

**CITY OF ATHENS**

**PERSONNEL POLICIES  
AND PROCEDURES**

ORIGINALLY ADOPTED BY CITY COUNCIL ACTION: 11/1/84

**Latest Revision or Amendment: 01/29/2018**

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## FOREWARD

Whether you have just joined the City of Athens or have been with us for a while, we are confident that you will find the City of Athens a dynamic and rewarding place to work, and we look forward to a productive and successful association. We consider the employees of the City of Athens to be our most valuable resource. This manual has been written to serve as a guide for the employer/employee relationship.

There are several things that are important to keep in mind about this policies and procedures manual. First, it contains only general information and guidelines. This manual is not intended to be comprehensive or to address all possible applications of or exceptions to the general policies and procedures. For that reason, if you have any questions concerning eligibility for a specific benefit, or the applicability of a policy or practice, you should address your questions to the Human Resources Department. Neither this manual nor any other City of Athens document confers any contractual right, either express or implied, to remain in the City's employ. Nor does it guarantee any fixed terms and conditions of employment. No supervisor or other representative of the City of Athens has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

Second, the procedures, practices, policies, and benefits described here may be modified or discontinued from time to time through City Council action. We will try to inform you of any changes as they occur.

Finally, some of the benefits described here are covered in detail in official benefit policy and plan documents from the providers. You should refer to plan documents for specific information, since this manual only briefly summarizes those benefits. Please note that the terms of the City's written insurance policies take precedence over anything concerning insurance contained in this manual.

# 1.0 INTRODUCTION

**Revision: 6/82**

**Effective Date: 6/82**

**Revision: 11/84**

**Effective Date: 11/84**

**Revision: 6/23/03**

**Effective Date: 6/23/03**

## 1.1 PURPOSE

The City of Athens through City Council approval has adopted the City of Athens personnel policies and procedures system contained herein. The purpose of the City's personnel policies and procedures system is to establish:

- Guidance to city officials in their relationship with city employees and other city officials
- Employee rights and responsibilities
- Fair and equitable treatment for all employees
- Comparable pay for comparable work
- Rules of conduct and performance expectations

Such policies and procedures provide structure and consistency for administrative actions which will facilitate the selection and retention of qualified employees, enhance effective and efficient performance in providing services to the citizens of Athens, and enable City employees to derive satisfaction from their work. In addition, these policies include the conditions under which employees are employed, benefits applicable to the employees of the City of Athens, and other matters regarding employee wages and working conditions.

## 1.2 SCOPE

The personnel system contained herein is the authorized personnel system for the City. These policies and procedures apply to all employees and City officials except where expressly exempted by these policies and procedures. Certain elected officials are exempted to whom established personnel policies and procedures shall in no way apply except as they govern their actions with city employees. In addition to those exempted employees identified above, any firm, individual, or agency on retainer with the City will also be exempted from these policies and procedures except as provided by Federal law.

The City adheres to all applicable federal and state regulations concerning wages, work hours, facilities, hazardous working conditions, and other conditions of employment.

### 1.3 CITY COUNCIL’S APPROVAL AUTHORITY

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

The Athens City Council is the approval authority for all City of Athens personnel policies and procedures. Changes to these policies are not authorized except as approved by the City Council. The City reserves the right to make changes in either city policies or benefits at any time. These policies shall be effective with the date of their implementation and applicable until changed by the Athens City Council. Such changes shall not affect benefits earned prior to the date of each change, but may affect benefits or other conditions of employment from the date of the change forward.

The application of these policies shall be governed by the rules, regulations, and procedures adopted by the Athens City Council. Department Heads may issue and implement departmental rules and regulations if consistent with these policies and procedures.

### 1.4 RESPONSIBILITY FOR ADMINISTRATION

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

These policies and procedures shall be administered by all elected officials, department heads, supervisors, and other appropriate administrative personnel and shall be subject to regular and periodic review by the City Council.

The official master copy of the City of Athens Personnel Policies and Procedures shall be maintained on file in the office of the Director of Human Resources. Copies will be distributed to all Department Heads, City Council, and Personnel Board members. Copies shall be issued to all new employees and are also available upon request.

Each employee, regardless of employment status, shall acknowledge that he/she has received a copy of the City of Athens Personnel Policies and Procedures. All employees are expected to comply with all provisions of the policies and procedures contained herein.

Questions regarding any aspect of the implementation of the City of Athens Personnel Policies and Procedures should be directed to the Director of Human Resources. Questions concerning areas of conflict or other issues not expressly covered in these policies and procedures should be referred to the Athens City Council for resolution.



## 2.0 GENERAL POLICY STATEMENTS

### 2.1 ORGANIZATIONAL VALUES

**Initial Issue: 6/23/03**

**Effective Date: 6/23/03**

The quality of life and environment in our community depends upon a partnership among citizens, elected officials, and city employees. Each one of us represents the City of Athens. We are what make the difference between a good organization and an excellent one. Our continual journey for excellence is founded on the following organizational values:

- We value open accessible government. Honest government is our primary responsibility. Openness encourages competence because our actions must meet the standard of public scrutiny.
- We value fiscal responsibility. Consistent and careful management of our financial resources demonstrates respect for our citizens whose taxes and revenue support our organization. Fiscal responsibility recognizes that money alone is not sufficient. Efficient and cost effective problem resolution also demands fresh approaches and creativity.
- We value professionalism. We believe that successful completion of the work is much more important than who gets credit. A professional attitude requires a dispassionate analysis of the issues and a strong commitment to the organization and the community. A professional attitude comes from individual pride in work, teamwork, and shared goals.
- We value excellent customer service. We are dedicated to providing the highest service level possible delivered with respect, concern, and a positive attitude. We believe that quality is central to everything we do.
- We value our employees. We are committed to providing a stable, safe, and rewarding work environment with opportunities for learning and growth. We will promote the fair and equitable treatment of all employees. We believe that work should be a source of enjoyment and satisfaction. We will strive for the highest morale and productivity. Creativity and innovation are encouraged and add to organizational effectiveness.
- We value organizational self-sufficiency. We value long-term relationships with local suppliers and encourage the use of local resources whenever possible. In

this manner, we can meet local needs, provide continuity of services, and contribute to the local economy.

*We are proud of the City of Athens, our employees, and the citizens we serve.*

## **2.2 EQUAL EMPLOYMENT OPPORTUNITY POLICY**

**Revision: 11/84**

**Effective Date: 11/84**

**Revision: 6/23/03**

**Effective Date: 6/23/03**

The City of Athens is an equal opportunity employer and does not discriminate in any employment policy or practice on the basis of race, sex, age, color, creed, national origin, religion, disability, military status, marital status, or any other protected characteristic as established by law. In addition, the City will not discriminate based on political or party affiliation except that the City will not employ persons who hold membership in any political party or organization whose objective is the violent overthrow of the government of the United States of America.

This policy applies to all policies and procedures related to recruitment and hiring, promotions, transfers, compensation, benefits, terminations, and all other terms and conditions of employment. Consistent with Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, candidates shall be considered for employment only on the basis of job-related qualifications, training, experience, capabilities, and performance potential. In addition, candidates shall be selected for employment only on the basis of merit and fitness without regard to race, sex, age, color, creed, national origin, religion, military status, or disability, except where age, sex, or disability constitute a bonafide occupational qualification. In addition, the City of Athens shall comply with all local, state, and federal laws concerning equal employment opportunity and discrimination.

The Director of Human Resources serves as the City's EEO Compliance Officer and is responsible for insuring policy compliance, providing training, preparing related reports, investigating complaints, and monitoring procedures. Questions or concerns regarding EEO policy should be addressed to Director of Human Resources.

## **2.2 NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

**Initial Issue: 6/23/03**

**Effective Date: 6/23/03**

### **2.3.1 GENERAL PROVISIONS**

The City of Athens is committed to providing a workplace free of discrimination and harassment and an environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices and harassment. Therefore, the City expects all relationships among persons in the workplace to be business-like and free of bias, prejudice, and harassment.

Discrimination and/or harassment on the basis of race, sex, age, color, national origin, religion, disability, military status, marital status, or any other protected characteristic is illegal and will not be tolerated. Discrimination is any action that unlawfully or unjustly results in unequal treatment of persons or groups based on race, sex, age, color, national origin, religion, disability, or any other legally protected characteristic. Harassment includes but is not limited to conduct which is unwelcome and is based on the victim's race, sex, age, color, national origin, religion, disability, or any other type of protected characteristic.

The purpose of this policy is to:

- eliminate discrimination and harassment of any type;
- provide disciplinary penalties for discrimination or harassing conduct or behavior; and
- provide employees with a procedure for reporting perceived discrimination and harassment.

### **2.3.2 INDIVIDUALS AND CONDUCT COVERED**

These policies apply to all applicants and employees and prohibit harassment, discrimination, and retaliation whether engaged in by employees, supervisors, managers, vendors, consultants, customers, or citizens. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside of the workplace such as during business trips, business meetings, and business-related social events. These policies shall not be used to exclude or separate individuals of a particular gender or protected characteristic from participating in business or work-related social activities or discussions in order to avoid allegations of harassment.

### **2.3.3 SEXUAL HARASSMENT**

Sexual harassment, a form of sex discrimination, is illegal under federal and state laws and is strictly prohibited by City policy. As defined in the Equal Employment Opportunity Guidelines, sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical conduct of a sexual nature, when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; and/or
- submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual and/or;

- such conduct has the purpose of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on circumstances, these behaviors may include, but not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, preferences, or deficiencies; leering; catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggested objects or pictures or calendars; and other physical, verbal, or visual conduct of a sexual nature.

City policy specifically prohibits any employee from engaging in the sexual harassment of another employee, customer, vendor, or citizen. Likewise, the City will not tolerate any customer, vendor, or citizen engaging in the sexual harassment of a City employee. However, conduct or action arising out of a personal or social relationship that is not intended to have a discriminatory employment effect may or may not be viewed as harassment depending on specific circumstances. The City of Athens shall determine whether such conduct constitutes sexual harassment based on a review of the facts and circumstances of each situation.

#### **2.3.4 HARASSMENT BASED ON RACE OR OTHER PROTECTED CHARACTERISTIC**

Harassment on the basis of race or any other protected characteristic is illegal under federal and state laws and is strictly prohibited by City policy. Under this policy, harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, age, national origin, disability or any other characteristic protected by law or that of his/her relatives, friends, or associates, and that:

- has the purpose or effect of creating an intimidating, hostile, or offensive work environment; and/or
- has the purpose or effect of unreasonably interfering with an individual's work performance; and/or
- otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets; slurs; negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and display or circulation in the workplace of written or graphic material or e-mail that denigrates or shows hostility or aversion toward an individual or group.

#### **2.3.5 COMPLAINT PROCEDURE**

The City strongly urges the reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Employees are encouraged to take specific action if discrimination or harassment occurs. Where appropriate, the employee should express his/her discomfort directly to the offender. The employee should promptly file a written complaint with his/her immediate supervisor. If the immediate supervisor is the alleged offender,

the employee should submit a written complaint to the supervisor's superior. Complaints regarding a department head or manager should be reported to the Mayor.

Any member of supervision or management who receives a written or verbal complaint of discrimination or harassment is required to submit the complaint immediately to the Human Resources Director who serves as the City's EEO Compliance Officer. The Director of Human Resources shall conduct a formal investigation and shall engage the assistance of other Department Heads unrelated to the complaint to participate in the investigation. Complaints of discrimination and harassment shall be investigated thoroughly. Among those interviewed shall be the alleged victim, the alleged offender, the employee's supervisor, the Department Head and any other employees with knowledge of the behavior. Both the complaint and the investigative steps and findings will be documented as thoroughly as possible. All such inquiries or complaints will be treated as confidential to the extent permissible by law. The name of the complainant and the circumstances of the complaint will not be disclosed to any person except where disclosure is necessary for the purpose of investigation, review with the Personnel Board, disciplinary action related to the complaint, or reporting required by Federal or State regulations.

### **2.3.6 NON-RETALIATION**

No employee will be subject to any form of retaliation or discipline for pursuing a discrimination or harassment complaint or for participating in an internal investigation conducted by the Human Resources Director/EEO Officer. However, an individual who knowingly makes a false claim of discrimination or harassment or provides false statements as part of an investigation will be subject to appropriate disciplinary action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of policy, and will be subject to disciplinary action.

Any employee who is dissatisfied with the resolution of a discrimination or harassment complaint may file an appeal with the City of Athens Personnel Board in accordance with the City's grievance procedure.

### **2.3.7 CONSEQUENCES OF POLICY VIOLATION**

Compliance with this policy and with any related investigation is a condition of employment. Any form of discrimination and/or harassment will not be tolerated. Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Corrective actions may include but are not limited to: training, referral to counseling, written reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or dismissal from employment, depending on the individual circumstances and nature of the conduct.

If the disciplinary action is determined to be less than termination, the offender shall sign a written statement that the inappropriate behavior will stop immediately.

## **2.4 AMERICANS WITH DISABILITIES ACT POLICY**

**Initial Issue: 6/23/03 Effective Date: 6/23/03**

#### **2.4.1 GENERAL PROVISIONS**

The City of Athens is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA). An individual with a disability under the ADA is a person who has a physical or a mental impairment that substantially limits one or more major life activities such as caring for oneself, walking, seeing, hearing, speaking, or working.

The City shall not discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of the individual's disability or perceived disability as long as the employee can perform the essential functions of the job with or without accommodation.

The City will provide reasonable accommodations to a qualified individual with a disability, as defined by ADA, who has made the City aware of his or her disability, provided that such accommodation is feasible and does not constitute an undue hardship on the City. However, in all instances of hiring and retention, the City is not required to hire or retain an individual whose presence in the workplace poses a substantial risk of harm unless a reasonable accommodation can eliminate the threat to health and safety. Such a determination shall be based on an individualized assessment of the situation. In addition, the ADA does not require the City to make the best possible accommodation, or to reallocate essential job functions, or to provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

The City of Athens encourages individuals with disabilities to make the City aware of the disability and to request a reasonable accommodation. Any employee with a disability who believes that he/she needs a reasonable accommodation to perform the essential functions of his/her position should contact the Director of Human Resources.

#### **2.4.2 PROCEDURE FOR REQUESTING AN ACCOMMODATION**

Upon receiving a request for a reasonable accommodation, the Human Resources Director and the Department Head will meet with the employee to discuss and identify the precise limitations resulting from the disability and the potential accommodations. The City will determine the feasibility of the requested accommodation considering various factors, including but not limited to:

- the nature and cost of the accommodation
- the availability of tax credits and deductions
- outside funding
- the City's total financial resources
- the impact on the operation of the City
- the impact on the ability of other employees to perform their job duties
- the impact on the City's ability to conduct business.

The City will inform the employee of its decision regarding the request for accommodation and the reasons for its decision. If the request is denied, the employee may appeal the decision to the Personnel Board.

An employee or job applicant who has questions regarding this policy or believes he or she has been discriminated against related to a disability should notify the Director of Human Resources. All such inquiries or complaints shall be investigated thoroughly in accordance with established procedures and treated as confidential to the extent permissible by law.

## 2.5 ANTI-NEPOTISM POLICY

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

Members of an employee's immediate family shall be considered for employment based solely on their qualifications for vacant positions. However, the City shall not employ an individual if the individual would be subject to administrative or supervisory control by a member of the individual's immediate family. The City's anti-nepotism policy also applies to assigning, transferring, or promoting an employee.

For the purpose of this policy, immediate family shall be interpreted to include spouse, child, siblings, parents or guardian, parents-in-law, step-parents, sister-in-law, brother-in-law, stepchildren, daughter-in-law, son-in-law, grandparents, grandchildren, aunts, uncles, nieces, and nephews.

Individuals employed before adoption of this specific policy and procedures shall be exempt from these provisions only as they relate to their current position.

Consenting romantic relationships between a supervisor/manager and a subordinate may lead to unhappy complications and significant difficulties for all concerned. Any such relationship is contrary to the best interests of the City; therefore, the City strongly discourages such relationships. If a romantic relationship between a supervisor and a subordinate should develop, it shall be the responsibility and mandatory obligation of the supervisor/manager to disclose the existence of the relationship to his/her Department Head and the Mayor.

Employees who become family members or establish a romantic relationship may continue employment as long as there is no supervisory relationship or a conflict of interest. Likewise, employees who become family members or establish a romantic relationship shall not interfere with the job performance of the other employee, disrupt operations, or attempt to interfere with the supervisor's direction of the employee.

If employees become immediate family members or establish a romantic relationship and there is a conflict of interest or the potential for adverse impact on the City, the City will make reasonable efforts to transfer one of the employees. If transfer is not feasible, the employees shall select which one shall resign. If the employees cannot make a decision, the City in its sole discretion shall decide which employee will be retained.

### 3.0 EMPLOYMENT POLICIES AND PROCEDURES

#### 3.1 RESTRUCTURING OF DEPARTMENTS AND ADDITIONS TO STAFFING LEVELS

<b>Initial Issue: 9/8/08</b>	<b>Effective date: 9/8/08</b>
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All requests for a restructuring of any city department in terms of operations and adding staff must be submitted to the Council only once per year, immediately prior to the annual budget review period. Projected salaries and benefits for new positions shall be submitted in the department's proposed budget. Any exceptions to the annual submission will have to be at the Council's and Mayor's discretion and will require extensive justification from the Department Head. This specific policy as outlined herein applies only to increasing or decreasing staffing levels, the creation of a brand new position/job class, and/or dramatically altering a specific position relative to the needs of the new organizational structure. The policy in this section does not apply to a general request for a job classification review of some or all positions within a department.

In addition to including all staffing requests for the new fiscal year in the budget, the Department Head shall submit such change requests to the Human Resources Director eight weeks prior to the budget review period. This requirement shall enable Human Resources to revise departmental organizational charts with proposed staffing levels, prepare new job descriptions for all new positions as needed, and verify grade levels prior to the start of the new budget year and submit to Council.

#### 3.2 EMPLOYMENT STATUS CATEGORIES

<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 5/8/86</b>	<b>Effective Date: 5/8/86</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

Every position within the City shall be designated by the City Council in accordance with the following classes:

**“Exempted Status”** – elected officials to whom established personnel policies and procedures shall in no way apply except as they govern their actions with city employees.

**“Unclassified employee”** – an employee who serves at the pleasure of the elected officials for whom her/she works. Unclassified positions shall be designated by the City Council in coordination with the Mayor. Unclassified positions shall be kept to the minimum number absolutely essential. Positions eligible for designation as unclassified include Department Heads and a limited number of other positions considered to be in the best interest of the City. Such designations shall not be for the purposes of decreasing the salaries of such employees or for the purpose of



evading the normal channels of discipline, demotion, transfer, or discharge. Established personnel policies and procedures shall apply to these employees. Unclassified employees may be considered for classified positions if a vacancy exists and they are qualified.

**“Classified Employee”** - an employee who has successfully completed the probationary period in a position that has been approved and designated classified by the City Council, and who has been designated by the Mayor as a classified employee.

**“Probationary employee”** – an employee who has not completed the initial employment period in a classified position and who has not been designated as a classified employee by the Mayor.

**“Full-time employee”** – an employee who regularly works a full workweek as defined by the Athens City Council. Full-time employees may occupy either a classified or an unclassified position.

**“Part-time employee”** – an employee who holds a position designated as part-time and who works a work week that usually does not exceed 20 hours per week.

**“Provisional appointment”** – a non-competitive appointment authorized by the City Council for a period usually not to exceed 179 days when due to unforeseen circumstances no appropriate eligible candidate is immediately available or to fill the temporary absence of an employee. The person appointed must meet the minimum qualifications required for the job.

**“Temporary Employee”** – A position approved by the City Council for a period usually not to exceed 179 days. A temporary employee is hired for seasonal work, a specific project, or for a brief period of time. A temporary employee in a non-exempt position is paid by the hour while a temporary employee in an exempt position is paid according to the terms of hire for that individual. Temporary employees do not receive any additional compensation or benefits beyond the hourly rate of pay.

### 3.3 QUALIFICATIONS FOR EMPLOYMENT

**Initial Issue: 1999**

**Revision: 6/23/03**

**Effective Date: 6/23/03**

The minimum educational requirement for classified and unclassified employment with the City is a High School diploma or GED. Whenever degrees and/or certifications are required for positions, such requirements will be stated on the job description for the position and on posted job vacancies.

A current employee without a high school diploma or GED will be “grandfathered” and considered to meet the High School Diploma/GED requirement for his/her current position based on job-related

experience. Whenever feasible, the City will offer an after-hours in-house GED training program to enable current employees to pursue a GED.

### 3.4 REQUISITION PROCEDURE

<b>Revision: 11/84</b>	<b>Effective date 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

When a department head establishes the need to fill either a new position or an existing position, he/she will complete a personnel request form and submit it to the Director of Human Resources.

All personnel requests should be submitted as soon as the need is anticipated, but normally at least four weeks in advance of hire to provide time to recruit and screen qualified applicants.

If the position has budget approval, Human Resources will advertise the vacancy and refer the best-qualified candidates to the Department Head. If the position does not have budget approval, the Director of Human Resources, in coordination with the Department Head will prepare a job description and determine the proper classification and pay range for the position. If there is a question concerning the proper classification, a desk audit may be performed to determine the proper classification. The Department Head will submit the request to the City Council for budget, classification, and job description approval. Upon Council approval, the Director of Human Resources will advertise to fill the position according to policy. The Director of Human Resources will refer the best-qualified applicants to the department head.

### 3.5 INTERNAL JOB POSTING PROCEDURES

<b>Revision: 11/84</b>	<b>Effective date 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

Human Resources shall be responsible for preparing vacancy notices. All classified vacancies above the entry level shall be announced by posting vacancy notices on Human Resources and department bulletin boards and other areas exposed to the employees. All classified vacancy notices shall be posted for at least five (5) working days for receipt of applications by Human Resources. To receive consideration, an employee must submit a completed application to Human Resources by the deadline for internal applications listed on the vacancy notice.

New employees who have not yet completed their probationary period may also apply for posted vacancies; however, these applicants will be considered along with external applicants for a posted vacancy.

After the closing date for receipt of applications, the Director of Human Resources shall forward all applications and other relevant information on file concerning the internal applicants to the department head for consideration and review.

### **3.6 RECRUITMENT**

<b>Revision: 6/82</b>	<b>Effective date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

The Director of Human Resources is responsible for publicizing vacancies, developing sources of applicants, and coordinating recruiting activities. Upon receipt of an approved personnel request, the Director of Human Resources will determine which recruitment sources and advertising media are most appropriate.

In cooperation with the department head, Human Resources will prepare the text and layout of recruiting advertisements and place advertisements in the appropriate media. Vacancies which require external recruitment may be advertised by using a variety of sources including but not limited to: classified ads, public service radio or television, employment offices, local trade schools, junior colleges, educational institutions, postings at City Hall and on the City’s web page, the Internet, and other relevant media for the purpose of informing as many qualified candidates as possible.

Advertisements for employment shall include a brief summary of the job, required qualifications, salary range, deadline for applications, contact information, mailing address for submissions, and the statement “An Equal Opportunity Employer.” In addition, the advertisement shall also include a statement that the City of Athens is a drug-free workplace.

### **3.7 APPLICATIONS FOR EMPLOYMENT**

<b>Revision: 6/82</b>	<b>Effective date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

The City will accept applications for employment whenever a specific vacancy has been announced and advertised. Application forms shall be available in the Human Resources Department, on the City web’s site, and other locations designated by the HR Director. Applications may be mailed, faxed, e-mailed or submitted in person to the Department of Human Resources.

No person shall be considered for a position with the City until after the completion of a City of Athens application form. Each applicant has the responsibility for submitting a properly completed application. Resumes will not be accepted in lieu of a properly completed City application, but may be included with the application.

Human Resources will receive, date, and record all completed applications. In addition, Human Resources shall review each application for completeness. All EEO information shall be recorded on a separate form and maintained in separate files as required by Federal EEO regulations. An application, once recorded, shall not be returned to the applicant. Falsification or concealment of information on an application is grounds for rejection for employment and also for dismissal after employment.

### 3.7.1 APPLICATIONS FOR FIREFIGHTER I

**Initial Issue: 11/8/01**

**Revision: 1/28/08      Effective Date: 1/28/08**

**Revision: 6/23/03      Effective Date: 6/23/03**

**Revision: 11/26/12      Effective Date: 1/1/13**

#### 3.7.1.1 General Procedures

This policy for accepting applications for Firefighter 1 positions will be effective January 1, 2013.

Applications for positions of Firefighter I will be taken in 30 day intervals regardless of vacancy status. Each interval shall end on the last day of the month.

In addition to accepting fire applications at monthly intervals, the City reserves the right to advertise for vacancies, to accept additional applications whenever a specific vacancy is advertised, and to conduct testing as needed.

Firefighter I applications must be accompanied by a current CPAT certificate in order to be considered. Applications should also include an Alabama Firefighter 1 certification for career firefighting and EMT-Basic Certification, if available.

Whenever a vacancy occurs for Firefighter I, the applications of all applicants who are certified and those applicants who have passed all required written tests will be reviewed in the order of submission. Candidates will be selected from this pool for interviews.

Applications for Firefighter I will remain active for one year from the initial submission; applicants may reapply for a Firefighter I position after twelve months from the initial submission. Each applicant shall advise Human Resources of any changes in his/her address or phone number, advancements in training and education, and changes in current job status.

#### 3.7.1.2 Qualifications to Apply for Firefighter 1

- Must be at least 18 years of age.
- Must possess a High School diploma or GED recognized and accepted in the State of Alabama.
- Valid Driver's license; good driving record.
- No felony convictions or serious misdemeanor convictions.
- CPAT (Physical Fitness) Certification
- Capable of passing the written Fire College Exam
- Capable of passing a pre-employment medical exam.
- Be of good character and reputation.
- Ability to satisfactorily and safely perform the duties associated with firefighting. (Code of AL 36-32 through 36 132-12; chapter 360 x 1 and as outlined in NFPA 1582.)

- Current valid EMT-B license or ability to obtain.

### **3.7.1.3 Written Exams for Firefighter I**

Written exams for Firefighter I will be given quarterly. Tests will be conducted whenever the testing program is available. Applicants with current Firefighter 1 certification for career firefighting and EMT-Basic certifications will not have to take the written test.

The Fire Department shall notify applicants by mail or telephone concerning testing dates and locations. The applicant shall then contact the Fire Department to confirm testing dates and times.

### **3.7.2 APPLICATIONS FOR POLICE OFFICER 1**

<p><b>Initial Issue: 11/8/01</b> <b>Revision: 1/28/08      Effective Date: 1/28/08</b> <b>Revision: 6/23/03      Effective Date: 6/23/03</b> <b>Revision: 11/26/12      Effective Date: 1/1/13</b></p>
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#### **3.7.2.1 General Procedures**

This policy for accepting applications for Police Officer 1 positions will be effective January 1, 2013.

Applications for the position of Police Officer I will be taken in 30 day intervals regardless of vacancy status. Each interval shall end on the last day of the month.

In addition to accepting police applications at monthly intervals, the City reserves the right to advertise for vacancies, to accept additional applications whenever a specific vacancy is advertised, and to conduct testing as needed.

Whenever a vacancy occurs for Police Officer I, the applications of all applicants including certified candidates who have passed all required written and physical tests will be reviewed in the order of submission. Candidates will be selected from this pool for interviews.

Applications for Police Officer I will remain active for one year from the initial submission; applicants may reapply for a Police Officer 1 position after twelve months from the initial submission. Each applicant shall advise Human Resources of any changes in his/her address or phone number, advancements in training and education, and changes in current job status.

#### **3.7.2.2 Qualifications to Apply for Police Officer 1**

- Must be at least 21 years old or age 21 by the completion of the Police Academy.
- Must be a US Citizen.
- Must hold a valid driver's license and good driving record
- No state or federal felony convictions or pardons for felonies. Misdemeanor convictions shall not automatically disqualify a candidate;

however, misdemeanors will be evaluated in accordance with Rule 650-X-2-05 of the Alabama Peace Officers Standards and Training Commission Administrative Code.

- Must possess a regular or advanced diploma or GED recognized by the State of Alabama Department of Education. If a candidate has an out of state diploma, it must be equivalent to a regular or advanced diploma issued by the State of Alabama. Correspondence or mail order high school diplomas or certificates are not acceptable.
- Ability to pass a pre-employment physical designed for law enforcement; must be able to be certified as in good health and physically fit for the performance of the duties of a law enforcement officer.
- Good moral character and reputation.
- If discharged from the Armed Services, the discharge must be under honorable conditions.

### 3.7.2.3 Written and Physical Exams for Police Officer

Written and physical exams for Police Officer I will be given quarterly. Testing will be conducted whenever the testing program is available. The Police Department shall notify applicants by mail or telephone concerning testing dates and locations. The applicant shall contact the Police Department to confirm testing dates and times.

## 3.8 INTERVIEWS AND SELECTION

**Revision: 6/82**

**Effective Date: 6/82**

**Revision: 11/84**

**Effective Date: 11/84**

**Revision: 6/23/03**

**Effective Date: 6/23/03**

Candidates will be tested, interviewed, or otherwise screened and evaluated by the Human Resources Department. The five (5) best-qualified candidates for each position will be referred to the requesting department for interviews.

Interviews will be scheduled at times mutually satisfactory to the requesting department and the applicant, when possible. The requesting department head or his/her designees will conduct interviews and determine the applicant's suitability for the position. If possible, the applicant may be given an opportunity to observe the department and its operations.

In filling classified vacancies above the entry level, first consideration will be given to qualified City employees. Promotion to a vacant position will be based on:

- quality of past performance
- potential as determined by interview and/or examination procedures
- seniority

The Director of Human Resources, department head, or an appropriate designee shall make appropriate inquiries of former employers and personal references only for those applicants

tentatively designated as acceptable. Inquiries about employment may be made to the applicant's former employers. With the applicant's consent, inquiries may be made to the applicant's current employer.

Selection for each vacancy will be based on the knowledge, skills, and abilities required for the position. Positions will be filled, whenever possible, with the best qualified eligible applicants. If two or more applicants are equally qualified, the Department Head may choose which applicant he/she will select. However, selection will be made without regard to race, sex, age, national origin, creed, religion, or disability.

After a thorough review of all referred candidates, the department head shall decide which applicant to hire and complete an employment selection form provided by Human Resources. The department head shall certify on the employment selection form that his/her selection of the candidate and the rejection of other applicants for the position was made on a non-discriminatory basis. Human Resources shall conduct a thorough background check on the selected candidate and determine if the candidate is acceptable for employment with the City. Once the candidate has been cleared for hire, the employment selection form shall be submitted to the Mayor for his approval and signature. The Department Head shall return all applications and interview notes related to the vacancy promptly to Human Resources.

### **3.9 EMPLOYMENT OFFERS**

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

Neither an employment commitment nor a salary offer shall be extended by anyone on behalf of the City of Athens unless:

- The City Council has included funding in the City budget and,
- The candidate has been cleared for employment by the Director of Human Resources and,
- The employment offer has the Mayor's approval and written authorization.

Upon written approval of the candidate by the Mayor, the Department Head will extend an offer of employment contingent on the candidate passing a pre-employment physical examination and drug screen. The physical exam and drug screen shall be provided at the City's expense and will be scheduled and coordinated by Human Resources. The physical and drug screen will be conducted by the City's physician of record and recorded on forms provided by Human Resources.

Human Resources will insure that the required payroll forms are completed and will coordinate a new hire orientation and start date with the department head.

### **3.10 PROMOTIONS**

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 5/8/86</b>	<b>Effective Date: 5/8/86</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>
<b>Revision: 7/11/05</b>	<b>Effective Date: 7/11/05</b>

### **3.10.1 GENERAL PROVISIONS**

The City's intent is to remain cognizant of the need to fill each vacancy with the candidate who possesses the greatest potential for success. Whenever feasible, practical, and in the best interest of the City, the City will fill vacant classified positions by the promotion or transfer of a current regular status city employee who meets the required qualifications and who has demonstrated the potential for success before recruiting from outside sources.

A promotion is defined as the assignment of an employee to a more responsible position with a salary greater than his/her current salary range. A promotion shall involve a definite increase in duties and responsibilities and shall not be made for the purpose of providing an increase in compensation.

Promotional consideration shall be given to all interested, eligible employees. Promotion shall be based upon the employee's performance, merit, efficiency, qualifications, capabilities, and physical condition, if physical condition is a bona fide occupational qualification as reflected in the approved job description. The department head shall insure that each person selected for promotion is eligible and qualified.

Nothing contained in this policy shall limit a department head from considering applicants from outside the city's service who have been referred as provided in the employment procedure.

### **3.10.2 PROBATIONARY PERIOD FOLLOWING PROMOTION**

An employee who receives a promotion shall serve another probationary period in the new position. The probationary period will generally be for a six (6) month period from the effective date of the promotion, but may be extended for training purposes. If the employee's performance during the probationary period is not acceptable, he/she may be reassigned to his/her previous position if the position is available.

### **3.10.3 PROMOTIONAL SALARY INCREASES**

All promotions shall involve an increase in salary. The amount of increase will be determined based on several factors including but not limited to:

- The relationship of the old salary range to the new salary range as reflected in the pay plan.
- The scope of the increase in responsibility and/or technical difficulty. (The greater the increase in responsibility, the greater the promotional increase should be.)
- The relationship of salaries earned by other employees in the same or similar positions with comparable experience.



A Department Head may approve a one-step raise on promotion (minimum 5%, maximum 8 1/2 %) provided the employee is not making below the minimum for the new job class. An employee receiving below the new minimum is automatically raised to the minimum of the new job class.

Employees can be granted an annual increase and a promotional increase on the same day, but cannot be granted a probationary increase and a promotional increase on the same day.

The procedure for a Department Head to affect a promotional increase requires that the new salary rate be recommended by the Department Head, submitted on a payroll status change form to Human Resources, and then submitted to the Mayor for approval. All salary changes require the Mayor's written approval.

### **3.11 TRANSFERS**

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

Any classified employee, who has successfully completed the probationary employment period, may with the consent and approval of the respective department heads, be transferred to a similar position if available in a different department without serving an additional probationary period. Any employee interested in a transfer should contact the Director of Human Resources.

### **3.12 TEMPORARY ASSIGNMENTS**

<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

A temporary assignment is a special assignment created as needed for a period usually not to exceed 179 days for such purposes as training, special projects, or for filling temporary vacancies. If approved by the Mayor, the employee may be given a salary adjustment for the period of the temporary assignment.

### **3.13 DEMOTIONS**

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

An employee may be demoted to a position of lower grade for which he/she is qualified for any of the following reasons:

- His/her position is being abolished and he/she would otherwise be laid off due to a lack of work, a lack of funds, or a departmental reorganization.

- The employee has not demonstrated satisfactory performance in his/her current position.
- The employee voluntarily requests a demotion.

All cases of demotion shall be reviewed with the Director of Human Resources. An involuntary demotion, which results from unsatisfactory performance, requires a due process hearing prior to implementation.

A written notice stating the reason(s) and the effective date of an involuntary demotion will be provided the employee at least two (2) weeks prior to the effective date of the demotion. The notice must be signed by the Department Head, the Director of Human Resources, and the Mayor prior to being issued.

The employee's pay will be established at the level of the classification of the lower position. The employee will retain his/her current step level.

An employee may appeal an involuntary demotion through the grievance procedure.

## 4.0 COMPENSATION

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>
<b>Revision: 9/8/08</b>	<b>Effective Date: 9/8/08</b>

### 4.1 JOB CLASSIFICATION PLAN

To insure “like pay for like jobs, the City will establish and maintain a comprehensive job classification plan based on the type and complexity of the work performed. The classification plan shall list every eligible job within the City’s service.

Every position in the City shall be designated by the City Council as classified, unclassified, part-time, or temporary as appropriate. All unclassified positions shall be established by the City Council and kept to a minimum.

The official job classification plan shall be approved by the City Council and maintained in the office of the Director of Human Resources. No deviations shall be made from the City’s approved job classification plan unless approved in writing by the City Council. When circumstances warrant, the classification plan and/or the classification of a specific position shall be amended by the City Council in accordance with a job class review schedule established by the City Council.

The Director of Human Resources shall notify Department Heads and payroll personnel whenever the official job classification plan has been amended by City Council action. A copy of the

approved job classification plan shall be considered an integral part of the City's Personnel Policies and Procedures.

## **4.2 JOB DESCRIPTIONS**

The City will develop and maintain a written job description for each position listed in the classification plan. The job description shall include the following: job summary; the responsibilities, duties, and essential functions of the position; and the knowledge, skills, and abilities required. Current job descriptions shall be kept on file in Human Resources.

When a new position is created, or a substantial change is made to an existing position, the department head shall furnish to the Director of Human Resources a tentative description of the new or expected duties *and qualifications*. The Director of Human Resources *or his/her representative*, in coordination with the department head, shall prepare a new job description, recommend the proper classification for the position, and obtain the City Council's approval. *All requests for a new position/job class shall be submitted to the Council only once per year immediately prior to the budget review period as outlined in the section 3.1 entitled "Restructuring of Departments and Additions to Staffing Levels.*

## **4.3 REVIEW OF JOB CLASSIFICATIONS**

All current classified and unclassified position descriptions shall be reviewed by Human Resources for accuracy and grade verification every two years in accordance with the schedule below. Human Resources will consult with the Department Head to determine if there have been any changes in job skills or responsibilities for each position since the last job grade review. Updated job descriptions will be prepared as needed. Once the updated job descriptions are complete and accurate, Human Resources will verify the grade level in accordance with FES grading system being used by the City. All recommended grade changes will be submitted to the Council annually, just prior to the annual budget review.

### **Job Classification Review Schedule by Department (Reviewed at two year intervals commencing in 2008 and 2009)**

#### **2008 reviews**

***Water Services – June 1***

***Police – September 1***

***Electric – October 1- November 1***

***Fire Department – December 1***

#### **2009 Reviews**

***Gas - January 1***

***Building Services – February 1***

***Engineering Services/Public Works Administration – March 1***

***Street – April 1***

***Cemetery, Parks, and Recreation – May 1***

***Customer Service – June 1***

***Finance/UT –July 1***

## **4.4 COMPENSATION PLAN**

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

The City will establish and maintain a comprehensive compensation plan for both classified and unclassified employees. The pay of all employees other than those whose pay is established by State Law shall be determined by the City Council. No deviations shall be made from the approved compensation plan unless approved in writing by the City Council.

The compensation plan lists the pay ranges for every job listed in the job classification plan. The pay plan includes a minimum and a maximum rate for each class of positions and such intermediate rates as the City considers necessary or equitable. The compensation plan for classified employees has thirteen (13) pay grades. Each pay grade has eleven (11) steps. The compensation plan for unclassified employees has six (6) pay grades. Each unclassified pay grade has eleven (11) steps.

The Director of Human Resources shall maintain the official master compensation plan for the City of Athens. The Director of Human Resources shall notify Department Heads and payroll personnel whenever the official compensation plan has been amended by City Council action.

## **4.5 SHIFT DIFFERENTIALS**

<b>Initial Issue 5/8/86</b>	<b>Effective Date: 5/8/86</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

In departments where twenty-four (24) hour service is provided by working three (3) eight (8) hour shifts, the 2nd shift shall receive a shift differential of \$.15 an hour and the 3rd shift shall receive a shift differential of \$.20 an hour.

## **4.6 POLICE DEPARTMENT PAY DIFFERENTIALS**

<b>Initial Issue 5/8/86</b>	<b>Effective Date: 5/8/86</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

Police Department personnel shall receive the following pay differentials as appropriate:

- Canine officers will receive twenty-five (\$.25) per hour over regular pay.
- Police Department Intoxilyzer Operators will receive ten cents (\$.10) per hour over regular pay.

## 4.7 FIRE DEPARTMENT PAY DIFFERENTIALS

**Initial Issue 5/8/86**  
**Revision: 6/23/03**

**Effective Date: 5/8/86**  
**Effective Date: 6/23/03**

Classified employees of the Fire Department who work a "fluctuating work period" shall be compensated a fixed salary commensurate with their classification for a fourteen (14) consecutive day work period. Pay for time worked over one hundred six (106) hours each work period will be computed as "half-time" in accordance with provisions of the FLSA.

## 4.8 HOURS OF WORK AND PAY SCHEDULES

**Revision: 6/82**  
**Revision: 11/84**  
**Revision: 5/8/86**  
**Revision: 6/23/03**  
**Revision: 4/22/13**

**Effective Date: 6/82**  
**Effective Date: 11/84**  
**Effective Date: 5/8/86**  
**Effective Date: 6/23/03**  
**Effective Date: 4/22/13**

City offices will be open for business as established by the City Council in coordination with other elected officials. Department heads shall establish the workweek for their employees. In all instances, equal treatment of all employees doing the same kind of work is required. Employees shall be paid weekly, bi-weekly, or monthly as established by the City.

In addition, the department head or supervisor has the discretion to adjust an employee's work hours during a specific work week in order to control overtime costs. For example, if an employee is required to work over two hours after his or her regular shift on a specific day, he or she may be permitted to take two hours off on another day of the same week in order to avoid overtime costs. Such hours must be in the same week and cannot be carried over to a future week.

For most departments, the minimum workweek for full-time employees shall be five (5) days of eight (8) hours per day. Some departments may establish a four-day workweek with 10-hour workdays. In accordance with the Fair Labor Standards Act, the fire department where twenty-four (24) hour service is provided seven (7) days per week, the number of regular hours worked may be up to one hundred six (106) hours in a fourteen (14) consecutive day work period.

## 4.9 OVERTIME PAY AND COMPENSATORY PAY

**Revision: 6/82**  
**Revision: 11/84**  
**Revision: 5/8/86**  
**Revision: 6/23/03**  
**Revision: 4/22/13**

**Effective Date: 6/82**  
**Effective Date: 11/84**  
**Effective Date: 5/8/86**  
**Effective Date: 6/23/03**  
**Effective Date: 6/1/13**

This policy shall be effective June 1, 2013.

All unclassified positions shall be exempt from overtime pay. In addition, certain classified positions are exempt from overtime as defined by the specific job description for these positions. Most classified positions with the City have non-exempt status as defined by the job description, and are therefore eligible for overtime pay.

Non-exempt classified employees who are required to work more than the standard forty (40) hour work week established for their position will be given, at the discretion of their department head, compensatory time or paid overtime in accordance with the provisions of the FLSA. Time and one half pay will be paid for all hours over 40 hours worked in one week. If compensatory time is granted in lieu of paid overtime, the time for non-exempt employees shall be granted at the rate of time and one-half in accordance with the Fair Labor Standards Act. (See section 5.8 for details on compensatory leave.)

Classified employees of the Fire Department who work a "fluctuation work period" shall be compensated a fixed salary commensurate with their classification for a fourteen (14) consecutive day work period. Pay for time worked over one hundred six (106) hours each work period will be computed as overtime in accordance with provisions of the Fair Labor Standards Act.

#### **4.10 TRAVEL AND TRAINING COMPENSATION**

<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 5/8/86</b>	<b>Effective Date: 5/8/86</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

A program of educational training must have budget approval before the employee will be compensated or any monies for training paid on behalf of the employee.

An employee in approved travel status will be paid a mileage allowance established by the City Council for the use of his/her private vehicle.

An employee in approved travel status, which does not require an overnight stay, will be paid for actual allowable expenses for the trip.

An employee in approved overnight travel status will be reimbursed for verified allowable expenses.

Non-exempt employees, if required to participate in special training outside their regular scheduled work hours, will be compensated at 1.5 times their regular rate of pay for the hours of participation above 40 work hours in a week, or given compensatory time at the discretion of the department head. If granted compensatory time, this time must also be provided at the rate of time and one-half. The hours of participation will include travel time but not hours spent in correspondence courses.

## 4.11 PERFORMANCE APPRAISALS

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>
<b>Revision: 3/7/05</b>	<b>Effective Date: 3/7/05</b>

### 4.11.1 GENERAL PROCEDURES

The performance of all regular status employees will be evaluated at least annually. An annual appraisal may or may not be accompanied by a salary increase, depending upon the employee's job performance.

Performance appraisals for regular status non-supervisory employees will be documented on form HRF-100. Performance evaluations for management and supervisory personnel will be documented on form HRF-200.

All unclassified personnel will be evaluated concurrently in September or an alternate month during the year as designated by the Mayor and the Council.

The employee's supervisor and/or Department Head, as appropriate, will review all written evaluations with the employee in a confidential meeting. The supervisor will provide advance notice of the meeting.

### 4.11.2 RATING SCALE

Each regular status employee will receive an overall performance rating. The rating scale for performance appraisals shall consist of the following:

- **Outstanding:** Work performance is consistently superior to standards required for the job.
- **Exceeds Expectations:** Work performance is consistently above the standard of performance for the position.
- **Meets Expectations:** Work performance consistently meets the standards of performance for the position.
- **Improvement Needed:** Work performance does not consistently meet the standards of performance for the position. Serious effort is needed to improve performance.
- **Unacceptable:** Work performance is inadequate and inferior to the standards of performance required for the position. Performance at this level cannot be allowed to continue.

### 4.11.3 INTERIM APPRAISALS

Interim appraisals are for the specific purpose of correcting performance deficiencies. Any classified employee with an overall annual performance rating of “Improvement Needed” must be given an interim appraisal at least at three-month intervals until his/her performance improves to an acceptable level or disciplinary action is taken. In addition, any classified employee may be given an interim appraisal more frequently if the employee’s performance warrants.

#### **4.11.4 CORRECTIVE ACTION PLANS**

Any classified employee who receives an overall rating of “Unacceptable” must be given a detailed written Corrective Action Plan approved by the Mayor with a specific time period for improving job performance along with the standard performance appraisal. Failure to improve job performance to an acceptable level within a reasonable period of time will result in dismissal from employment.

### **4.12 MERIT REVIEW SYSTEM**

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 5/8/86</b>	<b>Effective Date: 5/8/86</b>
<b>Revision: 9/9/02</b>	<b>Effective Date: 9/9/02</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

#### **4.12.1 DEFINITION OF MERIT INCREASE**

Every regular status employee who is paid less than the maximum of the pay range for his/her position will receive consideration for a salary increase at least annually. Annual performance appraisals may or may not be accompanied by a salary increase depending upon an employee’s job performance and overall rating. Salary increases shall be based on merit and only granted when the Department Head certifies that the employee's performance merits recognition, and when the Mayor has approved the salary increase. In general, to be eligible for a merit increase, an employee must receive an overall performance rating of Meets Expectations (ME) or higher on his/her annual performance appraisal.

#### **4.12.2 MONTHLY REVIEW LISTS**

Human Resources shall submit a monthly merit review listing to each Department Head of all employees eligible for an annual salary review during the following month. The listing includes all employees who have not received a salary increase for 12 months prior to the listed date. The types of salary increases that are considered in calculating the annual salary review date are: 1) annual salary increases, 2) probationary salary increases, and 3) promotional salary increases.

#### **4.12.3 APPROVAL SIGNATURES AND PAYROLL CHANGE FORMS**

The Department Head shall take immediate action on merit review lists.

The performance appraisal and a completed pay change form for each employee recommended for a salary increase must be returned to Human Resources as soon as possible. If a salary increase is not recommended, a written explanation must be provided and included with the employee’s appraisal.



Human Resources shall submit all forms and other documentation to the Mayor for review, approval, and signature. Human Resources shall return the appraisal, payroll forms, and other documentation to the Department Head once the Mayor's signature is obtained.

#### **4.12.4 REVIEW OF PERFORMANCE APPRAISAL WITH EMPLOYEE**

A performance appraisal and/or pay increases shall not be shared with any employee unless the Mayor's approval and signature have been obtained.

The Department Head shall insure that the supervisor meets with each employee to review his/her appraisal.

If an increase is not recommended, the Department Head shall certify the following:

- That the reasons for not recommending a salary increase have been shared with the employee.
- That the employee has been counseled concerning the need for improving his/her performance
- That the employee has been counseled concerning the possibility that he/she may be granted an annual increase in a future month when performance reaches an acceptable level.

Generally, an employee who is not approved for an annual merit increase shall not be reconsidered for another year. However, the Department Head may reconsider the employee at any time during the year and request that the employee's name be restored to the salary review list. The Department Head will send a written request to Human Resources to restore the employee's name to the list. The request must include the statement that the conditions which caused the recommendation to be withheld no longer exist. Human Resources, after receiving the recommendation, will add the employee's name to the review list for the following month.

#### **4.12.5 EFFECTIVE DATE OF MERIT INCREASES**

Annual salary increases are effective the first full pay period after the effective date of the performance appraisal.

Employees who have been reinstated to the review list will be granted an annual increase, if approved, the first full pay period after the employee has been reinstated to the list.

If an employee is reinstated to the list, the new date becomes the employee's annual review date for future appraisals.

## **5.0 TIME OFF POLICIES**

## 5.1 HOLIDAYS

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 9/22/86</b>	<b>Effective Date: 10/1/86</b>
<b>Revision: 10/1/96</b>	<b>Effective Date: 10/1/96</b>
<b>Revision: 9/9/02</b>	<b>Effective Date: 9/9/02</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

The following days shall be observed as official paid holidays by the City:

New Year's Day	January 1
Martin Luther King's Birthday	January (Third Monday)
Memorial Day	May (Last Monday)
Independence Day	July 4
Labor Day	September (First Monday)
Veteran's Day	November 11
Thanksgiving Day	November (Fourth Thursday)
Christmas Eve	December 24
Christmas Day	December 25

At the beginning of each fiscal year, the City Council may designate additional holidays that the City will observe. The Council will publicize the additional holidays at that time.

When an official holiday falls on Sunday, the holiday shall be observed on the Monday after the holiday. When an official holiday falls on Saturday, the holiday shall be observed on Friday before the holiday.

City employees are expected to work the scheduled workday immediately preceding and following a holiday in order to be eligible for holiday pay. If an absence is unauthorized or unexplained for these days, the holiday will not be paid.

At the discretion of the Department Head, an employee who is required to work an official holiday shall be given compensatory time off within the next (90) days or paid for the day at his/her overtime rate of pay.

## 5.2 PERSONAL LEAVE

<b>Initial Issue: Unknown</b>	
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>
<b>Revision: 11/25/13</b>	<b>Effective Date: 1/1/14</b>

The City grants 8 hours of paid personal leave per calendar year to each eligible employee. To be eligible, you must be a regular status classified or unclassified employee and have completed one year of employment.

Personal leave days shall be scheduled at the discretion of the department head. Personal leave must be used by the end of the calendar year, and may not be carried over to the next calendar year.

### **5.3 BEREAVEMENT LEAVE**

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>
<b>Revision: 3/13/14</b>	<b>Effective Date: 4/14/14</b>
<b>Revision: 5/7/2015</b>	<b>Effective Date: 5/11/2015</b>

In the unfortunate event of the death of an immediate family member, all full-time employees may request paid bereavement leave up to twenty-four (24) hours, which shall be applied to the next 24 hours of scheduled work.

The qualifying period for bereavement leave shall begin from the date and time of the death. Bereavement leave shall be paid only for regularly scheduled work hours missed and not for any other days such as holidays or scheduled days off. An employee may not receive pay in lieu of taking bereavement leave.

Immediate family members shall include the employee's spouse, son, daughter, mother, father, sister, brother, grandparents, grandchildren, mother-in-law, father-in-law, son-in-law, daughter-in-law, step-mother, step-father, step-children, and/or guardian.

Depending on circumstances, the City reserves the right to require proof of death and the relationship to the deceased

To request bereavement leave, the employee shall notify his/her supervisor of the reason for the absence and of the expected duration of the absence. The Supervisor shall notify Human Resources of the reason for the absence. Upon returning to work, the employee shall record the absence as Bereavement Leave on his/her attendance form.

If additional time is needed, an employee may request to take other types of paid leave.

### **5.4 JURY DUTY LEAVE**

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

A leave of absence for jury duty will be granted to any employee who has been notified to serve on a jury.

Full-time classified and unclassified employees will receive paid leave for the time of actual verifiable jury service. Temporary employees shall receive unpaid time off for jury service. Any regular status employee on jury duty leave is expected to report to work for any day or partial day that he/she is excused from jury duty unless annual leave is approved in advance.

Upon receipt of the notice to serve on a jury, the employee will immediately notify his/her supervisor. A copy of the jury duty notice should be attached to the employee's attendance record for the week. Upon return to work, the employee shall submit a signed Certificate of Jury Service verifying the days or hours served to his supervisor, who shall forward a copy to Human Resources.

## 5.5 VOTING LEAVE

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

All classified and unclassified employees shall be granted leave with pay in order to vote. The length of time granted for voting shall be a reasonable amount of time necessary to vote and is normally granted at the start or the end of a workday.

Temporary and part-time employees shall be granted unpaid leave to vote.

## 5.6 CIVIL AND LEGAL LEAVE

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

Civil and legal leave is paid leave granted to an employee for court attendance as a witness in cases which do not involve the employee's own personal litigation. An employee pursuing his own personal litigation shall be required to take annual leave.

An employee's required attendance in court as a representative of the City in an official capacity shall not be considered as leave. The provisions of any law or departmental rule that requires witness fees to be turned in to the City shall be observed.

## 5.7 MILITARY LEAVE

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>
<b>Revision: 4/12/04</b>	<b>Effective Date: 4/12/04</b>

### **5.7.1 GENERAL PROVISIONS**

The City of Athens shall comply with all aspects of the Uniformed Services Employment and Reemployment Rights Act of 1994, herein after referred to as USERRA. The City shall not discriminate against any employee or job applicant with regard to hiring, retention, promotion or any benefit of employment because of past, present, or future application for or membership in the uniformed services. USERRA applies to both voluntary and involuntary military service.

### **5.7.2 SHORT-TERM MILITARY LEAVE**

A classified or unclassified employee, who is an active member of the Alabama National Guard, naval militia, or the Alabama state guard organized in lieu of the national guard, or of any other reserve component of the armed forces of the United States, shall be entitled to a military leave of absence from their respective duties on all days that they shall be engaged in field or coast defense, or other training, or other service ordered under the provisions of the National Defense Act, or the federal laws governing the United States reserves without loss of pay, service time, seniority, annual leave, sick leave and all other applicable benefits.

#### **5.7.2.1 Compensation while on Short-Term Military Leave**

In accordance with the Code of Alabama 1975 Title 31-2-13, no such person granted such a short-term leave of absence with pay shall be paid for more than 168 working hours per calendar year. However, such persons shall be entitled, in addition to the above, to be paid for no more than 168 working hours at any one time while called by the Governor to duty in the active service of the state.

No employee will be required to use paid annual leave or personal leave for military duty, but has the option of applying paid annual or personal leave if the employee would otherwise be on unpaid leave.

#### **5.7.2.2 Benefits while on Short-Term Military Leave**

All applicable benefits shall continue as if the employee were continuously employed.

### **5.7.3 CALL TO ACTIVE DUTY LEAVE**

A classified or unclassified employee, who serves in an active duty deployment with the Armed Forces of the United States, shall be granted a leave of absence for a period of up to five years in accordance with USERRA.

### **5.7.3.1 Compensation while on Leave**

In recognition of the public service performed by military personnel, the City shall pay the difference between the employee's regular pay for a standard work week and their military service pay per week, exclusive of any subsistence allowance or expense allowance or other paid benefits for up to 12 months while the employee is on active duty leave. However, this provision does not apply to any period of time that the employee shall receive paid annual or personal leave.

Although the City shall provide a pay differential for up to 12 months, the employee shall still be considered to be in an unpaid leave status.

The City's policy of providing a pay differential for military leave shall be applied retroactively to September 11, 2001.

### **5.7.3.2 Benefits while on Active Duty Leave**

No employee shall be required to use paid annual or personal leave for military duty, but employees who do elect to schedule their vacations to coincide with military duty will receive their full regular vacation pay in addition to any pay from the military. However, the employee will be ineligible to receive the pay differential specified in 5.7.3.1 while receiving vacation pay from the City.

Time spent on active military duty will be credited to all employees toward meeting the length of service requirements for annual leave accrual rates. However, employees do not accrue paid annual leave and paid sick leave while in an unpaid leave status. Such benefits are based on actual work performed and not seniority.

The employee shall have the option of continuing his or her medical insurance and dental insurance through the City of Athens while on active duty status. The employee shall be expected to pay the employee's regular monthly portion of the premium in effect at the time of his/her leave.

Time spent on active military duty will be credited to all employees toward meeting the length of service requirements for eligibility for retirement benefits. However, both employer and employee contributions are suspended during military service because the employee is not in a pay status. When the employee returns from military leave, he/she has a finite period of time to purchase the military service, and the City is required to also provide the employer's contributions.

### **5.7.3.4 Re-employment**

In accordance with USERRA, upon release from military service the employee shall be re-employed by the City in the same or comparable position with no change in grade or salary provided that reinstatement is not impossible or unreasonable based on the employer's present circumstances. A reduction in force that would have included the person would be an example of a change in employer's circumstances.

A returning employee shall also receive any cost of living raise implemented during his/her military leave of absence.

To be eligible for re-employment, the employee must meet the following eligibility requirements:

- The employee must make application for reemployment to the City within 14 days following active duty military service of 31 to 180 days.
- The employee must make application for re-employment to the City within 90 days after completion of active duty military service of 181 or more days.
- The employee must be physically and mentally capable of performing the essential functions of the position with or without reasonable accommodation.
- The application deadline for re-employment may be extended for up to two years for persons who are hospitalized or recovering due to a disability incurred or aggravated during military service.

### **5.7.3.5 Seniority upon Return to Work**

Re-employed service members shall be entitled to the seniority and all rights and benefits based on seniority that they would have attained with reasonable certainty had they remained continuously employed. This provision shall also apply to any seniority-based privileges for shift assignments, work assignments, or other working conditions which have been established by any City department.

### **5.7.3.6 Replacements for Military Leaves**

Any individual hired to perform the duties of an employee on military leave shall be hired as a temporary employee and shall sign a letter of understanding that he/she will be subject to lay-off when the employee on leave returns to work.

A temporary employee hired to fill a military leave shall be eligible for city benefits provided that the employment period shall be for 180 days or longer.

## **5.8 COMPENSATORY LEAVE**

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective date: 6/23/03</b>
<b>Revision: 4/22/13</b>	<b>Effective Date: 6/1/13</b>
<b>Revision: 6/6/13</b>	<b>Effective Date: 6/6/13</b>

**5.8.1 Effective Date** - This policy shall be effective June 6, 2013.

### **5.8.2 Compensatory Leave for Non-exempt Employees**

- All time worked beyond forty hours in one week by non-exempt employees is overtime, unless compensatory time in lieu of overtime is granted. If granted, compensatory time for non-exempt employees shall be in accordance with the provisions of the Fair Labor

Standards Act, and provided at the rate of time and one half.

- The Department Head shall have the sole discretion to decide whether or not compensatory time will be offered in his or her department. If the Department Head chooses to offer comp time, then all non-exempt employees within the department may be granted compensatory leave time to compensate for periods of work beyond a normal forty-hour work week. In addition, the Department Head may **not** decide which type of work performed is paid as overtime and which type of work performed is granted as compensatory time.

### **5.8.3 Compensatory Time Maximum**

Compensatory time off, if granted, may be granted up to a **total maximum** at any one time of forty-eight (48) hours, which represents 32 hours of actual overtime worked at the rate of time and one half. Once an employee accrues a maximum of 48 hours of compensatory time any future overtime worked must be paid as overtime and not as compensatory time.

### **5.8.4 Agreement of Understanding**

- An employee cannot be required to accept compensatory time in lieu of being paid overtime.
- The FLSA Act requires that if an employee wishes to receive comp time in lieu of overtime, the employee must sign an agreement of understanding before any overtime is worked.
- Each eligible employee may choose to receive all comp time rather than overtime until the comp time maximum is reached or choose a combination of comp time and overtime, until the 48 hour comp time maximum is reached, provided there is a written agreement of understanding.
- If the employee wants comp time in lieu of overtime, he or she must sign a separate Agreement of Understanding before any overtime is worked, up to the maximum of 48 hours of comp time. The Agreement of Understanding must be submitted with the employee's bi-weekly time sheet. All Agreements of Understanding must be forwarded to payroll with the time sheets.

### **5.8.5 Compensatory Time Tracking**

Each supervisor shall track comp time accruals and comp time taken and insure that both are turned in on the bi-weekly time sheets. The Administrative Assistant shall also monitor all time sheets for accuracy and insure that required Agreements of Understanding for comp time are attached. The payroll clerk for the division shall also monitor comp time accrued and taken and place the comp time balances on pay checks.

### **5.8.6 Use of accrued comp time leave**

An employee will be permitted to use accrued compensatory leave time on the date requested unless doing so would unduly disrupt the operations of the Department or City.



### 5.8.7 Backlog of comp time accrued prior to the effective date of this policy

As of the effective date of this policy, any employee with a backlog of compensatory time in excess of the forty-eight (48) hour maximum will receive a one-time pay out in full on or around June 27, 2013 for all compensatory hours in excess of 48 hours as of the pay period ending June 15, 2013.

### 5.8.8 Compensatory Leave for Exempt Employees

If an employee who is classified as exempt from overtime is granted compensatory leave, the leave **must be provided at straight time**, and not at the rate of time and a half.

## 5.9 ANNUAL LEAVE

### 5.9.1 GENERAL PROVISIONS

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/19/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>
<b>Revision: 6/1/13</b>	<b>Effective Date: 6/1/13</b>
<b>Revision: 6/6/13</b>	<b>Effective date: 6/6/13</b>

All classified, unclassified, and probationary employees shall earn paid annual leave based upon continuous years of service as designated in the Annual Leave Accruals Table included in this policy section.

The annual leave year for the City will be January through December. Annual leave will accrue proportionally for each full month worked and will be credited to the employee at the end of each month of service. New employees will earn a prorated share of annual leave based on their employment date. Annual leave shall not accrue while an employee is in non-pay status.

Annual leave will be taken and charged in units of hours and days. When a paid holiday occurs during an employee's scheduled annual leave, the day will be credited as a holiday and not as an annual leave day.

Requests for annual leave shall be made as far in advance as possible. Leave will be approved at the discretion of the department head taking into consideration the needs of the City, the department, and the employee. Annual leave shall be taken at the convenience of the department.

Except in the most unusual circumstances, annual leave requires advance approval for each absence. Failure to comply with this requirement may result in the absence being treated as an unauthorized absence.

No employee shall be permitted to receive pay in lieu of taking annual leave, except that an

employee who is dismissed from city employment shall receive, at the time of separation, pay for any unused accrued annual leave. An employee who voluntarily terminates employment, may be paid for all unused accrued annual leave at his/her current rate of pay or required to take his/her leave at the discretion of the department head and City Council.

**TABLE 1: ANNUAL LEAVE ACCRUALS**

<b>Years of Service</b>	<b>Employees other than Firefighters</b>	<b>Firefighters</b>
0 but less than 5 years	10 days	5 working shifts *
5 but less than 10 years	12 days	6 working shifts
10 but less than 15 years	15 days	7 working shifts
15 but less than 18 years	18 days	8 working shifts
18 and over	20 days	9 working shifts

\* A working shift for firefighters is defined as one (1) full day or 24 hours.

**5.9.2 ADVANCEMENT OF ANNUAL LEAVE**

In unusual circumstances, a department head may advance up to six (6) days of annual leave with pay to an eligible employee. All advancements of leave shall be reported on the departmental attendance reports submitted to Human Resources.

If an employee receives advanced annual leave and leaves employment, the employee is required to reimburse the city for the advanced leave. The amount owed shall be computed at the employee’s salary rate at the time of the advancement. The amount to be collected will be withheld from the employee’s final compensation. However, if this amount is insufficient, the individual shall be required to reimburse the City. If he/she refuses to do so, the City shall recover the money through legal action.

**5.9.3 ANNUAL LEAVE CARRYOVER**

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective date: 6/23/03</b>
<b>Revision: 4/22/13</b>	<b>Effective Date: 6/1/13</b>

This policy shall be effective June 1, 2013.

Annual leave will be tracked on a calendar year. All regular status employees may accumulate

annual leave and carry it over to the next year up to a total maximum of 264 hours.

As of the effective date of this policy, any employee with a backlog of annual leave in excess of the total 264 hour maximum will receive a one-time pay out in full on or around June 13, 2013 for all annual leave hours in excess of 264 hours as of the payroll period ending June 1, 2013. After the backlogs are eliminated, each employee will be expected to use or lose any future hours accrued beyond the 264 hour cap; such excess leave shall be taken by the completion of the first pay period in January of each year or will be forfeited.

## 5.10 SICK LEAVE

Revision: 6/82	Effective Date: 6/82
Revision: 11/84	Effective date: 11/84
Revision: 3/21/89	Effective date: 3/21/89
Revision: 6/23/03	Effective date: 6/23/03
Revision: 11/12/13	Effective Date: 12/1/13
Revision: 10/13//14	Effective Date: 12/1/14

- **5.10.1 GENERAL PROVISIONS**

**The effective date of Policy 5.10 Sick Leave shall be December 1, 2013.**

- Sick Leave is not a benefit payable on demand, but is provided to insure that any employee who is unable to work due to illness does not feel compelled to do so for financial reasons. Any unjustified or fraudulent claim for sick leave may be punished by loss of pay, the charging of annual leave, and/or disciplinary action up to and including dismissal.

- **5.10.2 ACCRUAL OF SICK LEAVE**

All classified, unclassified, and probationary employees except firefighters shall earn credit for paid sick leave at the rate of one day (8 hours) per full month worked for a total of twelve (12) days or 96 hours per year. Firefighters shall earn credit for paid sick leave at the rate of eleven (11) hours per month for a total of 132 hours per year.

New employees hired for “regular” status positions will earn a prorated share of sick leave based on their employment date.

Earned sick leave will be credited to the employee’s account at the first of each month for the prior month worked.

Sick leave will not be authorized or charged in less than one-half (1/2) hour increments of time.

When a paid holiday occurs during the period an employee is on sick leave with pay, the employee shall receive his /her regular holiday pay and that day shall not be charged against his/her sick leave.

No employee shall take paid sick leave without proper and sufficient sick leave accruals, unless authorized to do so by the Department Head in accordance with 5.10.4 - Advanced Sick Leave. If sick leave credits are inadequate to cover absences for which sick leave is granted, the time lost may be charged to either accrued annual leave, personal leave, and/or compensatory leave. If all types of paid leave (sick, annual, personal, and comp leave) have been exhausted, the employee may submit a request to the Department Head for advancement of sick leave or submit a request to the Sick Leave Bank Committee, if the employee is a member of the bank.

Sick leave days will not be earned while an employee is in non-pay status.

### **5.10.3 REASONS FOR SICK LEAVE**

Sick leave with pay, if accrued, may be granted for the following reason(s).

- When an employee is unable to work due to personal illness or injury incurred off duty.
- When the employee's presence may endanger the health of fellow workers.
- When the employee is part of an enforced quarantine in accordance with community health regulations.
- For appointments with a doctor, dentist, optometrist, or other health care provider.
- Pregnancy will be treated as any other illness.
- The illness or incapacitation of an immediate family member whose illness requires the employee's care. For the purpose of this policy, immediate family shall be defined as the employee's spouse, son, daughter, mother, father, brother, sister, mother-in-law, father-in-law, step-mother, step-father, step-children, and/or guardian.

In order to receive pay for sick leave, an employee must meet the following conditions:

- The employee shall personally notify his/her immediate supervisor of his/her absence within two (2) hours of his/her usual reporting time, or as soon as possible thereafter, of his/her inability to report to work.
- Failure to provide timely and appropriate notification may be cause for denial of sick leave with pay for the absence and may also result in disciplinary action depending on circumstances. Denial of sick leave shall result in the employee being charged with annual leave or placed in some non-pay status at the discretion of the department head.
- For periods of absence in excess of three (3) consecutive workdays, an employee may be required to submit a medical certificate signed by a licensed physician. The medical certificate must include the doctor's certification that the employee has been incapacitated for work for the period of absence, the nature of the employee's sickness or injury, and when he/she will again be physically able to perform his/her duties. A medical certification may

also be required if the employee is absent due to the illness of an immediate family member. In addition, a Department Head has the discretion to require a medical certificate for every absence for which the employee has requested sick leave.

#### **5.10.4 ADVANCED SICK LEAVE**

The Department Head may grant advanced sick leave with pay up to a maximum of six (6) days under the following conditions:

- Serious disability or illness; and
- All accrued leaves (sick, annual, personal, and compensatory) have been used; and
- The absence from work is for six (6) days or more; and
- The request for advanced leave is supported by a doctor's certificate.

Any advance of sick leave must be reported to Human Resources on the Department's attendance report. If an employee receives advanced sick leave and then leaves employment, the employee shall be required to reimburse the City for the advanced leave. The amount owed the City will be computed at the employee's salary rate at the time of the advancement. The amount to be collected will be withheld from the employee's final compensation, but if this amount is insufficient, the individual shall be required to reimburse the City. If he/she refuses to do so, the City may recover the money through legal action.

#### **5.10.5 SICK LEAVE MAXIMUM ACCRUALS**

##### **5.10.5.1 Maximum Accruals**

After the effective date of this policy, all classified and unclassified employees may accrue a total maximum of 1040 hours of sick leave, hereafter referred to as "regular" sick leave.

##### **5.10.5.2 "Grandfathered Excess" Sick Leave**

Sick leave **accrued prior to the effective date of this policy** and which exceeds the 1040 hour maximum, shall be designated as "Grandfathered Excess" leave and placed in a separate "grandfathered excess leave account" for the employee at the employee's hourly rate of pay as of December 1, 2013.

The grandfathered sick leave rosters will be established by December 31, 2013 and maintained and tracked by Human Resources; copies will be given to payroll.

Once sick leave is placed in the grandfathered excess leave account, this leave cannot be used unless all "regular" sick leave has been exhausted. Use of the grandfathered excess leave will require written approval by the Supervisor, Department Head, and Mayor prior to use. A request to use grandfathered excess leave will be submitted on a form provided by Human Resources.

### **5.10.5.3 Accrued Leave beyond the 1040 Hour Maximum**

As of the effective date of this policy, any “regular” sick leave accrued beyond the 1040 hour maximum will be forfeited, and the regular accrual balance readjusted back to the 1040 hour cap by the end of the first pay period in January of each year.

Exception:

The purpose of this exception is to allow firefighters to accumulate up to six months of usable sick leave, while maintaining the 1040 cap for the purpose of converting hours to retirement credit. All rules listed in this handbook, other than the exception, shall apply.

Firefighters working a 24 hour shift shall be allowed to accumulate up to 1458 hours in their regular sick leave account and any “regular” sick leave accrued beyond the 1458 hour maximum will be forfeited, and the regular accrual balance readjusted back to the 1458 hour cap by the end of the first pay period in January of each year. All conversion and payments of this account at retirement shall be in accordance with section 5.10.7.2 of this manual.

Note: Firefighters work 2916 hours per year. 1458 hours is one half of the total hours worked by firefighters on 24 hour shifts. 1040 hours is one half the number of hours a 40 hour employee works in a year.

### **5.10.6 SICK LEAVE UPON SEPARATION FROM EMPLOYMENT**

Upon separation from employment, all accrued sick leave will be forfeited, except as follows:

- **5.10.6.1 Retirement**

Upon retirement, Tier 1 employees may opt to receive pay for 1/8 of all accrued sick leave or convert all sick leave to retirement credit in accordance with Policy Section 5.10.7 below. Tier 1 employees are those employees **hired before January 1, 2013 or those rehired after January 1, 2013**, who have prior service with a State Retirement System agency.

- **5.10.6.2 Death Benefit**

In the event of an employee’s death while employed with the City, following the adoption of this policy, 50% of accrued “regular” sick leave not to exceed 520 hours shall be paid to the employee’s designated beneficiary on file in Human Resources. “Grandfathered excess” leave shall not be included in the death benefit.

- **5.10.6.3 Reinstatement of Sick Leave**

If an employee is separated from employment in good standing, he/she shall, upon written request, receive credit for prior unused accrued sick leave if reinstated to employment within six months of the original separation. Grandfathered leave, if

applicable, will be returned to the grandfathered account and “regular” leave will be returned to the regular accrued leave balance.

## **5.10.7 CONVERSION OF UNUSED SICK LEAVE TO RETIREMENT CREDIT**

### **5.10.7. 1 General**

In accordance with Legislative Act 2012-377, the Retirement Systems of Alabama established two tiers for retirement effective January 1, 2013 as follows:

- **Tier 1 Employees** - Tier 1 applies to employees hired before January 1, 2013 or employees hired after January 1, 2013 who have prior service with a Retirement System agency. Tier 1 employees may continue to convert unused sick leave to retirement credit.
- **Tier 2 Employees** – Tier 2 applies to employees hired after January 1, 2013 who have no prior service with a Retirement System Agency. Tier 2 employees may **not** convert unused sick leave to retirement credit and will not be paid for sick leave upon retiring.

Policy 5.10.7 applies **only to** employees classified as Tier 1 employees and is intended to comply with the official ERS Member Handbook for Tier 1 employees, which can be found on the ERS web site. Should there be a discrepancy between this policy and the ERS Member Handbook; the ERS Member Handbook shall prevail.

### **5.10.7. 2 Sick Leave Conversion for Tier 1 Employees Only**

Tier 1 employees are those employees hired before January 1, 2013 or those employees hired after January 1, 2013 who have prior service with a Retirement System Agency.

**“Grandfathered Excess” Leave and “Regular “ Sick Leave and Sick Leave Conversion** - A retiring Tier 1 employee with “grandfathered excess” leave and/or regular sick leave may opt to be paid for **1/8 of all accrued sick leave** or to convert **all accrued sick leave** to retirement credit, if he/she meets the minimum qualifications for service retirement after conversion. (For the rules on disability retirements with sick leave conversion, refer to the ERS Tier 1 handbook.)

Once sick leave is converted to retirement service, the leave is no longer available for the employee to use. No employee shall receive both service credit and payment for sick leave upon retirement.

### **5.10.7. 3 Summary of Legislative Act 88-904 Provisions concerning Sick Leave Conversion to Retirement**

In accordance with Legislative Act 2012-377, sick leave conversion to retirement credit applies only to Tier 1 employees.

Below is an explanation of the provisions of Act 88-904, which initially established sick leave conversion, and a chart used by the Retirement System to convert unused sick leave to retirement credit:

- The Act allows certain members of the Employees' Retirement System to convert unused sick leave to retirement credit. The Act applies only to employees who, after converting unused sick leave days to service credit, meet the minimum qualifications for service retirement. The minimum qualifications for service retirement are age 60 with at least 10 years of creditable service or 25 years of creditable service, regardless of age.
- A member retiring on disability may convert unused sick leave to retirement credit **only if he/she meets the minimum qualifications for service retirement.** (Refer to ERS Tier 1 Handbook; see section on Sick Leave Conversion.)
- Conversion of unused sick leave may not be used for deferred retirement.
- Members who are entitled to payment at retirement for a portion of unused sick leave may elect to receive retirement credit in lieu of payment of sick leave.
- Members cannot convert unused sick leave to retirement credit in order to meet the 10 year vesting requirement.
- The following chart will be used by the State Retirement System to convert sick leave to retirement service credit. Please note that the chart lists accrued sick leave days (8 hour days) through 730, but quantities greater than 730 days may also be converted to credit.

<u>Accrued Sick Leave Days (8 hour days)</u>	<u>Service Credit (In Months)</u>
0-10	0
11-30	1
31-50	2
51-70	3
71-90	4
91-110	5
111-130	6
131-150	7
151-170	8
171-190	9
191-210	10
211-230	11
231-250	12
251-270	13
271-290	14
291-310	15
311-330	16
331-350	17
351-370	18

<u>Accrued Sick Leave Days (8 hours days)</u>	<u>Service Credit (In Months)</u>
371-390	19
391-410	20
411-430	21
431-450	22
451-470	23
471-490	24
491-510	25
511-530	26
531-550	27
551-570	28
571-590	29
591-610	30
611-630	31
631-650	32
651-670	33
671-690	34
691-710	35
711-730	36



## **5.11 LEAVE UNDER THE FAMILY & MEDICAL LEAVE ACT AND THE NATIONAL DEFENSE AUTHORIZATION ACT**

<b>Revision: 6/23/03</b>	<b>Effective 6/23/03</b>
<b>Revision: 12/8/08</b>	<b>Effective: 12/8/08</b>
<b>Revision: 3/8/11</b>	<b>Effective: 3/8/11</b>
<b>Revision: 3/25/13</b>	<b>Effective: 3/25/13</b>
<b>Revision: 3/24/14</b>	<b>Effective: 4/14/14</b>
<b>Revision: 1/10/2018</b>	<b>Effective: 2/01/2018</b>

### **5.11.1 GENERAL PROVISIONS**

In compliance with the Family Medical Leave Act of 1993, the City of Athens shall grant up to 12 weeks (defined as 480 work hours) of family and medical leave in a 12-month period to eligible employees for qualifying reasons. This leave may be paid, unpaid, or a combination of paid and unpaid leave depending on the circumstances of the leave, and as specified by this policy. (See Section 5.11.9 entitled “Pay Status while on FMLA Leave”.)

An employee may either request family and medical leave or the City may identify an employee’s absence as a family and medical leave absence.

In addition to compliance with the Family Medical Leave Act, the City shall comply with leave requirements as specified under the National Defense Authorization Act signed into law on January 28, 2008 and as amended February 6, 2013. Under NDAA, eligible employees may qualify for up to 26 weeks (1040 hours) of leave in a single 12 month period to care for a military service member or eligible veteran to run concurrent with other types of family medical leave.

This policy is not intended to create any entitlements for employees greater than those required under the Family and Medical Leave Act of 1993 and the National Defense Authorization Act of 2008, as amended on February 6, 2013.

In the event there is a conflict between the City of Athens’ policy and any requirements set forth in the Federal Family and Medical Leave Act regulations or the National Defense Authorization Act, the Federal regulations shall prevail.

### **5.11.2 ELIGIBILITY**

#### **5.11.2.1 Eligibility under the Family Medical Leave Act**

In order to qualify to receive family or medical leave under this policy and the Family Medical Leave Act, the employee must meet all of the following conditions:

- must have worked at least 1,250 hours during the 12 month period immediately preceding the date for the commencement of the leave (time worked must be actual hours worked and shall not include any paid or unpaid leave time.)

- must have been employed for at least a total of 12 months with the City of Athens;
- must provide written medical certification for the leave;
- must provide at least 30 days advance notice if the leave is due to the birth of the employee's child or the placement for adoption or foster care of a child;
- must provide at least 30 days advance notice, if the leave is foreseeable and due to a serious health condition. If the leave is not foreseeable, an employee shall provide as much notice as is reasonable and possible.

#### **5.11.2.2 Eligibility for Leave under the National Defense Authorization Act**

In addition to the above criteria for Family Medical Leave, the employee must be the spouse, son, daughter, parent, or next of kin of a service person, including a member of the National Guard or Reserves, to qualify for additional leave permitted under the National Defense Authorization Act.

#### **5.11.3 TYPE OF LEAVE COVERED**

##### **5.11.3.1 Under the Family Medical Leave Act**

To qualify for family and medical leave under the Family Medical Leave Act, the employee must be requesting the leave for one of the following reasons:

- for incapacity due to pregnancy, prenatal medical care, or child birth
- to care for the employee's child after birth.
- the placement of a child for adoption or foster care with the employee and to care for the child;
- to care for the employee's spouse, parent, or child under age 18 with a serious health condition;
- the serious health condition of the employee that renders the employee unable to perform the employee's job.

##### **5.11.3.2 Leave under the National Defense Authorization Act of 2008 as Amended**

To qualify for leave under the National Defense Authorization Act, the employee must be requesting the leave for one of the following reasons:

- A qualifying emergency (exigency) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status in support of a contingency operation. Exigency leave is limited to 12 weeks (480 hours) in a 12 month period inclusive of any other forms of qualifying family medical leave. Qualifying exigencies may also include attending certain military events, arranging for alternative child care, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- To care for a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty. This type of leave is limited to 26 weeks (1040 hours) of leave in a single 12 month period inclusive of any other type of qualifying family medical leave. A covered service member is: 1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness or 2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

#### **5.11.4 DEFINITION OF SERIOUS ILLNESS**

For purposes of this policy, a serious health condition is defined as:

- an illness requiring in-patient care at a hospital or medical treatment facility or
- a condition which requires continued treatment by a health care provider or
- a period of incapacity or treatment due to a chronic serious health condition or
- a period of incapacity due to illness for more than 3 consecutive days (2 consecutive shifts for firefighters) scheduled work hours.

This policy is not intended to cover minor illnesses or medical procedures, where the treatment and recovery are brief, and generally part of an incidental sickness or absence.

Under the National Defense Authorization Act, a serious illness is defined as either:

- An injury or illness that occurred in the line of duty on active duty that may render the

covered service member medically unfit to perform the duties of his or her office, grade, rank, or rating. Leave can be taken for a covered service member who is on the temporary disability retired list, b) who is undergoing medical treatment, recuperation, or therapy for the serious illness or injury, or c) who is assigned to a military medical treatment facility as an outpatient, or is otherwise receiving outpatient care at a unit established for members of the armed forces.

- A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including the National Guard and Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

### **5.11.5 AMOUNT OF FMLA LEAVE**

The year for FMLA purposes shall mean the 12-month period measured forward from the date an employee's initial FMLA leave begins. Any leave (to include paid, unpaid, or worker's compensation) taken under family and medical leave will be charged against the employee's total FMLA allocation for the 12 month period as defined by the "Leave Year".

An eligible employee may take up to 12 weeks (480 hours) of family and medical leave during any one "Leave Year" except that spouses who both work for the City are limited to a combined total of 12 weeks (480 hours) of leave for the birth of a child, adoption of a child, or placement in foster care of a son or daughter.

An employee may be eligible for a combined total of 26 weeks (1040 hours) of family and medical leave if caring for a service member or eligible veteran as defined under the National Defense Authorization Act.

### **5.11.6 INTERMITTENT LEAVE OR REDUCED WORK SCHEDULE**

An employee may take FMLA leave in 12 consecutive weeks (defined as 480 hours) or use the leave intermittently such as taking time off periodically throughout the "Leave Year", or under certain circumstances use the leave to reduce the work week or work day. In all cases, the leave may not exceed a total of 12 workweeks (defined as 480 work hours) during the "Leave Year".

The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits to better accommodate the intermittent leave or reduced work schedule.

For the birth, adoption, or foster care of a child, the City and the employee must mutually agree to the schedule before the employee can take the leave intermittently or work a reduced hour schedule. If leave is taken for the birth of the employee's child or for adoption or foster care of a child, the leave must conclude within the 12 month period following the birth or placement for adoption or foster care.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach an agreement with the City before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must show that intermittent leave is medically necessary.

### **5.11.7 PROCEDURES FOR TAKING FMLA LEAVE**

Each employee shall complete a Family Medical Leave Request form for any period of absence from work for more than 5 consecutive days (3 consecutive shifts-firefighters) for either the employee's illness or the serious health condition of a family member. If the leave is foreseeable, the employee shall complete a Family Medical Leave Request Form at least 30 days in advance of the leave date. If the leave is unforeseeable, the request form shall be completed as soon as practical.

In addition, if the employee has to miss work periodically, even for one day, due to a chronic serious medical condition of the employee or a family member, the employee shall complete a FMLA form. Such periodic absences shall be charged to the employee's "Leave Year" of FMLA allocation.

If the leave is due to the employee's own serious health condition, the City shall require written medical certification of the serious health condition. If the leave is due to the serious health condition of a child under age 18, parent, or spouse, the employee is required to bring written medical certification that he/she is needed to care for the family member. The employee and the health care provider must complete a medical certification form provided by Human Resources. The City reserves the right to request a second medical opinion if it has reason to doubt the certification. The City will pay for the employee to obtain certification from a second doctor selected by the City.

Employees must provide written medical certification of the need for leave no later than 15 days following the request for certification. Failure to provide written certification upon request may result in the denial of leave. Additionally, the City may request additional medical certifications if the leave is to be extended beyond the original request period.

### **5.11.8 PAY STATUS WHILE ON FAMILY MEDICAL LEAVE**

Family and medical leave may be paid or unpaid depending on whether or not the employee has any accrued paid leave.

An employee is expected to exhaust all types of accrued paid leave including paid compensatory time, sick, annual, and personal leave while being on family medical leave before going in to an "unpaid" status.

Accrued paid leave must be used concurrently with any FMLA period. For example, if an employee wishes to take 480 hours of family/medical leave for a specific qualifying situation, and

the employee has forty hours of accrued paid sick leave and 120 hours of accrued paid annual leave, then all of the paid leave will be applied to and used concurrently with the FMLA period, and the employee will be permitted to take 320 more hours of leave as unpaid.

### **5.11.9 BENEFITS DURING FMLA LEAVE**

While an employee is on leave, the City will continue the employee's health benefits including dental benefits during the leave period at the same level and under the same conditions as if the employee had continued to work, provided the employee pays his/her portion of the monthly premiums. The employer's continuance of health insurance plans during a family or medical leave is required by Federal Law regardless of whether or not the leave is paid or unpaid leave.

An employee may elect to discontinue group medical and dental insurance coverage during the leave period. When the employee returns to work, he or she is entitled to reinstatement to the group medical and dental plans on the same terms as before taking leave without any qualifying period, physical examination, or exclusion of pre-existing conditions.

If an employee chooses to retain his/her group medical and dental insurance coverage during the leave period, the employee must notify Human Resources. If the employee retains coverage, the employee is required to pay the regular active employee portion of the monthly health and dental premiums. The City will continue to make payroll deductions to collect the premiums while the employee is on paid leave. If the employee is on unpaid leave, the employee must continue to make his/her premium payment either in person or by mail. The payment must be received by the Payroll Clerk by the first day of the month. If an employee fails to pay his or her portion of the premiums for medical and/or dental insurance, coverage shall terminate for both the employee and his/her dependents thirty days after the payment is due.

If the employee contributes to a life insurance plan and disability plan, the City will continue making payroll deductions while the employee is on paid leave. If the employee is on unpaid leave, an employee may request continuation of such benefits, and pay his/her portion of the premiums. If the employee fails to pay premiums, the City will discontinue coverage during the leave.

### **5.11.10 RETURNING FROM FMLA LEAVE AND REINSTATEMENT TO EMPLOYMENT**

An individual hired to perform the duties of an employee granted an extended FMLA leave of absence shall be hired as a temporary employee and shall sign a letter of understanding that he/she is subject to lay-off when the employee on FMLA leave returns.

Any employee on leave status shall remain in contact with the City regarding the expected duration of the leave and anticipated date of return to work. At the completion of the leave, the employee will be eligible to return to his or her former position or an equivalent position with the same grade and pay step unless the employee would have been transferred, laid off, or terminated had the employee not taken leave. In addition, the employee's seniority, job status, compensation, and all other rights and privileges of employment will be restored.

If the leave was due to the employee's serious health condition, the City shall require, for safety

reasons, that the employee provide a “Return to Duty” medical certification that he/she can safely perform his /her job duties prior to returning to work. If an employee is unable to return to work following the leave period, the employee shall provide advance notice to his/her supervisor and Human Resources and make a written request for an extension of the leave.

If an employee fails to return to work following the leave period, the employee shall be considered a voluntary quit unless: 1) the failure to return is beyond the employee’s control or due to another verifiable serious health condition, or 2) the employee has made a written request for a leave extension.

If an employee fails to return to work following the leave period, the employee shall be required to reimburse the City for the City’s share of the employee’s health and dental premiums paid during the leave.

Questions concerning Family Medical Leave should be directed to Human Resources.

## **5.12 LEAVE UNDER THE FAMILY & MEDICAL LEAVE ACT AND THE NATIONAL DEFENSE AUTHORIZATION ACT**

<b>Revision: 6/23/03</b>	<b>Effective 6/23/03</b>
<b>Revision: 12/8/08</b>	<b>Effective: 12/8/08</b>
<b>Revision: 3/8/11</b>	<b>Effective: 3/8/11</b>
<b>Revision: 3/25/13</b>	<b>Effective: 3/25/13</b>
<b>Revision: 3/24/14</b>	<b>Effective: 4/14/14</b>
<b>Revision: 1/10/2018</b>	<b>Effective: 2/01/2018</b>

### **5.12.1 GENERAL PROVISIONS**

A leave of absence without pay may be granted beyond the 12 weeks of family medical leave for an additional period not to exceed three months. An unpaid leave of absence beyond family medical leave will not be granted until all other types of paid accrued leave, including compensatory time, have been exhausted. Reasons for such leave include, but are not limited to: short-term sickness, disability, or other reasons of a similar or critical nature. For the purpose of this policy, an authorized leave of absence related to worker’s compensation shall not be considered as an unpaid leave of absence.

To apply for an extended leave of absence without pay beyond Family Medical Leave, the employee must submit a Request for Unpaid Leave form to Human Resources along with medical certification from his or her physician or other recognized authority. If possible this request shall be submitted in advance of the leave. Human Resources shall submit the request to the Department Head and Mayor for consideration. To be approved, the leave must not cause undue hardship on the City and must have the approval of the Department Head and the Mayor. Human Resources shall notify the employee of the City’s final decision.

### **5.12.2 BENEFITS DURING AN UNPAID LEAVE BEYOND FMLA**

If an employee is on leave without pay beyond Family Medical Leave for more than 30 days, the employee is eligible to continue medical and dental insurance under the provisions of COBRA, but shall be required to pay the entire monthly premium plus any administrative fees required.

No other benefits shall accrue to an employee on leave without pay granted beyond the Family Medical Leave period including but not limited to annual leave, sick leave, and retirement service credit.

### **5.12.3 REINSTATEMENT TO EMPLOYMENT**

An individual hired to perform the duties of an employee granted leave without pay shall be hired as a temporary employee and shall sign a letter of understanding that he/she is subject to lay-off if the employee on leave returns.

Any employee on leave status is expected to remain in contact with the City regarding the expected duration of the leave and his/her anticipated date of return to work. When the leave of absence expires, the employee shall be reinstated to the position and pay step held before the leave of absence unless the position has been eliminated due to a reduction in force or reorganization. In addition, the employee's seniority, job status, compensation, and all other rights and privileges of employment will be restored as long as the position has not been eliminated due to a reduction in force or reorganization.

If necessary to insure effective service, the City may require an employee granted leave without pay beyond FMLA to return to work before the expiration of the leave. If an employee fails to return after being required to return, the employee is considered to have resigned and may be separated from employment.

Failure of an employee granted leave without pay to report for duty promptly at the end of the leave will be grounds for dismissal.

### **5.13 INCLEMENT WEATHER**

<b>Initial Issue: 7/17/2015      Effective: 7/17/2015</b>
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In the event of inclement weather or other hazardous conditions, it is the practice of the City of Athens that all facilities shall remain open for business on all scheduled work days.

It is the responsibility of the employee to report to work at their regular assigned schedule. In the event an employee cannot report to work, the employee may be excused if the employee is considered a non-essential employee. The employee shall use earned leave time for the absence; however, if an employee does not have sufficient earned leave, he/she will be charged leave without pay.

When weather or other hazardous conditions are determined to be unsafe and locations are closed or an early departure or late arrival are necessary as determined by the Mayor, the pay status of non-



essential and essential employees shall be compensated in accordance with the following general guidelines: *(Employees shall confirm with supervisors to determine status of essential vs non-essential)*

- There shall be no impact on employees who were on scheduled leave or who were not scheduled to work prior to the closure.
- Part time/temporary employees will be compensated for hours worked only.
- Non-essential full-time employees who are dismissed or excused will be compensated at their regular rate for the time missed, and will not be charged paid leave.
- Essential personnel who are required to work shall be paid at their regular rate of pay for hours worked plus receive straight time at their regular rate of pay for all hours worked due to the adjusted schedule. (Example: early dismissal of 1 hour for non-essential employees results in 1 additional hour of pay at the regular rate for essential personnel that are required to work.)
- Overtime pay will be compensated per our standard overtime guidelines as defined by the policy (4.9).
- The Mayor shall have discretion to modify such general pay practices if circumstances warrant.

Essential employees are defined as the following:

- First responders to include police, fire, and their dispatchers.
- Utility personnel deemed essential per the General Manager of Utilities
- Public Works personnel deemed essential per the Director of Public Works
- Cemetery, Parks, and Recreation personnel deemed essential per the Director of CPR
- Anyone deemed essential per the Mayor.

## 6.0 ON-THE-JOB POLICIES

### 6.1 NEW HIRE ORIENTATION

<b>Revision: 11/84</b>	<b>Effective: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective: 6/23/03</b>

#### 6.1.1 HUMAN RESOURCES ORIENTATION

New employees shall attend a new hire orientation program conducted by Human Resources which shall include all related tax forms, required Federal and State forms, retirement forms, and benefit forms.

Each employee will be given a copy of the following information and shall sign an acknowledgement of receipt form:

- City of Athens Personnel Policies and Procedures

- City of Athens Alcohol and Substance Abuse Policy
- City of Athens Safety Policy Manual
- Medical Protocol

In addition, each employee will receive a copy of his/her job description and literature concerning city benefits.

### **6.1.2 DEPARTMENTAL ORIENTATION**

The supervisor shall introduce the new employee to all employees within the department and explain the interaction of various functions and the importance of each employee’s contributions. The supervisor shall meet with the new employee to discuss work relationships, work habits, safety, and policies that affect the employee and the department. The supervisor shall familiarize the employee with all aspects of the work environment and facility including but not limited to: breakroom, restrooms, equipment, safety policies and procedures, potential safety hazards, time clocks if applicable, and standard operating procedures. The supervisor shall explain the job to be performed and how the new employee will be trained and evaluated during the probationary period.

## **6.2 PROBATIONARY PERIOD**

<b>Revision: 6/82</b>	<b>Effective: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective: 6/23/03</b>
<b>Revision: 1/13/14</b>	<b>Effective: 1/13/14</b>

### **6.2.1 GENERAL PROVISIONS**

Every new employee goes through an initial period of adjustment or acclimation. During this period, the employee will have the opportunity to determine if he or she is suited for the new position, and the supervisor will have the opportunity to evaluate the employee’s performance. The probationary employment period shall be regarded as an integral part of the training and evaluation process and shall be utilized for closely observing an employee’s work, for obtaining the most effective adjustment of the new employee to his/her position, and for separating any new employee whose performance does not meet required performance standards.

In general, every new employee hired for a classified position, except police officers, completes a probationary employment period of 180 days. Police Officers shall complete a one-year probationary period. However, the City reserves the right to terminate an employee at any time during the probationary employment period for any reason if it’s in the best interest of the City. The department head shall provide written notice and justification to the Mayor and the Director of Human Resources of his/her intent to terminate a new hire within the probationary period. Such termination shall require the Mayor’s concurrence and approval before implementation. A written notice of rejection shall be furnished to the terminated employee.

In addition, the City reserves the right to extend the probationary period when necessary. If necessary for required training, the Police Chief may extend the one-year probationary period if necessary for required training. The Fire Chief may extend the initial 180-day probationary period up to an additional 179 days if necessary for required training. If a position requires outside certification, the employee will remain in probationary status until obtaining the certification within the time frames established by the certifying agency. In addition, other department heads may extend the 180-day probationary period if reasonable and appropriate. Lengthy absences during the probationary period are discouraged and shall be granted only in justifiable situations. Excused absences in excess of two weeks will also extend the probationary period by an amount equal to the period of absence.

### **6.2.2 PERFORMANCE EVALUATIONS DURING THE PROBATIONARY PERIOD**

The supervisor shall evaluate the performance of each new employee at least twice during the probationary period, generally at three-month intervals. The first rating shall be conducted no later than the end of the first 90-day period, and the second evaluation shall be conducted before the completion of 179 days of employment. The rating period may be adjusted according to any increase in the probationary employment period.

The supervisor will complete a New Hire Evaluation Form in a format established by the Director of Human Resources. The evaluation form will include required improvements if the employee's performance has not met acceptable standards. The employee shall sign the written evaluation form. The completed evaluation will be forwarded to Human Resources for the employee's personnel file.

### **6.2.3 APPOINTMENT TO THE CLASSIFIED SERVICE AND SALARY INCREASE**

Employees who satisfactorily complete the probationary employment period may be considered for a salary increase to the next step of the pay grade. Along with the employee's final performance evaluation, the Department Head shall recommend whether or not the employee's status should be changed from probationary to classified and whether or not he/she should receive a salary increase.

Appointment to the classified service shall be based upon:

- satisfactory job performance;
- personal conduct compatible with trust inherent in public service;
- necessity for performance of the work; and
- availability of funds.

The employee's status shall not be changed from probationary to classified until the department head certifies that the employee's service has been satisfactory, and the Mayor approves the status change in writing. In addition, the Mayor must approve any increase in salary. All salary increases, if approved, become effective at the beginning of the first pay period after the expiration of the probationary period.

## **6.3 SAFETY POLICY**

<b>Initial Issue: 6/23/03</b> <b>Effective Date: 6/23/03</b>
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### **6.3.1 SAFETY POLICY AND PROCEDURE MANUAL**

The City of Athens is committed to establishing and maintaining a safe working environment for all employees and to comply with applicable safety and occupational health laws. To this end, the City has developed a written Safety Policy and Procedure Manual in collaboration with the City's Safety Committee. The Safety Policy and Procedure Manual, although a separate document, shall be considered as an incorporated part of the City's Personnel Policies and Procedures contained herein. Each employee shall be provided a copy of the City's Safety Policy and Procedure Manual and shall sign an acknowledgement form.

### **6.3.2 MANAGEMENT AND EMPLOYEE RESPONSIBILITY**

The City's objective is ZERO accidents; therefore, the City expects the cooperation of all managers, supervisors, and employees to achieve this goal. If there is a question of priorities, safety comes first.

Our managers and supervisors are responsible for the safe operation of machinery and equipment in their departments and the safe work practices of employees on the job. Each supervisor shall insure that each of his employees is familiar with the City's Safety Policy and Procedure Manual and any departmental standard operating procedures.

Employees shall be trained to work safely and will be expected to work safely at all times. Unsafe working conditions or work practices must be reported immediately to the supervisor. Each employee is responsible for knowing and understanding all general safety regulations and procedures as well as departmental standard operating procedures.

### **6.3.3 ACCIDENTS AND EMERGENCIES**

All employees will be provided first aid and emergency service for any injuries and illnesses that occur while on City property. If an employee is injured in an accident while performing his/ her job duties, the City provides benefits in accordance with the Alabama Worker's Compensation Law.

All city employees are required to report all on-the-job accidents including city vehicle accidents, with or without injury, to their supervisors immediately. The Supervisor will send the employee to a city-authorized physician for medical attention in accordance with the City's written medical protocol. A copy of the City's medical protocol shall be provided to each employee.

Failure to report an accident promptly or to follow established procedures for treatment will be considered a serious policy violation and subject to disciplinary action. In addition, failure to follow procedures for reporting an accident and/or using unauthorized physicians, health care providers, or pharmacies may result in worker's compensation benefits being denied.

## 6.4 ALCOHOL AND SUBSTANCE ABUSE POLICY

<b>Initial Issue: 11/1/01</b>	<b>Effective: 11/01/01</b>
<b>Revision: 1/1/04</b>	<b>Effective: 1/1/04</b>
<b>Revision: 3/12/07</b>	<b>Effective: 3/12/07</b>
<b>Revision: 1/14/08</b>	<b>Effective: 1/14/08</b>

The City of Athens is committed to maintaining a drug-free workplace and has developed a detailed and comprehensive written Alcohol and Substance Abuse Policy, which meets DOT regulations and all other Federal and State guidelines. This policy requires pre-employment testing, random testing, reasonable cause testing, post-accident testing and follow-up testing. The City's Alcohol and Substance Abuse Policy, although a separate policy manual, shall be considered as an incorporated part of the City's Personnel Policies and Procedures contained herein.

Upon being hired, each employee shall receive a copy of the City's Alcohol and Substance Abuse Policy and shall sign a receipt of acknowledgement form. All employees shall receive annual training related to alcohol and substance abuse and the City's Employee Assistance Program.

## 6.5 CONFLICTS OF INTEREST

<b>Revision: 6/82</b>	<b>Effective: 6/82</b>
<b>Revision: 6/23/03</b>	<b>Effective: 6/23/03</b>

The City expects all employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of the City. Business dealings that appear to create a conflict of interest or give the appearance of impropriety are unacceptable.

The purpose of this policy is:

- to identify those activities which are not consistent with high standards of public service and contrary to the best interests of the City of Athens and
- to protect employees and the City from potential conflicts of interest.

All employees in the City's service are subject to these provisions. Activities considered to be a conflict of interest include but are not limited to the following:

- Failure to comply with the Alabama Ethics Law (Code of Alabama 36-25-1 et.) Seq.) regarding filing of annual statements of economic interests and/or engaging in any activity considered a violation of Alabama Ethics law.
- The use of one's position and influence to promote business with any company in which he/she has financial interest.

- The use of one's position to contract, or influence contracting, with businesses for personal gain or to benefit friends, relatives, or associates.
- Investments, which might appear to be speculative in real property or business, in the immediate vicinity of a city project site.
- Ownership exceeding one (1%) percent in a public company holding a contract with the City.
- Involvement in a non-City business activity or employment (moonlighting) which reflects badly on the City.
- Political activities that interfere with an employee's ability to perform his/her duties or violate City, state, and/or federal laws.
- Accepting gifts of value from a customer or vendor or potential customer or vendor beyond nominal gifts such as an inexpensive holiday gift.

If further guidance is needed, the employee and/or the department head should consult with the Director of Human Resources or the Mayor.

## 6.6 OUTSIDE EMPLOYMENT

<b>Revision: 6/82</b>	<b>Effective Date: 6/82</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

Employment with the City of Athens shall be considered an employee's primary job. Upon written authorization by the Department Head and the Mayor, a City employee may engage in outside employment or moonlighting, which is defined as any service rendered for wages or fees, including independent contractual services.

Employees may not engage in outside employment which:

- Creates a conflict of interest or gives the appearance of impropriety.
- May conflict with or limit the City's demands on their availability for regular work or overtime.
- May interfere with proper, efficient, and safe job performance.
- May reflect adversely on the City, or subject the City or any of its departments to public criticism or embarrassment.

All anticipated outside employment including contract work shall be reported by the employee in writing to his/her Department Head prior to initiating such work. Upon receipt of such notification, the Department Head, in conjunction with the Mayor and Human Resources, will determine if such employment may have an adverse impact on the department or the City.

Employees who engage in employment outside of regular working hours shall be subject to being called in to perform work for the City of Athens as first priority. On occasion, the City may require employees to work beyond normally scheduled hours. Employees are expected to perform such work when requested. In cases of conflicts with outside work activities, the employee's obligations to the City take priority. Employees are hired and continue in the City's employ with the understanding that the City is their primary employer and that other employment or commercial involvement that is in conflict with City interests is strictly prohibited.

No employee shall perform outside employment or actively pursue other business efforts, other than his/her regular duties for the City of Athens, during assigned work hours for the City.

No employee shall perform outside employment or actively pursue other business efforts during such period of time that the employee is receiving paid sick leave from the City or worker's compensation benefits.

No employee shall use city property, vehicles, equipment, uniforms, and/or time for outside employment activities. However, police officers may be granted permission to use police vehicles, uniforms, and certain types of equipment to perform outside employment related to security since this activity is considered in the public's best interest.

The Police Department and the Fire Department may also establish additional requirements and procedures which employees must follow for outside employment or contract work.

## **6.7 WORKPLACE VIOLENCE POLICY**

**Initial Issue: 8/12/02**

**Revision: 6/23/03**

**Revision: 9/23/13**

**Effective: 8/12/02**

**Effective Date: 6/23/03**

**Effective Date: 9/23/13**

The City of Athens will make every effort to provide a safe workplace for all employees. To insure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this policy.

### **6.7.1 PROHIBITED CONDUCT**

The City of Athens will not tolerate any type of workplace violence committed by or against its employees. Threats, threatening behavior, or acts of violence against employees, citizens, or visitors by anyone on City of Athens property will not be tolerated.

Employees are prohibited from making threats or engaging in any type of violent activities. The following list of behaviors, while not all-inclusive, provides examples of conduct that is prohibited:

- Fighting.
- Engaging in heated verbal exchanges.
- Causing physical injury to another employee, citizen, or visitor.

- Making threatening remarks to or about a co-worker, citizen, or visitor.
- Threatening a co-worker, citizen, or visitor with any type of weapon.
- Intimidation through direct or veiled verbal or written threats.
- Stalking or harassing another co-worker, citizen, or visitor.
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- Intentionally damaging city property, the property of another employee, or the property of a citizen or visitor.
- Throwing objects in the workplace regardless of the size or type of object being thrown or whether or not a person is the target of the thrown object.
- Engaging in name-calling or obscene language and gestures.
- Committing any acts motivated by or related to sexual harassment, racial harassment, other types of harassment, or domestic violence.
- Engaging in violent altercations or exchanges off the job that impact working relationships or serve to damage the City's reputation.
- Possession of a weapon in a city vehicle, or on city property, or while on city business unless expressly authorized by the City and within the scope of the employee's job duties and responsibilities such as law enforcement officers. The exception to this provision would be as follows: (i) Weapons for which an individual has a valid owner's permit may be kept in the individual's personal private vehicle, but the vehicle must be kept locked when unoccupied on municipal property, and (ii) firearms or ammunition in an employee's privately owned motor vehicle while parked in a parking area where the same complies with the conditions of section 13A-11-90 (b) of the Code of Alabama as amended. Nothing in this section of city policy shall be construed to contradict Alabama Act No. 2013-283 (known as the "Alabama Gun Law") as amended.

### **6.7.2 REPORTING PROCEDURE**

Any employee having knowledge of a violation of this policy shall promptly report such violation to his/her Department Manager. Department Managers will promptly report such violations to the Mayor and Director of Human Resources.

Each employee must notify his/her Department Manager of any threats, which they have witnessed, received, or have been told about that another person has witnessed or received. All personnel are



responsible for reporting any behavior in the workplace that they have witnessed that they consider threatening, violent, or harassing.

All reported incidents will be investigated promptly by the appropriate Department Manager, the Director of Human Resources, and other personnel as assigned by the Mayor. If circumstances warrant or if the incident involves a citizen, the Police Department may also be involved in the investigation. If circumstances warrant, the employee(s) involved may be removed from the premises pending the outcome of an investigation.

To the extent possible and feasible, such reports will be kept confidential. The City will not condone nor accept retaliation against any employee who reports violent acts, behavior, or threats, or who participates in an investigation of a violent act, threats of violence, or potentially violent behavior.

### **6.7.3 IDENTIFYING POTENTIALLY VIOLENT SITUATIONS**

While employees are not expected to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their supervisor or Department Manager if any employee exhibits behavior that could be a sign of potential violence. Such behavior includes but is not limited to:

- Discussing weapons in a manner that a rational and reasonable person would consider to be outside the scope of normal conversation. (In most circumstances, discussion of planned hunting trips, gun shows, etc. would be considered normal conversation.)
- Bringing weapons to the workplace.
- Threatening a co-worker or citizen with a weapon.
- Making threatening remarks whether verbal or written to or about employees and citizens.
- Comments or jokes regarding harm to others.
- Comments or jokes regarding personal harm or suicide.
- Displaying overt signs of extreme stress, resentment, hostility, or anger.
- Extreme overt depression.
- Sudden and significant deterioration of performance or personal hygiene.
- Displaying irrational or inappropriate behavior or extreme changes in personality.

Any employee who is at risk of violence because he/she is subject to harassment, violence, or threats from a non-employee must report the situation immediately to their Department Manager and to the Director of Human Resources. The City and the Police Department will determine what security measures can be taken to prepare for a potential emergency.

All employees who apply for or obtain a temporary or permanent protective or restraining order which lists the City of Athens facilities as being protected areas must provide the following to Human Resources:

- A copy of the petition and declarations used to seek the order.
- A copy of any temporary or permanent protective or restraining order.

#### **6.7.4 COMPLIANCE AND ENFORCEMENT**

All Department Managers and Supervisors are responsible for insuring compliance and enforcement of the City of Athens Workplace Violence Policy.

Violent acts performed by non-employees while in city facilities or on city property will be reported to the Police Department for investigation and follow-up. Such acts must also be reported to the Director of Human Resources.

Following the results of an investigation, the City of Athens will initiate an appropriate response in accordance with the nature and the scope of the offense. This response may include but is not limited to:

- Written reprimand, suspension or termination of employment.
- Re-assignment of job duties.
- Referral to the City of Athens Employee Assistance Program.
- Referral to a medical doctor.
- Suspension and/or termination of any business relationship.
- Criminal prosecution of person or persons involved.
- Banning offenders from city buildings and facilities.

Each employee will be given a copy of this policy annually in conjunction with his/her annual performance review and will be required to sign a statement acknowledging receipt and compliance. New employees will be given a copy during new hire orientation.

Questions concerning any aspect of this policy should be directed to the Director of Human Resources or the Mayor.

### **6.8 CITY VEHICLE AND DRIVING POLICY**

**Revision: 6/82**  
**Revision: 11/84**  
**Revision: 11/21/02**  
**Revision: 6/23/03**

**Effective: 6/82**  
**Effective: 11/84**  
**Effective: 11/21/02**  
**Effective: 6/23/03**

### **6.8.1 GENERAL POLICY STATEMENT**

The primary purpose of city vehicles is to provide effective and efficient services to the citizens of Athens. The City vehicle and driving policy is established to promote this purpose and applies to both General Fund and Athens Utilities vehicles and drivers.

### **6.8.2 AUTHORIZED DRIVERS AND USE OF CITY VEHICLES**

The use of any city vehicle is contingent on the City's financial ability to maintain the necessary equipment and may be revoked, restricted, or modified based on fiscal needs and requirements. The use of a city vehicle is a privilege and should not be considered an employment right or a mandatory fringe benefit.

The use of a city vehicle may be restricted, temporarily suspended, or revoked due to the employee's failure to comply with City or departmental policies, failure to properly maintain the assigned vehicle, or other legitimate business reasons.

Each department shall maintain a current list of all employees who are authorized to drive city vehicles. This list must include the employee's driver's license number and the expiration date. This information shall be subject to periodic review as to status and violations by the Department Head.

City vehicles may be operated only by employees who:

- Are at least 18 years old.
- Have a valid driver's license.
- Are authorized to drive a city vehicle in accordance with their position description and job duties.
- Are authorized to drive by the Department Head.
- Are insured under the City's vehicle insurance.

No employee shall purchase or transport any alcoholic beverage, illegal drug, or controlled substance in a city vehicle unless required to do so in the performance of their job duties.

Mileage logs will be kept by each Department showing the date, time, purpose, and miles traveled by any vehicle used by any employee outside of regular work hours. Garage service records will also be maintained.

The selection of specific vehicles for assignment will be at the discretion of the Department Head. Employees with assigned vehicles will not exchange vehicles without the approval of the Department Head.

City vehicles may be assigned to those employees who have "continuous on-call" status. Employees with "continuous on call status" include the following personnel: Mayor, the Fire Chief, the Police Chief, Utility Department Heads, Public Works Director, CPR Director City Clerk, Director of Animal Control, and other Department Managers designated by the Mayor and the

Council. These assigned vehicles are considered an integral part of the position and responsibilities and should be used accordingly.

City vehicles will not be driven to other cities or locations outside the scope of the employee's normal job duties and work area without the express written approval of the Department Head.

Police Department "take home" vehicles shall be limited to residences within the city limits and are intended for the sole purpose of deterring neighborhood crime.

Employees other than those on "continuous on-call" status may also be permitted to drive city vehicles home overnight if:

- There is a clear business necessity and easily recognizable benefit to the City or,
- The employee has been placed on a specific 24-hour on-call status for emergencies or after-hours duties or,
- The employee will be attending job-related out of town training conferences, meetings, and seminars, and
- The employee has approval from the Department Head.

Regularly assigned city vehicles may be also be used for reasonable stops in transit to and from work or while on 24-hour on-call status. For the purpose of this policy, a reasonable stop is one that does not materially increase the number of miles the vehicle is driven and may include but is not limited to short errands and stops for meals.

Employees may be permitted to drive city vehicles home for lunch breaks if:

- the residence is within a reasonable distance from the job site, and
- such activity does not interfere with job responsibilities and customer response, and
- the privilege is not abused, and
- the employee has the Department Head's written permission.

City vehicles will not be loaned to employees who are experiencing problems with personal transportation to work.

City vehicles shall not be used for activities such as: personal vacations, hunting trips, fishing trips, personal business outside of the employee's daily work area, outside employment activities, or any other activities which could reasonably be expected to cast the employee or the City in an unfavorable light or damage the City's reputation, etc.

City vehicles will not be used to transport family members or citizens other than City employees except in the line and scope of duty and in connection with City business unless:

- The employee is attending job-related out-of-town training conferences, meetings, and seminars or,
- Such persons are official guests of the City or,

- The employee is making a reasonable stop in transit to and from his/her work site and,
- The employee has been assigned to 24-hour on-call status and,
- The employee has specific permission from the Department Head or the Mayor.

### **6.8.3 DRIVER'S LICENSES**

Prospective and current city employees whose duties include the operation of a city vehicle must possess a valid and current Alabama driver license or other appropriate driver's license to include a Commercial Driver's License for the class of vehicle driven.

Department Heads are responsible for insuring that a periodic license check is conducted for each department. Any employee who drives a city vehicle must furnish proof of a driver's license upon request.

Under no circumstances shall a City employee whose driver's license has expired or has been cancelled, suspended, or revoked be allowed to operate a city vehicle or motorized equipment.

Drivers whose regular driver's license or CDL is restricted, suspended, revoked, or cancelled must notify their supervisor and Human Resources immediately upon receiving notice of restriction, suspension, revocation, cancellation, loss of privilege, or disqualification. Any employee whose job requires the operation of a city vehicle may be subject to transfer, demotion, or termination if his/her driver's license is restricted, cancelled, revoked, or suspended or if he/she otherwise becomes unqualified to operate a City vehicle.

An employee who loses his/her driver's license for up to 90 days may be accommodated at the City's discretion depending on specific circumstances, insurability status, Federal or State regulations, and job duties.

If a driver's license is suspended or revoked for any reason for more than 90 days, the employee is subject to immediate termination.

If the loss of license is due to a conviction for driving under the influence (DUI) of alcohol or a controlled substance, the employee will be suspended and will be referred to the Employee Assistance Program for assessment and treatment. The employee may also be subject to termination depending on circumstances, insurability status, regulations, and job duties.

CDL drivers who have been convicted of violating any State or local law related to motor traffic control (other than a parking violation) while driving any type of vehicle, including a personal vehicle, are required to report this conviction to the City of Athens immediately. Notification must be made by completing a Commercial Driver's License Violation form no later than the next business day following a conviction. This form must be submitted to the immediate supervisor and to Human Resources. The City is required to provide DOT with official notice of a conviction within 30 days.

Failure to report the restriction, suspension, cancellation, or revocation of a driver's license or the driving of city vehicles or equipment without a license is grounds for immediate termination.

Records concerning the loss of a driver's license will be retained in the employee's personnel file in Human Resources.

#### **6.8.4 CITY VEHICLE INSURANCE**

Motor vehicle records are obtained from the Department of Public Safety for all drivers prior to hire. Drivers must maintain a good driving record and maintain insurability status under the City's vehicle insurance. Driving records are periodically updated and audited by the City's insurance providers to satisfy requirements for insurability. An employee who becomes uninsurable under the City's vehicle insurance due to DUI's, excessive traffic citations, or other business reasons is subject to termination.

#### **6.8.5 VEHICLE OPERATIONS AND DRIVER SAFETY**

Every operator of a city vehicle is a representative of the City of Athens, and is expected to conduct him or herself accordingly. All drivers will participate in periodic defensive driving courses sponsored by the City. Drivers will drive courteously and safely at all times and practice defensive driving techniques.

All drivers are subject to random drug and alcohol testing. Employees will not drive after having consumed alcohol or drugs including over-the-counter medications or prescription drugs that may impair their ability to operate a motor vehicle. Employees are required to self-identify to their supervisor if they are taking any type of medication that may impact judgement, alter alertness, or in any way affect their ability to drive. (See City of Athens Drug and Alcohol Testing Program Policy and Procedures Manual.)

All drivers must report any medical condition that might impact their ability to drive or to remain alert.

Drivers are required to comply with all traffic, parking, and speed regulations and related ordinances unless specifically exempted by Gas Pipeline Safety Response Regulations or departmental Standard-Operating-Procedures for life-threatening emergencies. In general, all traffic laws should take precedence over expected customer response times in all but extreme emergency situations. The number one priority must be public and driver safety.

Drivers must report all traffic violations that occur during working hours or non-working hours while driving a city vehicle to their supervisor immediately. If a driver receives a traffic citation, the driver is responsible for the payment of any fine assessed.

If provided, seat belts must be worn at all times when driving or riding in a city vehicle.

Headlights must be used during rain, fog, or inclement weather conditions when driving or riding in a city vehicle.

Weapons or firearms are not permitted in any city vehicle except: 1) law enforcement or animal control enforcement vehicles, or 2) in emergency or unusual situations specifically approved by the Mayor.

Smoking is prohibited while operating all city vehicles or motorized equipment.

All distractions while operating a vehicle or motorized equipment must be minimized. Eating while operating a vehicle or piece of motorized equipment is prohibited. Likewise, the use of cell phones is not permitted while driving a city vehicle except for handling emergencies or critical city business. In these instances, the driver should pull off the road whenever feasible to answer a cell phone. Phone and radio conversations should be kept as brief as possible in order to avoid becoming distracted.

While operating a city vehicle, employees will be neatly and appropriately dressed and will maintain a professional image in any contact with the public.

Assigned vehicles will be parked at an employee's home in a location that provides the best visibility and security for the vehicle.

Any assigned driver on leave for more than one week shall leave the assigned vehicle in the department's use or park it at a city facility.

#### **6.8.6 VEHICLE ACCIDENTS**

Any city employee involved in an accident while operating a city vehicle or piece of motorized equipment shall notify his or her supervisor immediately. Any accident/incident involving a city vehicle must be reported whether or not the accident results in injuries to a person or damage to vehicles or property or whether or not the city vehicle was moving or stationary.

Supervisors are responsible for completing a City Vehicle Incident Report and also a City of Athens Police Report depending on the nature of the incident. Both reports must be submitted promptly to the Safety Committee, the City Clerk or Utilities Finance Director as appropriate, and the Human Resources Director.

Any driver involved in a vehicle accident will be required to take a drug and alcohol test immediately if circumstances indicate possible driver fault or error. All vehicle accidents must be reported immediately to the Director of Human Resources, who will determine if a drug and alcohol screen is warranted in accordance with the City's Drug and Alcohol Testing Policy and Procedures.

#### **6.8.7 VEHICLE MAINTENANCE**

All city vehicles shall be identified as city vehicles with an appropriate decal or emblem on the side of the vehicle and a city license plate, with the exception of certain law enforcement vehicles and other vehicles designated by the Mayor.

City vehicles shall receive maintenance service at the designated City Garage or other location determined by the Department Manager. Drivers shall be responsible for insuring that each vehicle is in a safe operating condition before driving. Unsafe conditions must be reported immediately.

The interior of a city vehicle shall be kept clean and orderly, and the exterior shall be kept reasonably clean at all times.

No additional equipment shall be installed or attached to a city vehicle without the approval of the Department Head. Employees shall reimburse the City for the cost of any damages to a vehicle from personal installation of equipment.

## **6.9 ELECTRONIC EQUIPMENT AND COMMUNICATIONS ACCEPTABLE USE POLICY**

**Initial Issue: 3/23/99**

**Effective: 3/23/99**

**Revision: 6/23/03**

**Effective: 6/23/03**

**Revision: 3/11/13**

**Effective: 3/11/13**

### **6.9.1 PURPOSE AND SCOPE**

The City of Athens recognizes that the use of technology has many benefits for the City and its employees. The City's hardware and equipment, software, data transmission facilities, Internet access, email, cell phones, and other communication tools (referred to collectively herein as the "systems") make communications more efficient and effective. Therefore, employees are encouraged to use all communications tools appropriately; however, unacceptable use of the systems and tools, including the Internet, web accounts, cell phones, and email can place the City and others at risk. This policy defines the acceptable use of the City's electronic equipment systems and other City-issued communication devices. This policy applies to all City employees, elected officials, and also to all workers contracted through employment agencies.

The City provides and maintains numerous electronic communication tools including but not limited to: internal and external electronic mail accounts (email), Internet access, Facebook accounts, computer hardware and software including lap tops, desk phones, cell phones, smart phones, blackberries, I pads, and fax machines. As a condition of providing use and access to such tools to its employees and other systems users, the City of Athens places certain restrictions on the use of these communication devices.

### **6.9.2 PRIVACY AND CONFIDENTIALITY**

All electronic equipment and communication tools are the property of the City of Athens. The City's communication systems, as well as the equipment used and data stored, are and will remain the property of the City of Athens. All messages and files created, sent, received or stored within the system should be related to City business and are the property of the City.

All City-supplied technology, including computer systems and City-related work records belong to the City of Athens. All software used by a City employee or a contract worker as defined above in the performance of his/her job must be licensed to the City of Athens. Systems users may not load or use personal software that is not licensed to the City of Athens on any computer owned by the City of Athens unless it is used for business purposes and approved in advance in writing by the Information Technology Director.



Because all contents of the City's IT resources and communications systems are property of the City, employees and other systems users should have no expectation of privacy whatsoever with respect to the City software, email, cell phones, Internet access, data stored on any computer located on City premises, or on a City provided device, or in a City account being used and accessed from any location. Although electronic mail and voice mail may involve the use of passwords for security, confidentiality is not guaranteed. Simply because an employee may have a password does not mean that the employee has any right of privacy on City provided communication tools including but not limited to cell phones, email, Internet access, personal computers or software. This policy applies to all sending and receiving of e-mails on City time, using City equipment, or using City Internet access, regardless of whether the particular email account being used is a City account or a personal account. Employees may not use unauthorized passwords, and all passwords must be known to the City as the system may need to be accessed in the absence of an employee.

The City reserves the right to retrieve and review any message or file composed, sent, or received using any type of City provided electronic communication tool or systems. Even if a message or file is deleted or erased, it is still possible to recreate the message and trace it to the sender. Therefore, privacy of messages is not assured.

Each computer user should understand that, from time to time, the city may use email account services provided by third parties. Each user consents to the provision of such services by a third party, but agrees that at all times, the data that each user sends and receives via this account will be deemed the exclusive property of the City. The user understands that the City has the right to access, monitor, use, or disclose any such data.

Internal and external email messages are considered business records and may be subject to discovery in the event of litigation or investigations. The content of email, voice mail, text messages or computer files must not contain anything that would reasonably be considered offensive or disruptive to employees or citizens.

Do not use the City's communications systems or devices for any matter that you desire to be kept private or confidential from the City.

### **6.9.3 SOCIAL MEDIA**

With the advances in communication technology, internal and external communications are constantly changing. Communication devices and systems create new responsibilities for City employees and other systems users and potential liabilities for the City.

This social media policy applies to employees and other systems users who use or receive information from the following:

- Multi-media and social networking websites including, but not limited to: Facebook, Pinterest, LinkedIn, MySpace, Yahoo! Groups and YouTube
- Blogs; or
- Wikis such as Wikipedia and any other site where text can be posted

The use of social media must not interfere with an employee's responsibilities as a City employee, or reflect badly on the City or serve to damage the City's reputation. Minimal personal use of City systems at work may be acceptable during breaks and lunchtime. However, excessive use of the city computers and communication tools for social media networks, personal blogging, emailing, or for creating other types of online content is not acceptable, and may result in personnel action or impact your Supervisor's evaluation of your performance. Social networking usage may be blocked or limited at the discretion of the Mayor and/or the Department Head.

Any personal, non-business use of office computers, other communications devices or systems, and software must be extremely limited and must not interfere with an employee's job duties and responsibilities.

The City reserves the right to review and approve or disapprove of any and all communications sent or created or received using any of the City's communication tools and to restrict or limit an employee's use of any method of communication. The City may require an employee to revise or remove a post or statement. In addition, violations of this policy may result in disciplinary action, including termination from employment.

#### **6.9.4 SPECIFICS OF ACCEPTABLE USE OF THE INTERNET**

The use of the Internet is restricted to the following purposes:

- To communicate with employees, vendors, civic organizations, or citizens regarding matters within an employee's assigned duties;
- To acquire research or information related to or designed to facilitate the performance of regular assigned duties;
- To facilitate performance of any work related task or project in a manner approved by an employee's supervisor.
- Extremely limited personal use during breaks and lunch periods provided that such use does not interfere with the City's business, the user's obligations to the City, or violate any other City policy. (Social networking usage may be blocked or limited at the discretion of the Mayor and/or discretion of the Department Head.)

This electronic equipment and communications policy expressly prohibits the following activities and uses:

- Transmitting, retrieving, storing, printing, disseminating, displaying, or receiving disparaging, abusive, profane, offensive or harassing statements, jokes, language, cartoons, graphics or photographs that include disparagement of others based on race, physical appearance, national origin, sex, sexual orientation, age, disability, religion, or national origin. If an employee receives such communications from another person, he/she should immediately advise the sender that such messages are not permitted and are not to be sent again.

- Using the City's systems, including the City's city email account, to transmit inappropriate, offensive, demeaning, or defamatory messages or images from any device, including a privately owned computer, phone, tablet, or other privately owned communication device.
- Using a private email account such as Gmail, Yahoo mail, or Hotmail to send an inappropriate email from any City owned device.
- Sending any type of materials that might reflect adversely or negatively on the City of Athens or be contrary to the City's best interests.
- Disseminating, printing, or storing of materials in violation of copyright or trademark laws.
- Sending, receiving, printing, or disseminating proprietary data or confidential information related to the City of Athens' operations or employees without management authorization.
- Downloading or playing online games, including games on social networking sites.
- Operating a personal business, soliciting personal business, soliciting money for personal gain, or searching for jobs outside of the City of Athens employment.
- Engaging in gambling, extortion, or any other illegal activity in violation of local, state, or federal law.
- Using the Internet (including social media) to access pornographic, sexually explicit, or "hate" sites, or any other web site that might violate the law or the City's policies against harassment and discrimination.
- Use of City's electronic communication systems in a way that disrupts its use by others. This includes excessive dial-in usage, sending or receiving many large files, and spamming or sending e-mail messages to thousands of users.
- Sending chain letters.
- Privately tape recording employees or citizens, unless the action is approved in advance by management and the purpose of the activity is within the scope of the employee's job duties such as police investigations.

#### **6.9.5 RIGHT TO MONITOR AND CONSEQUENCES**

Since all City-provided electronic and computer systems, software, e-mail, Internet connections, and cell phones are City-owned, all other City policies are in effect at all times. The Information Technology Department will routinely monitor usage patterns for all types of communications within all City departments.

As a condition of employment, each employee is required to read and sign a copy of the City of Athens' Electronic Equipment and Communications Acceptable Use Policy; a signed copy will be placed in the employee's personnel file. Violations of this policy will be considered serious and

may result in revocation of e-mail services and other systems privileges; disciplinary action up to and including termination of employment; referral to law enforcement agencies; and/or other appropriate action.

### **6.9.6 TERMINATION FROM ACCESS TO SYSTEMS**

When an employee separates from employment with the City for any reason, he/or she is no longer authorized to have access to the City's computer systems, whether from personal cell phones, home computers, or other communication devices. Information Technology personnel will be notified by Human Resources immediately of all personnel terminations or separations of employees with computer access. Access codes and passwords will be changed promptly by IT personnel.

If an employee has questions regarding whether or not an activity is appropriate and complies with this policy, he/she should contact the Human Resources Director.

### **6.9.7 EMPLOYEE ACKNOWLEDGEMENT AND SIGNATURE**

I, the undersigned employee, have read and received a copy of the City's Electronic Equipment and Communications Acceptable Use Policy

---

Employee (Printed Name)

Signature

Date Signed

## **6.10 MEDIA COMMUNICATIONS POLICY**

**Initial Issue: 8/16/99**  
**Revision: 6/23/03**

**Effective: 8/16/99**  
**Effective: 6/23/03**

### **6.10.1 PRESS RELEASES**

All press releases whether for newspaper, TV, radio, or any medium must have prior approval by the Mayor or his designee before submission for publication.

### **6.10.2 MEDIA REQUESTS FOR INFORMATION**

All media requests for information concerning City projects, business, and activities shall be referred to the appropriate Department Head, the Mayor, or the Mayor's designee. Department Heads shall consult with the Mayor before releasing information.

### **6.10.3 GENERAL NOTICES**

Publication of ordinances and resolutions, service related notices, meeting notices, and requests for bid proposals will be the responsibility of Department Heads in coordination with the City Clerk

and the General Manager of Utilities as appropriate. All employment advertising will be the responsibility of the Human Resources Department. All other types of notices not listed above require pre-approval by the appropriate Department Head before submission for publication.

## 6.11 REFERENCE CHECKS

<b>Initial Issue: 6/23/03</b>	<b>Effective: 6/23/03</b>
<b>Revision:</b>	<b>Effective:</b>

All inquiries regarding a current or former City employee shall be referred to the Human Resource Department. Should an employee receive a written request for a reference, he/she should refer the request to the Human Resources Department. Under no circumstances should any City employee release any information about any current or former City employee over the telephone. All telephone inquiries regarding any current or former employee of the City of Athens shall be referred to Human Resources. All inquiries from the State Employment Office concerning an employee separated from employment shall be directed to Human Resources.

In response to an outside request for information regarding a current or former City employee, the Human Resources Department will furnish or verify only an employee's name, dates of employment, job title and department. No other data or information regarding any current or former City employee will be furnished unless the employee authorizes the City to furnish such information in writing and releases the City from any liability related to furnishing this information or the City is required by law to furnish such information.

## 6.12 TAPE RECORDING POLICY

<b>Initial Issue: 6/23/03</b>	<b>Effective: 6/23/03</b>
<b>Revision:</b>	<b>Effective:</b>

No employee shall record any conversations with employees or citizens using a tape recorder or other recording device unless: 1) prior approval is received from the Department Head, Mayor, and the Director of Human Resources and 2) all parties to the conversation have given prior consent. The obvious exception to this policy would be conversations recorded as part of standard Police Department investigations.

## 6.13 SMOKE FREE WORKPLACE AND SMOKELESS TOBACCO POLICY

<b>Initial Issue by Resolution: 6/1/00</b>	<b>Effective: 6/1/00</b>
<b>Revision: 3/19/01</b>	<b>Effective: 3/19/01</b>
<b>Revision: 6/23/03</b>	<b>Effective Date: 6/23/03</b>

The City of Athens is a smoke-free workplace. Smoking and the use of smokeless tobacco (i.e. chewing tobacco, snuff, etc.) are prohibited in all buildings and vehicles belonging to the City of Athens. Smoke-free workplace signs are posted at all building entrances.

Smoking and the use of smokeless tobacco are not permitted outside the front entrance of any city building. Smoking is limited to a reasonable distance (e.g. 20 feet or more) outside of a City building to insure that environmental tobacco smoke does not enter the building through entrances, windows, ventilation systems or any other means. Likewise, the use of smokeless tobacco is permitted at a reasonable distance outside of a city building. Permissible outside smoking areas and tobacco use areas are established by each Department Manager.

Smokeless tobacco residue shall be disposed of properly in trash receptacles containing trash liners. Smokeless tobacco residue shall not be left in cans, bottles, paper cups, etc. in the workplace or in city vehicles. There shall be no spitting of tobacco juice on walls, floors, furniture, parts bins, vehicles, equipment, or on any other property belonging to the City of Athens.

All employees are expected to comply with all aspects of this policy. Violations will be subject to disciplinary action up to and including discharge.

## **6.13 POLITICAL ACTIVITY**

**Revision 6/82**  
**Revision: 6/23/03**

**Effective: 6/82**  
**Effective: 6/23/03**

City employees are encouraged to participate fully and actively in the political process, except as restricted by law. In general, employees are restricted only in their political activities in campaigns for City office and their on-the-job political activities for any candidate for any office. The Director of Human Resources will advise employees who have questions concerning their rights and the applicable restrictions. No employee shall be penalized in any way for participating or not participating in permitted activities.

## **6.14 DRESS AND GROOMING POLICY**

**Initial Issue: 3/19/01**  
**Revision: 6/23/03**

**Effective: 3/19/01**  
**Effective: 6/23/03**

The policy of the City of Athens is to present a conservative, professional, and business image to the citizens we serve. Because every employee may at one time or another come in contact with our citizens, it is important for all employees to be dressed appropriately at work every day, and/or when driving city vehicles.

If provided, city uniforms must be worn at all times during working hours without exception. For jobs not requiring a city uniform, a professional, conservative business image requires that male employees wear slacks or pants, shirts, leather shoes, and socks. Appropriate attire for female employees includes dresses, skirts and blouses, pant suits, slacks, business suits, and dress shoes,

dress sandals, or leather shoes. All clothing, including city uniforms, must be in good condition and not torn, ragged, or extremely faded. Shirttails shall be tucked in and shirts buttoned appropriately.

Blue jeans are permitted for positions such as grounds work, maintenance, recreation, utility construction, or for other positions requiring significant work outdoors or in dirty areas. In general, blue jeans are not acceptable in office positions that provide daily public service, but may be permitted for a limited number of special occasions with the Department Head's and Mayor's written approval.

Printed t-shirts with profanity, offensive slogans, company logos, and company photographs are unacceptable; however, City of Athens logos and/or logos for City-sponsored charity events such as Bean Day are permissible.

Tennis shoes are unacceptable for most positions, but may be permitted for certain outside jobs such as recreation with the department head's approval. Flip-flops, platform shoes, and any other type of shoe that could create a safety risk are unacceptable.

Shorts are unacceptable for most positions, but are permitted for outside jobs such as recreation and meter reading with the department head's approval. Additional unacceptable attire includes: very short skirts and dresses; distracting, revealing, or tight clothing; jogging suits; sweat suits; stretch pants; muscle shirts; and tube, halter, or tank tops.

In addition to proper dress, employees are expected to present a clean, neat, and business-like appearance that includes practicing good personal hygiene and wearing clean clothes daily. Hair styles and jewelry should not be extreme or eccentric and should contribute to a conservative, professional, and business image. Acceptable hair length will be job specific based on safety requirements and job responsibilities and will be established by individual Department Heads. Male employees are expected to have neatly combed hair and to be clean-shaven or to have neatly trimmed mustaches and/or beards. Female employees are expected to have neatly combed hair and reasonable makeup

If warranted for safety reasons or business necessity, individual city departments may implement a more stringent dress code policy than the one contained herein. However, such policies must be non-discriminatory and distributed in writing to all department personnel.

Supervisors and managers are responsible for enforcing the dress and grooming policy for their department and work group. This includes counseling employees who are inappropriately dressed or poorly groomed. If clothing or appearance is inappropriate, unduly distracting, or unsafe the employee may be sent home without pay to change clothes. A reasonable accommodation will be made for an employee's religious beliefs consistent with business necessity to present a conservative, professional and business appearance to the public.

Dress or grooming issues that cannot be resolved at the department level may be referred to Human Resources for assistance. Repeated violations of the City's dress and grooming policy will result in disciplinary action up to and including discharge.

## 6.15 POLICE DEPARTMENT RULES AND PROCEDURES

Revision: 11/84  
Revision: 6/23/03

Effective: 11/84  
Effective: 6/23/03

The Police Department has established a set of Departmental Rules, Regulations, and Operating Procedures consistent with the policies contained herein. The Police Department manual, although a separate document, shall be considered an incorporated part of the City of Athens Personnel Policies and Procedures.

## 6.16 TRAINING

Revision: 11/84  
Revision: 6/23/03

Effective: 11/84  
Effective: 6/23/03

The City will offer all classified and unclassified employees training opportunities to the extent feasible, possible, and compatible with city budgets and resources. The purpose of training shall be to enhance job-related technical knowledge and skills, to prepare employees to assume greater responsibility, and to increase job satisfaction. Questions regarding training opportunities should be directed to the Supervisor or Department Head.

## 6.17 COLLEGE ATTENDANCE DURING WORKING HOURS

Initial Issue: Unknown  
Revision: 6/23/03

Effective: 6/23/03

Attending college classes during work hours requires advance approval from the Department and the Mayor. Employees who wish to attend college classes or technical courses during regular work hours must submit a written request and a detailed class schedule to their Department Head three weeks prior to the start of class. The written request requires the Department Head's and the Mayor's signatures prior to the start of the class or classes. The written request form shall be obtained from Human Resources.

All time spent in college classes or technical programs during regular work hours must be counted as annual leave. The only types of college classes or technical courses that may be considered for attendance during regularly scheduled work hours are as follows:

- Classes that relate directly to the employee's current position with the City and will enhance the employee's job performance.



- Classes that is necessary for the completion of a college degree or a technical training program that relates directly to the employee's present position with the City.

The city reserves the right to deny any request if the employee's absence creates an undue hardship on the department or the City. Whether the request is approved or denied, the request form shall be submitted to Human Resources for inclusion in the employee's personnel file.

## 6.18 DUE PROCESS PROCEDURES

Revision: 6/82  
Revision: 11/84  
Revision: 6/23/03

Effective: 6/82  
Effective: 11/84  
Effective: 6/23/03

The rights of employees shall be protected in all personnel matters and proceedings. These rights shall include:

- right to privacy
- right to face any accuser
- right to respond to accusations
- right to due process.

## 6.19 DISCIPLINARY ACTION POLICY

Revision: 6/82  
Revision: 11/84  
Revision: 6/23/03

Effective: 6/82  
Effective: 11/84  
Effective: 6/23/03

The primary purpose of discipline is:

- to correct performance and behavior;
- to insure fairness and consistency throughout the organization;
- to provide accurate and complete written documentation of poor performance, policy violations, and corrective actions.

Supervisory personnel will strive for high standards of performance in their various departments and will fairly and impartially implement disciplinary measures when necessary. Due process procedures shall be strictly adhered to in all disciplinary procedures. Every effort shall be made to determine why an employee failed to observe proper conduct or violated policy before discipline is issued.

Punishment shall fit the offense. Penalties for repetitive offenses or performance problems should be of increasing severity, leading finally to dismissal. All discipline shall be prompt and decisive. Employees who do not perform satisfactorily, or who cannot meet established standards, or who

violate city policies will be disciplined in a just and expedient manner. Such discipline shall be implemented in a manner that respects both the rights of the individual and the obligation of the City to serve its citizens.

The immediate supervisor and/or the Department Head shall initiate disciplinary actions. If the disciplinary action is severe, final approval shall be vested in department heads and the Mayor after a due process hearing.

For unsatisfactory performance of duties, policy violations, or other just causes an employee, regardless of employment status, may be subject to any of the following disciplinary actions by his/her immediate supervisor and/or department head:

- Oral Reprimand
- Written reprimand
- Suspension with pay not to exceed three (3) working days. This action requires department head action and approval by the Mayor and review by the Director of Human Resources. A suspension with pay shall only be used in the most extreme circumstances such as when an employee must be removed from the workplace immediately. A due process hearing is required but may be conducted after the suspension or during the period of suspension.
- Suspension without pay for a period not to exceed thirty (30) days. This action requires a due process hearing prior to issuing a disciplinary notice. The Director of Human Resources shall conduct the due process hearing. Following the due process hearing, the notice of suspension requires department head action with the Mayor's written concurrence.
- Dismissal from service. A dismissal requires department head action with Mayor's concurrence and signature after a due process hearing. Grounds for dismissal are listed under the section entitled "Rules of Conduct."

For all disciplinary actions, the department head shall insure that the employee is provided written notice of the discipline signed by the department Head. The disciplined employee shall be furnished a copy of the notice, which shall include, but is not limited to the following:

- the reason (s) for the disciplinary action
- policies violated or performance problems
- the type of disciplinary action to be taken
- the date, time, and place of such action.

If the discipline involves a suspension without pay or dismissal, the employee will be given written notice prior to the effective date of the action and provided a due process hearing in accordance with established procedures. Notices for severe actions such as suspension or dismissal will also require the Mayor's concurrence and signature.

All disciplinary actions shall be recorded and filed in the employee's personnel record. One copy shall be forwarded to the Director of Human Resources for inclusion in the employee's personnel file.

## 6.21 RULES OF CONDUCT

Revision: 6/82  
Revision: 11/84  
Revision: 6/23/03

Effective: 6/82  
Effective: 11/84  
Effective: 6/23/03

In order to promote the common good and the welfare of the City of Athens and its employees, the City has established rules of conduct generally accepted in municipal governments, business, and industry. The rules of conduct listed below are not intended to be all-inclusive or comprehensive. Disciplinary actions may be also issued for other types of infractions and will be determined by the circumstances of each situation.

Engaging in the activities listed below shall result in disciplinary action ranging from oral or written warnings to suspension or dismissal depending on the nature of the offense and the circumstances:

- Fighting or committing an assault or any other violation of the City's Workplace Violence Policy.
- Threatening, purposely intimidating, coercing, harassing, or interfering with fellow employees, supervisors, or other management personnel in the performance of their job duties.
- Conviction of a criminal offense or of a misdemeanor involving moral turpitude.
- Disorderly, indecent, immoral, or illegal conduct or conduct unbecoming of a public employee.
- Violations of the City of Athens Workplace Harassment Policy.
- Using abusive or threatening language or conduct toward the public or co-workers or the abusive public criticism of a superior or other City official (s).
- Possession, consumption, or being under the influence of alcohol or illegal drugs while on duty and/or on the City of Athens premises as well as any other violations of the City of Athens Substance Abuse Policy. Any city employee off duty but on an on-call status must also comply with this regulation.
- Insubordinate conduct, refusal or failure to follow lawful orders, direction, or instructions given by a supervisor; failure to follow instructions in a timely manner; and/or failure to perform assigned work activities.
- Unsatisfactory job performance of a deliberate, repeated, or continuous nature. Failure or inability to produce the quality and the quantity of work required.

- Lying or deliberately falsifying any City records or giving false information for inclusion in city records to include but not limited to job applications, absence and leave reports, time reports, accident records, and workers compensation records.
- Making or spreading slanderous or malicious statements concerning any employee, city officials, the City of Athens in general, or any of its departments.
- Gambling on City premises and/or during working hours. For the purpose of this policy, selling chances on prizes for charitable causes and school programs will not be considered gambling; however, this activity should have formal authorization.
- Unauthorized absences or abuse of leave privileges including but not limited to excessive tardiness and/or absences; job abandonment or absence without notification for three or more consecutive workdays; unauthorized absence from the job during working hours or leaving the department or work location without authorization; failing to report an absence within two hours of starting time; failing to return from a leave of absence as scheduled; fraudulent use of sick leave, Family Medical Leave, worker's comp leave, or disability leave benefits.
- Theft of city property.
- Abuse, misuse, destruction, negligence, or unauthorized use of City property, tools, equipment, or the property of other employees.
- Horseplay, littering, loafing, roaming, loitering, or sleeping on the job.
- Violating safety policies and regulations including but not limited to: failure to wear personal protective equipment as required; working in a manner that endangers one's own safety or the safety of co-workers; failure to follow established work procedures; creating or contributing to unsanitary conditions; failing to report any occupational injury or accident promptly.
- Violation of the City's Conflict of Interest Policy or engaging in activities that gives the appearance of impropriety.
- Violation of the City of Athens Vehicle and Driving Policy.
- Solicitation of any type by employees on City property is expressly forbidden unless specifically authorized by the Department Head or Mayor.
- Disclosure of confidential City information or personal employee information without proper authorization.
- Failure to observe parking and traffic regulations on City of Athens property.

- Violation of any duly adopted City of Athens personnel policy or ordinance and/or State/Federal law or regulation governing public employment.

## 6.22 THE PERSONNEL BOARD

Revision: 11/84  
Revision: 6/23/03

Effective: 11/84  
Effective: 6/23/03

The Personnel Board serves as an impartial advisory panel to the City Council and the Human Resources Department. The Personnel Board has five members and is comprised of citizens who are not employed by the City of Athens. Board members are appointed by the City Council in accordance with City of Athens' Ordinance 823, dated July 27, 1981.

The Personnel Board hears grievances at level three and makes recommendations to the City Council relative to the resolution of grievances. The Personnel Board develops and maintains complete and accurate records for all grievances submitted to the Board. In addition, the Board shall periodically review general personnel policies and practices and formulate recommendations to the Council and/or the Human Resources Department.

## 6.23 GRIEVANCE PROCEDURE

Revision: 6/82  
Revision: 11/84  
Revision: 6/23/03

Effective: 6/82  
Effective: 11/84  
Effective: 6/23/03

### 6.23.1 GENERAL PROVISIONS

All employees have the right to discuss any and all matters relating to their employment and/or their personal welfare with their supervisors. They may communicate with their supervisors, either orally or in writing, and may be accompanied by representation of their choice. When disagreement over the solution of a problem cannot be resolved, all employees shall have access to successively higher levels of management. Supervisory personnel will make all reasonable effort to achieve rapid, satisfactory, and productive resolution of problems, complaints, and grievances and shall always assure every employee's right to due process.

A grievance is an employee's written statement that his/her supervisor is improperly or prejudicially applying or failing to apply the personnel rules, regulations, and/or procedures of the City. The grievance procedure permits every employee equal access to those individuals who make management decisions. In addition, the grievance procedure provides a standard process for speedy investigation and resolution of employee complaints. The grievance procedure shall not be used to resolve differences between employees of like rank.

No employee shall be penalized in any way for exercising his/her rights under the grievance procedures. A grievance may be withdrawn at any step without prejudice.

Employees shall have the right to be represented by a person, or persons, of their own choosing at any step in the grievance procedures.

Grievances crossing departmental lines or individual grievances against the City Council shall go directly to Step 2 of the grievance procedure.

Any employee demoted in rank, reduced in compensation, suspended without pay, or dismissed may file an appeal with the Personnel Board within fourteen (14) days after service of the order of demotion, reduction in compensation, suspension, or dismissal without filing a first and second step grievance. The format for the appeal hearing shall follow the same grievance appeal procedures outlined below.

### **6.23.2 FIRST-STEP GRIEVANCES**

Within five (5) calendar days after the employee knows, or should have known, of the alleged violation or misapplication of a City of Athens' personnel rule, regulation, policy, or procedure, the employee shall prepare a written grievance and discuss the grievance with his/her immediate supervisor. The supervisor shall provide the employee with a Step 1 written response to the grievance within five (5) calendar days of the initial meeting.

### **6.23.3 SECOND-STEP GRIEVANCES**

Within five (5) calendar days from receipt of the supervisor's Step 1 written response or non-response to a grievance, the employee shall have the right to appeal the decision to the Supervisor's superior, which in most instances is the department head. If the supervisor is also the department head, then the employee will submit the written grievance to the Department Head's superior manager or to the Mayor as appropriate. The Department Head, General Manager, or Mayor as appropriate shall furnish the employee a Step 2 written response within five (5) calendar days of this meeting.

### **6.23.4 THIRD STEP GRIEVANCES - APPEAL TO THE PERSONNEL BOARD**

Within five (5) calendar days of receipt of the Step 2 written response or non-response, the employee shall have the right to elevate his/her grievance to the Personnel Board. The employee will prepare a written appeal request addressed to the Personnel Board and submit it to the Director of Human Resources. The Director of Human Resources insures that appeals are processed timely and consistently and serves as a resource and secretary to the Personnel Board.

The employee's written grievance appeal request must contain the following information:

- A request to appeal the grievance to the Personnel Board.
- A statement of the specific personnel rules, regulations, policies, or procedures that have been violated or misapplied, with the dates and descriptions of such violations or misapplication.

- The specific remedy being sought.
- The supervisor's 1<sup>st</sup> step written response to the grievance.
- The Department Head or designated Manager's 2<sup>nd</sup> step written response to the grievance.

The Director of Human Resources will submit the employee's written request for appeal and all related documentation to the Personnel Board. The Director of Human Resources will contact the Board to coordinate a date and time for the Personnel Board to hear the employee's appeal. Once the date and time are set, the Director will notify all parties in writing, including the grievant, the supervisor, the Department Head and/or designated Manager, and the Personnel Board. The written notification will include the hearing schedule and the format of the hearing.

Within 30 calendar days of receiving the request to appeal, the Personnel Board shall conduct a hearing.

### **6.23.5 APPEAL HEARING FORMAT**

The format for the appeal hearing allows both parties adequate time to present without interruption and also time for the Personnel Board to ask relevant questions.

During the hearing, the employee will make the first presentation and discuss the grievance. The employee shall be allowed to appear before the Personnel Board with representation of his/her choice if desired. Either the grievant or his/her representative or both may present the grievance. The supervisor and the Department Head will not be present for the grievant's presentation. The Board may ask some additional questions. Once this part of the meeting is complete, the grievant and his/her representative will be dismissed from the meeting.

The Supervisor and/or Department Head will then make their presentation concerning the grievance. The grievant and his/her representative will not be present during the Supervisor's and/or the Department Head's presentation. The Board may ask additional questions. Once this part of the hearing is complete, the Supervisor and/or Department Head will be dismissed from the meeting.

The Board will then meet privately to review and discuss the information that has been presented by all parties. If necessary, the Personnel Board shall request and gather additional documents or request and interview additional witnesses. The Board prepares a written statement of fact and findings and submits a recommendation to the City Council within thirty (30) calendar days of the appeal hearing.

The Human Resources Director shall send the Personnel Board's written recommendations to the City Council, along with all pertinent documents related to the grievance.

Within thirty calendar days of the receipt of the recommendation from the Personnel Board, the City Council shall make the final determination in the case. The decision of the City Council shall be final. The Council notifies the HR Director of either its decision or its concurrence with the Board's recommendations. If the City Council fails to take action on the Personnel Board's

written recommendation within the prescribed time, the recommendation of the Personnel Board shall be final.

The Human Resources Director shall return a copy of the Council's final decision to the grievant, the Supervisor, the Department Head, and the Personnel Board. In addition, a copy shall be maintained on file in Human Resources.

## **6.24 RECORDS**

<b>Revision: 6/82</b>	<b>Effective: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective: 6/23/03</b>

### **6.24.1 ATTENDANCE RECORDS**

The Human Resources Department shall maintain an official attendance record for each classified and unclassified employee. This record shall reflect all absences from work including but not limited to sick leave, annual leave, personal leave, worker's comp leave, Family Medical Leave, other leaves of absence, compensatory leave, administrative leave, bereavement leave, jury duty leave, civil leave, and military leave.

Each department shall maintain a departmental attendance record for each of its employees. Department heads shall complete a weekly attendance report for each employee. The weekly attendance report shall be filed with Human Resources no later than the first work day of the next week in accordance with procedures established by the Director of Human Resources.

The official attendance record maintained by Human Resources shall be balanced with each department's attendance records not less than once a year. An employee may request an appointment to review and inspect his/her official absence file in the presence of the Director of Human Resources.

### **6.24.2 PERSONNEL RECORDS**

Each employee's personnel file is maintained in Human Resources and is considered the employee's official employment record with the City.

Each employee is required to notify Human Resources of any changes in:

- Name and/or marital status
- Address and telephone number
- # of eligible dependents
- W-4 Deductions
- Person to contact in case of emergency
- Beneficiaries

An employee may request an appointment to review and inspect his/her official personnel file in Human Resources.



### **6.24.3 PAYROLL RECORDS**

A properly completed time card is required for all classified, unclassified, and temporary employees and must be submitted to payroll every two weeks. The Department Head shall certify that all work hours submitted for payment including overtime hours are correct. To update or change tax deductions for payroll purposes, the employee may obtain a tax change form from Human Resources at any time.

## **7.0 BENEFITS**

**Revision: 6/82**  
**Revision: 11/84**  
**Revision: 6/23/03**

**Effective: 6/82**  
**Effective: 11/84**  
**Effective: 6/23/03**

### **7.1 DISCLAIMER**

The City has established a variety of employee benefit programs designed to assist the employee and his/her eligible dependants with meeting the financial burdens that can result from illness and disability and to help with planning for retirement. This portion of this Policy and Procedure Manual highlights some features of our benefit programs and is not intended to provide all details of these benefits. Our group health, dental, and life insurance benefits and retirement related programs are described more fully in summary plan description booklets, which are provided to new employees. Complete descriptions of the City's group health insurance programs are also in the City of Athens master insurance contracts with insurance carriers, which are maintained in Human Resources. A complete description of the City's retirement plan is in the appropriate master plan documents provided by the Retirement Systems of Alabama.

The information contained herein does not change or otherwise interpret the terms of the official plan documents or master insurance contracts. An employee's rights under any benefit plan can be determined only by referring to the full text of the official summary plan documents or master contracts, which are available for examination from Human Resources. To the extent that any of the information contained in this policy and procedure manual is inconsistent with the official plan documents or master insurance contracts, the provisions of the official plan documents or master contracts will govern in all cases.

Nothing contained or described herein shall be construed to create a promise of employment or future benefits or a binding contract between the City and its employees, retirees, or their dependents for benefits or for any other purpose. All employees shall remain subject to discharge or discipline to the same extent as if these plans had not been put into effect.

The City of Athens reserves the right, in its sole discretion, to amend, modify, or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein, including any health benefits that may be extended to retirees and their dependents. The City reserves the right, in its sole discretion, to increase or change employee or retiree premium contributions toward any

benefits at any time. Further, the City reserves the exclusive right, power, and authority, in its sole discretion, to administer, apply and interpret the benefit plans described herein, and to decide all matters arising in connection with the operation or administration of such plans.

For more complete information regarding any of the City's benefit programs, please contact Human Resources.

## **7.2 GENERAL PROVISIONS**

The City will provide eligible employees with appropriate fringe benefits to the maximum extent possible within its financial capability. All classified and unclassified City employees shall be eligible for benefits provided by the City of Athens. An elected official may be eligible for benefits if agreed to by the official and the City Council. Any eligible employee who refuses to participate in the City's insurance programs shall relinquish all claims against the City for any liability except for job-related injury or job related sickness or disability claims.

Unless subsequently modified by the City Council, the insurance program shall include medical insurance, dental insurance, life insurance, short-term-disability insurance, and accidental death insurance. The City and the employee will share the premiums for most of the city-sponsored plans. A limited number of supplemental insurance plans are also offered; however, supplemental plan premiums are entirely employee paid.

The effective date of all City-sponsored insurance plans for eligible new employees is the first of the month after a sixty day waiting period following an employee's hire date, except during the annual open enrollment period in September.

Questions concerning benefits, premiums, and eligibility should be directed to Human Resources.

## **7.3 MEDICAL INSURANCE**

The City of Athens shall provide a medical insurance program for eligible employees as approved by the City Council. Upon being hired, eligible employees shall select one of the following options for medical insurance:

- No coverage.
- Coverage for the employee only.
- Coverage for the employee and his/her dependents.

The City's current medical insurance program is a cost-plus program with Blue Cross Blue Shield as the Third Party Administrator (TPA). The monthly premium for the City's health insurance shall include a single rate and a family rate rather than a composite rate. Unless changed by Council action, the City will pay 85% of the health insurance for each eligible employee and his/her dependents. The percentage of the City's contribution may be modified or confirmed by the City Council each year prior to insurance contract renewals.

### **7.3.1 RETIREE INSURANCE POLICY**

Revision: 6/23/03  
Revision: 1/3/04  
Revision: 2/25/08

Effective: 6/23/03  
Effective: 1/3/04  
Effective: 2/25/08

### **7.3.1.1 GENERAL PROVISIONS**

The retiree medical insurance policy contained herein shall become effective January 3, 2004.

This policy is not intended to be a contract. The City reserves the right to change this benefit, the eligibility criteria, and/or the City's contribution toward monthly premiums at any time at the City's discretion. Any change in benefits covered under the City's group medical plan shall apply to all retirees enrolled in the group plan.

Questions concerning any aspect of the retiree medical insurance policy and COBRA coverage should be referred to the Director of Human Resources.

### **7.3.1.2 ELIGIBILITY AND ENROLLMENT**

To be eligible to continue to participate in the City's group health plan after retirement, a retiree must:

- have been enrolled in the city's group health plan as an active employee for at least three (3) years prior to retirement, and
- apply to participate in the city's retiree insurance plan prior to his/her retirement date; otherwise eligibility will be forfeited.

To participate in the retiree insurance program, a retiring employee shall submit a written request to Human Resources prior to retirement and complete a new enrollment form listing all dependents.

Unless eligibility has been previously cancelled in accordance with this policy, a retiree will cease to be eligible to participate in the City's group plan at age 65 or upon becoming eligible for Medicare, whichever event comes first.

Once participation in the City's retiree insurance plan has been terminated for any reason, it shall not be reinstated.

If a retiree and/or his/her dependents lose eligibility and coverage under the City's retiree insurance plan, these individuals may be eligible for COBRA coverage in accordance with COBRA regulations. Details of COBRA rights and coverage are included in the City's summary medical plan booklet, which is available upon request from Human Resources.

Each retiree enrolled in the group plan is required to inform Human Resources of any change in address, marital status, or dependents and also of his/her eligibility for Medicare.

### **7.3.1.3 DEPENDENT COVERAGE**

The retiree may enroll his/her spouse and/or dependent children under the city's group medical plan if they meet the eligibility criteria as defined by the City's medical insurance plan and the retiree is eligible to participate in the city's group plan.

### **7.3.1.4 VOLUNTARY TERMINATION OF COVERAGE**

A retiree may voluntarily cancel participation in the City's group medical plan at any time except that the effective date of cancellation shall be the last day of the month. Partial month participation is not permitted. The retiree shall complete a cancellation form in Human Resources and shall provide at least one week's notice of his/her intent to cancel.

### **7.3.1.5 MONTHLY PREMIUMS**

The City of Athens shall contribute 50% per month of the total monthly premium for the City's health insurance for an eligible retiree for as long as the retiree is enrolled in the City's medical plan. This change in premiums and policy shall apply to all future eligible retirees and to all current retirees enrolled in the City's medical plan as of October 1, 2004.

Each retiree shall pay the balance of the monthly premium.

Annual increases or decreases in the total monthly medical insurance premium for the group plan shall apply to all retirees enrolled in the group plan.

Monthly premiums are due on the first day of each month and shall be paid by the 10<sup>th</sup> day of each month. Payment after the 10<sup>th</sup> of the month shall be considered delinquent. If a premium payment is not received by the last day of the month, the retiree's eligibility and enrollment shall be cancelled and coverage terminated. The retiree shall be informed of the cancellation in writing.

## **7.4 DENTAL INSURANCE**

**Revision: 6/23/03**

**Effective: 6/23/03**

The City of Athens shall provide a dental insurance program for eligible employees as approved by the City Council. Upon being hired, eligible employees shall select one of the following options for dental insurance:

- No coverage.
- Coverage for the employee only.
- Coverage for employee and dependents.

The current dental plan is a fully insured plan provided by Blue Cross Blue Shield of Alabama. Unless changed by Council action, the City will pay 60% of the Blue Cross dental premiums for

each eligible employee and his/her dependents. This amount may be modified or confirmed by the City Council each year prior to insurance contract renewals.

## **7.5 GROUP LIFE, AD&D, AND SHORT-TERM DISABILITY INSURANCE**

**Revision: 11/84**  
**Revision: 9/25/00**  
**Revision: 6/23/03**

**Effective: 11/84**  
**Effective: 9/25/00**  
**Effective: 6/23/03**

The City shall provide a life insurance program, short-term disability insurance program, and accidental death and dismemberment insurance program for eligible employees as approved by the City Council. The insurance benefits under these plans are provided for eligible employees only and do not extend to the employee's dependents.

At present, these benefits are part of a fully insured group plan provided by Boston Mutual. The City pays a portion of the premium for this benefit plan for each employee who enrolls. Unless changed by Council action, the City will pay 50% of the life/short term disability, accidental death and dismemberment insurance premiums for each eligible employee. This amount may be modified or confirmed by the City Council each year prior to insurance contract renewals.

## **7.6 RETIREMENT PLAN**

**Revision: 6/82**  
**Revision: 6/23/03**  
**Revision: 3/25/13**

**Effective: 6/82**  
**Effective Date: 6/23/03**  
**Effective: 3/25/13**

The City of Athens is a member of the Employees Retirement Systems of Alabama. Participation in the Employees Retirement System of Alabama (ERS) is mandatory for all full-time classified and unclassified City employees. This policy is intended to comply with the official Employee Retirement Systems Member Handbook which can be found on the ERS web site. Should there be a discrepancy between this retirement plan policy and the ERS Member Handbook the ERS Member Handbook shall prevail.

The City of Athens makes monthly retirement contributions for each full-time classified and unclassified employee based on current salary and overtime. The percentage contributed by the City to the Retirement System on behalf of each employee is established by the Alabama legislature and is subject to being changed periodically.

Effective January 1, 2013, in accordance with Alabama Legislative Act Legislative Act 2012-377, the ERS established **two** distinct retirement tiers for its members. Employees will be classified as either Tier 1 or Tier 2 for the purposes of retirement contributions and service eligibility requirements. Tier 1 includes employees hired before January 1, 2013. Tier 2 includes employees hired after January 1, 2013. Employees hired after January 1, 2013 but who have prior service with an RSA agency may be eligible for Tier 1 status.

### **7.6.1 Vesting**

A member has vested status, meaning her or she is eligible for deferred benefits, in the Employee Retirement System after accumulating 10 years of creditable service. Once enrolled, the member must continue participation until employment is terminated or the employee retires. An employee who separates from employment for any reason other than retirement may opt to leave his/her contributions in the plan for a specified period of time in accordance with the ERS Handbook. Member contributions are only refunded at the request of the member upon termination from employment and after the completion of the required application for refund. If a member opts to withdraw contributions before retirement, the employee's contributions are included in the refunds paid to the member. The City's contributions are not included in refund. (See the ERS handbook page 9, section "Termination of Service") The application for refund may be obtained from Human Resources upon separation from employment.

### **7.6.2 Tier 1 Retirement and Criteria (Employees hired before January 1, 2013)**

#### **7.6.2.1 Contribution rates for Tier 1 employees**

- 5% for full-time regular status classified and unclassified employees
- 6% for full-time regular status certified Police Officers and Firefighters

#### **7.6.2.2 Tier 1 Contributions on Overtime Pay**

Legislative Act 2012-302 requires earnable compensation to be capped at 120% of base pay inclusive of overtime, for all Tier 1 members of the ERS as it relates to contributions.

### **7.6.3 Tier 2 Retirement Contributions**

#### **7.6.3.1 Tier 2 Contribution Rates**

- 6% for full-time, regular status classified and unclassified employees
- 7% for full-time, regular status certified Police Officers and Firefighters

#### **7.6.3.2 Tier 2 Contributions on Overtime Pay**

Legislative Act 2012-377 requires earnable compensation to be capped at 125% of base pay inclusive of overtime for all Tier 2 members of the ERS as it relates to retirement contributions.

## **7.7 DEATH BENEFITS**

**Initial Issue: 11/22/88**  
**Revision: 6/23/03**

**Effective Date: 6/23/03**  
**Effective Date: 6/23/03**

If a classified or unclassified employee is killed performing his/her duty, the employee's designated beneficiary will be awarded a death benefit equivalent to three months of the deceased employee's base salary, exclusive of overtime.

## **7.8 EMPLOYEE ASSISTANCE PROGRAM**

**Initial Issue: 6/23/03**

**Effective Date: 6/23/03**

The City recognizes that problems such as marital or family distress, alcohol and/or drug abuse which are not directly associated with an individual's job function can be detrimental to an employee's performance on the job. For this reason, the City of Athens provides an Employee Assistance Program (EAP) which is administered by the Albany Clinic in Decatur.

The Albany Clinic provides confidential professional counseling to eligible city employees and their dependents and referrals to other community treatment professionals. Eligible employees include all classified and unclassified employees. Employees are free to use this program and encouraged to do so. Visits to the EAP are held in confidence to the maximum extent possible.

The EAP Program provides an initial assessment meeting free of charge to the employee and/or dependent. The program also provides up to five (5) additional counseling sessions per year per covered individual. The employee or dependent is responsible for a \$10.00 co-payment per visit.

Participation in the employee assistance program does not excuse an employee from complying with all City of Athens policies or from meeting normal job requirements during or after receiving assistance; nor will participation in the employee assistance program prevent the City from taking disciplinary action for performance problems when necessary.

Inquiries regarding the EAP program should be referred to the Director of Human Resources.

## **7.9 WORKER'S COMPENSATION**

**Revision: 6/82**  
**Revision: 11/84**  
**Revision: 6/23/03**

**Effective: 6/82**  
**Effective Date: 11/84**  
**Effective: 6/23/03**

The City of Athens provides worker's compensation benefits in accordance with Alabama State worker's compensation laws for any injury resulting from a job-related accident. Eligibility and entitlement for benefits shall be determined in accordance with criteria specified in the Code of Alabama 1975, Title 25-5.

While on worker's compensation leave, an employee is ineligible for paid sick leave benefits, except for the first three lost workdays due to a job-related accident. If the employee loses a total of

twenty-one (21) days or more from work as a result of the accident, the worker's compensation insurer may be required to pay the employee for the first three days missed. If this occurs, the employee is responsible for reimbursing the City for the three days of sick leave previously paid to the employee as paid sick leave. Once the City is reimbursed, the three days of sick leave will be returned to the employee's sick leave accruals.

While on worker's comp leave, an employee is ineligible for short-term disability benefits through the City's short-term disability plan.

## **7.10 UNEMPLOYMENT COMPENSATION**

<b>Revision: 6/82</b>	<b>Effective: 6/82</b>
<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective: 6/23/03</b>

An employee who is separated from City employment may be eligible to receive unemployment compensation provided that:

- he or she has completed the required employment period to be eligible; and
- unemployment is not caused by the employee's voluntary resignation.

The Director of the Alabama Department of Industrial Relations determines eligibility and authorizes unemployment compensation benefits.

## **8.0 SEPARATION FROM EMPLOYMENT**

<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective: 6/23/03</b>

### **8.1 GENERAL PROVISIONS**

All separations of classified and unclassified employees shall be designated as one of the following types: resignation, reduction in force, retirement, disability separation, death, or dismissal.

At the time of separation from employment, the employee shall return all City property in his/her possession prior to the payment of final compensation. The employee and the supervisor shall complete an outprocessing checklist and certify that all City property has been returned. Any amount due the City because of a shortage in the above properties will be withheld from the employee's final compensation.

### **8.2 RESIGNATION**



Any unauthorized absence from work for a period of three (3) consecutive work days shall be considered by the department head and the City as a “voluntary quit.”

An employee may resign by submitting a written notice of resignation to his supervisor that shall include the reasons for resigning and the effective date. Notification to the City should be given as far in advance as possible, but at least two (2) weeks prior to the effective date of the resignation. Failure to comply with this requirement may result in being denied future employment with the City.

Department heads shall forward all resignation notices promptly to the Director of Human Resources. In addition, department heads shall notify Human Resources of an employee who is considered a voluntary quit based on three consecutive unauthorized absences.

### **8.3 REDUCTION IN FORCE (RIF)**

If a reduction in the work force becomes necessary, the Mayor, in coordination with the City Council, shall determine the nature and scope of the reduction in force (RIF) and which departments and job classes shall be affected.

Department heads shall be responsible for implementing the RIF within their departments in accordance with the established guidelines. The criteria to be used by department heads in making RIF decisions shall include length of service and the performance of the employee. The duties that were performed by the laid-off employee may be reassigned to other employees. When a classified employee is scheduled to be laid-off, the employee shall be offered a demotion to a lower class if the employee is qualified for the lower class and a suitable vacancy exists.

Classified and unclassified employees shall receive written notice of their lay-off at least fourteen (14) calendar days prior to the effective date of the lay-off. Other employees are not entitled to a specific period of notice, but will be given as much notice as possible. All RIF notices shall be prepared on a form provided by the Director of Human Resources. The RIF notice shall be signed by the Department Head, the Director of Human Resources, and the Mayor. The original copy of the notice signed by the employee shall be submitted to the Director of Human Resources for the employee’s personnel file.

Classified employees who are laid-off will have recall rights for one (1) year from the effective date of the lay-off. The employee will sign a statement that he/she is aware of the requirement to submit in writing to Human Resources every (90) days a statement indicating his/her availability for employment and interest in future work with the City.

### **8.4 RETIREMENT ELIGIBILITY**

<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective: 6/23/03</b>
<b>Revision: 3/25/13</b>	<b>Effective: 3/25/13</b>

This policy is intended to comply with the official ERS Member Handbook which can be found on the ERS web site. Should there be a discrepancy between this policy and the ERS Member Handbook the ERS Member Handbook shall prevail. Whenever an employee meets the conditions for retirement set forth by the Employee Retirement System of Alabama and the City of Athens, he/she may elect to retire and receive all benefits earned under the Alabama Retirement Plan.

Effective January 1, 2013, in accordance with Alabama Legislative Act Legislative Act 2012-377, the ERS established **two** distinct retirement tiers for its members. Employees will be classified as either Tier 1 or Tier 2 for the purposes of retirement contributions and service eligibility requirements. Tier 1 includes employees hired before January 1, 2013. Tier 2 includes employees hired after January 1, 2013. Employees hired after January 1, 2013, but who have prior service with an ERS agency may qualify for Tier 1 status.

#### **8.4.1 Tier 1 Retirement Eligibility**

All employees hired prior to January 1, 2013 are classified as Tier 1 members. Eligibility for retirement under Tier 1 is as follows:

- 25 years of creditable service as a member of the ERS
- 10 years of creditable service as a member of the ERS and 60 years of age.

Eligible Tier 1 members may convert unused sick leave days to service credit to meet the minimum requirement for service credit, except that members may not convert unused sick leave to meet the ten (10) year vesting requirement. (See City Policy 5.10.4 Conversion of Unused Sick Leave to Retirement Credit.)

Alabama Act 2000 –669, which applies only to Tier 1 members, provides an additional year of service credit for every five years of employment for Police Officers and Firefighters. The additional years of service credit allowed under Act 2000-669 increases the amount of monthly benefit received post retirement, but **cannot be used to meet the eligibility requirements to retire or to meet the minimum amount of time to be vested.**

#### **8.4.2 Tier 2 Retirement Eligibility**

All employees hired after January 1, 2013 are classified as Tier 2 members. Conditions for retirement under Tier 2 are as follows:

- At least ten (10) years of service credit and attainment of age 62 (applies to all regular status non-public safety employees)
- At least ten (10) years of service credit and attainment of age 56 (applies to certified Police Officers and Firefighters)

**Sick Leave Conversion** - Tier 2 members may **not apply unused sick leave** days to retirement service credit.

**Bonus Credit for Police and Fire** - Alabama Act 2000 – 669, which provides extra service credit

for each five (5) years of service for certified police officers and firefighters, does **not apply** to Tier 2 members.

### **8.4.3 Request for Retirement Form**

Any eligible employee who wishes to retire must complete a Request for Retirement Form (Form F-10) and submit it to the Director of Human Resources. This form may be submitted as far in advance as possible, but no earlier than 90 days before the effective date and no later than forty-five (45) days prior to the requested effective date. The effective date of retirement shall be the first day of a month. Human Resources shall submit the F-10 request form to the State Retirement System. The Retirement System will send the employee a letter detailing his/her benefit options and additional forms to be completed and returned.

Questions concerning retirement and eligibility should be referred to the Director of Human Resources.

## **8.5 DISABILITY SEPARATION AND/OR DISABILITY RETIREMENT**

<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective: 6/23/03</b>
<b>Revision: 3/25/13</b>	<b>Effective: 3/25/13</b>

### **8.5.1 Disability Separation**

An employee may be separated from employment if he/she cannot perform the essential functions of the job because of an extended or chronic physical or mental impairment. Any separation for disability must comply with all requirements of the Americans with Disabilities Act and the Family Medical Leave Act. The Director of Human Resources shall review a proposed disability separation and insure compliance with ADA and all other applicable laws.

The employee or the City may initiate a disability separation. Any disability separation must be supported by written medical evidence acceptable to the Mayor and requires the Mayor's written approval before implementation. The City reserves the right to require a second medical opinion and to make arrangements for the employee to be examined by a city-authorized physician at the City's expense.

### **8.5.2 Disability Retirement**

This policy is intended to comply with the official ERS Member Handbook which can be found on the ERS web site. Should there be a discrepancy between this policy and the ERS Member Handbook the ERS Member Handbook shall prevail.

If an employee's career is shortened because of permanent disability, the employee may qualify for monthly disability retirement benefits. To qualify for a disability retirement, the employee must meet all of the following conditions:

- The employee must have at least 10 years of creditable service in the Employee Retirement System exclusive of any leave without pay periods.

- The employee must be an in-service member of the ERS, which means the employee is currently working or is on an official leave of absence for one year, which may be extended for no more than one year. A member in the ERS will not receive service credit for periods of leave without pay. *A member who terminates employment is not eligible to apply for disability retirement.*
- The ERS Medical Board shall determine if the member is permanently incapacitated for performance of his/her duties. The Medical Board bases its determination upon information provided by the Member’s physician.

Monthly disability retirement benefits are calculated identically to those for service retirement; except that additional credit for sick leave cannot be converted to retirement credit unless the Tier 1 member also meets the minimum service level for retirement. (Refer to the ERS handbook for Tier 1 employees, section on Sick Leave Conversion.) Tier 2 employees are not eligible for sick leave conversion.

If an employee wishes to retire based on his/her disability, the employee shall complete a Disability Retirement Request form and submit it to Human Resources. Along with the request to retire form, the employee must submit a specific written medical certification form required by the Employees’ Retirement System of Alabama.

Questions regarding a disability separation or a disability retirement should be referred to the Director of Human Resources.

## 8.6 DEATH

<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective: 6/23/03</b>

Separation from employment shall be effective as of the date of the employee’s death. All compensation due as of that date shall be paid to the estate of the employee except for such sums that must be paid by law to the surviving spouse. Any indebtedness to the City may also be withheld from compensation, if approved by the City Council.

## 8.7 DISMISSAL

<b>Revision: 11/84</b>	<b>Effective Date: 11/84</b>
<b>Revision: 6/23/03</b>	<b>Effective: 6/23/03</b>

Any employee may be dismissed for the good of the City of Athens when justified. Reasons for dismissal are included in the policy section entitled “Rules of Conduct.”

All dismissal proceedings shall ensure that the employee is provided maximum due process protection. The Director of Human Resources shall provide required procedures and forms to be used in all due process proceedings. As a minimum, the employee shall be provided written notice of the proposed dismissal, the reason(s) for it, and his/her right to answer the charges orally or in writing, and his/her right to representation of his/her choice. If the employee fails to respond to this

notice, the proposed dismissal shall be effective on the date specified.

An employee may appeal his/her dismissal in accordance with the City's grievance procedures.