Policy. Adherence with this policy is a condition of employment at the City, and all employees, final applicants, and independent contractors/contractor employees working on the property of the City will be required to execute the applicable consent forms. An employee whose conduct violates this policy will be subject to discipline, up to and including termination. This policy is not contractual in any nature.

Elected and Appointed Officials of City of Fort Payne, who are not otherwise classified as employees of the City, are not subject to this policy. This includes the Mayor and City Council members, City Attorney, City Court Judge, City Prosecutor and City Public Defender. Other contracted professionals or consultants are also exempted.

Adherence to the City's policy on drugs and alcohol is a condition of employment for all employees. All employees will be required to sign the applicable acknowledgment form and to consent to this policy.

### 605.3 DEFINITIONS

**ACCIDENT** - Any reportable incident involving injury to person or persons, or damages to public or private property in excess of \$200 in total value, or such damage to public or private property, regardless of value; that in the opinion of the supervisor and at his/her discretion, the employee's judgment in the incident is questionable and testing is warranted. This includes incidents reportable to workman's compensation, even if medical attention is not required.

**Safety-sensitive job classifications** - those employees who discharge duties so fraught with risks of injury to themselves or others, or have financial responsibilities, that even a momentary lapse of attention can have consequences detrimental to personal well-being or to the public good. Factors which have been considered in determining whether a position is safety- sensitive include: handling of potentially dangerous machinery or equipment, performing emergency life-saving measures, administering medical treatment, having arrest powers and authorization to use injurious or deadly force, having mostly

## Drug-and Alcohol- Free Workplace

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unsupervised responsibility for children, involvement in financial accounting or responsibility for sums of cash, and handling of hazardous substances in an environment where others could be injured, etc. The City has performed a review of the job duties for each job classification and determined that the following are classified as safety-sensitive for purposes of it's Alabama Drug- Free Workplace Program:

All City employment positions except:

a. **Administration:**

1. License Inspector, part time.
2. Fischer Senior Program Assistant, part time

b. **Terminal manager:**

1. Inspections and Planning:
2. Code Assistant, part time Receptionist/Secretary

c. **Recreation:**

1. Concessions and gate workers, part time

d. **Street Department:**

1. Dispatcher

## 605.4 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on city time can endanger the health and safety of city employees and the public.

Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for work. Affected employees shall notify an appropriate supervisor as soon as they are aware of an inability to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the employee is adversely affected while at work, the employee shall be immediately removed and released from work (see the Work Restrictions section in this policy).

### 605.4.1 USE OF MEDICATIONS

Any employee taking a prescribed or over-the-counter narcotic or drug that contains any warning of side effects causing mental or physical impairment must advise his or her supervisor of its use if disclosure would be required by job-relatedness and consistent with business necessity. Such prescriptions brought to work should remain in the original labeled container and show both the prescribing doctor's name and the prescription's expiration date. An employee using such prescribed or over-the-counter substances may remain on his or her job or may be required to take a leave of absence or other appropriate action as determined by supervision based upon job-relatedness and consistent with business necessity. An employee or job applicant shall be allowed to provide confidential notice to the Human Resources Department of currently or recently used prescription or nonprescription drugs. Such information shall be placed in writing upon the employee's personal copy of the lab's drug testing records form as a reference should HR contact the employee.

## Drug-and Alcohol- Free Workplace

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### 605.4.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis during work hours is prohibited and may lead to disciplinary action.

## **605.5 EMPLOYEE RESPONSIBILITIES**

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on city premises or on city time (41 USC § 8103). That also includes any equipment, products, and materials which are used, intended for use, or designed for use with non-prescribed controlled substances, while on the City's property or during work hours. The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee is impaired during work hours due to drug or alcohol use.

Employees are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

Any employee who loses rights to perform his/her duties due to an alcohol-related conviction (such as revocation of CDL license) must report the conviction to the City within five calendar days after the conviction. Under no circumstances should the employee operate a City vehicle after notice of revocation of his/her license. A minimum result would be a demotion or transfer and a corresponding reduction in pay.

"On-call" employees are prohibited from using alcohol for the specific on-call hours of that employee. The City will provide an opportunity for each such on-call employee to acknowledge the use of alcohol at the time he/she is called to report for duty, and it is the employee's responsibility to inform his/her supervisor at the earliest possible time of any potential impairment from alcohol. Paid "standby" employees are considered on-duty employees, and all policy regulations governing drug or alcohol use fully apply during their standby period.

## **605.6 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Mayor or the Human Resources Department, their insurance providers, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program through the City's health insurance benefit coverage. Leave may be granted if the

## Drug-and Alcohol- Free Workplace

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employee agrees to abstain from use of the problem substance; abides by all the City policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause the City any undue hardship.

The City recognizes the value of its human resources and encourages employees to seek help for drug or alcohol problems. We believe that seeking help before the problem becomes a performance or disciplinary matter is beneficial for both the employee and the city.

Employees who notify the City that they have a drug or alcohol problem before their problem becomes a disciplinary matter will be granted, upon request, a personal leave of absence without pay for up to 30 days to undergo counseling, treatment, or rehabilitation. Normally only one leave of absence per employee will be granted over the course of employment.

During the leave of absence, employees will be entitled to use their earned sick leave and vacation leave benefits. The opportunity to enroll in a rehabilitation program will be limited to those who voluntarily request such assistance prior to being tested for drugs/alcohol under the provisions outlined in this policy. Employees may seek assistance independently or request appropriate referrals from their supervisor.

Employees choosing to participate in a rehabilitation or treatment program must notify their supervisor immediately upon their enrollment. Employees who notify the City of their drug or alcohol problem only after the City has begun investigating whether they are in violation of this policy will remain subject to discipline up to and including termination for policy violations.

### **605.7 WORKERS' COMPENSATION**

Under Alabama Law, Section 2 5-51, et seq., of the Code of Alabama (1975), workers who are injured at the workplace or in the course of employment may be tested for drugs and alcohol and, if positive, may not be paid benefits under the Alabama Workers' Compensation Law if the injury is a result of an accident caused by drug and/or alcohol impairment. Section 2 5-51 reads in part:

*•A positive drug test conducted and evaluated pursuant to standards adopted for drug testing by the U.S. Department of Transportation (DOT) in 49 C.F.R. Part 40 shall be a conclusive presumption of impairment resulting from the use of illegal drugs. No compensation shall be allowed if the employee refuses to submit to or cooperate with a blood or urine test as set forth above after the accident after being warned in writing by the employer that such refusal would forfeit the employee's right to recover benefits under this Chapter. •*

Further, a positive drug test conducted and evaluated pursuant to the above provisions is evidence of willful misconduct so as to disqualify an employee from workers' compensation benefits.

### **605.8 UNEMPLOYMENT COMPENSATION**

## Drug-and Alcohol- Free Workplace

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Under Section 25-4-78, et seq., as amended, of the Code of Alabama (1975), Unemployment Compensation, provides that no unemployment compensation will be paid to an employee dismissed after testing positive for drugs or alcohol, refusing to submit to a test for drugs or alcohol, or knowingly altering or adulterating any test sample. Section 25-4-78 reads in part:

*"A confirmed positive drug test that is conducted and evaluated according to standards set forth for the conduct and evaluation of such tests by the U.S. Department of Transportation in 49 C.F.R. Part 40 or standards shown by the employer to be otherwise reliable shall be a conclusive presumption of impairment by illegal drugs. No unemployment compensation benefits shall be allowed to an employee having a confirmed positive drug test if the employee had been warned that such a positive test could result in dismissal pursuant to a reasonable drug policy. Further, no unemployment compensation benefits shall be allowed if the employee refuses to submit to or cooperate with a blood or urine test as set forth above, or if the employee knowingly alters or adulterates the blood or urine specimen."*

*"An individual shall be disqualified for total or partial unemployment...if he was discharged or removed from his work for the use of illegal drugs after previous warning or for the refusal to submit to or cooperate with a blood or urine test after previous warning...'warning' shall mean that the employee has been advised in writing of the provisions of the employer's drug policy and that either testing positive pursuant to the standards referenced above or the refusal to submit to or cooperate with a blood or urine test as set out in the above referenced standards could result in termination of employment. This written notification as herein described shall constitute a 'warning'..."* Alabama Code § 25-4-78(3) (Supp. 1996).

### **605.9 WORK RESTRICTIONS**

If an employee informs a supervisor of having consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from a physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall ensure that the employee is safely transported away from the workplace.

### **605.10 SCREENING TESTS**

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- a. The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform work safely and efficiently.
- b. The employee uses property owned or approved by the City in a manner that results in injury, death, or substantial property damage.
- c. The employee drives a motor vehicle in the performance of the employee's work and becomes involved in an incident that results in bodily injury, death, or substantial damage to

## Drug-and Alcohol- Free Workplace

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property. Employees are prohibited from using alcohol within eight (8) hours following an accident, until testing is completed. Any test for alcohol should be completed within two (2) hours of a work-related accident, or as soon thereafter as is practicable.

- d. Fitness-for-duty - Any safety-sensitive employee whose job position requires him or her to undergo regular physical examinations will be screened as part of any such routine examination.
- e. Random screening or testing of safety-sensitive employees, without notice. The frequency of, and safety-sensitive employee classifications subject to, such screening and testing will be determined by the City in accordance with safety-sensitive duty classifications and applicable regulatory mandatory drug and alcohol testing requirements.

All employees are put on notice that a positive confirmed laboratory drug test following an on the job accident is evidence of "willful misconduct" under this policy and disqualifies the employee from receipt of workers' compensation benefits.

### 605.10.1 POST-ACCIDENT SAFETY-SENSITIVE EMPLOYEES

Safety-sensitive employees will be tested after any work-related injury or accident where:

- a. an employee is injured beyond the need for simple first aid, or, because of the employee's actions, another employee or non-employee is injured beyond the need for simple first aid, or
- b. property, equipment, or vehicles are damaged (over \$750.00 estimated), or
- c. an employee has caused or contributed to an on-the-job injury which results in loss of work time, or
- d. an injury that is a workers' compensation injury, or
- e. if there is reasonable suspicion of drug or alcohol use.

Safety-sensitive employees (full or part-time) involved in accidents (or non-safety-sensitive employees whose acts or omissions contributed to the occurrence or severity of an accident) resulting in bodily injury beyond the need for simple first aid, damage to property, or damage to vehicles, either to themselves or that of others, are subject to drug and alcohol testing according to the following conditions. The HR Department should be notified immediately, and employees should report for drug and alcohol testing immediately after the accident or after required medical attention has been obtained. An employee who is hospitalized may be tested at the hospital by hospital personnel.

- a. Employee testing is mandatory in all reportable City worker's compensation injuries, and on any occasion where there is bodily injury to others. Failure or refusal to submit to testing may jeopardize the employee's rights to any compensation benefits as well as employment status.
- b. Employee testing is mandatory in all on-duty, work-related accidents involving damages to City property, or to the property of others, in which total damages exceed an estimated value of \$750.00, and
  - 1. in which a City employee is actively involved, or
  - 2. in which a City employee's negligence or fault is indicated, even if the involved City vehicle or City equipment is parked or inactive.

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- c. Employee testing is also mandatory in any off- duty accident involving damages to City property, or damages to the property of others, caused by City vehicles or equipment in which total damages exceed an estimated value of \$750.00, and
  - 1. in which the City vehicle or City equipment is under the care, custody and control of the City employee, and
  - 2. in which a City employee's negligence or fault is indicated, even if the involved City vehicle or City equipment is parked or inactive.
- d. In work-related accidents resulting in property damages of less than \$750, the supervisor may require a test at his/her discretion with reasonable suspicion. In instances where the value of damages is in doubt, a test should be required. In any instance, the Drug Officer should be notified so that the accident may be documented, regardless of whether testing is required

### 605.10.2 POST-ACCIDENT NON-SAFETY-SENSITIVE EMPLOYEES

Non-safety-sensitive employees will be tested after any work related injury or accident (as defined above) where a supervisor has a reasonable belief based on specific facts that the employee's acts or omissions contributed to the occurrence or severity of the accident as may be detailed on the "Confidential Work-Related Accident Report."

### 605.10.3 POLICE USE OF FIREARMS

Any police employee whose discharge of a firearm causes bodily injury or death during an incident shall be tested.

### 605.10.4 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- a. The test will be given to detect either alcohol or drugs, or both.
- b. The result of the test is not admissible in any criminal proceeding against the employee.
- c. The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

### 605.10.5 DISCIPLINE

An employee may be subject to disciplinary action by the City as allowed by law, up to and including termination if the employee

- a. Fails or refuses to submit to or cooperate with a substance screening by blood, urine, hair, or saliva, including an employer's initial screening..
- b. After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, of having taken the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.
- c. Refusal to sign a consent or chain of custody form
- d. Knowingly submitting an adulterated, diluted, or otherwise altered blood or urine specimen; or submitting a specimen from another person

## Drug-and Alcohol- Free Workplace

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- e. A positive confirmed laboratory test result for drugs or alcohol
- f. Refusals will be classified as a positive test,

### 605.10.6 PRE-EMPLOYMENT

Pre-employment substance screening or testing will be performed on all final applicants seeking safety-sensitive positions as a condition of their employment at the City. Such screening or testing may be required on its own, or as part of a fitness- for-duty physical exam for those safety-sensitive job positions that would require such an exam. Present employees who transfer into another safety-sensitive position with the City may also be required to complete a pre-employment substance screen or test.

Applicants must sign a "Pre-Employment Substance Testing Consent and Release" form, which releases the City from liability, before voluntarily submitting to testing conducted by a certified lab chosen by the City. The City shall inform final applicants safety- sensitive positions that any offer of employment is conditioned upon passing a substance screen or test. The applicant will be informed that the specimen is subject to being tested for the presence of any or all of the following substances: Amphetamines, Cocaine, Cannabinoids, Opiates, Phencyclidine (PCP), Methadone, Methaqualone, Barbiturates, Benzodiazepines, or Propoxyphene in conformity with the Alabama Drug-Free Workplace Act.

Any job offer will be withdrawn if the applicant tests positive in a confirmed lab test; refuses to submit to a test; or refuses to execute the required consent/release form.

Applicants will also be provided with access to a copy of the City's Alabama Drug-Free Workplace Policy Statement. An applicant who decides not to cooperate in the pre-employment testing or who is unwilling to acknowledge this City's policy on drug and alcohol testing may withdraw his/her application, and will not be considered for employment.

If the City representative, physician, official, or lab personnel has reasonable suspicion to believe that the applicant has tampered with the specimen, the applicant will not be considered for employment.

### 605.10.7 DISCIPLINARY ACTIONS

Upon evidence of any violations of this policy, the employee will be immediately placed on administrative leave with pay. Other benefits will also remain in effect. The MAYOR AND CITY COUNCIL will hold an administrative hearing on the matter within twenty-one (21) calendar days to hear statements from the employee, and to determine that testing procedures, if applicable, were performed accurately and consistently with the policy. If, after hearing the matter and giving full consideration to the facts, the MAYOR AND CITY COUNCIL find no errors in testing procedures, if applicable, or no mitigating circumstances, the employee will be disciplined effective immediately with no further appeal or grievance rights. If errors or mitigating circumstances are discovered, the MAYOR AND CITY COUNCIL may reinstate the employee to full employment status, and may, at their discretion, impose a reduced penalty or no penalty at all. If there are aggravating circumstances, or evidence of repeated offenses, or if the amount of alcohol or illegal drugs found to be present are of a significant amount, or if the employee is operating a motor vehicle or heavy equipment, or is involved in employment of a safety-sensitive nature,

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the MAYOR AND CITY COUNCIL may take this into consideration and impose a penalty that exceeds those recommended below, up to and including termination of employment. The employee may waive his /her right to this administrative hearing by providing a written notice of waiver to HR.

- a. It is recommended that the following violations of this policy result in a minimum one (1) week suspension without pay, but may include harsher discipline up to, and including, termination depending on past employee disciplinary actions and other circumstances:
  1. Positive drug result from testing under random, post-accident, or reasonable suspicion circumstance, or police use of a firearm resulting in bodily injury or death, if the drug indicated could have been legally prescribed and there was a failure to inform a supervisor or the City of this legally-prescribed medication.
  2. Failure to report an accident as defined in this policy
  3. Failure to report a drug or alcohol-related charge or conviction within five days as defined in this policy
  4. Positive alcohol result from testing under random, post-accident or reasonable suspicion circumstance, or police use of a firearm resulting in bodily injury or death.
  5. Failure to report for testing within the specified time frame
- b. It is recommended that the following violations of this policy result in a minimum two (2) week suspension without pay, but may include harsher discipline up to, and including, termination depending on past employee disciplinary actions and other circumstances:
  1. Positive result from testing under random, post-accident, or reasonable suspicion circumstance, or police use of a firearm resulting in bodily injury or death, if marijuana, cocaine, Phencyclidine (PCP) or methamphetamine is indicated or if employee failed to inform their supervisor or the City of legally prescribed medication taken improperly
  2. Positive result from test conducted as a result of an off-the-job drug activity.

PLUS: The employee will be required to go to a certified counselor for assessment (at the employee's expense) and will be subject to additional testing during the next six (6) months of evaluation; The counselor will give a positive or negative assessment which will determine further disciplinary action; The employee may utilize any unused employee assistance program sessions provided by the City.

Any employee who is referred to a drug or alcohol rehabilitation program through work, who was referred to a rehab program after testing positive in a confirmed lab test for drugs or alcohol while at work, or who has been suspended from work for any other violation of the drug and alcohol policy, must complete intense follow-up testing to be determined by the MAYOR AND CITY COUNCIL when he/she returns to work.

An employee terminated under this policy may be considered for re-hire only after a successful completion of a certified rehabilitation program at the employee's expense.

## **605.11 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, the City will take appropriate disciplinary action, up to and including

## Drug-and Alcohol- Free Workplace

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dismissal, and/or requiring the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### **605.12 CONFIDENTIALITY**

The City recognizes the confidentiality and privacy due to its employees. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's confidential medical file in accordance with the Personnel Records Policy.

All information, interviews, reports, statements, memoranda, and test results, written or otherwise, received by the City through a substance abuse testing program are confidential communications, but may be used or received in evidence, obtained in discovery, or disclosed in any civil or administrative proceeding, except as provided below.

The City, laboratories, medical review officers, employee assistance programs, drug or alcohol rehabilitation programs, and their agents who receive or have access to information concerning test results shall keep all information confidential. Release of such information under any other circumstance shall be solely pursuant to a written consent form signed voluntarily by the person tested, unless the release is compelled by an agency of the state or a court of competent jurisdiction or unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form shall contain at a minimum all of the following:

- a. The name of the person who is authorized to obtain the information.
- b. The purpose of the disclosure.
- c. The precise information to be disclosed.
- d. The duration of the consent.
- e. The signature of the person authorizing release of the information.

Information on test results shall not be released or used in any criminal proceeding against the employee or job applicant. Information released contrary to this subsection shall be inadmissible as evidence in the criminal proceeding.

### **605.13 TRAINING**

#### **605.13.1 EMPLOYEE EDUCATION**

The City shall provide all employees with an annual education program on substance abuse, in general, and its effects on the workplace, specifically. An education program for a minimum of one hour will include, but is not limited to, the following information:

- a. The explanation of the disease model of addiction for alcohol and drugs.

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- b. The effects and dangers of the commonly abused substances in the workplace.
- c. The policies of the City and procedures regarding substance abuse in the workplace and how employees who wish to obtain substance abuse treatment can do so.

### 605.13.2 SUPERVISOR TRAINING

In addition to the education program provided above, the City shall provide all supervisory personnel with a minimum of two hours of supervisor training, which includes, but is not limited to, the following information:

- a. How to recognize signs of employee substance abuse.
- b. How to document and collaborate signs of employee substance abuse.
- c. How to refer substance abusing employees to the proper treatment providers.

## Communicable Diseases

### 606.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of employees contracting and/or spreading communicable diseases.

#### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, or tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

**Exposure** - When an eye, the mouth, a mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to an employee's position with the City. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

### 606.2 POLICY

The City is committed to providing a safe work environment for its employees. Employees should be aware that they are ultimately responsible for their own health and safety.

### 606.3 EXPOSURE CONTROL OFFICER

The Mayor should assign a person as the Exposure Control Officer (ECO). The ECO is responsible for the development of an exposure control plan that includes:

- a. Exposure prevention and decontamination procedures.
- b. Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- c. The provision that city employees will have no-cost access to personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) that is appropriate for each employee's position and risk of exposure.
- d. Identification of exposure risks and reasonable efforts to reduce additional exposure.
- e. Compliance with all relevant laws or regulations related to communicable diseases which may include the following:
  1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136)

## *Communicable Diseases*

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2. Bloodborne pathogen precautions, including exposure determination, if required (29 CFR 1910.1030)

The ECO should also act as the liaison with the state occupational health and safety authority and may request voluntary compliance inspections. The ECO should periodically review and update the exposure control plan and review implementation of the plan.

## **606.4 EXPOSURE PREVENTION AND MITIGATION**

### 606.4.1 GENERAL PRECAUTIONS

All employees are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to (29 CFR 1910.1030:

- a. Stocking disposable gloves, antiseptic hand cleanser, CPR masks, or other specialized equipment in the work area or city vehicles, as applicable.
- b. Wearing city-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- c. Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- d. Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- e. Using an appropriate barrier device when providing CPR.
- f. Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- g. Decontaminating non-disposable equipment (e.g., clothing, shoes, work equipment) as soon as possible if the equipment is a potential source of exposure.
  1. Clothing that has been contaminated by blood or other potentially infectious materials should be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- h. Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- i. Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- j. Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

### 606.4.2 IMMUNIZATIONS

Employees who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030). Additional immunizations may also be required or provided.

## **606.5 POST EXPOSURE**

## *Communicable Diseases*

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### 606.5.1 INITIAL POST-EXPOSURE STEPS

Employees who experience an exposure or suspected exposure shall (29 CFR 1910.1030):

- a. Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- b. Obtain medical attention as appropriate.
- c. Notify a supervisor as soon as practical.

### 606.5.2 REPORTING REQUIREMENTS

Supervisors should investigate every exposure or suspected exposure that occurs as soon as possible following the incident. Supervisors should document the following information (29 CFR 1910.1030):

- a. Identification of the employee exposed
- b. Date and time of incident
- c. Location of incident
- d. Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- e. Work being done during exposure
- f. How the incident occurred or was caused
- g. PPE in use at the time of the incident
- h. Actions taken post-event (e.g., clean-up, notifications)

Supervisors should advise their employees that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. Supervisors should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Illness and Injury Reporting and Illness and Injury Prevention policies).

### 606.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

City employees have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030):

- a. Whether the employee has been informed of the results of the evaluation.
- b. Whether the employee has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials that require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

### 606.5.4 COUNSELING

The City should provide the employee, and the employee's family if necessary, the opportunity for counseling and consultation regarding the exposure.

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### 606.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed employee or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed employee's supervisor to ensure testing is sought.

Source testing may be achieved by:

- a. Obtaining consent from the individual.
- b. Requesting assistance from local health authorities to obtain testing.
- c. Acquiring a court order in accordance with state law.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the Mayor to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the individual refuses.

### **606.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (29 CFR 1910.1030).

### **606.7 TRAINING**

Training regarding communicable diseases should be provided to employees commensurate with the requirements of their position. The training (29 CFR 1910.1030):

- a. Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- b. Should be provided whenever the employee is assigned new tasks or procedures affecting potential exposure to communicable disease.
- c. Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

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## Smoking and Tobacco Use

### 607.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by employees and others during work hours or while in city facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes but is not limited to any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### 607.2 POLICY

The City recognizes that smoking and tobacco use is a health risk and can be offensive to others. All forms of smoking and tobacco use also present an unprofessional image for the City and its employees. Therefore, all forms of smoking and tobacco use are prohibited by employees and visitors in all city facilities, buildings, and vehicles, and as is further outlined in this policy ([See City Ordinance 22-24](#)).

### 607.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by employees are prohibited any time employees are in public view representing the City.

It is the responsibility of employees to ensure that no person under their supervision or control smokes or uses any tobacco product inside city facilities and vehicles.

No employee shall smoke or vape near any entrance, window, or other location where other persons may be subject to breathing smoke or vapor.

### 607.4 POSTING

Signs or other notices should be posted at appropriate locations to notify employees and the public where smoking and tobacco use is prohibited.

## **Meal Periods and Breaks**

### **608.1 PURPOSE AND SCOPE**

This policy provides general guidance regarding meal periods and breaks for employees.

### **608.2 POLICY**

It is the policy of the City to provide meal periods and breaks to employees in accordance with the law and any employment agreements.

### **608.3 MEAL PERIODS**

Employees shall take meal periods at times approved by their supervisors. The time spent for meal periods shall not exceed the authorized time allowed.

Emergency response employees shall remain on-duty subject to call during meal periods. All other employees are not on-duty during meal periods unless directed otherwise by a supervisor.

### **608.4 BREAKS**

Breaks should be taken near the midpoint of each four-hour work period. Only one break should be taken during each four hours of work. No breaks should be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Emergency response employees shall remain on-duty subject to call during breaks. All other employees are not on-duty during breaks unless directed otherwise by a supervisor.

## Lactation Breaks

### 609.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating employees.

### 609.2 POLICY

It is the policy of the City to provide, in compliance with federal law, reasonable accommodations for lactating employees. This includes break time and appropriate facilities to accommodate any employee desiring to express breast milk for a nursing child for up to one year after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

### 609.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt city operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 609.4 PRIVATE LOCATION

The City will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

## *Lactation Breaks*

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### **609.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area shall clearly label it as such and shall remove it when the employee's workday ends.

## Work Schedules

### 610.1 PURPOSE AND SCOPE

The purpose of this policy is to identify the work schedule for employees of the city

### 610.2 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:

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

## **Payroll Records**

### **611.1 PURPOSE AND SCOPE**

This policy provides the guidelines for completing and submitting payroll records of city employees who are eligible for the payment of wages.

### **611.2 POLICY**

The City maintains timely and accurate payroll records.

### **611.3 RESPONSIBILITIES**

Employees are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records of employees under their supervision.

### **611.4 TIME REQUIREMENTS**

Employees who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted as established by the city payroll procedures.

### **611.5 RECORDS**

The City shall maintain accurate and timely payroll records as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

## Overtime Compensation

### 612.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

### 612.2 POLICY

The City will compensate nonexempt employees who work authorized overtime. Employees who are salary exempt from FLSA are not compensated for overtime worked.

### 612.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(o)(1)).

Nonexempt employees are generally entitled to overtime pay or accrual of compensatory time for work over 40 hours in a given workweek (29 USC § 207). Nonexempt employees working a shift schedule (e.g., first responders) should consult with their department head and the City Treasurer for information about hours of work for which overtime pay or compensatory time is required.

Short periods of overtime worked at the end of the normal workday (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent adjustment of work time within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(o)).

Exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

### 612.4 REQUESTS FOR OVERTIME COMPENSATION

#### 612.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- a. Obtain supervisory approval, verbal or written.

## *Overtime Compensation*

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- b. Record the actual time worked in an overtime status using the city-approved form or method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.
- c. Submit the request for overtime compensation pursuant to city payroll procedures.

### 612.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- a. Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
  1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of city resources.
- b. Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
  1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an internal investigation.
- c. After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's department director for final approval.
  1. After the head of the department has authorized compensation, the request shall be submitted to the Mayor or the authorized designee as soon as practicable.

Supervisors may not authorize or approve their own overtime.

### 612.5 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity and the amount of time for which overtime compensation is requested varies among the employees, the Mayor, authorized designee, or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

## Work-Related Illness and Injury Reporting

### 613.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related conditions such as a physical injury or an occupational illness.

#### 613.1.1 DEFINITIONS

Definitions related to this policy include:

**Work-related condition** - Any significant medical or mental condition suspected to have been caused by an employee's service to the City. Any condition that would reasonably require some form of treatment should be considered significant.

### 613.2 POLICY

The City will address work-related conditions and will comply with applicable state workers' compensation requirements.

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.

### 613.3 RESPONSIBILITIES

#### 613.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall report work-related conditions as soon as practicable, but within 24 hours, to a supervisor, and seek medical care when appropriate.

#### 613.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related condition should:

- a. Ensure the employee receives medical care as appropriate.
- b. Determine whether the Illness and Injury Prevention Policy applies and take additional action as required.
- c. Review the report for accuracy and determine whether the work-related condition is required to be reported to the state or workers' compensation entity and whether any additional action should be taken.
- d. Forward the report to the Mayor or the authorized designee to be maintained in the employee's confidential medical file.

### 613.4 OTHER ILLNESS OR INJURY

## *Work-Related Illness and Injury Reporting*

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Work-related conditions that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the Mayor or the authorized designee.

Unless the injury is extremely minor, the affected employee shall sign the form indicating no desire for medical treatment. Signing the form does not preclude the employee's ability to later seek medical attention.

### **613.5 SETTLEMENT OFFERS**

When an employee experiences a work-related condition that is caused by another person and is subsequently contacted by that person, that person's agent, an insurance company, or an attorney and offered a settlement, the employee shall take no action other than to submit a written report of this contact to a supervisor as soon as possible.

#### **613.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to a work-related condition, the employee shall provide the Mayor or the authorized designee with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing written notice to the Mayor or the authorized designee. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the work-related condition, and to protect the city's right of subrogation, while ensuring that the employee's right to receive compensation is not affected.

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## Temporary Modified-Duty Assignments

### 614.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, city rules, or applicable employment agreements. For example, nothing in this policy affects the obligation of the City to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

### 614.2 POLICY

Subject to operational and business considerations, the City may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the City with a productive employee during the temporary period.

### 614.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or state law shall be treated equally, without regard to any preference for a work-related injury.

No position should be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational and business needs of the City. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational and business needs and the employee's ability to perform in a modified-duty assignment.

The Mayor or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, operating a city vehicle, or engaging in outside employment.

Temporary modified-duty assignments should generally not exceed a cumulative total of 1,040 hours in any one-year period.

Employees who refuse a temporary modified-duty assignment offer are permitted to use available approved leave, if eligible.

### 614.4 PROCESS

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

## Temporary Modified-Duty Assignments

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Employees seeking a temporary modified-duty assignment should submit a written request to their immediate supervisors or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- a. An assessment of the nature and probable duration of the illness or injury.
- b. The prognosis for recovery.
- c. The nature and scope of limitations and/or work restrictions.
- d. A statement regarding any required workplace accommodations, mobility aids, or medical devices.
- e. A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

Supervisors will make a recommendation to the Mayor or the authorized designee regarding temporary modified-duty assignments that may be available based on the needs of the City and the limitations of the employee.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the supervisor, with notice to the Mayor or the authorized designee.

## **614.5 ACCOUNTABILITY**

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate city operations and the employee's medical appointments, as mutually agreed upon by the employee and the employee's supervisor.

### **614.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty include but are not limited to:

- a. Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- b. Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- c. Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- d. Submitting a written status report to the Human Resources Department or the authorized designee that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

### **614.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor should monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors include but are not limited to:

## *Temporary Modified-Duty Assignments*

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- a. Periodically apprising the Human Resources Department or the authorized designee of the status and performance of employees assigned to temporary modified duty.
- b. Notifying the Mayor or the authorized designee and ensuring that the required documentation facilitating the employee's return to full duty is received from the employee.
- c. Ensuring that employees returning to full duty have completed any required training and certification.

### **614.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The City may require a fitness-for-duty examination prior to returning an employee to full-duty status.

### **614.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding a limitation related to pregnancy, childbirth, or related medical conditions, the City should make reasonable efforts to provide an accommodation for the employee in accordance with federal law and any applicable state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4).

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under state law.

#### **614.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the city's personnel rules and regulations regarding family and medical care leave.

### **614.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

### **614.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

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## *Temporary Modified-Duty Assignments*

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Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

## Speech, Expression, and Social Networking

### 615.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of employee speech and expression with the needs of the City.

This policy applies to all forms of communication, including but not limited to film, video, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of an employee group, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

### 615.2 POLICY

Employees of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the City. Due to the nature of the work and influence associated with local government employees, it is necessary that city personnel be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the City will carefully balance the individual employee's rights against the needs and interests of the City when exercising a reasonable degree of control over its employees' speech and expression.

### 615.3 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

Employees should demonstrate sound judgment in speech, expression, and conduct that relates to or affects the City. In order to meet the safety, performance, and public-trust needs of the City, the following are prohibited unless the speech is otherwise protected (e.g., an employee is speaking as a private citizen, including acting as an authorized member of an employee group, on a matter of public concern):

- a. Speech or expression that is disruptive to the work environment, undermines authority, and is destructive to close working relationships.
- b. Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.

## Speech, Expression, and Social Networking

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- c. Knowingly or recklessly false speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the City and tends to compromise or damage the mission, function, reputation, or professionalism of the City or its employees. Examples may include:
  - 1. Making a false accusation of wrongdoing without exercising reasonable caution to verify the truth of the matter.
  - 2. Intentionally misrepresenting on social media actions taken by the City that would damage the city's reputation.
- d. Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of city employees. Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the City for financial or personal gain, or any disclosure of such materials without the express authorization of the Mayor or the authorized designee.
- e. Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of city logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the City on any personal or social networking or other website or web page, without the express authorization of the Mayor or the authorized designee.
- f. 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.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

### 615.3.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of employee groups, employees may not represent the City or identify themselves in any way that could be reasonably perceived as representing the City in order to do any of the following, unless specifically authorized by the Mayor or the authorized designee:

- a. Endorse, support, oppose, or contradict any political campaign or initiative.
- b. Endorse, support, oppose, or contradict any social issue, cause, or religion.
- c. Endorse, support, or oppose any product, service, company, or other commercial entity.
- d. Appear in any commercial, social, or nonprofit publication; in any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that an employee, acting in an individual capacity or through an outside group or organization, including as an authorized member of an employee group, is affiliated with this city, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the City.

## Speech, Expression, and Social Networking

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Employees retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of employee groups on political subjects and candidates at all times during non-work hours. However, employees may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

### **615.4 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Twitter, LinkedIn) that is accessed, transmitted, received, or reviewed on any city technology system (see the Information Technology Use Policy for additional guidance).

However, the City may not require an employee to disclose a personal username or password or to open a personal social website, except when legally permitted and relevant to the investigation of allegations of work-related misconduct.

### **615.5 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Mayor or the authorized designee should consider include:

- a. Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- b. Whether the speech or conduct would be contrary to the good order of the City or the efficiency or morale of its employees.
- c. Whether the speech or conduct would reflect unfavorably upon the City.
- d. Whether the speech or conduct would negatively affect the appearance of impartiality in the performance of the employee's duties.
- e. Whether similar speech or conduct has been previously authorized.
- f. Whether the speech or conduct may be protected and outweighs any interest of the City.

### **615.6 TRAINING**

Subject to available resources, the City should provide training regarding the limitations on speech, expression, and use of social networking to all employees.

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## Illness and Injury Prevention

### 616.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for employees of the City.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, each department within the City may set its own related policies or procedures that do not conflict with this policy.

### 616.2 POLICY

The City is committed to providing a safe environment for its employees and to minimizing the incidence of work-related illness and injuries. The City should establish and maintain an illness and injury prevention plan and provide tools, training, and safeguards designed to reduce the potential for accidents, injuries, and illness. It is the intent of the City to comply with all laws and regulations related to occupational safety.

### 616.3 ILLNESS AND INJURY PREVENTION PLAN

The Human Resources Department is responsible for developing an illness and injury prevention plan that should include:

- a. Workplace safety and health training programs.
- b. Review of city workplace safety policies and procedures of each department.
- c. Regularly scheduled safety meetings.
- d. Posted or distributed safety information.
- e. A system for employees to anonymously inform management about workplace hazards.
- f. Establishment of a safety and health committee that will:
  1. Meet regularly.
  2. Include representation from each department.
  3. Prepare a written record of safety and health committee meetings.
  4. Review the results of periodic scheduled inspections.
  5. Review investigations of accidents and exposures.
  6. Make suggestions to supervisors for the prevention of future incidents.
  7. Review investigations of alleged hazardous conditions.
  8. Submit recommendations to assist in the evaluation of employee safety suggestions.
  9. Assess the effectiveness of efforts made by the City to meet applicable standards.
- g. Establishing a process to ensure illnesses and injuries are reported as required under state law.

### 616.4 MANAGER/ADMINISTRATOR RESPONSIBILITIES

## *Illness and Injury Prevention*

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The responsibilities of the Department Heads and the Human Resources Department include but are not limited to:

- a. Managing and implementing a plan to reduce the incidence of employee illness and injury.
- b. Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:
  1. New employee orientation that includes a discussion of safety and health policies and procedures.
  2. Regular employee review of the illness and injury prevention plan.
- c. Ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees.
- d. Taking reasonable steps to ensure that all employees comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
  1. Informing employees of the illness and injury prevention guidelines.
  2. Recognizing employees who perform safe work practices.
  3. Ensuring that the employee evaluation process includes employee safety performance.
  4. Ensuring compliance with any applicable safety standards related to:
    - a. Communicable diseases
    - b. Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)
    - c. Emergency Action Plan
    - d. Walking-working surfaces
- e. Making available a form to document inspections, unsafe conditions or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- f. Making available a form to document individual incidents or accidents.
- g. Making available a form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training, and training providers.
- h. Conducting and documenting a regular review of the illness and injury prevention plan.

### **616.5 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include but are not limited to:

- a. Ensuring employee compliance with illness and injury prevention guidelines and answering questions from employees about this policy.
- b. Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate.
- c. Establishing and maintaining communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.
- d. Completing required forms and reports relating to illness and injury prevention and submitting such forms and reports to the Human Resources Department.

## *Illness and Injury Prevention*

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- e. Notifying the Human Resources Department or the authorized designee when:
1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
  2. New, previously unidentified hazards are recognized.
  3. Work-related illnesses and injuries occur.
  4. New and/or permanent or intermittent employees are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
  5. Workplace conditions warrant an inspection.

### **616.6 HAZARDS**

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed employees from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Human Resources Department or the authorized designee.

The City will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

### **616.7 INSPECTIONS**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The City should ensure that the appropriate documentation is completed for each inspection.

#### **616.7.1 EQUIPMENT**

Employees are charged with daily inspections of their assigned equipment or work environment, as applicable, prior to beginning their workday. Employees should complete the appropriate form if an unsafe condition cannot be immediately corrected. Employees should forward this form to their supervisors.

### **616.8 INVESTIGATIONS**

## *Illness and Injury Prevention*

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Any employee sustaining any work-related illness or injury, as well as any employee who is involved in any work-related accident or hazardous substance exposure, shall report such event as soon as practicable to a supervisor. Employees observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- a. A visit to the accident scene as soon as possible.
- b. An interview of the injured employee and witnesses.
- c. An examination of the workplace for factors associated with the accident/exposure.
- d. Determination of the cause of the accident/exposure.
- e. Corrective action to prevent the accident/exposure from reoccurring.
- f. Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report a work-related injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

## **616.9 TRAINING**

Employees, including supervisors, should be provided with training on general and job-specific workplace safety and health practices. Training should be provided:

- a. To supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed.
- b. To all employees with respect to hazards specific to each employee's job assignment.
- c. To all employees given new job assignments for which training has not previously been provided.
- d. Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
- e. Whenever the City is made aware of a new or previously unrecognized hazard.

### **616.9.1 TRAINING TOPICS**

Training topics should include, as applicable:

- a. Reporting unsafe conditions, work practices, and injuries, and informing a supervisor when additional instruction is needed.
- b. Use of appropriate clothing, including gloves and footwear.
- c. Use of respiratory equipment.
- d. Availability of toilet, hand-washing, and drinking-water facilities.
- e. Provisions for medical services and first aid.
- f. Handling of bloodborne pathogens and other biological hazards.
- g. Prevention of heat and cold stress.

## *Illness and Injury Prevention*

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- h. Identification and handling of hazardous materials, including chemical hazards to which employees could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- i. Mitigation of physical hazards.
- j. Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- k. Back exercises/stretchers and proper lifting techniques.
- l. Avoidance of slips and falls.
- m. Good housekeeping and fire prevention.
- n. Other job-specific safety concerns.

### **616.10 RECORDS**

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

## Workplace Violence

### 617.1 PURPOSE AND SCOPE

The purpose of this policy is to make clear that the City does not tolerate any direct or implied threats of violence or violent behavior in the workplace or any act or behavior that is or can be perceived as threatening, hostile, and/or violent.

### 617.2 POLICY

It is the policy of the City to provide and maintain a safe work environment for its employees, volunteers, and members of the public.

In responding to any violent behavior in the workplace, the City is committed to providing protection to all involved parties, including protection from future physical and/or mental harm and the protection of the legal rights of victims, witnesses, and those instigating the harm.

### 617.3 PROHIBITED BEHAVIOR

No employee shall engage in, encourage, or promote violent behavior toward any person while conducting city business or on city property.

No employee engaged in city business shall carry or possess weapons or explosives unless either:

- a. Permitted by city policy.
- b. State or local law prohibits the City from restricting the possession of the weapon or explosive.

### 617.4 REPORTING AND INVESTIGATING

#### 617.4.1 EMPLOYEE RESPONSIBILITY

Employees who experience, observe, or have knowledge of prohibited behaviors and actions in the workplace have a responsibility to report the situation as soon as practicable to a supervisor, a manager, or a human resources representative and to the local police department, if a threat has been made or a crime has occurred.

#### 617.4.2 SUPERVISOR AND MANAGER/ADMINISTRATOR RESPONSIBILITIES

Upon receipt of a report of potential or actual workplace violence, supervisors shall gather as much information as possible to assess and determine the severity and potential of the situation. If the report is found to be credible, the Mayor or the authorized designee shall be notified as soon as practicable and appropriate action taken.

Local law enforcement personnel shall be notified immediately of all threatening or violent behavior.

## *Workplace Violence*

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### 617.4.3 INVESTIGATION

The Mayor or the authorized designee will promptly, impartially, and with as much confidentiality as practicable coordinate the investigation of all reports of violent behavior.

City employees are required to cooperate in any investigation. A timely resolution of each report should be reached and communicated to all parties involved as quickly as possible.

### 617.4.4 REPORTING NON-WORK-RELATED THREATENING OR VIOLENT BEHAVIOR

City employees who are victims of domestic violence or other threatening behavior outside of the workplace, or who believe they are potential victims of such behavior and fear it may enter the workplace, are encouraged to report the situation as soon as possible to their supervisors.

Supervisors receiving any such report shall contact the Mayor or the authorized designee as soon as practicable so that any appropriate safety measures or plans may be developed.

## **617.5 RETALIATION PROHIBITED**

Any form of retaliation against an employee for making a report concerning violent behavior in the workplace is prohibited.

Any employee who becomes aware of any retaliation or threatened retaliation shall immediately notify a supervisor.

## **617.6 RESTRAINING ORDERS**

Employees who obtain a restraining order listing their workplace, person, or the City property as a protected area must provide a copy of the restraining order to their immediate supervisor or the Mayor or the authorized designee. The City needs this information in order to provide a safe workplace.

## **617.7 FOLLOW-UP ACTION**

Any employee reported to have exhibited violent or potentially violent behavior will be afforded all rights provided by law and applicable employment agreements before the City takes any disciplinary action.

Actions that may be taken when an employee has been found to have violated this policy include but are not limited to the following:

- Mandatory participation in counseling
- Placing the employee on paid administrative leave pending investigation into an alleged threat or act
- Corrective/disciplinary action up to and including termination
- Criminal arrest and prosecution
- Special procedures, such as job relocation or initiation of a court order

## *Workplace Violence*

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If, upon investigation, it is determined that an allegation is false or was made maliciously, the employee who provided the false information will be subject to disciplinary action, up to and including termination, as well as possible criminal arrest and prosecution.

### **617.8 LEGAL ACTION**

The Mayor or the authorized designee, in consultation with legal counsel, will determine if a temporary restraining order or injunction should be sought on behalf of the City to reduce future or threatened violent behavior in the workplace.

### **617.9 CORRECTIVE ACTIONS**

At the completion of the investigation and a review of the incident, or in the case of a threat of violence, non-disciplinary corrective actions should be implemented or requested to ensure overall workplace safety. These actions may include but are not limited to:

- Placing the involved employee on administrative leave pending further review and determination of permanent action.
- Administrative leave would be unpaid in the case of a volunteer.
- Reassigning the employee to a different work location.
- Referring the employee to conflict resolution training sessions.
- Referring the employee to the employee assistance program (EAP).
- Modifying workstation designs and office traffic flow patterns.
- Requiring the employee to attend a fitness-for-duty evaluation.
- Developing specific workplace violence procedures for incident response, prevention, and corrective actions.

### **617.10 WORKPLACE VIOLENCE PREVENTION**

All city employees are responsible for assisting in the prevention of violence in the workplace.

The City will provide appropriate training to employees regarding workplace violence.

In the event a violent incident occurs in the workplace, the Mayor or the authorized designee is responsible for ensuring that all responsibilities have been met and actions carried out, as detailed in this policy, and shall review the results of any investigation and ensure appropriate action is taken. Information gathered during an investigation should be used for the continuous improvement of policies and procedures to prevent workplace violence.

## Outside Employment

### 618.1 PURPOSE AND SCOPE

This policy provides guidelines for city employees who seek to engage in authorized outside employment.

#### 618.1.1 DEFINITIONS

Definitions related to this policy include:

**Outside employment** - Duties or services performed by employees of the City for another employer, organization, or individual when wages, compensation, or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those employees who are self-employed and receive compensation or other consideration for services, products, or benefits rendered.

### 618.2 POLICY

City employees shall obtain written approval from the Mayor or the authorized designee prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Mayor or the authorized designee in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment, or engaging in outside employment that is prohibited by this policy, may lead to disciplinary action.

### 618.3 OUTSIDE EMPLOYMENT

#### 618.3.1 REQUEST AND APPROVAL

Employees must submit a written request to engage in outside employment to their immediate supervisors. The request will then be forwarded to the Mayor or the authorized designee for consideration.

If approved, the employee will be provided with a written notification of approval. Unless otherwise indicated in writing, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Employees seeking to continue outside employment must submit a new request at the start of each calendar year.

#### 618.3.2 DENIAL

Any employee whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

#### 618.3.3 REVOCATION

Any employee whose approval for outside employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

## *Outside Employment*

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Approval for outside employment may be revoked or suspended:

- a. When a supervisor determines the employee's performance is failing to meet standards and the outside employment may be related to the deficient performance.
  1. Approval for the outside employment may be re-established when the employee's performance has reached a satisfactory level and with a supervisor's authorization.
- b. When an employee's conduct or outside employment conflicts with city policy or any law.
- c. When the outside employment creates an actual or apparent conflict of interest with the City.

### 618.3.4 APPEAL

If an employee's request for outside employment is denied or if previous approval is revoked or suspended, the employee may file a written notice of appeal with the Mayor or the authorized designee within 10 days of receiving notice of the denial, revocation, or suspension.

A revocation or suspension will only be implemented after the employee has completed the appeal process.

If the employee's appeal is denied, the employee may file a grievance as provided in the Grievances Policy.

## **618.4 REQUIREMENTS**

### 618.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The City reserves the right to deny any request for outside employment that involves:

- a. The use of city time, facilities, equipment, or supplies.
- b. The use of any city badge, uniform, or influence for private gain or advantage.
- c. The employee's receipt or acceptance of any money or other consideration for the performance of duties or services required or expected of the employee in the normal course of employment or appointment.
- d. The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of the City.
- e. Demands upon the employee's time that would render the employee's work performance for the City deficient or substandard.
- f. Activities that may conflict with any other policy or rule of the City.

### 618.4.2 LOCAL GOVERNMENT RESOURCES

Employees are prohibited from using any city equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against employees using their position with the City to gain access to official records or databases.

### 618.4.3 REVIEW OF FINANCIAL RECORDS

## *Outside Employment*

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Unless prohibited by law under the circumstances, prior to approving outside employment, the Mayor or the authorized designee may request that an employee provide a copy of personal financial records for review if it is determined that a conflict of interest may exist. Failure or refusal by the employee to provide such records may result in denial of the outside employment.

If, after approving a request for outside employment, the City obtains information that a financial conflict of interest exists, the Mayor or the authorized designee may request that the employee provide a copy of personal financial records for review. Failure or refusal by the employee to provide such records may result in revocation or suspension of approval of the outside employment pursuant to this policy.

### 618.4.4 CHANGES IN OUTSIDE EMPLOYMENT STATUS

Employees who terminate their outside employment shall promptly submit written notification of such termination to their immediate supervisor. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Employees shall also promptly submit in writing to their immediate supervisor any material changes in outside employment, including any change in the number of hours, type of work, or the demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

### 618.4.5 LEAVE OR RESTRICTED DUTY STATUS

Employees who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Mayor or the authorized designee regarding whether such employment should continue.

In the event that the Mayor or the authorized designee determines that the outside employment should be discontinued, or if the employee fails to promptly notify an immediate supervisor of the employee's intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the employee and a copy attached to the original outside employment request.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

- a. The outside employment is medically detrimental to the total recovery of the employee.
- b. The outside employment requires performance of the same or similar physical ability as would be required in the employee's city job.
- c. The employee fails to give timely notice of intent regarding outside employment to an immediate supervisor.

When the employee returns to full duty with the City, a written request may be submitted to the Mayor or the authorized designee to approve the outside employment request.

## Personal Appearance Standards

### 619.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of city employees.

Dress code requirements for uniformed and non-uniformed employees are addressed in the Dress Code Policy.

### 619.2 POLICY

City employees shall maintain their personal hygiene and appearance to project a professional image that is appropriate for public service and for the department in which they work. Personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to city employees.

### 619.3 GROOMING

The following appearance standards shall apply to all employees unless the employee's supervisor has granted an exception.

#### 619.3.1 PERSONAL HYGIENE

All employees must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair.

Employees should adhere to the following general guidelines in their personal appearance when presenting to work. Employees may be subject to additional personal hygiene standards set forth in supplemental policies established by each department.

- a. Hair shall be neatly trimmed or arranged.
- b. Facial hair (e.g., beards, sideburns, mustaches, eyebrows) must be clean and well-groomed. Facial hair for certain employees may be prohibited if it creates a safety hazard (i.e., facial hair for employees who regularly wear certain types of respirators).
- c. Fingernails should be clean and neatly trimmed to a length that does not present a safety concern.

### 619.4 APPEARANCE

#### 619.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the employee or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

## *Personal Appearance Standards*

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### 619.4.2 TATTOOS

At no time while an employee is representing the City in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material. The City reserves the right to be the sole authority to determine what is considered to be in violation of this section.

Employees shall not add visible tattoos or body piercings after initial employment.

### 619.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while representing the City in any official capacity, that is a deviation from normal anatomical features, and that is not medically required, is prohibited. Such body alteration includes but is not limited to:

- a. Tongue splitting or piercing.
- b. The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- c. Abnormal shaping of the ears, eyes, nose, or teeth (i.e., enlarged or stretched out holes in the earlobes).
- d. Branding, scarification, or burning to create a design or pattern.

### 619.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while representing the City in any official capacity. Such ornamentation includes but is not limited to:

- a. Objects that are bonded to front teeth.
- b. Gold, platinum, or other veneers or caps used for decorative purposes.

### 619.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited during work hours and while representing the City in any official capacity.

### 619.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall present a professional image. Use of cologne, perfume, aftershave lotion, and other items used for body fragrance shall be kept to a minimum.

## **619.5 EXEMPTIONS**

City employees may request exemptions from portions of this policy when application would affect a disability, a religious practice or belief, or other protected characteristics. Requests for exemptions should be addressed to the Mayor or the authorized designee. The Mayor should be advised any time a request for accommodation is denied.

# City of Fort Payne Local Government Manual

Local Gov Policy

## *Personal Appearance Standards*

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## Dress Code

### 620.1 PURPOSE AND SCOPE

This policy provides dress code guidelines for city employees.

Other related topics are addressed in the Local Government-Owned and Personal Property and Personal Appearance Standards policies.

### 620.2 POLICY

It is the policy of the City that uniformed employees are readily identifiable to the public through the proper use and wearing of city uniforms and that the appearance of all employees is suitable and appropriate for their position.

Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of their job

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.

### 620.3 WORK ATTIRE FOR NON-UNIFORMED EMPLOYEES

Non-uniformed employees shall dress in a manner appropriate for their position and any department-specific standards. The following guidelines apply to all non-uniformed employees:

- a. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.
- b. Clothing shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- c. Employees assigned primarily to an office environment, including management, administrative, and support positions, shall wear business-appropriate attire.
- d. Variations from this policy are allowed at the discretion of the employee's immediate supervisor or the head of the department based upon the employee's assigned job duties.
- e. No item of civilian attire that would adversely affect the reputation of the City or employee morale may be worn during work hours.
- f. The following items shall not be worn during work hours or when representing the City in any official capacity:
  1. Clothing that reveals cleavage, the back, chest, stomach, or buttocks to include altered items that reveal an inappropriate amount of skin.
  2. T-shirt alone or exposed undergarments
  3. Swimsuits, tank tops, tube tops, or halter tops
  4. Sweatshirts, sweatpants, or similar exercise clothing
  5. Spandex-type pants or transparent clothing

## *Dress Code*

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6. Denim pants of any color
7. Shorts
8. Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, or obscene language
9. Anything representing political affiliations

### **620.4 UNIFORMS**

The City will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's employment agreement, if applicable. The City may provide other employees with uniforms at the direction of the Mayor.

The Mayor or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by employees as needed. Uniforms shall be worn as described therein and as specified in this policy and any supplemental department policies.

The following shall apply to those employees assigned to wear city-issued uniforms:

- a. Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed, as necessary for the position.
- b. Uniforms shall be worn in compliance with any applicable city specifications.
- c. Uniforms are only to be worn during work hours, at official city functions or events, while in transit to or from work, or when authorized by the Mayor or the authorized designee.
- d. Employees are not to purchase or drink alcoholic beverages while wearing any part of city-issued uniforms.
- e. Supervisors shall monitor employee compliance with this policy through periodic inspections of employees within their department who wear a city-issued uniform.

All uniforms and equipment issued to city employees shall be returned to the City upon termination or resignation.

### **620.5 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES**

City employees may not wear any uniform item, accessory, or attachment unless specifically authorized by the Mayor or the authorized designee.

Employees may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by the Mayor or the authorized designee.

## Family and Medical Leave

### 621.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for managing unpaid leave for eligible employees for qualified medical and family reasons, including (29 USC § 2612):

- The birth, adoption, or foster care placement of a child.
- To care for an immediate family member (spouse, child, or parent) with a serious health condition.
- When an employee is unable to work because of the employee's own serious health condition.
- To care for a spouse, son, daughter, parent, or next of kin who is a service member of the United States Armed Forces and who has a serious injury or illness incurred in the line of duty.

This policy does not address all possible situations and circumstances that may arise when an employee requests leave for family or medical reasons. As these leave situations arise, supervisors should consult with the Mayor or authorized designee to obtain specific guidance regarding leave rights and obligations.

Nothing in this policy supersedes any provision of any employment agreement, civil service or other local rule, or any law that provides greater family or medical leave rights.

#### 621.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - A child under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability (29 USC § 2611; 29 CFR 825.102; 29 CFR 825.122). An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, or foster child; stepchild; or a child for whom the employee is standing in loco parentis (in place of a parent).

**FMLA** - The federal Family and Medical Leave Act (29 USC § 2601 et seq.).

**Qualified health care professional** - A physician, surgeon, doctor of osteopathy, podiatrist, dentist, psychologist, optometrist, nurse practitioner, nurse midwife, clinical social worker, or physician assistant duly licensed and authorized to practice medicine; chiropractors for some purposes; any health care provider from whom the city benefits plan will accept certification of the existence of a serious health condition to substantiate a claim for benefits (29 CFR 825.125).

**Spouse** - The person with whom an employee has entered into a marriage defined or recognized by the location in which the marriage was entered into (29 USC § 2611(13); 29 CFR 825.102; 29 CFR 825.122).

### 621.2 POLICY

## *Family and Medical Leave*

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It is the policy of the City to manage unpaid leave for eligible employees for qualified medical and family reasons in compliance with federal law and any applicable employment agreement.

### **621.3 ELIGIBLE EMPLOYEES**

Employees are eligible for FMLA after working for the City for at least one year and completing 1,250 hours over the 12 months prior to the commencement of the leave (29 USC § 2611; 29 CFR 825.110). Employees may not be eligible for leave if there are fewer than 50 other employees within 75 miles of the employee's work site.

### **621.4 TYPE AND DURATION OF LEAVE**

Generally, eligible employees are entitled under FMLA to 12 workweeks of unpaid leave during a 12-month period (29 USC § 2612; 29 CFR 825.100). Up to 26 weeks of unpaid leave during a single 12-month period may be available to care for certain injured military service members. The 12-month period is measured backward from the date leave is taken and continuously with each additional leave day taken.

#### **621.4.1 SERIOUS HEALTH CONDITIONS**

Eligible employees may take up to 12 weeks of leave to care for a spouse, child, or parent with a serious health condition or when the employee is unable to work because of the employee's own serious health condition (29 USC § 2612(a)(1); 29 CFR 825.200).

If both spouses are employed by the City, the combined number of workweeks to care for a sick parent is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.201).

Generally, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves (29 USC § 2611; 29 CFR 825.113):

- An overnight stay in a hospital, hospice, or residential medical care facility (29 CFR 825.114).
- Continuing treatment by a qualified health care professional due to a serious health condition of more than three full consecutive calendar days (29 CFR 825.115(a)).
- Any period of incapacity due to pregnancy complications or prenatal care (29 CFR 825.115(b)).
- A chronic condition that requires treatment (29 CFR 825.115(c)).
- A permanent condition for which treatment may not be effective (such as Alzheimer's or the terminal stages of a disease) (29 CFR 825.115(d)).
- Any period of absence to receive multiple treatments, including any recovery period, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days without medical intervention or treatment (such as cancer chemotherapy or physical therapy for arthritis) (29 CFR 825.115(e)).

#### **621.4.2 BIRTH OR PLACEMENT OF A CHILD**

## *Family and Medical Leave*

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Eligible employees may take up to 12 weeks of leave for the birth, adoption, or foster care placement of a child of the employee (29 USC § 2612; 29 CFR 825.200). The leave must be concluded within one year of the birth or placement of the child (29 CFR 825.120; 29 CFR 825.121).

If both parents are employed by the City, the combined number of workweeks of leave is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.120; 29 CFR 825.121).

### 621.4.3 MILITARY EXIGENCY LEAVE

Eligible employees may take service member leave of up to 12 weeks for qualifying exigencies occurring because a spouse, child, or parent is on covered active duty or has been notified of an impending order to active duty (29 USC § 2612(a)(1)(E); 29 CFR 825.200). This type of leave is available to a family member of a person in the National Guard, Reserves, or members of the regular Armed Forces deployed to a foreign country. Qualifying exigencies include (29 CFR 825.126):

- Addressing issues that arise from a short notice (seven or less days) deployment.
- Attending military events related to the active duty or call to duty.
- Attending family support or assistance programs.
- Making child care or educational arrangements or attending school activities arising from active duty or a call to active duty.
- Making financial and legal arrangements.
- Spending time with a military member who is on short-term rest-and-recuperation leave during a period of deployment.
- Attending post-deployment activities.
- Addressing issues that arise from the death of a military member, such as making funeral arrangements.
- Caring for a military member's parent who is incapable of self-care, such as providing care on an immediate-need basis or arranging for alternative care.

### 621.4.4 MILITARY CAREGIVER LEAVE

Eligible employees may take up to 26 weeks of leave in a single 12-month period to care for a spouse, son, daughter, parent, or next of kin who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the family member medically unfit to perform work (29 USC § 2612; 29 CFR 825.200).

Military caregiver leave is also available to family members of covered veterans who were members of the Armed Forces, including the National Guard or Reserves, at any point in the five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy (29 USC § 2612; 29 CFR 825.127).

## *Family and Medical Leave*

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During the single 12-month period, employees are entitled to no more than a combined total of 26 weeks of FMLA leave. In any case in which both spouses are employed by the City, the combined number of workweeks of leave is limited to 26 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.127).

Service member FMLA leave runs concurrent with other leave entitlements provided under federal, state, and local law. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

### 621.4.5 INTERMITTENT LEAVE

An employee may take leave for the employee's own serious health condition, for the serious health condition of the employee's spouse, child, or parent, or to care for a covered service member with a serious injury or illness, intermittently or on a reduced schedule if medically necessary, and if that medical need can best be accommodated by an intermittent schedule as defined in federal law (29 USC § 2612 (b); 29 CFR 825.202; 29 CFR 825.124).

Leave due to a military exigency may be taken on an intermittent or reduced leave schedule (29 CFR 825.202).

Intermittent leave for the birth, adoption, or foster care placement of a child is only available if granted at the discretion of the Mayor, unless the employee has a serious health condition in connection with the birth or if the newborn child has a serious health condition (29 CFR 825.120; 29 CFR 825.121).

Intermittent leave for any employee shall be tracked and calculated.

### 621.4.6 PREGNANCY DISABILITY LEAVE

Pregnant employees who are disabled by pregnancy may be entitled to a disability leave in addition to any FMLA leave. The duration of leave is dependent on the circumstances. The Mayor shall defer to a pregnant employee's qualified health care professional in assessing the employee's ability to work.

## **621.5 EMPLOYMENT BENEFITS WHILE ON LEAVE**

While on leave, employees will continue to be covered by any group health insurance to the same extent that coverage is provided while the employee is on the job (29 USC § 2614(c); 29 CFR 825.209). However, employees will not continue to be covered under non-health benefit plans.

Employees are responsible for any health plan employee contributions while on leave (29 CFR 825.210). Employee contribution rates are subject to any change in rates that occurs while the employee is on leave. If an employee fails to return to work after the leave entitlement has been exhausted or expires, the City may recover its share of health plan premiums for the entire leave period unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee

## *Family and Medical Leave*

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or the employee's family member that would entitle the employee to leave, or because of circumstances beyond the employee's control (29 CFR 825.213). The City may recover premiums through deduction from any sums (e.g., unpaid wages, vacation pay).

Employees may not earn additional time off while on unpaid leave.

### **621.6 SUBSTITUTION OF PAID ACCRUED LEAVES**

Subject to applicable employment agreements and civil service rules, employees are required to exhaust all applicable paid accrued leave before taking unpaid leave. Paid accrued leave includes vacation leave, sick leave, personal leave, and compensatory time earned in lieu of overtime, pursuant to the Fair Labor Standards Act, during FMLA leave. Employees may not use paid accrued leave to extend FMLA leave beyond 12 workweeks per year.

### **621.7 USE OF FMLA LEAVE**

If an employee takes a leave of absence for any reason that is FMLA qualifying, the City may designate that non-FMLA leave as running concurrently with the employee's 12-week FMLA leave entitlement.

### **621.8 PROCEDURES**

The following procedures will apply for all employees requesting leave under FMLA:

- a. When a leave is requested for a medical or other FMLA-related treatment appointment, the employee must make a reasonable effort to schedule the appointment at a time that minimizes disruption to city operations (29 USC § 2612; 29 CFR 825.302).
- b. An employee who wishes to take FMLA leave must provide the employee's supervisor with 30 days' advanced notice when the leave is foreseeable or as soon as practicable if the need for leave is not foreseeable (29 USC § 2612; 29 CFR 825.302; 29 CFR 825.303).
- c. At the time of the request, the employee must complete an FMLA request form.

Requests for medical leave shall be accompanied by a qualified health care professional statement, including the date on which the serious health condition began and the estimated date of return to work (29 USC § 2613; 29 CFR 825.302).

Once the leave is requested or designated by the City, the supervisor should forward the request and any medical certifications to the Mayor or the authorized designee and ensure the employee is provided the necessary forms and FMLA information and required notices within five business days (29 CFR 825.300).

Employees are required to provide medical certification of a qualified health care professional or military documentation, if requested (29 CFR 825.305; 29 CFR 825.308; 29 CFR 825.309; 29 CFR 825.310).

Employees shall be required to periodically report on their status and intent to return to work (29 USC § 2614; 29 CFR 825.311). This may assist in avoiding a delay in reinstatement when the employee is ready to return to work.

## *Family and Medical Leave*

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Employees returning from a medical leave for the employee's own serious health condition will be required to present medical verification from a qualified health care professional of the employee's ability to return to work and a list of any restrictions that need to be accommodated (29 USC § 2614; 29 CFR 825.100; 29 CFR 825.312).

### **621.9 REINSTATEMENT FOLLOWING LEAVE**

Generally, employees returning from FMLA leave within the qualified period will be restored to their original job or to an equivalent job with equivalent pay and benefits (but not seniority), unless the employee would not otherwise have been employed at the time reinstatement is requested (e.g., in the case of a layoff) (29 USC § 2614; 29 CFR 825.214; 29 CFR 825.216).

If the same position is no longer available, such as in a layoff, the employee will be entitled to a position that is comparable in pay, job content, and promotional opportunities and geographic location, if such a comparable position exists.

If upon return from leave an employee is unable to perform the essential functions of the job because of a physical or mental disability, the supervisor should work with the Mayor or the authorized designee to engage in an interactive process with the employee to identify a potential reasonable accommodation.

After exhausting paid FMLA leave, non-paid leave will continue until the conclusion of the protected 12- or 26-week time limit. Following the protected leave, the Mayor or the authorized designee in consultation with the legal counsel will determine whether non-FMLA leave should apply.

### **621.10 RESPONSIBILITY**

The responsibilities of the Mayor or the authorized designee include but are not limited to (29 CFR 825.108; 29 CFR 825.110; 29 CFR 825.112; 29 CFR 825.300; 29 CFR 825.301):

- a. Attempting to determine whether an employee absence of four or more days may qualify as FMLA leave.
- b. Determining if an employee is eligible for FMLA leave.
- c. Determining if leave is for an FMLA-qualifying reason.
- d. Granting or denying a request for FMLA leave and providing designation notice to the employee within five business days of designation.
- e. Providing eligibility notice to the employee within five business days of the request for FMLA leave or when acquiring knowledge that an employee's leave may be for FMLA.
  1. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.
- f. Providing a written rights and responsibilities notice each time the eligibility notice is provided to an employee.

The Mayor or the authorized designee should work with legal counsel regarding questions relating to leave or reinstatement from leave under this policy.

## *Family and Medical Leave*

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### 621.10.1 STATE FAMILY AND MEDICAL LEAVE CONSIDERATIONS

The City will comply with the requirements of any applicable state-specific laws providing for family and medical leave. The Mayor or the authorized designee is also responsible for establishing a process for implementing applicable family and medical leave requirements, including consideration of whether an employee is eligible for paid family or medical leave under state law, if applicable.

### **621.11 RECORDS**

The City will maintain leave-related records as required by 29 CFR 825.500 for at least three years and in compliance with the city's established records retention schedule.

Records and documents related to doctor certifications and other medical information created for purposes of complying with FMLA and this policy shall be maintained as confidential medical records in separate files from employee personnel files.

### **621.12 NOTICE TO EMPLOYEES**

The Mayor or the authorized designee should ensure that a notice explaining the FMLA's provisions and procedures is prominently posted in conspicuous places in the City where it can be readily seen by all employees and applicants for employment. Electronic posting is sufficient as long as the other posting requirements have been met as provided by 29 CFR 825.300 (29 CFR 825.300).

## Employee Leave

### 622.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of employee leave. Additional terms for the use of employee leave for eligible employees may be covered in another applicable city policy or employment agreement.

This policy is not intended to cover all types of leave. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as addressed in the Family and Medical Leave Policy.

### 622.2 POLICY

It is the policy of the city to provide eligible employees with leave benefits.

### 622.3 SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Once the employee's sick leave time is used up, the absences will be charged against vacation time.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during an employee's non-working hours when it is reasonable to do so.

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.

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 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.

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.

## Employee Leave

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Sick leave benefits will be calculated based on the employee's base pay rate at the time of the absence.

Sick leave benefits shall not be accrued while the employee is out on sick leave or through overtime hours

Paid sick leave can be used in minimum increments of one (1) hour.

An employee cannot be paid for accrued sick leave while currently employed by the City. Upon retirement of a vested employee as outlined in the RSA guidelines, sick leave will be paid out at 1/2 of the total time accrued.

If an employee transfers from one employment classification to another, the employee's accumulated leave hours will be converted to his new classification rate.

A sick "day" is equal to one shift.

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.

For sick leave accrual rates see new employees sick time accrual will be prorated based on the date of hire.

[2019-01 Amending the Personnel Policy.pdf](#)

### 622.3.1 WORK-RELATED ABSENCES

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 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 leave during the absence in full or to make up any income shortfall from workers compensation. 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.

### 622.3.2 NOTIFICATION

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

## *Employee Leave*

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additional day of absence.. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the employee contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee shall, whenever possible and practicable, provide the City with no less than 10 days' notice of impending absence.

Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

### **622.4 EXTENDED ABSENCE**

Employees absent from work for more than three consecutive days must be required to furnish a statement from a health care provider or verification supporting the need to be absent and/or the ability to return to work. Employees on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

### **622.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include but are not limited to:

- a. Monitoring and regularly reviewing the attendance of employees to ensure that the use of sick leave and absences is consistent with this policy.
- b. Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Mayor as appropriate.
- c. Addressing absences and sick leave use in the employee's performance evaluation when excessive or unusual use has:
  1. Negatively affected the employee's performance or ability to complete assigned tasks.
  2. Negatively affected city operations.
- d. When appropriate, counseling employees regarding excessive absences and/or inappropriate use of sick leave.
- e. Referring eligible employees to an available employee assistance program when appropriate.

### **622.6 CATASTROPHIC ILLNESS**

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.

## *Employee Leave*

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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.

### 622.6.1 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

### 622.6.2 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.

### 622.6.3 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.
- 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 leave 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.

## *Employee Leave*

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- g. Donating time shall at all times be voluntary on the part of an employee

### **622.7 VACATION**

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.

Once the employee's vacation time has been used up, the worker may, upon approval by his supervisor and the Human Resources Department, 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.

For vacation time accrual rates see

[2025-31 A resolution Amending 2023-25.pdf](#)

#### **622.7.1 USE OF VACATION TIME PROCEDURES**

- a. Vacation will be awarded on January 1st of each year in the increments listed in City policies or procedures (previously known as 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".
- b. Unused current vacation time cannot be carried forward to the next calendar year. Any unused current vacation time will be paid on the first full paycheck of the next 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".
- c. The maximum amount of vacation 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 vacation time totals. An employee must retain a minimum one (1) week of vacation time.
- d. Paid vacation time can be used in minimum increments of one (1) hour.
- e. 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.

### **622.8 VOTING LEAVE**

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.

## *Employee Leave*

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

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

### **622.9 EDUCATION AND TRAINING LEAVE**

The City of Fort Payne recognizes the need for regular full-time employees to continuously upgrade existing skills, meet educational 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:

- a. Improving existing skills directly related to the performance of his/her current job.
- b. Maintain existing certification if certification is a requirement for the job the employee presently performs.
- c. 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.

### **622.10 JURY DUTY LEAVE**

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.

## *Employee Leave*

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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.

### 622.10.1 PROCEDURE TO REQUEST JURY DUTY LEAVE

- a. An employee summoned for jury duty should advise the department head upon notification to appear.
- b. 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.
- c. 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.
- d. The department head shall determine the appropriate amount of time to be charged to jury duty leave and notify the Human Resources Department.

## Travel Reimbursement Policy

### 623.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines for submission and reimbursement of city travel-related expenses. This policy applies to all employees and elected officials who incur travel expenses on behalf of the City.

#### 623.1.1 DEFINITIONS

Definitions related to this policy include:

**Travel expenses** - Eligible expenses for travel, lodging, meals, and registration fees associated with participation in approved training programs, conventions, seminars, memorials, and other events that relate to an employee's or elected official's responsibilities, training, and/or education, or that serve a direct city purpose including charges for telephone calls, fax, and similar services required for business purposes.

### 623.2 POLICY

It is the policy of the City to reimburse employees and elected officials for reasonable and necessary work-related travel expenses.

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

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.

### 623.3 COORDINATOR

The City Treasurer should designate an employee to develop and maintain procedures related to this policy. Procedures should include:

- a. Detailed processes for submitting pre-approvals and travel reimbursement requests.
- b. Reviewing and maintaining necessary forms and documentation.
- c. Periodic audits to review compliance with this policy.

### 623.4 EXPENSE GUIDELINES

#### 623.4.1 TRANSPORTATION

## Travel Reimbursement Policy

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All travel should be by the most cost-effective means possible, considering distance, location, and type. The following forms of travel should be considered:

- a. City vehicle
  1. When using a city vehicle, the fuel, tolls, and reasonable parking expenses (e.g., valet should not be used unless there is no other option) will be reimbursed.
- b. Private vehicle
  1. Mileage cost for use of personal cars at the standard IRS expense claim rate, only when less expensive transportation is not available.
- c. Rental vehicle, train, and air
  1. Employees or elected officials should obtain approval from the Mayor or the authorized designee before booking a rental vehicle, train fare, or airfare.
  2. Full reimbursement may not be approved if the employee or elected official does not obtain advance approval and/or does not purchase the most economical fare.
  3. Airfare or train fare for travel in coach or economy class or the lowest available fare
  4. Car rental fees, only for compact or mid-sized cars
  5. Fares for shuttle or airport bus service, where available, and cost of public transportation for other ground travel
  6. Taxi fares or other ride share services, only when there is no less expensive alternative

Any employee who is involved in an accident while traveling on City business must promptly report the incident to their 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.

### 623.4.2 ACCOMMODATIONS

If travel requires the employee or elected official to stay overnight, the employee or elected official should arrange lodging and request approval from the City Treasurer or the authorized designee before departure.

Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings. . Employees or elected officials should make all reasonable efforts to get the best rates possible, including researching whether government rates are available and whether tax-exempt certificates are accepted or assignments of rights to refund are provided. Employees or elected officials are expected to take reasonable steps to provide or obtain the forms for tax exemption, when applicable, and submit the forms to the City in a timely manner.

### 623.4.3 MEALS

## *Travel Reimbursement Policy*

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Employees or elected officials traveling on city business may choose meal cost reimbursement according to the terms and conditions as established by the City. Reimbursement for the cost of meals should not exceed \$100 per day,

### 623.4.4 PROHIBITED EXPENSES

Expenses not eligible for reimbursement include but are not limited to:

- a. Expenses for any non-employee or non-elected official.
- b. Non-business-related telephone calls.
- c. Entertainment expenses.
- d. Alcoholic beverages.
- e. Outside meals if the conference/event lodging reservation includes a meal package.
- f. Any travel-related expense that is covered by another source.

### 623.5 APPROVALS

All travel should be pre-approved by the City Treasurer or the authorized designee. Once travel has been completed, the employee or elected official should submit requests for travel expense reimbursement:

- a. To the City Treasurer or the authorized designee for review and approval as soon as practicable, but no later than 14 days after completion of travel.
- b. On a city form. The form should contain a statement that the expenses were incurred by the traveler as necessary for the performance of official duties and shall be verified by a written declaration that all information is true and correct.
- c. With an attached receipt or other documentation of the expense.

Upon receipt of a request for reimbursement, the City Treasurer or the authorized designee should review and process the request as appropriate. If additional information is needed to process the request, the employee should be given an opportunity to provide the information. If a request for reimbursement is denied, the reason for the denial should be provided in writing, and the employee should have an opportunity to respond.

If an employee fails to follow the required processes and obtain appropriate approvals, reimbursement of travel expenses may be denied.

## Petty Cash Management

### 624.1 PURPOSE AND SCOPE

This policy provides for the establishment and administration of a city petty cash fund.

### 624.2 POLICY

The City will establish, administer, and maintain a petty cash fund according to this policy.

#### 624.2.1 DEFINITIONS

Definitions related to this policy include:

**Custodian** - The individual designated by the City Treasurer, or the authorized designee, as having custody of and responsibility for maintaining the petty cash fund.

**Petty cash fund** - A reserve of money established to make small purchases when payment by purchase order or voucher is not practical.

### 624.3 RESPONSIBILITIES

#### 624.3.1 CITY TREASURER RESPONSIBILITIES

The City Treasurer, or the authorized designee, is responsible for establishing and maintaining procedures for the operation of a petty cash fund consistent with state and local law. The procedures should include but are not limited to:

- a. Designation of a petty cash custodian.
- b. Initial and replenishment fund amounts. The petty cash fund should not exceed the amount established by the City.
- c. Maximum dollar amount for purchases.
- d. A petty cash ledger for use by the custodian. The ledger may be maintained electronically or by hand and should require the following information for all transactions:
  1. The name of the employee receiving cash
  2. The amount disbursed to the employee
  3. The reason for the disbursement
  4. The amount of any cash returned
  5. The amount of any cash received to replenish the account
  6. A copy of any purchase receipt
- e. A requirement that the custodian provide a full accounting and reconciliation of all fund transactions to the City Treasurer, which the City Treasurer should then review and approve according to the petty cash procedures before authorizing replenishment of the petty cash fund.

## *Petty Cash Management*

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- f. A requirement that the petty cash fund be audited by the City Treasurer's authorized designee at least quarterly and that the results of the audit are provided to the City Treasurer.
- g. Creation of disciplinary guidelines for situations where the custodian has violated this policy or applicable procedures, or where an employee is found to have provided false information for the purpose of obtaining petty cash funds, including referral to law enforcement when the facts indicate that a crime may have occurred.
- h. Designation of a physical location for the petty cash fund. The fund should be secured in the following manner:
  - 1. A lockbox with a key or combination lock.
  - 2. The lockbox should then be stored in a safe, securable drawer, cabinet, or locker.
  - 3. The safe, securable drawer, cabinet, or locker should be in a securable room or office with restricted access.

### 624.3.2 PETTY CASH CUSTODIAN RESPONSIBILITIES

The custodian's responsibilities should include but are not limited to:

- a. Maintaining the fund according to this policy, petty cash procedures, and state and local laws.
- b. Remaining familiar with applicable state and local laws relating to petty cash funds and proposing related updates to procedures as necessary.
- c. Requesting replenishment funds from the City Treasurer, or the authorized designee, when the funds in the account fall below the established replenishment amount or requesting funds needed to bring the fund back to the maximum allowable amount.
- d. Receiving funds for replenishment only from funds approved and allocated from the city accounts or from returned, unused funds properly issued to employees.
- e. Maintaining the petty cash ledger according to this policy and the petty cash procedures.
- f. When someone other than the custodian will be handling the petty cash fund, accounting for all petty cash and vouchers before transferring petty cash responsibilities to the alternate custodian.

## **Fitness and Wellness**

### **625.1 PURPOSE AND SCOPE**

The purpose of the Fitness and Wellness Program is to encourage, motivate, and challenge employees to take an active interest in their physical performance capability and to promote general employee health and well-being.

### **625.2 POLICY**

The City has established a voluntary fitness and wellness program that is available to all city employees.

### **625.3 FITNESS AND WELLNESS COORDINATOR**

The Mayor or the authorized designee should appoint a fitness and wellness coordinator. The fitness and wellness coordinator should be responsible for:

- a. Establishing program components.
- b. Administering the program.
- c. Managing the delivery of education and services.
- d. Communicating fitness and wellness opportunities to employees.
- e. Maintaining records of program successes and participation rates. Names of participants should not be included.
- f. Managing the program within the established budget.

### **625.4 TRAINING**

Training documentation related to the fitness and wellness coordinator position should be maintained in the employee's training file.

## Conflict of Interest

### 626.1 PURPOSE AND SCOPE

The purpose of this policy is to assist employees in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the City.

#### 626.1.1 DEFINITIONS

Definitions related to this policy include:

**Business relationship** - A situation when an employee serves as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the employee's annual interest, compensation, investment, or obligation is greater than \$250. This includes business relationships as defined by state law.

**Conflict of interest** - Any actual, perceived, or potential conflict of interest in which it reasonably appears that an employee's action, inaction, or decisions are or may be influenced by an employee's personal or business relationship. This includes conflicts defined and prohibited by state law.

### 626.2 POLICY

Employees of the City are expected to conduct themselves with the utmost professional integrity and objectivity. Employees will guard against actual or perceived conflicts of interest to ensure the fair and equitable treatment of city employees and the public, and thereby maintain the trust of the public and city employees.

### 626.3 RESTRICTED DUTIES AND ASSIGNMENTS

The City prohibits the following types of personal or business relationships among employees:

- a. Employees are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
  1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor should make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
  2. When personnel and circumstances permit, the City will attempt to make every reasonable effort to avoid placing such employees in supervisor/subordinate situations. The City, however, reserves the right to transfer or reassign any employee to another position within the same classification to avoid conflicts with any provision of this policy.

## *Conflict of Interest*

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- b. Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- c. Whenever possible, trainers should not be assigned to train relatives. Trainers are prohibited from entering or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

### 626.3.1 EMPLOYEE RESPONSIBILITY

Employees shall follow all laws regarding actual or perceived conflicts of interest and should avoid situations that create the appearance of an actual or perceived conflict of interest. Employees should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved employee).

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or to provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, that employee shall promptly notify an uninvolved immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the Mayor to have another uninvolved employee either relieve the involved employee or, minimally, remain present to witness the action.

### 626.3.2 SUPERVISOR RESPONSIBILITY

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor should take all reasonable steps to promptly mitigate or avoid such violations whenever possible.

Supervisors should also promptly notify the Mayor of such actual or potential violations.

## **Personal Firearms**

### **627.1 PURPOSE AND SCOPE**

The purpose of this policy is to promote the safety of all employees by providing guidance on the possession of firearms in the workplace.

This policy does not apply to duty firearms authorized by the City for use by employees while performing official duties.

### **627.2 POLICY**

The City will make reasonable efforts to reduce risk to employees and the public by placing limitations on firearms being brought onto city property, or carried by employees during work hours or while representing the City in any capacity.

### **627.3 PROHIBITIONS**

Employees are prohibited from possessing a firearm while on or in city property or vehicles, during work hours, and while representing the City in any capacity except as provided in this policy and consistent with state law and with the approval of the Mayor.

### **627.4 FIREARMS IN VEHICLES**

Employees are prohibited from keeping a firearm in the employee's personal vehicle parked on city property except as expressly permitted by state law.

If state law permits an employee to keep a firearm in the employee's personal vehicle parked on city property, the firearm shall be safely secured consistent with the requirements of state law.

## Personnel Investigations

### 628.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of employees of the City. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of an employee in the normal course of employment, by a supervisor or any other employee.

### 628.2 POLICY

The City takes seriously all complaints regarding the service provided by the City and the conduct of its employees.

The City will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, and municipal and/or county rules, and the requirements of any applicable employment agreements.

It is also the policy of the City to ensure that the community can report misconduct without concern for reprisal or retaliation.

### 628.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of city policy or federal, state, or local law or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate city policy or federal, state, or local law, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or questions regarding specific interactions with the public.

#### 628.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified into one of the following categories:

**Informal** - A matter in which the Department Head or the Mayor is satisfied that appropriate action has been taken by a supervisor of the employee.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by the Human Resources Department or referred to the Department Head or the Mayor, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Human Resources

## *Personnel Investigations*

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Department, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

### 628.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- a. Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.
- b. Any city employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- c. Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- d. Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- e. Tort claims and lawsuits may generate a personnel complaint.

## **628.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

### 628.4.1 COMPLAINT FORMS

Personnel complaint forms will be available upon request.

### 628.4.2 ACCEPTANCE

All complaints will be courteously accepted by any city employee and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving employee shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

## **628.5 DOCUMENTATION**

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

Each department should establish procedures to ensure that all complaints and inquiries are documented (either electronically or on a written log) to record and track complaints. The documentation shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department Head should audit the log and send an audit report to the Mayor or the authorized designee.

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### **628.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

#### **628.6.1 SUPERVISOR RESPONSIBILITIES**

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Department Head should consult with the Human Resources Department and the Mayor, as appropriate, to determine whether a claim should be investigated by another supervisor, the Human Resources Department, or by an outside investigator.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- a. Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
  1. The original complaint form will be directed to the accused employee's immediate supervisor, who will take appropriate action and/or determine who will have responsibility for the investigation.
  2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Department Head or the Mayor, who will initiate appropriate action.
- b. Responding to all complainants in a courteous and professional manner.
- c. Resolving those personnel complaints that can be resolved immediately.
  1. Follow-up contact with the complainant should be made within one business day of the City receiving the complaint.
  2. If the matter is resolved and no further action is required, the supervisor will note the resolution on the complaint form and forward the form to the Department Head.
- d. Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Department Head and the Mayor are notified as soon as practicable.
- e. Promptly contacting the Department Head and the Human Resources Department for direction regarding the supervisor's role in addressing a complaint that relates to harassment or discrimination.
- f. Forwarding unresolved personnel complaints to the Department Head, who will determine whether to contact the complainant or assign the complaint for investigation.
- g. Investigating a complaint as follows:
  1. Making reasonable efforts to obtain names, addresses, email addresses, and telephone numbers of witnesses.
  2. When appropriate, ensuring immediate medical attention is provided.
- h. Ensuring that the procedural rights of the accused employee are followed.

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- i. Ensuring interviews of the complainant are generally conducted during reasonable hours.

### 628.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

The following procedures should be followed with regard to any accused employee subject to investigation by the city:

- a. Interviews of an accused employee should be conducted during reasonable hours and preferably when the employee is working. If the employee is off work, they shall be compensated as appropriate.
- b. Unless waived by the employee, interviews of an accused employee should be at the City or other reasonable and appropriate place.
- c. No more than two interviewers should ask questions of an accused employee.
- d. Before any interview, an employee should be informed of the nature of the investigation.
- e. All interviews should be for a reasonable period, and the employee's personal needs should be accommodated.
- f. No employee should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- g. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a proper advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
  - 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- h. The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
- i. All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- j. All employees shall provide complete and truthful responses to questions posed during interviews.
- k. No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

### 628.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete, and essentially follow this format:

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**Introduction** - Include the identity of the employees, the identity of the assigned investigators, the initial date, and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

### 628.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve city employees. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the supervisor shall take appropriate action with regard to any additional allegations.

### 628.6.5 COMPLETION OF INVESTIGATIONS

Every supervisor or investigator assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within a reasonable period from the date of discovery by an individual authorized to initiate an investigation.

### 628.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The employee conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate. If an outside investigator has been retained to conduct the investigation, a representative from the Human Resources Department should facilitate the updates.

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### **628.7 ADMINISTRATIVE SEARCHES**

**Search of City Property** - The City of Fort Payne reserves the right to conduct searches of the City's premises, including work areas, rest areas, parking lots, offices, rest rooms, eating areas, City vehicles, lockers, desks, and cabinets. Employees must use only locks provided by the City to secure City vehicles, lockers, desks, file cabinets, rooms, and other areas, on City premises. (If an employee is permitted to use his or her own lock to secure such areas, the employee must provide the City with the lock's combination or a duplicate key to the lock.) Searches of City property may be conducted at any time without advance notice and without employee consent, but the affected employee will be offered an opportunity to be present during such searches. Employees who refuse to cooperate with such searches may be subject to discipline up to and including termination.

**Employee Searches** - The City also reserves the right to conduct searches of an employee's person, property, or possessions, including an employee's clothing, briefcase, purse, urine, blood, lunch box, tool box, or motor vehicle. No search will be conducted pursuant to this paragraph unless the City has reasonable grounds to believe the search will produce evidence of employee wrongdoing. Prior to conducting a search pursuant to this paragraph, the City will explain to the employee the reason for the search and request the employee's consent to the search. Searches consented to will be conducted in a manner that minimizes any intrusions into the employee's privacy. No search will be conducted if the employee refuses to consent to the search, but an employee's refusal to cooperate with search efforts may subject the employee to disciplinary action.

There shall be an independent witness such as a member of the Human Resources Department or department head or supervisor of another department present during the search, and the affected employee will be offered an opportunity to be present during such search. If a search uncovers evidence of employee wrongdoing, illegal activity, or violations of City rules or policies, the evidence may be used to support disciplinary actions up to and including termination. In cases involving suspected illegal activities, the evidence may be turned over to the proper legal authorities.

### **628.8 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the City, the Mayor, the Department Head, or the authorized designee may temporarily assign an accused employee to administrative leave after consultation with the Human Resources Department. Any employee placed on administrative leave:

- a. May be required to relinquish any city badge, identification, and any other city equipment.
- b. Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- c. May be temporarily reassigned to a different position, during the investigation. The employee may be required to remain available for contact at all times during work hours and will report as ordered.

### **628.9 CRIMINAL INVESTIGATION**

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Where an employee is accused of potential criminal conduct, the Department Head may refer the matter to the appropriate authority.

The Mayor and Human Resources Departments shall be notified as soon as practicable when an employee is accused of criminal conduct.

### **628.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, the investigation report should be forwarded to the Department Head through the supervisory chain of command, as appropriate. The Department Head may accept or modify any classification or recommendation for disciplinary action.

#### **628.10.1 DISCIPLINARY RECOMMENDATIONS**

The employee conducting the investigation should forward the investigation report to the appropriate position tasked with recommending discipline (e.g., Department Head, Human Resources Department representative, mid-level supervisor), who shall review the entire investigative file, the employee's personnel file, and any other relevant materials and make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Before forwarding recommendations to the Department Head, the employee making the recommendation may return the entire investigation to the assigned investigator for further investigation or action.

If an outside investigator has been retained to conduct the investigation, a representative from the Human Resources Department should facilitate the receipt and forwarding of the investigation report to the appropriate position for a disciplinary recommendation.

#### **628.10.2 RESPONSIBILITIES OF DEPARTMENT HEAD**

Upon receipt of any written recommendation for disciplinary action, the Department Head shall review the recommendation and all accompanying materials. The Department Head may modify any recommendation and/or may return the file to the investigator for further investigation or action.

Once the Department Head is satisfied that no further investigation or action is required by staff, the Department Head shall determine the amount of discipline, if any, that should be imposed. If disciplinary action is proposed, the Department Head shall provide the employee with a written notice and the following:

- a. Access to all materials considered by the Department Head in recommending the proposed discipline.
- b. An opportunity to respond orally or in writing to the Department Head within five business days of receiving the notice.

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1. Upon a showing of good cause by the employee, the Department Head may grant a reasonable extension of time for the employee to respond.
2. If the employee elects to respond orally, the presentation shall be recorded by the City. Upon request, the employee shall be provided with a copy of the recording.

Once the employee has completed their response, or if the employee has elected to waive any such response, the Department Head shall consider all information received regarding the recommended discipline. The Department Head shall render a timely written decision to the employee and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Department Head has issued a written decision, the discipline shall become effective.

### 628.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Department Head should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint consistent with any applicable state laws.

## **628.11 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Department Head after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- a. The response is not intended to be an adversarial or formal hearing.
- b. Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- c. The employee may suggest that further investigation could be conducted, or the employee may offer any additional information or mitigating factors for the Department Head to consider.
- d. If the Department Head elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- e. The employee may thereafter have the opportunity to further respond orally or in writing to the Department Head on the limited issues of information raised in any subsequent materials.

## **628.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

If an employee tenders a written resignation or notice of retirement before the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

## **628.13 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any applicable employment agreements and/or other city personnel rules.

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### **628.14 PROBATIONARY EMPLOYEES**

At-will and probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Mayor, Department Head, or the authorized designee.

In cases where an individual on probation has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Department Head.

### **628.15 FRINGE BENEFITS**

If the discipline issued is dismissal, the employee shall be provided written notice as to the status of their fringe and retirement benefits after dismissal.

### **628.16 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

## **Military Leave**

### **629.1 PURPOSE AND SCOPE**

This policy provides general guidance regarding leave to perform military service as a member of the Reserves or National Guard, or for active duty in the U.S. Armed Forces as provided in the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) (38 USC § 4301 et seq.).

This policy does not address every situation or circumstance that may arise when an employee is performing military service or ordered to active duty. As military leave situations arise, supervisors should consult with the Human Resources Department or legal counsel to obtain specific guidance regarding military leave rights.

### **629.2 POLICY**

The City supports employees who may be called or who volunteer to serve in the military. The City will comply with USERRA and state and local laws relating to military leave.

### **629.3 MILITARY LEAVE**

Generally, employees on military leave are entitled to the same rights and benefits that are provided to employees having similar seniority, status, and pay who are on furlough or leave of absence (38 USC § 4316).

#### **629.3.1 LENGTH OF LEAVE**

Employees are entitled to a military leave of absence for up to a maximum of five years. Military leave is available for both voluntary and mandatory service (38 USC § 4303; 38 USC § 4312).

There are exceptions to the five-year cumulative total, including inactive duty training (drills), annual training, involuntary recall, or retention in support of war, national emergency, certain operational missions, or training or retraining requirements (38 USC § 4312).

### **629.4 PROCEDURES AND RESPONSIBILITIES**

Employees who require military leave shall provide as much advance written or verbal notice of the pending service as reasonably possible (38 USC § 4312).

Additionally, the employee should:

- a. Provide copies of official orders or other official documentation, if available.
- b. Select the benefit options desired during absence, if applicable.
- c. Retain copies of all submitted documents.

### **629.5 COORDINATION WITH CONTRACTS, PRACTICES, AND OTHER RULES**

## *Military Leave*

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Wherever USERRA has more generous protections and benefits than state or local law, any applicable employment agreement, or local policy or practice, the City will apply the more beneficial right or benefit (38 USC § 4302).

### **629.6 LEAVE ACCRUALS**

Employees are not required to use accrued leave while on military leave. However, employees may choose to use accrued annual leave or earned compensatory time, at their discretion (38 USC § 4316).

Employees will not accrue sick days or paid time-off days during any period of military leave without pay. However, upon return, military leave time will be included in determining leave accruals. For example, if vacation accrual increases from two weeks to three weeks upon completion of five years of service, then a person who works for two years, serves two years on active duty, and then returns, would be entitled to three weeks of vacation one year after reemployment.

### **629.7 HEALTH CARE BENEFITS**

Employees on military leave may elect to purchase continuing health care coverage for a period of time that is the lesser of:

- a. The 24-month period beginning on the first day of the employee's absence for military leave.
- b. The period beginning on the first day of the employee's absence for military leave and ending on the date that they fail to return from service or apply for reemployment.

If the duration of an employee's military service is less than 31 days, the employee may purchase continuing health care coverage under the city's health plan for no more than the regular employee share. If the military service is 31 days or more, the City will charge the employee for no more than 102% of the full premium of the health care plan (38 USC § 4317).

### **629.8 RETURN FROM DUTY**

Employees returning from a military leave of absence must report to work as follows (38 USC § 4312; 20 CFR 1002.118):

- a. For periods of service less than 31 days, employees must report back to work no later than the beginning of the first shift that begins on the first full day that follows the end of the employee's service period, plus a reasonable time to travel to the employee's residence, plus eight hours. If reporting within this period is impossible or unreasonable through no fault of the employee, the employee must return as soon as possible after expiration of the eight-hour period.
- b. For periods of service of more than 30 days but less than 181 days, employees must apply for reemployment verbally or in writing no later than 14 days after completing service, or, if impossible or unreasonable to do so through no fault of the employee, no later than the next first full calendar day when it is possible to do so.
- c. For periods of service of more than 180 days, employees must apply for reemployment verbally or in writing no later than 90 days after completion of service.

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Employees who are recovering from an illness or injury incurred in or aggravated during military service must report to the City or apply for reemployment as provided in this policy at the end of the period necessary to recover from such illness or injury. The recovery period may not exceed two years, except when circumstances beyond the employee's control exist.

An employee who fails to report or apply for reemployment in a timely manner will be subject to the city's rules of conduct and established policies covering absence from scheduled work.

### **629.9 REEMPLOYMENT RIGHTS**

An employee returning from a temporary military duty leave of absence is generally entitled to reinstatement to the position and benefits they would have attained if not absent for military duty or, in some cases, a comparable job (38 USC § 4312).

#### **629.9.1 FORMER POSITION**

An employee returning from regular active military leave is entitled to reinstatement in the position that they would have attained had the employee not taken leave. If the leave exceeded 90 days, the employee is also entitled to a position of like seniority, status, and pay (38 USC § 4313).

If an employee returning from military leave is not able to perform the essential duties of the position the employee would have attained, the City will make reasonable efforts to help the employee become qualified (20 CFR 1002.198). If the employee remains unable to perform the essential duties of the position after the city's reasonable efforts, the employee is entitled to their previously held position at the time of departure or, in the case the leave exceeded 90 days, a position of like seniority, status, and pay. Where an employee remains unqualified for both of these positions after reasonable efforts by the City, the employee is entitled to the nearest approximation to these positions (38 USC § 4313).

When a returning employee cannot become qualified because of a disability incurred in or aggravated during uniformed service, the City, after making reasonable accommodations, must find a position of equivalent seniority, status, and pay for which the employee is qualified, or the nearest equivalent (38 USC § 4313; 20 CFR 1002.198).

#### **629.9.2 COMPENSATION AND BENEFITS**

Upon return from regular active military duty, an employee is entitled to seniority and seniority-based rights and benefits, including but not limited to:

- a. Receiving credit for the time spent in uniformed service under honorable conditions for purposes of seniority, retirement, promotion, and merit salary increases (20 CFR 1002.210).
- b. Receiving credit for time spent on military leave for purposes of calculating eligibility for leave under the Family and Medical Leave Act (20 CFR 1002.210).
- c. Returning to the level in the salary range that they would have attained had the employee not left on military leave (20 CFR 1002.236).

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- d. Receiving the same contribution to retirement benefits upon reemployment that the City would have contributed had they not taken leave (20 CFR 1002.261).
- e. Being treated as not having a break in service for purposes of participation, vesting, and accrual of pension benefits (38 USC § 4316; 38 USC § 4318).
- f. Reenrolling in city health benefits without any waiting period.
- g. Restoring benefits that were elected by the employee and their dependents at the time military service began, as well as to any other benefits that began during the leave for which the employee would reasonably have become eligible.

### 629.9.3 EMPLOYEE REEMPLOYMENT RESPONSIBILITIES

An employee returning from regular active military leave is entitled to reinstatement rights only if the employee (38 USC § 4312):

- a. Has given advance written or verbal notice of such service, unless precluded by military necessity.
- b. Has served in the uniformed service for no more than five years cumulatively while employed at the City, except as provided in 38 USC § 4312(c).
- c. Has been issued a discharge under honorable conditions.
- d. Reports to the City or applies for reemployment in a timely manner as provided in this policy.
  - 1. In the case that the military leave exceeds 30 days, submits documentation showing (20 CFR 1002.121; 20 CFR 1002.123):
    - a. The application for reemployment is timely.
    - b. The employee has not exceeded the cumulative five-year limit of service in the uniformed services, except as provided in 38 USC § 4312(c).
    - c. The employee's separation or dismissal from service was not disqualifying.

### 629.9.4 CITY REEMPLOYMENT RESPONSIBILITIES

The City shall promptly reinstate employees entitled to reinstatement but no later than 14 days after a request for reinstatement. In the case of unusual circumstances, the City shall reinstate employees as soon as practicable (20 CFR 1002.181).

The City is not required to reemploy a person after military leave if any of the following conditions exist (38 USC § 4312):

- a. The city's circumstances have so changed as to make such reemployment impossible or unreasonable.
- b. Such reemployment would impose an undue hardship upon the City.
- c. The person held a nonrecurrent job for a brief period of time and had no reasonable expectation that such employment would continue.

Supervisors should consult with the Human Resources Department or legal counsel before determining whether any of these conditions exist.

## **629.10 RETENTION**

## *Military Leave*

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An employee who is reinstated after returning from military leave may not be discharged, except for cause (38 USC § 4316; 20 CFR 1002.247):

- a. For 180 days after the date of reemployment if the most recent period of military service was more than 30 days and less than 181 days.
- b. For one year after the date of reemployment if the most recent period of military service was more than 180 days.

### **629.11 DISCRIMINATION AND RETALIATION PROHIBITED**

Discrimination or retaliation against any employee for participation in military service is prohibited, whether the employee volunteers or is ordered to active military service (38 USC § 4311).

### **629.12 STATE AND LOCAL MILITARY LEAVE CONSIDERATIONS**

Eligible employees may be entitled to additional benefits related to military leave under state and local requirements (e.g., compensation, drills, temporary military leave for training).

The City will comply with the requirements of any applicable state or local laws that provide for military leave benefits.

Employees should consult with their supervisor and the Human Resources Department for additional information regarding applicable leave benefits.

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## Employment Classifications and Categories

### 630.1 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.

### 630.2 CLASSIFICATIONS

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

- a. Non-Exempt employees are entitled to overtime pay under the specific provisions of Federal and State laws.
- b. 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 Human Resources Department.

### 630.3 CATEGORIES

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

- a. 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.
  1. 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.
  2. 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.
  3. 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.
- b. 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

## *Employment Classifications and Categories*

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

- c. 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 Mayor 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.
- d. 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.

## Emergency Weather Policy

### 631.1 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.

### 631.2 PROCEDURES

- a. Each department should have an inclement weather plan in place outlining basic expectations of employees during inclement weather.
- b. Employees may be placed on standby when inclement weather is forecast.
- c. Supervisors are responsible for notifying employees if they are expected to work during off-duty hours.
- d. 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.
- e. 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.
- f. 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 vacation time. If no leave time is available to that employee, the employee will not receive compensation for the hours missed.

## Pay Policies

### 632.1 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, in its present form and as hereinafter amended by the City Council.

### 632.2 CLASSES AND PROCEDURES

- a. 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 Department Head.
- b. Probationary Increase: Employees successfully completing the probationary period and approved for regular status are eligible for a one-step wage increase.
- c. 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 Mayor. An employee may be recommended and similarly approved for an increase because of special training he has completed for desired and approved job skills

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

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## Pay Deductions and Corrections

### 633.1 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.

### 633.2 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 Human Resources Department 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.

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## Employee Benefits

### 634.1 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.

### 634.2 BENEFITS

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.

### 634.3 INSURANCE: HEALTH AND LIFE

## *Employee Benefits*

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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.

### 634.3.1 EXTENDED COVERAGE

- a. 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.
- b. 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.
- c. 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.

### 634.4 RETIREMENT PROGRAM

The City participates in the Alabama State Employees Retirement System.

# City of Fort Payne Local Government Manual

Local Gov Policy

## *Employee Benefits*

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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 Human Resources Department upon request.

## Reduction in Force

### 635.1 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

## Seniority

### 636.1 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

### 637.1 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:

- a. The collection of money, goods, or gifts for political groups
- b. The sale of goods, services, or subscriptions outside the scope of official organization business
- c. The circulation of petitions
- d. The distribution of literature not approved by the employer
- e. 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 Human Resources Department for approval. All approved messages will be posted by the Human Resources Department.

## Training and Education

### 638.1 PURPOSE AND SCOPE

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.

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.

### 638.2 POLICY

- a. The City will offer an automatic salary adjustment for certain training and education.
- b. 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.
- c. 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.

### 638.3 DEFINITIONS

**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.

### 638.4 RESTRICTIONS TO TRAINING

- a. 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.
- b. A probationary employee may not receive training raises other than automatic raises, prior to achievement of regular full-time employment with the City and after completion of all required minimum basic training for the employing department.
- c. 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.

## *Training and Education*

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- d. 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.
- e. 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.
- f. 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.
- g. Training hours are only counted during employment by the City. Training received prior to employment should be considered when establishing wages upon hiring.
- h. 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.
- i. Pay adjustments will only be made after the successful completion of a program. Training hours during non-successful attempts will not be counted.

## **Chapter 7 - Information Technology**

## Personal Communication Devices

### 700.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and other communication devices, whether issued or funded by the City or personally owned, during work hours or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

### 700.2 POLICY

The City allows employees to utilize city-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used during work hours, or during non-work hours, for business-related purposes, or reasonably associated with work-related misconduct will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either during work hours or non-work hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

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.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

### 700.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the City and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through city PCDs or networks (see the Information Technology Use Policy for additional guidance).

Employees have no expectation of privacy regarding any communications while using a personally owned PCD for city-related business or when the use reasonably implicates work-related misconduct.

### 700.4 LOCAL GOVERNMENT-ISSUED PCD

## *Personal Communication Devices*

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Depending on an employee's assignment and the needs of the position, the City may, at its discretion, issue or fund a PCD for the employee's use to facilitate work performance. City-issued or funded PCDs may not be used for personal business during or after work hours unless authorized by the Mayor or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the City and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

### **700.5 PERSONALLY OWNED PCD**

Employees may carry a personally owned PCD during work hours, subject to the following conditions and limitations:

- a. Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- b. The City accepts no responsibility for loss of or damage to a personally owned PCD.
- c. The PCD and any associated services shall be purchased, used, and maintained solely at the employee's expense.
- d. The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of internal communication systems) or as otherwise authorized by city procedures.
  1. Use of a personally owned PCD for work-related business constitutes consent for the City to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
  2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
  3. Searches of a personally owned PCD by the City should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- e. The device shall not be utilized to record or disclose any city business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the City, without the express authorization of the Mayor or the authorized designee.
- f. All work-related documents, emails, photographs, recordings, and other public records created or received on an employee's personally owned PCD should be transferred to the City and deleted from the employee's PCD as soon as reasonably practicable but no later than the end of the employee's workday.

Except with prior express authorization from their supervisors, employees are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD during non-work hours. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing employment agreements, or if the employee has prior express authorization from a supervisor, the employee may engage in city business-related communications. Should employees engage in such approved communications or work during non-work hours, employees

## *Personal Communication Devices*

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entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document city-related business activities conducted during non-work hours in any manner shall promptly provide the City with a copy of such records to ensure accurate recordkeeping.

### **700.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried during work hours or used to conduct city business:

- a. All PCDs in the workplace shall be set to silent or vibrate mode.
- b. 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.
- c. A PCD may not be used to conduct personal business during work hours except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
- d. Employees may use a PCD to communicate with other personnel in situations where the use of city-provided communications methods is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular city-provided communications methods.
- e. Employees are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official city business. Disclosure of any such information to any third party through any means requires the express authorization of the Mayor or the authorized designee.
- f. Employees will not access social networking sites for any purpose that is not official city business. This restriction does not apply to a personally owned PCD used during authorized break times.
- g. Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

### **700.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include but are not limited to:

- a. Ensuring that employees under their supervision are provided appropriate training on the use of PCDs consistent with this policy.
- b. Monitoring to the extent practicable, PCD use in the workplace and taking prompt corrective action if an employee is observed or reported to be improperly using a PCD.
  1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
  2. Before conducting any administrative search of an employee's personally owned device, supervisors should consult with the Mayor or the authorized designee.

### **700.8 OFFICIAL USE**

## *Personal Communication Devices*

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Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other city communications network.

### **700.9 USE WHILE DRIVING**

Employees operating vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to urgent business-related calls.

## Cybersecurity

### 701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to protect the city's information technology infrastructure from cyber threats.

Additional guidelines for the use of city information technology infrastructure are found in the Information Technology Use Policy.

#### 701.1.1 DEFINITIONS

Definitions related to this policy include:

**Cybersecurity** – The practice of protecting an information technology infrastructure from digital attacks.

**Cybersecurity incident** - Any incident that compromises the security of the information technology infrastructure of the city. This includes but is not limited to data breaches, unauthorized access attempts, malware infections, phishing attacks, and any other suspicious activity.

**Cyber threats** – Unauthorized access, use, disclosure, disruption, modification, or destruction of the city's information technology infrastructure.

**Information technology infrastructure** – All electronic devices, networks, systems (e.g., hardware, software, firmware), and data owned, operated, or managed by the City, including but not limited to computers, servers, mobile devices, networking equipment, and cloud-based services.

### 701.2 POLICY

The City is committed to maintaining the security and integrity of its information technology infrastructure and will take reasonable cybersecurity measures to safeguard its information technology infrastructure from cyber threats.

### 701.3 MAYOR RESPONSIBILITIES

The Mayor is responsible for securing and allocating the necessary resources, support, and guidance to provide effective cybersecurity measures.

The IT Department will oversee and implement the city's cybersecurity efforts.

The Mayor should ensure that the appointed IT Department receives appropriate training and maintains appropriate credentials needed to complete the assigned job responsibilities.

### 701.4 IT DEPARTMENT RESPONSIBILITIES

Responsibilities of the IT Department include but are not limited to:

## *Cybersecurity*

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- a. Overseeing the city's cybersecurity efforts. This includes assessing and implementing appropriate cybersecurity technologies, including firewalls, antivirus software, intrusion detection systems, and data encryption tools.
- b. Developing procedures related to specific city cybersecurity efforts, such as acceptable use, password management, and remote access.
- c. Remaining familiar with and facilitating city compliance with all applicable and emerging federal, state, and local laws related to cybersecurity, such as the Federal Information and Security Modernization Act (FISMA) (44 USC § 3551 et. seq.) and the Cybersecurity Information Sharing Act (CISA) (6 USC § 1501 et. seq.).
- d. Conducting periodic risk assessments to identify potential vulnerabilities in the city's information technology infrastructure.
  1. The risk assessment should include a review of the city's cybersecurity technologies to address emerging threats, as appropriate.
- e. Developing and implementing risk mitigation strategies based on the findings of the risk assessment, including updates to the city's cybersecurity technologies.
- f. Developing and maintaining procedures for data protection, including classifying data based on the sensitivity of the data, performing data backups, and securely disposing of sensitive data.
- g. Developing and implementing procedures for employees and elected officials to report suspected or potential cybersecurity incidents.
- h. Developing and implementing an incident response plan to address potential cybersecurity breaches or attacks.
- i. Coordinating with the training manager to develop and implement a comprehensive cybersecurity training program for all employees and elected officials.
- j. Responding to and advising employees and elected officials on cybersecurity questions or issues related to city cybersecurity practices.
- k. Coordinating with city department staff and Department Heads to ensure compliance with this policy.
- l. Ensuring that protocols are in place to require all vendors and contractors handling city data to adhere to this policy's cybersecurity standards and any and all procedures or practices established by the IT Department. This may be accomplished by including provisions for data protection, breach reporting, and secure data handling practices in contractual agreements.
- m. Regularly reviewing this policy and related policies or procedures and recommending amendments as needed.

### **701.5 EMPLOYEE AND ELECTED OFFICIAL RESPONSIBILITIES**

All City employees and elected officials share responsibility for proactively protecting the city information technology infrastructure from cyber threats and cybersecurity incidents.

Employees and elected officials shall immediately report any suspicious activity, actual or suspected cyber threats, or cybersecurity incidents pursuant to the procedures established by the IT Department.

### **701.6 ACCESS CONTROL, PASSWORD, AND USER MANAGEMENT**

## *Cybersecurity*

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Access to city information technology infrastructure shall be granted based on the principle of least privilege so that city employees have only the necessary access rights required for their specific job duties.

The city shall require password access to the city information technology infrastructure. Passwords shall be required to meet the minimum length and complexity requirements, be changed periodically, and not be shared, reused, or stored in plain text. The City shall implement multi-factor authentication for systems containing sensitive or critical information.

Upon separation from employment, an employee's access to the city information technology infrastructure shall be immediately terminated.

### **701.7 NETWORK SECURITY**

The City shall implement firewalls and other intrusion prevention systems to protect the city information technology infrastructure from unauthorized access, malware, and other cyber threats.

The City shall ensure that city wireless networks are secured using encryption, strong passwords, firewall configurations, and any additional security protocols necessary to protect against cyber threats.

Information systems shall be configured securely to protect the security of city data.

### **701.8 DATA CLASSIFICATION, PROTECTION, AND DISPOSAL**

Data should be classified by the City based on its sensitivity. Appropriate security controls should be implemented based on the classification level of the data.

Regular data backups shall be performed by the city and shall be stored in a secure location. The process used for data backup and recovery shall be regularly tested to confirm it can adequately recover data if needed. All testing should be documented.

The IT Department shall also ensure that sensitive data at rest and in transit is encrypted using industry standard encryption algorithms and protocols.

The disposal of sensitive information should follow appropriate protocols to prevent unauthorized retrieval (e.g., secure erasure, destruction of data).

### **701.9 INCIDENT RESPONSE PLAN**

The City should maintain an incident response plan that addresses cybersecurity incidents promptly. The incident response plan should include procedures for:

- a. The receipt and processing of reported cybersecurity incidents or events.
- b. Specific steps for identifying, containing, and mitigating security incidents.
- c. Coordination with relevant departments, external agencies, and other stakeholders to develop an appropriate response.
- d. Regular audits to determine compliance with incident response procedures.

## *Cybersecurity*

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- e. Post-incident recovery actions and protocols, including:
  - 1. Containment and eradication of threat.
  - 2. Recovery of data.
  - 3. Required reporting.
  - 4. Continuity of services.
- f. The investigation of any reported cybersecurity incidents, including steps to prevent future occurrences.
- g. Regular interactive simulations and practical exercises to test compliance and awareness of incident response procedures.

### **701.10 CYBERSECURITY TRAINING PROGRAM**

All employees and elected officials shall complete initial and annual cybersecurity awareness training consistent with the requirements established in the cybersecurity training program.

The cybersecurity training program should include instruction on the following:

- a. Recognizing and avoiding threats (e.g., phishing awareness, social engineering tactics, safe browsing).
- b. Secure device use (e.g., keeping devices updated and secure, mobile device security, physical device security).
- c. Safe network practices (e.g., Wi-Fi security considerations, virtual private networks, firewall and antivirus software).
- d. Data security (e.g., data encryption and backup, handling confidential data).
- e. This policy and all related policies and procedures, including:
  - 1. Acceptable use, password protection, and remote access procedures.
  - 2. Procedures for data classification.
  - 3. Incident reporting procedures.
  - 4. Incident response plans.
  - 5. Applicable state and federal law related to cybersecurity.

## Local Government Use of Social Media

### 702.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the City is consistent with the City mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by city employees (see the Speech, Expression, and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of an investigation, other than disseminating information to the public on behalf of this city.

#### 702.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the city website or social networking services.

### 702.2 POLICY

The City will use social media as a method of effectively informing the public about city services, issues, investigations, recruitment, and other relevant events.

The use or access of social media should be done in a manner that protects the constitutional rights of all people.

### 702.3 AUTHORIZED USERS

Only employees authorized by the Mayor or the authorized designee may utilize social media on behalf of the City. Authorized employees shall use only city-approved equipment during the normal course of duties to post and monitor city-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Mayor may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over city social media by employees who are not authorized to post should be made through the appropriate supervisory channels.

### 702.4 AUTHORIZED CONTENT

## Local Government Use of Social Media

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Only content that is appropriate for public release, that supports the City mission, and that conforms to all city policies regarding the release of information may be posted. Examples of appropriate content include:

- a. Announcements.
- b. Tips and information related to crime prevention.
- c. Requests for information.
- d. Community engagement information.
- e. Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- f. Traffic information.
- g. Media releases.
- h. Recruitment of personnel.

### 702.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy, and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Mayor or the authorized designee will be responsible for the compilation of information to be released.

## **702.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes but is not limited to:

- a. Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- b. Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- c. Any information that could compromise an ongoing investigation.
- d. Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.
- e. Any information that could compromise the safety and security of city operations, employees of the City, or the public.
- f. Any content posted for personal use.
- g. Any content that has not been properly authorized by this policy or a supervisor.

Any employee who becomes aware of content on this city's social media sites that the employee believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

### 702.5.1 PUBLIC POSTING PROHIBITED

City social media sites shall be designed and maintained to prevent posting of content by the public.

The City may provide a method for members of the public to contact city employees directly.

## **702.6 MONITORING CONTENT**

## *Local Government Use of Social Media*

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The Mayor will appoint a supervisor to review, at least annually, the use of city social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues.

### **702.7 RETENTION OF RECORDS**

The Mayor should work with the City Clerk to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

### **702.8 TRAINING**

Authorized employees should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, and dissemination and retention of information posted on city sites.

## Generative Artificial Intelligence Use

### 703.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for city use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of city information technology resources are found in the Information Technology Use and Cybersecurity policies.

#### 703.1.1 DEFINITIONS

Definitions related to this policy include:

**Generative artificial intelligence (GenAI)** - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

### 703.2 POLICY

The use of GenAI systems carries unique benefits within a local government entity, providing ways to increase operational efficiency, enhance city procedures, and improve the overall effectiveness of the City.

However, the prompts input into GenAI systems can present risks to both individuals and local governments by making accessible to the public information such as facility security records, security procedures, personal information, certain law enforcement records, and other confidential information (e.g., protected information, social services records, financial records). In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the City to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by an employee of the City using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

### 703.3 RESPONSIBILITIES

#### 703.3.1 MAYOR

The Mayor or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any city functions.

## *Generative Artificial Intelligence Use*

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### 703.3.2 AI COORDINATOR

The Mayor or the authorized designee shall appoint an AI coordinator. The AI coordinator shall report to the Mayor or the authorized designee.

The responsibilities of the AI coordinator include but are not limited to:

- a. Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the Mayor or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:
  1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the City consistently over time.
  2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the city's use of the system.
  3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
  4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
  5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
  6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
  7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.
- b. Ensuring appropriate contractual safeguards are in place to manage third-party use of city data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., HIPAA requirements) should be used to outline the roles, responsibilities, and data ownership between the City and third-party vendor.
- c. Coordinating with the Information Security Officer and others within the City, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, secured, and used appropriately.
- d. Maintaining a list or inventory of city-approved GenAI systems and, when appropriate for city transparency, making the list or inventory available to the public.
- e. Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.
- f. Ensuring any public-facing GenAI systems notify the user that GenAI is being used.
- g. Developing and updating training for the authorized users of each city-approved GenAI system.

## Generative Artificial Intelligence Use

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- h. Ensuring access to city GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.
- i. Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the City to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the city's needs and expectations of trustworthiness. The coordinator should arrange for audits to be conducted by an external source, as needed.
- j. Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.
- k. Keeping abreast of advancements in GenAI and any GenAI-related legal developments.
- l. Reviewing this policy and city practices and proposing updates as needed to the Mayor or the authorized designee.

### **703.4 USE OF GENERATIVE AI**

The use of city GenAI systems by city employees shall be limited to official work-related purposes, and employees shall only access and use GenAI systems for which they have been authorized and received proper training.

Employees shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Employees should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, employees should:

- a. Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.
- b. Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable.
- c. Include a statement in the final document or work product that GenAI was used to aid in its production.

#### **703.4.1 PRIVACY CONSIDERATIONS**

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential security information, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Employees should instead use generic unidentifiable inputs, such as "person," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

### **703.5 PROHIBITED USE**

## *Generative Artificial Intelligence Use*

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Employees shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Mayor or the authorized designee for the intended use.

### **703.6 TRAINING**

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

- a. A review of this policy
- b. The need for human oversight of GenAI outputs
- c. The interpretation, review, and verification of GenAI output
- d. Checking GenAI output for bias or protected information
- e. Ethical use of GenAI technology
- f. Data security and privacy concerns

## Information Technology Use

### 704.1 PURPOSE AND SCOPE

This policy applies to all Organization employees, contractors, vendors, business associates, and agents with an Organization owned or personally owned computer or workstation used to connect to our network.

Additional guidelines for the use of city information technology resources are found in the Cybersecurity Policy.

#### 704.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the City that are provided for official use by its employees. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the City or city funding.

**Email** -The electronic transmission of information through a mail protocol such as SMTP, POP, or IMAP

**Hardware** - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems, or any other tangible computer device generally understood to comprise hardware.

**Protected Health Information (PHI)** - Health information, including demographic information collected from an individual and created or received by a health provider, health plan, employer or health care clearinghouse that relates to the past, present, or future physical or mental health or condition of any individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual that identifies an individual or there is a reasonable basis to believe the information can be used to identify the individual and that is transmitted or maintained by electronic media or any other form or medium. PHI does not include individually identifiable health information in education records covered and protected by the Family Educational Right and Privacy Act and employment records held by a covered entity in its role as an employer.

**Risk** - Is the possibility of suffering harm or loss or the potential for realizing unwanted negative consequences of an event, and the impact of that event on the confidentiality, availability, and integrity of ePHI, other confidential or proprietary electronic information and other system assets.

**Sensitive Information or Data** - Any information that may only be accessed by authorized personnel. It includes Protected Health Information, financial information, personnel data, trade secrets, and any information that is deemed confidential or that would negatively affect the Organization if inappropriately used or disclosed.

## *Information Technology Use*

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**Software** - Includes but is not limited to all computer programs, systems, and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file, or file** - Any electronic document, information, or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

### **704.2 POLICY**

It is the policy of the City that employees shall use information technology resources, including computers, software, and systems, that are issued or maintained by the City in a professional manner and in accordance with this policy.

Users are responsible for reporting any suspected or confirmed violations of this policy to their department manager, the Human Resources Manager or the IT Administrator.

### **704.3 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any city computer system.

The City reserves the right to access, audit, and disclose, for any lawful reason and in conjunction with an internal complaint or investigation, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the City, including the city email system, computer network, and/or any information placed into storage on any city system or device. This includes records of all key strokes or web-browsing history made at any city computer or over any city network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through city computers, electronic devices, or networks.

### **704.4 RESTRICTED USE**

Employees shall not access computers, devices, software, or systems for which they have not received prior authorization or the required training. Employees shall immediately report unauthorized access or use of computers, devices, software, or systems by another employee to their supervisors and the IT department. Users are responsible for reporting any suspected or confirmed violations of this policy to their department manager, the Human Resources Manager or the person appointed to perform the duties of the Organization Security Official.

Employees shall not use another person's access passwords, logon information, and other individual security data, protocols, and procedures.

#### **704.4.1 SOFTWARE**

## *Information Technology Use*

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Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, employees shall not install any unlicensed or unauthorized software on any city computer. Employees shall not install personal copies of any software on any city computer.

No employee shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the City while on city premises, computer systems, or electronic devices. Such unauthorized use of software exposes the City and involved employees to severe civil and criminal penalties.

Introduction of software by employees should only occur as a part of the automated maintenance or update process of city-approved or installed programs by the original manufacturer, producer, or developer of the software. Any other introduction of software requires prior authorization from the IT department and a full scan for malicious attachments.

City issued computing devices including PC's, smart phones, and workstations shall not have file sharing software installed as part of initial configuration and hardening. The policy statement requires the City network group to ensure all file sharing software is removed from computing devices before they are issued.

### 704.4.2 HARDWARE

Access to technology resources provided by or through the City shall be strictly limited to city-related activities. Data stored on or available through city computer systems shall only be accessed by authorized employees who have a legitimate city-related purpose to access such data. Any exceptions to this policy must be approved by the IT department.

### 704.4.3 INTERNET USE

Internet access provided by or through the City shall be strictly limited to city-related activities. Internet sites containing information that is not appropriate or applicable to city use and that shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of the appropriate department head as a function of an employee's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

Users shall not establish peer-to-peer (P2P) connections to external parties for file sharing, downloading music and movies, and accessing adult materials.

The use of any software or service that masks or hides the identity of the user or the location of the user while using the Internet is prohibited.

The City reserves the right to block access to any non-business-related site or material.

## *Information Technology Use*

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### 704.4.4 USE DURING NON-WORK HOURS

Employees shall only use technology resources provided by the City during work hours unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email, or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access city resources.

Refer to the Personal Communication Devices Policy for guidelines regarding use of personally owned technology during non-work hours.

### **704.5 PROTECTION OF SYSTEMS AND FILES**

All employees have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Employees shall ensure city computers and access terminals are not viewable by unauthorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by IT department and shall be changed at intervals as directed.

It is prohibited for an employee to allow an unauthorized user to access the computer system at any time or for any reason. Employees shall immediately report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) pursuant to the incident reporting procedures established by the Information Security Officer.

### **704.6 INSPECTION AND REVIEW**

The Mayor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of supervisory duties or based on cause. Any inspection should involve the Human Resources Department.

Reasons for inspection or review may include but are not limited to computer system malfunctions, problems, or general computer system failure, a lawsuit against the City involving one of its employees or an employee's duties, an alleged or suspected violation of any city policy, a request for disclosure of data, or a need to perform or provide a service.

Qualified staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the city computer system when requested by a supervisor or during the course of regular duties that require such information.

# CONTRACTOR POLICY ON-BOARDING POLICY AND PROCEDURES

## 705.1 PURPOSE

This policy defines the requirements for independent contractors and other outside parties who provide services to the City to pass the same or equivalent pre-assignment screening and criminal background checks as new employees of the City as a condition prior to being assigned responsibilities in a restricted or sensitive access area within the City. Additionally, this will:

- Provide a safe work environment and reduce risk to City personnel and assets
- Limit City's legal liability to allegations of negligent hiring, etc.
- Verify identity and legal authority to work in the United States
- Validate work related education, skills, and qualifications
- Comply with City Security Access Standards as well as any applicable state, local or federal law on access to sensitive information

## 705.2 SCOPE

This policy applies to all departments who engage outside firms or individuals to perform services for the City. The IT Governance and Data Analytics group at the City of Fort Payne has responsibility for implementing and maintaining all security governance policies and procedures.

These procedures are intended to apply to those contractors with whom the City has a verbal or written contract and/or those contractors, subcontractors and consultants that provide routine, regular and/or recurring work or services on City premises and have access to restricted areas, systems, applications, and data.

This policy is not intended to apply to vendors or short-term service contractors who provide one-time work or services. These will follow existing visitor policies and procedures.

## 705.3 POLICY

Where permitted by law, contractors, including but not limited to, independent contractors whether engaged by the city as an individual or in the form of a sole proprietorship, contractors through a 3rd party, contractors through an outsourcing arrangement/service contract, temporaries, consultants, and subcontractors, shall be required to undergo successful background screening prior to assignment to sensitive positions within the City of Fort Payne. The contractor and subcontractor firms that supply personnel to the City shall be solely responsible for the performance of pre-assignment and recurring background screening for persons planned or scheduled for assignment to City premises. All contractor firms shall ensure this requirement is extended to subcontractors, including consultants, the contractor

# City of Fort Payne Local Government Manual

Local Gov Policy

## CONTRACTOR POLICY ON-BOARDING POLICY AND PROCEDURES

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firms may elect to use.

The City will be responsible for pre-assignment background checks for all individual contractors or sole proprietorships.

## PHYSICAL AND ENVIRONMENTAL SECURITY

### 706.1 PURPOSE AND SCOPE

The Organization recognizes the importance of physical security in preventing unauthorized access to confidential information, PII, PHI or ePHI, and other sensitive or restricted information and documents and has developed the following policies and procedures. The purpose of this policy is to supply guidance for personnel, support personnel, and contractors/vendors for the physical, logical, and electronic protection of restricted areas containing systems and other infrastructure that contain sensitive information such as PHI and PII. Adherence to this policy will improve our security posture and help safeguard information technology resources and sensitive information. This policy sets up guidelines to help ensure continuity of operations when dealing with contingency events related to physical security at information technology server rooms, wiring closets, and telecommunication rooms.

This policy applies to all facilities containing computers, workstations, servers, data storage equipment, routers, firewalls, media, backup media or files or paper documents that contain confidential, PII, PHI, ePHI and other restricted information that is stored, transmitted, or received in any form whether the facility is owned, rented, leased, or belongs to an out-sourced service provider or cloud provider. The policy defines what paper and electronic information belonging to us should be protected and, offers guidance on how such protection can be achieved.

### 706.2 POLICY

- Physical access to all restricted areas within the facility shall be documented and managed. All facility restricted areas must be physically protected according to the criticality of the system or function of the area protected.
- Request for access shall come from requesting manager. Access to restricted areas of facilities will be granted only to personnel whose job responsibilities require access (Principle of Least Privilege).
- The process for granting access requires procedures defined in the access control policy.
- We will periodically review access rights and remove access rights for individuals who no longer need access or have left the Organization.
- All access rights shall be based on workforce employees' (staff, visitor, contractor, maintenance worker, etc.) role or function in the Organization.
- The Organization shall implement physical safeguards to prevent, detect, contain, and correct any physical safeguards violations outlined in this policy.
- All physical, logical, and electronic access must be properly documented, authorized, and controlled for devices that store, process, or transmit confidential, PHI and PII information. This Physical Security Policy focuses on the access control methods needed to protect the full lifecycle of data from insider and outsider threats.

## PHYSICAL AND ENVIRONMENTAL SECURITY

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- We will protect our information resources through the implementation of sound physical, environmental, and administrative security controls designed to reduce the risk of physical failure of infrastructure components, damage from natural or man-made threats or use by unauthorized personnel.

Physical and administrative security controls must be implemented at each facility or restricted area within a facility that hosts information technology and infrastructure to protect against unauthorized access and to protect the integrity of the information resources located at the restricted facility or restricted areas inside our facility. These controls include the following:

- a. Physical access controls
- b. Physical protection of information technology resources
- c. Business continuity management (BCM)
- d. Due diligence and risk assessments of service providers

### 706.3 DEFINITIONS

**Availability** -The assurance that information and services are delivered when needed. Certain data must be available on demand or on a timely basis.

**Confidentiality:** The assurance that information is disclosed only to those systems or persons who are intended to receive the information.

**Business Associate** -An individual or entity who performs certain functions or activities on behalf of an organization that involves the use or disclosure of PHI. Business associate functions and activities include claims processing or administration; data analysis, processing, or administration; utilization review; quality assurance; billing; benefit management; practice management; and repricing.

**Covered Entity** -A health plan, a health care clearinghouse, or a health care provider who transmits any health information in electronic form in connection with transactions covered by the HIPAA Privacy Rule.

**Data Classification Program** - A program that categorizes data to convey required safeguards for information confidentiality, integrity, and availability, and establishes required controls based on value and level of sensitivity.

**Data Classification** - Categorization of the information contained in any form within the entity, on entity systems, or provided to outsourced service providers.

**Facility**- is defined as the physical premises and the interior and exterior of a building(s).

**Highly Sensitive Data** -For the purposes of this policy highly sensitive data is confidential, PII and PHI as defined below.

**Integrity** -The assurance that information is not changed by accident or through a malicious or otherwise criminal act.

## PHYSICAL AND ENVIRONMENTAL SECURITY

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**Protected Health Information (PHI)** -Protected Health Information or PHI is defined as information in any form or medium whether in paper or electronic form and includes any oral, written, or electronic individually identifiable health information collected, transmitted, or stored by an organization or a business associate. Individually identifiable health information includes demographic information and any information that relates to the past, present, or future physical or mental condition of an individual. The Health Insurance Portability and Accountability Act (HIPAA) details eighteen items that render PHI identifiable.

- Names
- Geographic subdivisions smaller than a state, including street address, city, county, precinct, Zip code, and their equivalent geocodes, except for the initial three digits of a Zip code in certain situations
- All elements of date (except year) for dates directly related to an individual, including birth date, discharge date, date of death; and all ages over 89 and all elements of dates indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older
- Telephone numbers
- Fax numbers
- Electronic mail addresses
- Social Security numbers
- Medical record numbers
- Health plan beneficiary numbers
- Account numbers
- Certificate/license numbers
- Vehicle identifiers and serial numbers
- Medical Device Identifiers
- Web Universal Resource Locators (URLs)
- Internet Protocol (IP) address numbers
- Biometric identifiers, including finger and voice prints
- Full face photographic images and any comparable images
- Any other unique identifying number, characteristic, or code

All PHI shall always be subject to all applicable laws, including, without limitation, HIPAA and the Health Information Technology for Economic and Clinical Health Act (HITECH), and any Company policies about PHI. This includes all PHI relating to members of the Company workforce, Company customers, and individuals and employees that our customers may provide to the Company. All PHI is classified as Highly Sensitive confidential data. PHI is to be overseen per Company policies on PHI.

## *PHYSICAL AND ENVIRONMENTAL SECURITY*

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**Personally Identifiable Information (PII)** -Personally Identifiable Information or PII is defined as any oral, written, or electronic individually identifiable personal information collected or stored by an Organization. This type of information can be used to distinguish or trace an individual's identity, such as their name, Social Security Number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc. It also includes information that is linked or linkable to an individual, such as medical, educational, financial and employment information.

Examples of PII include the following data elements.

- Bank/Credit Union account numbers
- Biometrics (finger/face print)
- Birth certificate
- Citizenship
- Credit card expiration date
- Credit card number
- Criminal records
- Date of birth
- Date of death
- Death certificate number
- Dependent information
- Disability information
- Driver's license number
- Financial data
- Home address
- Home phone number
- IP address
- Mother's maiden name
- Name
- Other identity verification or authentication data
- Passport number
- Personal phone number
- Personal e-mail address
- Photo
- Race or Ethnicity
- Salary and bonus

## PHYSICAL AND ENVIRONMENTAL SECURITY

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- Social Security number
- Vehicle registration plate number
- Work eligibility

**Restricted and Physically Secured Location** - A restricted or physically secure location is defined as a facility or an area, a room, or a group of rooms within our facility(s) with both physical and personnel security controls to protect sensitive or restricted information associated with information systems. The perimeter of the physically secure location shall be separated from non-secure locations by physical controls. Security perimeters shall be defined as restricted, controlled, and secured.

### **706.4 FACILITY SECURITY PLAN**

The city will implement a facility security plan.

The Facility Security Plan defines and documents the safeguards used by the Organization to protect the facility or facilities.

Where this implementation specification is a reasonable and proper safeguard for a covered entity, the Organization must:

- a. Implement policies and procedures to safeguard the facility and the equipment therein from unauthorized physical access, tampering, and theft.
- b. Facility security plans must document the use of physical access controls. These controls must ensure that only authorized individuals have access to facilities and equipment that hold confidential or other restricted data.
- c. In general, physical access controls allow individuals with legitimate business needs to obtain access to the facility and deny access to those without legitimate business needs. Procedures must also be used to prevent tampering and theft of ePHI and related equipment.

Physical security is addressed as a requirement in most information security frameworks like NIST and PCI-DSS.

### **706.5 PHYSICAL ACCESS TO CONTROLLED OR RESTRICTED AREAS**

Access to controlled areas must be restricted as follows:

- a. Access to restricted or controlled areas is restricted to personnel whose duties require access to those restricted areas or restricted facilities.
- b. When possible, access to restricted areas must be by electromechanical means. Physical access control devices using biometrics, smart cards, tokens, or other electromechanical means should be installed to supplement traditional facility locks and keys to limit access.
- c. Personnel authorized access to the controlled areas must always use their access control identification card or device to gain entrance to the controlled area.
- d. Tailgating is prohibited and personnel are responsible for immediately reporting any instance of tailgating.

## PHYSICAL AND ENVIRONMENTAL SECURITY

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- e. A record of physical access, for both authorized individuals and visitors, must be maintained. Automated mechanisms should be employed, when possible, to facilitate the maintenance and review of access records.
- f. Personnel without a previously authorized unsupervised physical access must sign a visitor log and be escorted by authorized personnel while in the restricted area.
- g. Visitor logs must include at a minimum: name and organization of the person visiting, form of identification used for authentication, date of visit, time of entry and departure, purpose of visit, and name of person visited.
- h. Visitor logs must be reviewed monthly and security violations and suspicious activities must be investigated and remedial actions are taken.
- i. Those who are authorized access must always use their access control mechanism to gain access.
- j. A record or log of physical access by authorized personnel and visitors must be kept.

Automated mechanisms should be employed where possible to facilitate the maintenance and review of access. Facility access controls of Servers, Routers, Firewalls and other IT Equipment and Resources:

- a. We must implement controls of physical access for all restricted areas in our facility or restricted access facilities and storage locations.
- b. A security risk assessment must be performed and documented to locate (map) restricted areas and the levels of security needed at each location. Appropriate levels of security controls must be installed in areas needing higher levels of security.

Approved methods for implementing such controls include but are not limited to:

- a. Electronic, Card and/or Biometric Access Controls
- b. Motion and Breach Detection System inside restricted areas
- c. Combination Electronic Locks
- d. Traditional lock and key

Use of traditional lock and key access requires Senior Management approval by the person appointed to fulfill the role of the Security Officer / IT Administrator for the Organization.

### **706.6 ESTABLISHMENT OF CONTROLLED AREAS**

Controlled areas must be set up within the facility wherever more stringent restrictions on physical access and more tightly controlled physical and environmental security are needed to fully protect information resources. Typical controlled areas may include the following:

- a. Computer and server rooms
- b. Telecommunications rooms
- c. Wiring closets
- d. Media, data, and document storage areas

### **706.7 ESTABLISHMENT OF ACCESS CONTROL LISTS**

## *PHYSICAL AND ENVIRONMENTAL SECURITY*

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- a. Each restricted area must have an access control list of people who are authorized access.
- b. Access control lists must be updated when new personnel are assigned to the controlled area or when someone leaves. Access control lists must also be reviewed and updated semiannually.
- c. Personnel not on the restricted access control list must sign a visitor log and be escorted by authorized personnel while in the controlled area.
- d. Periodic reviews of physical access rights should be performed to ensure the removal of individuals from the facility or area restricted access list when access is no longer required according to our access policies.

### **706.8 KEY OR CARD ACCESS**

The following policy applies to all facility access (keys or cards):

- a. Employee facility access cards or keys are not to be shared or loaned to others.
- b. Lost or stolen keys or access cards must be reported at once to the Security Officer / IT Administrator.
- c. Keys or access cards shall be taken or disabled upon termination of employment with the Organization.
- d. The Security Officer / IT Administrator or their designee periodically reviews access records and visitor logs for the facility and restricted areas and is responsible for investigating any unusual events or incidents related to physical access.

### **706.9 OTHER PHYSICAL SECURITY CONTROLS**

In addition to ensuring operational continuity, we must be equipped with a combination of added physical security controls such as video camera systems, glass break sensors, intrusion alarms, and 24/7/365 alarm monitoring. Appropriate monitoring should be set up for each type of physical controls. Management should consider using video surveillance and recording equipment in all or parts of the facility to monitor activity and deter theft or unapproved or inappropriate physical access.

### **706.10 MANAGEMENT RESPONSIBILITIES**

The person appointed by the Organization to oversee security within the Organization henceforth referred to as the Security Officer / IT Administrator shall ensure:

- a. Secure areas are protected by appropriate entry and controls to systems and restricted areas.
- b. Procedures are in place to control and validate access to facilities and restricted area of a facility.
- c. Procedures exist that establish visitor controls including visitor sign-in logs for both entry and exit of the facility or restricted area.
- d. Policy specifies management's the review of list of individuals with physical access to restricted areas of the facility.

### **706.11 VISITOR AND GUEST ACCESS**

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Controls must be developed, and we must enforce procedures to monitor and control access to secure or restricted areas in facilities by visitors. Examples of visitors may include contractors, vendors, customers, friends/family of employees and employee candidates. Procedures must address:

- a. Requirements for use and maintenance of visitor logs associated with restricted areas or facilities
- b. Requirements for visitor identification
- c. Requirements specific to a given security zone, e.g., escorted access to restricted areas
- d. A visitor log shall be used to maintain a physical audit trail of visitor activity to restricted areas and computer rooms where sensitive ePHI or ePII are stored or transmitted. This is detailed in the visitor policy
- e. The visitor log shall document the visitor's name, firm represented, and the person authorizing the physical access to the restricted area.
- f. Visitors shall be escorted in all restricted areas of the facility

These requirements are covered in detail in the visitor policy.

### **706.12 PRINCIPLE OF LEAST PRIVILEGE CONTROL**

The principle of least privilege when granting physical access rights to restricted areas to individual employees, contractors, and service providers must be applied as part of the physical access grant process and the access controls must be granted at the lowest level of required access rights, privileges, and security permissions needed for the individual to effectively perform authorized tasks on any IT resource or information or within a facility that we manage. Management must also address the technical, operational, and managerial controls necessary to achieve compliance with the concepts of least privilege in those instances where authorized users have physical access to logically separated data, applications and/or virtualized hosts.

### **706.13 PHYSICAL ACCESS CONTROL FOR TRANSMISSION**

The City control physical access to information system distribution and transmission lines within the facility's restricted areas using physical access control devices (e.g., keycard or keys).

### **706.14 PAPER BASED DATA PHYSICAL SECURITY**

Paper based information must be assigned an owner and a data classification. If it is classified as sensitive confidential, PHI or PII data according to the data classification policy, information security controls to protect it must be put in place. A periodic risk assessment should identify the proper level of protection for the information being stored. Paper in an open office must be protected by the controls for the building and other added measures that could include:

- a. Filing cabinets that are locked with the keys stored away from the cabinet
- b. Locked safes
- c. Stored in a Secure Area protected by access controls
- d. Secured Off-site facilities

## *PHYSICAL AND ENVIRONMENTAL SECURITY*

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### **706.15 ENVIRONMENTAL SAFEGUARDS**

Primary source confidential, PII, and PHI for use in operations should reside in an environmentally and physically secured and controlled location with a minimum of the following environmental controls:

- a. working fire extinguisher
- b. air-conditioning
- c. heat detection
- d. power supply – UPS
- e. back-up at another location

The Office of Information Technology (OIT) in consultation with the person appointed to oversee security at the Organization should identify and address risks that exist from loss of environmental supports to the server room and the confidential information that resides in the server room.

### **706.16 OUTSOURCED SERVICE PROVIDERS FACILITIES**

The physical security of out-sourced technology service providers, third party monitoring services, or third-party managed security providers will be evaluated as part of the on-boarding process and with an at least annual risk assessment and review process. Details are defined in vendor risk management policies and outsourcing and acquisition policies and procedures.

### **706.17 AUDIT CONTROLS AND MANAGEMENT**

Documented procedures and evidence of policy adherence must be in place for this operational policy. Examples of auditable acceptable controls include:

- a. Visitor Logs
- b. Access grant and control procedures
- c. Video surveillance
- d. Access List Reviews

### **706.18 DISTRIBUTION**

This policy is to be distributed to all those with responsibilities associated with facilities management and physical security, to include employees, third-parties, service providers, contractors, temporary employees, and/or other staff members.

### **706.19 COMPLIANCE RESPONSIBILITIES**

It is essential that all personnel responsible for managing the risk arising from physical security related issues. It is important that all personnel involved in implementing this policy are competent, trained, and aware of their responsibilities.

## *PHYSICAL AND ENVIRONMENTAL SECURITY*

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### **706.20 NETWORK SECURITY OR MANAGED SERVICES PROVIDER AND OTHER IT STAFF**

All IT staff must be knowledgeable of and adhere to the Physical Security Policy.

Information Technology Security staff will perform duties as defined in operational procedures associated with physical security and the corresponding access grant process.

This staff is also responsible for keeping physical access logging reports or logs for review by internal or external audit for adherence to policy.

### **706.21 SENIOR MANAGEMENT**

The senior manager appointed by the Organization to assume responsibility for Security and Privacy is responsible for the review and approval of the overall strategic information security plan, including this Physical Security Policy.

### **706.22 COMPLIANCE EXCEPTION(S):**

Traditional lock and key access control may be employed when the restricted area has extremely limited access and it is cost prohibitive to implement electromagnetic or biometric controls. The Privacy Officer / IT Administrator and the Office of Information Technology (OIT) Management must approve this exception.

### **706.23 ENFORCEMENT**

Employees and contracted staff who are found to have violated the contents of this policy or tries to circumvent any controls in this policy may be subject to disciplinary action, up to and including termination of employment or in the case of a contractor, business associate, or service provider the termination of the contractual arrangement.

## Attachments

**2025-31 A resolution Amending 2023-25.pdf**



**RESOLUTION NO. 2025-31**

***A resolution amending Resolution 2023-25 and establishing rules for overtime pay, holiday pay, vacation accrual and pay out, leave request, and sick time.***

WHEREAS, Resolutions 2023-25, 2013-08, 2016-26, 2016-28, 2017-30, 2017-32, and 2018-32 are hereby rescinded, repealed, and replaced in their entirety; and,

WHEREAS, It is the desire of the Mayor and Council to have uniform policies, when such can exist, from department to department in order to make more thorough budgetary and financial decisions; and,

WHEREAS, The following rules will help alleviate the City of Fort Payne's long term unfunded liability concerns; and,

WHEREAS, The Mayor and City Council wish to develop and implement a comprehensive personnel policy, of which the guidelines set forth in this resolution would be a cornerstone.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Fort Payne, Alabama, a municipal corporation, that the following rules and guidelines are hereby adopted effective immediately upon adoption of this resolution.

1. Defined Work Periods:
  - a. Regular employees – A seven (7) day work period
  - b. Police Employees – A fourteen (14) day work period
  - c. Fire Employees – A fourteen (14) day work period
2. Overtime:
  - a. All full-time Fire and Police Officers shall, upon passage of this resolution, shall be classified as salaried non-exempt employees, eligible for overtime, based on the Department of Labor's "Fair Labor Standards Act" definition.
  - b. Overtime is to be paid on the check after the close of the pay period.
  - c. Overtime cannot be carried over.
  - d. Regular Employees will be paid overtime for any hours worked over 40 hours in a 7-day work period.
  - e. Only hours worked, per the guidelines of the "Fair Labor Standards Act", shall be used in the calculation of overtime.
3. Holiday Time:
  - a. The City of Fort Payne has 112 hours allotted for holidays. All full-time permanent employees will receive this amount annually for holiday time.
  - b. Holiday time will be paid out in increments of eight (8) hours straight time as each holiday passes.

- c. For employees whose work schedule does not include Saturday and Sunday; if the holiday falls on a Saturday, the holiday will be observed on Friday. If the holiday falls on Sunday, the holiday will be observed on Monday.
- d. For employees whose work schedule includes Saturday and Sunday, the holiday will be observed on the day the holiday actually falls on.
- e. Employees that work on the holiday will be paid at a rate of time and one-half for the hours that are worked on the holiday.
- f. The time period to be used for holiday pay calculation is from midnight till midnight.
- g. For the purposes of calculating payroll, it is noted that employees working on a holiday will be paid at the rate of one and one-half times the employees' normal rate of pay for hours worked, and additionally, eight (8) hours straight time of holiday pay will be paid.

Holidays Observed:

New Year's Day	Martin Luther King, Jr. Day
President's Day	Memorial Day
Labor Day	Veteran's Day
Independence Day	Thanksgiving Day
Christmas Day	Day after Thanksgiving
Christmas Eve	New Year's Eve
Juneteenth	Columbus Day

4. Time Sheets:

- a. New time sheets are to be used and will be distributed by City Hall.
- b. Time sheets will be used to input hours worked.
- c. Overtime will be calculated at City Hall.
- d. Timesheets are to be submitted to City Hall by 9:30 a.m. on Monday immediately following the end of the pay period.

5. Vacation:

- a. Vacation will be awarded on January 1<sup>st</sup> in the increments listed below.
- b. Vacation time cannot be "Cashed In", only taken as time off, during the employee's probationary period, which is one year from the date of hire.
- c. The amount of vacation that will be awarded annually on January 1<sup>st</sup> for time to take off is in the column labeled "Value Awarded".
- d. Current vacation time cannot be carried forward. Any unused current vacation time will be paid out on a separate check run in January, after the year in which the current vacation was awarded, at the employee's rate of pay at the time the current vacation was awarded. The hourly total to be paid is in the column labeled "Cashed in Value".

Regular Employees		
Time of Employment	Value Awarded	Cashed in Value
As you pass the 1 <sup>st</sup> January 1 <sup>st</sup>	40 Hours	N/A
As you pass the 2 <sup>nd</sup> January 1 <sup>st</sup>	80 Hours	80 Hours
As you pass the 5 <sup>th</sup> January 1 <sup>st</sup>	120 Hours	120 Hours
As you pass the 10 <sup>th</sup> January 1 <sup>st</sup>	160 Hours	160 Hours
As you pass the 25 <sup>th</sup> January 1 <sup>st</sup>	200 Hours	200 Hours

Police Employees		
Time of Employment	Value Awarded	Cashed in Value
As you pass the 1 <sup>st</sup> January 1 <sup>st</sup>	48 Hours	N/A
As you pass the 2 <sup>nd</sup> January 1 <sup>st</sup>	96 Hours	96 Hours
As you pass the 5 <sup>th</sup> January 1 <sup>st</sup>	144 Hours	144 Hours
As you pass the 10 <sup>th</sup> January 1 <sup>st</sup>	192 Hours	192 Hours
As you pass the 25 <sup>th</sup> January 1 <sup>st</sup>	240 Hours	240 Hours

Fire Employees		
Time of Employment	Value Awarded	Cashed in Value
As you pass the 1 <sup>st</sup> January 1 <sup>st</sup>	72 Hours	N/A
As you pass the 2 <sup>nd</sup> January 1 <sup>st</sup>	144 Hours	144 Hours
As you pass the 5 <sup>th</sup> January 1 <sup>st</sup>	216 Hours	216 Hours
As you pass the 10 <sup>th</sup> January 1 <sup>st</sup>	288 Hours	288 Hours
As you pass the 25 <sup>th</sup> January 1 <sup>st</sup>	360 Hours	360 Hours

6. Leave Request Forms:

- a. Employees will be paid for the hours they work using the above defined work periods and overtime rules.
- b. All leave request forms except for Sick Leave must be completed in advance. Sick leave forms must be filled out on the day the employee returns to work.

7. Sick Shift:
  - a. A sick “day” is equal to one shift.
  - b. 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 or her shifts (24-hour shift) to a public works employee (8 hour shift) the fireman’s sick time will be reduced by 24 hours and the public works employee’s sick time will be credited with 8 hours. If the scenario is reversed, the same holds true. In that case, the public works employee’s sick time would be reduced by 8 hours and the fireman’s sick time would be credited with 24 hours.
8. Severability Clause:
  - a. If any section, phrase, sentence, or portion of this resolution is held to be invalid or unconstitutional, that decision shall not affect the validity of the resolution or any part thereof, other than the part so declared to be invalid.
9. That all other resolutions or parts of resolutions which conflict with any provision of this resolution shall be, and hereby are, repealed to the extent that there is a conflict.

THE ABOVE AND FOREGOING RESOLUTION WAS READ, ADOPTED AND APPROVED on the 7<sup>th</sup> day of October 2025 by the City Council of the City of Fort Payne, Alabama.

THE CITY OF FORT PAYNE, ALABAMA BY:

ATTEST:

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Walter Watson  
Council President

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Robert A. Parker  
City Clerk

## **2019-01 Amending the Personnel Policy.pdf**



**Ordinance No. 2019-01**

***An Ordinance amending the City's Personnel Policy regarding Sick Leave and the Catastrophic Illness section***

Whereas: The City's "Personnel Policy" was adopted by the Fort Payne City council on June 3, 2014; and

Whereas: Section VI – the Benefits section - outlines employee benefits; and,

Whereas: Section X – the Catastrophic Illness Policy section - contains procedures by which the catastrophic leave benefits may be utilized; and,

Whereas: It is the desire of the Fort Payne City Council to amend those sections as described below.

***NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL, AS THE GOVERNING BODY OF FORT PAYNE, ALABAMA, AS FOLLOWS:***

Section 1. That the City of Fort Payne's "Sick Bank" is hereby abolished.

Section 2. That Section VI, the Employee Benefit section shall be amended to include the following addendum:

**Sick Leave Accrual Caps**

- Regular 40-hour Employee – 960 hours/120 8-hour days
- Fire Department Employees – 2880 hours/120 24-hour days
- Police Department Employees – 1140 hours/120 12-hour days

**Accrued Sick Leave Retirement Benefit**

- Any full-time employee who meets the requirements set forth by the Alabama State Retirement System and the City of Fort Payne, and who elects to retire shall receive one-half of their current sick leave balance upon retirement. Payout of any sick leave balance for retirement purposes shall be based on 8-hour work days. This applies to all employees regardless of the department from which he/she retires.
- Any remaining sick leave balance must be taken in the form of pay and cannot be taken in time. Sick leave balance payout will be paid by check on the following pay period of the employees last day of work.

Section 3. That Section X(2)(a) shall be amended to add the sentence "***Catastrophic Relief Committee shall consist of the Human Resources Director, Payroll Clerk, and the Payroll Administrative Assistant.***"

Section 4. That Section X(3)(a) shall be amended to add the sentence "***For example, an employee with 120 days of sick leave will be allowed to donate up to 24 days.***"

Section 5. That all other ordinances or parts of ordinances in conflict hereof are expressly repealed and rescinded.

Section 6. That if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holdings shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect, notwithstanding such holding.

Section 7. That this ordinance shall become effective immediately following its approval, adoption, and publication.

**APPROVED AND ADOPTED** this 5<sup>th</sup> day of February, 2019

THE CITY OF FORT PAYNE BY:

ATTEST:

\_\_\_\_\_  
Brian Baine  
Council President

\_\_\_\_\_  
Robert A. Parker  
City Clerk

TRANSMITTED TO THE MAYOR of the City of Fort Payne on the 5<sup>th</sup> day of February  
2019

\_\_\_\_\_  
Robert A. Parker  
City Clerk

APPROVED:

ATTEST:

\_\_\_\_\_  
Larry Chesser  
Mayor

\_\_\_\_\_  
Robert A. Parker  
City Clerk

Date of Mayor's Approval: \_\_\_\_\_

[SEAL]

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