



# Alabaster

CITY UNLIMITED

## CITY OF ALABASTER, ALABAMA

### EMPLOYEE HANDBOOK AND GENERAL POLICIES AND PROCEDURES MANUAL

The City of Alabaster presents this handbook as a guide for working rules, conditions and wage scales relative to employment with the City. It is the intent of this handbook to help guide and instruct the employees of the City of Alabaster to have a better understanding and knowledge of their employment and expectations of the City as to the performance and evaluation of employees. The working rules and conditions set out herein are a guide and may vary slightly with the occasion as situations vary.

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Scott Brakefield, Mayor

Adopted By the City Council of the City of Alabaster, Alabama  
Ordinance 180108-055 and Ordinance 21-130 Related to benefits  
Resolution 042621-14-013- Related to entire manual

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## **CHAPTER ONE: OBJECTIVES AND APPLICABILITY**

### **1.1 GENERAL POLICY**

It is the policy of the City of Alabaster to promote, support, implement, and maintain a program for coordinated development of municipal services and facilities. High quality services are mandatory for the health, safety, and welfare of the citizens and stakeholders of the City of Alabaster. The ability of the City to provide high quality services is dependent on employees of the City performing at a consistently high professional level. Therefore, employees of the City of Alabaster are expected to do their best in their work assignments, to be regular in their attendance on the job, and to respect the rules, regulations, and policies of the City of Alabaster.

### **1.2 DEPARTMENTAL RULES AND REGULATIONS**

The policies as stated herein provide guidelines for all personnel of the City of Alabaster; however, they do not include all policies, procedures, rules, or regulations that may be necessary at an operational level. Therefore, when necessary to enhance efficiency and effectiveness at the operational level, departmental policies and procedures may be supplemented. However, no such departmental policy, procedure, rule, or regulation shall be in conflict with these basic policies. If conflict arises, this manual and its policies will be final arbiter.

### **1.3 AMENDMENTS**

Occasionally changes are required in the operation of City government, due to federal, state, and/or local legislature, operational changes within the local government, or by other prevailing influence. Therefore, the City of Alabaster reserves the right and discretion to modify, alter, revoke, suspend, terminate, discontinue, or change any language in this handbook, in whole or in part, as necessary. Changes shall be effective as of the date of their adoption by resolution or ordinance of the City Council.

### **1.4 EFFECTIVE DATE OF THIS POLICY**

This policy, including, but not limited to, the procedures contained herein, is effective upon adoption by the City Council, and shall supersede all such prior Handbooks and policies. Any subsequent amendments to this policy shall be effective upon adoption or as otherwise specified therein.

## **CHAPTER TWO: PERSONNEL POLICY STATEMENTS**

### **2.1 EQUAL EMPLOYMENT OPPORTUNITY**

The City of Alabaster shall take necessary and affirmative action to eliminate equal opportunity barriers and to prohibit and/or preferred treatment concerning any individual on the basis of political affiliation, race, color, disability, national origin, sex (including pregnancy), age, or genetic information.

Equal employment opportunity, free of discriminatory practices, shall be enforced in all facets of employment including, but not limited to, recruitment, appointment, testing, promotion, terms and conditions of employment, compensation, benefits, training, discipline, appeals, layoffs, and terminations.

Department Heads and supervisors shall conduct personnel management operations in accordance with this equal employment opportunity policy.

### **2.2 POLICY AGAINST DISCRIMINATION AND HARASSMENT**

It is the policy of the City of Alabaster to provide a work environment free from all forms of discrimination and harassment. Unlawful harassment, either intentional or unintentional, has no place in the work environment. Accordingly, it is and shall continue to be the policy of the City that its employees and their work environment shall be free from all forms of unlawful harassment and intimidation. The City prohibits unlawful discriminatory practices and harassment on the basis of political affiliation, race, color, disability, national origin, sex (including pregnancy), age, genetic information, or any other reason prohibited by applicable law, whether the harassment is caused by another employee, a supervisor, a visitor, or any other person.

Conduct prohibited by this policy can include, but is not limited to, slurs, epithets, threats, derogatory comments, and unwelcome jokes which would make a reasonable person experiencing such harassment uncomfortable in the work environment or which would interfere with the person's job performance. Also prohibited are verbal and physical conduct of a sexual nature by any employee, supervisor, visitor, or other person, including sexual advances, requests for sexual favors, or other conduct such as uninvited touching and sexually-related comments which tend to create an intimidating, hostile, or offensive work environment. Employees are subject to discipline, up to and including termination, for violations of the City's harassment policy.

In an effort to maintain a workplace free of harassment, the City provides training to all employees on a routine basis. Such training will be scheduled in accordance with those laws and regulations provided by and in accordance with the EEOC and OFCCP regulations.

#### **How to Report Instances of Perceived Discrimination or Harassment:**

The City cannot resolve matters that are not brought to the attention of an appropriate member of management. Therefore, everyone will be held accountable for accomplishing our goal of a discrimination-free and harassment-free workplace. Any employee who believes he or she is being subjected to unlawful harassment or discrimination by a co-worker, manager, supervisor, or other individual (whether or not employed by the City), or who believes that his or her employment is being

adversely affected by such conduct, is directed to report such incidents and any other observations of unlawful harassment or discrimination to such employee's supervisor and the Personnel Director. If the complaint or observation involves someone in the employee's direct line of reporting, or the Personnel Director, or if for any reason the employee is uncomfortable discussing the matter with his or her direct supervisor or the Personnel Director, the employee is directed to report the matter to the Mayor, City Administrator or any member of management.

Additionally, any employee or supervisor who becomes aware of any possible unlawful harassment or other violation of this policy, whether he or she is personally affected or not, is directed to advise his or her direct supervisor, the Personnel Director, or any member of management.

#### **How An Investigation Will Be Conducted:**

The City will conduct a prompt and thorough investigation of the complaint or observation of possible unlawful harassment or discrimination and take appropriate action based on its investigation. Since allegations of harassment or discrimination are serious matters for all concerned, employees will be expected to fully cooperate in our efforts to investigate and enforce this policy. For the same reasons, discretion will be utilized in investigating and, where appropriate, remedying improper conduct. Information will be kept as confidential as possible and will be released only on a "need to know" basis.

#### **The City's Commitment to an Effective Response:**

The City will not tolerate any retaliation against an employee for making a good faith harassment or discrimination complaint or for cooperating in a harassment or discrimination investigation.

Supervisors and employees will be subject to disciplinary action, up to and including discharge, for violations of this policy including, but not limited to, harassing or retaliating conduct, failure or refusal to cooperate in an investigation, or other actions contrary to this policy.

Finally, if an employee believes that his or her report or complaint of a possible violation of this policy has not been promptly or properly addressed or the employee otherwise feels that the City has not fulfilled its commitments under the policy, the employee should immediately contact the Personnel Director, Mayor, City Administrator, or any member of management. An effective response depends on all of us, working together, to address this very important subject.

### **2.3 REASONABLE ACCOMMODATION POLICY**

It is the City's policy to ensure that all individuals are provided with equal employment opportunities without regard to disability. A qualified individual with a disability will be afforded the same opportunity to compete in the workplace based upon the same performance standards and requirements expected of persons who are not disabled.

When an individual with a disability needs accommodation to perform his or her job, the City will consider under appropriate circumstances whether a reasonable accommodation exists that will enable the individual to perform the essential functions of the job. Determining whether a reasonable



accommodation is appropriate is an individualized process. Decisions will be made on a case-by-case basis, depending upon the individual involved and the essential functions of the job in question. No specific form of accommodation is guaranteed.

The responsibility for seeking a reasonable accommodation begins with the employee or applicant. If you believe that a disability is preventing you from enjoying equal employment opportunities, it is your responsibility to inform your direct supervisor or the Personnel Director to request a reasonable accommodation. Upon notification that a disability may exist, the City may need information from your physician(s) or other health care provider(s) to determine whether an appropriate reasonable accommodation can be implemented. The City will work with you to determine an appropriate reasonable accommodation, but it cannot identify an accommodation without active participation on your part.

This is an interactive process that requires participation by the City and the employee or applicant. Although the City cannot guarantee that it will provide the accommodation that is most desired by the employee, the City will do its part to ensure that individuals with disabilities have an equal opportunity to compete in the workplace with those who are not disabled.

## **2.4 IMMIGRATION REFORM AND CONTROL ACT**

All new employees, regardless of employment status, are required by the Immigration Reform and Control Act of 1986 to complete a government form I-9 at some time between acceptance of job offer and the first day of work for pay. This form attests to the individuals' eligibility for employment in the United States. Pursuant to both state and federal law, all new employees' names and information shall be submitted to the federal E-verify system. Certain documents, which will prove an individual's eligibility for employment in the United States, must be presented to the person processing the employment papers. Each newly hired employee must present either an original document which establishes both employment authorization and identity or an original document which establishes employment authorization and a separate original document which establishes identity. Establishing and maintaining eligibility for employment in the United States is a condition of employment.

## **CHAPTER THREE: RECRUITMENT AND EXAMINATION**

### **3.1 POLICY**

To assure a high quality of service to the public, the City shall make every effort to attract qualified and competent individuals to compete for positions with the City of Alabaster. Selection and appointment to all positions shall be based solely upon job-related requirements and the applicant's demonstration of possession of the knowledge, skills, abilities, and personal characteristics necessary for successful job performance.

The Personnel Director shall administer an approved centralized system of recruiting applicants. Recruitment programs shall be conducted in such manners and for such time periods as determined to be useful and expedient for the class involved. All applications shall be job specific, and a previous application on file with the City shall not be deemed an application for any other job vacancy.

Official vacancy announcements shall be prepared and released by the Personnel Director at the direction of the Mayor or City Administrator for all regular, full-time vacancies, except a vacancy to be filled by an employee within the same department where such vacancy exists, a vacancy to be filled by an employee who is being reclassified, or a vacancy to be filled pursuant to a state or federal law.

Public notices shall be given for all regular, full-time vacancies, except those vacancies to be filled by intra-City transfer or promotion of current City employees, by properly advertising such vacancies within the community. The methods of advertising will depend upon the nature and requirements of the position being filled.

Notices of promotional vacancies may be limited to circulate only within an organizational unit of the City, may include competition from all organizational units in the City, or may be circulated to the general public. The method and mode of dissemination shall be determined by the Appointing Authority.

### **3.2 EXAMINATION**

An applicant having the required minimum qualifications and who properly made application shall be eligible to compete for vacancies upon final selection requiring competitive examinations. Each applicant whose application has been accepted for an examination shall be notified as to the time, date, and place of such examination.

All appointments in the classified service, either at entrance level or promotional level, shall be made upon the basis of merit, efficiency, and fitness of applicants for positions determined as far as practical and possible by competitive examinations. Examinations shall be thorough and practical and shall relate to those matters which fairly test relative capacity and fitness of those examined to discharge the duties of the classification.

Examinations shall consist of any, all, or part of the following examinations, sections, parts, or tests: written tests; mental tests; performance tests; physical test; and/or oral interview.

### **3.3 MEDICAL AND/OR PSYCHOLOGICAL EXAMINATION**

To help ensure that employees are able to perform their duties safely, medical examinations may be required under certain circumstances. For some job classifications, drug testing and psychological examinations shall be required.

The City may require a pre-employment medical examination be performed at the City's expense by a health professional of the City's choice. Such examination shall be scheduled by the Personnel Director. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

All employees may, during the period of their employment, be required by their Department Head, and with the approval of the Personnel Director, to undergo periodic "fitness for duty" medical and/or psychological examinations to determine their physical and mental fitness to perform the work of the position in which they are employed. These periodic examinations shall be at no expense to the employee. Determination of physical or mental fitness will be by a health care provider designated by the City.

### **3.4 POLYGRAPH EXAMINATION**

A polygraph (or other truth verification device) test shall be required of certain classifications and other positions as mandated by law. Such a test shall be specific and directly related to the potential employee's performance and official duties, and to the public interest of the City.

### **3.5 BACKGROUND CHECKS**

The City shall conduct appropriate background checks on all final candidates for employment. The scope and nature of this background check may vary based upon the type of position being filled. The city reserves the right to and shall conduct random background checks throughout the employment tenure of employees.

### **3.6 REJECTION OF APPLICANTS**

The Personnel Director or Appointing Authority may reject any applicant for employment if it is determined that the applicant is not qualified for the job. The reasons for rejection may include, but are not limited to, any one or more of the following: the application was not timely filed on the prescribed form; the applicant does not possess the minimum qualifications; the applicant failed to pass any phase of the examination process; the applicant has established an unsatisfactory employment or personnel record of such a nature as to demonstrate unsuitability for employment; the applicant has made a false statement of any material fact; the applicant is unable to perform the essential functions of the position with or without reasonable accommodation; the applicant does not appear for a scheduled appointment or examination and/or does not reply to mail or telephone inquiry; the applicant fails to accept appointment within the period of time prescribed in the offer; or the applicant was previously employed and was removed for cause or resigned not in good standing.

## **CHAPTER FOUR: APPOINTMENT STATUS**

### **4.1 APPOINTMENT STATUS**

The appointment status of any employee shall be for the purpose of classifying the employment in accordance with the anticipated length of employment, working hours, or other special employment conditions. The appointment status of all employees will be established and maintained as set forth in Section 11 of the Alabaster Civil Service Act.

### **4.2 PROBATIONARY PERIOD**

The probationary period is an integral part of the selection procedure allowing the supervisor and the Department Head to train, observe, and evaluate an employee's skills, conduct, and attitude, in order to determine fitness for permanent status in the position. A probationary employee may be terminated without cause during the probationary period. The probationary period for an employee hired to fill a regular, full-time position shall begin immediately upon hire in such position and continue for one (1) year.

### **4.3 EVALUATION AND COMPLETION OF PROBATION**

The supervisor may evaluate the performance of the probationary employee at ninety (90) days, six (6) months, and one (1) year. Additional evaluations may be completed prior to these intervals if necessary to address performance problems. If, at the end of the probationary period, the performance evaluation does not "meet expectations", the probation may be extended for up to six (6) additional months, or the employee may be dismissed at the discretion of the City.

### **4.4 DISMISSAL OF PROBATIONARY EMPLOYEE**

At any time during or upon the conclusion of the probationary period, an employee may be dismissed by the employee's respective Department Head with or without cause and with no right to appeal.

### **4.5 DISCIPLINARY ACTIONS DURING THE PROBATIONARY PERIOD**

An employee may be reprimanded or disciplined for cause by the Department Head (or his/her designee) at any time during the probationary period, with no right of review or appeal from such action. The goal of any such reprimand shall be to train and encourage the probationary employee in the high standards required of public employment so that the employee obtains regular status with the City.

### **4.6 MERIT INCREASES DURING THE PROBATIONARY PERIOD**

An employee will not be eligible for merit increases until the employee has satisfactorily completed the initial new hire probationary period.

## **CHAPTER FIVE: CLASSIFICATION PLAN**

### **5.1 PURPOSE AND USE OF CLASSIFICATION PLAN**

The position classification plan provides a systematic arrangement and inventory of the positions in City government. The classification plan will be established and maintained as set forth in Section 8 of the Alabaster Civil Service Act. The classification plan shall be approved by the City Council in the form of approval of specific job descriptions for positions within the City, and may be amended from time to time by the Council upon recommendation from the Mayor and/or City Administrator.

For purposes of classification, positions will be deemed as follows: full time benefited positions, temporary seasonal position with no benefits, and /or part time position with no benefits.

### **5.2 CLASSIFICATION APPEAL**

(A) An employee who believes the class to which his/her position is assigned is incorrect may request a review of the classification of the position. If the employee has been assigned new duties and responsibilities commensurate with a position in a higher grade as a result of an organizational change deemed appropriate for the efficient and effective operation of municipal government within the twelve (12) month period after a position classification audit was conducted, the employee may request a review of his/her position classification.

Such a request must be submitted in writing to the Department Head and must contain a statement of justification, including those duties or responsibilities claimed to justify reclassification.

If the Department Head has not submitted the employee's request for classification review to the Personnel Director within the thirty (30) day period following the Department Head's receipt of such request, the employee should submit the request in writing to the Mayor or City Administrator.

(B) Upon an employee's submission of a request or at the Department Head's own initiative, a Department Head may request classification reviews of positions within his/her departments. Department Heads may not make requests for classification reviews of positions that have received classification audits within the preceding twelve (12) month period, unless an employee has been assigned new duties and responsibilities commensurate with a position in a higher grade as a result of an organizational change deemed appropriate for the efficient and effective operation of municipal government. If one (1) or more positions are proposed to be modified as a result of a proposed change of duties or responsibilities, the Department Head shall consult with the Personnel Director who shall review the proposal as provided in these policies.

(C) Upon receipt of a classification review request, the Personnel Director will obtain all necessary information and, after consideration of all pertinent facts, will submit a recommendation to the Mayor and City Administrator who will make a disposition of the review.

(D) An employee may file a grievance with the City Council based upon job classification in the following circumstances only:

- (1) The Personnel Director has recommended that the classification of the employee's

position be upgraded on the basis of the duties and responsibilities performed by the employee and the Mayor or City Administrator has disposed of the review by indicating that he/she will not recommend to the City Council an upgrade of the employee's position;

- (2) The Personnel Director has recommended that the classification of the employee's position be downgraded on the basis of the duties and responsibilities performed by the employee and the Mayor or City Administrator has disposed of the review by indicating that he/she will recommend to the City Council that the employee's position be downgraded;
- (3) The Mayor or City Administrator has indicated that he/she will recommend to the City Council that the classification of an employee's position be downgraded as a result of a classification review conducted under this Section with regard to a like-classed employee.

Upon the request to file a grievance with the City Council, the Personnel Director shall forward to the Council President all documentation, including the request for council review. The City Council may, in its sole discretion, accept or reject to hear the grievance and consider the amendment to the classification plan. The City Council, also in its sole discretion, may forward the request and all related documentation to the Personnel Board for the Board's review and recommendation.

## **CHAPTER SIX: SALARY ADMINISTRATION**

### **6.1 COMPENSATION PLAN**

The compensation plan will be established and maintained as set forth in Section 10 of the Alabaster Civil Service Act.

At all times the City shall diligently seek to comply with the Fair Labor Standards Act, and the policies enacted shall be so construed.

### **6.2 GENERAL SALARY INCREASES**

The pay plan is designed to provide for progressive step increases to employees as a reward for continual growth and development in their career, thereby increasing their value to the City. Such increases will be based on the employee's annual evaluations resulting in a minimum of overall meeting standards. Increases are not a guarantee and are at the discretion and approval of City Council based on annual budget resolution.

### **6.3 EXEMPT AND NON-EXEMPT EMPLOYEES**

Each job classification shall be designated as either exempt or non-exempt in accordance with federal and state wage and hour laws. Non-exempt employees are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. The Personnel Director shall recommend the appropriate exemption status for the job classification and such classification may be changed only upon written notification by the Personnel Director.

### **6.4 OVERTIME POLICY**

Hours worked in excess of the standard work period shall be authorized only when essential to the effective operation of City government. When overtime is deemed necessary, any employee scheduled and directed to work additional hours shall be required to do so. Employees who work overtime without receiving prior authorization from their Department Head or Supervisor will be paid for their time worked but may be subject to disciplinary action.

Non-exempt employees shall be compensated at the rate of one and one-half (1 1/2) times the employee's regular hourly rate of pay for all hours *worked* in excess of the standard hours for the work period, as defined by the Fair Labor Standards Act. For employees who normally work 40 hours per week, the work period is 7 days. Public safety classifications that are paid on a "work period" basis have a different standard. The work period for fire suppression personnel is 28 days, and those individuals will receive overtime pay for hours worked in excess of 212 hours during the 28-day work period. The work period for law enforcement personnel is 14 days, and those individuals will receive overtime pay for hours worked in excess of 86 hours during the 14-day work period.

## **6.5 ON-CALL & CALL OUT PROVISIONS**

Employees who are not restricted during their off-duty time or in their personal activities, yet who may be required to be available only should their services be required, shall be considered as waiting to be engaged to perform their assigned duties and shall not be entitled to compensation unless such employee is actually engaged to perform such required services.

Non-exempt employees who are unexpectedly called back to their assignment after normal working hours shall be compensated the greater of:

- (A) The equivalent of two (2) regular hours of work; or
- (B) The actual number of hours worked

## **6.6 SEPARATION PAY**

Employees whose employment is voluntarily terminated shall be paid all earnings authorized or due, and any authorized and documented compensable accrued leave time, excluding sick leave, to which the employee shall be entitled. Under no circumstance shall the City pay vacation hours in excess of 240 hours for 40-hour employees, 252 hours for police personnel on a 86-hour/14-day work period, or 320 hours for fire suppression personnel on a 212-hour/28-day work period.



## **6.7 LONGEVITY PAY**

Longevity payments are made on the basis of the number of years of continuous regular, full-time service with the City of Alabaster. All regular, full-time employees who have three (3) or more years of unbroken service as of October 1 each year are eligible for longevity pay. Longevity Pay is calculated based upon when the full-time employee's years of service, as of October 1, is equal to 3 to 5 years, \$200; 6 to 10 years, \$500; 11 to 15 years, \$700; and 16 years and over, \$1,000. Only regular, full-time employees qualify for longevity pay. Employee must be in active status to receive this benefit. While it is the desire of the City to provide this recognition pay to its employees for their dedication and service, pay is at the discretion and resolution approval of City Council for each budget year.

## **6.8 PAY PROCEDURES**

It is currently the policy of the City of Alabaster to pay employees by direct deposit on a bi-weekly basis and in a manner so that the amount, method and timing of wage payments comply with any applicable laws or regulations. Direct deposit allows paperless transmittal between the City of Alabaster and employees' banking institutions and provides a safe, efficient, reliable and cost-effective method for ensuring employees receipt of their pay. There is no cost to the employee for participation in the City of Alabaster direct deposit program and employees may split their deposits between up to three (3) financial institutions.

## **6.9 PAY DEDUCTIONS**

Standard deductions shall be made from each employee's paycheck for federal income tax, social security taxes, and any other local, state or federal taxes that are applicable. Employees may also voluntarily authorize deductions from their paychecks to cover the cost of participating in various employee benefit programs offered by the City.

If any employee has questions or concerns regarding a deduction from his or her paycheck, the employee should immediately discuss it with the Payroll Clerk. The City will investigate the matter to determine if any improper deductions have been made. If it is determined that improper deductions have been made, the employee will be reimbursed as quickly as possible but no later than the subsequent payroll period following the notification of error to payroll clerk. In addition, the City will take steps to prevent such deductions or errors from occurring again. Employees will not be retaliated against for complaining about the accuracy of their paychecks or deductions made from their wages. Conversely, if an overpayment is found on an employee's paycheck, the City will follow the same timing and protocol described above to return the overpayment of funds to the City.

## **6.10 TIME RECORDS**

The City is required by law to keep an accurate record of time worked by every non-exempt employee. Your time records also provide the basis for payroll calculations. All non-exempt employees must complete the proper time records each pay period, and all time worked during each pay period must be recorded and accounted for. Time worked includes all time that an employee is required to be performing duties for the City. A non-exempt employee will not be permitted to perform work away from the premises, job site or at home unless approved in advance by the employee's supervisor. Non-exempt employee are prohibited from working "off-the-clock." A non-exempt employee is not allowed to work

through an unpaid meal break unless authorized by his or her supervisor. An employee who works during an unpaid meal break must advise the supervisor and ensure that time is accounted for on the time records.

Falsifying time records may result in disciplinary action, up to and including termination.

## **CHAPTER SEVEN: PROMOTION POLICY**

It is the policy of the City of Alabaster to provide promotional opportunities whenever possible to qualified employees. Employees are encouraged to qualify themselves for advancement by developing new skills, by expanding the knowledge of their work, by assuming greater responsibilities, and by maintaining a high level of job performance, service, interest, and loyalty.

The selection of candidates shall be determined in a manner whereby those individuals having demonstrated the required knowledge, skills, abilities, and personal characteristics, while possessing the greatest potential qualities of leadership for the higher position, may be selected, regardless of political affiliation, race, color, disability, national origin, sex (including pregnancy), age, or genetic information.

An employee promoted to a higher grade shall be on probation for a period of twelve (12) months. In the event that an employee fails to satisfactorily perform the functions of the position at any time during the twelve (12) month probationary period, the employee serving the probationary period for a promotional appointment may be demoted to the former classification, if there is a vacancy in such classification, or may be reassigned to any other comparable classification for which the employee is qualified, subject to the approval of the appointing authority and the Mayor or City Administrator; or the employee may be terminated.

## **CHAPTER EIGHT: WORKING HOURS, ATTENDANCE, AND LEAVE**

### **8.1 ATTENDANCE**

Employees shall be ready to work at their designated places of work at the beginning of the scheduled work time. If an employee fails to report, is tardy or absent, leaves the work place without proper authorization, or misuses leave privileges, such employee is subject to disciplinary action. Time sheets/records shall indicate the attendance for the preceding bi-weekly pay period.

### **8.2 ABSENTEEISM**

An employee shall be responsible for ensuring that notification of any unscheduled absence is reported to his/her immediate supervisor prior to the beginning of his/her scheduled work time, in accordance with City policy. Unauthorized absences without proper notification may result in disciplinary action, including termination. Three (3) consecutive workdays' absence without proper notice may be considered as a resignation without notice. A doctor's excuse indicating dates of absence may be required by a licensed physician at any time and at the discretion of management.

### **8.3 AUTHORIZED LEAVE**

Authorized leave is any absence during regularly scheduled work hours that is approved by the proper authority. Authorized leave may be with or without pay and shall be granted in accordance with these rules on the basis of the work requirements and, whenever possible, the personal wishes of the employee.

The Department Head may cancel any scheduled leave at any time in the event of emergency situations and/or the necessity for certain manpower requirements. Should such cancellation of leave occur, the employee shall report to work as directed. Failure to report shall be grounds for disciplinary action.

The methodology to calculate the varying hourly equivalents was determined to be set as a percentage change from the baseline of 40 regular hours (2080 annual hours). For instance, fire suppression personnel have an established 28-day, 212 hour work period (2756 annual hours), as defined by the Federal Labor Standards Act, and therefore would accrue approximately 33% more equivalent hours by this formula  $[(2756-2080)/2080 = .33]$ . Years of service shall be measured from the employment or re-employment anniversary date.

### **8.4 ANNUAL LEAVE (VACATION)**

For employees having an established 40-hour work week (2080 annual hours) accrual of annual leave will be as follows:

Years 0 – 5 of service	a maximum of 91 hours per year earned at the rate of 3.5 hours per bi-weekly pay period
6 – 10 years of service	a maximum of 130 hours per year earned at the rate of 5 hours per bi-weekly pay period

11 – employment separation a maximum of 162.5 hours per year earned at the rate of 6.25 hours per bi-weekly pay period

For Police personnel having an established 14-day, 84-hour work period(2,184 annual hours) accrual of annual leave will be as follows:

Years 0 – 5 of service a maximum of 97.5 hours per year earned at the rate of 3.75 hours per bi-weekly pay period

6 – 10 years of service a maximum of 136.5 hours per year earned at the rate of 5.25 hours per bi-weekly pay period

11 – employment separation a maximum of 169.0 hours per year earned at the rate of 6.5 hours per bi-weekly pay period

For fire suppression personnel having an established 28-day, 212-hour work period (2,756 annual hours) accrual of annual leave will be as follows:

Years 0 – 5 of service a maximum of 121 hours per year earned at the rate of 4.65 hours per bi-weekly pay period

6 – 10 years of service a maximum of 172 hours per year earned at the rate of 6.61 hours per bi-weekly pay period

11 – employment separation a maximum of 216 hours per year earned at the rate of 8.31 hours per bi-weekly pay period

Eligible employees will be credited with annual leave as it is earned. However, an employee is entitled to use annual leave only after being currently employed for a period of ninety (90) calendar days without a break in service, unless otherwise approved by the Mayor or City Administrator.

Leave time shall not accrue while in a non-pay status for any portion of the pay period. Supervisors and employees have a mutual obligation to plan and schedule leave. Consequently, if annual leave must be denied or previously approved leave canceled, an alternative period of time should be scheduled.

Annual leave shall be used in a minimum of one (1) hour increments, as approved by employee's supervisor.

Employees may accrue and carry forward to the next calendar year a certain number of hours of annual leave, to be used at the discretion of the employee and the convenience of the City. Any leave in excess of these amounts must be used by December 31<sup>st</sup> or be transferred into the employee's sick leave balance.

The following is the carry forward of annual leave available to Regular, Full-Time employees, after 90 calendar days of employment, based on position:

- Employees having an established 40-hour work week can carryover 240 hours of annual leave.
- Police personnel having an established 14-day, 86-hour work period can carryover 252 hours of annual leave.
- Fire suppression personnel having an established 28-day, 212-hour work period can carryover 320 hours of annual leave.

Upon termination of employment, employees shall receive compensation for accrued annual leave subject to the maximum carryover amounts.

## 8.5 SICK LEAVE

The City of Alabaster provides sick leave for its employees. Such leave shall not be considered a right, but, rather, a privilege. This sick leave benefit is to provide some measure of financial assistance to employees in the event of illness of the employee or the employee's immediate family. Proper notice should be given to the employee's supervisor. At a minimum, proper notice is verbal notice received by the employee's supervisor at least one hour prior to the time the employee is scheduled to begin work. It is expected and preferred for the employee to notify supervisor as soon as reasonably possible to schedule non-emergency sick leave. Sick Leave is available **only** under the following circumstances:

1. When an employee is suffering from a condition, such as but not limited to pregnancy, sickness, or illness, that prevents the performance of the employee's usual job functions.
2. When an employee requires medical, dental, psychological or optical consultation or treatment; or
3. When an employee's immediate family member is suffering from any condition related to pregnancy, illness or injury and requires the employee's attention; or
4. When an employee's immediate family member requires medical, dental, psychological or optical consultation or treatment whenever the employee must accompany that family member to the appointment; or
5. An employee can use accrued sick time for the care or support of a newborn or adopted child, subject to FMLA guidelines; and
6. Sick leave can also be used in accordance with Section 8.7 (Bereavement Policy).

Sick leave is not available for any other purpose. For purposes of using sick leave, "immediate family" shall mean present spouse, children (including natural, step and adoptive), parents, step-parents, in loco parentis, and any other individual residing within the employee's household who is a legal dependent of the employee for income tax purposes. In the City's sole discretion, it may require a written doctor's excuse before approving sick leave or authorizing payment for any sick leave.

The following is the sick leave schedule available to Regular, Full-Time employees based on position:

- Employees having an established 40-hour work week will accrue 8 hours of sick leave per calendar month.

- Police personnel having an established 14-day, 86-hour work period will accrue 8.5 hours of sick leave per calendar month.
- Fire suppression personnel having an established 28-day, 212-hour work period will accrue 11 hours of sick leave per calendar month.

Accrued sick leave becomes available for use for eligible employees after 90 calendar days of employment. There shall be no maximum amount of sick leave an employee may accrue. At a minimum, sick leave may be used in quarter hour (.25) increments as approved by the employee’s supervisor.

An employee must be in a paid status with the City for at least 50% of the month in order to accrue sick leave for that month. Illness during vacation is considered vacation and not sick time.

An employee shall be subject to disciplinary action if he/she engages in outside employment at any time within a calendar day during which sick leave is claimed.

All sick leave will be forfeited upon separation or termination of employment with the exception that eligible employees under Tier I of the State of Alabama Retirement System may convert up to 300 8- hour days (2,400 hours) of sick leave to retirement credit in accordance with the Code of Alabama Section 35-26-36.1 and City of Alabaster Resolution 090611-F. Under state law, the conversion of accrued sick leave into creditable service is not available to Tier II members.

## **8.6 SICK TIME DONATION POLICY**

It is the intent of the City to provide a bona fide employer-sponsored medical leave sharing arrangement allowing eligible employees to donate accrued sick leave to employees who are eligible to receive such leave for medical emergencies. Donated leave can only be used for a medical emergency defined as a condition of the employee or the employee’s spouse, parent, or child that will require a prolonged absence, resulting in a substantial loss of income to the employee, because the employee will have exhausted all accrued leave.

### **Eligibility**

To be eligible to receive donated sick leave, an employee must meet the following criteria:

1. Must be a full-time employee with 12 months of continuous service;
2. Must have exhausted all available paid leave; and
3. Must be absent or expect to be absent without available paid leave for at least 40 work hours.

For purposes of the City’s donated sick leave program, a medical emergency includes a serious health condition or combination of conditions that (a) affect the physical or mental health of the employee

and/or spouse, parent, or child, (b) result in a life-threatening or life function altering condition, and (c) require an extended period of absence from work.

The threshold for “a substantial loss of income” is any absence or expected absence without available paid leave for at least 40 work hours.

An employee in need of donated leave may submit a request in writing to the Personnel Director. The request must include a doctor’s statement explaining the nature of the illness and the anticipated date for returning to work, provided this information has not already been received. Requests for donated leave must be approved by the Department Head and Personnel Director.

If approved, the Personnel Director will send a request to all City departments asking for sick leave donations. Employees wishing to donate must complete a sick leave donation form and submit it to the Personnel Director.

## **Introduction**

Under certain circumstances, a City employee may voluntarily donate to another City employee, or receive from another employee, accrued sick time under a sick time donation plan as described in this policy. This policy is applicable to City employees, who are eligible to accrue sick time based on their employment category and have completed 12 months or more of continuous service.

When sick time is donated from one employee to another, a credit is transferred for the amount of time that an employee may take as sick time. When an employee uses sick time, he or she does not receive more than his or her base pay, but some of the person's base pay for that year is in the form of paid sick time. No additional funds are placed into the budgets of City departments to cover the time the employee would be using normal sick time; therefore, when sick time is donated from one employee to another employee, no funds are transferred. Neither employee is paid more or less than his or her base pay for that year. The only difference is that less of the donating employee's base pay is available to be used as sick time and more of the recipient's base pay is available as sick time. However, there may be financial consequences for the recipient's department/unit if another person must be hired temporarily to cover the recipient's job responsibilities while he or she is using the additional donated sick time. Therefore, the approval of the recipient's department/unit head is required, thus ensuring that he or she agrees to the monetary implications of donated sick time. The department/unit head is under no obligation to approve the donation of sick time.

Any employee may donate sick time days to another employee of the City regardless of staff pay grade or department. However, no employee may donate sick time days to their supervisor or department head without the written approval of the Mayor.

For a donation of sick time to be approved, the following conditions must be met:

### **A. Donation of Sick Time**

An employee may donate any number of sick time hours, not to exceed a total lifetime donation of 480



hours, as long as the donating employee maintains at least 160 hours of accrued sick time in his or her personal account. An employee may not donate more than 80 hours to the same employee.

Sick time may not be donated to an employee who is in an employment category which does not accrue sick time.

The department head of the employee donating the sick time must agree to have the sick time transferred to the recipient's account.

Donated sick time hours that is fully executed (that is, approved by HR Records Administration), may not be returnable to the donor unless the donated time is not used by the receiving employee during the designated time request in which the donor donated sick time for. The receiving employee may not bank donated sick time for future use, it is to be used for the designated time-period in which the request was made.

Employees terminating employment from the City, whether by retirement, resignation, or otherwise, may not donate sick time.

#### **B. Receipt of Donated Sick Time**

Donated sick time is available to be used for an employee who is eligible to use accrued sick time (i.e., has completed initial probation) and has a personal illness or injury or for a family related leave of absence for a spouse, sponsored adult dependent, parent, child or child of a sponsored adult dependent. For purposes of this policy, an "illness or injury" is defined as a medical condition which requires an employee to be placed on an official continuous FMLA leave of absence.

A City employee who experiences an illness or injury or who has been approved for a family related leave of absence is eligible to receive donated sick time provided the employee has depleted all paid leave including sick time, vacation time, and personal holidays. Use of donated sick time ceases upon the employee's eligibility for City of Alabaster's long-term disability benefits. The donated sick time may be used for the paid portion of a personal medical or Family Related leave of absence in the same manner as the recipient's regular sick time is used for such a purpose.

A City employee who adopts a child is eligible to receive a maximum of 240 hours of donated sick time provided the employee has depleted all paid leave including sick time, vacation time, and personal holidays.

Intermittent Family Medical Leave is not eligible for sick time donation.

Sick time donation is not available to supplement On the Job Injury pay.

Because the donated sick time may result in additional time away from work by the recipient, the recipient's department/unit head must agree to the transfer of the sick time.

Donated sick time must be submitted and fully executed (approved) by HR Records prior to the recipient's

release and return to work.

The employee receiving the sick time donation is eligible to receive a (total lifetime) donation of up to a maximum of 480 hours. The donation may come from several different eligible employees but may not exceed 480 hours total.

Employees are reminded that unused sick time may be applied toward creditable service under the Retirement System of Alabama. Employees should consider the financial impact of losing retirement system creditable service before donating their sick time to another employee. Under no circumstances will previously donated sick time be reinstated or transferred back to the donating employee for any reason not listed within this policy, including for retirement plan purposes.

### **C. Additional Requirements and Guidelines**

The “Sick Time Donation Request Form” attached to this policy must be completed and submitted to HR Records Administration. The request must be approved in writing by the appropriate department/unit head of both the donor and the recipient.

The request form signed by the department head must be sent to HR Records Administration and must be approved by HR Records Administration prior to use of the donated sick time.

A copy of the fully executed (approved) “Sick Time Donation Request Form” will be returned by Personnel Records to the department/unit for processing adjustments to sick time records in those cases.

## **8.7 BEREAVEMENT POLICY**

Bereavement paid leave is provided to employees in order that they may be with the family of the deceased during the immediate period following a death. All eligible employees shall be entitled to bereavement leave with pay for twenty-four (24) work hours after a death of an immediate family member. For the purpose of using bereavement leave, “immediate family” shall include present spouse, children (including natural, step and adoptive), parents (including natural, step and adoptive), siblings, parents-in-law, siblings-in-law, grandparents and grandchildren, and any other individual residing within the employee’s household who is a legal dependent of the employee for income tax purposes. Such bereavement paid leave shall not be charged against the employee’s accrued sick leave or annual leave. An eligible employee may use an additional twenty-four (24) hours of accrued sick leave, if available, or, if approved by their supervisor, annual leave, should more time be necessary.

In all other instances of bereavement, including the death of close friends, an employee may use annual leave, if available, as approved by the employee's supervisor.

An employee who is notified during his/her shift of a death in the family may leave early and count the partial day missed as the first day of paid bereavement leave or take accrued leave for the remainder of the partial day and bereavement leave for the next twenty-four (24) scheduled work hours.

## **8.8 FMLA LEAVE**

The City understands the importance of family issues to its workforce. Because employees may find it necessary to take leave from their job for a temporary period to address certain family responsibilities or for their own serious health conditions, and in order to comply with the Family and Medical Leave Act of 1993 ("FMLA"), the City hereby establishes its family and medical leave policy.

Under this policy, the City will grant up to 12 or 26 weeks of family and medical leave during any preceding 12-month period to Eligible Employees, in accordance with the FMLA and as stated in this policy. The leave may be paid, unpaid or a combination of paid and unpaid, depending on the employee's available leave accrued. Under all circumstances, any leave taken hereunder shall run concurrent with any existing paid leave benefits to which the Eligible Employee is entitled including but not limited to vacation, sick leave and worker's compensation leave. Employees on FMLA leave must exhaust all paid leave to which they are entitled before taking unpaid time off.

### Eligible Employees are:

1. The employee must have worked for the City for at least 12 months or 52 weeks. The 12 months or 52 weeks do not have to be consecutive.
2. The employee must have worked at least 1250 hours during the twelve-month period immediately before the date leave is requested to commence.

### Type of Leave Covered

Under this policy, an Eligible Employees may take leave for any of the following reasons:

1. The birth, adoption or placement for foster care of a son or daughter of the employee and to care for such child. (Leave must be taken during the 12-month period following the birth or placement, and must be taken in a single consecutive period and may not be taken intermittently or on a reduced schedule.)
2. A serious health condition of a qualifying family member, i.e. spouse, son, daughter or parent of the employee, if the employee is needed to care for such family member.
3. A serious health condition of the employee that makes the employee unable to perform any one or more of the essential functions of his or her job.
4. Any "qualifying exigency" arising out of the fact that an employee's spouse, parent, son or daughter is on active duty or has been called to active duty in the Armed Forces (including the National Guard and Reserves) in support of a contingency operation.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition.

Any leave taken under one or more of these circumstances will be counted against the employee's total entitlement to FMLA leave for that year.

The 12-Month Period: The City measures the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy.

Notice of Leave: Employees should give at least 30 days advance notice of the need to take family/medical leave when the need for such leave is foreseeable. In all other circumstances, employees must give notice of the need for family/medical leave as soon as practicable. The City requires employees to give written notice of the need for FMLA leave. Failure to provide 30 days' written notice of the need for leave (or as soon as practicable if need for leave is not foreseeable) may result in a delay of FMLA leave. Oral notice will not excuse an employee from providing written notice of the need for leave.

Medical Certification: The City may require periodic medical certification substantiating a serious medical condition from an attending health care provider or may require the employee to be examined by a physician designated by the City. Employees generally will be required to provide medical certification within 15 calendar days of the City's request. Failure to timely provide any requested medical certification may result in the delay of leave until the certification is received. An employee returning to work will be required to provide medical certification of fitness to return to work and may be required to have a fitness-for-duty exam performed by a physician designated by the City after the employee returns to work.

Leave is Unpaid: ALL FMLA leave is unpaid. As permitted by law, all FMLA leave runs concurrent with all other types of leave such as vacation, sick time, etc. Employees must exhaust all paid leave to which they are entitled before taking unpaid time off under FMLA.

Medical and Other Benefits: While an Eligible Employee is on approved FMLA leave, the City will maintain the employee's health benefits as if he/she was actively employed. If paid leave is substituted for unpaid leave, the City will deduct the employee's portion of the premiums as a regular payroll deduction. If leave is unpaid, the Eligible Employee must pay his/her portion of the coverage by mailing in a check or money order by the 1st day of the month for which premiums are due. The Eligible Employee's health care coverage will cease if the premium payment is more than 30 days late. The City will give at least 15 days' notice advising that coverage will cease if payment is not received. If the Eligible Employee chooses not to return to work for reasons other than a continued serious health condition or a circumstance beyond the employee's control, the City will require the employee to reimburse it for the premiums paid by the City during the unpaid leave.

No Work While on Leave: Outside employment is prohibited while on FMLA leave or any other authorized leave of absence and may lead to disciplinary action up to and including termination.

Return to Work: Employees must notify their supervisor well in advance (preferably five (5) days) of their expected return to work so that schedules can be prepared. Generally, returning employees will

be returned to their same position or an equivalent position. However, the City reserves the right to replace employees on a leave of absence consistent with applicable state and federal laws. Employees who are unable to or fail to return to work following the exhaustion of family/medical leave may be removed from the City's payroll depending on the circumstances, consistent with applicable state and federal laws.

Military Caregiver Leave: Eligible Employees may take up to 26 work weeks of leave when caring for a covered Service Member who has a serious injury or illness which occurred while the service member was on active duty. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating. The care must be for a spouse, son, daughter, parent or next of kin.

Employees with questions about this policy should consult with the Human Resource Department.

## **8.9 HOLIDAY PAY**

The holiday schedule shall be adopted and published, annually, by the City Council for all full-time employees of the City of Alabaster.

The following is the equivalent scale available to Regular, Full-Time employees, after 90 calendar days of employment, based on position:

- Employees having an established 40-hour work week will receive holiday pay based upon 8 hours.
- Police personnel having an established 14-day, 86-hour work period will receive holiday pay based upon 8.5 hours.
- Fire suppression personnel having an established 28-day, 212-hour work period will receive holiday pay based upon 11 hours.

For other full-time employees working alternate schedules, as approved by their supervisor, each holiday shall receive the declared value of the normal hours the employee would work that day.

As many employees as possible will be allowed off on a recognized holiday. However, certain responsibilities and duties cannot be dispensed with to ensure and maintain efficient operation of City government. All full-time employees required to work on a recognized holiday shall receive the holiday hours in addition to hours worked during the pay period. This provision also applies if such holiday falls on a full-time employee's "off day".

To be eligible for the paid holiday, an employee must be in an active employment status and not on leave without pay, unexcused absence, disciplinary suspension, or unpaid leave of absence the regularly scheduled shift before and the regularly scheduled shift after the holiday. Employees using sick leave

the regularly scheduled shift before and the regularly scheduled shift after the holiday shall be required to provide a doctor's excuse for the absence.

### **8.10 ADMINISTRATIVE LEAVE**

Administrative Leave is leave with pay granted to one or more employees and not requiring the employee(s) to use accrued paid leave. Administrative Leave can be granted in the following circumstances:

- (A) The Mayor or City Administrator may grant Administrative Leave at his/her discretion, including, but not limited to, for short-term circumstances involving an unforeseeable catastrophic event affecting the employee or a member of the employee's immediate family that was beyond the control of the employee and which renders the employee unable to attend work. Unforeseeable catastrophic event may include hazardous weather events or emergency conditions which necessitate the closing of the work place to the public and employees due to safety concerns as contemplated, but not limited to those, in Section 8.13.
  
- (B) As a non-disciplinary measure, a Department Head, with the written approval of the Mayor or the City Administrator, may grant Administrative Leave, if disciplinary action is being considered by the Department Head.

The Mayor, City Administrator or Department Head may require an employee on Administrative Leave to report to work and/or contact their supervisor periodically.

### **8.11 LEAVE OF ABSENCE**

A regular full-time employee who is ineligible for family/medical leave may be granted leave of absence without pay for a period not to exceed four (4) months for sickness, disability, or other reasonable and justifiable purposes. Such leave shall require the prior approval of the Department Head, the City Administrator, or the Mayor. Such leave may only be extended under extenuating circumstances.

Employees who have applied for and received approval for a leave of absence shall not be entitled to accrue any benefits during the period of absence. Employees will be required to pay all premiums for group insurance during the period of absence to maintain eligibility for such benefits. Jobs vacated by a leave of absence under this Section will be filled temporarily where possible, but the City retains the right to permanently fill these vacancies where business needs required.

Failure to return to work from a leave of absence at the prescribed time may be considered as a resignation without notice.

### **8.12 MILITARY LEAVE**

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

An employee occupying a regular full-time position who is ordered by appropriate authority to attend training or is ordered to active service will be paid for up to 168 hours per calendar year. The employee is required to present orders or other appropriate documentation of the requirement to attend, in order to qualify for payment. If the employee exhausts the 168 hours of paid military leave, he or she may use any available accrued vacation or compensatory time for the absence.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible.

While on unpaid military leave, benefit accruals for vacation, sick leave, or holiday benefits will be suspended during the leave and will resume upon the employee's return to active employment.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Contact the Personnel Director for more information or questions about military leave.

### **8.13 JURY/ WITNESS DUTY**

An employee may be excused with pay for jury duty, and will be allowed to keep any expense money received from the court. Employees are responsible for providing the Department Head with proof of jury duty and shall return to work when excused by the court, unless one (1) hour or less remains of the scheduled workday.

If an employee is required by law to appear in court as a witness (other than in an official capacity as a City employee), he/she will be allowed to use annual leave or leave without pay excused.

### **8.14 HAZARDOUS WEATHER/EMERGENCY CONDITIONS**

In the event of hazardous weather or emergency conditions, it is the responsibility of the employee to report to their regular and usual work site during their regularly scheduled work day hours or shift, unless otherwise directed by their supervisor. Allowances should be made for adequate and safe travel time to the designated work site. Employees who are unable to report to their designated work site must contact their Department Head and/or immediate supervisor. All employees are advised to conserve some accrued leave time for use as necessary due to the inability to report to their worksite.

If the City is closed, full-time non-essential personnel will be granted time off with pay for time scheduled to work. Employees who have scheduled vacation or who are off due to illness will not be paid for hazardous weather or emergency conditions time, but will be charged the scheduled leave time. In addition, to receive pay for the closing, individuals must be in pay status on the regularly scheduled day

before and the regularly scheduled day after the day of the closing.

Individuals required to work during the emergency situation will be paid for hours worked, including any overtime hours, in accordance with the Fair Labor Standards Act. If fewer hours are worked than a normal work day, employees will be paid hazardous weather pay for the balance of hours in the work day.

Department Heads shall determine which employees are essential to departmental functions and which are non-essential for hazardous or emergency conditions. Essential employees are those employees that are deemed necessary by the Department Head to work to alleviate the hazardous or emergency condition, to provide emergency services, or to protect the public safety and health during the hazardous or emergency condition.

Any situations not covered by the above guidelines will be handled on a case by case situation, considering all of the facts and circumstances.

### **8.15 "LIGHT DUTY" POLICY**

Light duty assignments under this policy are specially created temporary light-, limited-, and modified-duty assignments for employees injured or otherwise incapacitated. Light duty typically involves excusing an employee from performing certain tasks that he or she would normally perform. Limited duty may reduce the number of hours that someone normally works in a day. Modified duty may eliminate some tasks and replace them with others more suitable for the employee's physical limitations in the employee's normal position. The City of Alabaster is under no obligation to create such assignments, but may do so if it is determined that it is in the best interest of the City and the department.

The availability of light-duty assignments depends on the employee's restrictions and the needs of the department and City. The existence of this policy does not in any way guarantee that light duty will be available at any given time, or for any particular employee who requests it. If available, the length of time the assignment is available depends on the needs of the department and City, and may not be available for the full length of an employee's restrictions.

To request a light duty assignment, an employee must provide clear documentation from his or her attending physician that details the employee's work restrictions and the duration of such restrictions. Requests for light duty will be reviewed by the Department Head and Personnel Director. The status of a temporary light duty assignment may be reviewed at any time to determine if continuation of the assignment is appropriate.

If, at any point, an employee is medically determined to have sustained permanent restrictions, the continuation of a temporary light duty assignment will not be considered. In that event, the City will review the employee's situation separately, to determine the appropriate steps to be taken, if any, under the Americans with Disabilities Act, and other applicable law, and other policies.

If an employee who is off due to an injury covered by Worker's Compensation is offered a light duty assignment and refuses to perform the assignment, his/her Worker's Compensation benefit may be adversely affected. However, an employee off using Family and Medical Leave Act (FMLA) time, may refuse a light-duty assignment, and it will not affect FMLA rights. An employee who has a disability



under the Americans with Disabilities Act (ADA), and requests accommodation in the form of light duty assignment, will have his or her request considered and evaluated, in terms of essential job functions.

An employee working a light duty assignment will be paid at his or her regular rate of pay, for hours worked.

## **CHAPTER NINE: PERFORMANCE EVALUATION**

### **9.1 POLICY**

The City of Alabaster recognizes the need for a performance evaluation system to improve productivity, help employees make constructive changes, open lines of communication, and pursue organizational excellence through employee development. The performance evaluation is intended to be helpful to employee advancement by honestly identifying needed areas of improvement. The performance evaluation system should:

- (A) Assess an employee's strengths, weaknesses, and potential for growth;
- (B) Encourage and guide the employee's development of his/her special skills and work interests;
- (C) Assure the granting of scheduled pay increases and consideration for more complex work based on merit;
- (D) Provide a method of improving operational programs through employee input; and,
- (E) Identify training needs.

### **9.2 RESPONSIBILITIES**

The Personnel Director shall be responsible for the establishment of the employee performance evaluation system. All formal performance evaluations shall be made in writing on forms provided by or approved by the Personnel Director. Employee evaluation is the continuing day-to-day responsibility of the employee's immediate supervisor.

### **9.3 EVALUATION PROCESS**

An assessment of employee performance shall be made at least annually. If an employee serves for significant periods in more than one (1) position during an appraisal period, the supervisor of each position occupied may be called upon to provide performance information for consideration in the final assessment of performance. If it becomes apparent during the appraisal period that any aspect of an employee's performance is substandard, the supervisor shall schedule a performance review with the employee to review progress and provide feedback.

The number of performance reviews conducted during the year may vary with the specific circumstances of the situation. A performance review may be initiated at any time during the appraisal period by either the supervising official or the employee. The supervising official should do so to advise the employee of performance trends, and to identify and resolve job-related problems in a timely manner. The employee, on the other hand, should request a review when needed to review progress and to alert the supervising official early on of any circumstances that may impact his/her ability to achieve the desired level of performance in accordance with Section 4.2, all probationary employees will be evaluated at the

completion of 90 days, 6 months, and 1 year.

## **CHAPTER 10: SEPARATION**

### **10.1 RESIGNATION**

- (A) When an employee terminates employment with the City of Alabaster, the employee is expected to give his/her immediate supervisor at least two (2) weeks written notice before leaving the job. Failure to give adequate notice before leaving a job may influence consideration for reemployment and/or being recommended for employment by others.
- (B) Unauthorized or unreported absence from work for a period of three (3) consecutive working days (or the equivalent for Fire Suppression Personnel) may be considered by the Department Head as a resignation without notice.
- (C) Prior to the last scheduled shift, the employee may complete an exit interview with the Personnel Director, results of which will be shared with the City Administrator and/or Mayor.

### **10.2 RETIREMENT**

Retirement is the separation of an employee in accordance with the provisions of the Retirement System of Alabama under which the employee is eligible to begin receiving benefits. Any employee considering retirement should contact the Department Head and Personnel Director ninety (90) days prior to the anticipated retirement date to ensure timely receipt of eligible benefits. Prior to the last scheduled shift, the employee will complete an exit interview with the Personnel Director, results of which will be shared with the City Administrator and/or Mayor.

#### **10.2.1 MEDICAL RETIREMENT HARDSHIP**

For any employee having served the City for twelve or more consecutive years taking early medical retirement, and such medical retirement will cause extreme financial hardship due to the payment of medical retirement COBRA payments, the Mayor, in his or her discretion, may approve payment of the COBRA premium by the City up to the aggregate total of no more than twenty five hundred dollars (\$2500) toward the medical retiree COBRA coverage with the city's health care carrier, Local Government Health Insurance

### **10.3 DISMISSAL**

#### **(A) Disciplinary Action**

Full-time employees who have attained regular, full-time status shall be entitled to the disciplinary procedures established in Section 11, "Conduct and Disciplinary Policy", of this manual.

#### **(B) Loss of Certification**

Employees whose positions require state, federal or agency certifications as an essential function of their employment as shown on their job description who fail to acquire or lose certification are subject to immediate dismissal.

### **10.4 REDUCTION IN FORCE OR POSITION ABOLISHMENT**

No action will be taken under provisions of this subsection without prior approval of the Mayor and City Council.

In the event of a reduction in force by reason of fiscal restraint or because the necessity for a position (or positions) no longer exists, the reduction of employees within each job classification shall be determined first by the type of appointment in the following order: temporary, part-time, probationary and then regular, full-time. Regular, full-time employees will not be subject to layoff until all non-regular, full-time employees occupying the same type of position have been dismissed. A reduction in force may occur without filing written disciplinary charges against the employee or employees affected thereby and no such employee or employees shall have a right to a hearing prior to dismissal resulting from a reduction in force. In no case shall reduction in force be construed as a disciplinary dismissal.

Both performance and length of service shall be considered in the decision-making process. However, performance shall be the primary factor.

(A) Notice

No position abolishment, layoff or non-disciplinary reduction in pay to a regular, full-time employee shall occur without at least two (2) weeks prior notice to the employee involved. Additional notice shall be provided to employees involved in a reduction in force as required by federal or state law.

(B) Procedures

Any employee who shall be laid off pursuant to these rules shall have his/her name placed on a preference list by the Personnel Director and, shall be given preferential consideration for any future vacancy in any classification requiring similar qualification criteria at the same or lower grade where the employee can meet the minimum qualifications for the vacant position. The Department Head shall determine the rank of preference among several such listed applicants based upon considerations including seniority, work record, and past performance reviews.

If no vacancy exists at the time of implementation of a layoff for which the employee can meet the minimum qualifications, or if the employee declines to accept an existing vacancy at the time of a layoff, the employee's name shall remain on the preference list for a period of one (1) year. If an employee twice declines to accept an existing vacancy, the employee will no longer receive preferential consideration pursuant to the provisions of this section.

## **CHAPTER ELEVEN: CONDUCT AND DISCIPLINARY ACTION POLICY**

### **11.1 EMPLOYEE CONDUCT**

Employees of the City of Alabaster are expected to maintain high standards of cooperation, efficiency, and performance in their work. The maintenance of high standards of honesty, integrity, and conduct by City employees is essential to assure the proper performance of City business and to maintain the confidence of the citizens. When work habits, attitude, productivity, or personal conduct of an employee falls below a desirable standard, supervisors should point out the deficiency at the time it is observed. Warning in sufficient time for improvement should precede formal disciplinary action, but nothing in this section shall prevent formal action whenever the best interest of the City of Alabaster requires it.

Every employee's conduct and all disciplinary actions will be governed by Section 12 of the Alabaster Civil Service Act.

### **11.2 DISCIPLINARY POLICY**

The Disciplinary Policy of the City is intended to be progressive in nature. The primary purpose for progressive discipline is to assist the employee to understand that a performance problem or opportunity for improvement exists. Where appropriate, an employee should be disciplined in an increasingly progressive manner, the step of progression normally being:

- (1) Verbal Warning
- (2) Written Reprimand
- (3) Imposed probation
- (4) Suspension
- (5) Termination

In certain circumstances, demotion may be considered in lieu of termination. While progressive discipline should be used as a constructive measure for the correction of the conduct of an employee, where the nature and severity of the offense dictate otherwise, any of the progressive steps noted above may be omitted.

This policy and the procedures set forth herein shall be applicable only to regular, full-time employees and shall not be afforded to probationary employees, temporary employees, part-time employees, or special status employees. Any regular full-time employee may be reprimanded, placed on imposed probation, suspended, demoted, or terminated only for cause and only in accordance with this Conduct and Disciplinary Policy and the Alabaster Civil Service Law.

### **11.3 CAUSES FOR DISCIPLINARY ACTION**

Violation of the Employee Handbook may be cause for disciplinary action. The mention of specific charges in this Handbook is not intended to preclude other charges based upon the same action or conduct. A single action or act may violate one or more provisions of the Handbook such that the employee may be charged with several causes of discipline. The following are examples of causes for disciplinary action, but are in no way restrictive as to the reasons which may form a valid basis for disciplinary action. This list is intended to supplement, and not contradict or restrict, the causes for

disciplinary action as set forth in Section 12 of the Alabaster Civil Service Act.

- (A) Neglect or inefficiency in the performance of duties;
- (B) Violation of the City of Alabaster and/or departmental rules and regulations;
- (C) Acts of insubordination, including, but not limited to, refusal to obey legitimate orders, delay or failure to carry out assigned work, disrespect, insolence, and like behavior;
- (D) Tardiness;
- (E) Unauthorized absences;
- (F) Disregard of safety rules and regulations;
- (G) Falsification, misrepresentation, or suppression of any information including, but not limited to, employment application, employee reports, records, or time entry required by or supplied to any agency including, but not limited to, the City of Alabaster;
- (H) Refusal to fully and truthfully answer questions of a supervisor or other designated individual during any inquiry, interrogation, hearing, or court proceeding;
- (I) Wrongful use of sick leave or failure to otherwise comport with the Sick Leave Policy contained in Section 8.5 of this manual;
- (J) Sleeping during duty/work hours;
- (K) Failure to maintain required objective certifications and other requirements necessary to perform the duties of employment.
- (L) Habitual, or repetitive, acts of misconduct, violations of policy, and/or infractions of rules and regulations.
- (M) Absence without leave.
- (N) Any criminal act involving drugs, alcohol, violence against a person, theft, embezzlement, or any crime charged as a felony.
- (O) Conduct unbecoming an employee in the public service.
- (P) Conviction of a criminal offense or of a misdemeanor involving moral turpitude.
- (Q) Disorderly or immoral conduct.
- (R) Failure to pay or make proper provision for the liquidation of just debts.

- (S) Incompetency or inefficiency.
- (T) Intoxication while on duty or public intoxication while off duty.
- (U) Negligence or willful damage to public property or waste of public supplies or equipment.
- (V) Violation of any regulations or orders published, made, or given by a superior officer.
- (W) Violation of any provision of the Act or this Employee Handbook.
- (X) Use of paid time for personal or business reasons other than the purposes for which hired.
- (Y) For any other reason deemed to be in the best interest of the public service.

## **11.4 TYPES OF DISCIPLINARY ACTION**

### **I. Disciplinary Actions Not Subject to Appeal**

#### **(A) Verbal Warning**

The Department Head, or Supervisor, may orally reprimand an employee when the employee fails to maintain desirable standards or violates the policies, rules, or regulations of the department, or the City of Alabaster. Written notice of the verbal warning should be forwarded to the Personnel Director for maintenance in the employee's personnel file.

#### **(B) Written Reprimand**

The Department Head, or other designated official, may issue an official written reprimand to an employee, if the seriousness of the offense calls for action greater in severity than an oral reprimand, or if previous counseling discussions or oral reprimands have not produced the desired result

The written reprimand should be forwarded to the Personnel Director for maintenance in the employee's personnel file. In addition, within three (3) days of the receipt of a written reprimand, an employee may submit to his/her Department Head a written response to the written reprimand. Such response shall be forwarded to the Personnel Director for maintenance in the employee's personnel file.

#### **(C) Imposed Probation**

The Department Head, or other designated official with the approval of the Department Head, may place an employee on imposed probation in lieu of or in conjunction with another form of disciplinary action, if the seriousness of the offense calls for action greater in severity than an oral or a written reprimand, or if previous counseling discussions or oral or written reprimands have not produced the desired result. An employee may be placed on imposed probation, for cause, for no more than twelve (12) months, after notice, and a repeated act or occurrence set



out in the probationary document within such time period shall result in disciplinary action up to and including termination.

Imposed probation may be considered by the Department Head for a period of one year in merit increase consideration.

At the end of a satisfactory completion of the imposed probationary term, which includes the receipt of a "satisfactory" or better performance evaluation, the employee shall be considered in good standing with the department and as an employee for the City of Alabaster, and shall be restored to all rights, privileges, and benefits he/she had prior to said period of imposed probation; provided, however, the restoration of all rights, privileges, and benefits shall not preclude the consideration of the disciplinary action during future promotional processes. Further, the restoration of rights as provided for herein shall not mean that a Department Head is precluded from considering the existence of the imposed probation in future disciplinary actions against the employee.

Failure of an employee to satisfactorily complete an imposed probationary term may result in more severe disciplinary action.

## **II. Disciplinary Actions Subject to Appeal**

An employee's right to appeal a disciplinary action of dismissal, demotion, or suspension is governed by Section 13 of the Alabaster Civil Service Act.

### **11.5 PRE-DETERMINATION MEETING**

Disciplinary actions of suspension, demotion, or termination shall only be taken after the employee has had an opportunity for an informal pre-determination meeting conducted by the Department Head or the Department Head's designee.

It is at the discretion of the mayor to waive the right to a pre-determination meeting when it is viewed in the best interest, the safety of employees and its representatives. Decision is based on allegations and or charge(s) of an egregious act as defined by the conduct of a person committing an act or omission that involves violation of a law and or violent acts of aggression.

An employee shall be given advance written notice of the meeting which shall include the date, time, and location of the hearing and the grounds for the proposed disciplinary action. At the hearing, the employee will be given the opportunity to present any evidence they may have (either orally, in writing, or both), including the testimony of other witnesses. If the employee submits a written response, a copy of such shall be filed in the personnel file. Attorneys may attend but not participate in the meeting.

An employee may choose to waive their right to a pre-determination meeting. A written waiver must be submitted to the Personnel Director no later than one hour prior to the hearing. If the meeting is waived, then the Department Head will make their decision based on the information gathered and/or received prior to the hearing. In waiving their right to a disciplinary hearing, the employee also waives their right to appeal any disciplinary action issued by the Department Head. Should an employee not submit a written waiver for the hearing and not attend the hearing, then the lack of attendance will be

considered as a waiver.

## CHAPTER TWELVE: GRIEVANCE POLICY AND PROCEDURE

### 12.1 Grievance Policy

It is the policy of the City of Alabaster that any regular, full-time employee of the City may file a grievance pursuant to the procedure set forth in this section. Resignation of employment by an employee shall constitute an automatic withdrawal of any pending grievance.

#### (A) Acceptable Reasons for Grievance:

- (1) Unsafe working conditions;
- (2) Retaliation by a supervisor against an employee for exercising a right protected by law; complying with any law; reporting a violation of any law to the proper government authority; or, reporting fraud, waste, or abuse to the proper government authority;
- (3) Misapplication of law, ordinance, or policy affecting matters or conditions of employment;
- (4) Promotional by-passing where there is evidence of arbitrariness and capriciousness. Arbitrariness and capriciousness are defined as an unreasonable action in disregard of the facts or without a determining principle;
- (5) Discrimination or harassment as defined in Section 2.2 herein;
- (6) Retaliation as set forth in Section 12.3 hereof; and,
- (7) Unauthorized or inappropriate use or disclosure of protected health information, as defined by HIPAA Privacy Regulations.

#### (B) Unacceptable Reasons for Grievance:

- (1) To contest the validity of an adopted, approved ordinance or a properly enacted resolution of the City Council;
- (2) To contest the validity of a rule, interpretation, or policy promulgated by the Mayor or City Administrator;
- (3) To contest any disciplinary action that is not subject to the right of appeal.
- (4) To contest any disciplinary action resulting in an oral reprimand, a written reprimand, or imposed probation to an employee;
- (5) To contest a demotion;
- (6) To contest any action or matter falling within management rights or management discretion;
- (7) To contest non-selection for advancement or promotion, except as provided in subsection A above; or,
- (8) To contest any action that does not pertain directly, personally, and solely to the employee's own employment.

## 12.2 GRIEVANCE PROCEDURE

### (A) Initiating a Grievance

#### (1) Filing a grievance

A grievance shall be filed in writing on a form provided by the City of Alabaster Personnel Director. The Personnel Director shall assist the employee in completing the grievance paperwork upon request. Each employee filing a grievance shall sign a statement acknowledging that he/she has read and understands the grievance procedures as outlined in Section 12 of the City of Alabaster's Employee Handbook; or that he/she has received counseling by the Personnel Director regarding these grievance procedures.

The grievance, as filed, shall state with specificity the facts upon which the employee is relying for the grievance, including the applicable category of the grievance pursuant to Section 12.1 hereof, and shall state with specificity the remedy sought. If the employee fails to follow any policy or any procedure as set forth in this Section 12, the Personnel Director may refuse the grievance, or any portion thereof, on the basis of it being improperly filed. The decision to refuse a grievance by the Personnel Director shall be final.

The grievance shall be filed with the employee's immediate supervisor (or if the immediate supervisor is the subject of the grievance, then with the supervisor at the next level in the chain of command) who shall immediately forward the grievance to the Department Head. However, if the Department Head is the subject of the grievance, the employee shall file the grievance with the Personnel Director.

#### (2) Time period for filing a grievance

All grievances must be filed within thirty (30) days after the situation complained of has occurred. If the grievance alleges a chain or series of events resulting in a grievance, then such grievance must be filed within thirty (30) days of the last act made as part of the grievance. Failure to file any grievance within the required time shall bar the consideration of the grievance.

#### (3) The Department Head's response

The Department Head (or if the Department Head is the subject of the grievance, then the Personnel Director) shall investigate the grievance and deliver a written response to the employee within fourteen (14) days after the grievance is received by the Department Head (or if the Department Head is the subject of the grievance, then the Personnel Director). The requirement to respond to a grievance within fourteen (14) days of receipt may be extended by mutual consent of the Department Head, the employee, and the Personnel Director.

The response shall state the Department Head's decision and the reason(s) therefore. The Department Head shall furnish a copy of the grievance and the response thereto to the Personnel Director immediately after such response is delivered to the employee. In the absence of the Department Head or the Personnel Director, a designee may perform the

investigation or deliver the written response required by this paragraph. If the Department Head or the Personnel Director fails to deliver or furnish a written response or other paperwork within the specified time limit, the grievance shall be deemed denied and the employee is authorized to proceed to the next step in the grievance process. The employee's failure to timely proceed to the next step shall be deemed a withdrawal of the grievance without resolution and shall be a forfeiture of any further appeal of the grievance.

#### (B) Appeal to Grievance Committee

The Grievance Committee shall be comprised of three qualified employees of the City designated by the Personnel Director at the time a request is made. The qualifications of the members of the Grievance Committee are employees who have a minimum of seven years tenure with the City, and are of equal or higher pay grade as the complaining party. Once the Grievance Committee is established, the Committee will elect its Chairperson.

##### (1) Filing an appeal to the Grievance Committee

An employee who is dissatisfied with or has not received a response within fourteen (14) days to his/her grievance may appeal the decision to the Grievance Committee of the City of Alabaster, as hereinafter established. Such appeal shall be filed on a form provided by the Personnel Director. The appeal shall include:

- (a) a copy of the employee's original grievance;
- (b) a copy of the Department Head's or the Personnel Director's response (if no response was provided, this fact should be stated); and,
- (c) A concise statement of what the employee disputes in the Department Head's or the Personnel Director's response (if no response was provided, this fact should be stated).

To be considered filed, the appeal must contain substantially all the information set forth in subparagraphs a, b, and c, above.

##### (2) Time period for filing the appeal to the Grievance Committee

Any appeal to the Personnel Committee shall be filed in the Office of the Personnel Director within five (5) days of the employee's receipt of the Department Head's response to the grievance. In the event that a Department Head or the Personnel Director has failed to furnish a response within the specified time limit, the employee's appeal must be filed within five (5) days of the date that said response was due to be delivered to the employee. Failure to file an appeal within the prescribed time period shall be a forfeiture of any further appeal of the grievance.

##### (3) Scheduling a hearing before the Grievance Committee

The Personnel Director shall schedule a hearing date with the Grievance Committee to hear a properly filed appeal within thirty (30) days of the filing of the appeal. Such hearing shall be a

full evidentiary hearing, conducted in accordance with this section. The employee shall be given not less than ten (10) days' notice of the initial hearing date, time, and place, unless the employee knowingly and willingly waives such notice, in writing. Such waiver is discouraged by this policy and should be permitted only where the notice requirement would work a hardship on the employee.

Any hearing may be subject to rescheduling, postponement, or continuance at the request of either party, the Chairperson of the Grievance Committee, or the Personnel Director, beyond the thirty (30) day limitation above, for good cause given. In addition, the hearing before the Grievance Committee may be adjourned from time to time to accommodate the reasonable needs of the parties and the members of the Committee. It shall be the policy of the Committee to expedite all hearings to as early a conclusion as practicable without infringement on the right of any party of a full and meaningful hearing.

Failure of an employee to pursue or agree to a hearing date established by the Grievance Committee within four (4) months, from the date the grievance was appealed to the Personnel Committee, shall result in a determination of denial of the grievance. Such a denial of the grievance cannot be appealed. -

#### (4) Hearings before the Grievance Committee

The Chairperson of the Grievance Committee shall preside over and govern the conduct of the hearings before that Committee. All hearings shall be conducted in an orderly procedure to ascertain all relevant facts within a reasonable period of time, while according fairness and impartiality to all parties. The Chairperson may set reasonable time limits for presentation of the employee's and the Department Head's cases. Each hearing shall begin with an explanation of the order of presentation. Decisions of the presiding officer concerning the conduct of a hearing shall be final.

The proceedings before the Grievance Committee shall be recorded by the Personnel Director who shall certify a transcript of the proceedings. The Personnel Director shall administer oaths. In addition, the Personnel Director shall mark any exhibits entered at the hearing and take such exhibits into custody and include them as a part of any transcript of the hearing. No tape or video recordings will be permitted by anyone other than the Personnel Director.

The burden of proof shall be on the employee filing the grievance. In order to grant an employee's grievance, the Grievance Committee must be satisfied that the employee has shown by substantial evidence that the employee has been aggrieved as alleged in the grievance as filed and that the employee is entitled to the remedy sought. Substantial evidence, the burden of proof standard for grievance procedures, is defined as relevant evidence that a reasonable mind would view as sufficient to support a determination that the employee is entitled to the remedy sought for the reason(s) stated. In the case of a grievance filed under Section 12.1(A) (4), the Grievance Committee shall not substitute its judgment for that of the Department Head but rather shall review as to whether the disciplinary action is inconsistent with the Department Head's Finding of Facts. The Grievance Committee, in finding violations of any state or federal law, must report the same to the City Administrator and Mayor.

### **12.3 RETALIATION OR REPRISAL**

No employee or official of the City shall threaten or in fact retaliate in any way against an employee for exercising any right the employee may have under this grievance policy; and no employee or official of the City shall interfere with an employee's preparation and presentation of a grievance as herein prescribed. Likewise, no employee or official of the City shall threaten or in fact retaliate in any way against an employee who testifies for or otherwise assists another employee in the grievance process, except that perjury before the hearing body shall be grounds for disciplinary action, including termination of employment where appropriate.

Any retaliation against, or interference with, the employment of an employee who has availed oneself of the grievance procedure, or an employee who has assisted another employee in the grievance process, shall be grounds for disciplinary action, including termination of employment where appropriate.

### **12.4 SUSPENSION OF GRIEVANCE PROCESS**

Grievance process can be suspended at any time by the Department Head and up the chain of command if a formal investigation is being conducted or needs to be initiated. Grievance process may be resumed if formal investigation has no findings.

## **CHAPTER THIRTEEN: SAFETY**

### **13.1 SAFETY POLICY**

It shall be the policy of the City of Alabaster to provide employees with a working environment free of recognized hazards that could potentially cause occupational injury or illness. City-wide and departmental specific safety programs shall be provided and designed to safeguard all employees and to minimize the frequency and severity of accidents.

The appropriate Department Heads or their designee, shall be responsible for effectively implementing and enforcing the policies of City-wide and applicable departmentally specific safety programs, including, but not limited to, safety inspections, accident investigations, and the establishment of safety standards for employees, equipment, and facilities.

The supervisor shall enforce all safety rules and regulations, ensure that all accidents are reported according to procedure, and shall conduct periodic meetings with employees regarding safety.

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

### **13.2 SAFETY INSPECTIONS**

Safety inspections shall be an integral part of the organized safety efforts in attempting to discover conditions which, when corrected, will result in a safer and healthier place in which to work. Inspections shall apply to all departments of the City government under the direction of the Mayor or City Administrator. Inspections shall be conducted by the designated representative.

### **13.3 CONDEMNATION OF EQUIPMENT OR MATERIAL DUE TO UNSAFE CONDITIONS**

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

The designated representative is authorized to place equipment and material out of service due to unsafe condition(s), if determined that the condition imposes a serious or immediate danger to an employee, City property, or the general public.

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



### **13.4 WORKERS' COMPENSATION**

All employees are covered by the Alabama Workers' Compensation Act. Employees must immediately report any accident or injury to their supervisor so that the necessary paperwork may be completed. Supervisors are responsible for completing a First Report of Injury and submitting it to Personnel as soon as possible and no later than twenty-four (24) hours.

If the employee requires medical treatment for the injury, the employee must follow the City's processes and procedures for treatment at an approved facility.

If the employee is unable to work due solely to an injury sustained on the job, the employee may use accrued sick leave, annual leave, and compensatory time on a prorated basis to supplement compensation as follows:

- Upon request, the employee shall receive pay for and be charged with the amount of such accrued sick leave, annual leave, and compensatory time necessary to supplement the workers' compensation weekly pay. For example, if workers' compensation amounts to sixty-seven percent (67%) of the regular pay, the employee would be charged only with sufficient sick leave, annual leave, or compensatory time to make up the remaining thirty-three (33%) of regular pay; and,
- Such supplemental pay shall cease when the employee returns to work, is deceased, or when the employee has been determined to have a permanent partial disability or permanent total disability as certified by competent medical authority and has reached maximum medical improvement.

### **13.5 FIREARMS IN THE WORKPLACE**

Employees are expressly forbidden from carrying firearms in the work place or keeping firearms in their work space or City vehicles unless the handling and use of firearms is a requirement of their position with the City. State law permits employees to keep firearms in their vehicles under certain circumstances. Any firearms kept by employees in their personal vehicles must be kept inside locked vehicles and out of view from persons looking through windows or open doors, in accordance with State law.

### **13.6 WORKPLACE VIOLENCE POLICY**

It is the policy of the City to provide a safe work environment for its employees, citizens, and third parties doing business with or visiting on the City's property. As such, the City maintains a workplace violence policy that is intended to promote a work environment free of violence, threats of violence, assault, physical intimidation, and harassment.

Workplace violence includes, but is not limited, to the following actions taken by employees, citizens, or third parties on the City's property or in the presence of or against City employees: verbal threats of

violence; threatening gestures; possession, display, or use of weapons such as guns, knives, bats, electric shocking devices, night sticks, and blades; threats of physical assault; physical assault; physical intimidation; and stalking.

The City reserves the right to determine in its sole discretion on a case-by-case basis and in light of the surrounding facts whether an occurrence constitutes workplace violence. Threatening behavior, physical conduct, or other such acts, even if done in jest (“horseplay” or jokes), may violate this policy. Violation of this policy could result in disciplinary action up to and including termination of employment.

The City has a zero tolerance policy for workplace violence in any form, regardless of whether it is committed by an employee, citizen, or third party. It is the responsibility of all employees to report any such behavior to their immediate supervisor or any other management personnel as soon as practical. Failure to report a known occurrence of workplace violence leaves our employees vulnerable and may result in disciplinary action up to and including termination. The City shall cooperate fully in any criminal investigation conducted by state and/or federal law enforcement agencies or departments.

Nothing contained within this section is intended to prevent law enforcement personnel from discharging their commissioned duties legally and in a manner consistent with the spirit of this section.

## **CHAPTER FOURTEEN: DRUG-FREE WORKPLACE POLICY**

The City is firmly committed to the health and safety of our employees. The City considers the influence of drugs and alcohol in the workplace to be detrimental to our employees and to our continued growth and future success.

All employees shall adhere to the City's Drug and Alcohol Testing Policy found in Appendix B. Employees required to have a Commercial Driver's License (CDL) must also adhere to the City's Department of Transportation (DOT) Testing Policy found in Appendix C.

## **CHAPTER FIFTEEN: EMPLOYEE ASSISTANCE PROGRAM**

### **15.1 GENERAL OVERVIEW**

The City of Alabaster is interested in the health and well-being of all our employees and feels it is in the interest of everyone to deal with personal problems which affect our employees' job performance through the use of an Employee Assistance Program (EAP). The purpose of the City of Alabaster's EAP is to provide confidential, professional assistance to any full-time employee, spouse or dependent family member, of any employee who desires such assistance.

The types of personal problems that the EAP is designed to help address include, but are not limited to, marital or family distresses, financial problems, emotional problems, and alcohol and drug abuse. Although there is no charge for this service, costs may be incurred if a counselor recommends outside help. However, the EAP will work to minimize the employee's costs by locating a qualified referral source that may be covered in part or completely by the employee's own insurance.

An employee who has a problem which he/she feels may affect his/her job performance is encouraged to voluntarily seek information by contacting the Personnel Director or the City's EAP provider. Strict confidentiality of records and information will be maintained. Those receiving help will not have job security, promotion opportunities, or reputation jeopardized by participating in the program. However, participation in an EAP will not alter or supersede existing procedures for correcting unsatisfactory performance, nor preclude disciplinary action where appropriate.

Questions about the EAP may be directed to the Personnel Director or the City's EAP provider. The Personnel Director may be reached at (205) 664-6838. Employees seeking information regarding EAP services are not required to identify themselves other than to state that they are full-time employees of the City of Alabaster.

## **CHAPTER SIXTEEN: MISCELLANEOUS POLICIES**

### **16.1 RESPECT IN THE WORKPLACE**

A respectful workplace is vital to the effective and efficient operation of the City as well as to maintaining the public trust. Employees should treat citizens, co-workers, supervisors, and subordinates with respect, civility, and courtesy at all times.

Employees are expected to refrain from disrespectful behavior, such as:

- (A) Using threatening or abusive language, profanity, or language that is intended to be or is reasonably perceived by others to be demeaning, berating, rude or offensive
- (B) Bullying
- (C) Retaliation
- (D) Excessive yelling or repeated emotional outbursts
- (E) Making threats of violence, retribution, litigation, or financial harm
- (F) Using racial or ethnic slurs
- (G) Spreading malicious rumors or gossip
- (H) Throwing instruments, tools, office equipment, or other items as an expression of anger, criticism, or threat, or in an otherwise disrespectful or abusive manner
- (I) Engaging in any pattern of disruptive behavior or interaction that could interfere with the workplace or adversely impact the quality of City services.

Employees are encouraged to report instances of disrespectful behavior to their immediate supervisor, Department Head, or Personnel Director. Employees found to be in violation of this policy are subject to disciplinary action, up to and including termination.

### **16.2 TRAINING POLICY**

It will be the policy of the City of Alabaster to assist in providing the training required to develop the skills, knowledge, and abilities that will enhance the employees' capability to perform their official duties. The basic objectives of this policy are to build and retain a permanent cadre of skilled and efficient public employees, and to raise the proficiency of employees.

Requests for training should show the relationship between the course/seminar requested and the employee's current duties.

Training requests should be submitted to the employee's supervisor at least fifteen (15) working days prior to course starting dates, unless extenuating circumstances beyond the control of the submitting office have necessitated the late submission. Training involving overnight travel must be approved in advance by the Department Head and City Administrator.

### **16.3 MAINTENANCE AND RETENTION OF RECORDS**

The Personnel Director shall be responsible for the maintenance of official personnel records, including the original application for employment, the results of all tests and examinations administered by employees taken to demonstrate qualifications, the employment history, current employment status, \_\_\_\_\_

record of disciplinary actions, and other records pertinent to the employee's service.

An employee may review his/her file, upon request, but may not review the files of other employees (except in official capacities as supervisors). If an employee wishes to view his/her own file, the employee should ask the appropriate supervisor to arrange an appointment to visit the Personnel Department for the purpose.

#### **16.4 EMPLOYEE MEDICAL RECORDS AND HEALTH INFORMATION**

Medical records and health information of the employee shall be maintained separately from the employee's official personnel folder and shall be considered to be confidential in nature. Medical records and such health information shall be accessed, used, and disclosed only in those circumstances as provided in these policies and procedures or as otherwise provided for by federal, state, or local law or regulation. The Mayor or City Administrator shall designate in writing one or more Privacy Officials as contemplated by HIPAA Privacy Regulations, who shall be charged with the responsibility for the development and implementation of the specific written policies, procedures and practices relating to the access, use, and disclosure of employee health information. Such written policies and procedures shall be approved by the Mayor or City Administrator and made available to all employees. The Mayor or City Administrator shall designate in writing a contact person or office responsible for receiving complaints regarding access, use, or disclosure of employee medical records and health information.

#### **16.5 SMOKING POLICY**

Smoking is prohibited in or within twenty (20) feet of a public egress point of all buildings and facilities owned, operated, or controlled by the City of Alabaster or an agency of the City of Alabaster. Smoking is prohibited in all automotive vehicles owned or operated by the City of Alabaster.

Any employee who willfully fails, or refuses, to follow this policy shall be subject to disciplinary action for insubordination and/or refusal to follow a direct order of his/her supervisor.

#### **16.6 OUTSIDE EMPLOYMENT (INCLUDING SELF-EMPLOYMENT)**

the Department Head and Mayor or City Administrator with concurrence by the Personnel Director (see Outside Employment Approval Form). The Outside Employment Form must be renewed by January 31<sup>st</sup> of each year. No employee may engage in additional employment that interferes with proper and effective job performance; results in a conflict of interest; is in violation of the State of Alabama Ethics Law (Section 36- 25-14, Code of Alabama (1975), as amended); or may subject the City or any of its departments to public criticism or embarrassment. If it is determined that such outside employment is disadvantageous to the department or the City, the Department Head shall so notify the employee in writing that the employee's request has been denied or original approval by the Department Head withdrawn, and the reason for such denial. Each department may provide rules for secondary employment not in conflict with this handbook as approved by Mayor and/or City Administrator.

Employees who engage in employment outside of regular working hours shall be subject to call to perform work for the City of Alabaster as first priority. Employees shall not be authorized to engage in outside employment during any calendar day within which the employee is on family medical leave, workers' compensation leave, sick leave, administrative leave with pay, or any other leave of absence. No employee shall actively pursue business or other employment efforts, other than his/her regular duties for the City of Alabaster, during assigned work hours for the City. An employee's approved outside employment is contingent upon that employee's retention in an active capacity in good standing in his/her City employment, and should such employee receive disciplinary action, then that employee may lose the right and privilege of outside employment. In addition, in the case of sworn law enforcement personnel, when an employee is relieved of his/her law enforcement powers, then any approval to engage in extra-duty law enforcement employment is withdrawn.

Except for the receipt of such compensation as may be lawfully provided for the performance of City duties, no City officer or employee shall be privately interested in or profit, directly or indirectly, from business dealings with, of or by the City.

#### **16.7 PROCEDURES AND STANDARDS RELATING TO CITY-OWNED INFORMATION TECHNOLOGY EQUIPMENT**

This policy establishes the procedures and standards for the use of City owned information technology equipment, grant purchased equipment, or donated equipment (hereafter referred to collectively as "IT equipment"), which includes, but is not limited to, City owned and leased telephones or cell phones, radios, facsimile machines, voice mail, computers, electronic mail (e-mail), and Internet functions. City IT resources are made available to employees to assist in the pursuit of organizational goals. It is expected that users will cooperate with each other in order to promote the most effective use of IT resources and will respect each other's ownership of work even though it is in electronic rather than printed form. Users of City-owned or operated IT resources are responsible for knowing and abiding by the City's policy. Failure to abide by this policy may result in elimination of the privilege to use these IT resources and/or disciplinary action up to and including termination. The Information Technology Department is defined as the City Administrator or Mayor and those individuals or firms given authority by same to oversee the efficient, judicious and proper use of City owned or operated IT resources.

##### **(A) Information Technology General Guidelines**

(1) Standards of conduct -- The general standards of conduct expected of a City employee or official also apply to the use of City IT resources. The resources include hardware, software, and data. Individuals and organizations will be held no less accountable for their actions involving IT than they would be in other situations. Examples of conduct which violates the City's property rights with respect to these resources include:

(a) Copying City-owned or licensed software or data to another computer system without proper authorization from the Information Technology Department;

(b) Attempting to modify City-owned or licensed software or data files without proper authorization from the Information Technology Department;

- (c) Attempting to damage or disrupt operation of IT communications lines;
- (d) Attempting to intentionally access or modify data files, databases, directories, or software without proper authorization from the Information Technology Department;
- (e) Attempting to circumvent or subvert system or network security measures;
- (f) Attempting to intentionally access or modify the configurations of the personal computers or network;
- (g) Intercepting network traffic for any purpose unless engaged in authorized network administrative duties;
- (h) Allowing access to computer resources by unauthorized persons;
- (i) Using City resources for any activity not directly arising from duties performed for the City or for personal gain unrelated to employment with the City.

(2) Confidentiality -- Use of any of the City's communication resources serves as consent to monitoring and such resources should be used with the understanding that such use in general is not secure, not anonymous, and should not indicate any expectation of privacy for the employee. The City of Alabaster cannot guarantee the privacy or confidentiality of any e- mail message, Internet usage, facsimile usage, or any telephone usage. No electronic communication should contain confidential information.

The City, however, seeks to protect any privacy rights a user may have and seeks to protect the confidentiality of City records stored on its computer systems from unauthorized access. It is a violation for any user (with no substantial business purpose for obtaining access to the files or communications of others), including the system administrator, security administrator, and supervisors, to access any e-mail system for purposes of satisfying idle curiosity about the affairs of others.

Anyone found to have engaged in illegal, unauthorized, or unethical practices or deliberate attempts to degrade or disrupt systems performance will be subject to disciplinary action which could result in termination of system access, termination of employment, or other disciplinary action, and/or criminal prosecution, as appropriate.

(3) Computer identity -- The City's computer systems require that each user have a unique identity referred to as a "User-ID", protected by a "Password", to gain access. Conduct which involves misuse of computer identities includes:

- (a) Allowing an unauthorized individual to use the identity; and,
- (b) Using another individual's computer identity without the express permission of the authorized user or the express permission of the Department Head or supervisor of the authorized user.



(4) Hardware and software requirements -- The following requirements are applicable to all City employees:

(a) No personal or non-business related software, including games, shall be placed on City hardware;

(b) No hardware or software shall be purchased or donated and placed in service without review and approval of the Information Technology Department;

(c) Software is licensed to a specific computer and cannot be copied and loaded onto other systems. To copy licensed software for another system is a violation of federal law and carries stiff penalties. No software shall be illegally copied in such a manner; and,

(d) Requests for upgrades, replacements or additions to systems should include a memo explaining the need and/or use for the request from a Department Head.

(5) Termination of City employment -- Upon completion of employment with the City, the departing user's supervisor may request a review or deletion of the contents of the user's mailbox. The employee's supervisor is responsible for notifying the Information Technology Department of employee termination for individuals who have been granted computer access.

(6) Violations -- Conduct that violates the City's property rights, the proper use of City IT resources, or computer identities is grounds for disciplinary action up to and including termination.

#### (B) Personal Use of IT Equipment

IT equipment functions are first and foremost business tools of the City and are not intended for personal or unauthorized use; however, limited personal use may be permitted. Permitted limited personal use consists of those communications that are most reasonably made from the employee's normal work place, such as checking in with a spouse or dependents, and making medical, home or automobile repair, and similar appointments. In order to ensure that such personal use does not adversely affect the performance of official duties and serves a legitimate public interest, this permitted use is subject to the following:

(1) Whenever possible, personal use should be before or after work hours, during lunch, or during other authorized breaks from work;

(2) Communications should be infrequent and short;

(3) Personal use may not result in the incurrence of any long distance toll call or other usage fees chargeable to the City;

(4) Personal communications to solicit business, advertise, or engage in other selling activities in support of private business enterprises; fundraising activities for other organizations or

individuals; or, any other use that would reflect adversely on the City or is incompatible with law, policy, or public service is prohibited;

(5) In the event of any personal use by an employee which is inconsistent with this policy or which otherwise interferes with the employee's job performance or the accomplishment of the City's business, the employee's supervisor may restrict the employee from using the communications resources in whole or in part.

## **16.8 USE OF PERSONAL CELL PHONES DURING WORKING HOURS**

The City's policy limiting personal calls on work time extends to use of personal cell phones. In other words, an employee may accept or place urgent, intermittent, brief and infrequent personal phone calls while at work but all other phone calls should take place during the employee's lunch break, before work, or after work. A supervisor will notify an employee if, in the supervisor's opinion, personal calls are creating a distraction and impediment to the efficient, effective and proper completion of City responsibilities or duties. Employees who violate this policy will be subject to disciplinary action, up to and including termination.

## **16.9 USE OF CITY VEHICLES**

### **(A) General**

The Mayor, City Administrator, or Department Head shall have the authority to assign and designate the use of a City vehicle, within provisions of applicable ordinances, to an employee for the purpose of conducting official City business. Any violations of this policy or misuse of City vehicles may result in disciplinary action and/or revocation of take-home vehicles or driving privileges.

City vehicles may be operated only by employees of the City on City business.

While operating a City vehicle or a personal vehicle while on City business, employees are required to obey all traffic laws and rules of the road (with the exception of emergency vehicles responding to an emergency call while operating emergency lights and sirens). The City is not responsible for any traffic citations received whether the employee is on or off duty or driving a City vehicle.

Employees should exercise caution at all times when transporting passengers that are not City employees. Such individuals are not covered by the City's automobile insurance in the event of an accident.

City employees who may be required to perform duties before or after normal working hours may be authorized to carry a vehicle home on those nights when he/she is performing such duties. These employees must obtain prior authorization from or through their immediate supervisor.

Employees are required to immediately report to his or her supervisor or Department Head any accident or citation received while driving a City vehicle or driving on City business.

#### (B) Drivers License Requirements

Prospective and current employees, whose job duties include driving must be in possession of a valid and current Alabama driver's license to include the appropriate class of commercial license for the vehicle being operated. Under no circumstance shall a City employee, whose license has been cancelled, revoked, suspended, or expired, operate a vehicle. Any employee found driving a City vehicle without being in possession of a current and valid license shall be subject to disciplinary action.

An employee, whose job duties include the operation of a City vehicle, shall immediately notify his/her department head (or delegated official) of any change in the status of his/her driver's license, driving privileges, or arrest for driving under the influence of drugs or alcohol. Failure to immediately report a driver's license revocation, suspension, cancellation, or DUI arrest, as required by this paragraph, may result in disciplinary action.

If an employee's driver's license or privilege to drive is canceled, suspended, or revoked, or an employee is otherwise prohibited from driving a motor vehicle by a court of competent jurisdiction or the Alabama Department of Public Safety and if the Department Head determines that the employee's job requires driving a City vehicle or that a driver's license is a minimum requirement for the job, the affected employee may be subject to reassignment, demotion, suspension without pay, or termination.

#### (C) Motor Vehicle Record (MVR) Requirements

An applicant for a position with the City (including current employees applying for a promotion or transfer), whose job duties include driving a City vehicle, will have his/her current MVR reviewed, prior to being appointed by the hiring authority. If the MVR has greater than eight points in a 24-month period listed for traffic violations or a conviction or pending charge for driving under the influence during that period, that applicant will be disqualified from consideration for the position in question. The City reserves the right to disqualify an applicant based on additional factors included in the MVR and background screening.

A current employee whose job requires or may require driving a City vehicle will have his/her MVR reviewed at a minimum of every year. If a current employee has, at any time, an MVR that is found to be greater than eight (8) points according to the points scale for the State of Alabama UTC offense codes, that employee shall be placed on imposed probation and required to attend a defensive driving course at his/her own expense within thirty (30) days of notification. The accumulation of points is for a 24- month period. The date of reference for points accumulation shall be the date of the conviction.

Employees in the receipt of any charge, arrest, or conviction for DUI or any felony traffic offense will be immediately prohibited from operating a City vehicle. It is the responsibility of the employee to report such a charge, arrest, or conviction to his/her supervisor.

(D) Seat Belt Use

The City requires seat belt use by all employees driving City-owned vehicles, passengers in City-owned vehicles, all employees operating personal vehicles while engaged in City business, and employees riding as a passenger in a personal vehicle while on City business.

(E) Distracted Driving

Employees should be free of distractions while operating a City vehicle. Cell phone use without a hands-free device while operating a commercial motor vehicle is strictly prohibited in accordance with the Federal Motor Carrier Safety Regulations (See Appendix C – DOT Testing Policy). Cell phone use without a hands-free device in all other City vehicles is prohibited except in emergency situations. Texting, reading, typing, accessing social media, etc. while driving is prohibited.

**16.10 RESERVED**

**16.11 STATE ETHICS REQUIREMENTS**

Employees are required to be familiar with and to abide by the state ethics laws applicable to municipal employees.

All employees required to file a "Statement of Economic Interests" form in accordance with Section 36-25-14, Code of Alabama (1975), as amended, must complete all required training and comply with all requirements specified on the form.

No employee shall, other than in the ordinary course of business, solicit a thing of value from a subordinate or person or business with whom he or she directly inspects, regulates, or supervises in his or her official capacity.

No employee shall use or cause to be used equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the employee.

Any employee serving in a capacity as director, assistant director, department or division chief, or any person who participates in the negotiation or approval of contracts, grants, or awards or any person who negotiates or approves contracts, grants, or awards shall not enter into, solicit, or negotiate a contract, grant, or award with the City for a period of two years after he or she leaves the membership or employment of such governmental agency.

No employee who personally participates in the direct regulation, audit, or investigation of a private business, corporation, partnership, or individual shall within two years of his or her departure from such

employment solicit or accept employment with such private business, corporation, partnership, or individual.

#### **16.12 PRIVILEGED, CONFIDENTIAL, PROPRIETARY, OR OTHERWISE RESTRICTED INFORMATION**

Employees may deal with certain information of importance to the City, to other employees, to businesses dealing with or governed by the City, or to members of the public. Such information may be of a privileged, confidential or proprietary nature, or may be otherwise restricted. Employees shall not disclose such information without appropriate coordination with and approval by the Department Head. Employees shall not use such information for their own advantage, provide friends or acquaintances with such information, or otherwise inappropriately disclose such information to others. Each employee is charged with the responsibility of ensuring that information released or made available to others is to promote orderly and efficient business operations and has been appropriately approved for release.

Violation of this policy shall be considered just cause for disciplinary action.

#### **16.13 WORKPLACE SEARCHES**

As a condition of employment, City employees grant to management and supervisory personnel the right and authority to conduct unannounced searches or inspections of employee offices, desks, lockers, file cabinets, computers and other items, equipment, vehicles, and spaces furnished by the City to the employee (and the contents of any of the foregoing), whether unlocked or locked with a City provided or employee-provided lock. These searches or inspections may occur for work-related purposes, including, without limitation, prompt, efficient and orderly performance of City business and services; health and safety in the workplace; compliance with all federal, state and local laws, ordinances, rules, regulations, policies and procedures; and, in addition, for the purpose of investigating work-related misconduct. Employees should not have any expectation of privacy with regard to their possessions brought into and stored in the workplace. The provisions of this section shall also apply to inspection of articles or packages entering or leaving City property, as deemed necessary by management.

Workplace searches that clearly include an employee's personal property and are not part of the typical routine review or inspection of the workplace shall include at least two supervisory personnel for the search or shall be approved in advance in writing by the Mayor or the Mayor's designee.

Disciplinary action in accordance with Section 11 of these policies and procedures may result from searches and inspections or from failure to comply with this policy.

#### **16.14 SOCIAL MEDIA POLICY**

The City of Alabaster seeks to maintain professional and appropriate communications concerning its activities, employees, programs, and events. Nothing contained within this Section is intended to thwart, diminish or otherwise minimize any Constitutional rights pertaining to free speech or the application thereof. As a reminder, in your capacity as a City employee, you may, from time to time, be in receipt or aware of confidential or other non-public information. It is your responsibility and duty to ensure confidentiality is maintained. The City understands social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. You should understand, however, that use of social media also presents certain risks and carries with it certain responsibilities. To

assist you in making responsible decisions about your use of social media, as it relates to your employment, we have established these guidelines for the appropriate use of social media.

#### (A) Guidelines

As part of the rapidly expanding world of electronic communication, social media can mean many things, including any means of posting information or content or communicating on the Internet. This might involve your own or someone else's web log or blog, online journal or diary, personal or group web site, social networking or affinity web site, web bulletin board or chat room, as well as other new or evolving means of communication. Please note that social media, as defined here, is not limited to means of communication associated or affiliated with the City, although these guidelines should also be taken in to consideration as part of your use of any of the City's means of communication. The more common social media outlets today include Twitter, Facebook, MySpace, LinkedIn, YouTube, etc.

The same principles and guidelines found in the City's policies should also guide your use of social media. Ultimately, you are solely responsible for what you post or communicate online. Because there are risks and rewards involved, we ask that you think carefully before creating or posting online content. Bear in mind that if your conduct or content adversely affects your job performance or that of other employees, or if what you do or say adversely affects the City or others affiliated with our operations or legitimate business interests, there may be disciplinary consequences.

#### (B) Abide By Our Other Policies

Your use of social media may involve other policies of the City. For example, please follow the policies affecting use of computers, telephones, and other means of electronic communication, as well as our Equal Employment Opportunity and Harassment prevention policies. If you post inappropriate content, e.g., discriminatory remarks, harassing statements or images, threats, bullying, or similar inappropriate or unlawful conduct, you may be in violation of other policies and that could result in discipline. Note that this is the case if you post this kind of inappropriate content from home or work.

#### (C) Treat Others with Respect and Dignity

We think it makes sense for all employees to treat others with respect and dignity, but it is especially important to be fair and courteous to fellow employees, members, suppliers, guests and visitors, and others connected to the City and its legitimate interests. To the extent that you have concerns, criticisms, or complaints, we encourage you to raise them openly and honestly by speaking directly to a co-worker, supervisor, or the Personnel Director rather than by posting something online. If you decide to post complaints or criticism online – which is always your right if you choose – please avoid using statements, photographs, video, audio, or other content that reasonably could be viewed as malicious, obscene, threatening, intimidating, or disparaging of co-workers or others connected to the City. Please refrain from posting content that is harassing or bullying. For example, this includes such content posted intentionally to harm someone else's reputation or content that might contribute to a hostile work environment on the basis of race, sex, disability, religion, or other protected status.

#### (D) Always Strive to Be Honest and Accurate

We believe that it is inappropriate to post information or rumors that you know to be false or untrue, especially if they relate to co-workers and others affiliated with the City. If you later discover that something you thought was true turns out not to be, we think the best course is to correct it as quickly as possible. This might require you to post a retraction or correction. We believe that doing so is the “right” thing to do rather than leaving false or untrue posts on the internet. Remember that nearly everything posted on the internet is archived somewhere, so even what you delete may later be searched and found.

Here are some specific examples of things you should consider:

- Maintain the confidentiality of information you learn from your employment with the City. This includes information about employees and the City’s policies. Do not post internal reports, policies, procedures, or other internal business-related confidential communications.
- If you create a link between your blog, website, or other social media outlet to the City’s website, blog, or social media outlet, you must indicate that you are an employee of the City.
- Do not represent yourself as someone speaking for, or on behalf of, the City. If you post content about the City, please remember to state clearly that you are an employee of the City and that your views and/or opinions do not represent those of the City, co-workers, or others affiliated with the City’s interests. If you post a blog or content related to the work you do or the interests of the City, please be certain to make it clear that you are not speaking on behalf of the City or its interests. An easy way to do this is to post a simple disclaimer that says: “The postings here are my own and do not necessarily reflect the views/opinions of the City.”
- Do not use social media while on work time or using the City’s equipment, unless doing so is work-related and authorized by your supervisor. Of course, you are free to use social media on your own equipment during your time off or breaks.
- Do not use the City’s email address to register on social media networks, blogs, or other outlets that you use for your personal use or activity.
- Do not speak to any media or outside contact on behalf of the City unless you are authorized to do so. If you are not so authorized, please direct any inquiries to your supervisor and/or department head.
- Think twice before you “friend” a City employee on Facebook. If you “friend” a co-worker, what information about you would become available to that co-worker? Would having access to that information be detrimental to your professional/working relationship with an employee?

Note that the City prohibits retaliation against any person who reports a possible violation of our policies. Any employee who threatens, takes adverse action against, or otherwise retaliates against another person who has reported or participated/cooperated in an investigation of a possible violation of our policies will be subject to disciplinary action.

If you have any questions about the City's policies or these guidelines, please contact your supervisor or the Personnel Director.

#### **16.15 - ACCEPTANCE OF GRATUITIES**

No employee shall accept or solicit any money or other consideration or favor from anyone other than the City for the performance of an act which the officer or employee would be required or expected to perform in the regular course of employment; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be an attempt to influence the individual's actions with respect to City business.

#### **16.16 DRESS & GROOMING**

Employees shall project a positive and professional image toward the community. All employees are reminded that the first impression on the public is their dress and grooming appearance.

All employees are required to dress and be groomed in a manner that presents a conservative appearance and is appropriate to a professional business environment. Clothing shall be neat, clean, and pressed when reporting to work. Clothing items must not display any image or text that is inappropriate or distracts from the professional image of the City.

All employees are expected to maintain a basic and proper level of hygiene. Examples of proper hygiene include: showering or bathing, using deodorant, and brushing teeth. Excessive perfume or cologne should be avoided in consideration of other employees and the public.

Due to the unique differences among City departments, each department will maintain their own policies on the wearing of clothing and grooming requirements for both sworn and civilian personnel. Department Heads and supervisors reserve the right to determine appropriateness. If in doubt, employees should refer questions to their immediate supervisor. Employees that come to work not meeting City or departmental standards may be required to go home to change into something more suitable. Time spent away from work for this purpose will not be considered time worked and, therefore, not compensable time.

Employees seeking accommodation from City or Departmental dress and grooming standards for a disability or sincerely held religious belief should contact the Personnel Director.

#### **16.17 POLITICAL ACTIVITY**

Employees should be aware that the Civil Services Act Section 14 prohibits certain political activities. These prohibitions are in no way intended to restrict or discourage employees to exercise their rights to participate in political activities as any other citizen of this state. The City encourages all of its employees



to exercise their civil rights and responsibilities. However, in order to ensure the integrity and independent operation of the City, employees are not permitted to use their position (on or off-duty) or City time or resources for political activities.

**APPENDIX A - ACKNOWLEDGMENT OF RECEIPT**

I acknowledge that I have received a copy of the City of Alabaster Employee Handbook 2021.

I understand that this handbook replaces any and all prior verbal and written communications regarding the City of Alabaster working conditions, policies, procedures, appeal processes, and benefits.

I have read and understand the contents of this handbook and will act in accord with these policies and procedures as a condition of my employment with the City of Alabaster.

I understand that if I have questions or concerns at any time about the handbook, I will consult with my immediate supervisor or the Personnel staff for clarification.

I also acknowledge that the handbook contains an employment-at-will provision. I understand that if I am not a regular employee outside of the probationary period as defined by Alabama Act No: 2013- 316, either the City of Alabaster or I can terminate my employment relationship at any time, with or without cause, and with or without notice; That this employment-at-will relationship is in effect regardless of any other written statements or policies contained in this handbook, in any other the City of Alabaster documents, or in any verbal statements to the contrary; and

Finally, I understand that the contents of this employee handbook are simply policies and guidelines, not a contract or implied contract with employees. The contents of the employee handbook may change at any time.

Please read this Handbook and these employee Standards of Conduct carefully to understand these conditions of employment before you sign this document.

I further understand that I will receive updates from time to time to this Handbook and will be expected to read and adhere to the updates as they appear.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_