

The City of Jasper, Alabama

# **EMPLOYEE HANDBOOK**

**September, 2021**



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# 1.

## **INTRODUCTION**

### **WELCOME TO THE CITY OF JASPER**

An interesting and challenging experience awaits you as an employee of the City of Jasper ("the City"). To answer some of the questions you may have concerning the City and its policies, we have written this Employee Handbook. Please read it thoroughly and retain it for future reference. The policies stated in this Employee Handbook are subject to change by the City and/or the Civil Service Board of the City of Jasper ("the CSB"). From time to time, you may receive updated information concerning changes in policy. If you have any questions regarding any policies, please ask your supervisor or the City Clerk for assistance.

### **NATURE OF EMPLOYMENT RELATIONSHIP**

The relationship between the City and each of its employees is governed by the Civil Service Manual and the regulations of the CSB. This Employee Handbook, and other statements of the City's policies and procedures are prepared for informational purposes only. Should they conflict in any respect with the Rules and Regulations of the CSB, then the Rules and Regulations of the CSB shall prevail. They are not intended and should not be construed as a contract that guarantees employment for any specific duration. The City's policies, procedures and benefits are subject to modification - even termination - at the discretion of the City's governing body and/or the CSB.

We wish you the best of luck and success in your position and hope that your employment relationship with the City will be a rewarding experience.

## 2.

### EMPLOYMENT POLICIES

#### EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

The City is an equal employment opportunity employer. We hire, promote, pay, and take all other personnel actions without regard to race, color, sex, religion, national origin, citizenship, disability, age, genetic information or military service connection. We provide reasonable accommodation to the known limitations of disabled applicants and employees, and accommodate the religious beliefs and practices of our employees, provided that such accommodations do not work undue hardship upon the City.

The City takes affirmative action to ensure that applicants are employed, and that employees are treated, without regard to their race, color, religion, sex or national origin. The City's commitment to affirmative action includes but is not limited to, employment, upgrading, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

#### HARASSMENT PROHIBITED

It is the policy of the City to maintain an environment for all of our employees that is free of harassment. **The City prohibits any form of harassment of its employees, whether or not such harassment is unlawful.** It is never justifiable to harass one of our employees because of the employee's race, color, sex, sexual orientation, weight, religion, national origin, age, disability **or any other reason**. Harassment is counterproductive and does not serve the principles upon which the City operates. We respect the dignity and worth of each employee. We believe that each employee should be free to develop fully his or her potential, neither hindered by artificial barriers, nor aided by factors that are not related to merit.

One example of unlawful harassment is racial harassment. The law defines racial harassment as any conduct based upon race that creates a hostile work environment. Racial harassment may include threats, physical contact, racial epithets, remarks, jokes or ridicule, pranks, vandalism, verbal, or graphic or written conduct directed at an individual or individuals because of their race. Even if such language, actions or conduct is not directed at specific persons, a hostile environment is created when the conduct is sufficiently severe, pervasive or persistent as to unreasonably interfere with or limit the ability of an individual to work.

Another example of unlawful harassment is sexual harassment. Generally, sexual harassment occurs when: (1) submission to the sexual advances of a supervisor is a term or condition of hire, continued employment, or promotion; and (2) non-submission affects the worker's or applicant's hire, continued employment or opportunity for promotion. Sexual harassment also occurs when supervisors or co-workers make unwelcome advances, abusive physical contacts, or repeated comments or gestures of a sexual nature that create a hostile or intimidating working environment or that interfere with the employee's work performance. The law prohibits male-to-male, female-to-male, female-to-female, as well as male-to-female sexual harassment.

Sexual harassment is outrageous conduct of the kind most people would never consider. We do not intend to discourage invitations to lunch or dinner, compliments on personal appearance, or other innocent activities that contribute to healthy working relationships, good morale, team building, and departmental unity.

On the other hand, certain conduct and comments of a sexual nature that may not amount to unlawful sexual harassment are inappropriate in the workplace. All employees are expected to use good judgment and to avoid even the appearance of sexual impropriety in all of their dealings with applicants and employees. Supervisors especially must exhibit the highest degree of personal integrity at all times, avoiding any behavior that might be harmful to their subordinates or to the City.

The City will not tolerate harassment of its employees of any kind. You must not tolerate it either. If you believe that you are being harassed, report the matter to your Department Head **immediately**. However, if you believe that your Department Head is harassing you, or if you continue to be harassed after reporting the situation to your Department Head, report the matter to the City Clerk or the Mayor **at once**. The City's commitment to its employees is to investigate promptly all reports of harassment, and to take all appropriate action in light of the investigation, including the possible discharge of any offender.

We prohibit any form of retaliation against an employee who reports harassment. Our intent is to keep harassment out of our workplace. Help us to maintain this standard.

## **ORIENTATION PROGRAM**

During your first few days of employment, you will receive an orientation conducted by your Department Head and the City Clerk or their designees. During this orientation, you will receive important information regarding the performance requirements of your position, basic policies of the City, your compensation, benefits programs and other information necessary to acquaint you with your job and the City. You will also be asked to complete all necessary paperwork at this time, such as health insurance plan enrollment forms, beneficiary designation forms and appropriate federal, state and local tax forms. At this time, you will be required to present the City with information establishing your identity and your eligibility to work in the United States as required by federal law.

Please use this orientation to familiarize yourself with the City and our policies and benefits. We encourage you to ask any questions you may have during the orientation so that you will understand all the guidelines that affect and govern your employment relationship with the City.

## **PERSONNEL FILES**

The City maintains personnel files on all employees. These files contain documentation regarding all aspects of the employee's tenure with the City, such as performance appraisals, beneficiary designation forms, disciplinary warning notices and letters of commendation.

To ensure that your personnel file is up to date at all times, notify your supervisor or the Payroll Clerk of any changes in your name, telephone number, home address, number of dependents, beneficiary designations, scholastic achievements, the individuals to notify in case of an emergency and other important personal information.

### 3.

## **COMPENSATION POLICIES**

### **CLASSIFICATIONS OF EMPLOYMENT**

For purposes of salary administration and eligibility for overtime payments and employee benefits, the City classifies its employees as follows:

Full-time employees. Employees hired to work at least 30 hours each week on a regular basis, exclusive of temporary employees.

Part-time employees. Employees hired to work fewer than 30 hours per week on a regular basis, exclusive of temporary employees.

Regular employees. Employees who have completed their six-month probationary period.

Probationary employees. Employees, other than temporary employees, who have worked fewer than six months since their appointments.

Temporary employees. Employees engaged to work full time or part time (1) pursuant to a temporary appointment pending the establishment of and selection from an appropriate eligible register of the CSB or (2) for a specified, limited term of employment, normally of fewer than three months in duration. Temporary employees are neither regular nor probationary employees.

Nonexempt employees. Employees who are required to be paid overtime at the rate of one and one-half times their regular rate of pay for all hours worked beyond 40 hours in a workweek.

Exempt employees. Employees who are not required to be paid overtime for work performed beyond 40 hours in a workweek. Executives, professional employees, and certain employees in administrative positions are exempt.

You will be informed of your initial employment classification and of your status as an exempt or nonexempt employee during your orientation. If you change positions during your employment as a result of a promotion, transfer or otherwise, you will be informed of any change in your exemption status.

Please direct any questions regarding your employment classification or exemption status to the City Clerk.

## **WORK HOURS**

The regular workweek for all full-time employees varies by department and is set by the Department Head and the Mayor. If you are a part-time employee, your working hours and schedule will be arranged by your supervisor. This workweek may not be Monday through Friday. In any event, you will receive one 20-minute break in the morning and one 20-minute break in the afternoon at times determined by your supervisor.

Daily and weekly work schedules may be changed from time to time at the discretion of the City to meet its varying responsibilities and to adapt to changed conditions. Changes in work schedules will be announced as far in advance as practicable.

## **RECORDING WORK HOURS**

It is the policy of the City to comply with applicable laws that require records to be maintained of the hours worked by our employees. To ensure that accurate records are kept of the hours you actually work (including overtime hours where applicable) and of the accrued leave time you have taken, and to ensure that you are paid in a timely manner, you will be required to record your time in and out using a time clock. Falsification of a time record is a breach of City policy and is grounds for disciplinary action, including discharge. Unless a different policy is in effect for your department, you are required to punch out and in for your lunch periods. Punching another employee's time card, or allowing another employee to punch your time clock is a violation of City policy that will subject you to disciplinary action.

## **REGULAR PAY PROCEDURES**

City employees are paid direct deposit every other Friday. If a scheduled payday falls on a City-observed holiday, you will usually be paid on the day preceding the holiday. All required deductions, such as for federal, state and local taxes, and all authorized voluntary deductions, such as for health insurance contributions, will be withheld automatically from your paychecks.

Please review your paycheck or pay stub for errors. If you find a mistake, report it to your supervisor immediately. Your supervisor will assist you in taking the steps necessary to correct the error.

## **OVERTIME PAY PROCEDURES**

(Employees Other Than Police Officers and Firefighters)

A nonexempt employee (see *Classifications of Employment*), will receive compensation for approved overtime work as follows:

- ◆ You will be paid one and one-half times your regular hourly rate of pay for all hours you work over forty in a week, unless a different number of hours is prescribed (such as for public safety employees) by the Fair Labor Standards Act.
- ◆ Persistent overtime is discouraged by the City; however, because of the nature of the City's work, it may be necessary for employees to work overtime on occasion.
- ◆ You are not permitted to work overtime unless your supervisor directs you to work overtime. Your supervisor will attempt to provide you with reasonable notice when the need for overtime work arises. Please remember, however, that advance notice may not always be possible. Overtime is not authorized unless it is approved in advance by your supervisor.

## **CALL OUT PAY**

If you are called out to work after you return home and prior to a scheduled overtime shift, before or after your scheduled working hours, you will receive at least two hours pay at one and one-half times your regular rate of pay. If you are called out for more than two hours, you will be paid at one and one-half times your regular rate of pay for all hours worked. This policy does not apply to employees of the Fire and Police Departments. This provision is for emergency weather related incidences.

## **ON CALL PAY**

An employee defined as being "on call" is currently off of the work premises however required to be available to return to work in case of an emergency. The employee must be within thirty minutes of their work environment and must be available for contact by telephone or pager.

Employees designated by their supervisor as being “on call” will receive two hours pay. Once an employee reports to work, on-call pay stops. On call pay is not counted as time worked.

## **TRAVEL TIME**

Determination of travel time as work or non-work time depends upon the circumstances surrounding the travel. Ordinary travel time between home and work before or after regular working hours or scheduled overtime is not counted as hours worked. This stands whether an employee works at a fixed location or different job sites.

## **SALARY AND WAGE ADMINISTRATION PROGRAMS**

To attract and retain above-average employees, the City endeavors to pay salaries that are competitive with those paid by other comparable employers, taking into account the relevant labor market. In line with this objective, the City monitors its salary and wage scales to ensure that they are kept in line with those of comparable employers, taking into account conditions in the City's relevant labor market.

Each City position has been studied and assigned a salary or wage grade. Each grade has been assigned a corresponding salary or wage range. Periodically, the City may revise its job descriptions, evaluate individual jobs to ensure that they are rated and paid appropriately and review job specifications to ensure that they are job-related.

Your salary or wage will be reviewed on an annual basis. All salaries and wages must be within the pay plan and pay rules and regulations approved by the CSB.

Your total compensation at the City consists not only of the salary you are paid but also of the various benefits you receive, as described in a later section of this Employee Handbook.

## PERFORMANCE REVIEWS

To ensure that you perform your job to the best of your abilities, it is important that you be recognized for good performance and that you receive appropriate suggestions for improvement when necessary. Consistent with this goal, your performance will be evaluated by your supervisor on an ongoing basis. In addition, you may receive an annual evaluation on or about the time of the anniversary of your date of hire.

Performance evaluations are based on your overall performance in relation to your job responsibilities and will also take into account your conduct, demeanor and record of attendance and tardiness.

Special written performance evaluations may be conducted by your supervisor at any time to advise you of the existence of performance or disciplinary problems.

## PAYROLL AND SALARY DEDUCTIONS

The law requires that the City make certain deductions from every employee's compensation, including applicable federal, state and local income taxes and Social Security taxes.

The City offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

The City is committed to treating its employees fairly. We intend to comply fully with the letter and spirit of all laws that provide protection for our employees, including the federal wage and hour law. The City prohibits deductions from the salary of an exempt employee (See *Classifications of Employment*) based on the quality or quantity of work performed or any other reason that is inconsistent with pay on a salary basis under the federal wage and hour law and its implementing regulations. Thus, the City will not make deductions from the salary of an exempt employee for partial-workweek absences occasioned by attendance in court as a witness. Unless an exempt employee is serving on jury duty (see *Jury and Witness Duty Leave*), the City need not pay the employee's salary for any workweek in which the employee performs no work. Otherwise, an exempt employee must receive his or her full salary for any workweek in which he or she performs any work with the following exceptions:

1. The City may make deductions from the salary of an exempt employee for suspensions of one or more full days for serious misconduct as defined in this Employee Handbook.
2. The City is not required to pay the full salary of an exempt employee in the initial or terminal week of his or her employment.

3. The City is not required to pay the full salary of an exempt employee for weeks in which the exempt employee takes unpaid leave under the Family and Medical Leave Act.
4. See Military Leaves of Absence.

Any employee who believes that the City has made an improper deduction from an exempt employee's salary should report the alleged improper deduction to his or Department Head, to the City Clerk or to the Mayor. The City will immediately reimburse an exempt employee for any improper deduction and will certainly not retaliate against an employee who assists the City in complying with the law by reporting an improper deduction.

## 4.

# **TIME OFF BENEFITS**

## **VACATIONS**

Because we recognize the importance of vacation time in providing the opportunity for rest, recreation and personal activities, the City grants paid vacation time to its employees. The amount of vacation time depends on your length of service as of January 1 of each year. Full-time employees earn vacation as follows:

<u>Length of Service as of January 1</u>	<u>Vacation</u>
At least six months but less than one year	48 Hours
At least one year but less than five years	96 Hours
At least five years but less than ten years	112 Hours
At least ten years but less than 15 years	128 Hours
More than 15 years	144 Hours

Vacation time may be taken as time accrues at any point during the year. Vacation time must be taken in blocks of at least four hours.

Employees are required to take their earned vacation. You may not carry over any vacation into the next calendar year. No payments will be made in lieu of vacation.

In the event that a holiday observed by the City falls within a scheduled vacation period, you will not be charged vacation time for being absent on the holiday. For example, if a holiday falls on the Friday of your scheduled vacation of Monday through Friday, you will be charged for only four days of vacation.

## **VACATION SCHEDULING**

Your supervisor must approve your scheduled vacation time in advance. You should submit a vacation request form to your supervisor as soon as you know when you wish your time off to begin. At least four weeks' notice is required when your anticipated vacation will exceed one day. Conflicts caused by more than one employee desiring to take vacation at the same time will be resolved by seniority.

## **HOLIDAYS**

The City usually provides paid time off to all employees on the following holidays:

- New Year's Day
- Martin Luther King, Jr.'s Birthday
- Washington's Birthday (Presidents Day)
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- The day following Thanksgiving Day
- Christmas Eve Day
- Christmas Day
- Your Birthday

If you are a full-time employee, the amount of holiday pay you receive is equal to your regular eight-hour salary or wage. When a holiday falls on your regular off day or while you are on approved vacation, and you do not work on that holiday, you may take an additional eight-hour or ratable day off with pay. If you fail to take the additional day off with pay within 180 days after the holiday, you will lose it.

Holidays falling on a Saturday are normally observed on the preceding Friday. Holidays falling on a Sunday are normally observed on the following Monday.

In addition to receiving your regular (eight hours or ratable) holiday pay, you will be paid your regular hourly rate of pay for all hours you work on a City-observed holiday, unless you are a member of the Police or Fire Departments. For example, a full-time employee who works eight hours on a City-observed holiday will receive pay for 16 hours. A full-time employee who works two hours on a City-observed holiday will receive pay for ten hours.

## **MAKE UP TIME OFF**

The City may on occasion close certain departments due to inclement weather conditions. In the event you are required to work on a day that other employees are not required to work because of such inclement weather conditions, you will receive an eight-hour or ratable shift off at a time approved by your supervisor.

## SICK LEAVE

Full-time regular employees receive eight hours of sick leave for each month of active service to the City. You may use your accumulated sick leave in hourly increments:

- ◆ When you are ill or disabled as a result of an event not compensated by Workers' Compensation benefits.
- ◆ To care for members of your immediate family (your spouse, children, parents, grandparents, sister, brother, mother-in-law, father-in-law, or other near-family relation which relation is explained in writing with your sick leave request) whose illness requires your care.
- ◆ When there is a death in your immediate family.

The City encourages you to reserve your sick leave for serious illnesses or injuries so that you do not sustain loss of income during periods when such serious illnesses or injuries prevent you from working for prolonged periods of time. If you were hired prior to January 1, 2005, there is no limit on the number of sick leave days you may accumulate. If you were hired after January 1, 2005, you may accrue a maximum of 480 hours of paid sick leave upon retirement. Sick leave accrued beyond 480 hours may be used as outlined above or may be converted to service credit in accordance with provisions governed by the Retirement Systems of Alabama. Accrual begins at eight hours per month, following completion of the employee probationary period. If a day is missed in the month, the number of sick hours will be subtracted from the total accumulation.

Sick leave is not accumulated during months in which an employee is on unpaid leave which includes, but is not limited to, workers' compensation leave and Family Medical Leave. Upon the discharge, lay-off, retirement, resignation or other termination of employment of a full-time regular employee, such employee will be paid his or her accumulated sick leave at his or her then current rate of pay.

A doctor's excuse is required in order for the employee to receive 100% pay for sick leave time used. The doctor's excuse should be given to the supervisor on the first day of the employee's return to work. For extended illnesses, the excuse should be forwarded to the payroll clerk before the end of the pay period. Use of sick leave when no doctor's excuse is provided results in sick leave payment being reduced to 50% of the employee's normal wage. Therefore, an employee who works eight-hour shifts would have to use sixteen hours of sick leave to receive eight hours of wages where a doctor's excuse is not provided; ten-hour shifts would use 20 hours of sick leave, twelve-hour shifts would use 24 hours, etc.

Employees are encouraged to use sick days only when absolutely necessary and are prohibited from taking sick leave in anticipation of retirement when not under a doctor's care.

Employees who utilize more the (3) three consecutive days of sick leave must obtain certifications from a doctor of employee's illness and the validity of said sick leave. Employers cannot link sick days with holiday, vacation, compensatory time, or other leave time in an attempt to extend employment benefits with the City. Please see section 2015-115 for additional information related to this matter which is included in procedure section of this manual

## **MILITARY LEAVES OF ABSENCE**

An employee is entitled to one shift of work per month with pay to attend a regularly scheduled inactive duty training ("IDT") period that falls on the employee's workday.

A military leave of absence will be granted to any employee who serves a period of active duty ("AD"), state active duty ("SAD"), homeland security duty ("HSD"), full-time training duty ("FTTD"), active duty for training ("ADT"), active duty for special work ("ADSW"), annual training ("AT") or IDT. The first 21 working days (168 hours) of military leave in each calendar year is with pay at the employee's regular daily salary or wage. Moreover, an employee will be paid for up to an additional 21 working days (168 hours) during such time as he or she is called to SAD or HSD. An employee on AD who has exhausted his or her entitlement to paid military leave will be paid the difference, if any, between his or her lower active duty basic pay and the higher salary or wage he or she would have continued to receive if not called to AD.

In addition, employees who have exhausted their entitlement to paid military leave may, but are not required to, use their paid vacation in conjunction with additional periods of AD, SAD, HSD, ADT, ADSW, FTTD, AT or IDT. An employee who uses paid vacation as a result of being called to AD, SAD or HSD shall have such leave restored upon returning to the City's employ.

An exempt employee, who, after exhausting his or her entitlement to paid military leave, takes a military leave of absence for a portion of a work week receives his or her normal salary for the workweek. However, when due to military leave, such an exempt employee performs no work during an entire workweek, the employee will not receive a salary for that workweek. This is subject to the rule that the employee serving on AD will be paid the difference, if any, between his or her lower AD base pay and the higher salary he or she would have continued to receive if not called to AD. An exempt employee may elect to use available paid vacation during any military leave.

An employee called to AD shall be deemed an active and contributing member of the ERSA during such period of AD, with costs to be paid in the same manner as are costs for contributing members.

The City will continue to provide Group health insurance benefits (individual or family) to an employee on military leave under the same terms and conditions as they are provided to other employees, until the end of the 30th day after military leave begins. An employee

serving on AD, SAD or HSD may elect to have such benefits continued, under the same terms and conditions as they are provided to other employees, for the duration of the time the employee is receiving any compensation from the City. An employee on military leave for more than 30 days who is no longer receiving compensation from the City may obtain continuation coverage by payment of 102% of the applicable premium charged the City by its carrier. After being reemployed by the City following a period of military leave, an employee who chose not to elect continuation coverage may again obtain coverage with no waiting periods or exclusions.

An employee on military leave for a period of fewer than 31 days is required to return to work on the first regular workday after the end of the military duty, allowing for reasonable travel time. An employee who serves for 31 to 180 days must apply for reemployment within 14 days after completion of the military service. An employee who serves more than 180 days must apply for reemployment within 90 days after completion of service.

An employee returning from military service will be reemployed and accorded seniority, status, benefits and pay as provided by law. The employee will be restored to a position comparable to the position he or she would have held if he or she had remained continuously employed by the City. The employee will be treated as though he or she were continuously employed for purposes of determining benefits based on length of service, such as the rate of vacation accrual and job seniority rights. Such an employee is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of his or her military service plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

An employee reemployed after serving 31 to 180 days of military leave may not be discharged within 180 days after reemployment except for "cause" as that term is defined by federal law. An employee reemployed after more than 180 days of military leave may not be discharged within one year after reemployment except for "cause."

## **JURY AND WITNESS DUTY LEAVE**

If you are a full-time employee who is summoned to jury duty, the City continues your salary or wage during your period of jury duty. You are also permitted to retain the allowance you receive from the court for such service. If you are not a full-time employee, you are given time off without pay while serving jury duty.

Nonexempt employees are allowed unpaid time off if summoned to appear in court as witnesses.

To qualify for jury or witness duty leave, you must submit to your supervisor a copy of the summons to serve as soon as it is received. In addition, proof of service must be submitted to your supervisor when your period of jury or witness duty is completed.

You are required to report for work as soon as you are released from jury or witness duty and to provide to the City proof of the date and time of your release from such duty.

The City will make no attempt to have your jury service postponed except when business conditions necessitate such action.

## **FAMILY AND MEDICAL LEAVE**

### **FMLA Entitlements**

The Family and Medical Leave Act of 1993 ("FMLA") gives eligible employees up to 12 workweeks of unpaid medical and/or military family leave during each "FMLA leave year" and up to 26 workweeks of military caregiver leave during a "single 12-month period."

### **Medical Leave**

FMLA medical leave is that needed to care for the employee's spouse, child or parent with a "serious health condition" or because the employee has a "serious health condition" that renders the employee unable to perform the functions of the employee's position.

An employee desiring to take medical leave due to the employee's serious health condition should obtain U. S. Department of Labor Form WH-380-E (*Certification of Health Care Provider for Employee's Serious Health Condition*) from the City Clerk. The City Clerk will have completed Section I of Form WH-380-E. After you complete Section II, your health care provider should complete Section III (Question 4 should be left blank to protect your privacy). The fully completed Form WH-380-E should then be submitted to your Department Head.

An employee on medical leave because of the employee's serious health condition must return to work when the employee's health care provider determines that the employee is able to perform the duties of his or her position.

An employee desiring to take medical leave to care for the employee's spouse, child or parent with a serious health condition should submit a completed U. S. Department of Labor Form WH-380-F (*Certification of Health Care Provider for Family Member's Serious Health Condition*) to his or her Department Head. This form is available from the City Clerk or at <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/WH-380-F.pdf>.

### **Family Leave**

Family leave is that needed for the birth of the employee's child or for the placement of a child with the employee for adoption or foster care. Eligibility to take family leave for the birth or placement of a child expires 12 months after the date of the birth or placement.

## **Military Family Leave**

Military family leave is that needed for a qualifying exigency arising out of the deployment to a foreign country of an employee's spouse, son daughter or parent who is a member of a regular, reserve or National Guard component of the Armed Forces of the United States ("Covered Military Member"). Qualifying military exigencies that entitle an eligible employee to take military family leave include those that are related to deployment of a Covered Military Member and involved with short-notice deployments, attending military events and related activities, arranging or providing alternative or urgent, immediately needed childcare, attending school meetings and parent-teacher conferences, meeting with school counselors, making financial and legal arrangements, on short-term, temporary, rest and recuperation leave during the period of deployment, attending arrival ceremonies, reintegration briefings and events, and official ceremonies of a Covered Military Member while on active federal duty status, such as meeting and recovering the body of the Covered Military Member and making funeral arrangements.

An employee desiring to take military family leave should complete Section II of U. S. Department of Labor Form WH-384 (*Certification of Qualifying Exigency for Military Family Leave*) and submit it to his or her Department Head. This form is available from the City Clerk or at <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/WH-384.pdf>.

## **Military Caregiver Leave**

An eligible employee may take up to 26 workweeks of military caregiver leave during a "single 12-month period." This leave must be used to care for a "covered family member" with a serious illness or injury that was incurred or aggravated in the line of duty while on active duty in any regular, reserve or National Guard component of the Armed Forces of the United States (the "Armed Forces"). In this context, a "covered family member" means a spouse, child, parent, or next of kin who is a "covered servicemember." There are two categories of "covered servicemembers" for purposes of military caregiver leave: (1) current members of the Armed Forces who are undergoing medical treatment, recuperation, or therapy, or who are otherwise in outpatient status, or are otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated in the line of duty on active duty that may render them medically unfit to perform the duties of their office, grade, rank or rating; and (2) veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness incurred or aggravated in the line of duty on active duty, and who were members of the Armed Forces at any time within five years of the treatment, recuperation, or therapy they are receiving.

An employee desiring to take military caregiver leave should submit to the City Clerk a completed U.S. Department of Labor For WH-385 (*Certification for Serious Injury or Illness of Covered Servicemember*). This form is available from the City Clerk or at <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/WH-385.pdf>.

When an employee takes military caregiver leave, that employee is entitled to no more than 26 workweeks of all types of FMLA leave during the “single 12-month period” in which the employee takes military caregiver leave. If an eligible employee does not take all of his or 26 workweeks of military caregiver leave entitlement during the “single 12-month period”, the remaining part of his or her 26 workweeks of military caregiver leave in the “single 12-month period” is forfeited.

## **Eligibility**

Employees eligible for FMLA leave are:

- ◆ Non-exempt employees who have completed a minimum of 12 month of employment with the City and who have worked at 1,250 hours (including hours credited due to an employee’s National Guard or Military Reserve service) for the City during the preceding 12-month period.
  
- ◆ Exempt employees who have worked for the City for at least 12 months.

## **FMLA Leave Year**

For the purpose of determining their entitlement to FMLA medical, family or military family leave, each eligible employee has a different “FMLA leave year” which consists of a rolling 12-month period measured backward from each date the employee uses any FMLA medical, family or military family leave.

A husband and wife employed by the City and entitled to FMLA leave may take a combined total of 12 workweeks of family leave/medical leave to care for a parent (but not a parent-in-law) during their “FMLA leave year.” For the purpose of determining their aggregate 12-workweek entitlement to family leave/medical leave to care for a parent, the two employees have the same “FMLA leave year”, consisting of a rolling 12-month period measured backward from each date that either employee uses family leave or medical leave to care for a parent.

## **Single 12-Month Period**

For the purpose of determining an employee’s maximum entitlement to FMLA military caregiver leave, the “single 12-month period” in which the 26-workweeks-of-leave-entitlement begins is the first date that an employee uses military caregiver leave.

## **FMLA Leave and Paid Leave**

Employees taking medical leave or military caregiver leave will be required to first use all accrued paid vacation days and sick leave. The remainder of the leave will be unpaid.

Employees taking military family leave will be required to first use all accrued paid vacation days. The remainder of the leave will be unpaid.

Employees are required to first use their accrued paid vacation days before using unpaid family leave for the placement of a child. For example, an employee with two weeks accrued vacation who takes 12 weeks off for the placement of a child will be charged for two weeks vacation and receive a ten-week unpaid family leave. An employee who is temporarily disabled due to pregnancy or childbirth will be required to first use her accrued paid sick leave then accrued paid vacation leave before taking unpaid FMLA leave.

### **Benefits and FMLA Leave**

An eligible employee on FMLA leave will not lose any accrued benefits, but will not accrue any benefits or seniority during the unpaid leave period.

### **Health Insurance Continuation**

Unless employee chooses to revoke coverage while on FMLA leave, the City will continue to provide group health insurance coverage for an employee on FMLA leave under the same conditions as the coverage was provided before the employee commenced the FMLA leave. An employee's share of premium payments for his or her group health insurance coverage may be (1) prepaid at or before the start of the FMLA leave, in cash, through salary or wage deductions or through deductions from unused vacation and/or sick leave; or (2) deducted from the employee's vacation and/or sick leave until the employee's vacation and/or sick leave has been exhausted, and thereafter remitted to the City on or before the first of each month. The City and the employee may agree upon some other method and time of payment.

The employee is responsible for the portion of health insurance premiums paid by the City during the unpaid leave if the employee fails to return to work for a reason other than the serious health condition of the employee or the employee's family member which would entitle the employee to FMLA leave, the serious injury or illness of a Covered Servicemember, or another reason beyond the employee's control.

### **Employment Notice Requirements**

An employee desiring to take military family leave must provide notice as soon as practicable, regardless of how far in advance such leave is foreseeable. An employee must provide the City with at least 30-days notice planned or reasonably foreseeable medical, family or military caregiver leave unless the date of medical treatment requires the leave to begin sooner. When the appropriate timing of the need for leave is not foreseeable, an employee must provide notice to the City as soon as practicable and generally within the time and in the manner prescribed by the City of for other unforeseeable absences. An employee is required to schedule foreseeable planned treatment so as not to disrupt the City's business.

### **Intermittent and Reduced-Schedule Leave**

Military family leave may be taken intermittently or on a reduced-schedule basis when

appropriate. Medical leave and military caregiver leave may be taken intermittently or on a reduced-schedule basis when medically necessary. If intermittent or reduced-schedule medical leave or military caregiver leave is needed for a foreseeable planned medical treatment, the employee may be required to transfer temporarily to an alternative position for which the employee is qualified, if that position has equivalent pay and benefits and would better accommodate intermittent or reduced-schedule leave. Family leave for the birth or placement of a child may not be taken intermittently or on a reduced-schedule basis.

## **Reports**

Employees on FMLA leave must advise their supervisors every 30 day of their status and intent to return to work. If circumstances change while an employee is on FMLA leave and the employee is able to return to work earlier than anticipated, the employee should notify his or her supervisor at least two work days prior to the date the employee intends to report for work.

## **Right to Restoration to Employment**

The City will restore an eligible employee returning from FMLA leave to the position he or she held at the time the leave commenced, or to an equivalent position with equal pay and benefits.

Prior to being restored to employment, an employee taking medical leave due to the employee's own serious health condition must present to the City a certification from a physician or other health care provider that the serious health condition that necessitated the leave no longer keeps the employee from being unable to perform the essential functions of the employee's job. The City may delay the employee's restoration to employment until the employee submits the required fitness-for-duty certification. This requirement does not apply to employees taking intermittent or reduced-schedule leave.

## **BEREAVEMENT LEAVE**

In the unhappy case of death in your immediate family, you will be allowed up to three working days (24 working hours) off with pay to attend the funeral and assist with other arrangements caused by the death.

Immediate family shall include: spouse, children, stepchildren, parents, grandparents, siblings, mother-in-law and father-in-law, and where unusually strong personal ties exist. "Unusually strong personal ties" are those ties resulting from an employee having been supported or educated by a person of some relationship other than these listed and where this relationship is recognized for leave purposes. In such cases, the employee must file a written explanation of the circumstances with the request for bereavement pay.

## 5.

# **OTHER BENEFITS**

## **OUR EMPLOYEE BENEFITS PROGRAMS**

The City has established employee benefits programs designed to assist you and your eligible dependents in meeting the financial burdens that can result from illness, disability and death, and to help you plan for retirement, deal with job-related or personal problems, and enhance your job-related skills.

This section of the Employee Handbook highlights some features of our benefits programs. Complete descriptions of our group health insurance programs are also in the City's master insurance contracts with its insurance carrier. If information in this Employee Handbook contradicts information in these master contracts, the master contracts shall govern in all cases.

The City may amend or terminate any of these programs or require or increase employee premium contributions toward any benefits with or without advance notice.

## **MEDICAL AND DENTAL INSURANCE**

Upon being hired to work at least 30 hours per week, you and your eligible dependents become eligible for coverage under the City's Group Health Care and Dental Insurance Plans. See the applicable Summary Plan Description for coverage details and other information.

Currently, the City pays 85 percent of the applicable health insurance premium, and you pay 15 percent by payroll deduction. The City pays 20 percent of the group dental insurance coverage and you pay 80 percent by payroll deduction.

Employees hired prior to November 5, 2008 drawing a pension from the Employees' Retirement System of Alabama ("ERSA") who are not eligible for either Medicare or Medicaid benefits may in certain cases, continue their group hospitalization insurance, dental insurance, vision insurance and prescription drug insurance under the same terms and conditions applicable to active employees, provided the City's present or future group health insurance carrier will provide such coverage. The City will not pay any portion of the premium for a retired employee who is eligible for either Medicare or Medicaid benefits.

# CONTINUATION COVERAGE RIGHTS UNDER COBRA

## Introduction

This notice contains important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the City's Group Health Care Plan and/or Group Dental Insurance Plan (singly or collectively, the "Plan"). **This notice generally explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect the right to receive it.**

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you and to other members of your family who are covered under the Plan when you would otherwise lose your group health coverage.

## What is COBRA Continuation Coverage?

COBRA continuation coverage is a continuation of Plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." Specific qualifying events are listed later in this notice. After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the Plan is lost because of the qualifying event. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

As an employee, you will become a qualified beneficiary if you will lose your coverage under the Plan because either one of the following qualifying events happens:

1. Your hours of employment are reduced, or
2. Your employment ends for any reason other than your gross misconduct.

Your spouse will become a qualified beneficiary if he or she will lose coverage under the Plan because any of the following qualifying events happens:

1. Your death;
2. Your hours of employment are reduced;
3. Your employment ends for any reason other than your gross misconduct;
4. You become enrolled in Medicare (Part A, Part B, or both); or
5. You become divorced or legally separated from your spouse.

Your dependent children will become qualified beneficiaries if they will lose coverage under the Plan because any of the following qualifying events happen:

1. Your death;
2. Your hours of employment are reduced;
3. Your employment ends for any reason other than your gross misconduct;
4. You become enrolled in Medicare (Part A, Part B, or both);
5. You become divorced or legally separated; the child stops being eligible for coverage under the plan as a "dependent child."

### **When is COBRA Coverage Available?**

The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, death of the employee, or enrollment of the employee in Medicare (under Part A, Part B, or both), the City must notify the Plan Administrator of the qualifying event.

### **You Must Give Notice of Some Qualifying Events.**

For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the Plan Administrator within 60 days after the qualifying event occurs. You must send this notice to the Plan Administrator.

### **How is COBRA Coverage Provided?**

Once the Plan Administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children. COBRA continuation coverage is a temporary continuation of coverage. When the qualifying event is the death of the employee, the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), your divorce or legal separation, or a dependent child's losing eligibility as a dependent child, COBRA continuation coverage lasts for up to a total of 36 months. When the qualifying event is the end of employment or reduction of the employee's hours of employment, and the employee became entitled to Medicare benefits less than 18 months before the qualifying event, COBRA continuation coverage for qualified beneficiaries other than the employee lasts until 36 months after the date of Medicare entitlement. For example, if a covered employee becomes entitled to Medicare 8 months before the date on which his employment terminates, COBRA continuation coverage for his spouse and children can last up to 36 months after the date of Medicare entitlement, which is equal to 28 months after the date of the qualifying event (36 months minus 8 months). Otherwise, when the qualifying

event is the end of employment or reduction of the employee's hours of employment, COBRA continuation coverage generally lasts for only up to a total of 18 months. There are two ways in which this 18-month period of COBRA continuation coverage can be extended.

Disability extension of 18-month period of continuation coverage:

If you or anyone in your family covered under the Plan is determined by the Social Security Administration to be disabled and you notify the Plan Administrator in a timely fashion, you and your entire family may be entitled to receive up to an additional 11 months of COBRA continuation coverage, for a total maximum of 29 months. The disability would have to have started at some time before the 60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of continuation coverage.

Second qualifying event extension of 18-month period of continuation coverage:

If your family experiences another qualifying event while receiving 18 months of COBRA continuation coverage, the spouse and dependent children in your family can get up to 18 additional months of COBRA continuation coverage, for a maximum of 36 months, if notice of the second qualifying event is properly given to the Plan. This extension may be available to the spouse and any dependent children receiving continuation coverage if the employee or former employee dies, becomes entitled to Medicare benefits (under Part A, Part B, or both), or gets divorced or legally separated, or if the dependent child stops being eligible under the Plan as a dependent child, but only if the event would have caused the spouse or dependent child to lose coverage under the Plan had the first qualifying event not occurred.

**If You Have Questions:**

Questions concerning your Plan or your COBRA continuation coverage rights should be addressed to the contact or contacts identified below. For more information about your rights under ERISA, including COBRA, the Health Insurance Portability and Accountability Act (HIPAA), and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit the EBSA website at [www.dol.gov/ebsa](http://www.dol.gov/ebsa). Addresses and phone numbers of Regional and District EBSA Offices are available through EBSA's website at [www.dol.gov/ebsa](http://www.dol.gov/ebsa).

**Keep Your Plan Informed of Address Changes**

In order to protect your family's rights, you should keep the Plan Administrator informed of any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator.

**Plan Contact Information:**

Payroll Clerk  
Post Office Box 1589  
Jasper, Alabama 35502-1589  
(205) 221-2100

**RETIREMENT PLAN**

The City of Jasper participates in the Employees' Retirement System of Alabama ("ERSA"). Uniformed police officers contribute six percent of their salary or wage to ERSA. Other employees contribute five percent of their salary or wage to ERSA. In exchange, they obtain a vested interest after ten years of credible service and qualify for regular retirement, retirement on disability, and death benefits payable to their surviving family members.

**SOCIAL SECURITY**

The Federal Social Security Act covers all employees. The required percentage of your salary or wage is deducted from each paycheck to pay your portion of the tax for this protection, and the City matches the deduction dollar for dollar. The plan is designed for your future security and that of your dependents and provides for retirement, disability, death, survivor, and Medicare benefits.

**LIFE INSURANCE**

All employees working at least 30 hours per week are covered under the City's Group Term Life Insurance Program. Coverage under this program is available for employees only; dependent coverage is not available. Coverage is offered to eligible employees on the first day of the month following their employment.

Under this program, you are covered by a life insurance benefit and an accidental death or dismemberment ("AD&D") benefit.

Twenty percent of the cost to provide this benefit is paid by the City.

For further details regarding life insurance benefits, consult the Certificate of Insurance.

## **WORKERS' COMPENSATION INSURANCE**

To provide for payment of your medical expenses and for partial salary or wage continuation in the event of a work-related accident, you are covered by workers' compensation insurance. The amount of benefits payable and the duration of payment depend on the nature of your injury. In general, however, all reasonable and necessary medical expenses incurred in connection with an on-the-job injury are paid in full, and partial salary payments are provided beginning with the fourth consecutive day of your absence from work.

If you are injured on the job, you must immediately report such injury to your supervisor. Please refer to the City's Drug-Free and Alcohol-Free Workplace Policy as it applies to on-the-job injuries. This ensures that the City can assist you in obtaining appropriate medical treatment. Your failure to follow this procedure may result in the appropriate workers' compensation report not being filed in accordance with the law and jeopardize your right to benefits in connection with the injury.

Employees who have an appointment to see workers' compensation doctors for their injuries will be allowed four (4) hours off with pay for out of town doctors and two (2) hours off with pay for local doctors. Please schedule your visits to best accommodate this policy.

Questions regarding workers' compensation insurance should be directed to the Personnel Administrator.

## **SEPARATION PAYMENT**

Full-time employees whose employment with the City ends for any reason, including retirement, resignation, discharge, or lay-off, will receive payment, at their regular daily salary or wage rate, for all accumulated sick leave, unpaid vacation days, and unpaid overtime.

## **DEATH BENEFIT**

A death benefit, equal to the value of an employee's accumulated sick leave, unpaid vacation days, and unpaid overtime, will be paid to the surviving spouse (or, if there is no surviving spouse, to the estate) of any person who dies while employed by the City.

## **403(b) DEFERRED SAVINGS PLAN**

The City has established a 403(b) deferred compensation plan for all employees. The purpose of the 403(b) plan is to encourage employees to save on a pre-tax basis and to build a financial reserve for retirement.

You may elect to participate in the plan and have the City withhold a certain percentage of your gross compensation through payroll deduction. The money you contribute is invested in accordance with your instructions. Its value at retirement depends on a number of factors, such as how long and how much you have contributed and investment gains.

Questions about our 403(b) deferred compensation plan should be directed to the City Clerk.

## **EMPLOYEE ASSISTANCE PROGRAM**

(Applicable to Employees of the Fire and Police Departments)

In a large percentage of America's workforce, there are many problems and disorders stemming from stress and crisis that adversely affect employees' lives and job performance. The dimensions of these problems can be quite intense and often consuming of a person's life and job if they are not dealt with on a timely basis. Situations like this do not mean that one has serious emotional problems, but do cause human suffering that can get worse if not dealt with. As a governmental entity whose purpose is to provide services to the people of Jasper, we are naturally concerned about you who provide these services and the impact that stress can have on your lives. Moreover, when employees suffer, their families also suffer, making stress more acute. Emotional stress does not go away with inattention or avoidance. Our Employee Assistance Program is a helpful confidential resource to help you diffuse such stress.

Employees are encouraged to voluntarily use the Employee Assistance Program. In some instances the Chief of Police or Fire Chief may deem it important to refer you to the program. The procedure is as follows:

1. The employee would be advised that distress is affecting his or her job performance. The supervisor would attempt to assist an employee without diagnosing the cause or getting into the employee's personal life;
2. If it becomes apparent to the supervisor that the employee is unable to solve the problem, then he or she would refer the employee to the Employee Assistance Program;
3. The problem would be discussed on a confidential basis at a neutral site to determine the cause of the problem & provide recommendation to the employee as to assistance available.
4. A careful assessment would be made and senior staff would be made available to provide services on an as-needed basis.

As long as the employee cooperates by seeking help on his/her own or cooperates after being referred, his or her job will not be jeopardized. The City will get no feedback about attendance except where the employee signs a release. No other information will be made available.

The entire matter will be conducted on a strictly confidential basis. The City believes that problems brought on by crisis and stress can be best dealt with if they are identified and treated quickly.

The City considers its law enforcement and fire department employees to be among our greatest asset. We also feel a strong investment in their success, wellness and ability to function. Through early identification of problems and appropriate assistance, individual and family pain can be kept to a minimum. If these same problems are ignored, they often get worse. With your cooperation, the City believes our employees and families can be helped to effectively dealt with such stress.

To request services through the Employee Assistance Program, contact Human Resources at City Hall, 205-221-2100.

## 6.

# **EMPLOYEE CONDUCT**

## **DRUG FREE AND ALCOHOL FREE WORKPLACE POLICY**

City of Jasper recognizes that our employees are our greatest asset. Our goal is to provide the best possible product and service to our customers. Our employees are the key to achieving this goal. It is important that every employee of the Company understand the dangers of substance use and be aware of state and/or federal requirements concerning substance use. The Company's policy and procedures are not a contract of employment. The Company reserves the right to depart from this policy and procedures where management deems it is appropriate, and all employees are at will employees. Except where specifically prohibited by law, the guidelines contained within the policy and procedures will be informed of any changes.

### **POLICY OBJECTIVES**

1. To create and maintain a safe, drug-free working environment for all employees.
2. To encourage any employee with a dependence on or addiction to alcohol or other drug to seek help in overcoming the problem.
3. To reduce problems of absenteeism, tardiness, carelessness, and/or other unsatisfactory matters related to job performance.
4. To reduce the likelihood of incidents of accidental personal injury and/or damage to customers, visitors, or property.
5. To minimize the likelihood that Company property will be used for illicit alcohol and/or drug activities.
6. To protect the reputation of the company and its employees within the community substance use can be a serious threat to the company, its employees and customers. Though the percentage of substance abusing employees may be relatively small, practical experience and research indicate that appropriate precautions by the company are necessary. It is the belief of the company that the beliefs derived from these policy objectives will outweigh the potential of inconvenience to employees.

As a condition of employment, employees must abide by the terms of the City of Jasper

Substance Use Policy and must notify City of Jasper in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

The Company requires that all employees report to work without any detectable presence of alcohol or a drug metabolite in their body systems. Employees shall not report for work or remain on duty that require the operating of motor vehicles and heavy equipment, use of firearms, and specialized skills required for police officers, firefighters, and mechanics while using a controlled substance except when the use is pursuant to the instructions of a physician who has advised the employee that the substance will not adversely affect the employee's ability to perform the job tasks in a safe manner.

No employee shall use alcohol while on duty. The Company prohibits employees from using, possessing, manufacturing, distributing or making arrangements to distribute drugs or alcohol while at work or on Company property.

Outside conduct of a substance use-related nature which affects an employee's work, the Company's relationship with any customer, or reflects negatively on the Company is prohibited.

Employees in job classifications of police officer, firemen, operators I, II, and III, mechanics, and all drivers of city vehicles must inform their supervisor when they are legitimately taking medication which may affect their ability to perform their assigned job tasks or that may place the employee in violation of the Company's policy and procedures.

The Company requires that all employees submit, at any time an employee is on duty or at any time an employee may be called to be on duty, to drug and/or alcohol testing to determine the presence of prohibited substances. Employees may be required to submit to the following types of testing, as defined in City of Jasper Substance Use Policy: Routine-Fitness for Duty if required, Reasonable Suspicion, Post Accident, Post Rehabilitation (Follow-up) and Random. An employee's refusal to submit to a requested specific substance use test or failure to cooperate with such testing shall constitute an act of insubordination and will subject the employee to disciplinary action up to and including termination.

All job applicants will be requested to submit to alcohol and/or drug testing as a condition of employment. To assist us in providing a safe and healthy workplace, a resource file of information on various means of employee assistance in this community, including but not limited to drug and alcohol use programs, is maintained in personnel department. This information will be distributed to employees for their confidential use.

# **DRUG-FREE WORKPLACE SUBSTANCE USE POLICY AND PROCEDURES**

## **GENERAL POLICY**

Practical experience and research has proven that even small quantities of narcotics, abused and non-abused prescription drugs or alcohol may impair judgment and reflexes. Even when not readily apparent, this impairment can have serious results, particularly for employees operating vehicles or potentially dangerous equipment. Drug-using employees are a threat to co-workers and themselves, and may make costly errors. For these reasons, City of Jasper has adopted a policy that all employees must report to work without any detectable presence of alcohol and/or any detectable drug metabolite, unless used as prescribed by a physician. This policy will be enforced to provide a safe workplace for all employees. Employees should understand that a positive drug or alcohol test is not a necessary prerequisite to disciplinary action if this policy or any other work rule has been violated.

### **Definitions:**

Alcohol is ethyl alcohol or spirits of wine, from whatever source or by whatever process produced.

Breath Alcohol Concentration (BrAC) is the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath been approved by the National Highway Traffic Safety Administration (NHTSA) and placed on NHTSA's "Conforming Products list of Evidential Breath Measurement Devices."

Medical Review Officer (MRO) is a licensed physician (medical doctor or doctor of osteopathy), certified by either the American College of Occupational and Environmental Medicine or the American Association of Medical Review Officers, responsible for receiving laboratory results generated by an employer's drug testing program. The MRO shall have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history, and other relevant biomedical information.

Prescription Medication (Prescription Drug) is a drug or medication lawfully prescribed by a physician for an individual and taken by that individual in accordance with the prescription.

Safety Sensitive Functions usually include positions that involve any of the following: national security; health or safety; functions that require a high degree of trust and confidence; operation of company vehicles, machinery, or equipment (the mishandling of which may place fellow employees or the general public at risk or serious injury, or the nature of which would create a security risk in the workplace); or the handling of hazardous material.

Substance Test or Test is any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence of a drug or alcohol.

## **DRUG USE/DISTRIBUTION/POSSESSION**

All employees are prohibited from possessing, distributing, manufacturing, or having a detectable presence of any drug substance, abused prescription drugs or any other mind altering or intoxicating substances in their system while at work or on duty.

## **ALCOHOL USE/POSSESSION**

All employees are prohibited from possessing, drinking, or having a detectable presence of alcohol in their body while at work or on duty. Evidential breath testing devices (EBTs) on the National Traffic Highway Safety Administration Conforming Products list will normally be used to determine BrAC. When using EBTs the Department of Transportation (DOT) 49 Code of Federal Regulation (CFR) Part 40 procedures shall be followed in administering and documenting the BrAC test.

## **OFF-DUTY CONDUCT:**

Off-duty use of drugs, alcohol or any other prohibited substances which results in impaired work performance, which may include absenteeism, tardiness, poor work performance, damage to the employer's reputation, or inferior quality of work is prohibited.

## **PRESCRIPTION MEDICATIONS**

The proper use of medication that is legally prescribed by a physician is not prohibited. Employees performing duties in safety sensitive functions shall notify their supervisor, whenever a prescription medication is taken.

## **SUBSTANCE USE TESTING PROGRAM:**

Conditions for which testing shall be conducted:

Pre-Employment Testing shall be required of all applicants that receive an offer of employment. Prior to testing, the applicant shall be afforded the opportunity to voluntarily sign a Substance Use Testing Consent Form. If the applicant refuses to sign the previously named consent form, consideration for employment shall be withdrawn. If an applicant tests positive for the use of drugs or alcohol, consideration for employment shall be withdrawn. The applicant has five days to contest or explain a confirmed positive test after written notification or such result from the employer. It is the current use of alcohol and drugs, not the past history that prevents the applicant from being accepted for employment.

Reasonable Suspicion Testing shall be required when it is believed that an employee is using or has used drugs or alcohol in violation of City of Jasper policy. Testing shall be based upon specific objectives and articulable facts and reasonable interferences as identified on the reasonable Suspicion Report form such facts and interferences may be based upon, but not limited to the following:

- ◆ Direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance use.
- ◆ Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- ◆ A report of substance use provided by a reliable and credible source.
- ◆ Evidence that an individual has tampered with any substance use test during his or her employment with the current employer.
- ◆ Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working or while on the premises of the employer or while operating the employer's vehicle, machinery or equipment.
- ◆ Causing or contributing to a workplace accident.

The supervisor requesting testing shall complete, explain in detail the circumstances and evidence warranting testing, and sign the "Reasonable Suspicion Report Form" at the time testing is requested, if feasible, but within 24 hours of testing in any event. The supervisor should have the corroboration of another supervisor, when possible, before the employee is requested to be tested. In the absence of another supervisor, another employee may be requested to witness the observation and the "Reasonable Suspicion Report Form."

If use is suspected, the employee will be transported to the collection site for testing. Under no circumstance shall the employee be permitted to drive if the employee appears to be impaired, disoriented or confused.

Routine Fitness-For-Duty Testing shall be a part of all scheduled medical examinations for employees. Safety sensitive jobs may require additionally medical examinations.

Post-accident Testing shall be conducted when an employee causes or contributes to any accident resulting in injury requiring more than simple first aid treatment, damage to company property in excess of \$500.00 or damage, or when the employee causes or contributes to a loss-time accident. For alcohol testing, the employee shall be tested within eight-hours of the accident. Drug testing shall be conducted within 32 hours of the accident.

Post Rehabilitation Testing shall be conducted at least once a year during a two-year

period after an employee returns to work upon the completion of rehabilitation related to substance use. If an employee voluntarily requests rehabilitation, Post Rehabilitation Testing may not be required, but any employee who receives rehabilitation as a result of a required employer substance use test shall be subject to Post Rehabilitation Testing.

Random testing of all employees regardless of position should be conducted quarterly. The City will test ten percent of the total work force over the course of a year: Random selections will be unannounced. Employees selected for testing must test the same day they are notified.

### **Specimen Collection and Analysis**

Specimens shall be collected in a manner that will afford the individual privacy, yet be reasonably calculated to prevent substitution or adulteration of the specimen. The donor will be given the opportunity, after specimen collection, to record any information considered relevant to the test, current or recently used prescription or nonprescription medication or other medical condition, on the back of the donor's copy of the chain of custody control form.

The employee/applicant shall observe the collector prepare the chain of custody control form and the specimen for shipment. The employee/applicant shall initial and/or sign the appropriate labels and control form for transporting the specimen as verification of the collector preparation of the control form and specimen.

The LabCorp OTS, 1904 Alexander Drive, RTP, NC 27709-0153 will analyze all specimens. All initial tests having a positive result shall be confirmed. The laboratory will forward the results of all tests to Dr. Donald Ashley, City of Jasper medical review officer (MRO) located at the Afterhours Clinic.

The MRO will attempt to contact the donor within 72 hours of notification to ascertain if there is a medical reason for a positive result. If the MRO cannot contact the donor within 72 hours, the test will be reported to the employer as positive. The employee/applicant may request another analysis of the original specimen at his or her own expense. If a medical reason caused a positive test result and would not affect the employee's ability to perform his or her duties, the MRO will report the test to the employer as a negative.

### **Sanctions**

An employee who voluntarily admits to a drug or alcohol problem prior to being requested to submit to a substance abuse test may not be terminated for requesting help. The employee has five days to contest or explain a confirmed positive test after written notification of such result from the employer.

Any of the following will result in termination of employment with The City:

- ◆ A positive drug or alcohol test
- ◆ Failure to submit to or cooperate with a required drug or alcohol test
- ◆ Knowingly altering or adulterating a blood or urine specimen

To assist us in providing a safe and healthy workplace, a resource file of information on various means of employee assistance in the community, including but not limited to drug and alcohol abuse programs, is maintained in personnel department. This information will be distributed to employees for their confidential use.

According to Code of Alabama 1975 Section 25-5-51:

No compensation shall be allowed for an injury due to the injured employee being intoxicated from the use of alcohol or being impaired by illegal drugs, if the intoxication or impairment caused or contributed to the accident.

No compensation shall be allowed if the employee refuses to submit to or cooperate with a blood or urine test.

### **Education and Training**

All employees shall semi-annually receive one hour of education which will include at a minimum the following subjects:

1. An explanation of the disease model of addiction;
2. The effects and dangers of commonly abused substances in the workplace; and
3. City of Jasper policy and procedures regarding substance use.

Supervisors shall receive an additional two hours of annual training which will include at a minimum the following subjects:

1. How to recognize signs of employee substance abuse
2. How to document and corroborate signs of employee substance abuse; and
3. How to refer substance abusing employees to the proper treatment providers.

### **Confidentiality of Information**

All information, interviews, reports, statements, memoranda, and test results, written or otherwise, received through City of Jasper substance use testing program shall be held as confidential communications by the City of Jasper, MROs, laboratories, drug and alcohol rehabilitation programs, employee assistance programs, and their respective agents. These communications may be used or received in evidence, obtained in discovery, or disclosed in any civil or administrative proceeding. However, information on test results shall not be released or used in any criminal proceeding against the employee or applicant. Release of such information under any other circumstance shall be solely pursuant to a written consent form signed voluntarily by the individual that was tested, unless the release is compelled by an agency of the state or a court of competent

jurisdiction or unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

## **PERSONAL APPEARANCE AND DEMEANOR**

Discretion in personal hygiene, appearance, style of dress, and behavior is essential to the efficient operation of the City. Employees must be clean and presentable at all times, must dress in appropriate attire, and must behave in a professional, businesslike manner. Please use good judgment in your choice of work clothes and remember to conduct yourself at all times in a way that best represents you and the City. Employees who are furnished uniforms are required to wear them at all times and to keep them clean and in serviceable condition. Employees who are furnished uniform allowances are required to wear the prescribed uniform. Employees who do not wear the prescribed uniform will not receive uniform allowances. The City will determine the prescribed uniform for each department.

Employees are also required to keep their work environment clean and orderly.

## **ABSENTEEISM AND TARDINESS**

The City expects all employees to assume diligent responsibility for their attendance and promptness.

If you are unable to work because of illness, you must notify your supervisor within one-half hour prior to the start of your scheduled shift on each day of your absence. Failure to properly notify the City is an unexcused absence.

If you are absent for more than three consecutive workdays, a statement from a physician is required before you will be permitted to return to work. In addition, the City may require an employee to submit a statement from a physician in other instances, such as where abuse is suspected (for example, where an employee's record indicates a pattern of short absences and/or frequent absences or before or after holidays and weekends). Unexcused or excessive absenteeism or tardiness is grounds for disciplinary action, including dismissal.

## STANDARD ATTENDANCE CONTROL PROGRAM

Regular work attendance is required of all employees and all absences must be accounted for. Each department maintains a record of individual absenteeism to minimize absenteeism. This policy is designed to address those employees who repeatedly miss work for reasons other than good cause.

If an employee accumulates three single days of unexcused absence in a 180-day period, he or she shall be designated an "irregular worker" and will be subject to the following progressive steps of discipline:

Step 1. If the irregular worker is absent (unexcused) for one additional day within 180 days of the last unexcused absence in the series which caused him to be designated an irregular worker, he or she will be called in for a personal interview with Management and will be given a written warning notice. A copy of the notice shall be sent to the Civil Service Board.

Step 2. If the irregular worker is then absent (unexcused) for one additional day within 180 days of the warning notice, he or she will be suspended for three working days. Written notice of this suspension will be given to the employee with a copy to the Civil Service Board, which notice shall indicate that this is the second and final warning.

Step 3. If the irregular worker is then absent (unexcused) for one additional day within 180 days of the last day of the three-day suspension, he or she will be suspended with intent to discharge.

It is the intent of the City to encourage each employee to work each day the employee is scheduled; therefore the employee may restore himself or herself to the status of having a satisfactory attendance record through regular attendance. Each unexcused absence will be stricken from the employee's unsatisfactory record after a period of 180 days has elapsed since the date of that absence, and the employee will again be at the prior step of this procedure and this will continue until he or she is no longer an irregular worker.

## GUIDELINES FOR APPROPRIATE CONDUCT

As an integral member of the City's team, you are expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This involves sincere respect for the rights and feelings of others and demands that, both in your professional and in your personal life, you refrain from any behavior that might be harmful to you, your coworkers, or the City or that might be viewed unfavorably by the public at large.

Whether you are on or off duty, your conduct reflects on the City. You are therefore encouraged to observe the highest standards of professionalism at all times.

Serious misconduct likely to result in disciplinary action, including suspension for up to 30 days or immediate termination of employment, includes, but is not limited to, the following:

- ◆ Willful disobedience of rules or orders
- ◆ Unlawful discrimination
- ◆ Harassment of another employee
- ◆ Conduct unbecoming of your official position or job
- ◆ Using coarse, profane, or insolent language to a superior officer, to the CSB, or to any citizen
- ◆ Absence from duty without permission
- ◆ Use of the City's supplies, equipment, or other resources for personal purposes.
- ◆ Abuse of the City's supplies, equipment, or other resources
- ◆ Being under the influence of alcohol or illegal drugs while on duty
- ◆ Failing to advise one's supervisor that one has reported to work while under the influence of legally prescribed or over-the-counter drugs that may pose a significant risk to the safety of the employee or others
- ◆ Manufacturing, possessing, using, selling, distributing, or transporting illegal drugs
- ◆ Drinking alcoholic beverages while on duty
- ◆ Fighting or using obscene, abusive, or threatening language or gestures
- ◆ Stealing
- ◆ Dishonesty
- ◆ Having unauthorized firearms on the City's premises or while on the City's business
- ◆ Disregarding safety or security regulations
- ◆ Insubordination or disrespect towards a superior officer or member of the CSB
- ◆ Public criticism of orders given by a superior officer
- ◆ Ignorance of rules or orders
- ◆ A police officer's refusal to give his name or badge number on request

## EMPLOYEE USE OF THE CITY'S ELECTRONIC MEDIA

The following is a statement of the permissible and impermissible uses of City computers, computer files, the e-mail system, and software, including that used to access and exploit the Internet ("Electronic Media"), furnished by the City to its employees.

### **In General**

Electronic Media furnished by the City to its employees is the City's property and is intended to further the City's business. The City provides this technology to help you work faster and smarter. This policy is designed to help you understand the City's expectations for the use of those resources and to help you use the City's Electronic Media wisely. This policy does not replace, but supplements, policies relating to misuse of the City's resources, harassment, information and data security, and confidentiality. This policy applies 24 hours a day, seven days a week, *wherever* you use or access the City's Electronic Media.

To ensure compliance with this policy, the City will monitor the use by its employees of its Electronic Media. *You should therefore have no expectation of privacy in your use of the City's Electronic Media.* Violations of this policy will result in disciplinary action, including the possible termination of employment. The City will cooperate with law enforcement agencies investigating the suspected unlawful uses of the City's Electronic Media.

### **In Using the City's Electronic Media, do:**

- ◆ Help the City maintain a work place that is free of harassment and that is sensitive to the diversity of its employees.
- ◆ Protect your and the City's interests by exercising good judgment at all times.
- ◆ Observe good security practices by recognizing that Internet communications are subject to interception and may be disclosed to persons other than the intended recipient.
- ◆ Avoid any communications or activities that may be construed as improper or that may harm the City's reputation.
- ◆ Conduct yourself honestly and appropriately on the Internet, just as you would in face-to-face business dealings.
- ◆ Respect the copyrights, software licensing rules, property rights, privacy, and prerogatives of others.
- ◆ Disconnect immediately from any accidentally encountered worldwide web site that contains sexually explicit material or material that might be offensive to others.
- ◆ Properly shut down and turn off your computer at the end of your workday.

- ◆ Manage your e-mail in box by promptly reading, acting on, and deleting your e-mail messages.
- ◆ Check for new e-mail messages at least twice daily.
- ◆ Retain important e-mail messages by storing them in an archive file or by printing them and placing them in a file folder.
- ◆ Take care to understand the copyright, trademark, defamation, and public speech control laws.
- ◆ Notify your immediate supervisor or any member of management upon learning of violations of this policy.

**DON'T Use the City's Electronic Media to:**

- ◆ Use a password, access a file, or retrieve any stored communication without authorization.
- ◆ Solicit others for commercial ventures, religious or political causes, outside organizations, or other matters that do not relate to the City.
- ◆ Use of duplicate software except in accordance with the applicable software license agreement.
- ◆ Disclose your password or use someone else's password except when you are explicitly authorized by your supervisor to do so.
- ◆ Distribute any copyrighted material you find on the Internet.
- ◆ Attempt to resolve misunderstandings or differences of opinion. (This is best accomplished in a face-to-face meeting with the other employee or by bringing the problem to a supervisor).
- ◆ Display or transmit sexually explicit images, messages, or cartoons.
- ◆ Display or transmit material that might be construed as frivolous, hateful, profane, or harassing because of race, color, national origin, sex, sexual orientation, age, disability, or religious or political beliefs.
- ◆ Download or distribute pirated software or data.
- ◆ Deliberately propagate any virus, worm, Trojan horse, or trap door program code.
- ◆ Download entertainment software or games, or play games on or over the Internet.

- ◆ Download images, audios, or videos except in furtherance of the City's business.
- ◆ Visit improper sites or sound off in public forums.
- ◆ Subscribe to mailing lists that are not job-related or that do not serve a legitimate business purpose.
- ◆ Attempt to disable, defeat, or circumvent any security software or device.
- ◆ Violate the law.

## **TELEPHONE AND CELL PHONE USE**

All employees are asked to make personal calls during breaks and meal periods and to ensure that friends and family members are aware of this policy. The City of Jasper will not be liable for the loss of personal cell phones brought into the workplace. Employees are not authorized to use personal cell phones in place of city-provided beepers and radios.

The following are prohibited during work hours:

- Never use a cell phone for surfing the internet or gaming during work hours.
- Avoid using work cell phones for personal tasks.
- Do not use personal cell phones for work tasks.
- Do not use cell phones during a meeting.
- Do not use cell phones to record confidential information.

Where job or business needs demand immediate employee access, a business cell phone, beeper and/or two-way radio may be issued. For business and legal reasons the personal use of such equipment is not permitted. Phone records may be audited for compliance. If an employee experiences a personal emergency that requires use of the business cell phone, they are required to report this to their supervisor. Failure to report such use may result in disciplinary action up to and including termination. Employees in possession of city equipment such as cell phones, beepers and radios are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time upon request, the employee must return the equipment.

Employees whose job responsibilities include driving or operating equipment and who must use a cell phone for business use are expected to refrain from using their phone while driving. Allow voice mail or your passenger to handle calls when possible. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call.

**If acceptance of a call is unavoidable and pulling over is not a safe option,**

- Use hands-free devices;
- Use the voice-activated or “speed dial” features;
- Keep the call short;
- Do not take notes, text message or email while driving;
- Refrain from discussion of complicated or emotional issues; and,
- Keep eyes and attention on the road and both hands free to operate the vehicle.

**Special care should be taken in situations**

- When there is moderate to heavy traffic;
- Inclement weather; or,
- Driving in an unfamiliar area.

In situations where employees drive and accept phone calls, state law, as well as this policy, requires the use of “hands-free” equipment. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. Violations of this policy will be subject to discipline, including termination.

As with any policy, management staff is expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

## **SMOKING**

To maintain a safe and comfortable working environment, smoking in City buildings, vehicles, equipment and public-accessible areas is strictly prohibited. You should become familiar with the areas throughout the City's premises where smoking is either permitted or prohibited. These areas have been marked clearly. Employees smoking in any non-smoking area are subject to disciplinary action.

## **SAFETY AND HEALTH**

The City is committed to providing a safe and healthful working environment. In this connection, the City makes every effort to comply with relevant federal and state occupational health and safety laws and to develop the best feasible operations, procedures, technologies, and programs conducive to such an environment. In addition, the City provides semiannual safety training to all employees.

The City's policy is aimed at minimizing the exposure to health and safety risks of our employees, and members of the public. To accomplish this objective, all employees are expected to work diligently to maintain safe and healthful working conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses.

The responsibilities of all employees in this regard include:

- ◆ Exercising maximum care and good judgment at all times to prevent accidents and injuries
- ◆ Reporting to supervisors and seeking first aid for all injuries, regardless of how minor
- ◆ Reporting unsafe conditions, equipment, or practices to supervisory personnel
- ◆ Using safety equipment provided by the City at all times
- ◆ Observing conscientiously all safety rules and regulations at all times
- ◆ Notifying their supervisors, before the beginning of the workday, of any medication they are taking that may cause drowsiness or other side effects that could lead to injury to them or to their co-workers
- ◆ Employees filing more than two workers' compensation claims within a twelve month period shall be counseled.

## **TERMINATION OF EMPLOYMENT**

Employees desiring to terminate their employment relationship with the City are urged to notify the City at least two weeks in advance of their intended termination. Such notice should preferably be given in writing to your supervisor. Proper notice generally allows the City sufficient time to calculate all accrued overtime (if applicable) as well as other monies to which you may be entitled and to include such monies in your final paycheck. Without proper notice, however, you may have to wait until after the end of the next normal pay period to receive such payments.

## 7.

### **COMPLAINT RESOLUTION PROCEDURE**

Misunderstandings or conflicts may arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, if a situation persists that you believe is detrimental to you or to the City, you should follow the procedure described here for bringing your complaint to management's attention.

Discussing the problem with your immediate supervisor is encouraged as a first step. If, however, you do not believe a discussion with your supervisor is appropriate, or if the situation continues, you should address your complaint in writing to the City Clerk or the Mayor.