
CITY OF SCOTTSBORO

EMPLOYEE HANDBOOK

This edition of the City of Scottsboro EMPLOYEE HANDBOOK, dated April 6, 2020, supersedes in total the prior EMPLOYEE HANDBOOK dated June 1994, and all prior City of Scottsboro EMPLOYEE HANDBOOKS.

Effective April 6, 2020

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WELCOME

Whether you are a long-term employee or just starting your new job, service to the citizens of the City of Scottsboro depends heavily on your contribution and job satisfaction. You must know what you to expect as an employee of the City of Scottsboro and what is expected of you. This handbook will help you understand more about the organization, working relationships, policies, and processes of the City. It is a summary and is meant as a useful guide. It is not comprehensive and does not address all possible applications or exceptions to the general policies and procedures described. The Employee Handbook is not a contract and it is not a substitute for direct and open communications with your supervisor.

Public service can be a very challenging but rewarding career choice. We want you to be successful in your chosen career and to understand how your performance will be measured. The success of City government is the sum total of many individual contributions made by the employees in each of the departments. By working together, we can preserve and enhance the quality of life for our citizens and assure that future residents can take pride in our forethought and dedicated efforts.

Safety must be your number one priority in any task you undertake for the City. This priority is followed closely by performing well in your job and taking personal pride in the performance of each of your assignments. Communication is an important ingredient to your success in this effort. Communication means that you and your supervisor are involved in an open dialogue to better understand issues and make mutually beneficial decisions affecting completion of assigned tasks on a day to day basis.

The City of Scottsboro is an equal opportunity employer. We will work together to create an environment that offers opportunity for personal progress, mutual respect, and job satisfaction. Your active participation in that process through observance of the policies set out in this handbook is essential and we thank you for it.

Mayor
(Signature)

City Council
(Signatures)

I. GENERAL INFORMATION FOR ALL EMPLOYEES

A. INTRODUCTION

The City of Scottsboro values positive working relationships with all City employees and recognizes that positive working relationships start with effective communication. This *Employee Handbook* was created to inform employees about City policies and procedures and is intended to provide one means of effective communication with employees of the City.

This handbook provides a *summary* of City employment benefits, policies, procedures, work rules and expectations. You are to become thoroughly familiar with it. No handbook, however, can cover every situation or answer every question. Effective communication is a two-way street. If you have a question, problem, or suggestion, please initiate a discussion with your supervisor.

New employees of the City are subject to a probationary period, during which your performance may be assessed. During this period you may be terminated for any reason with or without cause. After successful completion of your probationary period, your employment may be terminated based on inadequate job performance or for cause based on violations of City policies. In either case the termination of your employment will be subject to procedures outlined in this Handbook.

However, you should understand that this *Employee Handbook* does not obligate the City to continue your employment for a particular length of time, and it does not limit the City's right to terminate your employment in accordance with City policies. In sum, the handbook does not create any kind of employment contract or agreement between you and the City. Except by *written* agreement approved by the City Council and signed by the Mayor, no department head, manager, supervisor, employee, or any other representative of the City has any authority to promise you employment for a particular length of time or to make any other promise or representation about your continued employment with the City.

Changes in laws and unforeseen circumstances may make it appropriate to change, or discontinue the policies, procedures, work rules, and benefits described in the handbook. The City reserves the right to do so, without prior notice. We will inform employees of changes as they occur. New employees shall be provided a copy of the *Employee Handbook* during their initial orientation. Replacement copies of the *Employee Handbook* can be obtained from the Human Resources Department.

B. APPLICABILITY AND INTERPRETATION

This handbook is not intended to include all policies, procedures, rules, or regulations that may be necessary at an operational level. Approved departmental policies and procedures consistent with the general policies contained in this handbook may be implemented

as needed. To the extent that any such departmental policy, procedure, rule, or regulation conflicts with these policies, the policies in the Handbook shall control.

The policies in this Handbook apply to all employees of the City of Scottsboro, unless otherwise provided for by exception. These policies shall serve as a guide for the administration of the personnel system of the City of Scottsboro in keeping with sound management principles. The policies are not comprehensive or all-inclusive, however, final discretion of a particular personnel policy shall be that of the Director, Human Resources and the Mayor of the City of Scottsboro.

The Director of Human Resources shall be responsible for providing interpretations of the Handbook in case of apparent internal conflict or when questions arise regarding the application of the Handbook to specific situations or procedures.

The Director of Human Resources may, with the counsel of the City Attorney and/or Mayor and Council, issue written policy explanations relating to the interpretation or application of approved policies and procedures for the administration of human resource functions, and other related matters necessary for proper administration.

Department Heads will ensure dissemination and compliance with all policy statements.

C. EQUAL EMPLOYMENT OPPORTUNITY

The City of Scottsboro is committed to the principles of equal employment opportunity for all qualified persons. The City will provide equal opportunity to employees and applicants for employment without regard to race, color, religion, sex (including, but not limited to, pregnancy, childbirth, and related medical conditions), national origin, age, citizenship, physical or mental disability, or military obligations, or any other protected category or classification as established by law. The City will make reasonable accommodations for individuals with disabilities as defined by the Americans with Disabilities Act.

D. HARASSMENT POLICY

The City expects you to respect the feelings of your fellow employees, and to treat them in a courteous and professional manner. The City will not tolerate harassment of its employees or applicants for employment with the City.

Harassment may occur in many forms and can occur through hostile, intimidating, offensive, insulting, demeaning words or gestures, or otherwise unwelcome or inappropriate conduct.

Unwelcome sexual advances, requests for sexual favors and other physical conduct of a sexual nature constitutes sexual harassment when (a) submission to such advances or conduct is made either an express or implied term or condition of employment, (b) submission to or rejection of such advances or conduct is used as the basis for employment decisions affecting the harassed employee, or (c) such advances or conduct has the purpose or effect of unreasonably interfering

with an employee's work performance or creates an intimidating, hostile, or offensive work environment, even when employment decisions are not affected. Harassment of City Employees and applicants for employment by any employee of the City will not be tolerated. Such behavior or conduct constitutes a serious violation of City policy and may result in termination of employment.

The City strives to maintain a workplace that is free from sexual harassment. No manager or supervisor has any authority to take any adverse action against an employee, including termination, demotion, or reducing the employee's work hours, benefits, or pay because the employee refuses to submit to sexual advances or any other form of sexual harassment. Similarly, no manager or supervisor has any authority to give an employee preferential treatment because the employee does submit to sexual advances or any other form of sexual harassment. Managers and supervisors shall not threaten or insinuate that an employee's refusal to submit to sexual advances or any other form of sexual harassment will adversely affect the employee's continued employment, pay, benefits, working conditions, or job opportunities. Similarly, managers and supervisors shall not state or imply that submission to sexual advances or any other form of sexual harassment will in any way enhance an employee's employment opportunities, hours, pay, benefits, or any other terms or conditions of employment. No manager or supervisor has authority to engage in any such conduct.

Any verbal or physical conduct of a sexual nature that could contribute to a hostile or offensive workplace for any employee, whether committed by a manager, a supervisor, an employee, or any other person (including a citizen) is prohibited. *Examples* of prohibited conduct include:

- Unwelcome sexual flirtations, sexual advances, or sexual propositions;
- Sexually-oriented or suggestive jokes or comments;
- Comments about a person's body or sex life;
- Sexually degrading words, including sexual slang, used to describe any person;
- Verbal or physical abuse of a sexual nature, including unwelcome or inappropriate touching, pinching, patting, grabbing, or hugging;
- The display in the workplace of sexually oriented or suggestive pictures or objects;
- Sexually suggestive or vulgar graffiti, including words and drawings;
- Comments suggesting that an employee will suffer employment consequences, such as demotion, termination, or denial of a pay raise, if s/he does not agree to sexual demands or if s/he complains about offensive sexual behavior;

- Comments suggesting that an employee will receive favorable employment treatment in exchange for sexual favors.

As a City employee you *must* promptly report any incident of harassment or any other violation of the city's Harassment Policy directly to the City's Human Resources Director, (telephone 574-3100 Ext. 231). Although you are also encouraged to report any harassment or violation of the City's Policy to your supervisor, to ensure that the City can promptly investigate and, if appropriate, take prompt and effective action, it is essential that you promptly notify the City's Human Resources Director. Simply reporting it to your supervisor is *not* sufficient.

All managers and supervisors have a responsibility to enforce the City's Harassment Policy. The managers' and supervisors' responsibility includes immediately stopping any harassment that is observed or reported and reporting any violations directly to the Human Resources Director. Failure to do so will result in disciplinary action.

The Human Resources Director will thoroughly investigate all complaints under this policy. The employee may be required to prepare a written report detailing the alleged harassment or any other violation of City policy, and to sign the report. To the extent practicable, the investigation will be confidential with due regard for the sensitive nature of such complaints. If, after completing the City's investigation, it is determined by utilizing a "reasonable person standard" that a complaint is valid, the City will take prompt and appropriate disciplinary action against the person or persons engaging in such conduct.

You are encouraged to come forward if you have a complaint. No adverse action will be taken or allowed against any employee who in good faith reports harassment or any other violation of the City's Harassment Policy.

E. CONFLICT OF INTEREST POLICY

The City expects all employees to adhere to the highest ethical standards in the performance of his/her duties and to avoid even the appearance of a conflict between private interest and public responsibilities. No employee shall engage in any activity or pursue or possess any personal or financial interest that interferes with or that may appear to interfere with their independent judgment or that conflict with the City's obligations to its citizens.

No employee shall request, accept or receive a gift, favor or loan if it tends to or appears to influence his/her relationship with an outside source, opinion or judgment in the performance of official duties within the scope of his/her job or if to do so violates the Alabama Ethics Law found in Chapter 25 of Title 36 of the Code of Alabama.

No employee shall make use of information gained through employment, confidential or otherwise, to enhance personal financial or other interests, or positions of influence. No employee shall contract with the City or have or acquire a financial interest in any City supplier or contractor.

Some employees are required to file a “Statement of Economic Interest” form in accordance with Ala. Code § 36-25-14A (1975). The City Clerks Office will advise those employees required to complete the form and he/she must comply with all the requirements specified on the form.

F. POLITICAL ACTIVITY

The city abides by Alabama law with respect to political activity of its employees. Nothing in this section shall be construed to prevent any municipal employee from becoming or continuing to be a member or official of a political party, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his/her vote. In addition, however:

- (1) No officer, agent, or employee of the municipality shall make or solicit contributions or donations from another municipal employee in any municipal campaign.
- (2) Employees of the city shall not be appointed, retained, or terminated on the basis of his/her political activity or affiliation.
- (3) Employees shall not be coerced to take part in political campaigns, to solicit votes, to contribute or solicit funds or support for the purpose of supporting or opposing the appointment or election of candidates for any municipal elected office.
- (4) Any municipal employee who wishes to run for elected municipal office in the City of Scottsboro may take an unpaid leave of absence.

Any employee in violation of the above political guideline may be subject to discipline, up to and including termination of employment.

G. PERSONAL APPEARANCE

As an employee you represent The City of Scottsboro to the citizens and to the public who visit our City. The City does not have a formal dress code, but expects employees to avoid extremes and to dress in a professional, businesslike manner appropriate for the work environment and the work to be performed. Your work clothes should be neat, clean, and appropriate for interaction with the public. Uniforms and safety equipment are to be worn by employees in designated functions as required by specific departments of the City.

The right to determine whether or not an employees’ dress, equipment, grooming, or hygiene is consistent with the department/City goals of safety, productivity, and public relations is reserved to the Mayor’s Office or as delegated to the various departments.

H. EQUIPMENT AND SUPPLIES

Operating within the City’s budget is critical to every department. Supplies must be purchased only in accordance with City purchasing policies and must be used economically. Equipment must be maintained and used safely and properly. If you see equipment that is unsafe or that needs to be repaired, you are expected to report it immediately to your supervisor.

City telephones are for City business use. Personal calls must be kept to a minimum. No personal long distance calls may be charged to City telephones. City employees are responsible for any cost associated with personal telephone calls or personal use of other City communication equipment.

Suggestions to achieve cost savings or increased safety and efficiency in City operations are part of the responsibility of every City employee.

I. BULLETIN BOARDS

Important announcements concerning the city's policies, job opportunities, benefits, safety, news, recreation, and social events are posted on City bulletin boards. You should check the bulletin board regularly because it is your responsibility to be aware of all posted information that affects you or your job. The bulletin board is for business use only. Only authorized information may be posted there. Personal solicitations, advertising, or other unauthorized communications are prohibited.

J. OPEN DOOR POLICY

The City expects all City employees to deal with on-the-job problems in a mature and professional manner so small issues do not affect the quality of your work or that of your fellow employees. To help resolve any problems that may arise, the City maintains an "open door" policy for all employees. You may take any problem or complaint you may have directly to your supervisor. If you cannot resolve a problem with your supervisor, however, or if for some reason you feel that you cannot talk freely to your supervisor about the problem, you may go to the next level of supervision, your department head, the City's Human Resources Director, or other appropriate official in the chain of command. You will have the opportunity for open discussion and, hopefully, to work toward a mutually satisfactory resolution.

II. CONDITIONS OF EMPLOYMENT

A. EMPLOYMENT STATUS

Each new employee will be assigned to a job classification and pay range when he or she is hired. Classifications are as follows:

1. **Regular Full-Time.** Regular full-time employees have a regular work schedule of up to 40 hours each week. Shift assignments may require some regular full-time employees to be scheduled for more or fewer than 40 hours in a pay period. Regular full-time employees are eligible for employee benefits after completion of stated waiting period(s), if any.
2. **Regular Part-Time.** Regular part-time employees have a regular workweek of less than 30 hours and generally work an annual cumulative total of

less than 1000 hours. Because of the nature of the services provided, or extended hours in certain functions, specific positions identified by the Mayor and Council may exceed the one thousand (1000) hour annual limit. Regular Part-time employees may qualify for some benefits or pro-rated benefits. Benefits eligibility, if any, will be covered during new employee orientation and information provided.

3. **Probationary.** Part-Time or Full Time employees who have not completed the applicable probationary period to attain regular employee status.

4. **Part-Time.** Part-time employees generally have a work schedule of less than 40 hours each week. Part-time employees generally are not eligible for employee benefits except those mandated by law.

5. **Temporary.** Temporary employees work on a temporary basis, normally not longer than six months. Temporary employees are not eligible for employee benefits except those mandated by law.

Discipline, changes in terms of employment or termination may be administered to temporary or part-time employees at any time by the department head with approval of the Mayor. Hearing and appeal procedures in this handbook relating to discipline, or termination shall not apply to temporary or part-time employees. Part-time and temporary employees may not work more than 1000 hours per year

Employment status may be changed or terminated based upon the needs of the City.

B. GENERAL TERMS OF EMPLOYMENT

Appointments, transfers, promotions, and demotions to all classifications are made within the context of the City's equal employment opportunity policy on the basis of merit considering the individual's job related education, training, experience, work history, on-the-job behavioral skills, and physical fitness needed (with reasonable accommodation if necessary) to perform the essential functions of the job. Selection processes may include oral interviews, job related written examination, or a measure of job-related ability to operate equipment or a demonstration of job related physical agility.

1. **Vacancies.** All regular full-time approved vacancies will be posted internally except as noted in the posting policy. Jobs will be filled with the most qualified eligible applicant determined by the selection process. Applicants may include internal and/or external candidates. Consideration will be given to qualified regular employees whenever possible. If two or more applicants are substantially equally qualified, the appointing authority shall have a choice as to which applicant he/she may select.

2. **Minimum Age.** The minimum age for City employment shall be eighteen (18) years of age subject to the following exceptions:

a. Police officers must be twenty one (21) years of age

- b. Seasonal employees that do not operate prohibited power equipment may be sixteen (16) years of age. Position must meet all statutory requirements.
- c. Certain recreational/sports related positions within the Recreation Department may be filled with employees as young as fourteen (14) years of age if he/she has a work permit and is otherwise qualified. Position must meet all statutory requirements.

3. **Nepotism.** No individual, full-time, part-time, temporary or contracted, will be employed by the City of Scottsboro if such employment will result in an employee supervising or being in the line of supervision or chain of command of a member of his/her immediate family.

For this purpose, immediate family will be interpreted to include an individual's spouse, parent, child, sister, brother, any in-laws, grandparent, grandchild, uncle, aunt, nephew, niece or any immediate family member related by marriage including step-son/daughter, or step-brother/sister or step-mother/father. Any person falling in the category of immediate family by reason of adoption shall be treated the same as if such relationship had occurred biologically.

In the event that a conflict or the appearance of a conflict occurs between two existing employees, one or both employees may be transferred to another available position. If such transfer is not possible, one of the employees will be required to resign. If one of the employees does not resign, action will be initiated by the City's Human Resources Office to dismiss one of them.

Therefore, the employment of relatives by the City will be governed by the following procedures:

- 1. No member of the immediate family of an employee will be given preference in selection for employment, reassignment, or promotion.
- 2. No employee may supervise or be supervised by a member of his/her immediate family or work in the same area or division of a department under the same immediate supervisor as a member of their immediate family.
- 3. No Department Head may have any immediate family member in their department.

No person holding a full-time employment position with the City of Scottsboro may be employed by the City to serve in any second position with the City of Scottsboro, at the same time.

4. **Other Conditions of Employment.** Continued employment also will be subject to appropriate behavior, attendance, satisfactory performance of work, being mentally or physically able, with reasonable accommodation if required, to perform the essential functions of the job, availability of funds, and continued necessity for the job.

C. OUTSIDE EMPLOYMENT

Employment by the City is the primary job of all City employees. No regular full-time City employee shall accept employment from any other employer, whether part-time or full-time,

without prior written approval from his/her department head. Each change in outside employment shall require separate approval. Approval shall not be granted when outside employment conflicts or is likely to conflict with the employee's City service. Employees may not engage in any private business employment while on duty as a City employee.

D. PROBATIONARY PERIOD

The City's probationary period for firefighters and police officers is one year. The probationary period for all other City employees is six months. The probationary period may be extended for up to an additional six months at the discretion of the Department Head with the approval of the Mayor. Employees must successfully complete the applicable probationary period before they can be moved to the status of regular full-time or regular part-time employee. If you successfully complete your probationary period, your length of service begins on the hire date of your last period of continuous employment. Employees promoted to a different position must serve a six-month probationary period in the new position.

Discipline, changes in terms of employment or termination may be administered to probationary employees at any time by the department head with approval of the Mayor. Hearing and appeal procedures in this handbook relating to discipline, or termination shall not apply to probationary employees.

E. PERSONNEL FILES

The City maintains personnel files related to each employee in the Human Resources Department. Personnel files contain your employment application, employment history, change of status forms, tax withholding information, performance appraisals, commendations and disciplinary memoranda, documents verifying eligibility to work in the United States, etc.

Personnel files are maintained as confidential information to the extent allowed by the Open Records Act, Ala. Code (1975) § 36-12-40. The City generally will not release information from your personnel file to anyone (including City personnel except on a need-to-know basis) without an appropriate court order, subpoena, or government request. Personnel files may not be removed from the Payroll or Human Resources Departments.

It is important that the City have and maintain accurate information concerning your name, address, telephone number, marital status, dependents, withholding status, and emergency contacts. If you have any changes in this information, please notify the Human Resources office promptly in writing.

III. PAY AND ATTENDANCE

A. PAY

1. Generally. The City seeks to attract and keep productive employees by providing wages or salaries and benefits that are competitive with those of other public employers in the area. The Mayor and Council periodically review pay and benefits information and can, as part of the budget process, elect to approve a cost of living pay increase and corresponding adjustment in the pay scale matrix.

Based on each employee's annual performance review, if appropriate and if conditions permit, budgeted and approved merit pay increases may be awarded to employees that have not reached the maximum of his/her pay range. Merit increases for employees are subject to the approval of the City Council as part of the budget process.

Non-exempt employees under the Fair Labor Standards Act (FLSA) are eligible for overtime at a rate of time and one-half for hours above forty (40) hours *worked* in the pay period (except as otherwise provided for public safety employees working non-standard pay periods). Under certain limited conditions employees may have an option to defer payment of overtime up to defined limits to be taken as approved time-off at a later date. This is normally referred to as "Comp-time"

2. Payroll Deductions. State and federal law require certain deductions from your gross earnings, such as state and federal income tax and Social Security deductions. The City withholds taxes based on your W-4 form for federal income taxes and your A-4 form for State of Alabama income taxes. You must provide your full name as listed on your Social Security card and your current address for payroll purposes. You must notify Human Resources if you change your name or address during the year. Please notify payroll if you need to change your W-4 and A-4 withholding forms.

On termination of employment the municipality shall deduct and withhold from the final paycheck of any employee any amount owed the municipality for unearned leave, unreturned uniforms, tools, equipment, or any documented indebtedness to the municipality.

3. Workweek/Payday. The City's seven-day workweek for payroll purposes begins on Sunday morning at 12:01 a.m. and continues through Saturday evening at 12:00 midnight. Police and fire personnel are on a modified pay period under the provisions of FLSA. Pay will be weekly, bi-weekly, or monthly depending upon the department and the job. Your supervisor will advise you upon reporting to work of your scheduled date(s) of pay.

4. Direct Deposit. All employees of the City of Scottsboro participate in a direct deposit program. You may designate one or more accounts in the financial institution(s) of your choice and your pay will be deposited and available to you on a set day each pay period. Upon termination, the employee's final pay will normally be deposited on the next regularly scheduled payday.

5. Working Hours/Work Schedules. The department will determine your work schedule. You will be given an initial specific work schedule when you are hired. This schedule is subject to change as needs change and as determined by the City. It is your responsibility to be at work on time and to work until the end of your scheduled work period.

Overtime must be approved in advance of the work performed. If you are required to work after your scheduled work time to complete a particular job, you must obtain your supervisor's permission.

Normal work schedules will include a scheduled period of 30 minutes to one-hour of mealtime away from your work duties as determined by the department. You will not be paid for this time. You are expected to take your meal break each day unless your supervisor authorizes you to work during your scheduled meal break. If you are instructed to work during your meal break, you will be paid for that time. Firefighters, police officers, and certain other jobs identified and approved by the governing body are on-duty for the full 8, 10, 12 or 24-hour work period with no scheduled unpaid meal break.

If work demands permit, employees may take a scheduled break in the morning and a scheduled break in the afternoon. Employees are paid for these short break periods. The department defines any break periods. Employees must not abuse the time period provided by this privilege or interfere with other employees who are performing his or her job.

6. Time Records. You must record your work hours on a time card/sheet or other means to document time worked as directed by the department. If you are absent, the reason for your absence will be recorded. You should report to work and leave work as close to your scheduled starting and finishing time as possible. If you forget to record your time (or if your time card/sheet is incorrect for any other reason), your supervisor must make and initial the necessary corrections. **You may *not* record another employee's time nor may another employee record your time for you. You may *not* alter or falsify your own or another employee's time card/sheet.** Any authorized overtime work must be initialed on your time card/sheet by the supervisor who authorized the overtime.

7. Overtime Compensation. Occasionally your duties may require overtime work. Employees may *not* work overtime unless instructed to do so with advance approval. If approved overtime work is scheduled for you by your supervisor, however, you are required to work the assigned hours.

Non-exempt employees will be paid 1-1/2 times their regular rate of pay for all hours worked in excess of 40 hours *worked* in a workweek. Certain fire and police personnel are covered under specific provisions of the Fair Labor Standards Act and are paid overtime based on the specific FLSA rules related to public safety employees.

8. Call-out Pay. If an employee is required to report from off-duty status to perform unscheduled work that is not connected to either end of a regular work schedule, he/she shall be compensated a minimum of two (2) hours' pay.

B. ATTENDANCE

1. **Generally.** Your supervisor and co-workers depend upon you to be at work each scheduled workday. Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. You are expected to work on all scheduled workdays, including scheduled overtime, and to report to work on time unless excused due to illness or approved leave.

2. **Absenteeism and Tardiness.** Absenteeism and tardiness are disruptive to the scheduled workday and cannot be tolerated. "Tardiness" includes reporting for work after your scheduled starting time, leaving work before your scheduled meal or break period, returning to work late from your meal or break period, or leaving work before the end of the scheduled work period.

If you cannot report for work, you must personally notify your supervisor at least one hour before your normal reporting time, if possible. If an emergency causes you to be late for work and you are not able to personally notify your supervisor before your normal reporting time, you must contact your supervisor before reporting to your workstation. If you phone in your absence or tardiness, you must give the following information: (i) name, (ii) telephone number where you can be reached, (iii) when you expect to return to work, and (iv) the reason for the absence or tardiness.

If you become ill or must leave early for any reason during the workday, you should personally notify your supervisor or your department head before you leave work. Employees who leave work without notifying their supervisor or department head are subject to discipline, up to and including termination of employment.

An employee who is absent from work for reasons other than scheduled and approved leave should personally notify his or her supervisor each day unless the employee has previously provided a written medical statement with a return to work date to the supervisor of the expected duration of the absence and leave of absence status has been approved and documented.

The City maintains attendance records, which include the reasons you give for missing work. *Unexcused* (or excessive excused) absenteeism or tardiness is a ground for discipline, up to and including termination of employment.

3. **Hazardous Weather Policy.** In the event of hazardous weather conditions, it is the responsibility of the employee to report to the regular work place. Allowances should be made by the employee for adequate and safe travel considering the conditions. However, in the event travel is extremely hazardous or denied due to roads being closed by official action, the employee may be excused if his/her presence is not absolutely essential for required operations.

If an employee's attendance is excused, the time shall be charged against any accrued paid leave time, excluding sick leave, for that absence. Employees excused who do not have sufficient accrued paid leave will be charged leave without pay.

Essential employees who fail to report to work as directed by his/her department may be subject to disciplinary action.

IV. BENEFITS AND LEAVE

A. BENEFITS

1. **Generally.** Full-time and certain Regular Part-time City employees may participate in a comprehensive package of employee benefits. Detailed information concerning the City's employee insurance coverage and the Alabama Retirement System retirement plan is available in the Human Resource office. You should review this information carefully to supplement the information included in brief outline form here because this outline does not cover all questions concerning eligibility, benefits, and the administration of these important employee benefit plans. Although the City hopes to continue, or even to enhance, its benefits over time, from time to time it may be required to change or even discontinue the benefits described in this *Handbook*.

2. **Health Insurance.** Details regarding eligibility, extent of coverage, deductibles, co-pays, premiums, and other important information are available in the Human Resource or Payroll office. At this time, the City of Scottsboro pays the monthly premium for health and dental insurance coverage of each qualified employee. Employees may elect to cover qualified household members by enrolling and paying the monthly premium rate for group medical coverage. Employees may also elect dental coverage for qualified household members by paying the monthly premium.

Employees leaving the service on retirement at age 60 with at least ten (10) years continuous service, or twenty-five (25) years, regardless of age, or employees who have been declared eligible for disability benefits by ERS, shall be offered the opportunity to continue health insurance until age 65 at the city's group rate to be paid by the member to the city by the 5th of each month. Any premium payment delinquent over thirty (30) days will automatically cancel the insurance.

Health insurance coverage provided to employees is subject to change by the City Council as required due to increased costs of coverage available.

3. **Cobra Coverage.** If you are covered under the City's group health insurance plan, you may have the right to participate in the City's group health insurance plan at your expense for a period of time after termination or change to ineligible employment status. At the time of your change of employment status you will be given full details of your right to continue group health insurance coverage under COBRA in a separate "Notice of Right to Elect Continuation Coverage under COBRA." You should review this notice carefully if you leave the employment of the City or you change to an employment status ineligible for health insurance benefits.

4. **Retirement Plan.** Upon reaching eligibility status full time and certain regular part-time City employees participate in the Retirement System of Alabama (RSA). Eligible employees will receive a *Summary Plan Description* that fully describes the eligibility requirements, contributions, benefits, and administration of this Plan. You should review the *Summary Plan Description* carefully for complete information about the RSA Plan. You will also receive information on the optional RSA-1 Plan which allows you to contribute additional tax sheltered funds to supplement the Alabama Employees' Retirement Plan. The D.R.O.P. Plan was adopted by the City of Scottsboro in 2001.

Each eligible employee is required to contribute five (5) percent of gross wages to his/her retirement account. (Six (6%) percent for certified firefighters and police officers) The City pays a matching rate as determined by the State Retirement Plan. This money is federally tax sheltered. Employees become vested in the Plan after ten (10) years service and may elect retirement at age sixty (60) with ten (10) years service or after twenty-five (25) years service with no age restrictions.

4. **Life Insurance.** Employee life insurance is provided under coverage through the Alabama Employee Retirement System and the City of Scottsboro. If an employee dies prior to retirement, death benefits are determined and paid based on the employee's age, service credit, employment status, and eligibility for retirement. Please review the example in your Summary Plan Description booklet or ask for information from the Human Resources Department. The City of Scottsboro provides active employees with a \$25,000 life insurance policy.

6. **Paid Holidays.** Regular full-time employees are eligible for the following paid holidays each year: New Year's Eve, New Year's Day, Martin Luther King Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve Day, and Christmas Day. If a holiday falls on Saturday, it is observed the preceding Friday. If it falls on a Sunday, it is observed on the following Monday. Holidays will not be paid during an unpaid leave of absence.

Holiday pay will be at the employee's regular rate of pay for a regularly scheduled workday. Generally, employees must work on the scheduled workday immediately before and the first scheduled workday after a holiday to be eligible for holiday pay. The City Council, upon recommendation of the Mayor, may alter the normal schedule of paid holidays in any given year.

7. **Employee Assistance Program (EAP).** The City of Scottsboro has an annual agreement with a contractor to provide a professional employee assistance program for employees and eligible dependents. This service provides confidential counseling sessions for problems involving alcoholism, drug abuse, parent-child relationships, marriage and family relationships,

job performance, stress, depression, and other concerns. This agreement provides up to four free sessions to the employee or eligible dependent per year.

Contact information on the current EAP provider is available on the bulletin boards, through your department management, or Human Resources.

8. **Fitness Facilities.** Employees are encouraged to utilize the facilities at the Rec*Com to enhance your personal health and fitness. There is an indoor walking track, ball courts, workout equipment, and an Olympic size swimming pool other recreational areas. All areas are available to City employees for a minimum annual payment. Reduced rates are also available for family memberships.

9. **IN-SERVICE TRAINING**

Department heads are responsible for developing job-related knowledge and skills of department employees through in-service training programs. Within budgetary constraints available in-service training includes developmental planning during annual performance reviews, internal and outside training resources, and approved programs that will contribute to department productivity and personal development. Regular full-time employees are eligible to attend programs for professional training and development at their department head's discretion.

B. **LEAVE**

1. **Annual Leave (Paid Vacation).** Regular full-time employees accrue annual leave or paid vacation eligibility on the following basis:

An eligible employee shall be credited with five (5) days vacation upon satisfactory completion of twelve (12) months service. Thereafter each employee shall accrue vacation leave as follows:

Two (2) years but less than ten (10) years	Ten (10) days
Ten (10) but less than sixteen (16) years	Fifteen (15) days
Sixteen (16) but less than eighteen (18) years	Eighteen (18) days
Eighteen (18) years or over	Twenty (20) days

After two (2) years of full-time continuous service, up to forty (40) hours can be rolled over to the next calendar year. Any remaining vacation time will be credited to the employee's sick leave. After five (5) years of continuous full-time service, an employee can sell up to eighty (80) hours vacation time one (1) time per calendar year.

Vacation leave can be accumulated but accrued leave in excess of five (5) days per year may not be carried over into the next calendar year. Unused vacation days above that limit that is not applied in accordance with the options listed above is removed from the employee's record and lost.

If an employee is absent from work as a result of a non-occupational illness, injury, or other disability, and the employee has exhausted any other accumulated paid leave, the employee will

be required to use any accumulated and unused paid vacation time before being placed on unpaid leave status.

While the City will try to grant vacation time on dates requested, circumstances may arise that require denial of a vacation request or withdrawing approval of a request previously granted. Each department shall establish and post a consistent written process for considering requests for paid vacation leave and apply it to all employees of the department. Subject to exceptions required by individual departments the general rule is: If two or more employees make a timely request for vacation for the same time, and business requirements will not permit granting all requests, vacation will generally be granted based upon length of service.

Regular part-time employees shall receive annual leave on a basis proportional to his/her regular work schedule to a forty (40) hour week.

2. **Paid Disability/Emergency Leave (Sick Leave).** Regular full-time employees who are absent from work as a result of a non-occupational illness, injury, or other disability (including pregnancy, childbirth, and related medical conditions), or who are required to be absent from work due to the serious illness of an immediate family member, may be eligible to use accumulated "sick leave".

A full-time employee, after sixx (6) months of continuous active service, begins accruing paid sick leave hours that may be used when he/she is unable to perform his/her scheduled duties because of an illness or injury. Sick leave pay is granted for *approved leaves of absence*, which includes personal illness and/or physical incapacity that prevents the employee from performing the essential functions of his/her job. However, under certain conditions, serious illness of family members included within the provisions of the Family and Medical Leave Act (FMLA), may allow an employee to use available sick leave with approval from the Human Resources Department. Under the FMLA paid leave-time shall be used prior to unpaid leave-time for leaves of absence covered by the Act.

Accumulation of paid sick leave hours is important to provide for replacement earnings and a level of financial stability in the event of extended illness or injury. Employees must be careful to avoid abuse of sick leave. Sick Leave shall be used and payment authorized only in the case of actual sickness or disability. At the discretion of the department head or manager, a doctor's certificate may be required before an employee returns to active duty, and shall be required if a medical leave of absence extends three (3) or more consecutive scheduled work periods.

Employees shall not be allowed to draw sick leave pay before proper accrual of sick leave hours. No payment of sick leave shall be authorized to an employee for regularly scheduled work hours during which the employee engaged in outside employment.

An employee shall not use accumulated sick leave to supplement weekly workers' compensation payments. An employee may not use sick leave earned as an employee of the City for a workplace injury sustained while engaged in outside employment for another employer unless

the employment was approved by the City and the employee is not covered by worker's compensation while employed for the outside employer.

After the initial waiting period employees will accrue sick leave as follows:

40 hour week:	1520 hours top out
24 hour shift:	2184 hours top out
12 hour shift:	1632 hours top out

- a. Each forty (40) hour per week, full-time employee accrues paid sick leave hours at the rate of four (4) hours per month for the first six months of continuous active service.
- b. Thereafter, he/she will accrue eight (8) hours per month of continuous active service not to exceed a maximum accrual of one-thousand five-hundred and twenty (1520) hours.
- c. Each twenty-four (24) hour shift employee accrues paid sick leave hours at a rate of twelve (12) hours per month for the first year of continuous active service.
- d. Thereafter, he/she will accrue twenty-four (24) hours per month of continuous active service not to exceed a maximum accrual of two-thousand one-hundred eighty-four (2184) hours.
- e. Each twelve (12) hour shift employee accrues paid sick leave hours at a rate of six (6) hours per month for the first year of continuous active service.
- f. Thereafter, he/she will accrue twelve (12) hours per month for continuous active service not to exceed one-thousand six-hundred thirty-two (1632) hours.

Generally all accrued sick leave is forfeited upon separation from City employment. Employees are not entitled to payment for accrued and unused sick leave. However, employees who meet the minimum qualifications for retirement from city service (age sixty (60) with ten (10) years of continuous service or twenty-five (25) years of continuous service regardless of age) are eligible to convert a certain amount of unused sick leave time to eligible retirement service credits. Employees eligible for retirement are entitled to be paid for fifty (50%) percent of accumulated sick leave. Employees **must choose** either the RSA roll over benefit or the fifty (50%) accumulated sick leave pay out benefit. The City of Scottsboro will not pay both benefits. The Director of Human Resources can provide details on the amounts of sick leave that can be converted under this program.

A regular full-time employee may elect to transfer up to fifteen (15%) percent of his/her accumulated sick leave hours annually to another employee that has exhausted all of his/her paid leave hours. The recipient of paid sick leave hours must have completed a request for a sick leave transfer through Human Resources, must provide appropriate documentation, and must receive approval before a transfer may occur. Forms and additional information are available in Human Resources. Approval may be denied if the Department of Human Resources determines that the transfer is unwarranted or may jeopardize sufficient sick leave time available to the donor. A proposed recipient or donor may appeal a denial to the Mayor, whose decision regarding approval or denial will be final.

Sick Leave time shall not accrue while an employee is in non-pay status except as required by law.

3. **Family and Medical Leave (FMLA) Policy.** Eligible employees may request *up to 12 weeks unpaid* leave during a 12-month period for:

- a. The birth of your child, or the placement of a child with you for adoption or foster care, including childcare after birth or placement for adoption or foster care. If both a mother and father are *eligible employees*, they may take a *total* of 12 weeks together during the 12-month period. Leave to care for a child after birth or after adoption or placement with you for foster care must be taken within one year after the birth or placement of the child.
- b. To care for the employee's spouse, child, or parent with a *serious health condition*.
- c. The employee's *serious health condition*.

In determining whether an eligible employee has taken his or her full entitlement to 12 weeks unpaid leave of absence during a 12-month period, the City will use a "rolling" 12-month period measured backward from the date an employee uses FMLA leave. *For example*, if you request FMLA leave beginning September 1st, the City would measure backward to September 1st of the previous year to determine the amount of FMLA leave used during that 12-month period.

Eligibility. To be eligible for family and medical leave under this policy, you must meet both of the following conditions: (a) you must have worked for the City of Scottsboro for at least 12 months (52 weeks), which need not be 12 consecutive months; and (b) you must have worked at least 1,250 hours during the 12 months immediately preceding the family and medical leave.

Employment Following Leave. When you return to work following a family and medical leave, you will be assigned to your former job or to an equivalent job, if qualified, with generally the same pay, benefits, and working conditions. If you do not return to work following a family and medical leave, your employment may be terminated and you may be required to reimburse the City of Scottsboro for any funds expended based on the premise of your return to active employment.

Employment Benefits During Leave. During approved FMLA leave, your health insurance, *if any*, will continue just as if you had not taken leave. The City will continue to pay any portion of the premium that the City would pay if you were working, and you must make arrangements to pay on time any portion of the premium you would pay if you were working. If you fail to pay on time any portion of the premium you are required to pay, your insurance coverage may terminate. You do not accrue paid leave or any other accrued benefit while on FMLA leave. You may continue other benefits, *if any*, as permitted by the particular benefit plan by making arrangements in advance to make any required contributions or premium payments.

Use of Paid Leave. You must use any accumulated paid leave, including any paid vacation, comp-time or sick leave time at the beginning of your FMLA leave. After you exhaust paid leave, the remainder of the FMLA leave, if any, will be unpaid.

Intermittent Leave or a Reduced Work Schedule. Intermittent or reduced-schedule leave may be granted, if medically necessary, for a serious health condition. Intermittent leave or a reduced schedule will *not* be granted for the birth of a child or for childcare. You should consult with your treating physician to schedule any necessary medical treatment to avoid unnecessary disruption of the City's business operations after returning to work (for example, scheduling periodic medical treatment for a serious health condition at or near the end of the workday). In all cases, the total FMLA leave will not exceed a total of 12 weeks over a 12-month period.

Procedure for Requesting Leave. Except where leave is unforeseeable, you must request FMLA leave by submitting a completed *Request for Leave* form to your department head. If possible, you must give at least 30 days' notice before the date you want the pre-planned leave to begin. If this is not possible, you must provide as much notice as is practicable under the circumstances. While on an approved FMLA leave, you may be required to report to your department head/human resources periodically regarding the status of your medical condition and your intent to return to work. If the City determines that a leave of absence qualifies for FMLA leave, including a leave for serious health condition covered by worker's compensation, the leave may be designated as FMLA leave by the City. If so, the leave will count toward usage of the employee's annual 12-weeks of FMLA leave.

Certification of a Serious Health Condition. If you request leave for a serious health condition, you will be required to provide a medical certification of the condition, and, if the leave is requested to care for an immediate family member with a serious health condition, to certify the need for you to provide care. The City may require recertification on a reasonable basis during the leave. The certification must be provided on a form provided by and signed by you *health care provider*. The City may require you to obtain a second medical opinion from a health care provider chosen by the Director, Human Resources at the expense of the city to verify any such certification. If the second opinion differs from the certification provided by the employee, the City may require, at the City's expense, the opinion of a third provider chosen jointly by the Director, Human Resources and by you. The third opinion will be final and binding. When you seek to return to work following an approved FMLA leave for a serious health condition, you must provide a medical certification saying that you are able to perform your essential job duties. If not, the medical certification must describe any limitation or restrictions on your ability to perform your essential job duties and the length of time the restriction apply so a determination can be made whether a reasonable accommodation can be made that will enable you return to work. If temporary modified duties are not available that accommodate your restrictions, you must provide additional medical certification that you can perform the essential functions of the job, with or without accommodation, prior to returning to active duty.

Failure to Return From Leave. You will be considered to have voluntarily quit your job (1) if you do not return to work on or before the fifth day after an approved FMLA leave of absence expires; or (2) if you engage in other employment while you are on a FMLA leave. You may receive disciplinary action up to and including termination if you give a false reason for a requested

leave or for not reporting self-employment or work performed for another employer while on FMLA leave.

4. **Worker's Compensation.** If you are injured on the job while you are performing work or if you develop an illness that is a direct consequence of your employment with the City, you may be eligible to receive worker's compensation benefits. You must report any accident or injury immediately to your immediate supervisor, regardless of how slight it may seem at the time. If an accident is not reported in a timely manner, you may jeopardize your eligibility for benefits.

If you make a claim based on a work-related illness or injury that causes you to miss work, you may receive a weekly compensation benefit and your covered medical expenses will be paid. The amount and duration of this weekly benefit is established by law.

Generally, worker's compensation benefits are not available if the injury or illness is caused by the employee's willful misconduct or refusal to use a safety device provided by the City, or by the employee's intoxication or impairment by alcohol or illegal drugs. Any falsification or misrepresentation of information concerning an accident, injury, or illness also may cause a loss of worker's compensation benefits, discipline up to and including termination, and prosecution for fraud under Alabama's Worker's Compensation Law.

5. **Return to Work After Disability Leave of Absence.** An employee who has been absent from work for three or more consecutive workdays as a result of an occupational or non-occupational illness, injury, or other disability, including pregnancy, childbirth, or other related medical conditions, must present a statement from his or her doctor stating that the employee is able to return to work and describing (if any) restrictions and the time period the restrictions apply affecting the employee's ability to perform his or her job duties.

In cooperation with the employee and designated health care providers, the City will determine whether an employee with restrictions is able to return to work, whether a reasonable accommodation is possible or necessary, and if temporary modified work is available within stated medical restrictions. An employee may be required to provide additional medical information from a physician to clarify work restrictions before being authorized to return to work. The City may request a Release of Information form be signed authorizing the employee's physician(s) to provide information to an occupational health physician designated by the City. In some cases for the safety of the employee and the efficiency of department, the City may require additional information from a third health care provider before the employee is authorized to return to work.

If the City offers an employee on disability leave the opportunity to return to work and the employee fails to do so after being released to do so by the city's occupational health physician or the employee's physician, the employee's failure to return to work will be treated as refusing available work and may be considered a voluntary termination of the employment relationship.

The City seeks to reinstate employees in the same or a similar employment position following a disability leave of absence. However, employees are not guaranteed re-employment following an occupational or non-occupational disability leave, except as required by law.

Generally, employees will be reinstated to their same position or to a substantially similar position following an occupational or non-occupational disability leave of six months or less. After six months, re-employment may be subject to job availability. If a budgeted vacant position is not available when an employee is able to return to work, the City generally gives the employee consideration in the employment process if a job later becomes available for which he/she is qualified (with reasonable accommodation, if necessary) if the individual keeps the City advised of his/her availability to return to work and interest in doing so.

6. Other Leaves of Absence. In addition to leaves of absence for occupational illnesses, disabilities, military duty or training, bereavement, jury duty, and FMLA leave (all addressed elsewhere in this Handbook), the City *may* grant an *unpaid* leave of absence for other good reasons depending upon circumstances and business needs. Granting a leave of absence for other reasons is at the discretion of the City.

To request a leave of absence, the employee must submit a written request stating the reason for and anticipated duration of the leave of absence. Each request will be considered on its own merits in light of business needs, the employee's stated reason for a leave of absence, the employee's performance and attendance record, the likelihood that the employee will return upon the completion of the leave of absence, and the number of requests the employee has previously submitted.

Except for the specific paid leaves of absences discussed in the *Employee Handbook*, any other leave of absence is without pay and without employee benefits except those available to the employee if he/she elects to continue to pay for them. Generally, an employee will be required to use any accumulated vacation, comp-time, and paid sick leave before beginning an approved unpaid leave of absence.

Upon completion of the approved leave, the City will endeavor to re-employ an individual in his or her job or to a substantially equivalent job. However, the City does not guarantee reinstatement and, even if a job is available, the job may not be the same job or have the same pay and benefits as the job the employee previously held. If a job is not available when an employee seeks to return from an approved leave of absence, the City generally will give the employee consideration in the employment process when a budgeted vacancy occurs for which he/she is qualified. An individual will not be given any consideration for reinstatement if he or she fails to notify the City that he or she is ready to return to work upon completion of an approved leave of absence.

The City of Scottsboro is your primary employer. Employees may not accept employment with another employer and may not actively engage in self-employment while on an approved leave of absence. If the employee accepts other employment or engages in self-employment, the employee will be considered to have voluntarily terminated his or her employment with the City.

7. **Bereavement Leave.** Regular full-time employees may three (3) days of bereavement leave (Maximum of twenty-four (24) hours paid) to attend the funeral of a member of the employee's family. Scheduled workdays considered for paid bereavement leave include the day of the funeral and the day immediately prior and after the day of the funeral. Family members include spouse, children, stepchildren, mother, father, mother-in law, father-in-law, brother, sister, son-in-law, daughter-in-law, grandparents, grandparents-in-law, grandchildren, stepmother, stepfather, brother-in-law, sister-in-law, uncle, aunt, niece and nephew. Employees must notify their supervisor immediately if a death in their family requires them to be away from work. Any additional leave time approved under the bereavement policy may be charge against other accumulated paid leave time, or be taken as approved unpaid leave.

8. **Paid Voting Time Off.** The City may grant up to one hour off with pay if necessary to make it possible for you to vote in municipal, county, state, and federal elections. Your supervisor must be notified in advance so that coverage for your job can be assured. If your work schedule necessitates time off to vote, you will be allowed time off to vote at the beginning of the work period or you will be allowed to leave work up to one hour early, as approved by your supervisor. Time-off to vote is available *only* if, due to travel time and polling hours, you could not otherwise exercise your right to vote.

9. **Jury Duty and Court Attendance.** If you are summoned for jury duty, you must provide the summons to required jury duty to your supervisor immediately so you can be excused and your work can be covered while you are serving jury duty. Regular full-time employees will receive their regular rate of pay during the time they are required to serve as a juror. Any mileage or per diem that you receive as a juror is yours to keep. If you are dismissed from jury duty early on any given day for which you are called or are released from duty for the remaining term of your summons, you are expected to report back to work promptly. Upon release from jury duty, you will be given a release certificate that must be presented to your supervisor when you return to work.

If you are subpoenaed to appear in court or for deposition as a *witness for the City or as a consequence of performance of your City duties*, you will receive your pay for up to your regular scheduled hours, including travel time to and from the required court appearance. You will also be paid mileage reimbursement if you provide your own transportation.

If you are otherwise subpoenaed to testify as a witness, you will be granted time off *without pay* to appear and testify. The subpoena must be presented to your supervisor to document your required court or deposition appearance.

If your court appearance is for a reason other than jury duty or to testify for the City, you must use vacation leave or comp-time prior to using unpaid leave.

10. **Military Service Leave.** It is the policy of the City that its employees will be protected from loss of employment status as a consequence of military training or service in the U. S. Armed Forces or as a member of the U. S. Reserves or National Guard to the extent provided by law.

If you are called for military service, you should notify your supervisor, give the inclusive dates of your military training or service, and provide a copy of your orders or other written confirmation as soon as possible to allow the department to plan for your absence. Full-time regular employees who are members of a military unit will be granted up to 168 hours of paid military leave each year.

If you are activated, upon your release from active status, you are entitled to reemployment in accordance with requirements of the Uniformed Services Employment and Re-employment Rights Act and any applicable state statutes.

V. CAREER ADVANCEMENT

A. PERFORMANCE APPRAISALS

City employees should receive regular and continuing informal feedback regarding job performance from supervisors throughout the year. A formal written performance appraisal will be conducted at least annually and more frequently if needed. Performance appraisals are important in determining if City employees are meeting performance standards, to give recognition for contributions towards department goals, and to plan for future development. The annual performance appraisal will be used as the basis for determining whether a City employee will be eligible for a merit pay increase. If an employee's performance does not meet standards, supervision may recommend that a merit pay increase not be granted or be delayed until performance/behavioral shortcomings meet acceptable standards.

Performance appraisals will be presented to the employee reviewed. The employee's signature on the appraisal form is an acknowledgment that the employee has had an opportunity to review the performance appraisal. You will also be given the opportunity to write any comments you may have on the performance appraisal form, including any disagreement you may have with the appraisal.

Each individual performance appraisal is received by the next higher level of supervision above the supervisor(s) preparing the appraisal to confirm the objectivity of the rating. Performance appraisals are then forwarded to Human Resources and to the Mayor for approval. *No appraisal is final until approved by the Mayor.* If rejected or modified at any point in the review process, the revised appraisal will be presented to the employee for review and signature.

If you disagree with your appraisal, you may meet with your department head to clarify any areas of disagreement, or discuss the appraisal with the Director of Human Resources. Additional written information may be attached to the appraisal form that is part of your personnel file.

B. PROMOTIONS

When available, the City will provide opportunities for promotion to current employees who show by job performance, behavior, knowledge, skills, and ability that they are ready for greater responsibilities. Promotions are based upon job qualifications such as experience, skill, effort, attendance, and cooperation. Length of service will be a factor in a promotion decision only if comparable job qualifications are deemed to be equal.

All full-time approved vacancies will be posted internally except as noted in the posting policy so current employees may express an interest in being considered as a candidate by signing the Employment Log. Vacancies may be advertised externally at the same time to assure that budgeted vacant positions are filled in a timely manner.

City employees promoted to a new position in a different job classification must serve a probationary period in the new position. Promoted employees who do not satisfactorily perform the duties of the new position during the probationary period, may be reassigned to their former job if it is still available. If not available they may be assigned to an equivalent job at their former range and step of pay if it does not exceed the maximum of the range for that job. Nothing in this policy shall be construed, however, to prohibit the dismissal of any employee who fails to perform his/her duties in a satisfactory manner.

VI. TERMINATION OF EMPLOYMENT

A. GENERALLY The City recognizes five types of termination:

- 1. Resignation.** If an employee finds it necessary to resign, the employee should give at least two weeks' written notice to his/her supervisor. The notice should include the reason for leaving and the proposed termination date. Employees who give proper notice of resignation and later wish to be considered for re-employment will be given consideration for re-employment if they are qualified to perform the essential functions of a vacant budgeted position, with reasonable accommodation if necessary, and he/she maintained a satisfactory performance and attendance record in the prior period of employment. The City reserves the right to accept the resignation or to release the employee at any time after the two week written notice is given.
- 2. Voluntary Quit.** An employee who quits or is deemed to have abandoned employment *without* proper notice is classified as a voluntary quit. Failure to give notice is a poor practice. An employee who quits without proper notice generally will not be considered for re-employment. An employee who is absent from work for three (3) consecutive work periods without notice to the City or fails to return to work for three (3) consecutive work period following expiration of approved leave (or after being released to return to work after a disability leave) will be deemed to have abandoned available work and will be considered a "voluntary quit."
- 3. Termination.** Termination is involuntary termination by the City for cause in accordance with City policies as outlined in the Handbook. Termination may be based on unsatisfactory job performance, inability to perform essential functions of the job or based on misconduct or violation of City policies.

4. **Retirement.** Retirement is simply a voluntary retirement by the employee. Information concerning eligibility requirements for retirement under policies of the Retirement Systems of Alabama (RSA) is available in the Human Resource Department.
5. **Reduction in Force (RIF).** Reduction(s) in the number of approved staffed positions may be ordered by the City Council as a temporary or permanent measure based on the operational/budget needs of the City.

B. UNSATISFACTORY PERFORMANCE

1. **Generally.** Unsatisfactory performance of a regular full-time or regular part-time city employee may require action by the City to terminate the employee's employment relationship with the City. Unsatisfactory performance may result from an employee's inability to perform the duties of the position due to failure of qualification for the job, mental or physical inability to perform the essential functions of the position, with reasonable accommodation if necessary, failure or refusal to perform adequately notwithstanding ability to do so or other reasons.

Action by the City to require improved job performance or to terminate an employee based on unsatisfactory job performance is distinguishable from action to discipline or terminate employees based on misconduct or violation of City policy. Disciplinary action based on misconduct will be handled under the disciplinary policy outlined in the Handbook.

If an employee becomes physically or mentally unfit and cannot safely perform the essential function of the job, with reasonable accommodations the City may take action as necessary to terminate the employment relationship under this policy.

City action to address unsatisfactory performance, including termination if necessary will normally be taken as follows:

2. **Counseling.** In the event and employee's job performance falls below the level expected of city employees assigned to that job, the employee will be counseled regarding the need to improve performance. Either verbal or written counseling may be provided to you based on your failure to meet the performance expected by the City. Verbal counseling will be documented to the employee's file. This counseling may be provided either as part of a regular periodic performance appraisal, or in consequence of the supervisor's judgment that the employee's performance is not meeting expectations. Any written counseling carries with it an expectation that the employee will improve job performance to acceptable levels within a period stated in the written counseling.

In the event verbal counseling is initially provided and the employee's performance fails to improve to a satisfactory level within a reasonable time, the initial verbal counseling should be followed up with written counseling that the employee is expected to improve performance to meet City expectations within a time stated in the written counseling. Any written evaluation or counseling regarding inadequate, unacceptable or sub-standard performance will include a description of the areas in which performance fails to meet City expectations. City employees are encouraged to discuss concerns about your performance with your supervisor following any verbal or written counseling or performance appraisal that identifies unsatisfactory or marginal job performance.

3. **Consequence of Failure to Improve Performance.** Failure to improve job performance to satisfactory levels within the designated time may result in demotion, reassignment or termination.
 - a. **Demotion or Reassignment.** Demotion or reassignment will be deemed appropriate only if the employee's supervisor in conjunction with the Department Head and the Human Resources Director determines that the employee's performance in their assigned position indicates ability sufficient to perform the position to which the employee may be demoted or reassigned within the department.
 - b. **Termination.** If the employee fails to improve performance after verbal and written counseling and after having been given an appropriate opportunity to do so, the employee may be terminated based on unsatisfactory performance. Prior to recommendation of termination for unsatisfactory job performance the employee's department head in conjunction with the Human Resources Director will evaluate the employee's overall qualifications and performance to determine if he/she has the ability to perform vacant position with the City to which the employee might be demoted or reassigned. However, selection for an open posted position in another department will be at the discretion of the department head with the budgeted job vacancy.

C. VIOLATION OF CITY POLICIES OR RULES OF CONDUCT

1. **Generally.** Violations of rules of conduct, employment policies or procedures, including any misconduct the City deems unacceptable in the workplace may result in discipline, up to and including termination.
2. **Levels of Discipline.** Under normal circumstances, the City tries to employ progressive discipline appropriate for violations of rules of conduct, based on the nature and severity of the violation and whether repeated offenses have occurred. The mildest disciplinary actions under City policies are verbal or written warnings. The next level of discipline is suspension with or without pay, ranging from three (3) days up to thirty (30) days or more depending upon the circumstances. Demotion may be appropriate as a disciplinary measure in certain situations, particularly for employees in departments organized in a command structure. Finally, termination is the most severe level of discipline imposed by the City for violation of its employment policies. The City reserves the right to determine whether misconduct or violations of policy are so unacceptable that immediate suspension, demotion or termination is warranted for the first offense.
 - a. **Verbal Warning.** In the event that your supervisor, after initial investigation, determines that verbal warning is the appropriate level of discipline for violation of City policies or rules of conduct, you will be warned and your supervisor will produce a memorandum for your personnel file documenting the violation and your warning. You are expected to sign the memo to acknowledge your receipt of the warning. Verbal warnings are appropriate for the first offense arising out of minor violations of City policies or rules of conduct.
 - b. **Written Warning.** A written warning will be prepared by your supervisor when he/she determines, after initial investigation, that you are guilty of a violation of City policy or rules of conduct that merits a written warning. The written warning will describe the violation of policy or rules of conduct you committed. You are expected to acknowledge receipt of the written warning even though you may not agree with the content of the written warning. A copy of the warning will be placed in your personnel file. Written

warnings are appropriate for the second offense arising out of minor violations of City policies or rules of conduct, or for a first offense if deemed warranted by the supervisor.

- c. **Suspension Without Pay.** Suspension with or without pay may be directed as discipline if you are found guilty of violations of City policy or rules of conduct after you have been notified of specific charges of such violations by your supervisor and have been given an opportunity to meet with your supervisor to respond to the charges. All suspensions with or without pay must be reviewed by the Human Resources Director, and approved by the department head and Mayor. In the event that charges of violations of City policy or rules of conduct are of such severity or of such repeated nature that your department head believes suspension without pay may be warranted, you will be notified that you may request a hearing before the Hearing Officer as provided below in the handbook. If you fail to request a hearing within three (3) days of your notification of the charges, your supervisor, after providing you an opportunity to meet with him/her to respond to the charges, will make a recommendation regarding the appropriate discipline (number of days of your notification of suspension with or without pay, written or verbal warning) deemed appropriate, if any, for the violations with which you are charged. Suspension with or without pay may be appropriate as the initial discipline to be administered if warranted by the circumstances. The length of suspension with or without pay may vary depending on the nature and severity of the offense. Suspensions with or without pay will be normally reserved for offenses deemed too serious to be addressed by verbal or written warnings or for repeated offenses of minor violations.

- d. **Demotion.** Demotion may be appropriate as discipline in limited circumstances, usually for serious violations of City policy or rules of conduct that are not deemed to warrant termination for employees employed in City departments using a command structure. Under most circumstances a demotion will affect reporting relationships and rate of pay. All demotions must be reviewed by the Human Resources Director and approved by the department head and Mayor. In any case in which charges are of such severity or of such repeated nature that your department head believes demotion may be warranted, the procedures applicable to suspension with or without pay will be followed.

A demotion may be appropriate as initial discipline if warranted under the circumstances. Demotion will be normally reserved for serious offenses in departments organized according to a command structure. See Disciplinary Procedures below.

- e. **Termination.** Employees of the City may be terminated for violations of City policy or rules of conduct of a serious nature or for repeated minor violations. All terminations must be reviewed by the Human Resources Director and approved by the department head and Mayor. In any case in which charges are of such severity or alleged violations or misconduct is of such repeated nature that your department head believes termination may be warranted, the procedure applicable to suspension with or without pay outlined above will be followed.

Termination will be deemed to be the appropriate discipline for serious violations of City policy or rules of conduct or for repeated offenses. See Disciplinary Procedure below. The City may at its options be represented by counsel in cases involving disciplinary action covered by this section.

D. RULES OF CONDUCT

1. **Generally.** The City expects its employees to perform all work in a professional and workmanlike manner to the best of their ability. You must be courteous to citizens, vendors, and your fellow employees. Rules of conduct are essential for a safe and productive workplace. You must abide by all rules, policies, and procedures including City safety rules. Rules are for your protection as well as for the protection of others. They promote mutual respect and a harmonious and effective work environment, and define expectations for all parties.

2. **Prohibitive Conduct.** The following list includes examples of employee conduct that will provide cause for disciplinary action, up to and including termination. The list is in no way exclusive or restrictive as to the reasons that may form a valid basis for disciplinary action.
 - a. Fighting, horseplay, practical jokes, or pranks that may endanger persons or property or create a hostile working environment.
 - b. Possession, use, or reporting to work under the influence of alcohol or illegal drugs, or any other violation of the City's "Drug Free Workplace Program" or "Alcohol and Drug Abuse Policy."
 - c. Intentional failure to carry out instructions, willful disregard of legitimate orders, insolence, and/or insubordination.
 - d. Neglect of duties, carelessness, or intentional actions resulting in damage to public or private property, equipment, and/or injury to another human being.
 - e. Dishonesty, including but not limited to falsification of any required information or employment related records, submission of fraudulent claims, misappropriation, theft, destruction, or conversion of public property.
 - f. Conviction of a felony or a misdemeanor or other crime involving moral turpitude, conviction of a misdemeanor that reflects negatively on the employee's character or repeated traffic charges or other offenses that affect the employee's ability to perform the essential job functions of his/her job.
 - g. Refusal to fully cooperate with and truthfully answer questions of a supervisor or other designated individual during an internal investigation, inquiry, hearing, or police, ABI, or court proceeding.
 - h. Unethical or unauthorized use of/or disclosure of confidential or business information.
 - i. Unauthorized use or misuse of City property or equipment.
 - j. Unexcused or excessive absenteeism and/or tardiness, failure to give proper notice of absences or wrongful or fraudulent use or abuse of paid leave or leave policies.
 - k. Careless reckless or intentional act resulting in an unsafe condition or workplace accident.
 - l. Possession of firearms, other weapons, explosives, or other dangerous materials at work unless used as part of their job. (i.e.; police officer carrying a firearm)

- m. Violation of the City's Harassment Policy including but not limited to harassing or threatening fellow employees, citizens, or visitors, engaging in words, actions, or behaviors in the workplace that are reasonably interpreted by another as threatening or a prelude to violence, engaging in abusive or profane language or inappropriate sexual behavior in the workplace.
- n. Violation of established safety rules and/or failure to properly report any accidents, including those involving personal injuries.
- o. Gambling at work.
- p. Unauthorized solicitations or unapproved distribution of written material during scheduled work hours.
- q. Willful neglect of assigned duties, refusal to perform assigned job responsibilities (including assigned overtime) or job place inefficiency including, but not limited to interfering with the work of other city employees, waste of city resources, loafing, leaving the work area without permission, defective workmanship or sleeping on the job.
- r. Operating a City vehicle without a current, valid driver license (CDL, if required for the vehicle operated) or under the influence of alcohol, illegal drugs or prescription drugs that impair or negatively affect alertness or mental or physical acuity.
- s. Violation of the City Tobacco Policy.
- t. Habitual, or repetitive acts of misconduct, violations of city policy, and/or infractions of rules and regulations.
- u. Willful violation of any city policy, city ordinance or state or federal law or regulation or acquiescence in or failure to report such violations by a city employee or one under the control, direction or supervision of a city employee.
- v. Willful or intentional conduct, including gross negligence or recklessness that exposes the city to liability, litigation or financial loss.
- w. Other serious unacceptable misconduct not specifically listed.

- 3. Discipline Based on Rules of Conduct.** The City has developed these rules of conduct as a guide to on-the-job behavior. It is your responsibility to become thoroughly familiar with and abide by these rules. If you have questions, ask your supervisor. You should understand, however, that the general rules are not an all-inclusive list of the grounds for discipline or termination and do not limit the City's discretion to discipline or terminate employment for other reasons that the City deems sufficient. Moreover, the nature or extent of the discipline imposed for misconduct may be affected by the circumstances surrounding the particular incident. In each case, the City reserves the right to decide the appropriate level and extent of discipline.

In addition to internal disciplinary processes, employees involved in illegal acts or behavior during working hours or involving city property are subject to prosecution under applicable laws.

- 4. Investigation of Misconduct.** Upon receipt of evidence of misconduct or rules violation by a city employee, the employee's supervisor or department head, in conjunction with the Human Resources Director, will conduct an investigation to determine whether the allegations of

misconduct warrant filing disciplinary charges against the employee. If evidence exists to support allegations of rule violations or misconduct, charges will be presented to the employee under the City's disciplinary policy. Under certain circumstances, the employee's supervisor and/or department head may deem it advisable, in the interest of good order and discipline or the safety of other city employees, to suspend the employee pending investigation and the conclusion of the appropriate disciplinary procedure. If so, a request for suspension pending investigation, with or without pay may be submitted to the Human Resources Department. Suspension may also continue while any disciplinary action imposed after a hearing is appealed. If, however, the pre-hearing suspension or pre-appeal suspension is without pay, the employee shall be entitled to payment of back pay for the period of the suspension if a proposed disciplinary action is not administered following a hearing or is reversed on appeal.

You are required to cooperate and to assist the City in investigating unauthorized conduct. While on City property, employees may be required to submit to a reasonable search of clothing, personal property, computers, files, or other containers including desks, toolboxes, and personal vehicles. An employee's refusal to cooperate in an investigation, including a refusal to submit to a search if requested to do so, is a ground for discipline, up to and including termination.

5. DISCIPLINARY PROCEDURE

- a. Written Charges.** In cases of disciplinary charges for which serious disciplinary measures (suspension with or without pay, demotion or termination) are proposed by the supervisor or department head, written charges will be provided to the employee on a "Disciplinary Charge Form" provided by the Human Resources Department. The written charges shall list the known allegations, specify the rules believed to be violated based on those allegations and notify the employee of the discipline proposed by the supervisor or department head if the employee is found to have committed the violations charged.
- b. Hearing Officer Hearing.** City employees are entitled to an initial hearing before the city Hearing Officer at which he/she will have an opportunity to respond to charges brought by the City and present evidence to refute those charges. In order to obtain a hearing before the Hearing Officer, the employee must request the hearing in writing within three (3) working days after written charges are presented to the employee.
- c. Role of City Personnel and Hearing Officer.** If the employee requests a hearing before the Hearing Officer, the role of the supervisor and department head is simply to refer the charges through the Director of Human Resources to the Hearing Officer for a hearing. The Hearing Officer will then be responsible for determining the facts regarding the charges and certifying those facts to the Director of Human Resources.
- d. Discipline Determined By City Personnel Based on Finding of Fact.** The department head in conjunction with the Director of Human Resources, and Mayor would then be responsible for determining the appropriate discipline to administer based on the facts found by the Hearing Officer.
- e. Disciplinary Procedure Where No Hearing is Requested.** In the event that the employee does not make a request for a hearing before the Hearing Officer within three (3) working days from the receipt of written charges, the City will provide the employee an opportunity to respond to the charges in an informal hearing before the Human Resources Director. The Human Resources Director will then make a determination concerning whether the employee

is guilty of the violation(s) charged and make a recommendation to the Department Head concerning what, if any discipline should be administered.

- f. Appeal to City Council.** Any serious discipline may be appealed to the City Council for review if the employee files a written appeal within three (3) working days of the date the decision is rendered. The Council will then decide the written appeal within thirty (30) days. (However, decisions to terminate shall be reviewed at the next regular meeting of the Council after the decision is rendered as provided in Ala. Code 11-43-81).
- g. Council's Role on Appeal.** Any review by the City Council shall not be for the purpose of reviewing or questioning the facts found by the Hearing Officer (or Human Resources Director). The Council's role shall be to determine and address whether the discipline is appropriate given the facts determined. The Council may affirm, reduce, or reverse the discipline administered by the City if it finds based on the evidence presented to it that the discipline is not appropriate given the facts found by the fact-finder. If the City Council fails to act on an appeal of discipline within thirty (30) days (other than termination for which action is required under Ala. Code 11-43-81 at the council's next regular meeting) the appeal shall be deemed denied.
- h. Status of Disciplinary Action While on Appeal to Council.** If a disciplinary action is appealed to the Council, the discipline will not be administered until the appeal is decided. If, however, the employee has been suspended pending the investigation or appeal, the suspension will continue, while the appeal is pending. The employee will be entitled to back pay for time missed from work if the City Council reverses or reduces the disciplinary action, except to the extent that any period of suspension is approved as part of the Council's decision.

E. REDUCTION IN FORCE

The City of Scottsboro strives to provide a mutually beneficial employment relationship. However, because of evolving technologies, changing work requirements, policy decisions, budgetary constraints, organizational restructuring, legal, and/or other business requirements, and adjustment of approved staffing levels by the City Council may become necessary.

If a reduction in force (RIF) should be required in a job classification or classifications:

1. The City will attempt to place the affected employee into a City position for which he/she has the knowledge, skills, and ability to perform the essential function of that job. Placement supersedes the posting process and the normal employment, selection, or promotional processes. Placement may change an employee's reporting relationships, classification, and/or compensation.
2. If conditions do not permit placement of an affected employee in an available position with the City, decisions to dismiss will be made equitably and consistent with the City's interest in meeting financial, functional, and operational requirements.

F. EXIT INTERVIEW

If your employment terminates for any reason, you are required to schedule an exit interview with the Human Resources Department before your last scheduled work date. One purpose of the exit interview is to ensure that the termination is not based upon a misunderstanding. The City will also review eligibility to continue certain benefits and arrange your final pay. Your final pay will be deposited on the next regularly scheduled payday.

G. EMPLOYMENT REFERENCES

The City generally does not give employment references. No manager, supervisor, or other City representative is authorized to give an employment reference on behalf of the City or to release any other information about your employment to your fellow employees or to anyone outside of the City. Requests for confirmation of employment or “reference” must be directed to the office of Human Resources.

If an employee, former employee, or business source authorized by the employee submits a written request to the Human Resources office that office will verify your employment, provide the dates you were employed, and provide your employment position. Your request must be in writing, signed, and must consent to the disclosure of this information to specified person or business.

VII. GRIEVANCE PROCEDURE

A. GENERALLY

The City shares a common interest with employees in resolving work-related issues, problems, or misunderstandings. Although you are encouraged to resolve problems through informal discussions with your supervisor or by using the “open door” policy, if you feel that a more formal procedure is necessary, you may use the grievance procedure.

A grievance is an issue, real or perceived that an inequity exists between the employee within a department and an appropriate level of management. It may involve working conditions, personnel actions or minor disciplinary actions (verbal or written warnings), working relationships, application of policies, or the lack of an established policy. The policy is provided:

1. To insure employees a process through which issues may be considered promptly and fairly by all of the parties involved.
2. To encourage an honest, open exchange in which employee may express himself/herself without fear of reprisal.
3. To promote a better understanding of the City’s policies and processes.
4. To increase employee’s confidence that actions taken are applied fairly and uniformly.
5. To increase supervisors’ sense of responsibility in the equitable administration of policies or processes affecting employees or groups of employees.

B. PROCEDURE

The steps in the grievance procedure are as follow:

1. The employee must submit the grievance in writing to the immediate supervisor within ten (10) calendar days of the event, action, or behavior that is the source of the grievance. The supervisor has five (5) working days to give a written 1st step answer. If an answer satisfactory to the grievant is not reached after five (5) working days from the day the written grievance is received by the supervisor; the employee may appeal the 1st step answer to the department head.

2. The employee has five (5) working days from the date the 1st step answer is received to file a written appeal to the department head. The department head must provide a written statement of findings and/or action within five (5) working days from the day he/she receives the written appeal. After five (5) working days from the date the written grievance is received by the department head, the employee may appeal to the Human Resources Director if an answer satisfactory to the grievant(s) has not been reached.
3. The employee has five (5) working days from the date of the 2nd step answer is received from the department head to file a written appeal to the Human Resources Director. The Human Resource Director must investigate the facts and provide a written statement of findings and/or action within five (5) working days from day the appeal is received. After five (5) working days from the day the written grievance is received, the employee may appeal the 3rd step answer to the Hearing Officer for a hearing by filing a written notice with the Human Resources Director if an answer satisfactory to the grievant(s) has not been reached.
4. The employee has ten (10) working days to file a written appeal with the Human Resources Director for a hearing before the Hearing Officer. A date for a hearing with the Hearing Officer shall be established within seven (7) working days of written notification of appeal. The date of the hearing may vary as it involves the Hearing Officer's schedule. The scheduled hearing shall be held after due notice to the employee. The appellant shall have the right to appear and be heard in person or by representative. The Hearing Officer shall be present and shall issue in writing a decision on the 4th step appeal to the appellant within seven (7) working days of the hearing.
5. The Human Resources Director shall provide a copy of the written decision of the Hearing Officer to each member of the City Council. The written recommendation rendered by the Hearing Officer is affirmed and shall be final unless, after review, the Council takes action within thirty (30) days to modify or reverse the Hearing Officer's written recommendation.

C. ROLE OF HEARING OFFICER

The Hearing Officer's role in the grievance process shall be limited to making finding of fact and applying and interpreting existing policies and processes. After hearing all parties and reviewing verbal and written information, a commendation based on the facts as to the disposition of the grievance shall be given to the Human Resources Director, Mayor, and Department Head.

Copies of the Hearing Officer's written decision shall be provided to the appellant, Human Resources Director, Mayor, and Department Head. The Human Resources Director shall provide a copy to each member of the City Council for final review of the Hearing Officer's recommendation. The written recommendation of the Hearing Officer, as approved or modified by the City Council, shall be final.

D. COLLECTIVE BARGAINING PROHIBITED

The City of Scottsboro is prohibited from engaging in collective bargaining with its employees. Any grievance filed under this process must be filed by and on behalf of only an individual employee.

VIII. HEARING OFFICER

A. GENERALLY

The Hearing Officers shall consist of up to three (3) attorneys appointed by the City Council for set terms to function in an independent advisory role. Hearing Officers are on a rotating schedule. If the scheduled Hearing Officer recuses him or herself, the next scheduled Hearing Officer will preside over the hearing. The Hearing Officer has no power to modify, enlarge, amend, or annul any approved municipal ordinances, resolutions, or provisions granted under applicable Alabama statutes. The Hearing Officer has no final authority with respect to determining any grievance or discipline action.

The Hearing Officer's role is limited to making findings of fact related to grievances and to charges of violations of City policy or rules of conduct in cases in which serious disciplinary action is proposed and advisory interpretation of existing policies and processes.

B. GRIEVANCES

The Hearing Officer will conduct grievance or disciplinary hearings in a timely manner. **In grievance matters based on its finding of fact, the Hearing Officer will render a recommendation to the Human Resources Director, Mayor and Department Head as to the disposition of any grievance appealed to it. The Hearing Officer's finding of fact with respect to the grievance shall be accepted by the Human Resources Director, Mayor, and Department Head as the basis for any decision on the grievance subject to review by the City Council.**

The Hearing Officer may also make recommendations to the Mayor and City Council concerning personnel policies. Again, the City Council shall have final authority regarding the adoption of changes in personnel policies.

C. DISCIPLINARY HEARINGS

In disciplinary hearings, the role of the Hearing Officer is to provide a hearing and opportunity to respond to employees charged with violations of City policy and/or rules of conduct that could result in suspension with or without pay, demotion or termination. The Hearing Officer's role is limited to rendering findings of fact on the charges and making recommendations regarding appropriate discipline to the Human Resources Director, Department Head, and the Mayor.

IX. POLICIES REGARDING JOB SAFETY, HEALTH AND CITY PROPERTY

A. ALCOHOL OR DRUG ABUSE

The possession or use of alcohol, illegal drugs, or other controlled substances on City property or in City vehicles is prohibited. Reporting to work under the influence of alcohol or with illegal drugs or other controlled substances in your system is similarly prohibited.

If you must use a prescriptive drug that has adverse side effects (such as drowsiness or impaired reflexes or reaction time), you must inform your supervisor that you are taking the medication on the advice of a physician. Upon request, you may be required to provide a copy of the prescription and the medication in its original container. If, in the judgment of the City, the prescriptive drug may cause performance or safety problems, you may be placed in temporary modified duties or placed upon unpaid leave of absence (unless you have accumulated paid time off) while you are taking the medication.

The City participates in the *Drug Free Workforce Program* and has an *Alcohol and Substance Abuse Policy* that includes alcohol and controlled substance testing. You will receive a copy of this *Program* and you are required to read it carefully and acknowledge in writing that you have done so. An employee who is scheduled to take a controlled substance or alcohol test is *required* to do so in the *required* time period and is *required* to sign any forms related to the administration of the test. The failure to undergo a test upon request or to sign the required forms is insubordination and is a ground for immediate termination.

An employee who tests positive for controlled substances or alcohol is subject to discipline, up to and including termination, as stated in the City's *Alcohol and Substance Abuse Policy*.

B. TOBACCO PRODUCTS

The smoking or use of cigarettes, cigars, pipes, or the use of any other tobacco product, smokeless or otherwise, is prohibited in all buildings and vehicles owned, operated, or controlled by the City of Scottsboro.

The smoking or use of any tobacco product is not permitted or allowed at any entrance to any building owned, operated, or controlled by the City of Scottsboro. Smoking or use of tobacco products is allowed only in approved area(s) designated as a smoking or tobacco use area by appropriate signage.

C. JOB SAFETY AND HEALTH

The City is genuinely concerned about your safety and health. An effective safety program, however, is a two-way street -- you must be safety conscious for yourself and others at all times.

The City has an established safety program to ensure that each job and each work area will be as free from hazards as possible. You must be familiar not only with the City's general safety rules, but also with safety rules or procedures applicable to your particular job. You must carefully review all safety rules and policies, including any hazard identification communications concerning chemicals or supplies used in performing your job. You must attend all required safety meetings.

If you recognize a potential safety hazard, report it to your supervisor immediately. Any suggestion you have for eliminating or guarding against potential hazards is welcome. You should always follow these common sense guidelines:

1. Work safely -- Find the safest way to do a job, and then do it that way until it becomes a habit. Don't take safety shortcuts.
2. Report to your supervisor or to department management if you observe any condition or substance that appears to be unsafe, including any faulty or damaged equipment or vehicles.

3. Watch out for the safety of your fellow workers. In turn, they will watch out for your safety.
4. Even a minor injury could lead to a major disability. Report to your supervisor if you are injured on the job, no matter how minor the injury may seem. You must complete an accident report promptly, or in the case of an emergency, within 24 hours after you have an accident or suffer an on-the-job illness. The report must be signed by your supervisor and submitted to human resources within 24 hours.

D. LOST OR DAMAGED PROPERTY

If you negligently lose or damage public or private property, you can be required to reimburse the owner for any expense the owner incurs.

If you intentionally or recklessly damage City, private citizen, or employee property, you are subject to disciplinary action up to and including termination.

You must have your supervisor's written permission before you can remove any of the City's property from the workplace, including any articles removed from private property that have been placed on City vehicles. No articles are to be removed from private property unless removal is approved in writing by the owner of the property and approved by the employee's supervisor.

E. CITY OWNED MOTOR VEHICLES

Operators of City motor vehicles are expected to act in a responsible and courteous manner and to abide by all traffic laws.

All City owned motor vehicles operated on public highways shall be used for "official use" only. Official use shall include only those activities required by personnel to perform the business of the City and within the scope of his/her job.

Transportation of non-employees is prohibited except when it is required to perform the official business of the City. City vehicles shall not be used for any personal or private use other than to conduct official City business.

Individual employees authorized to drive a City owned vehicle home during off-hours shall be designated by the department head or Mayor. City vehicles that are driven home under this policy, however, may not be used for personal use other than use incidental to official City use of the vehicle.

Individual employees authorized to drive a City owned vehicle home may do so, conditionally, and are required to live within thirty-five (35) miles from Scottsboro City Hall.

A department head, Mayor, or by council action, may suspend this privilege at any time for cause and with written notice.

Any employee found in violation of this policy may be subject to disciplinary action up to and including termination.

Employees are responsible for the safe operation, maintenance, preventative maintenance, and appearance of any City owned vehicle and to assure that the City owned vehicle is locked and secured as to prevent unauthorized use or theft of said City owned vehicle when not in use.

In the event an employee's driver's license or driving privilege is cancelled, suspended, revoked, or he/she is otherwise prohibited from operating a motor vehicle, including health related reasons, the employee **is required to notify the immediate supervisor or department head and shall not drive a City vehicle.** If you are required to maintain a commercial driver's license (CDL), you are subject to DOT regulations. All traffic violation convictions must be reported within thirty (30) days. Likewise, if your CDL is cancelled, suspended, revoked or you are otherwise prohibited from driving vehicles requiring a CDL, you are required to notify the immediate supervisor or department head. Any employee found operating a City owned/leased motor vehicle without being in possession of a current, valid license for the type vehicle being operated shall be subject to disciplinary action up to and including termination.

If an employee does not possess a current, valid license or is prohibited from operating a motor vehicle *and* operation of a motor vehicle is an essential function of his/her job, that employee may be subject to reassignment or demotion with corresponding reduction in pay, suspension without pay, or termination.

Violation of these policies involving City owned motor vehicles may result in discipline up to and including termination of employment.

F. INFORMATION SYSTEMS POLICY - COMPUTERS, INTERNET NETWORK ACCESS AND CELL OR SMART PHONES.

Generally

The City's internet resources, computer equipment, networks, servers, data storage systems and City-issued smart phones, laptops, tablets or other electronic devices (collectively, "Information Systems") are provided for use in an appropriate and responsible manner in connection with official City business. They are not for casual entertainment use by employees. The use of the internet and all Information Systems resources must be consistent with the employee's job objectives. Office computer equipment is for the use of employees. Non-City employees to include family members, friends, and the public are not permitted to use City Information Systems (with the exception of public or guest wi-fi systems specifically provided for such use) without prior permission of the Mayor, or the City's IT\Director.

Abuse of Information Systems Prohibited

Abuse of Information Systems is prohibited and may result in disciplinary action, to include dismissal from employment. Such abuse includes, but is not limited to the following:

1. Placing unlawful and/or inappropriate information on the City's Information Systems.
2. Using profane, vulgar, threatening, defamatory, abusive, discriminatory, harassing or criminal language in a public/private message.
3. Using the Internet in a manner that would violate any federal or state law. This includes, but is not limited to, downloading copyrighted material such as music content from "peer to peer" or other file sharing programs.
4. Accessing or transmitting materials that are obscene, sexually explicit, or sexually suggestive.
5. Attempting to gain unauthorized access to the City's Information Systems, data, files, websites, or other infrastructure including attempts to override or bypass any firewalls or filters on the City's network.
6. Attempting to harm, modify or destroy data of another user or maliciously damage or destroy any data which resides on the City's Information Systems.
7. Any use of the Internet, computer network, or computer workstation, laptop, cell phone, smart phone or tablet, whether personally owned or City-issued, which would in any way subject the user or the City to criminal charges or civil action.
8. Violation of any other provision of the City's Information Systems policy.

No Expectation of Privacy or Confidentiality

City employees have no expectation of privacy or confidentiality relating to messages, e-mail, files, data or information stored, created, sent, or retrieved on City's Information Systems, including any City-issued devices. Incoming or outgoing logs, information and data may be archived and accessed by the City or the City's internet service provider. The City reserves the right to access and review any logs, data, files, media or other information stored on any City Information System. City provided e-mail accounts may not be used for personal communications.

Security

Employees are required to lock computers, and City-issued laptops, smart phones and tablets using passwords, PINs or other approved security codes or devices when not in use and to log off at the end of each workday. Passwords, PINs and other security codes or devices must be provided to

the City's Information Systems manager at the time of installation but may not be shared or disclosed with anyone other than the Information Systems manager or designated Information Technology staff, whether by phone, print, in person, electronically, or by other means. Passwords, PINs, or other security codes or devices may not be changed by the employee without notifying the Information Systems manager and the employee is required to provide any such information not provided at the time of installation to the Information Systems manager upon request. The Information Systems manager may require that passwords, PINs, or other security codes be periodically changed for security purposes. Employees must immediately report loss or theft of any technology device to the Information Systems manager.

A FINAL REMINDER

The spirit of cooperation among City employees has been a prime factor in its success. The City will do everything within its power to ensure a positive working environment and continuation of that spirit.

Changing conditions may require future changes in City policies and benefits. Indeed, the City hopes to improve benefits and pay, which are continually under review. The City will try to advise employees promptly about new policies and benefits or changes in existing policies and benefits. The City of Scottsboro expressly reserves the right to alter, amend, add, or delete all or any part of city policies, practices, processes, benefits, and/or work standards as may become necessary.

If you have a question concerning any policy or the summaries in this *Handbook*, discuss it with your supervisor. If your supervisor cannot satisfactorily answer your questions, please talk to your department head or human resources to get the information you need to be a productive employee.

NOTES

ACKNOWLEDGMENT

I ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF *EMPLOYEE HANDBOOK*. I FURTHER ACKNOWLEDGE THAT IT IS MY RESPONSIBILITY TO READ, ASK QUESTIONS, UNDERSTAND, AND TO COMPLY WITH THE PROVISIONS OF THE *EMPLOYEE HANDBOOK AND THE POLICIES OF THE CITY OF SCOTTSBORO*. I

UNDERSTAND THAT MY EMPLOYMENT MAY BE TERMINATED AS PROVIDED IN CITY POLICIES AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD. I ALSO UNDERSTAND THAT NO MANAGER, SUPERVISOR, EMPLOYEE, OR OTHER CITY REPRESENTATIVE HAS ANY AUTHORITY TO PROMISE ME EMPLOYMENT FOR A PARTICULAR LENGTH OF TIME OR TO MAKE ANY OTHER PROMISES OR REPRESENTATIONS ABOUT MY CONTINUED EMPLOYMENT WITH THE CITY.

DATE

EMPLOYEE'S SIGNATURE

DATE

WITNESS