STATE OF ALABAMA) (
:
COUNTY OF BALDWIN) (

The City Council met in a Work Session
at 4:30 p.m., Fairhope Municipal Complex Council Chamber,
161 North Section Street, Fairhope, Alabama 36532,
on Monday, 10 June 2024.

Present were Council President Corey Martin, Councilmembers: Jack Burrell, Jimmy Conyers, Jay Robinson, and Kevin Boone; and Mayor Sherry Sullivan, City Attorney Marcus E. McDowell, and Assistant City Clerk Jenny Opal Wilson. City Clerk Lisa Hanks was absent.

Council President Corey Martin called the meeting to order at 4:32 p.m.

The following topics were discussed:

The first item on the Agenda was to Review Changes to New Personnel Handbook prior to Final Adoption. Hannah Noonan, Human Resources Director addressed City Council and discussed the additional changes:

- I.D.7 – Residence may be required for certain on-call positions.
- II.H.1- Residency may be considered when assigning on-call or stand-by status.
- IV.N.3,8 – Computer Usage and Password Standards aligned to match current requirements and best practices as established by the IT Director.
- VI.B.2 – Vacation Accrual Table adjusted to disburse accrual rate increases more evenly.

Councilmember Jack Burrell addressed question to City Attorney Marcus E. McDowell on Council Agenda Item No. 5 for Final Adoption of Ordinance repealing Ordinance No. 1510 adopted April 14, 2014; and adopting a New Personnel Handbook for the City of Fairhope. (Introduced at the City Council Meeting on May 13, 2024). Were the changes substantial to require readvertising of the ordinance for publishing to reintroduce. City Attorney Marcus E. McDowell to review and discuss at City Council Meeting. Council President Corey Martin thanked Hannah Noonan.

The second item on the Agenda was Utility Interns. Mayor Sherry Sullivan and Wes Boyett Gas Superintendent gave brief on the summer Utility Intern Program for senior high school students across our county with a career path into municipal utilities or government. Mayor Sullivan acknowledged eight interns: Asher Fowler, Aidan August, Tristan Blackinton, Colin Hazeur, Quinn Singley, Caleb Kirkpatrick, Benjamin Jones, and Colton Rainer; and she welcomed them aboard. Mayor Sullivan commented that a graduation ceremony will be held for the interns at the end of program. Mayor Sullivan is glad we continue to support this program. Councilmember Kevin Boone asked question if the City had an age limit for utility interns in the program. Hannan Noonan replied eighteen. Councilmember Kevin Boone

asked second question if the interns are paid. Mayor Sullivan commented that interns are paid and City Council approved funding. Council President Corey Martin commented this program is awesome. We need to give our students a bridge out of high school. He asked interns to be a good example for students to follow.

The third item on the Agenda was Committee Updates. Councilmember Jack Burrell discussed important Airport Authority Meeting tomorrow night to evaluate proposals on RFP to run our FBO with final negotiations. Council President Corey Martin and Councilmembers Jimmy Conyers, Jay Robinson, and Kevin Boone had no committee updates.

The fourth item on the Agenda was Department Head Updates.

- Jeff Montgomery, Director of Information Technology addressed Item No. 22; and answered questions if needed.
- Wes Boyett, Gas Superintendent addressed Items No. 11, No. 12, and No. 13; and answered questions if needed.
- Richard Johnson, City Engineer addressed Items No. 9, No. 16, No. 17, No. 18, and No. 19; and answered questions if needed.
- Daryl Morefield, Water and Wastewater Superintendent addressed Items No. 14; and answered questions if needed.
- George Ladd, Public Works Director addressed Item No. 15 with presentation included within minutes; and answered questions if needed.
- Chief Stephanie Hollinghead, Police Department addressed Item No. 23; and answered questions if needed.
- Nicole Love, Grants Coordinator addressed Item No. 10; and answered questions if needed.
- Mike Jeffries, City Planner addressed Item No. 6; and answered questions if needed.
- Marcus E. McDowell, City Attorney addressed Items No. 20 and No. 21; and answered questions if needed.
- Mayor Sherry Sullivan addressed Item No. 8; and answered questions if needed.

There being no further business to come before the City Council, the meeting was duly adjourned at 5:14 p.m.

Corey Martin, Council President

Jenny Opal Wilson, CMC
Assistant City Clerk

INTRODUCTION

We are pleased to introduce the City of Fairhope's new and revised Employee Handbook ("Personnel Rules") which were adopted by the Fairhope City Council in *Ordinance No.* effective June 10, 2024. This handbook has been designed to outline and summarize basic personnel policies, employee benefits, employee responsibilities, and employee rights. This handbook is intended to be a useful tool for all City employees. Compliance with the *Personnel Rules*, departmental rules and regulations, and any other City policy or procedure is mandatory for all employees. The following individuals are not subject to protections as Classified Employees under this handbook.

- Elected officials;
- Members of appointed Boards, Commissions, and Committees;
- Appointed contract employees or independent contractors;
- Volunteer employees; and
- City Attorney, City Prosecutor and/or other firms, individuals, or agencies on retainer with the City.

This handbook provides general guidelines about the City of Fairhope's policies and procedures for employees. None of the guidelines in this handbook are intended, nor shall they be construed, to give rise to contractual rights or obligations, or to be construed as a guarantee of employment for any specific period of time or any specific type of work. These guidelines are subject to modification, amendment, deviation, or revocation by the Fairhope City Council at any time, without advance notice.

As the Chief Executive Officer of the City, the Mayor is generally the appointing or hiring authority for City employees. As provided under *Section I* of this handbook, the City Council is the appointing authority for the City's appointed officials. Except as otherwise provided by Alabama statute, the Mayor has the authority to manage, discipline, and dismiss City employees. At the Mayor's discretion, the Mayor may delegate specific authority related to the management, discipline, or dismissal of City employees to department heads. Except by written agreement signed by the Mayor and approved by the City Council, no department head, manager, supervisor, or other City representative has the authority to make any promise or representation about an employee's continued employment with the City or to make any promise or representation that varies from the rules contained in this handbook.

Each department of the City, with the approval of the Mayor, may develop additional policies and procedures relating to their department. Additional policies and procedures may be more restrictive than the provisions of this handbook but may not be less restrictive. The Mayor and Human Resources shall have a copy of any departmental policies and procedures.
It is the intention of the City of Fairhope to adhere to all applicable state and federal laws, rules, and regulations. Any personnel policy found to be in conflict with a state or federal law will be changed to ensure compliance with the law.

This handbook revokes and supersedes all prior handbooks, personnel rules, personnel policies, amendments, and any policy or communication related to personnel rules and policies. It is your

responsibility to ensure you have the most up-to-date version of the handbook. All questions pertaining to information found in this handbook should be referred to the City's director of Human Resources.

The City of Fairhope is an Equal Opportunity Employer

TABLE OF CONTENTS

INTRODUCTION i
I. Classification of Employees 1
A. Classification of Employees 1
B. Exempt and Non-Exempt Employees 2
C. Job Classifications 3
D. Employment for Classified Positions 3
E. Probationary Employees 5
F. Reemployment of Former Employees 6
II. Compensation of Employees 7
A. Wage and Salary Administration 7
B. Attendance 8
C. Work Hours and Time Records 9
D. Breaks and Lunch Periods 11
E. Working Before or After Regular Hours 11
F. Overtime 11
G. Compensatory Time 12
H. On-Call Employees and Stand-By Employees 13
I. Emergency Call-In 14
J. Hurricane Operations Plan for City Employees 14
K. Additional Pay During Emergencies 15
L. Special Events 16
M. Travel Time 16
N. Military Leave Pay 17
O. Pay Periods and Direct Deposit 17
P. Deductions from Pay 17
Q. Safe Harbor Policy 17
R. Garnishments and Levies 18
III. Equal Employment and Employee Relations Policy 19
A. Equal Employment Opportunity Policy and Procedures 19
B. Non-Discrimination in City Programs 21
C. Open Door Policy/Dispute Resolution 22
D. Anti-Retaliation 22
E. Workplace Violence Prevention 22
F. Americans with Disabilities (ADA) 23
G. Pregnancy Non-Discrimination 24
H. Health Insurance Portability and Accountability Act (HIPPA) 24
I. Whistleblower Protection 24
J. Uniformed Services Employment and Reemployment Rights Act (USERRA) 24
K. Military Leave 26
IV. General Personnel Policies 27
A. Personnel and Medical Files 27
B. Fraternization 28
C. Nepotism 28
D. Dress Code 29

E. Tobacco Use/Smoke-Free Workplace 30
F. Worksite Standards 30
G. Social Media Policy 31
H. Professional Development and Training 31
I. Performance Evaluations 32
J. Travel Expense Reimbursement 32
K. Monitoring and Searches 34
L. Personal Property 34
M. Use of City Property 35
N. Computer Use 35
O. Restricted Use of Wireless Communication Devices 36
P. Solicitation 36
Q. Inclement Weather and/or a Declared Emergency 36
R. Cross-Training 38
S. Promotions 38
T. Transfers 38
U. Demotions 39
V. Temporary Assignments 39
W. Personnel Board 40
V. Employee Benefits 41
A. Group Health Insurance Benefits 41
B. Notice for Individuals Declining Health Coverage 41
C. Dental Insurance Benefits 41
D. Identification Cards 42
E. Annual Enrollment/Transfer Period 42
F. Benefit Premiums/Payroll Deductions 42
G. Continuation of Benefits During a Leave of Absence 42
H. Consolidated Omnibus Budget Reconciliation Act (COBRA) 43
I. Life Insurance Benefits 43
J. Change in Status 43
K. Retirement Benefits 44
L. Disability Retirement 44
M. Disability Insurance 44
N. Recreation Facilities Benefits 45
O. Longevity Pay 45
P. Incentives for Recruiting New Employees 45
VI. Leave Policies 46
A. Official Holidays 46
B. Vacation Leave 47
C. Sick Leave 49
D. Family Medical Leave Act (FMLA) 50
E. Bereavement Leave 53
F. Administrative Leave 54
G. Leave of Absence Without Pay 54
H. Political Leave of Absence 56
I. Expiration of Leave of Absence 56

VII. Employee Separations 57
A. Resignations 57
B. Reduction in Force 58
C. Retirement 58
D. Disability 58
E. Death 58
F. Termination 59
G. Compensation Upon Separation from Employment 59
VIII. Workplace Rules of Conduct and Progressive Discipline 60
A. Progressive Discipline Procedures 61
B. Administrative Leave with Pay Due to Potential Disciplinary Action 63
C. Suspension Without Pay 63
D. Involuntary Demotions for Cause 63
E. Terminations 64
F. Pre-Disciplinary Appeals Procedures for Adverse Action 65
G. Post-Disciplinary Appeals Procedure for Adverse Action 65
H. Limitation on Disciplinary Appeals 67
IX. Code of Ethics 68
A. Ethical Conduct 68
B. Statement of Economic Interests 68
C. Political Activity 68
D. Secondary Employment 69
E. Reporting Arrests and Off-Work Accidents 70
X. Workers' Compensation 71
A. Reporting On-the-Job Injuries 71
B. Medical Treatment 72
C. Workers' Compensation Payments 72
D. Transitional Duty 73
XI. Drug and Alcohol Policy 78
A. Alcohol and Drugs – Drug-Free Workplace Policy 78
B. Definitions 80
C. Persons Subject to Testing 82
D. Safety-Sensitive Employees 83
E. Necessity of Compliance with Testing Requirements 84
F. Off-Duty Contact 85
G. Prescription Drugs 86
H. Persons Subject to Testing 86
I. Reasonable Cause 87
J. Random Testing 87
K. Post-Accident Testing 88
L. General Testing Procedures 89
M. Substances Tested For 90
N. Collection Sites 90
O. Collection Procedures 90
P. Alcohol Testing Procedures 92
Q. Evaluation and Return of Results 92

R. Request for Retest....92
S. Release of Test Results....92
T. Retention of Records....93
U. Employee Education and Training....94
V. Employment Assessment....94
W. Employee Assistance Program (EAP)....94
X. Investigation/Searches....95
Y. System Contacts....95
XII. Use of City Vehicles....96
A. General Policies and Procedures....96
B. Driver Qualifications....96
C. Safety Rules....98
D. Assignment of Vehicles....98
E. Vehicle Accident Procedures....99
F. Post-Accident Substance Abuse Testing....100

I. Classification of Employees

A. Classification of Employees

1. Appointed Officials: This includes the City Clerk, City Treasurer, and Chief of Police. The City Council shall be the appointing authority for these appointed officials. The City Council shall appoint these officials at its first regular meeting following the general election of Council members, or as soon thereafter as practicable, and these appointed officials shall continue to hold office until the next general election and thereafter until their successors are qualified and appointed. Unless designated otherwise by the City Council, appointed officials shall be covered under the Personnel Rules; however, *appointed officials do not have access to the pre-disciplinary or post-disciplinary procedures in Section VIII.* Appointed officials may be issued a verbal or written warning or a counseling memorandum by the Mayor for a violation of the rules of conduct in *Section VIII.* As provided under Alabama Code §11-43-160, the City Council may suspend or remove an appointed official during such official's term of office for "cause," after a hearing before the Council, by two-thirds vote of the elected members of the Council. "Cause" shall include incompetency, malfeasance, misfeasance or non-feasance in office, and for conduct detrimental to good order or discipline, including habitual neglect of duty. Appointed officials may be removed from office by the Mayor as provided under Alabama Code §11-43-81.

2. Municipal Judge: The Municipal Judge shall be a licensed attorney admitted to the practice of law in the state of Alabama. The City Council shall be the appointing authority for the Municipal Judge who shall serve in a part-time role for a two-year term of office. The Municipal Judge is *not* covered under these *Personnel Rules.* At the end of the two-year term, the City Council, in its sole discretion, may reappoint the Municipal Judge for another term or may appoint another person to fill such position. As provided under Alabama Code §11-43-160, the City Council may suspend or remove the Municipal Judge during their term of office "for cause," after a hearing before the Council, by two-thirds vote of the elected members of the Council. "Cause" shall include incompetency, malfeasance, misfeasance or non-feasance in office, and for conduct detrimental to good order or discipline, including habitual neglect of duty. The Municipal Judge may be removed from office by the Mayor as provided under Alabama Code §11-43-81.

3. Municipal Magistrates: Municipal Magistrates are classified and are covered under the *Personnel Rules.* Magistrates are designated by the City Council to administer oaths and issue arrest warrants for violation of Alabama State laws and City of Fairhope ordinances and to approve appearance bonds for persons arrested as provided under Alabama law. The City Council's approval of the job classification and pay range for those employees designated as Municipal Magistrates constitutes the City Council's designation of these employees to serve as Magistrates under Alabama law.

4. City Attorney and City Prosecutor: The City Attorney and City Prosecutor are not covered under the *Personnel Rules.* The Mayor shall hire and/or retain the City Attorney and City Prosecutor (including special appointments of outside legal counsel as needed), subject to the approval of the City Council. The City Attorney and City Prosecutor do not have a term of office. The City Attorney and City Prosecutor may be removed by the City Council, or by the Mayor with the approval of the City Council, for any reason.

5. Department Heads: Department heads, including superintendents and directors, are classified employees covered under the *Personnel Rules* and are responsible for managing the operations of one or more City departments. Department heads are subject to dismissal by the Mayor at their sole discretion and *do not have access to the pre-disciplinary or post-disciplinary procedures in Section VIII.*

6. Managers and Supervisors: Managers and supervisors are classified employees covered under the *Personnel Rules* and are delegated the responsibility and authority by the Mayor to manage or direct the daily work of other employees under the supervision of a department head.

7. Classified Employee: An individual who is assigned to a regular position authorized by the City Council, whose salary is paid with funds allocated by the City Council, and whose employment initially includes a probationary period. During this time such probationary employee is not a classified employee.

8. Probationary Employee: An employee assigned to a classified position who has not achieved permanent status by satisfactorily completing their probationary period. See further details in Paragraph E below.

9. Temporary Employee: An individual who is employed to perform special functions, to perform emergency functions, to serve in periods of excessive workloads, or as a replacement for a classified employee who is on an approved leave. Temporary employment will not normally exceed six consecutive months. Temporary employees are not entitled to participate in any City-provided benefits and are not entitled to protections as classified employees. Service as a temporary employee does not count as continuous years of service.

10. Full-time Employee: Any individual employed by the City who is regularly scheduled to work at least 30 hours per work week. Full-time law enforcement and corrections officers work a rotating shift schedule consisting of seven 12-hour shifts during an established 14-day work period.

11. Part-time Employee: Any individual employed by the City who is regularly scheduled to work not more than an average of 29 hours per work week. Part-time Employees are not eligible for any other benefit except for retirement if the employee works more than 20 hours per week. Part-time Employees who are receiving retirement benefits through RSA will not be eligible for any additional retirement benefits. Part-time service will not count as continuous years of service in regard to seniority/tenure with the City if a part- time Employee is later employed in a full-time classified position or appointed official status.

B. Exempt and Non-exempt Employees

1. Non-exempt employees are covered by the overtime provisions of the Fair Labor Standards Act and will receive overtime pay or comp time at the rate of one and one-half times for all time actually worked beyond 40 hours in one work week. Time off such as holidays, sick leave, and annual leave does not count as time worked. All work time, including regular hours and overtime, must be recorded and approved by the employee's supervisor.

2. Exempt employees are not covered by the overtime provisions of the Fair Labor Standards Act and are expected to work the hours required to meet their job responsibilities.

3. Classifying a position as exempt or non-exempt is based on the salary of the position as well as the job duties established by the Department of Labor. Responsibility for classifying City positions as exempt or non-exempt is determined on the requirements of the Fair Labor Standards Act and upon approval by the Mayor.

C. Job Classifications

1. Each position within the City is classified in a job classification under the City's *Compensation and Job Classification Plan* based on an analysis of the duties and responsibilities of each position and requirements of education, training, experience, skills, knowledge, and abilities necessary for the position. A job description is maintained for each position including the job duties, job responsibilities, job qualifications, position classification, pay grade, and pay range for the position. When a new or revised job description is prepared, the job will be evaluated to determine the classification by the Human Resources Director and then submitted to the Mayor and City Council for approval. The Human Resources Director will conduct periodic reviews of the job classifications and submit to the Mayor and City Council any recommended changes. New employees or employees transferring or being promoted to new positions shall receive a copy of the new position description. All Classified positions and position descriptions shall be approved and funded by the City Council.

2. Position descriptions do not necessarily cover every task or duty that might be assigned, and additional responsibilities may be assigned as necessary. The Human Resources Director keeps position descriptions on file.

D. Employment for Classified Positions

1. The City hires and promotes applicants and employees with the best qualifications for available jobs. Both initial employment with the City and promotions are based upon merit, including education, experience, skills, effort, attendance, cooperation, job performance, and disciplinary records. The department head will prepare and submit a written request to fill the position to the Human Resources Director, who will forward the request to the City Treasurer and to the Mayor. Except for appointed officials, the Mayor must approve all hiring and promotion decisions.

2. The Human Resources Director will maintain up-to-date written job descriptions for all positions.

3. If a position becomes available, or if a new job classification and pay grade is approved by the City Council and the job is created, the department head will prepare and submit a written request to advertise the position to the Human Resources Director, who will forward the request to the Mayor. The Mayor must approve the request before the position is posted on employee bulletin boards and/or advertised. Positions will generally be posted for a minimum of one week.

4. Employment applications are accepted only for available positions. All applications must be fully completed, signed, and dated by the applicant to be considered. Resumes may be submitted in addition to the application, but a completed application is required. Any applicant providing false, misleading, or materially incomplete information is subject to immediate disqualification or dismissal if already hired.

5. The Human Resources Director will establish eligibility lists of qualified applicants as needed to ensure qualified individuals are available to fill vacancies in a timely manner. When an eligibility list is established, the list will be used to fill subsequent vacancies in comparable jobs. A Police Department list may be used for a period up to twelve (12) months after effective date. For all other City departments and jobs, no eligibility list will be valid for more than six (6) months.

6. No final employment offer shall be effective until the prospective employee has completed and passed all applicable pre-employment screenings and/or testing required for the position. These screenings may include medical examinations, background checks, driver's license verification, credit checks, and pre-employment drug testing.

7. Residence within the City police jurisdiction generally is not a condition of employment. However, residents may be afforded preference if, in the judgment of the Mayor, comparative qualifications are relatively equal. Residence within the police jurisdiction *may be required* for positions that require "on-call" status and for positions for which a City employee is authorized to drive a City-owned vehicle to their residence for official City business (*e.g.,* police officers.) See *Use of City Vehicles, Section XII.*

8. The City hires only United States citizens and non-citizens who are eligible to work in the United States under U.S. Immigration laws. As a condition of employment, each person offered a job is required to complete and sign a Department of Homeland Security Form I-9 and to submit approved document(s) to verify the individual's identical and legal eligibility to work in the United States. The City of Fairhope will complete the E-Verify certification process on each new hire as required by Alabama law.

9. With the approval of the Mayor, temporary employees may be hired to meet the City's needs. Temporary employees must sign a "Temporary Employee Agreement." Temporary employees are not eligible for employment benefits except those required by law (*e.g.,* workers compensation insurance).

10. The City of Fairhope is a drug-free and tobacco-free workplace. Applicants who are conditionally offered employment for safety-sensitive positions with the City will be tested for controlled substances as provided under the City's *Zero Tolerance Substance Abuse Policy*. An applicant who tests positive for controlled substances is ineligible for employment.

11. The City may accept individuals who are referred by the courts to perform community service jobs for the City. These individuals are not City employees and are not covered under the *Personnel Rules*.

12. The City may use state work-release inmates and municipal jail trustees to assist in

providing City services. A regular full-time City employee will supervise all inmates or trustees at all times. These individuals are not City employees and are not covered under these *Personnel Rules*.

E. Probationary Employees

1. The probationary period is intended to give new and rehired employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance. The City uses this working period to evaluate employee capabilities, work habits, and overall performance. Probationary employees are encouraged to ask questions so that they will have a clear understanding of the job and performance expectations. All probationary employees shall receive an orientation to advise them of the policies of the City. Each probationary employee shall complete all necessary forms, sign for a copy of this handbook, and attend all required orientation sessions.

2. During the probationary period, an employee will earn annual leave and sick leave. Employees are not authorized to use annual leave until the satisfactory completion of their probationary period. Employees may use accrued sick leave in accordance with the "Sick Leave Policy".

3. For all employees, except Law Enforcement Officers, the first six consecutive months of employment in the position for which the employee is hired and is performing their job duties is considered the probationary period. During this time, an employee is an "at will employee" and may be terminated, with or without cause, without the right of appeal. The six-month probationary period may be extended up to an additional six months if additional training is required.

4. For Law Enforcement Officers, Corrections Officers, and employees in Dispatch, the first 12 consecutive months of employment in the position for which the employee is hired and is performing their job duties is considered the probationary period. During this time, an employee is an "at will employee" and may be terminated, with or without cause, without the right of appeal. The 12-month probationary period may be extended up to an additional six months if additional training is required.

5. During the last 10 days of an employee's probationary period, the employee's supervisor or department head will complete an evaluation of the employee's work. The evaluation will include a statement that the employee's service has been satisfactory or unsatisfactory. Employees who receive a satisfactory evaluation will be retained as a classified employee. Employees who receive an unsatisfactory evaluation will be terminated. Probationary employees who are being retained will be notified in writing by their department head of the completion of their probationary period and designation as a classified employee. Probationary employees who are being terminated will receive written notice from the Mayor that their employment is terminated. A copy of the retention or termination letter, along with a copy of the final probationary period evaluation, will be maintained by the Human Resources Director in the employee's personnel file. Probationary Employees do not have any right to appeal their termination.

6. If a Classified Employee transfers to another position or department, they may begin a new working probationary period. These employees who have transferred to a new position will be allowed to use their leave during this working probationary period. If the employee is unable to satisfactorily perform the function of their new position, they may request to be transferred to their previous position if an opening is available or to another available classified position.

7. For any pay increases during or after the probationary period, the department head must submit the required form to request a pay increase, which must be approved by the Mayor. The request for the pay increase must have been documented and approved on the Personnel Action Request form at the time an offer of employment or transfer is extended to a candidate.

F. Reemployment of Former Employees

If a former employee applies for reemployment, they will be evaluated based on past job performance and work record with the City, the circumstances surrounding termination of the former employee's previous employment, and the former employee's qualifications for the new position. The City generally will not rehire former employees who were dismissed for misconduct or unsatisfactory job performance or who are classified as a "Voluntary Quit" under Job Abandonment, *Section II, B.*

If a former employee who left the City in good standing is rehired to a vacant position after a break in service of less than 180 days, the Department Head may request to the Mayor that the pay of the employee be established at the same relative rate in the pay range of the pay grade level for the job as it was before the employee's break in service, as long as the return rate of pay is not below the minimum of the grade range for the job to which the employee is assigned at rehire. Former employees rehired by the City will be considered a new hire for all purposes except that any vested retirement service credit in the Retirement Systems of Alabama (RSA) will be maintained in accordance with the RSA rules.

II. Compensation of Employees

A. Wage and Salary Administration

The City of Fairhope intends to provide equal compensation for work of equivalent responsibility and pay according to work performance and/or outstanding service. Compensation is based upon the experience, knowledge, complexity, potential work hazards, and responsibilities for each position. Employees shall be paid a salary or wage rate within the pay range of the job classification based upon the City's *Compensation and Job Classification Plan*. Generally, new employees will start employment at the minimum rate in the pay range for the job classification. The Mayor has the final authority to approve entry-level pay for newly hired or promoted employees not to exceed the midpoint of the wage/salary range on the Pay Scale provided the funds are available in the City's personnel budget. The City Council has the final authority to approve entry-level pay for newly hired appointed/unclassified positions. Employees may be eligible for pay increases including cost of living adjustments, salary changes, or promotional pay only when approved by the Mayor and City Council. Pay increases are based on satisfactory job performance, including attendance and disciplinary record, and on the availability of funds. If an employee's department head recommends deferral of a pay increase because the employee's performance is unsatisfactory, the Mayor may defer a scheduled pay increase for a specified time or until the employee's job performance is satisfactory.

1. Commercial Driver's License: If an hourly, non-exempt employee obtains a Commercial Driver's License (CDL), at the request of or with the permission of the employee's department head, to facilitate a current job performance or to qualify the employee for a job that requires a CDL, the employee will receive a one dollar ($1.00) per hour pay increase to be effective the first of the pay period following receipt of the license.

2. Certifications and Training: Any hourly, non-exempt employee will receive a pay increase of fifty cents (.50¢) to one dollar ($1.00) per hour, per certification (a maximum of two certifications within any one fiscal year, and a maximum of ten certifications total) for any certification deemed beneficial to their job and approved by their department head and the Mayor to be effective the first of the pay period following completion of the course or training. Any certification and/or training paid for by the City will result in a contract with the employee for a month of service for each $100.00 spent by the City on classes, certification fees, training, etc.

3. Hourly Marina staff, Quail Creek Snack Bar and Beverage Cart Attendants: Pay rates for these employees are based on the hourly wage established for the position *and* tips from patrons. All tips must be reported on forms provided by the City Payroll Administrator and forwarded to the Administrator each week for state and federal tax purposes and to be paid to the employees as income.

4. Quail Creek Golf Pro, Assistant Golf Pro, City Tennis Pro, and Fitness Instructors: These employees are allowed in their sole discretion to give lessons to patrons, as requested, outside the normal work schedule. Such lessons are not a part of the employee's job duties for the City and are deemed to be an approved outside private business activity.

B. Attendance

1. All employees are expected to work their hours as scheduled. Employees who are unable to report to work as scheduled must notify their supervisor before the start of their scheduled starting time if possible or, in the event of an unexpected emergency or incident, no more than 30 minutes after the employee's scheduled work time. The employee should advise the supervisor of the reason for the absence or tardiness and when the employee expects to return to work. If an absence continues beyond one scheduled workday, the employee must report to the supervisor each scheduled workday as discussed above *unless* the employee has been instructed otherwise by their supervisor or the employee is on approved leave of absence of specified duration. An employee who doesn't report to work as scheduled will be considered absent or tardy.

2. Time off (planned or unplanned) must be communicated and approved by the employee's supervisor. If an employee misses three consecutive days of work and properly communicates the absence, they may be required to furnish a doctor's excuse and/or a return-to-work form. The department head reserves the right to request a doctor's excuse for an absence and may further define specific departmental requirements.

3. Failing to report to work and not calling to report the absence is a no-call/no-show and is a serious matter. If an employee contacts their supervisor and indicates they will be late but does not report to work as planned or does not further communicate the inability to report to work, that is be considered a no-call/no-show. Supervisors are expected to report any no-call/no-show events to their department head. The first instance of a no-call/no-show will result in a written warning. The second separate offense will result in a final warning. A third offense may result in the termination of employment with no additional disciplinary steps. The department head may consider a no-call/no-show event that extends beyond two consecutive days as job abandonment and therefore may result in the employee's voluntary resignation of employment effective on day three of the no-call/no-show occurrence. This may also be applicable if an employee is on an approved leave and does not return on the planned return date without notifying their department head or supervisor.

4. Requests for planned absences should be submitted to the employee's supervisor five days or more in advance whenever possible. Prior coordination may not be feasible in the case of emergency or sudden illness. In these rare cases, the employee must notify their supervisor as soon as possible. An employee should communicate medical, dental, or personal/family member appointments to their supervisor in advance whenever possible. Reasonable time away from work for such appointments may be granted with prior approval and notification.

5. Attendance is monitored and evaluated for patterns of absenteeism and tardiness. Absences, even if compensated, may be considered excessive if the absences disrupt workflow, cause missed work objectives, result in reduced performance, or result in failure to meet contract commitments. If the employee misses one or more days of work without approval or proper notification, the employee may be subject to disciplinary action. Each work week, the department head will maintain and provide to the Human Resources Department an attendance record for each employee in their department, which will include the reasons employees give for missing work.

6. Excessive absenteeism or tardiness is a ground for discipline, including termination. Generally, an excused absence for a single reason (i.e., a five-day illness) will be treated as a single excused absence. Each day of an unexcused absence shall be deemed a separate unexcused absence. In determining whether an employee's absenteeism is "excessive" during any 52-week period, the following guidelines apply:

a. Three episodes of unplanned tardiness or unplanned early departures for any reason will be treated as one unexcused absence.
b. Five unplanned absences that are unexcused during a 52-week period will result in a written disciplinary warning.
c. Six unplanned absences that are unexcused during a 52-week period will result in an unpaid suspension.
d. Seven unplanned absences that are unexcused during a 52-week period will result in dismissal.
e. Ten unplanned absences whether excused or unexcused during a 52-week period will result in an unpaid suspension.
f. Thirteen or more unplanned absences whether excused or unexcused during a 52-week period may subject the employee to disciplinary action, up to and including dismissal.

For the purposes of these guidelines, an "unexcused absence" shall be counted as an "unplanned excused absence" in determining whether discipline will be imposed for excessive excused absenteeism. The determination of whether an absence is excused is at the discretion of the department Director in consultation with the Human Resources Director.

7. Department heads, supervisors, or employees should notify the Human Resources Director immediately when an employee is anticipated to miss or has missed three consecutive workdays due to an illness, injury, or hospitalization for themselves or a family member, or failure to show for work without contacting their supervisor. Following the third consecutive day of missed work, if applicable, FMLA paperwork or employment correspondence will be sent to the mailing or email address on file.

C. Work Hours and Time Records

1. The normal workweek for a full-time employee consists of 40 hours depending on the job classification and work location, and for a part-time employee no more than 29 hours a week on average. The department head will inform each employee of the required work hours.

2. Hourly (non-exempt) employees will be responsible for completing a time record with the beginning and ending work times, including lunch. This is necessary for payroll calculation of the employee's earnings. These records will be maintained by the Human Resources Department. Each employee must verify the hours worked are complete and must accurately reflect all regular and overtime hours worked, any absences, any late arrivals, any early departures, and all meal breaks. The employee should submit the completed time to their supervisor for verification and approval. When the employee receives each paycheck, the employee must also verify that they were paid correctly for all regular and overtime hours worked each week.

3. Hourly employees shall not work any hours that are not authorized by their supervisor or department head. Employees are prohibited from performing any work "off-the-clock," meaning work that the employee performs but does not report or inaccurately reports. Any employee violating this policy is subject to disciplinary action, up to and including termination.

4. All salaried (exempt) employees will receive a salary that is intended to compensate them for all the hours they may work for the City. Accordingly, all salaried employees are expected to accomplish their duties irrespective of the time or days required to do so. Salaried exempt employees must advise their immediate supervisor, Human Resources, or the Payroll Administrator of vacation days or sick days taken.

Salaried exempt employees' time cannot be reduced unless it is for one or more full workdays.

Under federal law, an employee's salary is subject to deductions as follows:

a. Full day absences for sickness, disability, or personal reasons;
b. Partial day absences for sickness, disability, or personal reasons when permission hasn't been given, accrued leave has been exhausted, or the employee has been granted leave without pay by the Mayor and or City Council;
c. Full day disciplinary or safety suspensions;
d. Family and Medical Leave absences (either full or partial day absences);
e. To offset amounts received as payment for jury pay, witness fees, or military pay; or
f. The first or last week of employment in the event the employee works less than a full week.
g. An employee's salary may also be reduced for deductions of federal, state, or local taxes; Social Security taxes; the employee's portion of health insurance, dental insurance, life insurance, or benefits; or voluntary contributions to a retirement plan.

5. Employees have the right to examine and verify their personal time record prior to supervisor approval.

6. It is a violation of the City's policy for any employee to falsify a time record or to alter another employee's time record. It is also a serious violation of City policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time record to under- or over-report hours worked. If any supervisor or employee instructs another employee to (1) incorrectly or falsely under- or over-report an employee's hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, the employee should report it immediately to the Human Resources Director.

7. A workday may not be shortened by "working through" or reducing the lunch period on a voluntary basis, nor may an employee voluntarily begin work before or after their regularly scheduled hours for the purpose of accumulating overtime. Every adjustment to the work schedule requires advance approval from the employee's immediate supervisor.

D. Breaks and Lunch Periods

1. Employees generally receive one 15-minute paid break during the morning. Supervisors will arrange the time of the break to ensure City business and services are not unduly interrupted.

2. Breaks cannot be combined with meal periods to extend the meal period, and employees may not leave work early in lieu of taking their break.

3. Meal periods are scheduled by Department Heads. Scheduled meal periods may vary depending on department workloads. Employees will be completely relieved from duty during the scheduled meal period which shall be at least 30 minutes and not more than 60 minutes. Meal periods are unpaid and an employee may not work during the scheduled meal break unless the Department Head instructs or authorizes the employee to work. If an employee is instructed or authorized to work during their meal period including being directed to return to work during their meal period, the employee's immediate supervisor or Department Head must promptly email the Payroll Administrator or City Accountant or their designee, who are authorized to override the automatic deduction to ensure the meal period is treated as hours worked for payroll purposes.

4. Non-exempt employees (or hourly employees) may have an automatic deduction from their regularly scheduled work hours each day for the unpaid meal period of at least 30 minutes and no longer than 60 minutes. This includes Public Works and Public Utilities employees who spend their workday off-site or moving about the City; Police Department support staff; and Police Department administrative personnel working regular eight-hour shifts. If an employee is directed to return to work during their meal period and is interrupted by the employee's immediate supervisor of Department Head, the employee is responsible for ensuring that the Department Head removes the automatic lunch deduction from the timecard for the respective day.

5. Employees working extra shifts or special events (parades for example) are required to take at least a one-half hour unpaid meal period after their regularly scheduled workday and before beginning the extra shift.

E. Working Before or After Regular Hours

Employees may not voluntarily begin work early, or work after hours, to extend the workday for the purpose of accumulating overtime. An employee may begin work early, or work after hours, for the purpose of making up time missed within the work week only with prior approval from the employee's supervisor or department head.

F. Overtime

1. Approval for Extra Work: Any work that exceeds a non-exempt employee's normal scheduled workday must be approved prior to the work being performed. Such work will be approved in accordance with guidelines established by the department head and approved by the Mayor. Any non-budgeted overtime must be approved by the Mayor.

2. Overtime Worked:

a. Non-Exempt Employees: When a non-exempt employee, except for Police Department law enforcement and corrections officers, **works** more than 40 hours in a work week, the employee will normally be paid overtime pay for all hours worked in excess of 40 hours. Such pay will be computed at one and one-half times the regular rate of pay for all hours worked over 40 hours. Sick leave, vacation leave, and holiday pay are not included in the calculation of hours worked for overtime pay. However, the employee may be provided compensatory time in accordance with Paragraph G below.

b. Law Enforcement and Corrections Officers: When a non-exempt law enforcement or corrections officer **works** more than 86 hours in a two-week work period, the employee will normally be paid overtime pay for all hours in excess of 86 hours. Such pay will be computed at one and one-half times the regular rate of pay for all hours worked over 86 hours. However, the employee may be provided compensatory time in accordance with Paragraph G. below.

c. Exempt Employees: Exempt, salaried employees such as department heads, are paid for performing specific jobs, not for the number of hours worked. Accordingly, exempt salaried employees are not paid extra for overtime work. With prior approval of the Mayor, an exempt salaried employee *may* be granted time off if particular assignments require significant extra work. The Human Resources Director shall review the actual job duties and responsibilities of all exempt employees and shall ensure employees classified as *exempt* satisfy the requirements for the exemption under federal wage-hour law.

In the event of a declared emergency affecting the City, the Mayor is authorized to utilize exempt salaried employees to respond and to provide aid to the City during the emergency. The designated salaried employees shall receive overtime pay at the rate of one and one-half times their "calculated hourly wage" for each hour worked in excess of 40 hours during the work week in which the employees perform the emergency service for the City. The employee's "calculated hourly wage" shall be determined by dividing the exempt salaried employee's annual salary by 2,080.

G. Compensatory Time

1. Under certain conditions approved by the Department Head, non-exempt employees may earn compensatory time in lieu of overtime pay for hours worked over 40 hours in a work week. Compensatory time is earned at a rate of one and one-half times the hours worked over 40 hours. The maximum accumulation of compensatory time is 64 hours. Any additional hours of time worked over 40 hours in a work week must be paid as overtime pay. An employee may request to use compensatory time on a subsequent date unless doing so would unduly disrupt the operations of the City or the department in which the employee works. The employee will be paid overtime if they are unable to use compensatory time.

2. Non-exempt law enforcement and corrections officers may earn compensatory time in lieu of overtime pay. The maximum accumulation of compensatory time for a law enforcement or

corrections officer is 96 hours. Any additional hours of compensatory time worked must be paid as overtime pay. Compensatory time will be computed at one and one-half times the overtime hours worked. Employees may use compensatory time by submitting a request to the Police Chief at least seven days before the requested time off. The request will be granted unless doing so would unduly disrupt essential police operations.

Upon termination of employment with the City, accrued compensatory time will be paid at the employee's then current rate of pay.

H. On-Call and Stand-by Employees

Effective October 1, 2024, certain employees will be designated as on-call or stand-by depending on the nature of their position and their assigned department. The pay structure for each designation is outlined in this policy.

1. Certain employees, dependent on their designated role in the City, may be required to report to work outside of normal business hours, on the weekend, and/or on holidays. On-call and stand-by time will be considered hours worked when an employee is required to restrict their personal activities such that the employee cannot use the time effectively for their own purposes. Employees on leave are not subject to be on call. In accordance with Personnel Policy *I.D.7* "Classification of Employees, Employment for Classified Positions: Residency Requirements", residence within the City police jurisdiction may be required for positions that require "on-call" status. An employee may not be considered for on-call status based on their residency.

2. Each week, certain employees are placed on standby status. Employees on standby are the first to be called to duty in an emergency to perform City services during non- business hours. Employees on stand-by will be paid at the overtime rate for eight hours each day or the actual time worked, whichever is greater, for each weekend day or holiday the employee is "on stand-by." The employee will be compensated as stated under Paragraph I below if actually called in for emergency duty on a weekday. Employees who respond to a call and are able to handle the matter by telephone or instant messaging are to be paid for the actual time worked. All time must be documented.

3. Departments which are required to maintain a stand-by list include, but may not be limited to, Gas, Water, Wastewater, and Electric Utilities; Facility Maintenance; Public Works; and IT.

4. Each week, certain employees are placed on on-call status. Employees on-call are called in to perform City services during non-business hours. These employees may be called in as part of their normal job duties or due to an emergency. Employees placed on on-call status will be paid a weekly stipend of $100 via payroll, subject to budget availability as adopted by the City Council each Fiscal Year. The employee will be compensated as stated under Paragraph I below if actually called in for work outside of normal business hours. Employees who respond to a call and are able to handle the matter by telephone or instant messaging are to be paid for the actual time worked. All time must be documented.

5. Positions and Departments which are required to maintain an on-call list include, but are not limited to, Police Dispatch; Municipal Court Magistrates; Customer Service Representatives; Communications; and Warehouse staff.

6. An employee in a position that requires them to be called back into work after working hours is required to respond to all emails or voicemail messages within a reasonable time of receipt. Employees on stand-by are to stay within a reasonable driving time from the office. Employees who are on stand-by shall not use alcoholic beverages or any drugs or medications that may impair the employee or affect the employee's performance.

I. Emergency Call-In

1. All employees are subject to be called in to work during an emergency or as otherwise needed by the City to provide essential services to the public. A refusal to respond to a call-in is a ground for discipline, up to and including termination.

2. Employees called in to duty will be paid a minimum of two hours or the actual number of hours worked, whichever is greater, at the overtime rate. Emergency call-in pay is at the overtime rate even if the employee does not work in excess of 40 hours during the workweek.

J. Hurricane Operations Plan for City Employees

1. In the instance of an incoming storm event, communication with City of Fairhope employees is critical to the continuation of services immediately following landfall. IT IS MANDATORY FOR ALL EMPLOYEES TO REPORT TO WORK WHEN TRAVEL RESTRICTIONS ARE LIFTED AFTER LANDFALL. Employees will be assigned to post-storm teams that will be responsible for handling immediate response to City infrastructure, public works, management, and community needs.

2. Communication timing includes:

- **48 hours before landfall**: Directors/ Supervisors must communicate post-storm responsibilities to employees as well as guidelines for when to travel and where to report. As part of this communication, employees should be urged to get their homes secured and prepared for the storm, including making arrangements for their family's post-storm so the mandatory work schedule can be followed.
- **24 hours before landfall**: City Leadership should email the messages to all employees reinforcing the message Directors/Supervisors sent the previous day. This communication should include where each post-storm hurricane team should report when it is safe to travel.
- **Immediately following damage/road assessment**: Communication should be sent out again reminding employees of where to report. Directors/Supervisors should also plan to communicate this information directly to their employees, through text or email.

3. It is mandatory for employees to check in before starting work. Locations for employees to check in include:

- Civic Center: Feeding Team
- Recreation Center: Point of Distribution (POD) Team
- Public Works: Call Center, Communications, all Public Works/Utility Helpers
- Nix Center: Volunteer Reception Center (VRC) Team

K. Additional Pay During Emergencies

1. Emergency Administrative Pay. In the event of a state of emergency affecting the City as declared by Federal, State, County, or City government and ratified by the Mayor and/or such other competent authority, the Mayor may order the total or partial closure of a single City worksite or multiple City worksites or the total or partial cancelation of a City activity or multiple activities. If an employee is unable to work or instructed not to work due to the declared emergency closing of the employee's worksite or cancelation of City activity, the City will provide emergency administrative pay to the employee for each day (or partial day) not worked.

For employees who are typically expected to work 2080 hours or 2184 hours in a year, the maximum emergency administrative pay will be eight (8) hours for the day. Emergency administrative pay will be paid at the employee's usual rate of pay applicable at the time of payment. Emergency administrative pay will not count as hours worked for purposes of any non-exempt employee's overtime premium pay eligibility determination. This policy does not apply to exempt employees, unless the exempt employee is off work due to an emergency closing for an entire workweek.

2. Additional Emergency Duty Pay For Exempt Employees. In the event of a state of emergency affecting the City as declared by Federal, State, County, or City government and ratified by the Mayor and/or such other competent authority, the Mayor may utilize exempt employees to aid the City's emergency response during extended work hours beyond the employees' usual schedules. In the event of such a declared state of emergency, beginning when such state of emergency is declared and ending when such state of emergency is lifted, or as authorized by the Mayor, an exempt employee required to work beyond the employee's usual scheduled hours or to attend work at times not ordinarily required of the employee will receive additional emergency duty pay for hours worked in response to the emergency beyond the usual schedule or outside of times not ordinarily required. The total amount of emergency duty pay for exempt employees is capped at eight (8) hours for each 24-hour period for employees who are typically expected to work 2080 hours The pay for this additional emergency duty will be equal to the exempt employee's "calculated hourly rate" which will be determined by dividing the exempt employee's annual salary by 2080, or 2184 depending on the employee's typical annual schedule. Depending on the severity of the state of emergency or the amount of time needed for the exempt employee to remain at their normal work site, the Mayor may also allow the exempt employee to accrue vacation hours at the rate of one hour for each hour worked in excess of the capped, paid eight (8) hours in a 24-hour period. However, the vacation hours accrued may not exceed eight (8) hours in a 24-hour period and must be used within 180 days or be forfeited.

3. Additional Hazardous Weather/Emergency Duty Pay for Non-Exempt Employees. Depending on the circumstances, under conditions described in and during the time frame

designated in Section 9.1, two types of hazardous weather/emergency premium pay for non-exempt employees may be provided if the hazardous weather or emergency conditions affect multiple City worksites and/or multiple City activities. If hazardous weather or emergency affects only a single City worksite or activity, and employees are instructed to work at an alternative worksite or provided alternative duties, no additional premium will be paid for such work. For example, if a fire damages the Library, and Library employees are relocated to work at City Hall, no additional premium pay will be provided. If a non-exempt employee is required to work as previously scheduled or required to report for unscheduled work or required to report earlier than scheduled or depart work later than scheduled despite hazardous weather or emergency conditions affecting multiple City worksites or activities as provided in Section 9.1, the non-exempt employee will be paid (1) an additional premium equal to one-half (½) times the employee's pay rate for time actually worked during the employee's regularly scheduled shift, and (2) an additional premium equal to the employee's pay rate for time worked beyond the hours previously scheduled for the employee. For example, a non-exempt employee paid at $15.00 per hour who is scheduled to work an eight (8) shift and who is required to actually work ten (10) hours will be paid $22.50/hour during the regularly scheduled eight (8) hours and $30/hour for the two (2) additional hours worked. The overtime pay rate for any hours worked over forty (40) during the same workweek will be adjusted accordingly.

4. Exempt & Non-Exempt Employees Assigned to Provide Mutual Aid: Under the conditions described above but where the exempt employee is providing mutual aid to another utility and where an agreement between the two parties has been signed, the exempt employee acting as an official emergency worker shall be compensated as stated above upon departing Fairhope Public Utilities. They shall return to their normal rate of pay upon returning to Fairhope Public Utilities. If the host utility is paying a higher overtime multiplier, upon agreement between both parties, Fairhope Public Utilities employees will be compensated the same as the host utility.

Under the conditions described above but where the non-exempt employee is providing mutual aid to another utility and where an agreement between the two parties has been signed, the exempt employee acting as an official emergency worker shall be compensated as stated above upon departing Fairhope Public Utilities. They shall return to their normal rate of pay upon returning to Fairhope Public Utilities. If the host utility is paying a higher overtime multiplier, upon agreement between both parties, Fairhope Public Utilities employees will be compensated the same as the host utility.

L. Special Events

There are many special events in the City of Fairhope (parades, Arts & Crafts and Spring Fever Chase, *etc.*,) throughout the year that require employees' work schedules to be adjusted to prepare for and complete the special events. Department heads plan for these events and schedule employees to work accordingly.

M. Travel Time

An employee who is required to travel on official City business, to attend a training course related to the employee's job, or to attend a job-related conference or meeting authorized by the Mayor,

will be paid their regular rate of pay for the time spent on these required activities and will be paid for required travel time *if* the travel time significantly exceeds the employee's normal commute to and from work.

N. Military Leave Pay

Eligible employees who are placed on military leave in accordance with *Section III. M. Military Leave* will receive the standard rate of pay they would have received if they had reported to work and were not on military leave.

O. Pay Periods and Direct Deposit

1. The City's regular workweek begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on the following Sunday of each week. The established 14-day work period for law enforcement and corrections officers begins at 6:00 AM on Monday and ends at 6:00 AM Monday, fourteen days later. Employees are paid every other Friday for the two workweeks ending the preceding Sunday/Monday. Under certain circumstances, such as a holiday falling on Friday, paychecks may be distributed early. If an unforeseen emergency occurs, paychecks may be delayed. (The term "paychecks" includes payment by direct deposit.)

2. All non-exempt, part-time employees are scheduled to work no more than 29 hours on average within the workweek that begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on the following Sunday of each week. An employee's average hours per week will be calculated during the first week of January, April, July, and October.

3. Direct deposit is mandatory for all employees or for any new hire. Deposits will be made directly to the financial institution of the employee's choice. Any changes to the employee's direct deposit account should be reported to the Human Resources Department. Supporting documentation for direct deposit changes must be submitted in person and will not be processed if supplied via fax or email.

4. Pay advances are not allowed under any circumstances.

P. Deductions from Pay

The City will withhold from the employee's paycheck those deductions required by law such as state and federal taxes, FICA, garnishments, etc. and any other voluntary deductions authorized by the employee in writing and approved by the City.

Q. Safe Harbor Policy

1. It is the policy and practice of the City to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that the employee is paid properly for all time worked and that no improper deductions are made, the employee must correctly record all work time and review their paychecks promptly to identify and to report all

errors.

2. The City makes every effort to ensure all employees are paid correctly. When mistakes do happen, and are called to our attention, we will promptly make any corrections necessary. Each employee should review their pay stub when received to make sure it is correct. If a mistake has occurred or if there are any questions, please immediately report this to the Human Resources Department. Employees will not be subject to any retaliation for asking questions about or reporting mistakes in their compensation.

R. Garnishments and Levies

In the event that garnishment or similar proceedings are instituted against an employee, the City will deduct the required amount from the employee's paycheck. All correspondence related to a garnishment or levy should be sent to the Human Resources Department.

III. Equal Employment and Employee Relations Policies

A. Equal Employment Opportunity Policy and Procedures

It is the policy of the City of Fairhope to provide equal employment opportunities to all individuals without regard to race, color, religion, sex/gender (including pregnancy, childbirth, and other related medical conditions), gender identity, sexual orientation, national origin, age, physical or mental disability, genetic information, veteran or uniformed service-member status, or any category protected by federal, state, or local law. This policy relates to all phases of employment, including but not limited to recruiting, employment, placement, promotion, transfer, demotion, leaves of absence, layoff, recall, reduction of workforce and termination, rates of pay or other forms of compensation, benefits, disciplinary or corrective actions, selection for training, the use of facilities, and participation in all City-sponsored employee activities. Provisions in applicable law providing for bona fide occupational qualifications, business necessity, or age limitations will be adhered to by the company where appropriate.

The City of Fairhope hereby establishes and reaffirms its commitment to a clearly defined Equal Employment Opportunity Program (EEOP) as set forth by the following guidelines:

1. Equal opportunity for all our citizens is a historic American ideal, and it is the policy of the City of Fairhope to maintain equal employment opportunity in the public services position of City government by considering job applicants and employees for hiring and advancement on the basis of job-pertinent individual differences and not on the basis of the extraneous factors such as race, religious creed, color, national origin, ancestry, sex, marital status, medical condition, age, or disability. The objective of this program is to continue to ensure nondiscrimination in all employment-related decisions.

2. The City is committed to creating a workplace free from the unlawful harassment, including but not limited to sexual harassment, of employees by other employees and officials, or the unlawful harassment of its officials and employees by its vendors or visitors. Likewise, the City will not accept the unlawful harassment of a vendor or visitors by any employee of the City. This policy includes harassment because of race, sex, religious creed, color, national origin, ancestry, gender identity, sexual orientation, disability or medical condition, age, or any other basis protected under Title VII.

3. The City expects all employees, including department managers and supervisors, to respect fellow employees and treat co-employees and subordinates in a professional manner. The City will not tolerate any form of harassment in the workplace. Examples of prohibited harassment include, but are not limited to offensive, insulting or demeaning remarks; gestures; jokes, pranks, slurs, email, pictures or cartoons and the like that reflect upon stereotypes.

4. The City requires all employees to maintain a professional workplace that is free of sexual harassment. Sexual harassment is generally defined as unwanted or unwelcome sexual advances, propositions, or physical contact of a sexual nature where such conduct is perceived to be a condition of employment, is used as the basis of an employment decision, which unreasonably

interferes with the individual's job performance or creates an environment that is intimidating, hostile or offensive. Verbal or physical conduct of a sexual nature that could contribute to a hostile work environment is expressly prohibited by any person employed by the City or by anyone interacting with City employees. Examples of prohibited conduct include, but are not limited to the use of profane or vulgar language; unwelcome sexual flirtations, advances, or propositions; sexually oriented or suggestive jokes or comments; sexually degrading words including slang; physical contact of a sexual nature; or comments suggesting that an employee will receive favorable treatment in exchange for sexual favors or acts.

5. The City encourages employees to address harassment, including sexual harassment, or discrimination directly when it occurs. Any incident of harassment or discrimination shall be reported immediately to the employee's supervisor, department head, or the Human Resources Director.

6. All supervisors, managers, and department heads have the responsibility to address any observed or reported harassment, discrimination, or retaliation and shall immediately stop such conduct.

7. All managers, supervisors, and Department Heads have the responsibility to report observed or reported harassment, discrimination, or retaliation to the Human Resources Director even if no employee initiates a complaint. Failure to do so may result in disciplinary action.

8. If an employee or applicant feels they have been a victim of harassment or discrimination, the employee shall file a written complaint. Complaints by employees should be addressed to the employee's supervisor, department head, or the Human Resources Director. Complaints by applicants shall be filed directly with the Human Resources Director.

9. If the complaint involves the Human Resources Director, the employee or applicant shall report their complaint to the Mayor.

10. If the complaint involves the Mayor, it will be forwarded to the City Council for investigation and action. If a complaint involves a member of the City Council, it will be forwarded to the Mayor for presentation to the City Council for action. In such cases the City Council will appoint a Council member or members to investigate the complaint.

11. The complaint should contain the following:

a. Date(s), time(s), and location(s) of the incident(s) that took place;
b. Description of each incident, including a statement as to any physical contact made and as to what was said and/or done;
c. Name(s) of witnesses, if any; and
d. The names of anyone with whom incident/incidences have been discussed.

A record of the complaint and findings will become a part of the complaint investigation records and the file will be maintained separately from your personnel file.

12. All complaints for discrimination and/or harassment, including sexual harassment, will be investigated by the Human Resources Director or their designee and the results of the investigation will be reported to the complaining party. Investigation of a discrimination, harassment, or sexual harassment complaint may include but is not limited to interviewing the complaining and accused parties as well as other employees and/or vendors necessary to obtain sufficient information upon which to make an assessment of the situation. While the City will make every effort to be sensitive to privacy issues, there is no guarantee of confidentiality. Retaliation and/or discrimination against an employee who complains of discrimination or harassment is strictly prohibited and also may be a violation of federal law.

13. The Human Resources Director is principally responsible for investigating discrimination, harassment, and sexual harassment complaints. When appropriate, the Human Resources Director may explore informal means to resolve these complaints. Informal dispute resolution procedures may include but are not limited to counseling the alleged violator or serving as a mediator between the two parties. When the matter cannot be resolved informally, the Human Resources Director or their designee may prepare a written report of the investigation and a recommendation. Recommendations can include discipline for the violator as well as the restoration of any employment terms, conditions, or opportunities the complainant lost or was denied because of the discrimination and/or harassment.

14. Any employee who is found to have engaged in any form of discrimination or harassment of another employee will be subject to appropriate disciplinary action, up to and including termination.

15. If any form of discrimination or harassment persists or re-occurs, the employee has the responsibility to report the occurrence or re-occurrence to their supervisor, department head, or the Human Resources Director as soon as possible. If an employee is not satisfied with the results or action(s) taken as a result of their initial complaint, then the employee must report their complaint to the Mayor.

16. Any questions or concerns employees or prospective employees may have regarding the City's equal opportunity policy or any possible or alleged discrimination and/or harassment, including sexual harassment, in the workplace should bring these issues to the attention of their department head or the Human Resources Director. Employees may raise legitimate concerns and make good faith reports without fear of reprisal. An investigation will be conducted following any report of any such violation.

B. Non-Discrimination in City Programs

No person who meets the eligibility requirements for a program, activity, or service provided by the City of Fairhope shall be subjected to discrimination under such program, activity, or service because of their race, color, religion, sex, national origin, age, citizenship, or disability. The City requires all employees to assist and to cooperate in fulfilling this commitment.

C. Open Door Policy/Dispute Resolution

1. The City is committed to a work environment where all people are treated with respect and dignity. Employees that have an issue with a co-worker are encouraged to try and resolve the problem themselves. If a resolution cannot be agreed upon, one or both employees should report the problem to their supervisor(s). Employees that have an issue with their supervisor should report the problem to their department head or the Human Resources Director.

2. Employees must promptly report harmful events, policy violations, or security concerns to their supervisor or department head. Any reported allegations will be promptly investigated and will remain confidential to the extent permitted by the circumstances. Should the problem persist or recur, the employee should report this to their department head or the Human Resources Director as soon as possible.

3. No employee will be retaliated against for acting in good faith or reporting a potential issue or for assisting in the investigation of a possible issue. If at any time during the process or investigation, the City concludes that an employee has filed a claim in bad faith, has refused to cooperate in an investigation of an issue, or has provided false information regarding an issue, disciplinary action, up to and including termination, may be taken.

D. Anti-Retaliation

1. The City is committed to providing a work environment in which employees may register complaints about alleged discrimination, harassment, or other problems without fear of retaliation. The City strictly prohibits retaliation against any employee because they have opposed any unlawful employment practices or because they have made a charge or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing regarding such alleged practices.

2. Any employee who wants to report an incident of retaliation should promptly report the matter to their department head or the Human Resources Director. Employees can raise concerns and make reports without fear of reprisal or retribution. Anyone engaging in retaliation will be subject to disciplinary action, up to and including immediate termination of employment.

E. Workplace Violence Prevention

1. The City is committed to maintaining a safe environment and preventing workplace violence. All employees should be treated with courtesy and respect at all times. To ensure a safe workplace, employees may not carry weapons of any kind into the workplace or while performing their duties for the City. This includes but is not limited to a firearm for which an employee has a valid permit. The only exception is law enforcement officers whose job requires possession of weapons.

2. Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated.

Prohibited conduct includes but is not limited to the following:

a. Physically or verbally threatening another individual;
b. The intentional destruction or threat of destruction of City property or a co-employee's property while at work;
c. Harassing or threatening phone calls or written communications;
d. Stalking;
e. Advocating or threatening the illegal use of weapons or bombs;
f. Threats or attempts to commit suicide;
g. Fighting;
h. Horseplay;
i. Bullying;
j. Excessive profanity; or
k. Advocating or threatening revenge based upon a workplace occurrence.

3. All threats of violence, violent acts, potentially volatile situations, and all conduct prohibited by this policy should be reported as soon as possible to the supervisor. This includes threats by employees, as well as threats by clients, vendors, solicitors, or other members of the public. Reports should be as specific and detailed as possible. Additionally, any emergency, crisis, or situation posing imminent danger should be immediately reported to 911. As soon as practical, employees should notify their department head or the Human Resources Director.

4. The City will promptly and thoroughly investigate all reports. The identity of the individual making a report will be protected as much as is practical. No person will be subject to retaliation or reprisal because of making a report. In order to maintain workplace safety and the integrity of its investigation, the City may place employees on administrative leave, with or without pay, pending investigation. Employees charged with a crime may be placed on administrative leave without pay for a maximum of ten days for investigation.

5. Anyone determined to be responsible for threats of violence, violent acts, or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action, up to and including termination of employment.

6. The City encourages employees to bring their disputes or differences with other employees to the attention of their manager before the situation escalates into potential violence. The City is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

F. Americans with Disabilities (ADA)

1. The City of Fairhope complies with the Americans with Disabilities Act which prohibits discrimination on the basis of disability.

2. The City is committed to providing reasonable accommodations to qualified individuals with disabilities, unless it would impose an undue hardship on the employer. If an employee has a disability, they may request a reasonable accommodation at any time during the application process or during the period of employment. The employee, the employee's health professional, or any other representative acting on behalf of the employee may request an

accommodation. This may be done verbally or by completing a reasonable accommodation request form. This form may be obtained from the Human Resources Director.

3. Reasonable documentation from an appropriate healthcare or rehabilitation professional may be required to establish that an employee has an ADA disability, and that the disability necessitates a reasonable accommodation.

G. Pregnancy Non-Discrimination

1. The City will provide reasonable accommodations to employees with known limitations related to pregnancy, childbirth, or related medical conditions unless the accommodation will cause the City an undue hardship. Employees who are pregnant will be treated like any other employee with a temporary illness or disability.

2. For up to one year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk. The City will work to provide a designated room or area with privacy which is comfortable for this purpose. It is the responsibility of the employee to coordinate the safe storage of expressed breast milk. Any breast milk stored in a refrigerator at a City facility must be labeled with the name of the employee and date and removed for home storage within a week of expressing. Any employee storing milk in the refrigerator assumes all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering. Nursing mothers wishing to use a private area for breast pumping must contact the Human Resources Director to make arrangements. Breaks of 20 minutes or more in length will be unpaid and will need to be recorded.

H. Health Insurance Portability and Accountability Act (HIPAA)

The City complies with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and follows guidelines involving the protected health information of employees, dependents, and patients. Contact the Human Resources Director for a copy of the Company's Health Insurance Portability and Accountability Act of 1996 policy.

I. Whistleblower Protection

The City does not penalize or discriminate against employees on the basis of their reporting a believed violation or objecting to a directive to or refusing to violate applicable law. Employees will not be penalized for acting on any rights protected by law.

J. Uniformed Services Employment and Reemployment Rights Act (USERRA)

1. Pursuant to the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), All persons employed by the City are entitled to up to five years of military leave without pay for any service in the various Uniformed Services of the United States, including but not limited to enlistment, training, and active duty. Employees may be entitled to additional leave

for periods of initial service lasting more than five years, periodic training duty, and involuntary active duty recalls and extensions. Paid leave, including sick leave and annual leave, may be substituted for all or part of this unpaid military leave. Employees must provide as much advance notice of their impending service as reasonable. Employees should provide this notice to the Human Resources Director.

2. All employee benefits will be continued without a break in coverage during the service period for employees serving 30 or fewer days. Employees serving 31 days or more may elect to continue health care coverage for up to 24 months at their own cost. Upon returning to work, all benefits will be restored to the employee without a waiting period or break in coverage. While employees do not accrue annual or sick leave while on USERRA leave, the rate at which such leave will accrue when the employee returns to work will be the same as if the employee had never taken leave.

3. Employees returning from a period of service are generally entitled to be placed back into the same position that they would have occupied had they not taken military leave. If the period of service is 30 days or less, then the employee should report back to work no later than the beginning of the first workday after the completion of the period of service, allowing for travel time and at least eight hours rest; or, if such a date is impossible or unreasonable, as soon as possible. If the period of service is 31 days or more, the employee must submit an application for reemployment. In those cases, where the period of service was for between 31 and 180 days, the application must be submitted no later than 14 days after the completion of service. When the service was longer than 180 days, the application must be submitted no later than 90 days after the completion of service. For periods of service lasting longer than 30 days, the employee may be required to submit supporting documentation. Service members who return with disabilities, illnesses, or injuries accrued in the course of their service may be entitled to extensions of these deadlines and/or accommodation for their conditions.

4. In addition to the unpaid leave available pursuant to USERRA, any employee who is a member of the National Guard of Alabama or Reserve Officer or Enlisted Person in the Army, Navy, Marine Corps, or Air Force Reserve shall be granted leave with pay for the purpose of attending an encampment for training when so ordered. The maximum amount of leave with pay shall not exceed 168 hours in any calendar year.

5. **No employee or prospective employee will be subjected to any form of discrimination or harassment whatsoever on the basis of that person's membership in, or obligation to perform service for, any of the Uniformed Services of the United States.** Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation because such person has exercised their rights under this policy or because they have assisted another person in exercising their rights under this policy. If any employee believes that they have been subjected to discrimination in violation of this policy, the employee should follow the guidelines for reporting discrimination and harassment contained in Section A above.

K. Military Leave

1. Employees who are active members of the Alabama National Guard, Naval Militia or the Alabama State Guard organized in lieu of the National Guard, or any other reserve component of the armed forces of the United States, shall be entitled to military leave of absence from their respective civil duties and occupations on all days that they are engaged in field or coast defense or other training or on other service ordered under the National Defense Act, or of the federal laws governing the United States Reserves, without loss of pay, time, seniority, annual leave, or sick leave. An employee receiving authorization for leave with pay will be paid in accordance with *Ala. Code §31-2-13*, or such other applicable law.

2. As a result of the employee's membership in any of the named military reserve organizations, the employee is allowed to receive up to 168 working hours (21 working days) per calendar year of paid military leave when absent from work because of performance of duty or training in the military reserve. If an eligible employee is on military leave when a scheduled holiday occurs, the holiday pay will prevail, and the day will not be charged against the military leave account.

3. An employee who is called to active duty with the Armed Forces of the United States may request annual or personal leave, if available, or leave without pay. Upon their release from military service, the employee shall be re-instated by the City in a position that is no lower in grade or pay than that in which they is physically and mentally suited to perform, provided the employee makes application for re-employment to the City within 30 days following honorable separation from the Armed Forces of the United States and their absence for military service did not exceed the original service period.

4. There is no waiting period to be eligible for military leave. This applies to both probationary and non-probationary employees.

5. An eligible employee who plans to use military leave for training during the year must notify their department head and the Human Resources Director of their projected schedule. Employees are requested to provide copies of their military orders to the Human Resources Director within five days of receiving the orders.

IV. General Personnel Policies

A. Personnel and Medical Files

1. The City will safeguard the privacy of its employees and confidentiality of employee records by securing all information maintained in the personnel and medical (electronic and paper) files, collecting only necessary data, and allowing only those authorized to access the file for legitimate business purposes. Access to personnel and medical files by current and former employees will be provided upon written request, at least 24 hours in advance, to the Human Resources Director. Employees will not be allowed to copy any portion of a file except as required by law.

2. Department heads and supervisors are not allowed to maintain any type of employee personnel file or medical records file on employees within their department.

3. Employees should promptly report to the Human Resources Department any changes in their address, contact number, marital status, dependents, insurance beneficiaries, or any change affecting Social Security records.

4. The City uses a neutral reference policy. Employers or individuals seeking references about an employee or former employee will only be provided with the dates of service and last position held. Requests for references should be submitted to the Human Resources Director.

5. The City does not give employment references on employees or former employees. No department head, manager, supervisor, or other City employee or representative is authorized to give an employment reference on behalf of the City or to release any other information about a person's employment with the City except as stated above.

6. Personnel information will be disclosed according to the requirements of public records laws, and it is the intent of the City to notify affected employees of requests for information or access to their personnel files.

7. The following records of government employees will not be open for inspection by members of the public: unpublished telephone numbers; bank account information; Social Security numbers; Driver's license information, unless driving a vehicle is a part of the employee's duties or incidental to the performance of the job; and the same information about an employee's immediate family members.

8. The Human Resources Director is the only person authorized to disclose information, and any phone calls or written inquiries seeking such information shall be directed to them.

9. The City will provide employee information to outside agencies as requested in writing and only when accompanied by the employee-signed authorization for release of the information.

B. Fraternization

An employee may not directly or indirectly supervise another employee with whom they have an intimate relationship. During work hours, employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges. Contact that would in any way be deemed inappropriate by a reasonable person performing work duties or on City premises, is prohibited. If a supervisory and a non-supervisory employee begin to date or become involved in a romantic relationship, one of the two employees will be required to resign or be dismissed. The employees involved will be allowed to decide which employee will resign. If neither employee voluntarily resigns, the City will dismiss one of the two employees based on the City's business needs. Factors to be considered include the particular skills and experience of the employees involved, and the comparative difficulty of replacing the employees. Failure to report intimate relationships may result in disciplinary action, up to and including termination.

C. Nepotism

1. Relatives of employees will be eligible for employment, but they must compete for jobs on the same terms and conditions as other applicants.

2. The spouse of the Mayor, a City Council member, or a department head will not be hired for any position with the City. The spouses of other City employees will not be hired to work in the same department as their spouse.

3. Employees are not permitted to directly supervise a relative. Direct or immediate supervision includes but is not limited to any participation in the hiring decision, promotional decision, work assignment decision, shift assignment decision, disciplinary decision, or the evaluation process of another employee. The City will refuse to transfer, demote, or promote an employee if the employment change results in the employee coming into a supervisory or subordinate position to a relative. The City will refuse to hire a job applicant if the applicant would be in a supervisor or subordinate position toward an existing employee who is the applicant's relative.

4. No two or more relatives are permitted to work in the same City division if the related employees would be subject to direct or indirect supervision of the same supervisor or manager with the division's chain of command. The City will refuse to transfer, demote, or promote an employee if the employment change results in the employee working in the same division as a relative. The City will refuse to hire a job applicant if the applicant's relative works in the same division in which the applicant is seeking employment.

5. No employee may participate in or attempt to influence employment or other decisions involving a relative or seek to influence, pressure, or cause others to do so. An employee must not use authority or position with the City to benefit or to disadvantage a relative who is currently employer or who is an applicant for a City job, regardless of the department in which the relative works or is seeking employment.

6. For purposes of this section of the Employee Handbook, "relatives" is defined as a

spouse, child, stepchild, parent, step-parent, parent-in-law, grandparent, brother, sister, step-sibling aunt, uncle, nephew, niece, relative or person who lives in the household of a current employee, or a person with whom the employee or applicant is involved in a romantic, sexual, or dating relationship. This would also include the employee's spouse's or partner's relatives of these relationships. These relationships may exist whether by blood, adoption, or marriage.

7. Any existing but previously undisclosed "relative" relationship or situation must be disclosed immediately to the Human Resources Director or Mayor. Every job applicant is expected to disclose whether a relative works for the City. If a relative relationship is created between two employees during their employment, the employees involved must immediately disclose the new relative relationship to the Human Resources Director or Mayor.

8. If two employees become immediate or extended family through marriage during employment and if, in the Mayor's judgment, one of the foregoing circumstances exist, one of the employees will be offered a transfer to a vacant job *if* one is available. The City will select the employee for transfer based on qualifications, experience, and length of service with the City. If a job is not available, the employees will have 30 days to decide which employee will resign. If the employees do not decide, the City will decide which employee to retain based on the jobs performed by each employee and the skills and training required to perform the jobs, on the needs of the City and on the difficulty of replacement.

9. Employees who currently directly supervise a relative or who currently work in the same City division and are subject to direct or indirect supervision by the same supervisor or manager with the division's chain of command are exempt from these rules. If the employee leaves the City's employment and is rehired, they will be subject to these rules.

D. Dress Code

1. The City of Fairhope seeks to project a positive image and to promote professionalism in the workplace. Employees are required to dress in an appropriate manner consistent with the specific job duties to which they are assigned and to exercise good judgment. Most importantly, employees should be mindful of the safety risks associated with their job and remember that they are a representative of the City of Fairhope and should dress in such a manner which is conservative and professional.

2. Employees in most departments are provided with City uniforms. The uniforms with a City seal or logo are the property of the City and must be returned upon termination of employment. It is the responsibility of each employee to ensure that their uniform is maintained and properly laundered.

3. During business hours or whenever an employee represents the City, they should be clean, well groomed, and wear appropriate clothes and footwear. Examples of inappropriate clothing include, but are not limited to, blue jeans with holes, rips, tears, etc. which expose an inappropriate amount of skin; t-shirts which are not part of the official City of Fairhope Uniform; and shorts. Employees are discouraged from wearing flip flops or other open-toed shoes if their job requires any sort of physical labor.

4. Generally, and so long as the requirements listed above are met, employees may take

advantage of "Casual Fridays". On Casual Fridays, employees may wear work-appropriate blue jeans and/or City of Fairhope t-shirts. Otherwise, all other aspects of the Dress Code policy are expected to be followed.

5. If an employee's department head or supervisor finds that the employee's personal appearance is inappropriate, they will be asked to leave work and return properly dressed and groomed. If an employee is asked to leave, they will not be paid for the time away from work.

6. Where necessary, the City may make reasonable accommodation to this policy for a person with a disability.

7. Offensive body odor and poor personal hygiene is not professionally acceptable.

8. Perfume, cologne, and aftershave lotion should be used moderately or avoided altogether as some individuals may be sensitive to strong fragrances.

9. Clothing that is revealing or that contains offensive drawings, designs, or wording is not allowed.

E. Tobacco Use/Smoke-Free Workplace

The City is a smoke- and tobacco-free workplace including the use of e-cigarettes and vaping. No smoking, use of other tobacco products, e-cigarettes, vaping, or other forms of smokeless tobacco are permitted in City facilities or in City vehicles. Smoking is prohibited within 25 feet outside of any enclosed area where smoking is prohibited to ensure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or other means. Smoking is prohibited at City playgrounds which includes any park or recreational area that is designed in part to be used by children and that has play or sports equipment installed or that has been designated or landscaped for play or sports activities. Smoking is also prohibited at City sports venues, including but not limited to sports pavilions, stadiums, athletic fields, and tennis courts and other similar City-owned or leased places where members of the public assemble to engage in physical exercise, participate in athletic competition, or watch sports or other events. Employees may smoke outside while on City premises only in designated areas during breaks. No additional breaks are allowed for smoking. When smoking or otherwise using tobacco or similar products outside, dispose of any litter properly in the receptacles provided for that purpose.

F. Worksite Standards

On most days there are visitors and citizens in the City buildings and offices. The City's surroundings should always reflect a professional appearance. Employees should maintain a neat and professional worksite. Eating at your worksite is allowed but should be done in a discrete manner that will not allow damage to City equipment and property. Employees should also ensure that meeting and common areas are clean and presentable after use.

G. Social Media Policy

This policy covers the use of various social media platforms and programs, including but not limited to blogs, X formerly known as Twitter, LinkedIn, Facebook, news site comment areas, and product or service review sites like city Search, Yelp, YouTube, etc.

1. Content made pursuant to your employment with the City posted on social media by City employees, whether on- or off-duty, is not protected by the First Amendment and could result in disciplinary action, up to and including termination.

2. Nothing in this policy is intended to prohibit, nor should it be interpreted as prohibiting, employees from engaging in free speech. Employees are free to express themselves as private citizens on social media sites as long as their content does not impair professional relationships in the workplace, impede the performance of their job duties, or negatively affect the public perception of the City of Fairhope. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or our business associates who work on behalf or alongside the City, may result in disciplinary action, up to and including termination.

3. Employees shall not disclose confidential or other inside information about the City, its citizens, its employees, or its taxpayers that the employee learns during the course of employment. You should assume that people, including co-workers, supervisors, and citizens, as well as their family members, are reading your postings. Employees should refrain from utilizing personal use of social media during their workday.

4. Violations of this policy may result in discipline, up to and including termination of employment. If you have questions or need further guidance, please contact the Human Resources Director.

H. Professional Development and Training

1. The City encourages employees to increase their skills and knowledge to enhance their contributions to the City. Department heads are responsible for developing employees' job skills through in-service training, identifying outside training programs that may enhance job skills and notifying employees of these programs, and making recommendations whether the City should provide financial assistance for employees to attend these programs.

2. To be eligible for reimbursement, employees must request in writing to their Department Head approval to take the class/course. The request should contain the name of the class/course, the scope of information to be taught, and the cost of the course.

3. Upon approval of the Department Head, the request should be submitted to the Mayor for approval.

4. Upon approval of the department head and Mayor, the City may provide partial or full payment for training workshops and seminars that are directly related to City employment, including any training necessary to obtain or maintain required licenses or certifications. Whether

training time is paid or unpaid depends on the nature of the training, the needs of the City, and the availability of funds.

5. If an employee's job requires completion of the class/course or certification and the employee is unsuccessful in completion, the employee may be demoted or separated from the City's employment.

I. Performance Evaluations

1. Each employee will be evaluated by their supervisor and department head prior to completion of the probationary period and during each calendar year thereafter. The evaluation will be reviewed with the employee and must be signed by the employee to acknowledge the evaluation and review. The completed evaluation will be forwarded to the Human Resources Director to be placed in the employee's personnel file. A copy of the most recent performance evaluation must accompany any request for merit pay raises.

2. If an employee disagrees with their performance evaluation, the employee may note such disagreement on the form and may request to review the evaluation with the Human Resources Director.

3. Performance evaluations may be used as a factor in determining training requirements, pay increases, promotions, transfers, layoffs, and dismissals. The Human Resources Director is responsible for developing and monitoring the performance evaluation program.

J. Travel Expense Reimbursement

1. Any training courses must be approved by the Department Head or Mayor prior to any travel and/or commitment of funds. Education and training opportunities shall be considered on the basis of merit to the city and allocated resources. Training seminars, conventions, etc. shall be appropriate to the level of responsibility and job requirements. Requests for training, conferences, meetings, or other official functions for employees which do not require overnight accommodations, must be approved by the Department Head. Travel requiring overnight accommodations must be approved by the Mayor and City Treasurer by submitting a Travel Authorization Request Form.

2. The City does not provide cash advances for employees. With the exception of those travel related expenses that can be charged to the City's departmental credit cards, the traveling employee should pay all travel costs and seek reimbursement after the travel is completed. Travel expenses must be authorized. The traveling employee will be held responsible for all non-authorized expenses. Excessive or unjustifiable costs are not acceptable and will not be reimbursed. The individual requesting reimbursement from the City is responsible for ensuring their expenses and related reimbursement are properly authorized, comply with all applicable policies, and are supported with necessary receipts and documentation.

3. City-owned vehicles should be used for travel when feasible. Use of City Vehicles rules in *Section XII* must be followed. A rental vehicle should be obtained if no City vehicle is

available. The rental car is to be an economy or compact model. The City does not pay for insurance on a rental car. Personal automobiles are not to be used for out-of-town travel unless authorized by the Department Head and Mayor only if a City of Fairhope vehicle or rental vehicle are unavailable or when the employee takes personal time before or after a conference or meeting. Itemized receipts are required for reimbursement of any car costs including gasoline. A City credit card should be used when possible.

4. The City will reimburse for the authorized use of personal automobiles for travel to and during authorized training or meeting events at the current Internal Revenue Service (IRS) per- mile allowance rate. Mileage must be documented with either a record of odometer readings prior to and after the trip or by a copy of a Google Map or Map Quest page showing mileage from departure location address to the destination location address. Mileage will not be reimbursed if there was no prior approval by the Department Head.

5. Airline reservations should be obtained at the lowest fare possible, within reason, and without causing undue hardship to the traveling employee. Travel must be by the most expeditious and direct route that is practical and commensurate with the nature and purpose of the traveling employee's assignment. Coach or standard seating is required and the City will reimburse the cost of one checked bag. Situations requiring more than one checked bag, i.e., for presentation materials, etc., require City Treasurer approval. Airline tickets may be charged to the City's departmental credit card after the Travel Authorization Request Form is approved.

6. Lodging is an allowable expense when the employee is attending a conference, meeting or training that requires a travel time not conducive to traveling to and from the destination in the same day (greater than 75 miles one way from the City) or an exception approved by the Mayor.

Personal funds or City credit cards may be used. When paying with personal funds, an itemized, original invoice showing a zero balance from the hotel is required for reimbursement.

7. Parking expenses should be kept to a minimum and will be reimbursed with proper documentation. Self-parking at hotels shall be utilized, if available. Valet parking is only allowed if it is the only option available. The employee shall pay the difference for any additional cost of covered parking or valet service when other options are readily available. For parking at airports, employees must choose the most economical option for parking.

8. In-state meals are limited to $55.00 per day and out-of-state meals are limited to $65.00 per day. If the out-of-state Federal per diem rate is higher than $65.00 per day, that rate will be used. Gratuities or tips are not to exceed 20% for meals. Itemized receipts must be turned in for reimbursement which shall not include alcoholic beverages. Where conference registration or training fees include one or more meals, only those meals not covered by such fees shall be reimbursed by the City. Snacks between meals will not be reimbursed unless they are paid in lieu of a meal.

9. Reimbursement is not provided for meals when attending a local conference within 75 miles one way from the City. However, if meals are not provided by a local conference that requires a full-day attendance, the City will reimburse the employee for the meals not to exceed $25.00 including gratuities or tips.

10. If lodging or a flight is cancelled by the employee for reasons other than illness, family death, being called into work, or a weather emergency determined by the City, the employee will pay the cancellation fees and return the airline fare to the City. Verification of the illness, death, or request to work is required by means of a doctor's statement or other supporting documentation.

11. An employee travel expense voucher must be submitted to the City Treasurer's office within five business days after returning from the trip. Itemized, original receipts should be submitted on all expenditures. Credit card slips alone are not sufficient documentation. All travel is subject to review and audit. By requesting funds through the City, the traveling employee agrees to only use the money as intended according to this policy.

12. City funds or authorized credit cards should not be used for personal purchases or any type of personal expenditure. Personal items include, but are not limited to the following:

a. Expenses of spouse, family, or other persons not directly employed by the City;
b. Alcoholic beverages;
c. Fines for parking or traffic violations;
d. Airline or other trip insurance not approved in advance;
e. Loss or damaged personal property;
f. Personal entertainment, i.e., sporting events, in-room movies, etc.;
g. Laundry;
h. Baggage overweight fees;
i. Personal care items; and
j. Personal cellular phone charges.

13. Traveling employees who choose to extend a business trip for personal reasons either before or after business is conducted, will be responsible for all non-business-related charges. Expenses which preceded or are after the conference dates, with reasonable time allowed for travel, will be considered personal and disallowed unless documented as to the business purpose. "Reasonable time" is defined as one day travel each way if the conference begins before 5:00 p.m. and ends after 2:00 p.m. If net savings can be obtained by staying an extra day to obtain lower airfare, this calculation should be clearly shown in order to gain approval for the extra day's expenditures. Airfare and lodging can be included in this calculation, but meals will not be allowed and must be paid for by the employee.

K. Monitoring and Searches

All City property is subject to monitoring and review at all times. This includes but is not limited to desks, lockers, City computers, and City vehicles. The City retains the right to search computers, files, or emails, even if they are protected by a password. Any employee that attempts to obtain or alter a password for the purpose of accessing restricted files will be subject to disciplinary action, up to and including termination.

L. Personal Property

The City does not assume responsibility for any personal property located on its premises.

Employees are to use their own discretion when choosing to bring personal property into the office and do so at their own risk. Employees are discouraged from bringing large amounts of cash or other personal valuables to work. Additionally, employees may not bring or display in the office any property that may be viewed as inappropriate or offensive to others.

M. Use of City Property

Use of City telephones for local personal phone calls should be kept to a minimum, long-distance personal calls are prohibited. City property, including equipment and supplies, should be used by employees for City business only. The use of personal locks on any City property is strictly forbidden. No City property may be used to house personal files or items. No City equipment, including computers, photocopiers, postage, office supplies, or printers may be used for personal business. As such, an employee should not use personal property to conduct City business. An employee's misuse of City property, telephones, equipment, or supplies will result in disciplinary action, up to and including termination.

N. Computer Use

1. In conducting City business, the City relies on internal and external e-mail, the internet and various computer software programs to access information necessary to perform City work effectively. This communication technology is the City's property and is intended for City business use only.

2. Only software approved by the City may be installed on City computers. City software may *not* be copied or used in a manner that would violate the City's software license. With the exception of the City's IT personnel authorized by the Mayor, employees shall not download or otherwise install any software on City computers, modify any computer hardware components, change any standard set up or configuration of any City computer.

3. Access to the City of Fairhope IT systems is controlled by the user of User IDs, passwords, and/or tokens. All User IDs and passwords are to be uniquely assigned to named individuals and consequently, individuals are accountable for all actions on the City of Fairhope's IT systems. Individuals must not:

- Allow anyone else to use their User ID/token and password on any City of Fairhope IT system.
- Leave their user accounts logged in at an unattended and unlocked computer.
- Use someone else's User ID and password to access City of Fairhope's IT systems.
- Leave their password unprotected (for example, writing it down).
- Perform any unauthorized changes to City of Fairhope's IT systems or information, attempt to access data that they are not authorized to use or access or exceed the limits of their authorization or specific business need to interrogate the system or data.
- Connect any non-City of Fairhope device to the City of Fairhope network or IT systems.
- Store City of Fairhope data on any non-City of Fairhope device or cloud storage

service (iCloud, Google Drive, etc.)

4. Employees have no personal right of privacy with respect to use of the City's e-mail system or internet access. The City may review, audit and download e-mail messages that employees send and/or receive and may review employees' use of the internet. Any such review, audit or download of data must be approved in writing by the Mayor. Any such review approved by the Mayor shall be forwarded to the IT Director.

5. If an employee receives an e-mail from an unknown source or sender, the employee must delete the e-mail promptly to prevent viruses.

6. Only authorized employees may use City computers. Sending or receiving personal e-mail messages and accessing the internet for personal use is prohibited.

7. Employees shall not use any City communication equipment or computer system, including e-mail, to communicate any information (including words, pictures, cartoons, etc.) that would violate Sec*tion III* Equal Employment and Employee Relations Policies or *Section VIII* Workplace Rules of Conduct.

8. All employees who have a City email account must complete Cyber Security training on the schedule determined by the IT Director in order to maintain their access to City email.

O. Restricted Use of Wireless Communication Devices

Without written authorization, employees may not use personal wireless communication devices to engage in any form of instant messaging for the purpose of conducting City business with the exception of the authorized use of Instant Messaging provided by the City of Fairhope. Examples of personal communication devices include smart phones, iPhones, iPads, Kindle devices, laptops, notebooks, and other similarly equipped wireless devices. Engaging in any form of instant messaging while driving a vehicle is a violation of Alabama law and City of Fairhope Ordinance No. 1446 and is prohibited in City-owned vehicles, and in personal vehicles while working for the City.

P. Solicitation

1. Solicitations by City employees made to other City employees are permitted only in non-work areas and during non-work hours.

2. Non-work areas include lobbies, hallways, elevators, stairs, sidewalks, parking areas, patios, lunchrooms, or other areas not regularly scheduled for work activities. Non-work hours include lunch periods, approved breaks, and before and after scheduled work hours.

3. The City does not restrict employee's involvement in activities such as United Way or Relay for Life. The City will allow employees to solicit funds for City-sanctioned events and activities, such as sending flowers to sick or bereaved co-workers or collecting funds for City-sponsored events.

4. Persons who are not employees or elected officials of the City will not be permitted on City property except for City related reasons. Access to City property and work sites for the purpose of making solicitations of any kind is specifically denied unless approved in writing beforehand by the Human Resources Director or City Clerk. The presence of any unauthorized person(s) on City property should be reported immediately by employees to their Department Head.

Q. Inclement Weather and/or a Declared Emergency

1. Inclement Weather and/or a Declared Emergency without Official Closing

    a. Inclement weather usually does not warrant closing of City offices. Absence due to inclement weather and/or a declared emergency requires an employee to make a personal judgment pertaining to their safety in traveling to and from work. Loss of work time for this reason is charged to the employee's accrued compensatory leave or annual leave. If an employee has no accrued paid leave, then the time is charged as leave without pay. If an employee is placed on leave without pay due to inclement weather, the employee may be allowed to make up the missed time if work is available.
    b. When inclement weather prevents employees who work out-of-doors from performing work outside, they will be given other duties that can be performed indoors. If the employee does not wish to perform the alternative duty, they may request annual leave which may or may not be granted. If an employee requests not to perform the alternative duty and does not have any accrued compensatory leave or annual leave, the employee may be given time off without pay.

2. Official Closings Due to Inclement Weather and/or a Declared Emergency: The Mayor and City Council will decide if City offices will be closed on normal workdays during inclement weather and/or a declared emergency. If the Mayor decides to close one or all of the City offices, employees may use administrative leave to bring them to their regularly scheduled work hours for the day. Employees who are out on annual, sick, or any other type of leave or have requested leave for the day of closing will be charged with the leave requested. Closing information will be given to the major media outlets via press release and published on social media, however, it is the responsibility of the employee to contact their supervisor or department head if the employee is uncertain as to the situation.

3. The Human Resources Director will also contact the department heads to inform them of the closing and each department will have a notification process. If an employee has any questions about an official closing, the immediate supervisor should be contacted.

4. The Mayor will also determine whether certain "critical emergency service personnel" must report to work during inclement weather and/or a declared emergency. Such personnel may include but are not limited to employees from the Police Department, Public Utilities, and Public Works.

5. If other employees are needed to assist with services, they will be contacted by a

supervisor. If an employee is not required to work during inclement weather and/or a declared emergency closing, they will receive administrative pay for the regularly scheduled working hours during the period of closing. If an employee is called to work and refuses to come in during the inclement weather/declared emergency closing, the employee will not receive administrative leave and will be charged with leave without pay.

6. If an employee is not scheduled to work during an inclement weather/declared emergency closing, the employee will not be paid for the closing.

7. If an employee is on annual, sick, or any other leave with pay during the declared times of closing, they will be required to use the previously scheduled leave and will not receive administrative leave with pay.

8. If an employee is on annual leave with pay during the declared times of closing and they is asked to report to work, they will be paid for the times worked plus the hours of annual leave previously scheduled, or the employee can elect to be paid for the times worked and retain their annual leave for use at a later date.

R. Cross-Training

To promote efficiency within an office, employees may be required to cross-train and perform tasks contained in the position description of an employee's position that have not previously been performed by the employee in lieu of, or in addition to, the tasks generally assigned to the employee. No salary or salary range adjustments are made for cross-training or the performance of these tasks. The City reserves the right to change job assignments and duties.

S. Promotions

1. The City encourages current employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on qualifications and documented performance. If, in the judgment of the Mayor or department head, the qualifications and documented performance are relatively equal, length of service will be a factor in determining which employee is promoted.

2. Promotion does not ensure continued employment in the new position and there is no guarantee the employee will be allowed to return to their former position if the employee is unsuccessful in the new job. Employees who are promoted are not eligible to apply for another job within the City for a period of 12 months unless the Mayor approves the request.

3. Upon selection for a promotion, an employee will receive an increase in pay. Generally, the employee will receive an increase in pay up to 10% above the current rate of pay. In the event the employee is moving to a job assigned to a higher grade in the pay scale, the employee will receive either a 5%-10% pay increase as determined by the Department Head, or the minimum rate of the new grade, whichever is greater. The effective date of transfer must always fall at the beginning of a new pay period.

4. The City recognizes that there are promotion situations that may require additional pay considerations beyond what is normally allowed. When these situations occur, it will be the Department Head's responsibility to make a pay rate recommendation and to document the individual's qualifications and any other exceptional circumstances surrounding the promotion decision. The Mayor can review the information and determine if the pay rate recommendation is appropriate. Should the pay requirements further exceed the midpoint of the wage/salary range, the Mayor may request the City Council to review the qualifications and approve a pay rate between the midpoint and the maximum point of the wage/salary range. If a pay rate is approved by the Mayor, it must still remain within the budgeted amount for the position.

T. Transfers

1. If an employee wishes to transfer to another job within the City, the employee should submit an application for the desired position. The employee must be qualified for the position and transfers are not automatic. Employees will compete with all other applicants for the vacant position. An employee is only eligible to transfer if they have been in their current position for at least three months, if their most recent evaluation was at a satisfactory level or higher, and if they have had no disciplinary actions in the past three months. If the new position is in a lower classification/pay grade, the transfer will be considered a demotion and pay may be reduced. Lateral transfers within the same pay grade do not include a pay increase. An employee who requests and is granted a transfer is not eligible to apply for another transfer within the City for a period of 12 months unless the Mayor approves the request.

2. An employee may be involuntarily transferred or demoted to another position to meet the needs of the City, for disciplinary reasons, if the employee's job performance is unsatisfactory, or if the employee's position is being abolished and they would otherwise be separated from employment. The pay of an employee reassigned pursuant to this policy will be altered to the pay for the position in which they are being reassigned. There is no right to appeal a transfer/demotion if the employee's position is being abolished.

3. If an employee is selected as an internal applicant for a voluntary transfer or promotion to a vacant position, the Human Resources Director, current Department Head, and new Department Head will coordinate the effective date of the employee's transfer. The employee selected must provide two weeks' notice to the current Department Head before the transfer effective date. The current Department Head may allow earlier reassignment or require the employee to work the full notice period; however, the current Department Head may not allow the employee to work beyond the two-week notice period.

4. The effective date of transfer must always fall at the beginning of a new pay period. The Mayor or Human Resources Director may shorten or lengthen the employee's notice period to ensure the transfer effective date falls at the beginning of a new pay period and is in the best business interest of the City.

U. Demotions

A "demotion" is a change from one position to a position in a lower pay grade. Employees may

be demoted based upon job performance, for disciplinary reasons, or based upon the needs of the City. If an employee is involuntarily demoted, the employee will be paid according to the job classification and pay grade for the new position. The effective date of a demotion must always fall at the beginning of a new pay period.

V. Temporary Assignments

The appointing authority has the discretion to place any employee on temporary assignment in another position for such purposes as training, accomplishing special projects, filling temporary vacancies, or other similar reasons.

Normally, a temporary assignment will not exceed ninety (90) continuous calendar days. However, the appointing authority has the discretion to extend this period for up to ninety (90) additional calendar days.

During a temporary assignment, an employee's eligibility for overtime pay may change depending on whether the exempt or non-exempt classification of the temporary assignment job is different from the employee's usual job. An employee's pay rate will not change during a temporary assignment to a position with equal or lower pay rate. During a temporary assignment to a position with a higher pay rate than the employee's regular position, the employee's pay will not change during the first fifteen (15) working days of the temporary assignment. If the employee remains in the position with a higher pay rate for more than fifteen (15) continuously scheduled workdays, for the remainder of the assignment, the employee's pay rate will be adjusted to the minimum/entry-level of the new grade range for the temporarily assigned job, or the employee will be paid five percent (5%) higher than the regular pay rate, whichever is higher. Upon completion of the temporary assignment, the employee's pay will revert back to the pay rate of the employee's regular position.

W. Personnel Board

1. Selection of Members: The Personnel Board is an independent board comprised of five City residents appointed by the Mayor and confirmed by the City Council. Members serve five-year staggered terms, with one new member appointed or reappointed each year.

2. Qualification of Members: Persons appointed to the Board must be qualified voters of the City and must reside within the City limits prior to appointment and during their entire term. A person may not be a member of the Board while employed by the City, while holding an appointed or elected office within the City, or while running for an elected City office.

3. Removals and Vacancies: If a member of the Board is absent from three meetings without being excused by the Chair of the Personnel Board, the member may be removed by the Mayor, and the Mayor shall appoint a replacement for the duration of the replaced member's term. A member of the Board may be removed for just cause by majority vote of the City Council. The decision of the City Council shall be final.

4. A person appointed to fill a vacancy created by the removal or resignation of a Board

member prior to the expiration of the member's term shall hold the position on the Board for the remainder of the unexpired term.

5. Duties: The Board shall by majority vote elect a Chairperson and may establish its own rules of procedure. Three or more members shall be deemed a quorum. Upon request by the Mayor or the City Council, the Personnel Board may investigate, review, and recommend changes or additions to personnel rules, policies, and procedures for submission to the Mayor and the City Council. Three members of the Personnel Board shall be designated by the Chairperson on a case-by-case basis to serve on the impartial Hearing Review Board.

V. Employee Benefits

A. Group Health Insurance Benefits

1. Full-time employees, probationary employees, elected officials, and their dependents are eligible to participate in the City's group health insurance program. The City contributes toward the employee's premium in an amount authorized by the City Council and the employee must pay the balance of the premium by payroll deduction.

2. Employees must enroll for coverage within 30 days of employment or an eligible qualifying event. Complete benefit packets are provided at the new hire orientation.

3. The City reserves the right in its sole discretion to change the health insurance program and the insurance carrier without prior notice to affected employees. Covered employees will receive notice of the change as soon as practicable. A description of the group health insurance program, including eligibility requirements, insurance coverages, deductibles, and co-pays, is included in the insurance booklet provided by the group health insurance carrier and provided to each covered employee by the Human Resources Department.

4. If an employee takes a leave of absence or is separated from the City, the continuation of coverage will be in accordance with the terms of each policy and federal law. An employee will be required to reimburse the City for any month in which they are in a non-pay status for more than ten working days unless otherwise provided by federal law.

B. Notice for Individuals Declining Health Coverage

1. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires group health plans and issuers to advise an employee and an employee's dependents of enrollment rights when declining health coverage.

2. If an employee is declining enrollment for health plan benefits for themself, their dependents, or both because of other health insurance coverage, the employee may, in the future, be able to enroll in this plan, provided that they request enrollment within 30 days after the other coverage ends.

3. In addition, if an employee has a new dependent as a result of marriage, birth, adoption, or placement for adoption, they may be able to enroll themselves, their dependents, or both, provided that they request enrollment within 30 days after the marriage, birth, adoption, or placement for adoption.

C. Dental Insurance Benefits

The City does not contribute toward insurance premiums for dental insurance for employees or retirees. Dental insurance is available on a voluntary basis to employees with full premium paid by the employee by payroll deduction.

D. Identification Cards

If an employee enrolls in health or dental coverage, identification cards will be mailed to their home address.

E. Annual Enrollment/Transfer Period

Health plans, benefit designs, eligibility rules, and premiums are subject to change each plan year based on the previous year's claims experience. Announcements concerning changes for the upcoming plan year are made during the annual enrollment period each fall. Employees are required to review notices, home mailings, and department memos for information about the benefits for the upcoming year.

F. Benefit Premiums/Payroll Deductions

1. Employees are responsible for reviewing their paycheck to ensure the appropriate benefit deductions have been taken. Deductions from the employee's paycheck will begin the first pay period of the month prior to the coverage start date. Health, dental, and life insurance deductions will be taken out of 24 pay periods per year. There will be two pay periods each year in which no insurance deductions will be taken.

2. If an employee misses a paycheck due to work absence or unpaid time, then the missed deductions will be taken out of the next paycheck immediately upon return or employee may pay the City Treasurer the amount due each pay period.

G. Continuation of Benefits During a Leave of Absence

1. An eligible employee may be granted a leave of absence *without pay* under the City's policies covering Family and Medical Leave in *Section III, J* and Military Leave in *Section III, M*, and under Leave Without Pay in *Section VI, F*. Generally, an employee will not be granted a leave of absence in excess of six months. Thereafter, reemployment would be subject to the availability of a job the employee is able and qualified to perform.

2. During an unpaid leave of absence in excess of thirty days, the employee will *not* accumulate paid vacation or paid sick leave after the initial 30 days. Except as provided under the Family and Medical Leave in *Section III, J*, the City will not continue to provide group health insurance after the first 30 days of an unpaid leave of absence. After 30 days, the employee may continue group health insurance coverage for the employee and their eligible dependents at the employee's expense as provided under COBRA.

H. Consolidated Omnibus Budget Reconciliation Act (COBRA)

1. If an employee loses coverage due to a termination of employment, a reduction in work hours, or other qualifying event, the employee and employee's covered dependents may be eligible to continue coverage through COBRA.

2. For a full explanation of COBRA terms and eligibility, contact the Human Resources Department or refer to the "General COBRA Notice" received at time of enrollment.

3. Employees may remain on City benefits until all FMLA, sick, and annual leave have been exhausted. At which time the employee exhausts a qualified leave, their coverage under the City's insurance plan will be terminated and they will be offered continuation of benefits under COBRA.

I. Life Insurance Benefits

1. Regular full-time employees, probationary employees, elected and full-time appointed officials, are eligible to participate in the City's group life insurance program with a benefit of basic life insurance which includes accidental death and dismemberment insurance. The City pays the premium in its entirety.

2. The City reserves the right in its soles discretion to change the group life insurance program and the group life insurance carrier without prior notice to affected employees. Covered employees will receive notice of the change as soon as practical.

3. Complete information on the group life insurance program, including eligibility requirements and insurance coverages, is included in the insurance booklet provided by the group life insurance carrier, and provided to each covered employee by the Human Resources Department.

4. A voluntary life insurance benefit of $500,000 not to exceed five times an employee's annual base salary is offered by the group life insurance carrier to regular full-time employees, probationary employees, elected and full-time appointed officials. The premium for this benefit is paid by the employee.

J. Change in Status

Employees are required to report in writing personal changes and/or changes in work status to the Human Resources Director within 30 days of any status change. This includes:

- Dependent status change;
- Address change;
- Marriage or divorce;
- Birth or adoption of a child;
- Reduction in work hours; or

- Any other change that could affect benefit plan eligibility.

K. Retirement Benefits

1. Full-time employees and part-time employees who regularly work 20 or more hours each week must participate in the retirement program under the Retirement Systems of Alabama (RSA). Eligibility, benefits, and contribution rates are established by RSA.

2. Employees who wish to retire shall notify their department head and the Human Resources Director at least three months prior to their date of retirement. Information on RSA benefits is available from the Human Resources Department and RSA.

3. Due to the complexity of each individual retirement account, the employee should contact the Human Resources Department with any questions or contact:

Retirement Systems Building 135 South Union Street
Montgomery, AL 36130-4101
1-877-517-0020

4. Employees hired *prior to Oct 1, 2010*, who are eligible for retirement from the City under the RSA Retirement Plan, and who are at least 55 years old or have at least 30 years of service with the City, may be eligible to continue the same group health insurance benefits as employees. The retired employee must pay 10% of the insurance premium each month. A retired employee will not be eligible for this group health care benefit if they are employed by another employer and is eligible for health care benefits from that employer. The retired employee's eligibility to continue the group health insurance after retirement shall terminate when the retired employee becomes eligible for coverage under Medicare. Upon retirement, the Human Resources Department will provide additional information on this RSA retiree benefit.

5. The City makes contributions on behalf of all eligible employees to the Social Security System in addition to the individual contributions made by the employee through FICA payroll deductions.

6. The City offers police officers, who retire after 10 years or more of honorable service and in good standing with the City, their badges and pistols as a part of their retirement benefits.

L. Disability Retirement

Employees who participate in the Retirement Systems of Alabama and have completed 10 years of service and become disabled as defined by the plan, may be eligible to receive a disability benefit subject to all applicable requirements.

M. Disability Insurance

1. The City provides short-term and long-term disability insurance to elected officials, full- time employees, full-time appointed employees, and probationary employees. The monthly

premium may be split between the City and the employee, or the premium may be charged in full to one of the parties.

2. The City reserves the right in its sole discretion to change the disability insurance program and the disability insurance carrier without prior notice to affected employees. Covered employees will receive notice of the change as soon as practicable. Complete information on the disability insurance program, including eligibility requirements and insurance coverages, is included in the insurance booklet provided by the disability insurance carrier and provided to each covered employee by the Human Resources Department.

N. Recreation Facilities Benefits

Regular full-time employees and retirees are eligible for discounted fees to use the City's public pool, Recreation Center, and Quail Creek Golf Course. The City Council determines the amount of the discount and any guidelines for use of these facilities at the discounted fees.

O. Longevity Pay

The City provides longevity pay for regular full-time employees who have completed the required probationary period and for full-time appointed officials. Employees are eligible for longevity pay each year based on the employee's years of service from the last hire date. Employees must be actively employed by the City to accumulate longevity pay and do not accumulate longevity pay while on an unpaid leave of absences in excess of 30 days.

Full-time employees and full-time appointed officials are eligible for longevity pay as follows:

Years of Service as of October 1st	Payment
One to four years	$ 250.00
Five years to 14 years	$ 500.00
Fifteen or more years	$1,000.00

Part-time non-seasonal employees with a minimum of one year's service as of October 1st are eligible for longevity pay of $100.00.

Longevity pay will be paid to eligible employees in December of each year.

P. Incentives for Recruiting New Employees

The City provides incentives for current employees who recruit/refer new employees who are hired. A current employee who recruits/refers a new employee will be paid $250 after the new employee is employed for six months and will be paid an additional $250 after the new employee is employed for one year for a total of $500 if the new employee remains employed for one year. The incentive payment will be added to the recruiting/referring employee's longevity pay in December.

VI. Leave Policies

A. Official Holidays

1. Eligibility: All full-time employees are eligible for holiday pay for authorized paid holidays.

2. Scheduled Holidays: The City observes the following as paid holidays for full-time employees:

- New Year's Day: January 1st
- Martin Luther King's Birthday: Third Monday in January
- Mardi Gras Day
- Memorial Day: Last Monday in May
- Juneteenth Day: June 19th
- Independence Day: July 4th
- Labor Day: First Monday in September
- Veteran's Day: November 11th
- Thanksgiving Day: Fourth Thursday in November
- Day after Thanksgiving
- Christmas Eve: December 24th
- Christmas Day: December 25th

The City Council may grant additional days off.

3. If the approved holiday falls on a Saturday, the holiday will be observed on the preceding Friday. If the approved holiday falls on a Sunday, the holiday will be observed on the following Monday.

4. Work on Holidays: Employees who are required to work on a holiday will be paid a premium rate equal to one and one-half times their regular rate of pay for all hours worked on the holiday. Hours worked on the actual holiday will count towards any overtime calculation.

5. Holiday Substitution: If there is no undue hardship on the City's operations or services or on other employees, a non-exempt employee who works extended hours beyond their usual work schedule during the week of the Mardi Gras holiday may request to take an alternate day in lieu of the Mardi Gras holiday. In the event the employee requests to take the alternate day, the employee shall (i) report to work on the Mardi Gras Day, receive compensation at their regular pay rate, forfeit the Holiday Premium Pay, and (ii) not report to work on the alternate day and receive holiday pay for that day. The employee will be required to use the alternate holiday within six (6) months of Mardi Gras Day. Holiday substitution is not permitted for any other City holiday on which employees are required to work.

The Department Head will make the final decision concerning whether the employee qualifies for a holiday substitution, and whether the employee will work or not on the substituted holiday. The

Department Head will be responsible for ensuring that there is sufficient work to be performed on the holiday, regardless of other City operations and services. The employee must submit a written request to substitute the holiday **no later than 5:00pm on the Friday before Mardi Gras day.**

6. Preceding and Succeeding Workdays: To be entitled to receive holiday pay for an authorized holiday, an eligible employee must be present at work, or on approved leave with pay, on the scheduled workday immediately preceding and following the paid holiday. If the employee is in a non-pay or partial pay status for either the day before or the day after a holiday, the employee will not be eligible for holiday pay.

7. Holiday Pay in Lieu of Sick or Annual Leave: If an eligible employee is on approved sick or annual leave when an approved paid holiday occurs, such time will be paid as holiday pay and not charged as sick or annual leave.

8. Birthday Leave: Full-time classified employees with at least one year of service may take their birthday as a paid day off. With prior permission of the department head, the birthday paid leave may be taken at any time during the calendar year but may not be carried to the next leave year.

B. Vacation Leave

1. All appointed and full-time classified employees will earn annual leave with pay in accordance with these guidelines. Newly hired employees or employees who have transferred from regular part-time status to regular full-time status will not be authorized to use leave until they have completed the required probationary period and been granted regular status. If a newly hired or appointed employee does not successfully complete the required probationary period, they will not be paid for any accrued leave at separation. If a full-time employee transfers to a part-time status, they will be paid for accrued annual leave on their next payroll check.

2. Accrual of Vacation Leave: Leave is accrued beginning on the employee's hire date. Accordingly, each employee's leave year begins on the anniversary of their hire date.

For employees scheduled to work at least 40 hours per week: All eligible employees scheduled to work at least 40 hours per week will earn annual leave according to the schedule below:

Completed Years of Continuous Service	Hours of Vacation Leave Earned
0 years to 5 years	80 hours per year
6 thru 10 years	100 hours per year
10 years to 14 years	120 hours per year
15 years to 24 years	160 hours per year
25 years and over	200 hours per year

3. Proration of Vacation Leave Credit: Vacation leave credits will be earned by an eligible employee for each pay period in which they are eligible to earn annual leave. However, an employee will not earn any leave credit for any month in which they are in a non-pay status in excess of 30 days.

4. Use of Vacation Leave: Vacation leave is considered to be a benefit to an employee, and they are expected to take the earned leave each leave year. Eligible employees are encouraged to take at least one full week off as vacation. The remaining hours can be taken separately in one-hour increments. Vacation leave cannot be carried over from one leave year to the next leave year.

5. Scheduling of Vacation Leave: While the City seeks to grant vacation leave on the dates the employee requests, circumstances may arise that necessitate denying a vacation request or withdrawing approval of a request previously granted. The employee should schedule vacation through their supervisor and department head.

Vacation requests should be completed and submitted at least two weeks before the requested vacation date(s). Each department head is responsible for scheduling employee's vacation without undue disruption to City operations and services. Employees may be denied permission to take vacation if the dates requested will, in the judgment of the department head, unduly disrupt operations. The length of continuous service generally will determine granting requests for vacation leave if two or more employees *timely* request the same dates and, in the judgment of the department head, the City cannot grant all requests. Vacation will not be granted in excess of accumulated vacation eligibility. Requests for more than 80 hours of vacation leave to be taken at one time must be approved by the Mayor.

6. No Advances: Vacation leave will not be advanced to any employee.

7. Maximum leave time per week: Employees will only be allowed to use vacation leave to cover absences they have up to the amount of time they are regularly scheduled to work. For example, an employee who is regularly scheduled to work 40 hours and works ten hours on Monday, nine hours on Tuesday, and eight hours on Wednesday before taking vacation leave on Thursday and Friday will be paid 27 hours for the time they worked and 13 hours of vacation leave.

8. The City recognizes that there may be times where an employee is not able to use all of the vacation hours earned during the 12-month accrual period and that an employee may wish to receive a form of cash payment one time each year rather than use vacation time. To offer flexibility to City employees, effective October 1, 2024, the City will offer a Vacation Buy-Back option to full-time employees. Vacation Buy-Back will be available one time per accrual year. An employee scheduled to work 2080 hours per year may sell up to 40 hours per year; an employee scheduled to work 2184 hours per year may sell up to 42 hours per year.

Employees must submit a written request to sell unused vacation time to the City. The written request must be submitted to the Human Resources Director no less than 30 days before the end of the accrual year. The request will then be approved by the City Treasurer and the Mayor. Employees will have the option to buy-back vacation quarterly, and the buy-back will be processed via payroll on the last check of the quarter. For the purpose of vacation buy-back, payroll processing will fall at the end of March, June, September, and December.

To qualify for the Buy-Back program, employees must meet the following eligibility criteria:

a. Must have at least one (1) year of full-time service; and
b. Must have used at least half of their vacation accrual in the previous 12 months.

Vacation time may be sold back to the City in increments of eight (8) hours and will be sold at the current hourly rate of pay. For exempt employees, the current hourly rate will be determined by dividing the annual salary by 2,080 hours. After final approval, the Human Resources Director will communicate the hours to be paid to the Payroll Administrator. The amount paid will be subject to retirement contribution and payroll tax withholdings.

9. Pay Upon Separation: Employees who resign in good standing with two weeks prior notice of resignation, who retire, or who are dismissed for reasons other than misconduct, will be paid for unused accumulated vacation leave. If an employee dies, unused accumulated vacation will be paid to the employee's spouse or as otherwise allowed by law.

C. Sick Leave

Sick leave is a benefit provided to full-time Appointed and Classified Employees, including employees in their probationary period. It is provided to ensure that eligible employees who are unable to work due to illness or injury do not feel compelled to do so for financial reasons.

1. Accrual of Sick Leave: Full-time appointed and classified employees will earn sick leave credit at the rate of 4.0 hours for each pay period the employee is actively employed. Employees do not accumulate paid sick leave during a leave of absence without pay in excess of 30 days. There is no maximum number of hours an employee may accumulate.

2. Non-Pay Status: Eligible employees will not earn any sick leave credit during a leave of absence without pay in excess of 30 days.

3. Use of Sick Leave: Sick leave with pay will be granted to an eligible employee for any of the following types of reasons:

a. When an employee is unable to work due to personal illness, injury incurred off-duty, or when the employee's presence may endanger the health of fellow workers;
b. Keeping a doctor, dentist, chiropractor, or optometrist appointment;
c. Any impairment related to pregnancy and/or actual confinement. A female employee who requests time away from work for pregnancy, maternity, and childbirth will be treated equally to other employees with other forms of disability or sickness who request leave; or
d. Serious illness of a member of the immediate family (for purposes of this section, immediate family includes the employee's spouse, dependent children including stepchildren, and parents).

4. General Requirements for Use: To be granted sick leave, an employee should notify their supervisor before the start of their scheduled starting time if possible, or in the event of and unexpected illness, no more than 30 minutes after the employee's scheduled work time. Failure to

do so may be cause for denial of sick leave for the period of absence. Denial of sick leave will result in the employee being charged with vacation leave or placed in some non-pay status at the discretion of their supervisor. Employees who use all of their accumulated sick leave and require additional time off work due to illness or injury will be required to use any accumulated vacation leave and may request a leave of absence without pay after exhausting these benefits. *See Leave Without Pay, Section F below.*

5. Requirements for Extended Use: For a period of absence of three or more consecutive working days, or anytime at the request of the department head, the employee may be required to submit a medical report signed by a licensed physician stating that they has been incapacitated for work for the period of absence and when it is anticipated that the employee will again be physically able to perform work duties. The department head, in consultation with the Human Resources Director and Mayor, may also require an employee returning to work after a sickness or injury to undergo a medical examination to determine whether or not the employee is able to return to work. Such examination, when required, will be paid for by the City and will be conducted by a physician or physicians as designated by the City. If an employee is out on sick leave for three or more consecutive working days and qualifies for protection under the Family and Medical Leave Act (FMLA), the supervisor is responsible for notifying the Human Resources Director who is responsible for ensuring that all FMLA guidelines are followed.

6. Fraudulent Use Prohibited: Any unjustified or fraudulent use of sick leave may result in loss of pay, the leave being charged as annual leave, and/or punishment by disciplinary action (to include dismissal when appropriate).

7. Maximum leave time per week: Employees will only be allowed to use annual leave to cover absences they have up to the amount of time they are regularly scheduled to work. For example, an employee who is regularly scheduled to work 40 hours and works ten hours on Monday, nine hours on Tuesday, and eight hours on Wednesday before taking annual leave on Thursday and Friday will be paid 27 hours for the time they worked and 13 hours of sick leave. Sick leave must be used in one (1) hour increments.

8. No Advances: Sick leave will not be advanced to any employee. Sick leave donations are not allowed.

9. Separation: Employees will be paid for their unused accumulated sick leave time when the employee separates from City service for any reason other than for retirement under the RSA retirement program. An employee who is eligible for retirement under the RSA retirement program who retires in good standing has the option to convert unused sick leave to retirement service or will be paid in a lump sum payment for unused sick leave as follows:

a. An employee with at least 10 years of service to the City, but less than 20 years of service, will be paid 50% of their unused accumulated sick leave up to a maximum of 960 hours.
b. An employee with 20 years of more of service to the City will be paid 100% of their unused accumulated sick leave up to a maximum of 960 hours.
c. An employee who is unable to continue working for the City as a result of a

permanent and total disability will be paid 100% of their unused accumulated sick leave up to a maximum of 960 hours, upon termination of employment for that reason.

D. FMLA

The City offers leave under the Family Medical Leave Act (FMLA) for eligible employees.

1. Eligibility: If an employee has worked for at least one year and for 1,250 hours in the preceding 12 months, they are eligible to take up to 12 weeks of unpaid leave when the absence is necessitated by any of the following circumstances:

   a. The birth or placement of a child for adoption or foster care[1];
   b. The employee's own serious health condition that prevents them from performing the essential functions of the job; or
   c. Serious health conditions of a child, parent, or spouse if the employee is needed to help provide care.

2. Qualifying exigencies related to a spouse, child, or parent's active military duty are included as follows: short-notice deployment, military events and activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, and post-deployment activities.

3. Employees are entitled to a total of 26 unpaid weeks of leave in a particular 12-month period to care for a spouse, child, parent, or next of kin suffering from a serious illness or injury incurred in the line of military duty. Note that all FMLA leave is cumulative, so that leave taken for other reasons during the year will be deducted from this additional entitlement.

4. Certification: If an employee requests leave for their own serious health condition, or to care for the serious condition of a child, parent, or spouse, the employee will be required to provide the Human Resources Director certification by a treating healthcare provider. Healthcare Provider Certification Forms are available from the Human Resources Director.

5. All FMLA leave must be certified by an appropriate health care provider. Certification forms will be provided within five business days of the employee's notification of the need for leave and must be returned within 15 calendar days of receipt. If additional information is requested by the Human Resources Director, it must be provided within seven calendar days of the request. Note that the City may directly contact an employee's health care provider in order to verify or clarify the need for leave. It may also require a second opinion at its own expense.

FAILURE TO COMPLY WITH THE CERTIFICATION REQUIREMENTS MAY RESULT IN PARTIAL OR COMPLETE DENIAL OF FMLA LEAVE.

6. Measuring: The City has chosen the "rolling" 12-month period measured backward

[1] If a father and mother both work for the City, a cumulative total of 12 weeks of FMLA leave may be used between the two employees under this provision of the FMLA.

from the date an employee uses any FMLA leave. Under the "rolling" 12-month period, each time an employee takes FMLA leave the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Example: An employee requests three weeks of FMLA leave to begin on July 31st. The City looks back 12 months (from July 31st back to the previous August 1st) to see if any FMLA leave has been used. The employee is entitled to 12 weeks if no leave has been used in that period or the remaining balance up to 12 weeks.

7. When an employee is on FMLA leave, they must periodically report (if possible) to their department head or the Human Resources Director on their status and indicate the return-to-work date. Appropriate forms must be submitted to the Human Resources Director to initiate family leave or to return the employee to active status.

8. Intermittent or Reduced-Time Leave: FMLA leave can be taken on an intermittent or reduced-time basis under certain circumstances.

9. Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave. If an employee needs intermittent/reduced schedule leave for planned medical treatment, they must work with their supervisor to schedule the leave so it does not unduly disrupt the department's operations, subject to the approval of the employee's healthcare provider.

10. Serious Health Condition: "Serious Health Condition" is defined as an illness, injury, impairment, or physical or mental condition that involves:

a. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
b. A period of incapacity requiring absence of more than three calendar days from work that also involves continuing treatment by (or under the supervision of) a healthcare provider;
c. Any period of incapacity due to pregnancy or for prenatal care;
d. Any period of incapacity (or resulting treatment) due to a chronic serious health condition (e.g. asthma, diabetes, epilepsy, etc.);
e. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, dialysis, etc.);
f. Any absences to receive multiple treatments (including any period of recovery) by, or on referral by, a healthcare provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

11. Health Insurance Premiums: During FMLA leave, the City will continue to pay its portion of the health insurance premiums, and the employee must continue to pay their portion of the premium. The employee's contribution of health insurance premiums should be paid continually according to the City's bi-weekly pay periods. Employees may remain on City benefits until

all FMLA has been exhausted.

12. If an employee does not return to work at the end of FMLA leave, they will be required to reimburse the City for payment of health insurance premiums, unless the employee does not return because of the presence of a serious health condition which prevents them from performing the job or circumstances beyond the employee's control. The employee may then choose to elect COBRA coverage. Sufficient notice shall be given to the employee at the end of FMLA when and if this event occurs.

13. The employee will be responsible for any other elected benefit contributions while out on FMLA.

14. Accrued Leave: Employees are required to use available sick and annual leave during FMLA leave. Accrued leave and FMLA leave are used at the same time – the employee does not take accrued leave first and then take FMLA. Employees will be required to use/exhaust any available sick leave, before using annual leave.

15. The portion of the family leave of absence which is annual leave time and/or sick leave will be with pay according to the City's policies regarding annual leave and sick leave.

16. During FMLA leave, the employee will not accrue employment benefits (such as annual leave and sick leave), if they are in an unpaid status. Employment benefits accrued up to the day on which the family leave of absence begins will not be lost. Any holidays that occur during FMLA will not be paid if the employee is in an unpaid status.

17. Return to Work: If the employee returns to work from FMLA leave before or on the business day following the expiration of the 12 weeks, the employee is entitled to return to their job or an equivalent position without loss of benefits or pay.

18. Applications: Applications for FMLA leave must be submitted in writing. Applications should be submitted at least 30 days before the leave is to start, or as soon as possible if leave is not foreseeable. Employees should provide their department head or the Human Resources Director with an appropriate medical certification when FMLA is requested.

19. In the event you are unable to return from approved family and medical leave due to *your own* serious health condition, you may qualify for additional leave. You should contact the Human Resources Director prior to the expiration of your approved family and medical leave if you believe you will need additional leave for your own health condition. If you are enrolled in our group health insurance plan and are approved for additional leave, you will be eligible to continue your group health insurance plan under COBRA.

E. Bereavement Leave

Paid leave may be granted up to 24 hours off for the death of an employee's spouse, child, stepchild, parent, stepparent, sibling, stepsibling, mother-in-law, father-in-law, grandparent, grandchild, or relative who lives in the household with the employee. Eight (8) hours of

bereavement leave will be granted to attend the funeral of an employee's aunt, uncle, niece, or nephew. If additional time is required, the employee may request vacation leave or leave without pay.

F. Administrative Leave

Appointed and classified employees may be granted administrative leave with pay in accordance with the following guidelines provided the absence is on a normally scheduled workday for the employees. The number of hours of leave granted for each day will not exceed the number of hours the employee would normally have been scheduled to work for that day. Administrative leave will not be charged against the annual or sick leave of an employee who earns such leave. The following types of administrative leave are provided by the City:

1. Civil/Legal: Leave will be granted to eligible employees for jury duty, court attendance as a witness in a case not involving personal litigation, or to vote in a municipal, county, state, or federal election. The necessary time off to vote shall not exceed one hour and will only be granted when the hours of work the employee is scheduled to work are at least two hours after the opening of the polls and end at least one hour prior to the closing of the polls. Leave for voting will normally be granted at the start or end of a workday. Precinct election officials will be granted leave on days they are scheduled to work voting polls.

When an employee is granted leave for jury duty or court attendance, they will return to work immediately upon release by the court. Upon receipt of a jury/court summons, notice must immediately be given to the supervisor and the Human Resources Director.

2. On-Duty Court Appearances: Attendance in court by employees who are acting in an official capacity will not be considered as administrative leave but as regular work time. The provisions of any law or City policy that requires any fees provided an employee who is attending court in an official capacity to be turned in to the City will be observed. In other situations, any fees paid to employees will be retained by the employee in addition to administrative leave pay.

3. City Investigation or Pending Disciplinary Action: An employee may be placed on administrative leave, with or without pay, by the Mayor during a City investigation into alleged acts of misconduct or until a final determination is made regarding proposed disciplinary action.

G. Leave of Absence Without Pay

1. The City may provide a leave of absence without pay for up to 120 days with the written approval of the Human Resources Director and Mayor if the leave is for a justifiable reason and the leave will not cause an undue hardship on the City. Employees granted a leave of absence without pay must understand the City may recall the employee to return to work before the end of the leave of absence period if the City's workload requires the recall. Employees who fail to report for duty promptly when recalled or at the end of the leave of absence without pay period will be considered to have voluntarily resigned their employment.

2. A leave of absence without pay may be taken only if all accrued vacation and sick

leave has been exhausted. However, if an employee has exhausted all vacation, they may not use sick leave unless they meet the requirements set out for use of sick leave as set out above in Section C above.

3. An employee who is unable to perform their essential job duties, with or without reasonable accommodation, without posing a direct threat to the health or safety of the employee or others as a result of an illness, injury, or other disability, including an illness, injury, or disability covered under worker's compensation, may be granted a leave of absence without pay. The leave may be granted if the leave would enable the employee to return to their job and perform the essential job duties, with or without a reasonable accommodation, and without posing a direct threat to the health or safety of the employee or others.

4. After the first 30 days of a leave of absence without pay, the employee will *not* accumulate paid vacation or paid sick leave during the leave, and the employee will no longer be eligible for group health insurance coverage except as provided under the Family and Medical Leave policy in *Section III, J.* Covered employees have the right to continue group health insurance coverage under COBRA. Employees will be required to reimburse the City for any costs paid by the City on the employee's behalf during an unpaid leave of absence.

5. Generally, only full-time appointed employees and classified employees are eligible for a leave of absence without pay. An exception may be made for an employee who is not eligible for FMLA leave or an employee afforded a leave of absence as a reasonable accommodation for a disability.

6. An employee in a leave-without-pay status will not accrue credit toward longevity or pay increases.

7. Employees must submit a written request for a leave of absence as far in advance as possible. The request should state the reason for the leave and the anticipated inclusive dates the employee will be absent. If the employee is unable to submit a written request for leave in advance, the request must be submitted as soon as practicable after the leave begins.

8. Employees desiring leave without pay under the Family and Medical Leave Act must comply with the Family and Medical Leave Act policy. When an employee is in a leave-without-pay status and has used all Family Medical Leave and accumulated leave time, they shall no longer be eligible to remain on the City's insurance plan but may be allowed to continue coverage through COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, Title X).

9. If an employee returns to work following an unpaid leave of absence, the employee will be reinstated to the position held at the time the leave of absence without pay was granted or to a similar position, if the previous position is no longer available.

10. There may be changes in employee benefits during a leave of absence. Please contact the Human Resources Department to determine what changes may be experienced.

11. Employees returning to work following an unpaid leave of absence may be required to submit to a fitness for duty examination prior to beginning their work duties.

H. Political Leave of Absence

1. A City employee desiring to campaign for political office must be placed on a leave of absence without pay beginning on the date they qualify until "the date on which the election results are certified, the employee is no longer a candidate, or there are no other candidates on the ballot" (Section 17-1-1, Code of Alabama 1975). A non-exempt employee may choose to use any accrued compensatory time.

2. If the employee is elected, the employee will resign from their classified or appointed position with the City and assume elected office. If the employee is defeated for political office, the employee may, within five working days, be reinstated to their former position or one of comparable rank and pay. An employee may elect to be paid for any accumulated vacation leave upon beginning the leave of absence without pay to campaign for public office. No City employee or official shall campaign or otherwise engage in political activity in support of or against any candidate or any cause during normal working hours or while being in normal-pay status (on-the-clock) for employees. No employee shall be rewarded or penalized in any way for authorized political leave.

I. Expiration of Leave of Absence

When a leave of absence expires, the employee will be reinstated to the position they held at the time the leave was granted or to a similar position if the previous position is no longer available. However, the employee is not guaranteed a position if there has been a Reduction in Force (RIF) in the employee's department and they would have been separated due to the RIF. Under such circumstances, the guidelines pertaining to RIF actions will apply.

VII. Employee Separations

A. Resignations

1. If an employee wants to resign their position, they should notify their immediate supervisor or department head in writing no less than ten working days before the expected resignation date. If an appointed official, the Municipal Judge, the City Attorney, or the City Prosecutor wants to resign their position, they should notify the Mayor and City Council in writing no less than ten working days before the expected resignation date. Failure to provide such a notice will be recorded in the employee's personnel file and may constitute grounds for "no- rehire." Employees who resign shall schedule an appointment with the Human Resources Director in order to complete an exit interview. At the time of the separation and prior to final payment, all records, assets, and other items of City property in the employee's custody shall be transferred to the employee's supervisor or Human Resources Director. Any amount due and owed to the City by the employee because of shortage in the above shall be withheld from the employee's final check.

2. An employee who has given notice of their resignation may not use sick leave or vacation leave without prior approval from their Department Head.

3. After an employee gives notice and prior to the expiration of the ten working days, the Mayor can release the employee from the job, provided that all state and federal legal requirements are met. If the Mayor releases the employee prior to the ten working days, the employee will not be paid for the rest of that period and has no grievance rights.

4. Up to seven days after the effective date of resignation, the employee may withdraw their request to resign. The Mayor must approve the withdrawal. If the employee's request for withdrawal of the resignation is denied, the employee will be separated on the effective date of the resignation. If the employee's request to withdraw the resignation is approved, the employee will suffer no loss of service, benefits, entitlements, or pay.

5. Any unauthorized or unjustified absence from work for a period of three consecutive working days may be considered as a voluntary resignation.

6. The City reserves the right to make deductions from an employee's paycheck for failure to return City equipment or uniforms (upon leaving employment). The employee's final check will include all annual leave payout (if applicable) and will be processed by the next pay day following the date of termination.

7. An exit interview may be conducted with employees before their last scheduled workday in order to inform the employee of their rights pertaining to retirement, COBRA, or any other information necessary. The Human Resources department will contact the employee to schedule a time for the exit interview.

B. Reduction in Force

1. Whenever it becomes necessary, through lack of funds, curtailment of work, reorganization, or for other causes, to reduce the number of employees in a given department, the Mayor with the approval of the City Council shall determine the procedure for layoff or a reduction in the workforce (RIF). Typically, employees assigned to a job that has been identified in a RIF will be separated based upon their work status, the critical nature of each position in the department, and their work performance; however, the Mayor and City Council will determine the procedure to be used.

2. If an employee is discharged because of a reduction in force, as determined by the Mayor and City Council, they are considered separated from employment unless another position is offered and the employee accepts another position.

3. The Mayor may propose when a reduction in force is warranted and which employee(s) will be released, and the City Council shall make the decision whether to approve or deny the reduction in force, subject to any modifications deemed necessary by the City Council in its discretion. If an employee loses their job through a reduction in force, the employee may apply for other posted positions now or in the future.

4. A reduction in force is a separation of employment. The progressive discipline process is not followed when there is a reduction in force, and the appeals process is not available since it is not deemed a disciplinary action.

C. Retirement

1. When an employee meets the eligibility requirements set forth by the Retirement Systems of Alabama, they may elect to retire and receive benefits earned under the provisions of the retirement program. An employee who wishes to retire should notify the Human Resources Director of the planned retirement and shall provide a written Notice of Retirement to the Human Resources Director no less than 30 days prior to the requested effective date and no more than 90 days prior to the requested effective date. An employee who has given notice of their resignation may not use sick leave or vacation leave without prior approval from their Department Head.

D. Disability

Any employee may be separated when the employee cannot perform the essential functions of their job because of an extended physical or mental impairment. The City will endeavor to reasonably accommodate the employee pursuant to *Section III, F. Americans with Disabilities Act.* For detailed information on Disability Insurance see *Section V, N. Disability Insurance.*

E. Death

Separation is effective as of the date of death of the employee. All compensation due to the employee as of that date will be paid to the estate of the employee, except for such sums that must

be paid as required by law. Any indebtedness owed to the City will be withheld from the employee's final compensation, unless waived by the City Council.

F. Termination

1. An employee may be terminated for violation of the City's Workplace Rules of Conduct. For detailed information see *Section VIII.*

2. An exit interview may be conducted with employees before their last scheduled workday in order to inform the employee of their rights pertaining to retirement, COBRA, or any other information necessary. The Human Resources Department will contact the employee to schedule a time for the exit interview.

G. Compensation Upon Separation from Employment

Upon separation from employment, the employee will receive the following compensation on the next regularly scheduled payday.

1. Regular pay for all hours worked up to the time of separation.

2. Employees who resign in good standing with two weeks prior written notice of resignation, who retire, or who are dismissed for reasons other than misconduct, will be paid accumulated unused vacation time.

3. Employees who are eligible to earn compensatory time will be paid accumulated compensatory time up to the maximum accrual amount at the employee's regular base rate of pay.

4. Employees who retire under the RSA retirement program may be paid for accumulated unused paid sick leave as provided under *Section VI, C.* Employees whose employment ends for *any* other reason, including a voluntary resignation, will not be paid for accumulated unused paid sick leave upon separation.

5. The City will deduct from the employee's final paycheck any amount owed to the City. No employee will receive their final paycheck until the employee returns City uniforms and equipment, including keys to vehicles, offices, and pad locks, etc. In addition, the employee's supervisor must be informed of any computer passwords allowing access to databases and programs on City computers.

VIII. Workplace Rules of Conduct and Progressive Discipline

All City employees must represent the City in a professional, courteous, efficient, and helpful manner. The City has established minimum standards of personal conduct, including:

- Respect and courtesy in dealing with the public and with fellow employees;
- Adherence to City policies, procedures, safety rules, and safe work practices;
- Compliance with directions from supervisors;
- Preserving and protecting the City's equipment, grounds, facilities, and resources; and
- Providing quality and cost-efficient services to all residents of the City of Fairhope.

To ensure orderly operations and provide the best possible work environment, the City has established, and may amend, general work rules. Although it is not possible to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of the types of infractions which can result in disciplinary action, up to and including termination. In order to avoid such severe consequences, employees should use simple common sense, read and understand this list of examples, and ask management before engaging in any questionable activity.

- Insubordination or lack of cooperation, including but not limited to failing to follow instructions or to perform work as requested.
- Failing to meet reasonable standards of efficiency and productivity or otherwise unsatisfactory job performance and/or repeated substandard work.
- Unauthorized or excessive absences (including failure to report for work, late arrival, early departure, or unauthorized absence from duty) from work.
- Excessive break time or repeatedly attending to personal affairs on work time.
- Sleeping or giving the appearance of sleeping while on City property or during the time in which the employee is supposed to be working.
- Failure to prepare and submit required reports and/or records in a timely manner.
- Abusing, damaging, wasting, stealing, inappropriately using, removing, or possessing City property, records, or the property of other employees.
- Falsifying the employment application or making misrepresentations on any other personnel records.
- Falsifying City reports or committing fraud with regard to any records (including time records, expense accounts, absence excuse, etc.).
- Fighting, threatening violence, or otherwise starting a disturbance on City premises or while performing job duties including but not limited to verbal abuse, name calling, using profanity towards, or assaulting or intimidating a City employee or non- employee.
- Reporting to work in a condition unfit to perform their duties, including reporting to work with measurable amounts of illegal drugs, intoxicants, or controlled substances in the employee's system or being under the influence of alcohol, drugs, or controlled substances.
- Unauthorized possession of explosives, firearms, weapons, or other dangerous instrumentalities of any kind while on the job or in work areas.

- Unauthorized use of an employee's position with the City for personal gain or advantage, including accepting unlawful gratuities or bribes.
- Loitering in work areas during non-working times or disrupting City business or the work of other employees.
- Failure to properly secure City facilities or property.
- Possessing, consuming, or selling alcohol, illicit drugs, or controlled substances on City premises or while performing job duties and/or any violation of the City's Drug-Free Workplace Policy.
- Violating a City safety, health, or fire rule, policy, or practice; or creating or contributing to unhealthy or unsanitary conditions.
- Boisterous or disruptive activity or horseplay in the workplace.
- Misconduct leading to damage of City property.
- Unauthorized disclosure of confidential City information.
- Unauthorized solicitation or distribution on City property in violation of *Section IV, O.*
- Sexual, racial, or other unlawful harassment or any violation of the Rules of Conduct and Harassment policies.
- Failure to fully cooperate in any City investigation.
- Failure to notify the City of wrongdoing of co-workers or for violation of any rules, regulations, or law.
- Failure to promptly notify the employee's supervisor of an accident.
- Making false or unduly derogatory statements or engaging in actions or activities that reasonably would be expected to damage the integrity or reputation of the City or its employees.
- Gambling on City property.
- Abuse of phone or other communication systems.
- Abuse or misuse of the City's telephone system, computer system, or data.
- Entering a restricted area without authorization.
- Not being truthful or attempting to mislead or evade a direct question or inquiry from any supervisor or City official.
- Multiple or repeated violations of workplace rules of conduct.
- Repeated refusal to perform work as assigned.
- Conduct unbecoming a City employee while on duty.
- Conviction (including a guilty plea) of a felony, or any crime that involves moral turpitude, or any crime that is related to the employee's job with the City, or repeated misdemeanor convictions, including traffic citations.
- Recording an on-the-job conversation involving City employees.
- A violation of any other City policy established in this handbook or under any Departmental Rules.

The above list is not all-encompassing or all-inclusive.

A. Progressive Discipline Procedures

1. In cases where an employee displays inappropriate conduct or poor performance, and

the activity does not call for automatic termination, the City follows a progressive discipline process. This is a system that consists of corrective action, documentation, and adverse action. The Mayor must be notified in advance of any disciplinary action beyond an employee counseling or written warning.

2. The steps of progressive discipline may include:

    a. Employee Counseling: The first step is usually an employee counseling from the supervisor or department head with the employee to identify the problem and to state the corrective action needed. The supervisor or department head documents this step, including dates, times, and details of incidents of improper conduct or poor performance and the date the employee counseling was given. The supervisor or department head sends this documentation to the Human Resources Director who will review it and place it in the employee's personnel file. The employee may submit a separate written statement for the file, if desired.
    b. Written Warning: The second step in the process is usually a written warning with specific examples cited. The department head prepares the "Notice of Disciplinary Action" form that states a specific time frame in which the employee must improve and gives the consequences for failure to improve. The original form is forwarded to the Human Resources Director for review and placement in the employee's personnel file and a copy is given to the employee. The employee may submit a separate written statement for the file, if desired.
    c. Adverse Action: If attempts at corrective action fail to produce satisfactory results, some form of adverse action may be taken. The term "adverse action" means action involving suspension without pay, involuntary demotion for cause, or termination. Before any adverse action becomes effective, the department head must obtain written approval from the Mayor. The department head is to document the adverse action, including dates, times, and details of incidents or improper conduct and the date the adverse action was imposed. The documentation is to be signed by the employee and the Mayor and sent to the Human Resources Director who will review it and place it in the employee's personnel file. The employee may submit a separate written statement for the file, if desired. An adverse action may be appealed to the Personnel Board if the employee meets the eligibility criteria for Personnel Board review. See *Pre-Disciplinary Appeals Procedures for Adverse Action* and *Post-Disciplinary Appeals Procedures for Adverse Action* for additional information.

3. Any employee who receives two documented warnings for any reason within a 12-month period may be subject to termination, unless automatic termination is justified. Depending on the circumstances surrounding a disciplinary action, any step of progressive discipline may be skipped and disciplinary action, up to and including termination, may be utilized at any time. Furthermore, past performance and disciplinary action may be considered when determining disciplinary action to be taken.

4. In the event that the Mayor determines that a request for disciplinary action is not appropriate under the circumstances, or in the event that a supervisor or department head fails to

take appropriate disciplinary action against an employee, the Mayor may, in their discretion, initiate new or additional disciplinary action against an employee which may be subject to the pre-disciplinary hearing and appeals process set forth below.

5. In the event that a classified employee is serving as an acting or interim department head, and in the event disciplinary action is required against the acting or interim department head, the Mayor may, in their discretion, initiate disciplinary action against the employee which may be subject to the pre-disciplinary hearing and appeals process set forth below.

B. Administrative Leave with Pay Due to Potential Disciplinary Action

An employee may be placed on administrative leave with pay by the Mayor for up to one pay period during the course of an investigation to determine whether any disciplinary action should be initiated against the employee. The Mayor may approve up to an additional pay period to complete the investigation.

C. Suspensions Without Pay

1. The department head, in consultation with the Mayor, may suspend an employee without pay as part of disciplinary action for up to two pay periods.

2. Employees may not use vacation leave or sick leave while on suspension.

3. The progressive discipline process will be followed prior to suspension unless the situation warrants automatic suspension.

4. The department head is to document the suspension without pay, including dates, times, and details of incidents or improper conduct and the dates of the involuntary suspension. The documentation is to be reviewed by the Human Resources Director and then sent to the Mayor for approval. The Mayor may approve, modify, or disapprove the proposed discipline. The department head will review the disciplinary action with the employee who should sign the disciplinary form. The completed form shall be sent to the Human Resources Director who will place it in the employee's personnel file and a copy shall be given to the employee. The employee may submit a separate written statement for the file, if desired.

5. If the Mayor approves suspension without pay, the Department Director will determine the date and time frame of the suspension. The suspension period must fall within 10 working days of final approval of the adverse action.

D. Involuntary Demotions for Cause

1. Involuntary Demotion for Cause: An involuntary demotion for cause is an assignment to a job at a lesser basic pay rate. An involuntary demotion may be made for cause, including but not limited to violations of rules, failure to perform job duties adequately, misconduct, or neglect of duty. The progressive discipline process will be followed prior to demotion. All employees involuntarily demoted for cause will receive at least a 5% pay decrease effective upon their

demotion.

2. A department head, in consultation with the Mayor, may involuntarily demote an employee for cause.

3. The department head is to document the involuntary demotion, including dates, times, and details of incidents or improper conduct and the date the adverse action was imposed. The documentation is to be reviewed by the Human Resources Director and then sent to the Mayor for approval. The Mayor may approve, modify, or disapprove the proposed discipline. The Department Head will review the disciplinary action with the employee who should sign the disciplinary form.

The completed form shall be sent to the Human Resources Director who will place it in the Employee's personnel file and a copy shall be given to the employee. The employee may submit a separate written statement for the file, if desired.

E. Terminations

1. Immediate termination may be made for cause, including but not limited to an employee's action or behavior that constitutes:

a. Insubordination (refusal to follow supervisor's instructions);
b. Endangering their own health or safety or the health or safety of other employees or citizens;
c. Theft, vandalism, or willful destruction of City or co-employee property;
d. Making fraudulent statements on employee applications or job records;
e. Any violation of the City Alcohol and Drug Policy;
f. Conviction of a felony offense or of a crime involving moral turpitude;
g. Conviction of an offense that affects the employee's ability to perform their job duties or insurability, including but not limited to loss or suspension of licenses or other credentials; or
h. Any other infraction when termination is determined to be in the best interest of the City.

2. Terminations that follow the progressive discipline process are permitted for reasons that include, but are not limited to:

a. Misconduct;
b. Willful neglect of duties;
c. Absence from work without authorization or notification;
d. Failure to perform job duties;
e. Repeated tardiness or absence;
f. Violation of departmental rules;
g. Email abuse; or
h. Internet abuse.

3. Any employee who fails to correct deficiencies after two documented warnings may be subject to termination, unless automatic termination is justified.

4. A department head may initiate a termination by documenting the reason for the proposed termination, including dates, times, and details of incidents or improper conduct and any previous disciplinary actions. The documentation is to be reviewed by the Human Resources Director and then sent to the Mayor for approval. The Mayor may approve, modify, or disapprove the proposed discipline. The department head will review the disciplinary action with the employee who should sign the disciplinary form. The completed form shall be sent to the Human Resources Director who will place it in the employee's personnel file and a copy shall be given to the employee. The employee may submit a separate written statement for the file if desired.

F. Pre-Disciplinary Appeals Procedures for Adverse Action

1. Before a classified employee may be suspended without pay, involuntarily demoted for cause, or terminated, the employee shall have the opportunity to have the proposed disciplinary action reviewed by the Mayor. The Human Resources Director shall notify the employee in writing that they propose disciplinary action in the form of suspension without pay, involuntary demotion for cause, or termination and the grounds for such proposed action. The employee will then have one working day to request in writing to the Human Resources Director a pre-disciplinary hearing before the Mayor or their designee.

2. If the employee does not request a hearing, the proposed discipline will become effective at the end of the one working day period.

3. Should the employee request such a pre-disciplinary hearing, the Mayor or their designee will inform the employee of the date and time of such hearing which will be held within three working days of the request, unless the Mayor allows additional time. The employee may be placed on administrative leave with pay until the time of the pre-disciplinary hearing. The hearing will be informal in nature. The employee may have a representative of their choosing present at their own expense.

4. Within three working days after the pre-disciplinary hearing, the Mayor or their designee will issue a decision on proposed adverse action. An employee or the supervisor may then appeal this decision as set forth below.

G. Post-Disciplinary Appeals Procedure for Adverse Action

1. An employee or supervisor who wishes to appeal the decision of an adverse action following a pre-disciplinary hearing must submit a written notice of appeal to the Human Resources Director requesting a hearing within two working days of the decision.

2. The written request must state the reason(s) the employee believes the disciplinary action to be unfair or unwarranted. If the employee believes a specific City policy or procedure in the *Personnel Rules* has not been followed or has been applied incorrectly, the employee should identify the policy or procedure. The employee must sign and date the request. If the employee fails to deliver, within two business days from the date they receives the decision from the pre-

disciplinary hearing, a written request for a hearing, the employee shall be deemed to have waived their right to a post-disciplinary review and hearing and the disciplinary decision shall be final and the discipline shall be imposed.

3. Within two working days of receiving the appeal, the Human Resources Director shall forward the request to the relevant department head, the Mayor, and the Chairperson of the City's Personnel Board.

4. The Chairperson of the Personnel Board shall appoint three members from the City's Personnel Board (one of whom may be the Chair) to serve as the Hearing Review Board and shall schedule the hearing as soon as practicable. The employee shall be provided with written notice of the time, date, and place of the hearing.

5. The employee, the department head, and any supervisor who participated in the decision to recommend the proposed discipline shall attend the hearing. The City and the employee may be represented by legal counsel. The employee is solely responsible for selecting and retaining their legal counsel at their own expense. At the hearing, the City shall present the reasons for the disciplinary decision and shall present any witnesses and documentary evidence to support the stated reason(s). The employee or the employee's representative shall have the opportunity to cross-examine any witnesses offered by the City. The employee or the employee's representative shall also have the right to call witnesses, including the employee, to respond to the stated reason(s) for the disciplinary decision and to offer any documentary evidence the employee wishes to present. The City's representative shall have the opportunity to cross-examine any witnesses offered by the employee. The hearing shall be informal, and the rules of evidence and the rules of discovery applicable in court proceedings shall not apply to the post-disciplinary hearing.

6. Following the post-disciplinary hearing, the Hearing Review Board shall make the decision whether discipline should be imposed and, if so, the nature of the discipline to be imposed. The Hearing Review Board may approve the discipline recommended by the department head and approved by the Mayor, impose lesser discipline, or make the decision that discipline should not be imposed.

7. The Hearing Review Board shall issue a written decision, which shall state the discipline to be imposed, if any, and a *brief* statement of the reason(s) for the decision. The decision of a Hearing Review Board shall be by a majority vote of the appointed Board members. The decision should not recite the evidence presented at the hearing or disclose the names of any witnesses who testified at the hearing. The Hearing Review Board shall provide a copy of the decision to the employee, the department head, and the Human Resources Director within five days after the post-disciplinary hearing unless the time is extended by the Hearing Review Board for a good reason. If discipline is imposed, a copy of the decision shall be maintained in the employee's personnel file. If the Hearing Review Board makes the decision to impose lesser or no discipline, the employee shall be paid accordingly for any time missed from work. The decision of the Hearing Review Board is final.

8. The post-disciplinary hearing is a quasi-judicial pre-disciplinary hearing and may involve the good name or character of the employee subject to proposed discipline. The Board

shall comply with the Alabama Open Meetings law, including the provisions on executive sessions.

H. Limitation on Disciplinary Appeals

1. Appointed officials (City Clerk, City Treasurer, and Chief of Police) may be issued a verbal or written warning by the Mayor but are subject to suspension without pay, involuntary demotion for cause, or termination only by the City Council. These appointed officials do not have access to the pre-disciplinary appeal or post-disciplinary appeal hearings.

2. Probationary, Temporary, and Part-Time Employees: Probationary, temporary, and part-time employees are subject to disciplinary action but do not have access to the pre-disciplinary appeal or post-disciplinary appeal hearings.

3. Department Heads: Department heads are subject to disciplinary action by the Mayor under these rules but do not have access to the pre-disciplinary appeal or post-disciplinary appeal hearings.

4. The City's Disciplinary Appeals system provides a standard process for investigation and resolution of an eligible employee's appeal of serious disciplinary action. The City's Disciplinary Appeals system is not intended, and will not be used for the following reasons:

a. To resolve personal differences among employees;
b. To appeal written warnings;
c. To appeal pay reductions which are part of a general plan to reduce salaries and wages to all employees;
d. To appeal non-selection for a position when staffing procedures have been followed; or
e. To appeal the contents of approved and published City resolutions, ordinances, or other legal action.

IX. Code of Ethics

A. Ethical Conduct

1. It is the policy of the City of Fairhope to uphold, promote, and demand the highest standards of ethics from all employees and officials, whether elected or appointed. Accordingly, all City employees should maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants; and never use their City position or powers for improper personal gain.

2. Every employee of the City is a "public employee". The citizens entrust every employee with the responsibility of carrying on business beneficial to the citizens.

3. Employees of the City are subject to the provision of the Alabama Ethics Law (codified at §§36-25-1, et.seq., Code of Alabama 1975, as amended from time to time) (sometimes referred to as the "Alabama Ethics Law" or the "Ethics Law") and the decisions and enforcement of the Alabama Ethics Commission. Employees may visit the Ethics Commission's website to acquire further information of interest at www.ethics.alabama.gov.

B. Statement of Economic Interests

Some employees will have to complete an annual questionnaire for the Alabama Ethics Commission. The Human Resources Director will provide these employees with the required forms upon request. These employees are responsible for filing the reports in a timely manner. Section 36-25-4.2 states that "[a]ll public employees required to file the Statement of Economic Interests required by Section 36-25-14, shall participate in an online educational review of the Alabama Ethics Law provided on the official website of the Alabama Ethics Commission. Employees hired after January 1, 2011, shall have 90 days to comply with this subsection."

C. Political Activity

1. Employees may individually exercise their right to vote and privately express their views as a citizen, including becoming a candidate for public office. However, an employee shall not engage in political activities during their work time. Without limitation, the City expressly prohibits employees from soliciting political financial contributions, distributing political literature, or wearing political buttons or similar insignia during their work time. Employees who are issued uniforms by the City are prohibited from wearing their uniforms while engaging in political activities.

2. The City also prohibits employees from distributing political literature or printed or other material of any kind in working areas at any time. Employees may not use any equipment owned by the City, including but not limited to copiers and fax machines, to engage in political activities.

3. This prohibition against soliciting other employees for political purposes covers the

City's telephonic and computer equipment. Thus, no employee is permitted to use the City's electronic mail, the internet, voicemail, telephones, computers, or other related equipment for the purpose of soliciting others for political activities or for preparing, duplicating, or distributing political literature or other material to other employees or non-employees.

4. Except for elected City officials, no employee of the City shall be a candidate for an elected City office while actively employed by the City. An employee will be granted a leave of absence without pay and will be required to use paid accumulated vacation and sick leave to engage in this activity.

5. The limitations in this policy do not affect an employee's rights to become or to continue to be a member of a political party, to attend political meetings, or to participate in political campaigns involving national, state, county, or local candidates or issues during non-working hours, or to vote for the candidate of their choice without interference or coercion of any kind.

6. Employees of the City shall not be subjected to any form or discrimination or adverse employment action because of their political activity of affiliation, (unless such activity is prohibited by this policy). No employee, elected official, or appointed official of the City shall in any way coerce, attempt to coerce, or pressure any City employee to take part in any political campaign, or to vote for, support, or contribute to any candidate or cause. No employee, elected official, or appointed official shall solicit any kind of political campaign contribution from other employees who work for such official or supervisory employee in a subordinate capacity.

7. The Human Resources Director is available to answer any questions regarding proper employee political activity. This policy does not authorize a City employee to engage in political activity in violation of federal or state law.

D. Secondary Employment

1. City employees shall not engage in any outside employment which, in the judgment of the Mayor, adversely affects their work performance as an employee of the City or creates a conflict of interest. Examples included but are not limited to outside employment that prevents the employee from being available for work, is conducted during the employee's regular work hours, utilizes or may cause to be utilized City equipment or property, involves performing work or promoting the interests of an entity that has contracts with or does business with the City, or may reasonably be perceived by members of the public as a conflict of interest or otherwise a discredit to public service.

2. If an employee engages in other employment, they must notify their department head in writing stating the name of the employer, the nature of work or business, specific duties, and hours worked per week. The department head will send a copy of these statements to the Human Resources Director for placement in the employee's personnel file. The department head will also send a copy of these statements to the Mayor for approval of the secondary employment.

3. The employee shall at all times give first priority to the performance of their City job.

City work schedules will not be adjusted to accommodate non-City work schedules.

E. Reporting Arrests and Off-Work Accidents

1. Any employee of the City who has been arrested for any reason must report the arrest and surrounding circumstances to their immediate supervisor within one day of returning to work. Failure to comply with this policy may result in disciplinary action, up to and including termination. Supervisors are required to forward the information to the department head who shall notify the Mayor and Human Resources Director.

2. Any employee of the City who drives a vehicle for the City as part of their work assignment, must report any motor vehicle accident or major moving violation including speeding, reckless driving, or driving under the influence violations to their immediate supervisor within one day of returning to work. Failure to comply with this policy may result in disciplinary action, up to and including termination. Supervisors are required to forward the information to the Department Head who shall notify the Mayor and Human Resources Director.

3. Any employee arrested for a crime may be placed on administrative leave with pay by the Mayor pending an investigation to determine whether the alleged conduct resulting in the arrest is a violation of City policy and, if so, whether disciplinary action should be initiated by the City.

X. Workers' Compensation

A. Reporting On-the-Job Injuries

1. All employees are protected under the State of Alabama's Workers' Compensation Law for injuries and occupational diseases that result "out of and in the course of employment." This includes injuries that take place when the employee is performing tasks they were hired to perform at times and in places where they were hired to work.

2. For all life-threatening injuries or illnesses, please notify 911.

3. If an employee requires emergency medical treatment for "life threatening" injuries, they should use the emergency room at the local hospital. Only one visit to the emergency room will be covered by Workers' Compensation for each work-related incident. The Human Resources Director should immediately be made aware of the injury.

4. If an employee experiences an on-the-job, non-life-threatening injury or illness, they are required to:

   a. Report the incident to their supervisor immediately.
   b. Provide written notification of how the injury occurred to the supervisor within 24 hours.
   c. Provide information to the supervisor so that the supervisor can notify the Human Resources Director, or their designee, who will complete the Alabama First Report of Injury.
   d. All initial non-life threatening medical visits are to be coordinated through the Human Resources Director, or their designee. All life-threatening injuries should be taken to the nearest hospital.

5. After the employee's claim has been received by the Human Resources Director, it will be submitted to the Mayor and to a Workers' Compensation claims adjuster. The Workers' Compensation Adjuster will determine whether it is approved. The employee will be notified if a problem arises in the process of making that decision.

6. If a Workers' Compensation claim is rejected as a Workers' Compensation injury, it may be applied to the employee's medical insurance.

7. The goal is to process Workers' Compensation claims as quickly and as fairly as possible while providing the employee with the best medical care possible. The length of time required for approval will vary for each claim.

8. Most employees who have an on-the-job injury will be required to receive a Post-Accident Drug Screen immediately after the reported incident.

9. Official medical records in regard to Workers' Compensation and Drug Screen Testing

should only be maintained by the Human Resources Director. At no time should any medical information (personally identifiable information) be retained at any location other than in the Human Resources Department unless written consent has been otherwise given.

B. Medical Treatment

1. Following the initial medical treatment/appointment, all related follow-up visits for treatment should be with the initial medical provider or the current medical provider for the City of Fairhope.

2. If there is a follow-up appointment required after the initial visit to the emergency room, then the follow-up visit MUST be scheduled with the current medical provider for the City. The employee's Workers' Compensation case manager will assist the Human Resources Director in scheduling this appointment for the employee. The employee is not authorized to return to the emergency room for follow-up treatment (i.e., removal of stitches, change of injury dressings, etc.).

3. Every employee injured on the job is required to:

   a. Keep all scheduled appointments with physicians/therapist as scheduled;
   b. Be aware that the City has a Transitional Duty Program;
   c. Notify their supervisor immediately if the physician advises the employee not to return to work or to work with restrictions and when they release the employee to full duty; and
   d. Provide Human Resources with a copy of the Return to Work and/or Work Restriction Form(s) received from the physician so that it may be retained in the employee Workers' Compensation file.

4. Prescription medications should be filed under Workers' Compensation and should not be put on the employee's personal insurance.

5. If the employee's authorized treating physician releases the employee to return to work with specific temporary restrictions (i.e., transitional duty) and the City can provide a job within the recommended restrictions, they must return to work and attempt the transitional duty. Transitional duty is offered at the will of the City and is only offered on a temporary basis.

6. The employee's authorized physician determines what transitional duty work is appropriate. If clarification of transitional duty restrictions is needed, the Human Resources Director should be contacted. Failure to report for the assigned Transitional Duty work as authorized may result in the employee having to use their sick or leave time to cover the employee's absence. An employee may qualify for benefits if the City cannot provide a job within the restrictions given by the authorized physician.

C. Workers' Compensation Payments

1. The employee will be paid a full day's pay for the day of the injury. The following

three days can be charged to annual leave, sick leave, or leave without pay. These "following three" days will be reimbursed under the Workers' Compensation benefits after the employee remains off work for a period of 21 calendar days. If an employee remains off of work for a period of 21 days, they must reimburse the City for the "following three" days that was paid to the employee.

2. The only check an employee who has filed for Workers' Compensation benefits will receive is a check received from the Workers' Compensation insurance carrier for the City.

3. While on Workers' Compensation leave, the employee may be placed in a leave-without-pay status. The employee will not accumulate annual or sick leave while on Workers' Compensation leave.

4. All individual health insurance premiums paid by the City for an employee will remain in force and continue to be paid by the City. All employees are required to continue to pay their portion of health insurance premiums. Employees will be issued an invoice from the City.

5. If, while on Workers' Compensation leave, the employee wishes to continue dependent coverage or other items that are customarily deducted from their paycheck, the employee must contact the Human Resources Department for payment procedures. If payments are not submitted in a timely manner, coverages are subject to cancellation.

6. An employee (who has depleted their sick leave, annual leave, and FMLA) out on Workers' Compensation leave, who has reached "Maximum Medical Improvement (MMI)," shall be terminated if they do not return to work.

D. Transitional Duty

1. The Temporary Transitional Duty Policy is intended to support injured and ill employees who have temporary restrictions due to work-related injuries and are expected to return to their regular assignments following recovery. This policy and procedure do not cover employees with permanent restrictions and is offered at the will of the City and may be terminated at any time. Each case presented for possible Temporary Transitional Duty will be evaluated on a case-by-case basis by the Mayor, Human Resources Director, and department head.

2. Eligible Personnel:

The guidelines for eligible personnel are as follows:

a. Any probationary or permanent employee of the City is eligible for consideration of a Temporary Transitional Duty Assignment;
b. A City of Fairhope Medical Evaluation form note detailing the employee's temporary work restrictions is required to be eligible for a Temporary Transitional Duty Assignment;
c. Work restrictions are defined as physician-specified work activities that are limited

due to an occupational illness or injury, regardless of whether the employee has lost time from work or not (e.g., limited hours, limited functions, need for equipment, etc.);

d. The employee must provide the Medical Evaluation Form to the Human Resources Department identifying temporary work restrictions or time off, within one business day of the employee's receipt of the note;
e. The supervisor is then responsible to notify the relevant department head of the request for Temporary Transitional Duty; and
f. The relevant department head or supervisor is responsible for coordinating with the Human Resources Director to authorize Temporary Transitional Duty.

3. Non-Eligible Personnel: The following are personnel who are ineligible:

a. Contractors, volunteers, inmates, interns, or temporary employees;
b. Employees who have a common, contagious illness (e.g. cough, cold, or flu) or an injury that has no impact on the ability to perform their regular job duties (e.g. an employee who works sitting at a desk and has a sprained ankle);
c. Employees on non-medical leave (e.g. military, bonding, etc.); or
d. Employees who have permanent restrictions that do not fall within the normal scope of their job activities.

4. Identify Potential Eligible Employees: The guidelines used to identify potential eligible employees are as follows:

a. The supervisor shall identify an employee who has been, or will be, off work due to an occupational injury or illness;
b. The employee shall self-identify by providing temporary work restrictions to their supervisor;
c. Clarification of restrictions may be needed; and
d. The relevant department head, the Mayor, and the Human Resources Director shall review medical records to identify potentially eligible employees. This determination will be made on a case-by-case basis, while considering the best interests of the employee and the City during the evaluation.

5. Assess Work Restrictions and Develop Assignment:

The department should make every effort within five working days, or as early as possible, to do the following:

a. Provide a Temporary Transitional Duty Assignment, if feasible, for all work-related injuries. The appointing authority must send the proposed Temporary Transitional Duty Assignment and its duration to the Human Resources Director;
b. Request assistance in the development of the Temporary Transitional Duty Assignment. Assistance from the Human Resources Director may include clarification from the medical provider, a need for equipment beyond internal resource availability, assessment of possible alternate job duties or special

projects, or an assessment of the appropriateness of the modification; and

c. Notify the Human Resources Director if at any time the department is unable to provide a Temporary Transitional Duty Assignment.

6. Communication of Assignment to Employee:

a. The department head or their designee will discuss the Temporary Transitional Duty Assignment with the employee.
b. Assignments are determined based upon the employee's temporary work restrictions, skills, the duration of time required for the assignment, and the needs of the department. The employee will act in accordance with the duties assigned in a Temporary Transitional Duty Assignment.
c. The refusal to do so may result in the loss of Workers' Compensation wage replacement benefits, in accordance with state law or long-term disability benefits.

7. Completion of Transitional Duty Form: The relevant department head or their designee is responsible for the following:

8. Completing the Temporary Transitional Duty Assignment Form (TTD) along with the Human Resources Director;

9. Sending a copy of the TTD Form to the immediate supervisor and the Human Resources Director;

10. Making certain that the employee begins their work in that assignment once the TTD letter is completed;

11. Meeting with the Human Resources Director for a discussion of the Temporary Transitional Duty Assignment; and

12. Meeting with the employee for a discussion of the Temporary Transitional Duty Assignment.

13. Work Restrictions and Assignment Modification: The relevant department head or their designee is responsible for:

a. Monitoring the assignment and the employee for compliance;
b. Re-assessing the assignment upon any change of temporary work restrictions or as the needs of the department change. This will also require a new TTD letter.
c. If the temporary work restrictions change at any time during the current assignment, the employee is responsible for providing to the department designee, within one business day, any medical documentation detailing the revised temporary work restrictions.

14. Duration of Assignment:

a. The duration of the Temporary Transitional Duty Assignment for occupational illnesses or injuries will be up to 90 days, as the needs of the department allow;
b. For any change in duration or temporary work restrictions, the department must complete a new Letter of Temporary Transitional Duty Assignment; and
c. The duration shall not exceed 90 days from the original date of the Temporary Transitional Duty Assignment without approval from the relevant Department Head and Mayor in consultation with the Human Resources Director.

15. Extension of Assignment: Extensions may be considered for occupational illness or injury. An extension beyond 90 days may be granted with approval from the relevant department head, the Mayor, and the Human Resources Director. In no event shall Temporary Transitional Duty Assignments exceed 365 days for an occupational illness or injury.

16. Extension Requirements: In order for an extension to be considered, the following requirements must be met:

a. The department and the employee both request an extension;
b. The employee has made progress in transitioning back to the regular assignment during their 90-day Temporary Transitional Duty Assignment; and
c. The extension is for a specific, short period of time due to the employee's medical physician indicating that the employee is progressing as expected toward returning to work in their regular assignment.

17. Transitional Duty Assignment Termination.

18. The Temporary Transitional Duty Assignment will terminate at any time if the needs of the department change or when a department determines that the employee is not acting in accordance with the stated restrictions or is unable to perform the duties as assigned within the stated restrictions.

19. The Temporary Transitional Duty Assignment will terminate at any time if the physician:

a. Releases the employee to full duty without restrictions;
b. Removes the employee from work; or
c. Indicates the employee has permanent restrictions.

20. Where restrictions are permanent, the relevant department head or their designee should refer to the Mayor and Human Resources Director for additional guidance and directives.

21. The Temporary Transitional Duty Assignment automatically terminates at the end of the approved assignment unless an extension has been requested and approved per the policy. If the department is terminating the Temporary Transitional Duty Assignment prior to the agreed upon end date, the Department Head shall give the employee as much notice as possible. Early agreement termination must be approved by the relevant department head, the Mayor, and the Human Resources Director.

22. Dispute Resolution. In the case of disputes regarding the denial of a Temporary Transitional Duty Assignment or the denial of an extension of a Transitional Duty Assignment, the employee or department may follow the grievance procedure as shown in *Section III.A Equal Employment Opportunity Policy and Procedures.*

XI. Drug and Alcohol Policy

A. Alcohol and Drugs – Drug-Free Workplace Policy

1. The City of Fairhope is committed to providing a safe working environment for all employees while serving the citizens of Fairhope. The City recognizes that any employee who improperly uses intoxicating substances, including drugs and alcohol, poses a serious threat to their self, their coworkers, and to the public in general. Even small quantities of narcotics, abused prescription or over-the-counter drugs, or alcohol can impair judgment and reflexes. This impairment can have dire results, particularly for employees operating vehicles or potentially dangerous equipment.

It is therefore the policy of the City of Fairhope that all employees or any person performing any kind of work for the City must report to work completely free from alcohol, illegal or unauthorized drugs, or any other substances that may have a mind-altering or intoxicating effect or otherwise impair the employee's judgment, reaction times, or functioning.

2. The City also prohibits all employees from using, possessing, manufacturing, distributing, or making arrangements to distribute alcohol, illegal or unauthorized drugs, or any other intoxicating substances while at work or on or about any City property.

3. In order to avoid creating safety problems and violating this policy, employees must inform their supervisor when they are legitimately taking any medication, including prescription drugs or over-the-counter medications, which affects their ability to work. An employee whose job performance may be affected by such medications may be required to provide a fitness-for-duty certification before being allowed to resume their job duties.

4. Any employee who violates this policy in any way shall be immediately removed from their job duties and shall be subject to discipline, up to and including immediate termination.

5. No part of this policy shall be construed to create a contract of continued employment or to confer upon any employee or applicant a property interest in their employment. The City maintains the right to change this policy at any time without notice. To the extent that any portion or provision of this policy and procedure conflicts with any applicable federal or state laws or regulation, such federal or state laws or regulations will be controlling. Further provisions of this policy, specifically including but not limited to testing procedures, are subject to change in order to remain consistent with the United States Department of Transportation regulations. It is the City's intent that it be allowed to choose any testing method that is approved by the United States Department of Transportation.

6. The City has designated the Human Resources Director as the Drug Program Coordinator. If you have any questions or concerns regarding this policy or its application, please contact the Human Resources Department.

7. The Federal Drug and Alcohol Clearinghouse herein referred to as "Clearinghouse"

manages an electronic database that tracks all covered employees with commercial driver's licenses who have tested positive for prohibited drugs or alcohol use, as well as refusals to take required drug tests and other drug and alcohol violations. Additionally, when a covered employee driver has been found to be in violation and then completes the required return-to-duty process, this information will also be recorded in the Clearinghouse.

The Clearinghouse is Required by Federal Law

The City is required to populate the Clearinghouse with the following information:

- Employees' DOT drug and alcohol violations under Part 382 of the Federal Motor Carrier Safety Regulations as part of the hiring process; and
- Posting to the Clearinghouse all prohibited driver activity, who has tested positive for prohibited drugs or alcohol use, refusals to take required drug tests, and other drug and alcohol violations; and
- The requirement to query the Clearinghouse annually for information relating to prohibited drug and alcohol testing behavior by the employee; and
- Verification of a CDL driver's completed steps in the DOT return-to-duty process (if applicable).

Covered DOT Employee Drivers Need to Know Their Rights and Responsibilities

If a covered DOT employee changes companies, they will have to register in the Clearinghouse in order to give permission for the new hiring motor carrier to make queries into their clearinghouse testing information. All companies are required to enter selected information into the Clearinghouse, as listed in Section 382.601(b)(12). The following is the best-practices information that all employees should understand:

- All types of inquiries companies will perform consistent with (Section 382.701);
- Employee driver procedures on signing up for access to the Clearinghouse;
- Covered employees will be provided information on how they may obtain a copy of their Clearinghouse records (Sections 382.707, 382.709);
- Procedures for correcting information in the database (Section 382.717);
- Awareness that state licensing authorities (DMVs) will have access to the database (Section 382.725); and
- Clarification on an employee's obligation to notify a current employer(s) (in writing) of DOT testing violations occurring under a different employer (Section 382.415)

It is important to understand that all covered DOT employee drivers must give their permission to access their Clearinghouse drug and alcohol information. Which means if the covered employee refuses to allow access to the Clearinghouse, it will result in removal of the employee from their duties and disciplinary action, up to and including termination.

Lastly, all covered employee drivers have a right to review their Clearinghouse information, and if the driver finds a discrepancy or disagrees with the records, they are encouraged to write to FMCSA and dispute any issues in question and potentially correct any incorrect records. All these

processes are easily defined and available online at /https://clearinghouse.fmcsa.dot.gov/

8. Employees of the City's Gas Department are subject to departmental drug and alcohol policy requirements.

B. Definitions

1. "Accident" means any on-the-job accident. "Accident" includes vehicular accidents as well as any acts or omission causing an accident or injury to any person or damage to any equipment or property belonging to the City.

2. "Administrator" means the person or entity that implements drug testing on employees and applicants.

3. "Alcohol" means distilled or fermented beverage containing ethyl alcohol, including but not limited to beer and wine.

4. "Chain of Custody" means procedures implemented by the City of Fairhope for the identification and integrity of each urine specimen. The City requires the person responsible for policy implementation to track the handling and storage of each urine specimen from the point of specimen collection to final disposition of the specimen. These procedures include an appropriate drug testing chain of custody form to be used from time of collection to receipt by the testing laboratory. Chain of custody forms shall document the date and purpose of each time a specimen is handled or transferred and shall identify every individual in the chain of custody.

5. "City" means the City of Fairhope, Alabama.

6. "Clearinghouse" means *FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse*. It is a secure online database that gives employers, the FMCSA, State Driver Licensing Agencies (SDLAs), and state law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations. The Clearinghouse enables employers to identify drivers who commit a drug and alcohol program violation while working for one employer but who fail to subsequently inform another employer (as required by current regulations).

7. "Collector" means a person who instructs and assists tested employees and applicants for eligible positions at a collection site and who receives and makes an initial examination of the urine specimens. The collector shall have successfully completed training to carry out this function or shall be a licensed medical professional or technician who shall be provided instructions for collection under this procedure and certifies completion as required herein. In any case, where a collection is observed or monitored by non-medical personnel, the collector shall be a person of the same gender as the employee or applicant.

8. "Collection Site" means a place designated by the City where employees present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of specified controlled substances and alcohol. The site will possess necessary personnel,

materials, equipment facilities, and supervision to provide for the collection, security, temporary storage, and transportation or shipment of the samples to a laboratory.

9. "Controlled Substance" means any substance defined or classified as a controlled substance according to federal or state law. Title II of the Comprehensive Drug Abuse Prevention Act of 1970 (Controlled Substance Act), as it is amended from time to time, provides the basic standard. Controlled substances include but are not limited to any and all forms of marijuana and its derivatives regardless of how obtained and any stimulants or hallucinogens that are subject to legal prohibitions or restriction on their sale, purchase, transfer, use or possession.

10. "DOT Employee" is an employee who is subject to the rules and regulations of the United States Department of Transportation regarding drug and alcohol testing because of the job duties that they perform.

11. "Drug Program Coordinator" is the person designated by the Mayor to ensure compliance with this Policy, including but not limited to ensuring that proper testing procedures are followed, ensuring that the lab(s) used by the City are properly certified, and ensuring that the Medical Review Officer is properly credentialed. The Human Resources Director is designated as the Drug Program Coordinator.

12. "Employer Premises" includes all property owned, leased, used, or under the control of the City, including but not limited to the job site of any employee, structures, building offices, facilities, vehicles and equipment, or transportation to and from those locations while in the course and scope of City employment.

13. "Employee" means any and all employees of the City of Fairhope.

14. "Illegal/Unauthorized Drug" means any drug (1) which is legally obtainable but has not been legally obtained or, even if legally obtained, is not being used in accordance with instructions given either by a physician or, if over-the counter, on the drug's label; or (2) all illegal drugs, including but not limited to methamphetamine, cocaine, heroin, marijuana etc.

15. "Intoxicating Substance" means any substance, whether legal or illegal, that may have an intoxicating or mind-altering effect when ingested, snorted, smoked, or otherwise introduced into the body. Intoxicating substances include but are not limited to "bath salts," nitrous oxide, glues, solvents, cannabidiol (CBD) derivatives, or herbs or other plants such as salvia.

16. "Legal Drug" means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used appropriately for their intended purpose in accordance with directions given either on the label or by an employee's treating physician.

17. "Medical Marijuana" refers to marijuana or any of its derivatives that is prescribed in accordance with the laws of a State.

18. "Medical Review Officer" (MRO) means a licensed physician (medical doctor) responsible for receiving laboratory results generated by the City's drug testing program. The MRO shall have knowledge of substance abuse disorders and have appropriate medical training

to interpret and evaluate an individual's confirmed positive test result, together with their medical history and any other relevant biomedical information.

19. "Possession" means actual or constructive care, custody, control, or immediate access.

20. "Random Selection Process" is the process used to ensure that each employee holding a safety-sensitive position has an equal chance of being drug-tested every time that random drug tests are conducted. This process means that some employees may be tested multiple times in any given year.

21. "Reasonable Cause" means that the City believes the actions, appearance, or conduct of an employee on duty are indicative of the use of a controlled substance or alcohol.

22. "Safety-Sensitive Employees" are those persons who are subject to random drug and alcohol testing. These employees include but are not limited to persons who inspect, service, repair, or maintain a vehicle or other heavy equipment; operate or load a vehicle or heavy equipment; use tools, including both power and hand tools, that have the capacity to injure any person; and those who are authorized to carry weapons of any kind. An employee is engaged in a safety-sensitive function at all times from the time that an employee begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work. A list of all positions that are designated as "safety sensitive" is maintained by the Human Resources Director.

23. "Under the Influence" means being unable to perform work in a safe and productive manner; being in a physical or mental condition which creates a risk to the safety and well-being of the individual, other employees, or the public; and/or having any laboratory evidence of the presence of drugs, alcohol, or prohibited or controlled substance in the employee's body.

C. Persons Subject to Testing

Pursuant to the City's Policy and Procedures, employees will undergo testing as follows.

1. Pre-Employment Testing: All employees applying for a position that has been designated as safety-sensitive will be required to submit to a pre-employment drug and alcohol test before a final offer of employment is extended. All pre-testing offers of employment to such persons are explicitly conditioned on the employee successfully taking and passing the drug and alcohol test. Pre-employment testing will also be done when an employee transfers from a non-safety-sensitive position to a safety-sensitive position.

2. Random Testing: All employees holding safety-sensitive positions will be subject to testing on a random basis without advance notice to them.

3. Reasonable Cause Testing: The City may schedule a drug/alcohol test when behavioral observations indicate to the employee's supervisor that any employee may be involved in illegal use of a controlled substance, use of alcohol, or abuse of legal drugs. Before testing, the employee's supervisor shall either contact the department head or another supervisor to observe

the employee's behavior and to concur with the decision to test the employee or review the employee's behavior with the employee's department head to obtain concurrence with the decision to test the employee. The employee shall be promptly escorted to the collection site for testing by the employee's supervisor or designee.

4. Employees arrested or convicted for the off-the-job use or possession of illegal or controlled substances shall undergo testing to assist the City in determining fitness for duty. If the employee tests positive, the City may discharge the employee.

5. Post-Accident Testing: All employees are required to report all injury- or damage-related accidents and submit to a post-accident drug/alcohol test as set out in this policy. Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident shall be subject to testing. The employee's supervisor or their designee shall schedule the drug screening test immediately following a reportable incident or a reportable accident.

6. Return-To-Duty Testing: If an employee has violated the prohibited drug and alcohol rules, they must take and pass a drug and alcohol test before returning to work. Further, any employee who has violated the prohibited drug and alcohol rules is required to take a drug and/or alcohol test before returning to safety-sensitive functions for *any* DOT-regulated employer and is also subject to unannounced follow-up testing at least six times in the first 12 months following a return to active safety-sensitive service.

7. Any and all drug testing conducted by the City will not be used to identify the existence of any disability.

8. In the event there is reasonable suspicion of a violation of this policy, the City also reserves the right to search all property; cabinets; tool boxes; vehicles, including personal vehicles brought onto City property; or any other property on the City's property, under control of any employee, or in the personal vehicle of any employee and located on the City's property and used by said employee in commuting to work or in that employee's duty as an employee.

D. Safety-Sensitive Employees

1. Employees are considered to be "safety-sensitive" when their job duties regularly require them to engage in activities that have the potential to cause physical injury to themselves or others or to cause serious property damage. Such activities include, but are not limited to:

a. Maintaining or repairing motor vehicles or heavy equipment, including but not limited to bulldozers, tractors, and riding mowers.
b. Maintaining or repairing tools that have the capacity to seriously injure the user or another person, including but not limiting to chainsaws or weed eaters.
c. Regularly operating motor vehicles or heavy equipment as part of their job duties, including equipment such as tractors or riding mowers for which licensure is not required by the State of Alabama.
d. Regularly operating tools that have the capacity to seriously injure the user or

another person.

e. Loading and unloading vehicles or heavy equipment.
f. Any activity related to the safe operation of a mass transit system, including dispatching vehicles.
g. Carrying any weapon, or object for the purpose of performing job duties that could reasonably be used as a weapon, including but not limited to firearms, knives, machetes, blades, tasers, or batons.
h. Answering emergency calls and/or directing the provision of emergency services.
i. Providing emergency medical services.

2. A list of positions that have been designated as safety-sensitive by the City is available for view with the Human Resources Director. Some safety-sensitive positions are specifically subject to regulation by the Department of Transportation (DOT). These positions are indicated by an asterisk. An accredited testing laboratory will maintain two different random testing pools, including one pool for persons specifically subject to regulation by DOT and one pool for all other safety-sensitive employees.

3. All employees are subject to drug and alcohol testing when there is reasonable cause to believe that they have violated this policy and after any accident involving physical injury or serious property damage. However, employees who have been designated as safety-sensitive are also subject to pre-employment testing and random testing. Random drug tests can be performed any time a safety-sensitive employee is on duty. An alcohol test can be performed when the safety-sensitive employee is performing a safety-sensitive duty, just before or just after the performance of a safety-sensitive duty.

4. Medical marijuana prescribed pursuant to State law is not a valid explanation for a positive test result for a safety-sensitive employee. Employees may not perform safety-sensitive functions while taking medical marijuana. Employees who are prescribed medical marijuana in accordance with State law must inform their Employer of their prescription prior to first use. Reasonable accommodations will be made for an employee who complies with this procedure, depending on the individual circumstances; however, failure to properly report may result in termination for cause.

5. In addition, employees occupying positions deemed to be "safety-sensitive" must promptly report any arrests, charges, or convictions for drug- or alcohol- related criminal offenses, including both misdemeanors and felonies, to their supervisor. **Failure to report such arrests, charges, or convictions may be grounds for discipline, up to and including immediate dismissal.**

E. Necessity of Compliance with Testing Requirements

1. All employees are subject to reasonable suspicion and post-accident testing as a condition of their employment. In addition, all safety-sensitive employees will be subject to pre-employment and random drug and alcohol testing by way of urine, breath, or any other method approved by the Department of Transportation as a condition of employment.

2. Any employee who refuses to take a drug and/or alcohol test to which they are properly subject shall be considered to have a verified positive test result. An employee who has a verified positive test result, including by refusal, shall be immediately removed from their duties and may be subject to immediate termination. In addition, any employee subject to DOT regulations will receive educational and rehabilitative information and a referral to a Substance Abuse Professional.

Refusals can include a variety of behaviors, including the following.

a. Failure to appear for any test (except for pre-employment) within a reasonable time as determined by the Mayor.
b. Failure to remain at the testing site until the testing process is complete.
c. Failure to provide a urine specimen for any required drug test.
d. Failure to permit the observation or monitoring of the specimen collection when required to do so.
e. Failure to provide a sufficient amount of urine when directed without an adequate medical explanation for this failure.
f. Failure to take a second test when directed to do so by the City or collector.
g. Failure to undergo a medical examination when directed to do so by the MRO or the Mayor.
h. Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, or fail to wash hands after being directed to do so by the collector).
i. Failure to follow the observer's instructions during an observed collection, including instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process.
j. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
k. Admit to the collector or MRO that the specimen has been adulterated or substituted.
l. Failure to sign step two of the alcohol test form.
m. Leaving the scene of an accident without a valid reason before post-accident tests have been completed. Failure to remain "readily available."

3. Extenuating circumstances such as being called to or involved in an emergency may cause an employee to be unable to complete a drug or alcohol test. These circumstances will be reviewed on a case-by-case basis.

F. Off-Duty Contact

Off-the-job use of drugs, alcohol, or any other prohibited substance which results in impaired work performance, including but not limited to absenteeism, tardiness, poor work product, or harm to the City's image, tasks, or government is prohibited. Employees should realize that these

regulations prohibit all illicit drug use, on and off duty.

G. Prescription Drugs

The proper use of medication prescribed by a physician is not prohibited; except that safety-sensitive employees may not use medical marijuana; however, the City prohibits the misuse of prescribed and/or over-the-counter medications or other intoxicating substances and requires all employees using drugs at the direction of a physician to notify the City's Medical Review Officer (MRO) or their Drug Program Coordinator/Human Resources Director, when these drugs may affect their job performance, such as by causing drowsiness, dizziness, or otherwise interfered with performance or cognition. Employees may not perform safety-sensitive functions while using any controlled substances, unless the employee's physician certifies that the substances will not adversely affect the employee's ability to perform their job. All employees should also be aware that the use of such medications will not excuse misconduct or violations of policy; however, depending on the circumstances, an employee may be entitled to a reasonable accommodation if they inform their supervisor of their need to use such substances prior to an incident.

Employees should be aware that there is a risk that the use of certain supplements and topical lotions, oils, creams, etc., including but not limited to products containing CBD oils, may cause a positive drug test result. The use of such products may not provide a medical justification for a positive test result.

H. Persons Subject to Testing

1. All safety-sensitive applicants shall undergo urine drug testing using either urinalysis or any other method approved by the Department of Transportation prior to performing safety-sensitive duties. This requirement also affects employees who are not in safety-sensitive positions who seek reclassification into a safety-sensitive position. Receipt by the City of a negative test result is required prior to performing safety-sensitive duties in a covered position. A cancelled test result is not acceptable and must be retaken. If the applicant has a positive pre-employment drug test, they cannot be hired for a safety-sensitive position.

2. A negative result on a pre-employment test by a job applicant is valid for thirty days. If a current covered employee has not performed a safety-sensitive duty for 90 days or longer and has been removed from the random pool, the employee must submit to a new pre-employment test and receive a negative result before resuming safety-sensitive duties.

3. Any person who is subject to DOT testing will be required to undergo pre-employment testing if they have been removed from the DOT random testing pool for more than 30 days.

4. An MRO may report negative pre-employment test results for individuals who are unable to provide sufficient volume due to permanent disability but has a medical evaluation that indicates no chemical evidence of illegal drug use.

5. All applicants for safety-sensitive positions will be notified in writing that they will be required to undergo pre-employment/reclassification drug testing prior to their employment and

that they will be subject to drug and alcohol testing throughout the period of their employment. Applicants will acknowledge in writing their understanding of these provisions for their application and employment. The City will retain on file the negative drug test results of all new hires.

6. In addition to undergoing pre-employment testing, applicants for a safety-sensitive position will be asked to sign forms for release of information from any previous employer for whom the applicant performed safety-sensitive functions. Failure to sign this form will result in not being hired. When a covered applicant has previously failed a pre-employment drug test with a prior employer, the employee must present proof of having successfully completed a referral, evaluation, and treatment plan.

I. Reasonable Cause

1. All employees (whether or not safety-sensitive) will be required to submit to screening whenever a supervisor observes circumstances which provide reasonable cause to believe an employee has used a controlled substance or has otherwise violated the substance abuse rules. Examples of circumstances that may establish reasonable cause to warrant testing include supervisor observation, co-worker complaints, performance decline, attendance or behavior changes, involvement in workplace or vehicular accident or other actions which indicate a possible error in judgment or negligence, or other violations of the drug or other City policy. Before testing the employee, the department head shall be contacted to observe the employee's behavior and to concur with the decision to test the employee or the observing supervisor will review the employee's behavior with the department head, either face-to-face or via telephone, to obtain concurrence with the decision to test the employee. The observations of the employee's conduct shall be documented on the City's Incident Report and Testing Request Form within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.

2. Upon the reasonable suspicion determination being made, the employee shall be immediately transported to a collection site for the collection of a urine sample. The employee shall be counseled not to drive a vehicle and a supervisor shall provide transportation for the employee to the collection site.

3. All persons designated to make a determination that reasonable suspicion exists to require an employee to undergo testing under this provision shall receive at least 60 minutes of training on both alcohol and controlled substance use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

4. Any employee refusing to submit to reasonable suspicion testing or any employee having a positive drug and/or alcohol test will be terminated.

J. Random Testing

1. The City will conduct random, unannounced screening of all designated employees at unannounced times throughout the year. An accredited laboratory will maintain two computerized

random testing pools including one DOT pool and one non-DOT pool. There will be no maximum number of samples that any one individual will be required to provide during the testing schedule in either pool.

2. Employees will be required to report to the designated collection site for testing as soon as possible, but in no case later than two hours following notification. Failure to report for drug/alcohol screening within two hours of notification will be treated as a positive test result.

K. Post-Accident Testing

1. Employees are required to immediately notify the Drug Program Coordinator/Human Resources Director or designee of any accident resulting in injury or damage to any City property or personnel.

2. Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to an accident shall provide a urine specimen to be tested for the use of controlled substances and/or alcohol as soon as possible after the accident, but in no case later than eight hours for alcohol testing and 32 hours for drug testing.

3. Employees will be required to undergo drug and alcohol testing using urine, breath, or any other method approved by the Department of Transportation if they are involved in an accident that results in a fatality. A post-accident test will also be conducted in situations where there is no fatality but the following occurs: (1) an individual requires immediate transport to a medical treatment facility as a result of collision or non-collision; (2) any time one or more vehicles incur disabling damage that prevents any of the vehicles involved from leaving the scene of the occurrence in its usual manner in daylight after simple repairs; or (3) with respect to any occurrence in which a vehicle including a mass transit vehicle (rail car, trolley car, trolley bus, or vessel) is removed from operation. In a non-fatal accident as previously described, post-accident testing will be conducted unless the operator's performance (and any other covered employees whose performance could have contributed to the accident) can be completely discounted as a contributing factor to the accident as determined by the Mayor or their designee using the best information at the time of the decision. In addition, drug screening and alcohol screening will be required for any driver receiving a citation for any moving violation resulting from an accident.

4. After notification of any accident, the City will arrange for the employee to be taken as soon as practicable to the collection site designated by the City. The supervisor or designee will schedule the employee and assure that they are tested the same day as the reportable accident, if possible.

5. If an employee is injured, unconscious, or otherwise unable to evidence consent to the drug test, all reasonable steps must be taken to obtain a urine sample. A supervisor may elect not to test under these circumstances, but such a decision must be made based upon information received as a result of an investigation of the accident. *Nothing in this document should be construed to require the delay of necessary medical attention for injured people following an accident or prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.*

6. Any employee subject to post-accident testing must refrain from consuming alcohol or taking any controlled substance for eight hours following an accident or until they submit to an alcohol test, whichever comes first. As stated above, the employee will be tested not to exceed eight hours following an accident for alcohol and not to exceed 32 hours post-accident for drug testing. If there is a delay of greater than two hours for an alcohol test, a reason must be given in writing, retained in a file for possible later referral, and the employer must still attempt to administer an alcohol test for up to eight hours following the accident or until the employee undergoes a post-accident alcohol test.

7. An employee who is subject to post-accident testing must remain available and follow these guidelines or the City may consider the employee to have refused to submit to testing.

8. The Mayor will discipline or terminate any employee who fails to report an accident or submit to substance screening where required by law or this policy. The Drug Program Coordinator/Human Resources Director shall ensure that an accident report is filed in compliance with City policy and applicable laws and regulations.

L. General Testing Procedures

1. The City will contract with a properly certified testing laboratory that will ensure that all proper testing procedures are followed in accordance with this Policy and all applicable laws. The following is a list of the general procedures that will be followed for all drug and alcohol testing, regardless of the reason why the test is being performed.

a. All testing procedures, including collections, will be performed by certified technicians and/or laboratories.
b. Upon arrival at the collection site, the employee must provide proof of identification. The employee will be required to read and sign the Controlled Substance Testing Consent form provided by the City. The signature shall be witnessed by the collector. Acceptable proof of identification shall be a current driver's license with photo, other form of picture identification, or identification by a City representative.
c. The employee shall complete a Drug Testing Custody and Control form.
d. The Drug Program Coordinator/Human Resources Director shall notify the employee directly of the results of any positive drug test in order to give the employee an opportunity to challenge the findings. The City may, but shall not be required to, reanalyze the employee's original sample to clarify the findings.
e. Controlled substance testing must follow split sample procedures. Under this provision, an employee whose urine sample has tested positive for a controlled substance has the option of having the other portion of the split sample tested at another laboratory. The employee must notify the City within 72 hours after notification of a positive sample that they desire a retest under this provision.
f. If a split sample test produces a negative result or if the second portion is not available, the test is considered negative, and no sanctions will be imposed.
g. All persons who receive information regarding City drug tests shall maintain this information on a confidential basis.

h. In the event that the United States Department of Transportation approves additional and/or alternative testing methods, devices, or procedures, including but not limited to Oral Fluid Testing, the City reserves the right to utilize such methods, devices, or procedures as allowed in the applicable regulations.

2. Both the City and the laboratory shall rely, when practical, on the guidance of the Federal Department of Transportation's procedures for transportation workplace drug testing programs.

M. Substances Tested For

1. DOT employees will regularly be tested for:

   a. Marijuana (THC Metabolite);
   b. Cocaine;
   c. Amphetamines (including amphetamine, methamphetamine, MDMA, and MDA);
   d. Opiates (including codeine, morphine, heroin, hydrocodone, hydromorphone, oxycodone, and oxymorphone);
   e. Phencyclidine (PCP); and
   f. Alcohol

2. Non-DOT employees may be tested for other substances without advance notice. DOT employees may also be separately tested for other substances without advance notice by the City for safety purposes. Such tests will be coordinated with the Drug Program Coordinator/Human Resources Director.

N. Collection Sites

The City will designate a collection site in a reasonably accessible location.

O. Collection Procedures

Drug testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy. The collector seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing laboratory. The specimen collection procedures and chain of custody ensure the specimen's security, proper identification, and integrity is not compromised.

1. Split specimen procedures:

   a. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen;
   b. Both bottles are sent to a laboratory;
   c. Only "primary" specimen is opened and used for analysis;

d. "Split" specimen remains sealed and stored at the laboratory;
e. If the "primary" specimen confirms the presence of illegal, controlled substances, the employee has 72 hours to request in writing the "split" specimen be sent to another DHHS certified laboratory for analysis;
f. If it is positive for one or more of the drugs, then a continuation test is performed for each drug using state-of-the-art gas chromatography/mass spectrometry ("GC/MS") analysis; and
g. GC/MS confirmation insures that over-the-counter medications or prescriptions are not reported as positive results.
h. Any portion of a sample provided during the collection event will be discarded if an employee fails to provide a sufficient specimen by the end of the three-hour wait period.

2. Direct Observation.

a. Observed collections are required in a number of situations for DOT employees. Any employee subject to a drug test may also be required to undergo observed collection. The purpose of direct observation is to guard against employee attempts to mask the testing process. Observed collections are required in the following circumstances:

i. All return-to-duty tests;
ii. All follow-up tests;
iii. Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90 – 100 degrees Fahrenheit;
iv. Anytime the employee is directed to provide another specimen because the original specimen appears to have been tampered with;
v. Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
vi. Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determines that there is not an adequate medical explanation for the result; or
vii. Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.

b. The employee who is being observed will be required to raise their shirt, blouse or dress/skirt as appropriate, above the waist, lower clothing and underpants, and turn around completely at the direction of the observer in order to show that they are not wearing any prosthetic device.
c. When necessary, City representative or medical personnel may obtain a specimen outside of a designated collection site (such as the emergency room following an accident investigation, etc.).

P. Alcohol Testing Procedures

1. All employees are prohibited from possessing, drinking or being impaired or intoxicated by alcohol while at work or on duty. ***In addition, safety-sensitive employees are prohibited from consuming any alcohol four hours prior to going on duty.*** A Blood Alcohol Content (BAC) of 0.04 will be accepted as presumptive evidence of intoxication.

2. Any employee may be subject to alcohol testing either for reasonable suspicion or post-accident. Safety-sensitive employees are also subject to random alcohol testing. Random testing will be conducted just before, during, or after the employee has performed a safety-sensitive function. Safety-sensitive employees with a BAC of 0.02 will be immediately removed from their safety-sensitive duties for a period of at least 24 hours.

3. All alcohol tests will be conducted by a properly trained person using evidentiary breath testing devices approved by the National Highway Traffic Safety Administration. Any result showing greater than a 0.02 BAC will be repeated.

Q. Evaluation and Return of Results

The MRO will be responsible for reviewing the quantified test results of employees and confirming that the individuals testing positive have used drugs in violation of policy. Prior to making a final decision, the MRO shall give the individuals testing positive an opportunity to discuss the result either face-to-face or over the telephone. If the test result is negative dilute, the MRO may decide that the employee must take another test. If this second test results in a negative dilute result, the test will ordinarily be considered to be a negative and no additional testing will be required unless the MRO so directs.

The MRO shall then promptly tell the Drug Program Coordinator/Human Resources Director which employees or applicants test positive.

R. Request for Retest

An employee may submit a written request for a retest of the original specimen within 72 hours of receipt of the final test results. Requests must be submitted in writing to the Drug Program Coordinator/Human Resources Director. The employee may be required to pay the associated costs of retest in advance but will be reimbursed if the result of the retest is negative.

S. Release of Test Results

1. Except where otherwise specifically required by law, employee drug testing results and records are maintained under strict confidentiality by the City, the drug testing laboratory, and the Medical Review Officer. They cannot be released to others without the written consent of the employee. Exceptions to this confidentiality are limited to DOT agencies when license or certification actions are required or to the decision-maker in arbitration, litigation, or administrative proceedings arising from a positive drug test.

2. However, all employees will be required to execute a consent/release form permitting the City to release test results and related information to the Department of Industrial Relations or other relevant government agency. Applicants for safety-sensitive positions will also be required to execute a consent/release form permitting the City to review records of previous drug and alcohol testing information.

T. Retention of Records

1. All records will be maintained so as to preserve confidentiality and prevent unauthorized persons from accessing, releasing, or tampering with records. The following records will be maintained.

a. Records related to the collection process, including:

i. Collection logbooks, if used;
ii. Documents relating to the random selection process;
iii. Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol tests;
iv. Documents generated in connection with decisions on post-accident drug and alcohol testing; and
v. MRO documents verifying existence of a medical explanation of the inability of an employee to provide adequate urine or breath sample.

b. Records related to test results:

i. The employer's copy of the custody and control form;
ii. Documents related to the refusal of any employee to submit to a test; and
iii. Documents presented by an employee to dispute the result of a test.
iv. Records related to referral and return to duty and follow-up testing, including records of any DOT employee's entry into and completion of the treatment program recommended by the substance abuse professional.

c. Records related to employee training:

i. Training materials on drug use awareness and alcohol misuse, including a copy of the employer's policy on prohibited drug use and alcohol misuse;
ii. Names of employees attending training on prohibited drug use and alcohol misuse and the dates and times of such training;
iii. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and alcohol testing based on reasonable suspicion; and
iv. Certification that any training conducted under this part complies with the requirements for such training.
v. Copies of any annual MIS reports submitted to FTA.

d. The following records will be maintained for no less than five years:

i. records of verified positive drug or alcohol test results;
ii. documentation of refusals to take required drug or alcohol tests;
iii. referrals to the substance abuse professional; and
iv. copies of annual MIS reports submitted to FTA
v. The following records will be maintained for no less than two years:
vi. records related to the collection process and
vii. employee training.

e. The following records will be maintained for no less than one year:

i. records of negative drug or alcohol test results, with the exception that all post-accident testing records will be maintained for at least three years after an accident.

U. Employee Education and Training

The City will provide written information on drug/alcohol use and treatment resources to safety-sensitive employees. The City will provide training for employees on the dangers of controlled substance use annually. All supervisors of safety-sensitive employees must also attend one hour of training on the signs and symptoms of drug abuse. The training is necessary to assist supervisors in making appropriate determinations for reasonable suspicion testing and decisions regarding work assignments.

V. Employment Assessment

Any safety-sensitive employee or applicant who tests positive for the presence of illegal drugs and/or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended or has refused to submit to a drug or alcohol test (except in the case of an applicant) will be referred to a Substance Abuse Professional (SAP). A SAP can be a licensed physician (Medical Doctor or Doctor of Osteopathy) or a licensed or certified psychologist, social worker, or employee assistance professional with knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol- related disorders or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission. The SAP will follow the protocols and meet the requirements defined in 49 CFR part 40. All employees and applicants will be given contact information for a USDOT qualified SAP if they test positive.

W. Employee Assistance Program (EAP)

1. The City's EAP shall include:

a. Education and training for employees regarding drugs and alcohol; and
b. Education and training for supervisors regarding drugs and alcohol, including:
1. Effects and consequences of substance use on personal health, safety and work;
2. Manifestations and behavioral causes that may indicate substance use;
3. Documentation of training provided; and
4. A written statement on file and available at the Human Resources Office outlining

the EAP.

2. Prior to a drug or alcohol test being administered to an employee if the employee reports they have a substance abuse problem, they may be offered assistance. Any disciplinary action that is decided will be based on the totality of the circumstances surrounding the event, the City's Substance Abuse Policy, and the past work history of the employee. Actions may or may not include a Last Chance Assistance Agreement, referral to and evaluation by a substance abuse counselor, or termination.

3. The Drug Program Coordinator/Human Resources Director or their designee should be contacted for further guidance.

X. Investigation/Searches

1. Where a supervisor has reasonable cause to suspect that an employee has violated the substance abuse policy, they may inspect vehicles which an employee brings on the City's property, lockers, work areas, desks, purses, briefcases, toolboxes, or other belongings and at locations where City related activities are being conducted without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the Drug Program Coordinator/Human Resources Director will do so for them. The City may release any illegal or controlled drugs or paraphernalia to appropriate law enforcement authorities.

2. All searches should be coordinated with the Drug Program Coordinator/Human Resources Director or their designee.

Y. System Contacts

Any questions regarding this policy or any other aspect of the drug-free and alcohol-free transit program should contact the City's designated Drug Program Coordinator:

Title:	Human Resources Director
Address:	P.O. Drawer 429
	Fairhope, AL 36533

XII. Use of City Vehicles

The use of a City vehicle is a privilege and is not a right of City employees. The City reserves the right to revoke the use of a City vehicle at any time and from any City employee. These procedures are not all inclusive but are put forth in a good faith effort by the City to ensure the safety and well-being of all City employees and provide the minimum standards for drivers of City vehicles.

A. General Policies and Procedures

1. Only employees authorized by their department head and insured under the City's vehicle insurance policy may drive a City vehicle.

2. City employees or other drivers specifically authorized by the Mayor or City Council may be authorized to drive or operate City vehicles and/or equipment for official City business with reasonable consideration of use for meals or other items in accordance with Alabama Ethics Laws, while in the course of performing business on behalf of the City.

3. To operate a City vehicle, the employee must have a current valid driver's license in their possession at any time the employee drives a City vehicle.

4. Employees may not loan a City vehicle to any person without their department head's authorization.

5. Passengers who are not on official business should not be transported in most circumstances, unless such passengers are direct family members of the employee and the Mayor has given authorization for the family member to ride in the City vehicle.

6. Gasoline is to be used for City vehicles and equipment only. Any employee violating this policy may receive disciplinary action, including but not limited to termination of employment and/or be subject to prosecution under the Alabama Ethics Law.

7. Smoking is not allowed in City vehicles. This includes e-cigarettes, vaping, and smokeless tobacco. Smoking in a City vehicle may result in disciplinary action.

B. Driver Qualifications

1. Each driver of any City-owned vehicle must have and maintain a valid driver's license. Any employee who drives as a part of their job duties must report the suspension, revocation, or loss of their driver's license to their immediate supervisor on the date this occurs or on the next date the employee works or is scheduled to work.

2. It is the City's policy for employment that every employee should submit and successfully pass a motor vehicle record (MVR) check. This MVR policy applies both to drivers of City-owned vehicles as well as employees using personal vehicles in the course of City business. Employees subject to this policy are subject to an annual review (at a minimum) of their motor vehicle driving record (MVR) with the Alabama Department of Public Safety. Those

employees found to be high risk or who have failed to report violations and/or accidents to the City or who are excluded from coverage by the City's vehicle insurance carrier will have their vehicle driving privileges revoked, resulting in possible demotion or dismissal for employees in positions where vehicular transportation is deemed an essential job function.

3. MVRs will be examined prior to the start of employment and are subject to be examined periodically thereafter. Any job offer made to an employee or potential employee candidate for a position with driving duties shall be contingent upon an MVR meeting the required standards.

4. If at any time the employee of the City is required to drive as part of their job duties, then the employee must notify their supervisor of any citation, arrest, conviction, suspension, or revocation (whether temporary or permanent) in regards to any DUI, Substance Abuse or Motor Vehicle (Traffic) Violations, or Accidents whether on or off duty, before 9 a.m. on the next business day. Failure to notify the supervisor may result in disciplinary action, up to but not limited to termination. It is the supervisor's responsibility to immediately notify their Department Head. The Department Head is responsible for immediately notifying the Safety Coordinator of any such related event.

5. Employees will not qualify for a City vehicle if, during the last 60 months, the driver had any of the following experiences:

a. Been convicted of a felony;
b. Been convicted for the sale, handling, distributing, or illegal use of drugs or any controlled substance;
c. Had automobile insurance canceled, declined, or not renewed by their insurance company due to fault of the employee;
d. Had driver's license suspended or revoked; or
e. Been involved in two or more "chargeable" accidents which resulted in a citation being issued.

6. If required, an employee must meet special operator licensing requirements as necessary:

a. Class "A" Operators License: allows the employee to operate vehicles which tow trailers or other vehicles with a gross vehicle weight rating (GVWR) over 10,000 lbs. A Class "A" license also allows the employee to operate Class B and C vehicles;
b. Class "B" Operators License: allows the employee to operate single vehicles with a GVWR of 26,001 lbs. or more or a gross combination weight rating (GCWR) of 26,001 lbs. or more, towing trailers/vehicles rated at 10,000 lbs. GVWR or less. A Class "B" license also allows the operation of Class C vehicles; and
c. Class "C" Operators License: allows the employee to operate vehicles under 26,001 lbs. GVWR, that would normally not require a commercial driver's license (CDL); except when they are designed to transport 16 or more persons including the driver; or that carry 15 or less people (including the driver) transporting children to or from school and home regularly for compensation or carry hazardous materials in

amounts requiring it to be placard. Applicable endorsements are required.

C. Safety Rules

1. The use of a City vehicle or personal vehicle while performing work duties while under the influence of intoxicants and other drugs (which could impair driving ability) is forbidden and is sufficient cause for discipline up to and including termination of employment.

2. Employees driving City vehicles are required to obey all motor vehicle laws and regulations. Employees must operate the vehicle in a safe and courteous manner and follow all safety related policies and procedures while operating City-owned vehicles.

3. Possession, transportation, or consumption of alcohol or illegal drugs by anyone in a City vehicle is strictly prohibited.

4. Cell phone use in commercial vehicles will be restricted. Drivers are prohibited from using even one hand to hold a mobile phone to conduct a voice communication. Drivers are not allowed to dial or answer a mobile phone by pressing more than a single button. Reaching for a mobile phone in a manner that requires the driver to maneuver so that they are no longer in a seated, belted, or driving position is also prohibited. Drivers may use a wireless communication device as a global positioning or navigation system to receive driving directions which have been pre-programmed with the desired coordinates. The programming of coordinates while operating a vehicle remains a violation of this section. Drivers may receive or send texts if parked on the shoulder of the highway, road, or street.

5. No driver shall operate a City vehicle or personal vehicle while performing work duties when their ability to do so safely has been impaired by illness, fatigue, injury, or medication.

6. All drivers and passengers operating or riding in a City vehicle ***are required*** to wear seat belts or other available personal restraints required by law, even if air bags are available.

7. No unauthorized personnel are allowed to ride in City vehicles.

8. Drivers are responsible for the security of City vehicles assigned to them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended.

9. Headlights shall be used two hours before sunset and until two hours after sunrise or during inclement weather or at any time when an estimated distance of 500 feet ahead of the vehicle cannot be clearly seen.

D. Assignment of Vehicles

1. Certain employees will be assigned City vehicles for use in their positions and are authorized to drive the vehicle to and from work. "Take-home" vehicles are authorized based on the needs of the City and only for employees living inside the City's police jurisdiction. Police

Officers who live outside the police jurisdiction but within a 15-mile radius of the City of Fairhope police station and in Baldwin County, Alabama, may be authorized by the Chief of Police and Mayor to take home a City police vehicle to respond to calls for police assistance within the City of Fairhope's police jurisdiction. Except for commuting to and from work, City vehicles may only be used for City business.

2. City vehicles are normally assigned to an individual at the start of their work period and are the employee's responsibility until the completion of the assigned work period when the vehicle is returned.

3. Employees should inspect the City-owned vehicle on a daily basis (i.e. oil, tires, transmission fluid, etc.). It is the responsibility of the City employee to keep their assigned vehicle clean (inside and outside).

4. It is the responsibility of the driver to make sure that the City-owned vehicle is equipped with proof of insurance, current registration, and gas card. These items are issued to the vehicle, not the driver, and must not be removed under any circumstances.

5. If the employee is going on vacation or will be off work for any length of time, the employee's supervisor may require the employee to park the City-owned vehicle at the workplace.

6. City employees authorized to use their personal vehicles for periodic City business may be reimbursed for mileage at the rate established by the Internal Revenue Service, as approved by the City Council.

7. The City will not pay for any traffic tickets or parking fines of an employee operating a City-owned vehicle, nor will the City pay if the employee is authorized to use their personal vehicle on City business. An employee found guilty of moving violations while in City vehicles may be subject to disciplinary action. All such related fines received by the employee are their personal responsibility.

8. An employee receiving a travel allowance and using a personal car for City business assumes liability for bodily injuries or property damage arising out of an accident occurring in connection with operation of their personal vehicle.

E. Vehicle Accident Procedures

Regardless of the situation, the following procedures must be followed in the event of an accident or incident with any City-owned vehicle or property:

1. Immediate notification of proper law enforcement agency for accident investigation and report as applicable.

2. Immediate notification of the employee's supervisor or Department Head.

3. Notification of the Safety Coordinator within 24 hours of the accident/incident.

4. Prepare a City Vehicle Accident Report. This, along with a copy of the law enforcement report as applicable, should be turned into the Safety Coordinator within 24 hours of the accident/incident.

5. If necessary, a First Report of Injury must be submitted to the Human Resources Director within 24 hours of the accident/incident.

6. Securing accident repair estimates and approval of actual repairs is the responsibility of the City Clerk's office.

7. In the event of an accident in a City vehicle or while on official City business:

a. Do not admit negligence or liability.
b. Do not discuss the accident with anyone except appropriate law enforcement personnel and/or official City representatives.
c. Get the name, address, and phone number of any injured person and any witness if possible.
d. Exchange vehicle identification and City insurance name and policy numbers with other drivers or law enforcement personnel, if applicable.
e. Take a photograph of the scene of the accident, if possible.
f. If needed, notify 911 for requested ambulance, fire department, and law enforcement personnel.
g. Law enforcement should be notified if the accident involves another vehicle or a pedestrian.
h. Complete the City Accident Report in regard to this accident/incident and turn all information over to the supervisor within 24 hours of the accident/incident.

F. Post-Accident Substance Abuse Testing

1. See *Section X. Workers' Compensation* for further guidance involving an accident, incident, or injury.

2. If it is suspected that an employee is impaired by alcohol and/or drugs at any time while on duty or while operating a City-owned vehicle or equipment, then efforts will be made to safely remove that employee from the workplace and/or City vehicle or any personal vehicle being used for City business.

3. Prior to a drug or alcohol test being administered to an employee if the employee reports they have a substance abuse problem, they may be offered assistance. Any disciplinary action that is decided will be based on the totality of the circumstances surrounding the event, the City's Substance Abuse Policy, and the past work history of the employee. Actions may or may not include a Last Chance Assistance Agreement, referral to and evaluation by a substance abuse counselor, or termination. For additional substance abuse guidelines, you must refer to the City's Substance Abuse Policy or contact the Human Resources Director.