



10 Jack Gray Way, Helena AL 35080
City Hall Council Chambers

SPECIAL CALLED MEETING HELENA CITY COUNCIL

Helena City Council

May 20, 2026

Council Work Session

6pm

- Review of the YTD Budget

City Council Meeting Agenda

6:30pm

- Meeting Called to Order
- Invocation
- Pledge of Allegiance
- Council Roll Call
- Approve/Deny – Employee Handbook
- Adjournment

Proper notice of the posted Agenda for the Pre-Council Work Session and Regular Scheduled Meeting of the Helena City Council was given in advance of such a public meeting and the notice remained posted through the scheduled meeting. By general consent of the Council, agenda items may be added, removed, or considered out of order. Next City Council Meeting Date: Next Regular Scheduled Meeting will be June 8, 2026 @ 5pm Work Session followed by Regular Meeting at 6:00pm.

Updated: 05/15/2026



HELENA
A L A B A M A

**City of Helena, Alabama
Employee Handbook and General
Policies & Procedures Manual**

Adopted by the City Council of the City of Helena, Alabama
[Resolution ### | Date]

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TERMS

The words, terms, and phrases used in the Employee Handbook shall have the following meaning:

Appointing Authority – The Mayor, the City Council, or any employee of the City duly authorized to make appointments to the regular service by virtue of his or her supervisory capacity as defined by their roles. The City recognizes Department Heads as an Appointing Authority in their respective departments as defined.

Certification – A submission of names of eligibles from a reemployment list, a promotion list, or an eligible register to an Appointing Authority for the purpose of filling a position in the classified service.

City – The City of Helena.

Class – A group of positions in the regular service sufficiently similar in respect to the duties, responsibilities and authority that the same descriptive title may be used to identify positions allocated to the class, that the same requirements as to education, experience, capacity, knowledge, proficiency, ability, and other qualifications should be required of the incumbents, that the same tests of fitness may be used to choose qualified employees, and that the same schedule of compensation can be made to apply with equity.

Classification – The assigning of a position to the appropriate class in accordance with its duties, responsibilities, and authority.

Classified Service – Any employment position in the city, whether regular, probationary, temporary, or exempt, for which a position of employment exists and the salary and benefits are determined by the appointing authority.

Council – the City Council of the City of Helena. The Council shall be the appointing authority for the City Clerk, Police Chief, Fire Chief and other departments allocated to by State of Alabama statute or City of Helena ordinance.

Demotion – Any disciplinary or other action which reduces the pay grade or pay step of a nonexempt employee in the regular service.

Department Head – Any individual who provides administrative and supervisory work in directing all activities and employees of a city department. Each Department Head is considered an Appointing Authority in their respective divisions.

Director – The Personnel Director appointed by the Mayor or company contracted by the Mayor to perform personnel services.

Eligible – An individual whose name is on a reemployment list, a promotion list, or an eligible register.

Eligible Register – A record containing names, listed and ranked in order of their final earned average from the highest to the lowest, of those individuals who have successfully completed prescribed tests and are qualified for original appointment to positions in the class for which the test was held.

Exempt Employee – An individual who is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). Certain computer professionals may also be exempt. With some limited exceptions, exempt employees will be paid on a salary basis in compliance with the FLSA.

Exempt Service – Employees not in the classified service as set forth in Section 6(2) of the Civil Service Act.

Mayor – The individual elected or appointed to the official position of Mayor of the City of Helena, Alabama. The Mayor shall be the appointing authority for administrative staff and the department heads not appointed by Council.

Medical Review Officer (MRO) – a licensed physician who is responsible for receiving and reviewing laboratory results generated by the City's drug testing program and evaluating medical explanations for certain drug test results.

Non-Exempt Employee – An individual who is not exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and is therefore entitled to overtime pay.

Open-Competitive – The process of seeking qualified candidates for a regular position from any qualified person including taking applications from the general public and other employees in the regular service not otherwise in the department for which the position exists.

Pay Grade – The specific pay range as set forth in the Pay Plan for a classification.

Pay Step – The specific pay rate within a pay range as set forth in the Pay Plan.

Personnel Board – The Board created by the Civil Service Act.

Policy, Rule, or Regulation – Policies, rules, and regulations include those approved by City Council as well as operating policies and procedures approved by the Mayor and/or Department Head.

Position – Any job or set of duties in the regular service requiring the full-time employment of one individual in the performances and exercises of the job or duties.

Probationary Employee – An employee appointed to a regular position from a reemployment list, promotion list, or eligible register who has not completed his or her probationary period.

Probationary Period – The probationary period for an employee hired or promoted to fill a regular, full-time position shall begin immediately upon hire or promotion in such position and continue for one (1) year.

Promotion – An advancement from one class to another related occupational class with increased duties and/or responsibilities, or both, and for which a higher rate of pay is prescribed.

Public Hearing – A meeting of the board, open to the public, at which any resident, taxpayer, or party of interest may appear and may be heard.

Public Notice – A written notice placed upon the bulletin board maintained at or near the entrance to the offices of the city clerk in a place accessible to the public during business hours.

Public Record – A record which the public has the right to inspect in a reasonable manner during ordinary business hours.

Public Safety – Any position working in fire suppression or law enforcement.

Qualifications – The minimum experience, educational, physical, and personal requirements determining the eligibility of an applicant for examination.

Reemployment List – A list containing the names of individuals who have occupied, and have been separated from, regular positions in the classified service and who are entitled to preference in appointment to vacancies in positions.

Regular Employee – An employee who was appointed under the provisions of the Civil Service Act to a regular classified position and who has completed his or her probationary period, the hours of work of which shall be fixed by the appointing authority with due regard to the convenience of the public, and to working hours customarily observed in the community.

Regular Position – Any position in the regular service which has required or which is likely to require the full-time services of an individual without interruption for a period of more than six months.

Seasonal Position – Any position in the classified service which requires or is likely to require the services of an incumbent during certain parts of each year, only at recurring annual or other periods.

Series – A subdivision of a group consisting of two or more classes of positions, similar as to line of work but differing in responsibility or difficulty, which constitutes steps in a normal line of promotion.

Specifications – A formal statement descriptive of a position that contains all of the following:

- a. The title and class.
- b. A description of the duties or responsibilities of the position.
- c. The minimum qualifications required of applicants as to education, experience, physical ability, and other attributes.

Temporary Position – Any employment position in the city which is not regular, but which requires or is likely to require the services of an employee for a set period of time not to exceed twelve months.

Test – A written or oral examination, or both, or other methods established as herein provided, to determine the merit, efficiency, or general fitness of applicants for positions.

Title – The term used to designate all employment by class and grade and shall be descriptive of the duties of the position.

CITY OF HELENA, ALABAMA EMPLOYEE HANDBOOK AND GENERAL POLICIES AND PROCEDURES MANUAL

The City of Helena (City) presents this handbook as a general guide to working rules, terms and conditions, benefits and wages related to employment with the City. Its purpose is to help employees understand their roles, responsibilities, and the City's expectations regarding employee performance and evaluation. The policies and guidelines outlined in this handbook are intended to provide general direction and may be amended or vary as circumstances require.

Adoption of this Employee Handbook revokes and replaces all prior handbooks and prior promulgated rules.

SECTION 1. INTRODUCTION

1.1 Purpose and Scope

The City is committed to the effective and coordinated delivery of municipal services and facilities. Providing high-quality services is essential to the health, safety, well-being and satisfaction of the City's residents and stakeholders. The City's ability to meet this responsibility depends on employees performing their duties in a consistently high professional manner. Accordingly, City employees are expected to perform their work assignments to the best of their ability, maintain regular and dependable attendance, and comply with all City policies, rules, and regulations.

This Employee Handbook is intended to provide general information about the City's employment policies and practices. It is not a contract of employment and should not be interpreted as such.

The handbook is designed to help employees understand the terms and conditions of their employment and the City's performance expectations. The policies and guidelines described in this handbook may be modified, interpreted or applied differently as circumstances require.

These policies are to be used as a guide and shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely. In the event of a conflict between departmental policy and this handbook, the handbook shall control.

1.2 Departmental Rules and Regulations

The policies stated herein provide guidelines for all personnel of the City; however, they do not include all policies, procedures, rules, or regulations that may be necessary at an operational level. Therefore, when necessary to enhance efficiency and effectiveness at the operational level, departments may implement standard operating procedures, rules, and regulations for departmental operations enforceable upon employees in that

department that are in addition to and not otherwise inconsistent with the rules, policies, and procedures outlined in this handbook. In the event of a conflict, the policies contained in this handbook shall take precedence.

1.3 Amendments

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

1.4 Effective Date of This Policy

This policy, including, but not limited to, the procedures contained herein, is effective June 1, 2026, and shall supersede all such prior Handbooks and related policies. Any subsequent amendments to this policy shall be effective upon adoption or as otherwise specified therein.

SECTION 2. Personnel Policy Statements

2.1 Equal Opportunity

The City provides equal employment opportunities to all employees and applicants for employment without regard to race, color, creed, ancestry, national origin, citizenship, sex or gender (including pregnancy, childbirth, and pregnancy-related conditions), sexual orientation or gender identity, marital status, religion, political affiliation, age, disability, genetic information, service in the military, or any other characteristic protected by applicable federal, state, or local laws and ordinances. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

The City expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics cited above. Improper interference with the ability of other employees to perform their expected job duties will not be tolerated.

The City will endeavor to make reasonable accommodation of an otherwise qualified applicant or employee related to an individual's physical or mental disability, sincerely held religious beliefs and practices, and/or any other reason required by applicable law, unless doing so imposes an undue hardship on the City's business operations.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of their supervisor, Department Head, Personnel Director, City Clerk and/or Mayor. The City will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. Employees who feel they have been subjected to any such potential

retaliation should immediately bring it to the attention of their supervisor, Department Head, Personnel Director, City Clerk and/or Mayor.

By definition, retaliation means adverse conduct taken because an individual reported an actual or a perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

- Creating a hostile work environment or increased scrutiny of an individual who reports harassment, discrimination, or retaliation.
- Express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination, or retaliation; or
- Denying employment benefits because an applicant or employee reported harassment, discrimination, or retaliation or participated in the reporting and investigation process.

Other examples of potential retaliation include firing, demotion, denial of promotion, unjustified negative evaluations, increased surveillance, harassment, and assault.

Complaints of potential discrimination or retaliation should be filed according to the procedures described in the Harassment and Complaint Procedure, found in section 2.4 of this Handbook.

2.2 Americans with Disabilities Act (ADA) / Reasonable Accommodation

The City is committed to the fair and equal employment of individuals with disabilities under the ADA. A qualified individual with a disability will be afforded the same opportunity to compete in the workplace based upon the same performance standards and requirements expected of persons who are not disabled.

When an individual with a disability needs accommodation to perform his or her job, the City will consider under appropriate circumstances whether a reasonable accommodation exists that will enable the individual to perform the essential functions of the job. Determining whether a reasonable accommodation is appropriate is an individualized process. Decisions will be made on a case-by-case basis, depending upon the individual involved and the essential functions of the job in question. No specific form of accommodation is guaranteed.

The responsibility for requesting a reasonable accommodation rests with the employee or applicant. An employee or applicant who believes a disability may limit their ability to access equal employment opportunities must notify their direct supervisor, Department Head, Personnel Director, or the City Clerk to initiate a request for reasonable accommodation. Upon notification that a reasonable accommodation may be needed, the City may request relevant information from the employee's or applicant's physician or other qualified health care provider to evaluate the request and determine

whether a reasonable accommodation can be provided. The City will engage in an interactive process with the employee or applicant to identify reasonable and appropriate accommodation; however, an accommodation cannot be determined without the individual's active participation.

This is an interactive process that requires participation by the City and the employee or applicant. While the City cannot guarantee that it will provide the specific accommodation preferred by the employee or applicant, it will ensure that qualified individuals with disabilities are afforded equal opportunity to compete for and perform jobs, consistent with the requirements of applicable law.

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

It is the policy of the City to prohibit harassment or discrimination based on disability or because an employee has requested a reasonable accommodation. The City prohibits retaliation against employees for exercising their rights under the ADA or other applicable civil rights laws. Employees should use the procedures described in the Harassment and Complaint Procedure, found in section 2.3 of this Handbook, to report any potential harassment, discrimination, or retaliation they may have experienced or witnessed.

2.3 Harassment and Complaint Procedure

It is the policy of the City to prohibit intentional and unintentional harassment against job applicants, contractors, interns, volunteers, or employees by another employee, supervisor, vendor, customer, or third party based on actual or perceived race, color, creed, ancestry, national origin, citizenship, sex or gender (including pregnancy, childbirth, and pregnancy-related conditions), sexual orientation or gender identity, marital status, religion, political affiliation, age, disability, genetic information, service in the military, or any other characteristic protected by applicable federal, state, or local laws and ordinances. Such conduct will not be tolerated by the City.

Furthermore, any retaliation against an individual who has complained about sexual or other harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. The City will take all reasonable steps necessary to prevent and eliminate unlawful harassment.

Definition of "unlawful harassment. "Unlawful harassment" is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class.

Unlawful harassment includes, but is not limited to, verbal, written, visual, or physical conduct such as epithets, derogatory comments, jokes, pranks, innuendo, stereotyping, or other conduct that is threatening, hostile, or intimidating. Harassment is prohibited when such conduct is sufficiently severe or pervasive that it unreasonably interferes with

an individual's work performance or creates an intimidating, hostile, or offensive work environment, as determined from the perspective of a reasonable person under similar circumstances.

Definition of "sexual harassment." While all forms of harassment are prohibited, sexual harassment requires particular attention. Sexual harassment may include any of the conduct described in the general harassment policy, as well as unwelcome verbal, visual, or physical conduct of a sexual nature. This may include uninvited touching, sexual advances, requests for sexual favors, or other conduct that creates an intimidating, hostile, or offensive work environment.

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment or as a basis for employment decisions.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Other unwelcome sexually oriented conduct—whether intentional or not—that has the effect of creating a hostile, offensive, intimidating, or humiliating work environment may also constitute sexual harassment.

Because it is not possible to list every circumstance that may constitute sexual harassment, the following examples illustrate conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity and pervasiveness of the conduct:

- Unwanted sexual advances, whether they involve physical touching or not.
- Sexual epithets; jokes; written or oral references to sexual conduct; gossip regarding one's sex life; comments about an individual's body; and comments about an individual's sexual activity, deficiencies, or prowess.
- Displaying sexually suggestive objects, pictures, or cartoons.
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments.
- Inquiries into one's sexual experiences.
- Discussion of one's sexual activities.

Retaliation against any individual who reports sexual or other harassment, or who participates in an investigation of such complaints, is strictly prohibited and constitutes a violation of City policy.

How to Report Instances of Perceived Discrimination or Harassment. The City cannot address or correct discrimination or harassment unless it is brought to the attention of appropriate management. All employees share responsibility for maintaining a workplace free from unlawful discrimination and harassment.

Any employee who believes they have been subjected to, or who has witnessed, unlawful discrimination, sexual harassment, other forms of unlawful harassment, or conduct that violates this policy must promptly report the concern to City management. Reports may be made to an immediate supervisor, Department Head, Personnel Director, the City Clerk, the Mayor, or any other member of management with whom the employee feels comfortable. Employees who observe discrimination or harassment involving another employee are likewise required to report the conduct promptly.

Any employee or supervisor who becomes aware of potential discrimination, harassment, or other policy violations—whether or not they are personally affected—must report the matter to their supervisor, Department Head, Personnel Director, the City Clerk, the Mayor, or another appropriate member of management.

How an Investigation Will Be Conducted. All reports of discrimination or harassment will be taken seriously and investigated promptly and thoroughly. Confidentiality will be maintained to the extent possible, consistent with the need to conduct a fair and effective investigation and comply with applicable law. Employees are expected to cooperate fully in investigations. The City will make reasonable efforts to reach a timely resolution and to communicate the outcome to the involved parties as appropriate.

If an investigation determines that conduct in violation of this policy or other City policies has occurred, the City will take appropriate corrective action, which may include disciplinary measures up to and including termination of employment.

Retaliation Prohibited. Retaliation against any individual who, in good faith, reports discrimination or harassment or participates in an investigation is strictly prohibited. Any suspected retaliation, intimidation, or adverse action related to a report or investigation must be reported immediately to one of the individuals identified above and will be addressed in accordance with this policy.

2.4 Religious Accommodations

The City is committed to treating all employees with fairness and respect and recognizes the diversity of employees' sincerely held religious beliefs and practices. Employees may request a reasonable accommodation when such beliefs or practices conflict with City policy, work schedules, job duties, or other terms and conditions of employment. The City will consider all requests in good faith and may provide an appropriate accommodation, offer an alternative accommodation, or deny the request if it would impose an undue hardship, as permitted by applicable law. Employees seeking a religious accommodation should submit their request to the Personnel Director or City Clerk.

SECTION 3. RECRUITMENT AND EXAMINATION

3.1 Policy

To ensure the delivery of high-quality services to the public, the City of Helena seeks to attract qualified and competent individuals to compete for employment. Selection and appointment to all positions shall be based solely on job-related criteria and an applicant's demonstrated knowledge, skills, and abilities required for successful job performance.

Vacancies and newly created positions in the regular service may be filled through open competitive recruitment, transfer, promotion, appointment, reappointment, or demotion, as determined by the appointing authority. The Personnel Director is responsible for administering a centralized recruitment system approved by the City. Recruitment efforts will be conducted in a manner and for a duration deemed appropriate for the position being filled. All applications must be specific to the position applied for, and an application submitted for one vacancy will not be considered for any other position.

Official vacancy announcements for open competitive positions shall be prepared and issued by the Personnel Director at the direction of the appointing authority. Public notice will be provided for all open competitive vacancies through appropriate advertising within the community, with the methods of advertising determined by the nature and requirements of the position. Notices of promotional opportunities may be limited to a specific organizational unit, to all City employees, or advertised to the general public, as determined by the City.

All applicants must complete and sign the City's official application form before being considered for employment. Resumes may be submitted to supplement the application but will not be accepted in place of the required application. Any applicant who is hired and later found to have provided false or misleading information is subject to disciplinary action, up to and including immediate termination.

3.2 Examination

Applicants who meet the minimum qualifications and submit a complete and timely application are eligible to compete for vacancies requiring competitive selection. Applicants whose applications are accepted for an examination will be notified of the examination's time, date, and location.

Appointments to positions in the classified service, whether at the entry or promotional level, shall be based on merit, efficiency, and fitness, as determined to the extent practicable through competitive examinations. Examinations will be designed to be fair, job-related, and practical, and will assess an applicant's ability to perform the duties of the position.

Competitive examinations may include one or more of the following components, as appropriate to the position: written examinations, cognitive or aptitude assessments, performance or skills tests, role play exercises, physical ability tests, and/or oral interviews.

3.3 Eligible Register

The Personnel Director will be responsible for receiving applications for employment and determining the eligibility of candidates based on the minimum qualifications of the position and the outcomes of any examinations. The Director shall certify a list of eligible candidates to the Appointing Authority and the Appointing Authority shall then make an appointment from the names certified to him or her.

3.4 Medical and/or Psychological Examination

To help ensure that employees are able to perform their duties safely and effectively, medical examinations may be required under certain circumstances and in accordance with applicable law. For specific job classifications, drug testing and psychological examinations may also be required as a condition of employment or continued employment.

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

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

3.5 Polygraph Examination

A polygraph examination, or other legally authorized truth verification test, may be required for certain job classifications or positions when mandated as part of an internal investigation by law or is contained in the job posting as a requirement for hire. Any such examination given as a requirement for hire shall be limited in scope and directly related to the applicant's or employee's prospective job duties.

3.6 Background Checks

The City shall conduct appropriate background checks on all final candidates for employment. The scope and nature of the background check will vary based on the requirements of the position. The City also reserves the right, consistent with applicable law, to conduct background checks during an employee's tenure when job-related and necessary for business or public safety purposes.

3.7 Rejection of Applicants

The Personnel Director or Appointing Authority may reject an applicant for employment if it is determined that the applicant does not meet the qualifications or requirements of the position. The reasons for rejection may include, but are not limited to, any one or more of the following: The application was not submitted on the prescribed form or was

not filed by the required deadline; The applicant does not meet the minimum qualifications for the position; The applicant fails to successfully complete any phase of the examination or selection process; The applicant has an unsatisfactory employment or personnel record that demonstrates unsuitability for employment; The applicant provided false, misleading, or incomplete information regarding a material fact; The applicant is unable to perform the essential functions of the position, with or without reasonable accommodation; The applicant fails to appear for a scheduled interview, appointment, or examination, or does not respond to reasonable attempts at contact; The applicant fails to accept an offer of employment within the time period specified; The applicant was previously employed by the City and was and was removed for cause or resigned not in good standing; or any other reason consistent with City policies, procedures, and applicable law.

SECTION 4. CLASSIFICATION AND APPOINTMENT

4.1 Classification

The classification plan shall provide a complete inventory of all employee positions in the service of the City and an accurate description and specifications for each class of work, and all other employee positions in the City for which salary and benefits are set out by the City, with the exception of the City Council and Mayor. The plan shall standardize titles so that each is indicative of a definite range of duties and responsibilities and has the same meaning throughout the service and shall show whether the position is deemed a regular position or exempt position. The classification plan will be established and maintained as set forth in Section 8 of the Helena Civil Service Act. The classification plan shall be approved by the City Council and may be amended from time to time by the Council upon recommendation from the Mayor, including the elimination of, or modification to, approved job descriptions and positions in the classification plan, together with any pay grade recommendations associated with the position. Upon approval by the Council of the proposed changes, any non-exempt regular employee currently serving in a position being eliminated or modified in which the elimination or modification results in the non-exempt employee's termination or demotion, shall have all rights of appeal afforded employees solely as to the question of whether the elimination or modification was arbitrary and capricious. In the event a modification of a non-exempt employee position results in additional duties, the affected employee may request, in writing, a pay grade review by the council, which may, in its sole discretion, modify the pay grade classification.

4.2 Appointment

The appointment status of any employee shall be for the purpose of classifying the employment in accordance with the anticipated length of employment, working hours, or other special employment conditions. The appointment status of all employees will be established and maintained as set forth in Section 11 of the Helena Civil Service Act. To determine eligibility for benefits and overtime status and to ensure compliance with federal and state laws and regulations, the City classifies its employees as shown below:

Salaried Exempt. Salaried exempt employees receive a fixed amount of pay (salary) regardless of how many hours they work each week. Salaried employees are not eligible to receive overtime pay.

Hourly Nonexempt. Hourly nonexempt employees receive payment for the actual hours he or she works during the work period. Hourly jobs typically indicate how much an employee will be paid for each hour worked. Nonexempt employees are eligible to receive overtime pay for overtime hours worked.

Regular, Full-time. Employees who are not in temporary status and work a minimum of 40 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

Part-time. Employees who are not in temporary status and who are regularly scheduled to work less than 30 hours weekly but at least 20 hours weekly and who maintain continuous employment status. Generally, part-time employees are not eligible for the benefits offered by the City and are exempt from the "regular service" provisions of the Civil Service Act and have no right to disciplinary appeal procedures.

Temporary/Seasonal. Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary/Seasonal employees are exempt from the "regular service" provisions of the Civil Service Act and have no right to disciplinary appeal procedures.

Appointed. Certain positions are elected or appointed by the City Council or Mayor, such as Police Chief, Fire Chief, City Clerk, Treasurer, Administrative Assistant to the Mayor, and Personnel Director. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program. Appointed employees are exempt from the "regular service" provisions of the Civil Service Act and have no right to disciplinary appeal procedures.

Provisional Appointment. In the absence of an eligible register, or until such register is available, the Mayor may, for urgent need, authorize the filling of a vacancy by provisional appointment. Any candidate for provisional appointment shall meet educational, experience, and related requirements set forth by the appointing authority. Provisional appointment shall be for a period of not more than nine months. Provisional employees are exempt from the "regular service" provisions of the Civil Service Act and have no right to disciplinary appeal procedures.

4.3 Probationary Period

All newly hired employees, former employees who have been rehired, or employees promoted to a new classification enter a probationary period, which is considered an integral part of the selection and evaluation process. During the probationary period, an

employee is required to demonstrate suitability for the position through actual work performance.

The probationary period is one (1) year from the employee's date of hire, rehire or promotion. A probationary employee, with the exception of those that have been promoted, may be terminated without cause during the probationary period.

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

A promotional probationer who is demoted for unsatisfactory service may return to the position held prior to appointment, if still vacant, without right of appeal. In the event the position is filled, the Mayor shall determine the manner in which the employee shall be retained in the service, being closely guided by the provisions governing layoffs and reductions in force. The demoted employee may elect to separate from the service and have his or her name retained on the layoff list for the classification of the former position for a period not to exceed two years.

An employee's probationary period may be extended up to six (6) months when needed due to circumstances such as extended illness or a need to continue to evaluate marginal performance or to properly evaluate the employee's performance. The probationary period will not be shortened for any reason.

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

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

With the exception of a promoted employee; at any time during or upon the conclusion of the probationary period, an employee may be dismissed by the respective Department Head with or without cause and with no right to appeal.

SECTION 5. SALARY ADMINISTRATION

5.1 Compensation Plan

The pay plan will provide fair compensation for all classes of jobs in the classification plan with due regard to such factors as the following: (a) Varying degrees of difficulty and responsibility among the classes of work; (b) Prevailing rates of pay and fringe benefits for similar employment in private establishments and other public jurisdictions in the area; (c) Recruiting experience for the classes of work; and (d) Financial conditions of the City. The compensation plan will be established and maintained as set forth in Section 10 of the Helena Civil Service Act. Each employee in the regular service shall be paid at a rate set forth in the pay plan for the classification in which he or she serves.

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

5.2 General Salary Increases

The pay plan is designed to provide for progressive pay increases to employees as a reward for satisfactory performance and continual growth and development in their career, thereby increasing their value to the City. Eligibility for any pay increase is based on the results of employee performance evaluations demonstrating, at a minimum, an overall rating of meeting performance standards. Pay increases are not guaranteed and are subject to the sole discretion and approval of the City Council through the annual budget resolution process.

5.3 Promotional Salary Increases

Upon promotion, the employee's regular base pay shall determine the new rate in the promotional class. The new rate shall be the larger of either of the following:

- (a) A one step increase above the former rate.
- (b) The entrance rate for the promotional class.
- (c) A different rate within the salary range at the discretion of the appointing authority when circumstances, skills, or experience dictate a different rate.

5.4 Exempt and Non-exempt Employees

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

5.5 Overtime and Compensatory Time

Hours worked in excess of the standard work period shall be authorized only when essential to the effective operation of City government. When overtime is deemed

necessary, any employee scheduled and directed to work additional hours shall be required to do so. Employees who work overtime without receiving prior authorization from their Department Head or Supervisor will be paid for their time worked but may be subject to disciplinary action for failure to obtain prior authorization of overtime as required.

Non-exempt employees shall be compensated at the rate of one and one-half (1.5) times the employee's regular hourly rate of pay for all hours physically worked in excess of the standard hours for the work period, as defined by the Fair Labor Standards Act. For employees who normally work 40 hours per week, the work period is 7 days. Public safety classifications that are paid on a "work period" basis have a different standard. The work period for fire suppression personnel is 28 days, and those individuals will receive overtime pay for hours worked in excess of 212 hours during the 28-day work period. The work period for law enforcement personnel is 14 days, and those individuals will receive overtime pay for hours worked in excess of 86 hours during the 14-day work period.

Overtime may be awarded by either payment based on the overtime rate of one and one-half (1.5) times the employee's regular pay rate; or, by granting equivalent compensatory time off work ("comp time").

For law enforcement officers and firefighters, a maximum of four-hundred eighty (480) hours of compensatory time (in lieu of overtime) can be accrued by an eligible employee. For all other employees, a maximum of two-hundred forty (240) hours of compensatory time can be accrued. Any employee with an accrual of compensatory time more than these maximums shall, within the following pay period, be paid for any accrued compensatory hours above the maximum. Compensatory time will be paid at the employee's regular hourly rate.

In the event an employee has ("overage compensatory time") in excess of two-hundred forty (240) hours (four-hundred eighty (480) for law enforcement officers and firefighters) the employee is allowed to convert and be paid up to twenty (20) hours of the overage compensatory time upon thirty (30) days' notice to the Personnel Director. This conversion and payment can only be made once per employee in a fiscal year.

Upon notification of a change in classification, an employee shall be paid at their hourly rate for any compensatory time that is accrued prior to the change in classification.

5.6 On Call/Call Back Pay

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

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

(A) The equivalent of two (2) regular hours of work; or

(B) The actual number of hours worked

5.7 Pay Procedures

The City pays employees by direct deposit on a bi-weekly basis and in a manner so that the amount, method, and timing of wage payment comply with any applicable laws or regulations.

5.8 Pay Deductions

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

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

5.9 Time Records

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

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

5.10 Nursing Breaks

The City will provide nursing employees with reasonable unpaid break time to express breast milk for up to one (1) year following the birth of a child, in accordance with applicable law.

The City will make reasonable efforts to provide a private, secure, and sanitary space—other than a restroom—in close proximity to the employee's work area for expressing breast milk or breastfeeding. The designated space will be clearly identified and will include a locking mechanism or signage to indicate when the room is in use.

Employees may store expressed breast milk in City-provided refrigerators, refrigerators located in a designated lactation space, another approved location, or a personal cooler. Employees are responsible for clearly labeling stored milk to prevent confusion when shared refrigeration is used.

Employees are encouraged to discuss the anticipated frequency and duration of such breaks with their supervisor to ensure operational needs are met.

Employees requesting lactation accommodations, including break time or use of a designated space, should submit a request to their supervisor, the Personnel Director or the City Clerk. The City will engage in an interactive process to evaluate the request and provide a reasonable accommodation, unless doing so would impose an undue hardship as permitted by law. Confidentiality will be maintained to the extent possible.

SECTION 6. WORKING HOURS, ATTENDANCE, AND LEAVE

6.1 Attendance

All employees are expected to arrive on time and ready to work at the start of every shift they are scheduled to work. Employees are also expected to work until the end time of every shift they are scheduled to work. Employees are not permitted to leave work early without prior approval from their supervisor or department head.

6.2 Absenteeism

If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must directly contact the appropriate supervisor as soon as possible to provide advance notice. Voicemail, text, and email messages are not acceptable except in certain emergencies.

Excessive absenteeism or tardiness will result in discipline up to and including termination. Failure to show up or call in for a scheduled shift without prior approval may also result in discipline up to and including termination. An absence of three (3) consecutive regularly scheduled working days without notice will be considered job abandonment and a voluntary resignation by the employee, unless there are unusual circumstances preventing an employee from calling their supervisor (e.g., incapacitated medical condition).

6.3 Authorized Leave

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

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

NOTATION FOR SECTION BELOW: The methodology to calculate the varying Annual Leave hourly equivalents was determined to be set as a percentage change from the baseline of 40 regular hours (2080 annual hours). For instance, fire suppression personnel have an established 28-day, 212-hour work period (2600 annual hours), as defined by the Fair Labor Standards Act, and therefore would accrue approximately 25% more equivalent hours by this formula $[(2600-2080)/2080 = .25]$. Police personnel engaged in law enforcement have a 28-day, 171 hours work period (2,223 annual hours) and therefore would accrue approximately 7% more equivalent hours by this formula $[(2,223-2080)/2080 = .07]$. Years of service shall be measured from the employment or re-employment anniversary date.

6.4 Annual Leave (Vacation)

Based on the methodology above, for employees having an established 40-hour work week (2080 annual hours) accrual of annual leave will be as follows:

0 – 5 Years of service	96 hours per year earned at the rate of 3.7 hour per bi-weekly pay period
6 – 10 Years of service	130 hours per year earned at the rate of 5 hours per bi-weekly pay period
11 + Years of service	162.5 hours per year earned at the rate of 6.25 hours per bi-weekly pay period.

Based on the methodology above, for Police personnel having an established 28-day, 171-hour work period (2,223 annual hours) accrual of annual leave will be as follows:

0 – 5 Years of service	102 hours per year earned at the rate of 3.93 hours per bi-weekly pay period
6 – 10 Years of service	139 hours per year earned at the rate of 5.35 hours per bi-weekly pay period
11 + Years of service	174 hours per year earned at the rate of 6.69 hours per bi-weekly pay period.

Based on the methodology above, for Fire personnel having an established 28-day, 212-hour work period (2,756 annual hours) accrual of annual leave will be as follows:

0 – 5 Years of service	119 hours per year earned at the rate of 4.58 hours per bi-weekly pay period
6 – 10 Years of service	163 hours per year earned at the rate of 6.27 hours per bi-weekly pay period
11 + Years of service	203 hours per year earned at the rate of 7.81 hours per bi-weekly pay period.

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

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

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

Employees may accrue and carry forward a designated number of annual leave hours from one calendar year to the next, subject to employee use and the operational needs of the City. Any annual leave accrued in excess of the allowable carryover amount must be used by December 31 or will be transferred to the employee's sick leave balance (or forfeited).

Regular, full-time employees who have completed ninety (90) calendar days of employment may carry forward annual leave in the amounts listed below, based on their established work schedule:

- Employees having an established 40-hour work week may carry over up to 240 hours of annual leave.
- Police personnel having an established 28-day, 171-hour work period may carry over 257 hours of annual leave.
- Fire suppression personnel having an established 28-day, 212-hour work period may carry over 320 hours of annual leave.

Upon separation from employment, employees will be compensated for accrued annual leave, subject to the applicable maximum carryover limits.

6.5 Sick Leave

The City provides sick leave to eligible employees as financial protection in the event of an employee's illness or the illness of an immediate family member. Such leave shall not be considered a right, but, rather, a privilege. Sick leave is a benefit provided by the City and is intended to be used only for approved purposes.

Employees must notify their supervisor when sick leave is needed. At a minimum, verbal notice must be provided at least one (1) hour before the employee's scheduled start time. When the need for sick leave is foreseeable and non-emergency in nature, employees are expected to notify their supervisor as soon as reasonably possible to allow for appropriate scheduling.

Sick leave may be used **only** under the following circumstances:

1. When an employee is suffering from a condition, such as but not limited to pregnancy, sickness, or illness, that prevents the performance of the employee's usual job functions.
2. When an employee requires medical, dental, psychological or optical consultation or treatment; or
3. When an employee's immediate family member is suffering from any condition related to pregnancy, illness or injury and requires the employee's attention; or
4. When an employee's immediate family member requires medical, dental, psychological or optical consultation or treatment whenever the employee must accompany that family member to the appointment; or
5. Use of a prescription drug which may impair job performance or safety; or
6. For the care or support of a newborn or adopted child, subject to FMLA guidelines; and
7. In accordance with Section 6.7 (Bereavement Policy).

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

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

- Employees having an established 40-hour work week will accrue 8 hours of sick leave per calendar month.
- Police personnel having an established 28-day, 171-hour work period will accrue 9 hours of sick leave per calendar month.
- Fire personnel having an established 28-day, 212-hour work period will accrue 11 hours of sick leave per calendar month.

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

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

An employee shall be subject to disciplinary action if he/she engages in outside employment at any time within a calendar day during which sick leave is claimed. All sick leave will be forfeited upon separation or termination of employment with the exception that eligible employees under the State of Alabama Retirement System may convert up to the maximum allowable amount of sick leave to retirement credit in accordance with the provisions of 36-26-36.1, Code of Alabama 1975 and City of Helena Resolutions 09092019A and 01272020.

6.6 Leave provisions for employees hired prior to June 1, 2026

Employees in the regular service hired prior to June 1, 2026 shall not have their vacation, sick, or compensatory leave accruals diminished as provided in Section 9 of the Civil Service Act.

Vacation leave accrued prior to June 1, 2026 will remain separate from the annual (vacation) leave outlined in Section 6.4 above and may be used as needed in accordance with applicable leave policies. An employee may also request to convert such vacation leave to sick leave.

Sick leave accrued prior to June 1, 2026 will roll over and be combined with sick leave accrued thereafter.

Compensatory time earned prior to June 1, 2026 will roll over and be combined with compensatory time earned thereafter. Employees will be compensated for any hours that exceed the maximum allowable balance, as outlined in Section 5.5. Payment for compensatory time will be made at the employee's regular hourly rate.

Employees hired prior to June 1, 2026 may convert, vacation, leave, and compensatory time to sick time upon approval by the Personnel Director.

6.7 Sick Leave Donations

In addition to the sick leave policy, the City allows donated sick leave for catastrophic illnesses. This sick donation plan is available to any regular, full-time employee who is eligible to use sick time and has exhausted all available leave. For purposes of the plan, a catastrophic illness is defined as a serious health condition or combination of conditions that (a) affect the physical or mental health of the employee and/or spouse, parent, or child (b) results in a life-threatening or life function altering condition and (c) requires an extended period of absence from work.

An employee in need of donated sick leave must submit a request in writing to the Personnel Director. The request must include a doctor's statement explaining the nature of the illness and the anticipated date for returning to work, provided this information has not already been received. If approved, the Personnel Director will send a request to all City employees asking for donations. Employees wishing to donate must complete a sick leave donation form and submit it to the Personnel Director. To be eligible to donate leave, an employee should have a minimum of eighty (80) hours of accrued sick leave. Employees are only allowed to donate accrued sick leave; vacation and other types of leave may not be donated.

The employee receiving the sick time donation is eligible to receive a (total lifetime) donation of up to a maximum of:

- 480 hours for regular service employees who work a standard forty (40) hour per week schedule
- 514 hours for regular service employees in the Police department
- 600 hours for regular service employees in the Fire department

The donation may come from several different eligible employees but may not exceed the total hours within their respective designations mentioned above. When sick leave is donated to an employee in excess of the needs of the employee, the remaining donated time will be returned to the person that donated the time. The donated time will be used in the order in which the Personnel Director receives the donations (first in/first used).

Donated sick leave is not to be used for intermittent leave or to supplement on-the-job injury leave.

6.8 Bereavement Leave

Paid Bereavement Leave is provided to employees in order that they may be with the family of the deceased during the immediate period following a death. All eligible employees who work a standard forty (40) hour weekly schedule shall be entitled to bereavement leave with pay for twenty-four (24) work hours upon the death of an immediate family member. Employees in the Police department shall be entitled to bereavement leave with pay for twenty-seven (27) work hours upon the death of an immediate family member. Employees in the Fire department shall be entitled to bereavement leave with pay for thirty (30) work hours upon the death of an immediate family member.

For the purpose of using bereavement leave, "immediate family" shall include present spouse, children (including natural, step and adoptive), parents (including natural, step and adoptive), siblings, parents-in-law, siblings-in-law, grandparents and grandchildren, and any other individual residing within the employee's household who is a legal dependent of the employee for income tax purposes. Such bereavement paid leave shall not be charged against the employee's accrued sick leave or annual leave. An eligible employee may use an additional twenty-four (24) hours of accrued sick leave, if available, or, if approved by their supervisor, annual leave, should more time be necessary.

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

6.9 Family and Medical Leave

The City complies with the federal Family and Medical Leave Act (FMLA), which provides eligible employees with job-protected leave for certain family and medical reasons. FMLA leave may be unpaid or may run concurrently with available accrued paid leave, in accordance with applicable law and City policy. The City also complies with all applicable state and local leave laws. When an employee is eligible under both federal and state or local law, the provision that is most beneficial to the employee will apply. Please note there are many requirements, qualifications, and exceptions under these laws, and each employee's situation is different. Contact the Personnel Director to discuss options for leave.

In accordance with the Family and Medical Leave Act (FMLA), the City will provide eligible employees with up to twelve (12) weeks of family and medical leave, or up to twenty-six (26) weeks of military caregiver leave, during a rolling twelve (12)-month period, as defined by City policy.

FMLA leave may be paid, unpaid, or a combination of both, depending on the employee's available accrued leave. All FMLA leave will run concurrently with any applicable paid leave benefits for which the employee is eligible, including, but not limited to, vacation, sick leave, and workers' compensation leave. Employees are required to exhaust all available paid leave prior to taking unpaid FMLA leave.

Eligibility:

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

Type of Leave Covered

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

1. The birth of a child, or the placement of a child with the employee for adoption or foster care, and to care for the child. (Such leave must be taken within twelve (12) months of the birth or placement and must be taken in a single, continuous period. Intermittent or reduced-schedule leave is not permitted for this purpose.)
2. To care for the employee's spouse, child, or parent who has a serious health condition, when the employee's presence is necessary to provide care.
3. The employee's own serious health condition that renders the employee unable to perform one or more of the essential functions of their position.
4. Any qualifying exigency arising from the fact that the employee's spouse, parent, child, or a person standing in loco parentis to the employee is on active duty, or has been notified of an impending call or order to active duty, in the Armed Forces, including the National Guard or Reserves, in support of a contingency operation.

This policy applies to serious health conditions that are chronic or long-term in nature and that result in recurring or extended periods of incapacity. In general, a serious health condition includes a chronic or long-term condition that, if left untreated, would result in a period of incapacity lasting more than three (3) consecutive days.

Any leave taken for one or more of the qualifying reasons described above will count toward the employee's total FMLA leave entitlement for the applicable twelve (12)-month period.

The 12-Month Period: The City measures the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy, except Military Caregiver Leave. Military Caregiver Leave under FMLA uses a single 12-month period, not a rolling year like other FMLA leave.

Notice of Leave: When the need for Family and Medical Leave Act (FMLA) leave is foreseeable, employees are required to provide at least thirty (30) days' advance written notice. When the need for leave is not foreseeable, employees must provide written notice as soon as practicable under the circumstances. The City requires written notice for all requests for FMLA leave. Failure to provide the required written notice—either thirty (30) days in advance or as soon as practicable—may result in a delay or denial of FMLA leave, as permitted by law. Verbal or oral notice alone does not satisfy this requirement.

Medical Certification: The City may require medical certification from a health care provider to substantiate serious health conditions and may also require periodic recertification, as permitted by law. Employees are generally required to submit requested medical certification within fifteen (15) calendar days of the City's request. Failure to provide timely medical certification may result in a delay or denial of FMLA leave until the required documentation is received. As a condition of returning to work following FMLA leave taken for the employee's own serious health condition, the City may require a medical certification of fitness for duty. The City may also require the employee to undergo a fitness-for-duty examination conducted by a physician designated by the City, consistent with applicable law.

Leave is Unpaid: Family and Medical Leave Act (FMLA) leave is unpaid. To the extent permitted by law, FMLA leave will run concurrently with any available paid leave, including vacation, sick leave, or other applicable leave. Employees are required to exhaust all accrued paid leave for which they are eligible before taking unpaid leave under FMLA.

Medical and Other Benefits: While an eligible employee is on approved FMLA leave, the City will continue the employee's group health insurance coverage on the same terms as if the employee were actively employed. If paid leave is used concurrently with FMLA leave, the employee's share of health insurance premiums will be deducted through regular payroll deductions. If the leave is unpaid, the employee is responsible for paying their portion of the premiums by submitting payment to the City by the first (1st) day of the month for which coverage is due. Health insurance coverage may be terminated if the employee's premium payment is more than thirty (30) days late. The City will provide

at least fifteen (15) days' written notice before coverage is discontinued due to nonpayment.

If an employee does not return to work at the conclusion of FMLA leave for reasons other than the continuation or recurrence of a serious health condition or circumstances beyond the employee's control, the City may require reimbursement of the employer-paid portion of health insurance premiums during any period of unpaid FMLA leave.

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

Return to Work: Employees are expected to notify their supervisor in advance of their anticipated return-to-work date, preferably at least five (5) days prior, to allow for appropriate scheduling. In accordance with applicable law, employees returning from approved FMLA leave will generally be restored to the same position held prior to the leave or to an equivalent position with equivalent pay, benefits, and working conditions. The City reserves the right to fill or temporarily replace positions during an employee's leave, consistent with state and federal law. In limited circumstances permitted by the FMLA, reinstatement may be denied to a "key employee" if restoration would cause substantial and grievous economic injury to the City's operations. Under FMLA, "key employee" is defined as a salaried employee who is among the highest paid 10 percent of all employees. In such cases, the City will provide written notice to the employee of their status as a key employee and of the potential consequences regarding reinstatement, as required by law. Employees who are unable to return to work at the conclusion of approved family and medical leave, or who fail to return to work after exhausting available leave, may be removed from the City's payroll, depending on the circumstances and in compliance with applicable state and federal laws.

Military Caregiver Leave: Military caregiver leave allows an eligible employee who is the spouse, child, parent, or next of kin of a covered servicemember to take up to a total of twenty-six (26) workweeks of unpaid leave during a single twelve (12)-month period to provide care for the servicemember who has a serious injury or illness. For purposes of this policy, a covered servicemember includes a current member of the Armed Forces or a covered veteran, as defined by the FMLA. A current servicemember is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list for a serious injury or illness incurred in the line of duty. Military caregiver leave is subject to all applicable FMLA eligibility, notice, certification, and job protection requirements.

A **serious injury or illness** is one that is incurred by a servicemember in the line of duty while on active duty that may cause the servicemember to be medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the servicemember's active duty and that were aggravated by service in the line of duty while on active duty.

Employees with questions about this policy should consult with the Personnel Director.

Eligibility Notification: The City will notify employees who request leave whether they are eligible for leave under the FMLA. If an employee is eligible, the City will provide written notice outlining any additional information required, as well as the employee's rights and responsibilities under the FMLA. If an employee is not eligible, the City will provide written notice explaining the reason for ineligibility. When the City has sufficient information to determine that an employee's leave is for an FMLA-qualifying reason, the leave will be designated as FMLA leave, regardless of whether the employee specifically requests FMLA designation. Employees may not waive or decline FMLA protections for qualifying leave. To ensure compliance with these requirements, supervisors are required to promptly notify the Personnel Director when they become aware that an employee's absence or anticipated absence may qualify for FMLA leave.

Other provisions: Under an exception provided in the Family and Medical Leave Act (FMLA) regulations, the City may make deductions from the salaries of employees who are exempt from minimum wage and overtime requirements under the Fair Labor Standards Act (FLSA) for unpaid FMLA leave, without affecting their exempt status. This exception applies to executive, administrative, and professional employees; outside sales employees; certain computer professionals; and certain highly compensated employees. This salary-deduction exception applies only to unpaid leave taken under the FMLA.

6.10 Holiday Pay

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

The following is the equivalent scale available to Regular, Full-Time employees, based on position:

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

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

As many employees as possible will be allowed off on a recognized holiday. However, certain responsibilities and duties cannot be dispensed with to ensure and maintain efficient operation of City government. All full-time employees required to work on a recognized holiday shall be paid the holiday hours in addition to hours worked during the

pay period. This provision also applies if such holiday falls on a full-time employee's "off day".

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

6.11 Leave Without Pay

The Mayor may grant leaves of absence without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as prolonged illness, parenting, caring for an ill relative, pursuing an education, or other reasonable and justifiable purpose. Such leave may only be extended under extenuating circumstances.

Employees who have applied for and received approval for a leave of absence shall not be entitled to accrue any benefits during the period of absence. Employees will be required to pay all premiums for group insurance during the period of absence to maintain eligibility for such benefits. Jobs vacated by a leave of absence under this Section will be filled temporarily where possible, but the City retains the right to permanently fill these vacancies as business needs require. Failure to return to work from a leave of absence at the prescribed time may be considered as a resignation without notice.

6.12 Administrative Leave

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

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

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

6.13 Military Leave

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

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

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

While on unpaid military leave, benefit accruals for sick, vacation, and holiday leave will be suspended during the leave and will resume upon the employee's return to active employment. All military leave will be counted as time worked for vacation accrual purposes.

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

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

6.14 Jury Duty/Court Appearance

The City supports employees in their civic duty to serve on a jury. Employees must present any summons to jury duty to their supervisor as soon as possible after receiving the notice to allow advance planning for an employee's absence.

Nonexempt employees will be paid for up to two (2) weeks of jury duty service at their regular rate of pay minus any compensation received from the court for the period of service. Exempt employees are subject to the same two (2) week limitation except that they will also receive pay for any days they serve as a juror or witness in a workweek in

which they actually perform work. Allowances for jury duty for employees required to serve more than two (2) weeks on a jury will be reviewed on a case-by-case basis.

If an employee is released from jury duty after four (4) hours or less of jury service on any day, the employee must report to work for the remainder of that workday.

Time for appearance in court for personal business will be the individual employee's responsibility. Vacation time should be used for this purpose.

6.15 Time Off for Voting

The City recognizes that voting is a fundamental right and privilege of citizenship and encourages employees to exercise their right to vote. In most circumstances, employees should have sufficient time outside of working hours to vote. Employees are encouraged to make every reasonable effort to vote before or after their scheduled work hours. If an employee is unable to vote outside of working hours, the employee should contact their supervisor in advance to discuss reasonable scheduling accommodations, consistent with applicable law.

6.16 Hazardous Weather/Emergency Conditions

In the event of hazardous weather or emergency conditions, employees are expected to report to their regular work location during their normally scheduled work hours or shift unless otherwise directed by their supervisor. Employees should allow sufficient time to travel safely to their assigned worksite. Employees who are unable to report to work due to hazardous conditions must notify their immediate supervisor and/or Department Head as soon as possible.

Employees are encouraged to maintain an adequate balance of accrued leave for use when unable to report to work due to hazardous weather or emergency conditions.

If the City officially closes due to hazardous weather or an emergency, full-time non-essential employees will be granted paid time off for the hours they were scheduled to work. Employees who are on approved leave, such as vacation or sick leave, on the day of the closure will continue to be charged the applicable leave and will not receive additional hazardous weather or emergency pay. To be eligible for paid time off due to a City closure, employees must be in a paid status on the regularly scheduled workday immediately before and after the closure, unless otherwise required by law.

Employees designated as essential and required to work during hazardous weather or emergency events will be compensated for all hours worked, including any applicable overtime, in accordance with the Fair Labor Standards Act (FLSA). If an essential employee works fewer hours than their normally scheduled workday, the employee will receive hazardous weather pay for the remaining scheduled hours. If conditions exist that impact an essential employee from working, and upon the approval of the Department Head, the employee will be granted paid time off for the hours they were scheduled to work.

Department Heads are responsible for designating which positions are essential and which are non-essential during hazardous weather or emergency conditions. Essential employees are those required to maintain critical services, respond to emergencies, or protect public health and safety.

Situations not specifically addressed in this policy will be evaluated and resolved on a case-by-case basis, considering all relevant facts and circumstances.

6.17 Light Duty

Under this policy, light duty assignments are temporary, specially created light, limited, or modified duty assignments for employees who are injured or otherwise medically restricted.

Light Duty generally involves temporarily excusing an employee from certain job tasks they would normally perform.

Limited Duty may involve a temporary reduction in the number of hours an employee works.

Modified Duty may involve adjusting job duties by removing certain tasks and substituting others that are more compatible with the employee's medical restrictions within the employee's regular position.

Light duty assignments are not intended to serve as permanent positions. The City is not required to create light duty assignments but may do so when it is determined to be in the best interest of the City and the department.

The availability and duration of light duty assignments depend on the employee's medical restrictions and the operational needs of the department and the City. As a general guideline, temporary light duty assignments will normally not exceed ninety (90) calendar days. Extensions may be considered on a case-by-case basis based on updated medical documentation, operational needs, and applicable law. Light duty assignments are subject to periodic review and may be modified or discontinued at any time.

Employees requesting a light duty assignment must provide medical documentation from a treating health care provider that clearly identifies work restrictions and the expected duration of those restrictions. Requests will be reviewed by the Department Head and the Personnel Director.

If an employee is determined to have permanent or long-term restrictions, continuation of a temporary light duty assignment will generally not be appropriate. In such cases, the City will engage in the interactive process required under the Americans with Disabilities Act (ADA) to determine whether the employee is able to perform the essential functions of their position with or without a reasonable accommodation, or whether another accommodation is appropriate, consistent with applicable law. The ADA does not

require the City to create a permanent light duty position or to eliminate essential job functions.

Employees who are off work due to an injury covered by workers' compensation and who are offered a light duty assignment but decline it may experience an adverse impact on workers' compensation benefits, as permitted by law. Employees on approved Family and Medical Leave Act (FMLA) leave may decline a light duty assignment without affecting their FMLA rights.

Employees assigned to a light duty assignment will be compensated at their regular rate of pay for hours worked.

6.18 Employment References

The City does not provide employment references, other than to confirm the dates of employment and position held. All requests for references on current or former employees must be directed to the Personnel Director.

SECTION 7. SEPARATION

7.1 Resignation

In the event of a voluntary resignation initiated by the employee, employees are requested to provide written notice to their supervisor at least ten (10) working days prior to their last day of employment. The ten (10) days must be actual working days; holidays, vacation, and sick leave do not count toward the notice period. Employees who provide the required notice will be considered to have resigned in good standing and will generally be eligible for rehire. Accrued but unused vacation leave will be paid in accordance with the limits set forth in the vacation leave policy, provided proper notice is given, or as otherwise approved by the Department Head in extenuating circumstances where proper notice is not possible.

In most cases, the Personnel Director or Department Head will conduct an exit meeting on or before the employee's final day of employment to collect City property and to review final pay, benefits, and other separation-related matters.

Employees who separate from City employment and are later rehired, regardless of the length of separation or the circumstances surrounding it, will be considered new employees for all employment-related purposes, unless otherwise required by law or provided for in a collective bargaining agreement.

7.2 Retirement

Retirement is the separation of an employee in accordance with the provisions of the Retirement System of Alabama (RSA) under which the employee is eligible to begin receiving benefits. Any employee considering retirement should contact the Department

Head and Personnel Director at least ninety (90) days prior to the anticipated retirement date to ensure timely application and receipt of eligible benefits.

7.3 Dismissal

Disciplinary Action

The City maintains standards of performance and conduct to ensure the effective, efficient, and safe operation of municipal services. When an employee's conduct, performance, or behavior fails to meet these standards, the City may take corrective or disciplinary action, up to and including involuntary separation from employment for cause.

Involuntary separation for cause may occur when an employee violates City policies, fails to perform job duties satisfactorily, engages in misconduct, or otherwise acts in a manner inconsistent with the expectations of City employment. Disciplinary action is intended to be corrective when possible; however, depending on the nature and severity of the conduct, immediate dismissal may be warranted.

The City generally follows a progressive discipline process, when appropriate, but reserves the right to determine the level of discipline imposed based on the circumstances of each case. Nothing in this section alters the City's authority to take immediate action when necessary to protect public safety, City operations, or the integrity of City services. All disciplinary actions will be administered in a manner consistent with applicable laws, regulations, and City policies, including those outlined in Section 8 of this handbook.

Loss of Certification

Separation from employment may occur when an employee's position requires state, federal, or agency licensure or certification as an essential function of the job, and the employee fails to obtain, maintain, or renew the required licensure or certification, as identified in the applicable job description.

7.4 Reduction in Force or Position Abolishment

In the event of a reduction in force due to fiscal constraints or because a position or positions are no longer necessary, employee reductions within each job classification shall be made based on the type of appointment, in the following order: temporary, part-time, probationary, and then regular full-time. Regular full-time employees will not be subject to layoff until all non-regular full-time employees occupying the same classification have been separated.

A reduction in force may be implemented without the filing of written disciplinary charges, and employees affected by a reduction in force are not entitled to a hearing prior to separation. A reduction in force shall not be considered a disciplinary dismissal under any circumstances.

In determining which employees are affected by a reduction in force, both job performance and length of service shall be considered. Job performance shall be the primary factor, with length of service considered as a secondary factor.

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

Notice

No position abolishment, layoff, or non-disciplinary reduction in pay affecting a regular, full-time employee shall occur without at least two (2) weeks' prior written notice to the affected employee. Additional notice will be provided when required by applicable federal or state law, including any notice obligations related to a reduction in force.

Procedures

Employees separated as a result of a layoff under these provisions will be placed on a reemployment preference list by the Personnel Director. Employees on the preference list will receive preferential consideration for future vacancies in positions requiring similar qualifications at the same or lower pay grade, provided the employee meets the minimum qualifications for the position.

When multiple employees are eligible for the same vacancy, the Department Head shall determine the order of preference based on factors including seniority, work history, and prior performance evaluations.

If no suitable vacancy exists at the time of layoff, or if the employee declines an available position at the time of layoff, the employee's name will remain on the preference list for a period of one (1) year. An employee who declines two (2) offers of suitable employment during the preference period will forfeit further preferential consideration under this policy.

SECTION 8. CONDUCT AND DISCIPLINARY ACTIONS

8.1 Employee Conduct

Employees of the City are expected to maintain high standards of cooperation, efficiency, professionalism, and job performance. Honesty, integrity, and appropriate conduct are essential to the effective operation of City services and to maintaining the trust and confidence of the public.

When an employee's work habits, productivity, or conduct fall below expected standards, supervisors are encouraged to address the issue promptly and provide the employee with notice of the deficiency, guidance on expectations and an opportunity for improvement. When appropriate, corrective guidance or warning should be provided before formal disciplinary action is taken. However, nothing in this policy limits the City's authority to take immediate or formal disciplinary action when warranted by the seriousness of the conduct or when necessary to protect the best interests of the City. Every employee's conduct and all disciplinary actions will be governed by Section 12 of the Helena Civil Service Act.

8.2 Disciplinary Actions

The City's disciplinary policy is intended to be progressive in nature and designed to correct performance or conduct issues whenever possible. The purpose of progressive discipline is to help employees understand when a performance deficiency or behavioral concern exists and to provide an opportunity for improvement. When appropriate, disciplinary action will generally follow a progressive sequence, which may include the following steps:

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

In appropriate circumstances, demotion may be considered as an alternative to termination. While progressive discipline is intended to be corrective, the City reserves the right to bypass one or more steps in the progressive process when the nature or severity of the conduct warrants immediate or more serious action.

This policy and the procedures outlined herein apply only to regular, full-time employees. Probationary, temporary, part-time, and special status employees are not covered by this progressive discipline process.

Any regular, full-time employee may be reprimanded, placed on imposed probation, suspended, demoted, or terminated only for cause and in accordance with this Conduct and Disciplinary Policy section 12 of the Helena Civil Service Act.

8.3 Causes for Disciplinary Actions

Violations of City policy and performance expectations may result in disciplinary action. The identification of specific examples of misconduct in this handbook is not intended to exclude other conduct that may warrant discipline based on the same or similar actions. A single act or course of conduct may violate multiple provisions of this handbook and may result in more than one charge or basis for disciplinary action.

The examples of conduct listed below are provided for illustrative purposes only and are not intended to be exhaustive or to limit the City's authority to take disciplinary action for other conduct that constitutes just cause. This list is intended to supplement, and not conflict with, the causes for disciplinary action set forth in Section 12 of the Helena Civil Service Act.

- (a) Absence without notice or leave approval.
- (b) The commitment of any criminal act involving drugs, alcohol, violence against a person, theft, embezzlement, or any crime charged as a felony.
- (c) Conduct unbecoming an employee in the public service.
- (d) Conviction of a criminal offense or of a misdemeanor involving moral turpitude.

- (e) Disorderly or immoral conduct.
- (f) Failure to pay or make proper provision for the liquidation of just debts.
- (g) Incapacity due to mental or physical disability of a permanent nature.
- (h) Incompetency or inefficiency.
- (i) Acts of insubordination, including, but not limited to, refusal to obey legitimate orders, delay or failure to carry out assigned work, disrespect, insolence, and like behavior.
- (j) Intoxication while on duty or public intoxication while off duty.
- (k) Neglect of duty.
- (l) Negligence or willful damage to public property or waste of public supplies or equipment.
- (m) Violation of any regulations or orders published, made, or given by a superior officer.
- (n) Willful violation of any provision of this act or the Employee Handbook
- (o) Violation of City and/or departmental rules and regulations.
- (p) Tardiness.
- (q) Disregard of safety rules and regulations
- (r) Falsification, misrepresentation, or suppression of any information including, but not limited to, employment application, employee reports, records, or time entry required by or supplied to any agency including, but not limited to, the City of Helena
- (s) Refusal to fully and truthfully answer questions of a supervisor or other designated individual during any inquiry, interrogation, hearing or court proceeding.
- (t) Habitual, or repetitive, acts of misconduct, violations of policy, and/or infractions of rules and regulations.
- (o) Use of paid time for personal or business reasons other than the purposes for which hired.
- (p) Failure to maintain required objective certifications and other requirements necessary to perform the duties of employment.
- (q) For any other reason deemed to be in the best interest of the public service.

8.4 Types of Disciplinary Actions

Certain disciplinary actions taken by the City may be subject to appeal to the Personnel Board, while others are not. The availability of an appeal depends on the nature of the disciplinary action, the employee's classification or employment status, and applicable

laws, ordinances, or civil service rules. Only those disciplinary actions and employees for whom appeal rights are expressly provided by the Helena Civil Service Act or other applicable law may pursue an appeal before the Personnel Board. Disciplinary actions that do not carry appeal rights, including those involving employees who are probationary (with the exception of a promoted employee), temporary, part-time, or otherwise excluded by law or policy, are final and not subject to review by the Personnel Board. Employees who are eligible to appeal a disciplinary action will be provided with notice of their appeal rights and the applicable procedures. Nothing in this policy is intended to expand, limit, or modify appeal rights beyond those provided by law.

1. Disciplinary Actions Not Subject to Appeal

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

(B) Written Reprimand: The Department Head, or other designated official, may issue an official written reprimand to an employee, if the seriousness of the offense calls for action greater in severity than an oral reprimand, or if previous counseling discussions or oral reprimands have not produced the desired result. The written reprimand should be forwarded to the Personnel Director for maintenance in the employee's personnel file. In addition, within three (3) days of the receipt of a written reprimand, an employee may submit to his/her Department Head a written response to the written reprimand. Such response shall be forwarded to the Personnel Director for maintenance in the employee's personnel file.

(C) Imposed Probation: The Department Head, or another designated official with the approval of the Department Head, may place an employee on imposed probation, either as a stand-alone disciplinary action or in conjunction with other discipline, when the seriousness of the conduct warrants action more severe than an oral or written reprimand, or when prior corrective efforts have not resulted in improvement. An employee may be placed on imposed probation for cause, following appropriate notice, for a period not to exceed twelve (12) months. The terms and expectations of imposed probation shall be documented in writing. Any repetition of the conduct identified in the probation notice, or failure to meet the conditions of probation during the probationary term, may result in further disciplinary action, up to and including termination. Imposed probation may be considered by the Department Head in determining eligibility for merit increases for a period of up to one (1) year.

Upon satisfactory completion of the imposed probationary term, including receipt of a performance evaluation rated "satisfactory" or higher, the employee shall be considered in good standing with the department and the City of Helena and shall be restored to the rights, privileges, and benefits held prior to the imposed probation. Restoration of such rights and privileges does not preclude consideration of the imposed probation during future promotional processes or in the determination of appropriate discipline for any future misconduct. Failure to satisfactorily complete an imposed probationary term may result in additional disciplinary action, up to and

including termination.

(D) Suspension: The Appointing Authority may suspend without pay any employee under his or her supervision. In the event the suspension or suspensions do not exceed an aggregate of 40 working hours as a singular offense or 80 working hours cumulative in any year of service, the employee shall not have the right of an appeal hearing.

Any employee suspended without right to a hearing may obtain a review of the suspension by the Appointing Authority by filing with the Mayor not more than two (2) business days thereafter, a written answer to the charges and a request for the review.

2. Disciplinary Actions Subject to Appeal

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

The notice of suspension, dismissal, or demotion shall be provided to the employee in writing and include the following:

- (a) The cause of action.
- (b) Discipline being imposed.
- (c) The dates suspension, dismissal, or demotion are to become effective.
- (d) Any other information deemed appropriate.

A copy of the notice shall be delivered to the Personnel Director no later than the same day that the notice is served on the employee. Notification shall be made prior to or on the date the dismissal or demotion is to be effected, or as soon as practicable.

With the exception of a promoted employee a employee serving a probationary period may be disciplined, demoted, or dismissed by an Appointing Authority without right of appeal.

8.5 Pre-Determination Meeting

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

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

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

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

8.6 Appeals

All appeals will be governed by Section 12 of the Helena Civil Service Act.

(1) An employee with regular status may appeal disciplinary actions of dismissal, demotion, or suspension. The discipline imposed shall not be otherwise set aside during the pendency of the appeal. An employee desiring to appeal shall, within 10 calendar days after notice of disciplinary action, file with the Personnel Director and the Mayor a written answer to the charges and request a hearing. The answer shall contain the following:

- (a) The reason for dismissal, demotion, or suspension.
- (b) An admission or denial of guilt.
- (c) Reasons why dismissal, demotion, or suspension should not take effect.

(2) Upon timely appeal, the Personnel Board shall order a hearing of the charges before a hearing officer appointed pursuant to Board rules and this act. The hearing shall be solely for the purpose of determining whether substantial evidence supports the disciplinary action, and whether the employee, by reason of his or her act or acts as charged and his or her record of service, merits retention in the service or should be removed therefrom or otherwise disciplined. To that end, the hearing officer appointed shall not be bound by the technical rules of evidence but shall diligently seek all the information bearing on the merits of the case. The hearing officer appointed by the Board shall be a practicing attorney licensed in this state who shall take testimony offered in support and denial of the charges and therefrom, and shall submit to the Board and the parties, within 15 days, a finding of facts involved, interpretation of law and policy, and a recommended decision. Either party at interest may be represented by counsel.

(3) The hearing officer shall have authority to permit discovery by any party in the hearing officer's discretion, but shall, in all instances, hold the hearing within 30 calendar days of his or her appointment by the Board unless otherwise continued by consent of the parties. As allowed by the hearing officer in his or her discretion, discovery may be obtained by one or more of the methods provided under the Alabama Rules of Civil Procedure, including, but not limited to, written interrogatories, depositions, requests for production of documents or things for inspection or copying, and requests for admissions addressed to parties, the time for response to which shall be set by the hearing officer. The Alabama Rules of Civil Procedure may be used as a general guide for discovery practices and

proceedings. However, the Alabama Rules of Civil Procedure shall be deemed instructive rather than controlling.

(4) When a request for discovery is directed to an officer or employee of the City, the City shall make the officer or employee available on official time for the purpose of responding to the request, and shall assist the officer or employee as necessary in providing relevant information that is available to the City. A party seeking discovery from a nonparty officer or employee of the City shall initiate the process by serving a request for discovery, signed by the hearing officer, on the nonparty officer or employee. Discovery from other nonparties may be initiated by serving a request for discovery signed by the hearing officer on the nonparty directly. Absent a request or upon failure to obtain voluntary cooperation with discovery from a nonparty the hearing officer appointed by the Board shall have the right to issue subpoenas for production and attendance enforceable by the Circuit Court of Shelby County, Alabama. Further, the hearing officer may subpoena witnesses, other than character witnesses, for or against the employee upon written request. Employees in the regular service shall be required to attend and testify without subpoena.

(5) The parties shall be present at next regular or special meeting held by the Board, who shall consider the report and may set aside the report and order a new hearing, or may rescind, modify, or increase the penalty imposed by the appointing authority as warranted by the facts adduced at the hearing, or affirm the report as written and certify its findings to the appointing authority who shall forthwith put the same into effect. At the meeting, the Board may ask summation statements from the parties, not to exceed 15 minutes per party, as to the recommended disciplinary recommendation of the hearing officer. The summation shall be limited to the finding of facts contained in the report of the hearing officer after consultation with the Board. The Board shall render its decision at the meeting, unless by affirmative vote of the Board, it continues the hearing to a date certain, notifying all parties of the continuation date.

Both parties may record the hearing. At a minimum, the hearing will be recorded by the Personnel Director or his or her designee. Both parties will be granted access to the recording following the hearing. At their own expense, either party may request a court reporter to be present to record the meeting. The record of the court reporter shall be included as an addendum to the hearing officer's report.

(6) The decision of the Board shall be final and may be appealed by either party to the circuit court to review questions of law and whether or not the decision or order of the Board is supported by substantial and legal evidence. On the appeal, the Circuit Court of Shelby County, Alabama shall not reverse the finding of the Board unless it finds the decision was arbitrary and capricious, against the great weight of evidence, or otherwise invalid for reasons of fraud, and shall thereafter affirm, reverse, remand, or render the cause. The decision of the Board shall be controlling until reversed on appeal as provided for herein.

(7) The appeal to circuit court shall be perfected by filing a notice of appeal with the Circuit Court of Shelby County, Alabama, signed by the party appealing, to the effect

that the party appeals from the decision or order of the Board to the Circuit Court and the reasons therefore, and same shall confer jurisdiction upon the Court. The statement of appeal shall be filed within 10 calendar days from the announcement of the decision or order of the Board, and the appeal shall be served on the Personnel Director of City Clerk within two days of filing in the Circuit Court of Shelby County, Alabama.

SECTION 9. GRIEVANCE POLICY AND PROCEDURE

9.1 Grievance Policy

The City seeks to promote an atmosphere where employees are comfortable voicing their concerns and raising employment-related issues. Therefore, employees are encouraged to speak informally and discuss any problems with their supervisor so that appropriate actions may be taken to alleviate and resolve concerns. The City is committed to ensuring a responsive and fair problem-solving process at the lowest possible organizational level and encourages this same commitment from all employees. If such informal discussions fail to resolve an employee's concerns in a timely manner, they may follow formal grievance procedures outlined in this policy. Complaints of potential unlawful conduct, including but not limited to complaints of potential harassment or retaliation as set forth in Section 2.3, must be brought directly to the Personnel Director.

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

(A) Acceptable Reasons for Grievance:

1. Unsafe working conditions;
2. Retaliation by a supervisor against an employee for exercising a right protected by law; complying with any law; reporting a violation of any law to the proper government authority; or, reporting fraud, waste, or abuse to the proper government authority;
3. Violation or misapplication of law, ordinance, or policy affecting matters or conditions of employment;
4. Unfair or inconsistent application of rules, regulations, or policy;
5. Improper working conditions or treatment by a supervisor or manager; and
6. Promotional by-passing where there is evidence of arbitrariness and capriciousness. Arbitrariness and capriciousness are defined as an unreasonable action in disregard of the facts or without a determining principle; and
7. Unauthorized or inappropriate use or disclosure of protected health information, as defined by HIPAA Privacy Regulations.

(B) Unacceptable Reasons for Grievance:

1. Performance evaluations (unless alleging procedural violations);

2. To contest position classification and rates of pay;
3. Legislative or budgetary decisions of the City Council or other governing authority;
4. To contest any disciplinary action;
5. To contest non-selection for advancement or promotion, except as provided in subsection A above; or,
6. To contest any action that does not pertain directly, personally, and solely to the employee's own employment.

9.2 Grievance Procedure

Step 1: Informal Resolution

Employees are encouraged to raise concerns with their immediate supervisor within seven (7) calendar days of becoming aware of the issue. Many concerns can be resolved at this level through open and honest communication. All parties involved are expected to act respectfully and fairly, and confidentiality will be maintained to the extent practicable.

If the concern involves the employee's immediate supervisor, the employee may raise the matter with the next level in the chain of command or with the Department Head.

Step 2: Written Grievance

If the issue is not resolved informally, the employee may submit a written grievance within thirty (30) calendar days of the informal discussion, the incident giving rise to the grievance, or the last act giving rise to the grievance. The grievance should be filed on a form provided by the City and should include the following information.

- A statement of the rules, regulations or procedures description of such violation or misapplication; or the disciplinary action that is being appealed.
- The specific remedy which is being sought.
- Previous supervisory decisions, if any.

A copy of the grievance must be submitted to both the Department Head and the Personnel Director.

The Department Head (or if the Department Head is the subject of the grievance, then the Personnel Director) shall investigate the grievance and deliver a written response to the employee within twenty-one (21) days after the grievance is received. The requirement to respond to a grievance within twenty-one (21) days of receipt may be extended by mutual consent of the Department Head, the employee, and the Personnel Director.

The response shall state the Department Head's decision and the reason(s) therefore. The Department Head shall furnish a copy of the grievance and the response thereto to the Personnel Director no later than immediately after such response is delivered to the employee. In the absence of the Department Head or the Personnel Director, a designee

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

Grievance processes can be suspended at any time by the Department Head, Personnel Director, and/or Mayor if a formal investigation is being conducted or needs to be initiated. The grievance process may resume if the formal investigation results in no findings.

Step 3: Appeal to the Personnel Board

If the employee is dissatisfied with the Step 2 response, they may submit a written appeal to the Personnel Board within seven (7) calendar days of receiving the decision.

Upon appeal, the Board shall receive all evidence in support of the action and any evidence or other facts offered by such employee against such action. The Board is not bound by technical rules of evidence. At its discretion, the board may choose:

1. To deny review of the grievance in which case the Department Head's decision will be final.
2. Conduct an informal review of the evidence and issue a response to the employee in writing.
3. Conduct an informal formal hearing in which the employee and his/her supervisor and/or appointing authority will each have the right to appear before the Board with reasonable representation of their choice if they so desire. The Board may call any witnesses as it deems necessary.

At the conclusion of the appeal, the Personnel Board will issue a written recommendation to the Department Head and Personnel Director and a copy shall be forwarded to the employee. All decisions of the Personnel Board regarding grievances shall be final.

9.3 Retaliation Prohibited

No employee or official of the City shall threaten or in fact retaliate in any way against an employee for exercising any right the employee may have under this grievance policy; and no employee or official of the City shall interfere with an employee's preparation and presentation of a grievance as herein prescribed.

Likewise, no employee or official of the City shall threaten or in fact retaliate in any way against an employee who testifies for or otherwise assists another employee in the grievance process, except that perjury before the hearing body shall be grounds for disciplinary action, including termination of employment where appropriate.

Any retaliation against, or interference with, the employment of an employee who has availed oneself of the grievance procedure, or an employee who has assisted another

employee in the grievance process, shall be grounds for disciplinary action, including termination of employment where appropriate.

SECTION 10. WORKPLACE SAFETY

10.1 General Safety

All employees are expected to maintain a high level of awareness regarding workplace safety and to take all reasonable precautions to prevent accidents or injuries to themselves, co-workers, and the public. Employees must promptly report any unsafe condition, hazardous worksite, or dangerous procedure to their supervisor. Employees are required to comply with all applicable safety and health laws, standards, rules, and City policies. Failure to follow safety requirements, or accidents resulting from employee negligence, may result in disciplinary action, up to and including termination.

10.2 Accidents

Any accident occurring in a City-owned vehicle, while conducting City business, or on City property must be reported to the Department Head and the Personnel Director as soon as practicable following the incident. The immediate priority in any accident or injury is to ensure appropriate medical care for all involved. If property damage occurs, a written accident report and photographs documenting the damage must be submitted as soon as reasonably possible. Employees who sustain injuries shall seek or be provided necessary medical treatment without delay. Following receipt of medical care, injured employees will be required to submit to post-accident drug testing at a City-designated facility, in accordance with applicable law and City policy. Failure to timely report an accident or injury, or refusal to comply with required post-accident drug testing, may result in disciplinary action.

10.3 Fitness for Duty Examinations

During the course of employment, employees may be required to undergo periodic fitness-for-duty medical and/or psychological examinations when job-related and consistent with business necessity, to determine their ability to safely and effectively perform the essential functions of their position. Any required examinations will be conducted at no cost to the employee. Fitness-for-duty determinations will be made by a health care provider designated by the City. All medical and psychological information obtained through such examinations will be treated as confidential and maintained in separate medical files, in accordance with applicable law, and separate from the employee's personnel file.

10.4 Workers' Compensation

All City employees are covered by the Alabama Workers' Compensation Act. Workers' compensation is a state-mandated insurance program that provides benefits to employees who sustain job-related injuries or illnesses arising out of and in the course of employment. These benefits may include payment for authorized medical treatment,

partial wage replacement for time missed from work due to a compensable injury, and other benefits as provided by state law.

Employees must promptly report any work-related accident, injury, or illness to their supervisor so that required documentation may be completed and benefits may be administered in a timely manner. Supervisors are responsible for completing a First Report of Injury and submitting it to the Personnel Director as soon as practicable, but no later than twenty-four (24) hours after the injury is reported.

Employees requiring medical treatment for a work-related injury must follow the City's established medical treatment protocol and obtain care from an approved medical provider, except in emergency situations. If the treating physician determines that an employee is unable to work due solely to a compensable, work-related injury or illness, the employee may be eligible to receive workers' compensation benefits in accordance with state law.

Workers' compensation benefits, whether paid or unpaid, will run concurrently with Family and Medical Leave Act (FMLA) leave when applicable and as permitted by state and federal law. Employees will not receive compensatory time, vacation, or sick leave for absences covered by workers' compensation, except to the extent such leave is used to supplement workers' compensation benefits when partial wage replacement is provided, as allowed by state law. Employees may elect to use accrued, sick, or vacation time to make up the difference in Worker's compensation pay versus the employee's normal pay. In no event may an employee exceed their normal pay by using accrued sick, or vacation time while on Worker's Compensation.

10.5 Firearms in the Workplace

Employees are prohibited from carrying firearms in the workplace or from possessing firearms in City facilities, workspaces, or City-owned vehicles, unless the possession and use of firearms is an essential function of the employee's position with the City. In accordance with Alabama law, employees who are legally permitted to possess firearms may store a firearm in their personal vehicle while parked on City property, provided the firearm is kept inside a locked vehicle and out of plain view, including from persons looking through vehicle windows or open doors. Employees are responsible for ensuring full compliance with all applicable state and federal firearm laws. Nothing in this policy is intended to authorize the carrying or use of firearms in the workplace beyond what is expressly permitted by law or required by job duties. Violations of this policy may result in disciplinary action.

10.6 Workplace Violence Prevention

The City is committed to maintaining a safe, secure, and violence-free workplace for all employees. In support of this commitment, employees are discouraged from engaging in physical confrontations with violent or potentially violent individuals and from engaging in threatening, aggressive, or violent behavior of any kind.

Threats, threatening language, intimidation, harassment, or acts of violence—whether verbal, physical, or written—will not be tolerated. A threat may include, but is not limited to, verbal or physical abuse, attempts to intimidate others, menacing gestures, stalking, or other hostile, aggressive, or destructive actions intended to intimidate or cause harm. This policy applies to conduct occurring in the workplace, on City property, in City-owned vehicles, and at City-sponsored events or functions.

All City employees share responsibility for maintaining a workplace free from violence or the threat of violence. Any employee who witnesses or experiences violent or potentially violent behavior must promptly report the incident to their supervisor, Department Head, or the Personnel Director. All reported threats or incidents will be promptly and appropriately investigated. Failure to report known incidents of workplace violence may result in disciplinary action. No employee will be subject to retaliation, intimidation, or adverse action for reporting concerns in good faith under this policy.

The City reserves the right, in its sole discretion and based on the totality of the circumstances, to determine whether conduct constitutes workplace violence or a violation of this policy. Threatening behavior, physical conduct, or other actions—whether intended as a joke, "horseplay," or otherwise—may still be considered a violation of this policy. Violations may result in disciplinary action, up to and including termination of employment.

10.7 Use of City Vehicles

(A) General

The Mayor, City Administrator, or Department Head is authorized, in accordance with applicable ordinances, to assign and approve the use of City-owned vehicles to employees or authorized individuals for the purpose of conducting official City business. Any misuse of a City vehicle or violation of this policy may result in disciplinary action and/or revocation of driving privileges or take-home vehicle authorization.

City vehicles may be operated only by City employees or authorized individuals while conducting official City business. Employees operating City vehicles, or personal vehicles while on City business, are required to comply with all traffic laws and rules of the road, except when operating authorized emergency vehicles in response to an emergency and using required emergency lights and sirens. The City is not responsible for traffic citations or fines incurred by employees or authorized individuals, whether they are on or off duty or operating a City vehicle.

Due to liability considerations, only City employees or authorized individuals who possess a valid driver's license may operate City vehicles. Non-employees are not permitted to drive City vehicles, and passengers are limited to City employees or authorized individuals performing City business. City vehicles may be used only for official City business and emergency public services, including police, fire, and public services operations.

Employees whose duties require work before or after normal business hours may be authorized to take a City vehicle home when performing such duties. Prior approval must

be obtained from the employee's immediate supervisor or Department Head. Employees must promptly report any accident, damage, or traffic citation incurred while operating a City vehicle or while driving on City business to their supervisor or Department Head.

(B) Driver's License Requirements

Prospective and current employees whose job duties include operating a motor vehicle must possess and maintain a valid and current Alabama driver's license appropriate for the type and class of vehicle being operated, including any required commercial driver's license (CDL). Under no circumstances may an employee operate a City vehicle if their driver's license is expired, suspended, revoked, or otherwise invalid. Employees who operate a City vehicle without a valid and current driver's license may be subject to disciplinary action.

Employees whose job duties require driving must immediately notify their Department Head or designated official of any change in the status of their driver's license or driving privileges, including suspension, revocation, cancellation, expiration, or any arrest for driving under the influence of drugs or alcohol. Failure to promptly report such changes may result in disciplinary action.

If an employee's driver's license or driving privileges are suspended, revoked, canceled, or otherwise restricted by a court of competent jurisdiction or the Alabama Department of Public Safety, and the Department Head determines that driving is an essential function of the employee's position or that a valid driver's license is a minimum job requirement, the employee may be subject to appropriate employment action. Such action may include reassignment, demotion, suspension without pay, or termination, depending on the circumstances and in accordance with applicable law and City policy.

(C) Motor Vehicle Record (MVR) Requirements

Applicants for positions with the City whose job duties include operating a City vehicle—including current employees applying for promotion or transfer—will have their Motor Vehicle Record (MVR) reviewed as part of the pre-employment or pre-placement process. Applicants will be notified that an MVR review is required and must provide written authorization permitting the City to obtain and review driving records, in accordance with applicable law.

For purposes of this policy, the look-back period for evaluating driving history is the twenty-four (24) months immediately preceding the date of application or consideration for the position. Points accumulation is based on the Alabama Uniform Traffic Citation (UTC) offense code point scale, and points are counted for a twenty-four (24) month period measured from the date of conviction.

An applicant will be disqualified from consideration for a position requiring driving if the MVR reflects more than eight (8) points during the applicable look-back period, or if the applicant has a conviction or pending charge for driving under the influence of drugs or alcohol during that same period.

In addition, all applicants and employees must meet the minimum driving eligibility standards established by the City's insurance carrier. The City reserves the right to disqualify an applicant or restrict an employee's driving privileges based on insurance eligibility requirements or other job-related information obtained through MVR review or background screening, consistent with applicable law.

Employees whose job duties require or may require operation of a City vehicle are subject to post-hire MVR monitoring. At a minimum, each such employee's MVR will be reviewed annually. Additional reviews may be conducted as necessary based on operational needs, insurance requirements, or reported driving incidents.

If a current employee's MVR reflects more than eight (8) points at any time within the applicable twenty-four (24) month period, the employee will be placed on driving probation and required to successfully complete a defensive driving course at the employee's expense within thirty (30) days of notification. Failure to complete the required course within the specified timeframe may result in further disciplinary action.

Any employee who is charged with, arrested for, or convicted of driving under the influence of drugs or alcohol, or any felony traffic offense, shall be immediately prohibited from operating a City vehicle. Employees are required to report any such charge, arrest, or conviction to their supervisor within twenty-four (24) hours of occurrence. Failure to timely report may result in disciplinary action, up to and including termination.

Adverse changes in an employee's driving record may result in revocation of City driving privileges and may lead to reassignment, suspension, demotion, or termination, depending on the circumstances and in accordance with City policy, insurance requirements, and applicable law.

(D) Loss of City Vehicle Use Privileges

The following is a partial list of conditions on a Driver License Record which may cause the loss of City vehicle privileges:

- Three (3) or more at-fault accidents in the past three (3) years where the employee was the contributory driver.
- Two (2) incidents (including tickets) in the past three (3) years as a result of which the individual was found responsible for committing a moving traffic violation while operating a motor vehicle.
- A combination of two (2) at fault accidents and one (1) incident as a result of which the individual was found responsible for committing a traffic violation within the past three (3) years.
- Operating under the influence of alcohol or drugs.
- Failure to report an accident while operating a City owned vehicle.
- Negligent homicide, manslaughter, assaults involving the operation of a motor vehicle.
- Driving on a suspended or revoked license.

(E) Departmental Vehicle Policy

If a department adopts a department-specific vehicle use policy that appears to conflict with this handbook, the more restrictive policy shall apply.

(F) Seat Belt Use

The City requires all employees and passengers to wear seat belts at all times when operating or riding in City-owned vehicles. Seat belt use is also required for employees operating or riding in personal vehicles while engaged in City business.

(G) Distracted Driving

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

10.8 Workplace Searches

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

Workplace searches that clearly include an employee's personal property and are not part of the typical routine review or inspection of the workplace shall include at least two supervisory personnel for the search or shall be approved in advance in writing by the Personnel Director or Mayor. The supervisory personnel or the Mayor, prior to conducting the search, shall make a record of the reason(s) and describe the probable cause for the search and sign such record.

SECTION 11. SUBSTANCE ABUSE POLICY

11.1 Policy

The City is committed to maintaining a safe, healthy, and productive work environment for employees and the public. This commitment is compromised when employees misuse

drugs or alcohol, report to work impaired, or engage in drug- or alcohol-related misconduct. Accordingly, the City maintains a drug- and alcohol-free workplace.

The following conduct is strictly prohibited:

- Employees may not use, possess, distribute, sell, trade, offer for sale, or offer to purchase illegal drugs or engage in the unlawful use of drugs or controlled substances, whether on or off duty.
- Employees may not report to work under the influence of illegal drugs or with any detectable amount of illegal drugs in their system.
- Employees may not consume alcoholic beverages within eight (8) hours prior to reporting for duty and may not report to work under the influence of alcohol.
- Employees may not consume alcoholic beverages during working hours or while performing City business.
- Employees may not unlawfully use prescription medications, including using medications that were not legally prescribed to them or using prescription drugs in a manner inconsistent with the prescribing provider's instructions. Nothing in this policy prohibits the lawful use of prescribed medications that do not impair an employee's ability to perform their job safely and effectively.

Violations of this policy may result in disciplinary action, up to and including termination of employment, and may also require participation in a rehabilitation or treatment program, as determined by the City.

Employees are encouraged to voluntarily seek assistance for substance abuse concerns. Employees who self-report and request help before violating this policy or before being subject to disciplinary action may do so without fear of retaliation. The City will provide information on available assistance resources, and eligible employees may qualify for leave under the Family and Medical Leave Act (FMLA) or other applicable leave policies.

11.2 Use of Prescription Medication

Employees are prohibited from reporting to work or performing job duties while under the influence of any prescription medication, over-the-counter medication, or other substance that impairs their ability to safely and effectively perform their job.

Prior to reporting for duty, employees are required to disclose to their supervisor or the Personnel Department if they are taking or using any medication or substance that may impair job performance or safety. This includes, but is not limited to, prescription medications, over-the-counter medications, medical marijuana (where permitted by law), synthetic or designer drugs, or any other substance that may affect alertness, judgment, coordination, or the ability to safely perform assigned duties. Disclosure is required only to the extent necessary to assess fitness for duty and will be handled in a confidential manner consistent with applicable law.

Failure to disclose the use of an impairing medication or substance prior to duty, when required, may result in disciplinary action up to and including termination. An employee who tests positive for, is otherwise determined to be using, or is found to pose a safety risk due to an undisclosed impairing medication or substance may be subject to discipline for willful misconduct.

In addition, if an employee is involved in a work-related accident and post-accident drug testing reveals the presence of an undisclosed impairing medication or substance in the employee's system at the time of the incident, the employee may be subject to disqualification from workers' compensation benefits for willful misconduct, as permitted by law.

When an employee discloses the use of an impairing medication or substance, the City reserves the right to require a fitness-for-duty evaluation to assess whether the employee can safely perform the essential functions of their position. Any such evaluation will be conducted in accordance with applicable law, and medical information will be maintained confidentially and separate from the employee's personnel file.

11.3 Testing

It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:

- As part of pre-employment testing for employees working in a safety sensitive job.
- When an employee is reclassified or promoted to a safety sensitive position.
- When there is reasonable suspicion to believe an employee is abusing illicit drugs or alcohol. Reasonable suspicion is based on a belief that an employee is using or has used drugs or alcohol in violation of our policy.
- When an employee has caused or contributed to an on-the-job injury.
- Routine fitness-for-duty testing for safety sensitive positions.
- On a random basis for safety-sensitive positions with no prior notice given.
- As a post-rehabilitation/follow-up. An employee who has voluntarily requested rehabilitation prior to a positive drug test may be subject to random testing for twenty-four (24) months from the return-to-work date.

Testing positive on a drug or alcohol test is a serious violation of the City's Policy. Any employee who tests positive, or refuses to be tested, may be subject to appropriate disciplinary action for gross misconduct, up to and including termination, as well as disqualification from receiving unemployment compensation benefits (Alabama Code § 25-4-78(3)) and/or worker's compensation benefits (Alabama Code § 25-5-51). Additionally, any employee who fails to report an on-the-job accident immediately and seeks medical treatment from a medical provider not designated by the City, may be classified as refusing to submit to post-accident testing. Following a positive test, an employee may be offered a "Last-Chance Agreement" in which the employee agrees to attend a rehabilitation program in lieu of termination.

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer within five (5) working days

after receiving notification of the test result from the medical review officer. If the challenge is unsatisfactory to a medical review officer, the medical review officer will report a positive test.

Methods of testing may include urine, breath, oral fluids, hair, and/or blood. A Breath Alcohol Content of 0.04 or higher is classified as a positive test. The drugs tested for may include all or some of the following: (1) Amphetamines; (2) Cannabinoids; (3) Cocaine; (4) Phencyclidine (PCP); (5) Opiates; (6) Methadone; (7) Methaqualone; (8) Barbiturates; (9) Benzodiazepines; (10) Propoxyphene; (11) Ecstasy or a metabolite of any of the above substances including mind altering synthetic or designer drugs, and (12) Alcohol. Employees should be cautioned that using CBD products may result in a positive drug screen.

For purposes of this policy, safety-sensitive employees are those employees who discharge duties so fraught with risks of injury to self or others, environmental injury and/or property damage that even a momentary lapse of attention can have disastrous consequences. It is an essential job function safety rule applicable to every employee working in a safety sensitive classified position to be able to work in a constant state of alertness and in a safe manner.

The term "illegal use of drugs" includes any controlled or scheduled substance not used in accordance with a health care provider's lawful prescription for the user.

11.4 Cannabidiol (CBD) Products

Cannabidiol (CBD) products, including oils, gummies, creams, and other forms, may be legally available under Alabama law. However, many CBD products are not regulated by the U.S. Food and Drug Administration (FDA) and may contain measurable amounts of tetrahydrocannabinol (THC), the psychoactive component of marijuana.

Employees are advised that the use of CBD products may result in a positive drug test for THC. A positive test result will be treated the same as any other violation of the Substance Abuse Policy.

The use, possession, distribution, or being under the influence of marijuana or THC-containing substances during work hours, on City property, in City vehicles, or while performing job-related duties is strictly prohibited, regardless of whether the substance was obtained legally or claimed to be a CBD product.

SECTION 12 TECHNOLOGY

12.1 Computers, Internet, Email, and Other Resources

The City provides employees with a variety of communication tools and technology resources to support the efficient conduct of City business. These resources include, but are not limited to, telephones, voicemail, scanners, internet and intranet access, email, text messaging, portable electronic devices, and other City-provided technology. City communication systems are intended primarily for business-related purposes during

working hours. All use of City communication tools must be conducted in a professional, respectful, and lawful manner and in accordance with City policies.

No Expectation of Privacy

Employees should not have any expectation of privacy in their use of City issued computer, phone, portable electronic devices, or other communication tools. All communications made using City-provided equipment or services, including email and internet activity, are subject to inspection by the City. Employees should keep in mind that even if they delete an email, a voicemail, or another communication, a copy may be archived on the City's systems.

Internet Access

Internet access and electronic communication systems are provided to employees solely for the purpose of conducting City business in an efficient and timely manner. Employees accessing the internet or using City communication systems represent the City, and all communications must be business-related, professional, and appropriate. Personal use of City-provided communication systems, including email and internet access, that is not job-related may negatively affect productivity, system performance, and security. The City monitors internet and system usage to ensure that these resources are used for legitimate business purposes and are not misused or abused.

The City has zero tolerance for the viewing, accessing, downloading, or transmission of obscene, pornographic, or otherwise inappropriate materials using City equipment or systems, including email and text messaging. Any employee found engaging in such conduct may be subject to disciplinary action, up to and including immediate termination of employment.

Employees are prohibited from downloading software, applications, or files from the internet or other external sources without the express approval of the Department Head. Files or applications obtained from outside sources may contain malware or viruses and must be scanned using approved antivirus software before being installed or used on City systems. Uploading information to the internet or external systems is prohibited unless expressly authorized by the Department Head, to prevent unauthorized access or interception of City data. Employees may not disable antivirus software, bypass security controls, or make unauthorized changes to system configurations on City computers or devices. Violations of this policy may result in disciplinary action, up to and including termination, even for a first offense.

Email and Other Communication Systems

The City encourages employees to use email solely for communication related to City business with fellow employees, vendors, customers, or other authorized parties. All internal and external email communications are considered City business records and may be subject to federal and state public records and record-retention laws, as well as disclosure during audits, investigations, or litigation. Employees should be mindful of these obligations when creating and transmitting email communications.

Use of City-provided communication systems, including email and internet access, must comply with all City policies, including but not limited to those governing Equal Employment Opportunity, harassment, confidentiality, and conflicts of interest. Employees must not use City systems to engage in harassing, discriminatory, or retaliatory conduct, make defamatory statements, or disclose confidential or proprietary information.

Employees should also be aware that email messages and electronic communications may contain viruses, malware, or other security threats. To protect City systems and data, employees should not open or respond to messages from unknown or suspicious senders and should delete such messages without opening them.

City-provided communication systems, including email, telephone, voicemail, and internet access, are provided for City business purposes and are critical to City operations. Accordingly, employees should have no expectation of privacy in the use of these systems. The City reserves the right to monitor, access, review, and disclose communications and usage records, without further notice, to ensure compliance with City policies, protect system security, and meet legal and operational requirements.

Use and Security of Electronic Devices

Employees must exercise particular care in the use and security of portable electronic devices used for City business, including laptops, tablets, smartphones, and other data storage media, whether City-owned or personally owned. The loss or theft of a device containing City information may result in a security breach and the unauthorized disclosure of sensitive or confidential information relating to citizens, customers, or employees.

Employees are required to use appropriate security measures for such devices, including password protection or other approved safeguards, and to store devices only in secure locations when not in use. Any loss, theft, or suspected compromise of a portable electronic device used for City business must be reported immediately to the employee's supervisor and the Information Technology Department so that appropriate protective measures can be taken.

Telephones including Personnel Cell Phone Usage

Office telephones and City-provided communication systems are intended primarily for City business. While the City recognizes that limited personal phone use may be necessary, such use must be brief, infrequent, and kept to a minimum. This policy applies equally to the use of personal mobile phones, smart devices, and text messaging during working time.

Employees may make or receive urgent, occasional, and brief personal calls or messages while at work. All other personal phone use should be limited to meal periods, scheduled breaks, or before or after work hours. Personal phone use must not interfere with work performance, productivity, safety, or the efficient and effective delivery of City services.

Recording, Photography, and Video Restrictions

To protect employee privacy, confidentiality, workplace safety, and the integrity of City operations, employees are prohibited from using personal or City-issued devices to photograph, video record, audio record, livestream, or otherwise capture images or sound of City employees, members of the public, meetings, conversations, workspaces, documents, or activities occurring: (1) in City facilities, (2) on City property, (3) in City vehicles, or (4) at City-sponsored events, unless an exception listed below applies.

Although Alabama law generally permits one-party consent for audio recordings, this workplace policy imposes stricter standards for City operations. Recording that may be lawful under state law may still violate City policy.

This prohibition does not apply in the following circumstances:

- Authorized City Business: Recording is expressly authorized in advance by a supervisor or Department Head for legitimate City business purposes, such as training, documentation, inspections, or public communications.
- Official Job Duties: Recording is required as part of an employee's assigned duties, including but not limited to sworn law enforcement activities, body-worn cameras, dash cameras, emergency response documentation, or other legally mandated recordings.
- Public Meetings: Recording of public meetings that are open to the public and conducted in accordance with Alabama's Open Meetings Act, provided the recording does not disrupt the meeting or violate other City policies.
- Legal Requirement: Recording is required by law, court order, or subpoena.

Employees may not record private or confidential conversations, non-public meetings, personnel matters, or internal discussions without proper authorization, even if the employee is a participant in the conversation.

Supervisors may address personal phone use or recording activity that creates a distraction, disrupts operations, compromises safety or confidentiality, or otherwise interferes with the proper performance of City duties. Violations of this policy may result in disciplinary action, up to and including termination of employment.

12.2 Social Media Acceptable Use

The City seeks to maintain professional, respectful, and appropriate communication regarding its operations, employees, programs, and services. Nothing in this policy is intended to interfere with, restrict, or discourage employees' rights under the United States Constitution, the Alabama Constitution, or applicable law, including lawful rights related to freedom of speech, association, or political activity. Employees should be mindful that, in their capacity as City employees, they may have access to confidential or non-public information. Employees have a continuing duty to protect the confidentiality of such information and to comply with all applicable City policies when using social media. The City recognizes that social media can be a valuable tool for

personal expression and communication. At the same time, social media use carries responsibilities and potential consequences. These guidelines are intended to assist employees in making responsible decisions about social media use as it relates to City employment.

Protected Speech

The City recognizes that employees do not surrender their constitutional rights as citizens when they accept public employment. Employees may engage in protected speech, including speech made as private citizens on matters of public concern, consistent with applicable law.

Nothing in this policy is intended to prohibit or discipline employees for:

- Lawful speech made as a private citizen on matters of public concern;
- Lawful political speech or participation in political activities conducted on the employee's own time and using personal resources; or
- Lawful reporting of suspected wrongdoing, waste, fraud, abuse, or violations of law, including whistleblower activity protected by law.

However, speech that is otherwise protected may lose protection if it:

- Is made pursuant to the employee's official job duties rather than as a private citizen;
- Discloses confidential or non-public City information;
- Violates City policies regarding harassment, discrimination, threats, or retaliation; or
- Substantially disrupts City operations, undermines working relationships, impairs job performance, or interferes with the City's ability to provide effective public services, as determined in accordance with applicable law.

Definition of Social Media

For purposes of this policy, "social media" includes any online platform or method used to create, post, share, or exchange information or content, including blogs, social networking sites, video- and photo-sharing platforms, message boards, chat rooms, and emerging communication technologies. Examples include Facebook, Instagram, TikTok, Snapchat, X, Bluesky, LinkedIn, YouTube, and similar platforms. These guidelines apply whether social media use occurs on City systems or personal devices and whether or not the platform is affiliated with the City.

General Guidelines

The same standards of conduct that apply in the workplace also apply to social media use. Employees are personally responsible for what they post online. Employees should carefully consider the potential impact of their online activity, recognizing that content posted on the internet may be permanent, widely shared, and subject to public scrutiny.

Social media activity that adversely affects job performance, the work environment, public trust, or the City's legitimate operational interests may result in disciplinary action, consistent with applicable law.

- Compliance with Other City Policies
- Social media use must comply with all City policies, including those related to:
- Equal Employment Opportunity and non-discrimination
- Harassment and retaliation
- Confidentiality and records
- Use of City technology and equipment
- Conflicts of interest

Employees may be subject to discipline for social media conduct that violates City policy, even if such conduct occurs off duty or on personal devices, to the extent permitted by law.

Respectful and Professional Conduct

Employees are expected to treat coworkers, citizens, vendors, contractors, and others connected to the City with respect and professionalism. Employees are encouraged to address workplace concerns through appropriate internal channels. Employees who choose to express criticism or complaints online should avoid content that could reasonably be viewed as malicious, threatening, intimidating, harassing, bullying, or intended to harm another person's reputation, or that could contribute to a hostile work environment based on a protected characteristic.

Accuracy and Integrity

Employees should not knowingly post false or misleading information, rumors, or unverified claims, particularly when related to City operations or personnel. If an employee becomes aware that previously posted information is inaccurate, the employee is encouraged to correct it promptly.

Confidentiality and Representation

Employees must not disclose confidential, proprietary, or non-public City information, including internal reports, personnel matters, or sensitive operational details. Employees may not represent themselves as speaking on behalf of the City unless expressly authorized. When posting about the City or matters related to their employment, employees should clearly state that their views are their own and do not represent the City. A recommended disclaimer is: "The views expressed are my own and do not necessarily reflect the views of the City."

Employees may not use a City email address to register for personal social media accounts.

Use During Work Time and with City Resources

Employees may not use social media during working time or on City equipment unless the use is job-related and authorized. Employees may not respond to media inquiries or

Speak on behalf of the City unless authorized and should direct such inquiries to their supervisor or Department Head.

Non-Retaliation

The City strictly prohibits retaliation against any employee who reports a possible policy violation, engages in protected speech, or participates in an investigation. Retaliation may result in disciplinary action.

Questions

Employees with questions about this policy or about appropriate social media use should contact their supervisor or the Personnel Director.

SECTION 13 WORKPLACE GUIDELINES

13.1 Respect in the Workplace

A respectful workplace is essential to the effective and efficient operation of the City and to maintaining the trust and confidence of the public. Employees are expected to treat citizens, coworkers, supervisors, and subordinates with professionalism, respect, civility, and courtesy at all times. Employees are expected to refrain from disrespectful or inappropriate conduct, including but not limited to the following behaviors:

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

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

13.2 Employee Advisory Committee

Purpose

The Employee Advisory Committee ("EAC" or "Committee") is intended to serve as an advisory communication forum through which City employees may share general feedback, ideas, and suggestions with City leadership. The EAC exists to promote open communication, enhance employee engagement, and identify opportunities to

improve workplace practices related to morale, safety, efficiency, and organizational culture.

The EAC is strictly advisory in nature. It has no authority to make decisions, establish policy, or bind the City in any manner. Participation on the EAC does not create a contract, guarantee, or expectation of changes to wages, hours, benefits, or other terms and conditions of employment.

The EAC does not replace existing reporting channels, complaint procedures, or the authority of the Mayor, City Council, Department Heads, supervisors, or the Personnel Director.

Membership and Terms of Service

Members shall be selected through a process coordinated by the Mayor, Personnel Director, City Clerk, Police Chief, and Fire Chief, which may include expressions of interest, nominations, or other methods designed to ensure broad participation and continued operational effectiveness including a vote by employees for members. Selection to the EAC is not guaranteed and does not create a right to continued service.

EAC members may serve terms of up to two (2) years, subject to continued employment, attendance at meetings, and operational needs. Members may be reappointed, but the City encourages periodic rotation of membership to allow broader employee participation over time.

To promote continuity, the City may stagger member terms or rotate membership periodically. Nothing in this section creates a guarantee of service for any specific period.

Members must be current City employees who have successfully completed their initial probationary period. An employee who separates from City employment for any reason is no longer eligible to serve on the EAC.

Members serve at the discretion of the City and may be removed for cause by the City following consultation with the Board, subject to approval by a majority of the Mayor, Personnel Director, City Clerk, Police Chief, and Fire Chief, for reasons including, but not limited to, failure to attend meetings, violations of City policy, breach of confidentiality, or conduct inconsistent with the advisory purpose of the Board.

Officers

The EAC may designate a Chair, Vice Chair, and Secretary from among its Members. Department Heads may not serve as officers.

The Chair shall:

- Preside over meetings;
- Work with the Personnel Director to develop proposed meeting agendas and schedules;

- Serve as a primary point of contact between the EAC and City administration as requested.

The Vice Chair shall assist the Chair and perform the Chair's duties in the Chair's absence.

The Secretary shall prepare meeting summaries or minutes, which shall be reviewed by the Personnel Director prior to distribution.

Duties and Responsibilities

The EAC may:

- Share general employee feedback and themes related to workplace practices and operations;
- Encourage communication and cooperation across departments;
- Identify opportunities to improve employee engagement, morale, and workplace culture;
- Promote awareness of City policies, programs, and initiatives;
- Offer suggestions regarding employee engagement activities or internal communications.

The EAC shall not:

- Act as a bargaining agent, spokesperson, or representative body for employees;
- Negotiate wages, benefits, hours, or other terms and conditions of employment;
- Hear or resolve grievances, appeals, or disciplinary matters;
- Address individual personnel issues, including performance evaluations, pay, accommodations, leave, discipline, or complaints;
- Investigate or resolve complaints of harassment or discrimination.

Any employee who raises a concern regarding harassment or discrimination with an EAC member shall be promptly referred to management in accordance with Section 2.3 of this Handbook.

Meetings

The EAC shall meet as needed, based on operational considerations and the availability of agenda items appropriate for advisory discussion. Meetings may be convened at the request of the Personnel Director or upon submission of proposed topics by Committee members for review and approval by the Personnel Director.

Meetings shall be scheduled in advance and coordinated with Department Heads to minimize operational disruption. Reasonable efforts will be made to allow participation from employees working different shifts when meetings are held.

The Personnel Director, or designee, shall facilitate or attend meetings as appropriate to ensure discussions remain within the advisory scope of the Committee and are consistent with City policy and legal requirements.

A majority of current members shall constitute a quorum for any meeting.

Confidentiality

EAC members are expected to maintain the confidentiality of sensitive information, including personnel matters, security issues, and information protected by law or City policy. Failure to maintain confidentiality may result in removal from the EAC and/or disciplinary action, consistent with City policy.

Non-Retaliation

The City prohibits retaliation against any employee for participating in the EAC or for providing feedback or suggestions in good faith. This provision does not protect conduct that violates City policy, disrupts operations, or exceeds the advisory scope of the EAC.

Reservation of Rights

The City reserves the right to modify, suspend, or discontinue the EAC at any time, with or without notice, based on operational, legal, or administrative considerations and subject to City Council approval

13.3 Job Performance & Evaluation

Effective communication between employees, supervisors, and Department Heads is essential to maintaining high levels of performance and accountability. Discussions regarding job performance are ongoing and may occur formally or informally. Employees are encouraged to communicate with their supervisors and request additional feedback whenever they believe it would be helpful.

The Personnel Director is responsible for establishing and maintaining the City's employee performance evaluation system. All formal performance evaluations must be documented in writing using forms provided or approved by the Personnel Director. While formal evaluations occur at designated intervals, day-to-day performance management remains the responsibility of the employee's immediate supervisor.

Formal performance evaluations will generally be conducted at least annually and will include a written appraisal and a discussion between the employee and supervisor regarding job performance and expectations for the upcoming evaluation period. The number and timing of evaluations may vary based on operational needs or individual circumstances. A performance evaluation may be initiated at any time by either the supervisor or the employee. Probationary employees will be evaluated at the conclusion of their probationary period.

Performance evaluations become part of the employee's personnel record and may be considered in employment-related decisions, including eligibility for wage increases, promotion, transfer, demotion, layoff, or termination, in accordance with applicable law and City policy.

13.4 Training and Career Development

The City is committed to supporting employee training and professional development and recognizes that participation in seminars, conferences, workshops, and similar programs is an effective way to enhance job-related knowledge, skills, and abilities.

Because the City operates with limited staffing and training resources, the following guidelines apply to requests for training and professional development opportunities:

- Training should directly enhance the employee's job-related skills, knowledge, or abilities, or be necessary to maintain required licenses, certifications, or professional credentials.
- Training opportunities may include, but are not limited to, workshops, seminars, conferences or conventions, in-house training programs, and other approved training offered by external agencies or organizations.
- All training-related expenses must be within the limits of the approved annual budget.

Requests to attend external training programs must be submitted through the employee's immediate supervisor for review and approval by the Department Head. Employees are responsible for notifying their supervisor at least one (1) week in advance of any approved training that will require time away from work.

Training time will be considered compensable work time when attendance is required by the City or when the training is directly related to the employee's current job duties or required to maintain licensure or certification. Training that is voluntary, occurs outside of normal working hours, and is not directly related to the employee's current job duties may be unpaid, consistent with applicable wage and hour laws.

Upon completion of training, employees may be required to submit a certificate of completion or attendance and, if available, an official training agenda. Such documentation will be maintained in the employee's personnel file.

13.5 Maintenance and Retention of Records

The Personnel Director is responsible for maintaining the official personnel records of City employees. All personnel records, whether maintained in paper or electronic form, are the property of the City and are maintained for legitimate governmental and administrative purposes.

Official personnel records may include, but are not limited to, the employee's application for employment, job-related examination or assessment results, employment history, current employment status, performance evaluations, disciplinary actions, and other records pertinent to the employee's service with the City.

Access to Personnel Records

In accordance with applicable law and City policy, employees may review their own official personnel file upon written request. Employees are not permitted to review the personnel files of other employees, except when required in an official supervisory, managerial, or administrative capacity.

Employees wishing to review their personnel file should submit a request to their supervisor or directly to the Personnel Director. The City will make reasonable efforts to schedule a

review within five (5) business days of the request, unless additional time is required due to operational needs.

Personnel file reviews shall take place in the Personnel Department or another designated location and must be supervised. Original documents may not be altered or removed from the personnel file, and no copies or photographs may be made of file documents.

An employee has the right to submit a written rebuttal or explanatory statement regarding any document contained in their personnel file. Such rebuttal must be submitted within ten (10) business days after the employee reviews the document, unless an extension is approved by the Personnel Director. Any rebuttal submitted by the employee will be permanently maintained in the personnel file and included with the document to which it relates.

Exclusions from Personnel File Review

The following records are not part of the official personnel file and are not subject to employee review, except as required by law:

- Reference checks, background investigations, and pre-employment screening materials
- Records related to ongoing or confidential investigations
- Medical records, psychological evaluations, fitness-for-duty documentation, and drug or alcohol testing records (which are maintained in separate confidential medical files)
- Attorney-client privileged materials or documents prepared in anticipation of litigation
- Information restricted from disclosure by law

13.6 Privileged, Confidential, Proprietary, or Restricted Information

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

13.7 Outside Employment

Employees of the City may engage in outside employment, including self-employment, provided that such activity does not interfere with job performance, create an actual or perceived conflict of interest, or otherwise conflict with the employee's duties to the City. Before engaging in any outside employment of work activity, all employees, including

part-time employees, must submit an affidavit that they have met with their department head and agree to abide by the policies regarding outside employment. The Department Head, after conferring with the Mayor, will provide a written approval or denial to the employee which will be maintained in the employee's personnel file along with the affidavit.

Approval of outside employment is not permanent and may be subject to periodic review and re-approval, including annual reauthorization or review upon a change in the nature of the outside employment, the employee's job duties, work schedule, or performance status. Employees are responsible for promptly notifying their Department Head of any material change in outside employment.

Outside employment will not be approved, or may be revoked, if it:

- Interferes with the employee's ability to perform City duties in a proper, efficient, and effective manner;
- Results in an actual or perceived conflict of interest;
- Violates the State of Alabama Ethics Law, including Section 36-25-14, Code of Alabama (1975), as amended;
- Conflicts with departmental rules, professional standards, or law enforcement accreditation requirements; or
- Subjects the City or any department to public criticism, loss of public trust, or embarrassment.

Departments may establish additional rules governing outside employment consistent with this policy and applicable law.

Employees engaged in approved outside employment are expected to fully meet City work schedule requirements. Outside employment will not be accepted as an excuse for absenteeism, tardiness, early departure, refusal to travel, refusal to work overtime, or refusal to work alternative schedules when required.

Employees are prohibited from engaging in outside employment or business activity during any period in which they are on Family and Medical Leave Act (FMLA) leave, workers' compensation leave, sick leave, administrative leave with pay, or any other approved leave of absence. Employees may not conduct outside employment activities during assigned City work hours.

Approval for outside employment is contingent upon the employee remaining in good standing with the City. Approval may be suspended or revoked if the employee is subject to disciplinary action or fails to comply with this policy.

For sworn law enforcement personnel, approval for outside or extra-duty law enforcement employment is subject to additional restrictions and oversight. Such approval may be limited or withdrawn if the employee is relieved of law enforcement authority, placed on administrative leave, restricted from duty, or otherwise determined to be unfit for enforcement duties. Law enforcement personnel must comply with all

departmental rules, standards of conduct, and applicable certification or accreditation requirements related to secondary employment.

Except for compensation lawfully received for City duties, no City officer or employee may have a private financial interest in, or profit directly or indirectly from, business dealings with or conducted by the City.

If outside employment causes or contributes to job-related problems or conflicts of interest, the employee may be required to discontinue the outside employment or may be subject to disciplinary action, up to and including termination of employment.

13.8 Dress and Grooming

The City provides a casual yet professional work environment. While business casual attire is generally appropriate for office settings, employees are expected to present a professional appearance at all times and to project a positive image to the public, visitors, and coworkers. All employees must maintain good hygiene and dress in a manner that is safe, appropriate, and consistent with good judgment and professional standards.

Employees may be required to comply with specific dress and grooming requirements based on the nature of their position, including the wearing of uniforms, protective clothing, or safety equipment. Such requirements will be communicated by the Department Head.

Questions or concerns regarding appropriate attire or grooming standards should be directed to the employee's Department Head. The City reserves the right to determine whether an employee's attire or grooming is appropriate for the workplace and to require corrective action when necessary, consistent with applicable law.

13.9 Smoking tobacco products, and Vaping

Smoking tobacco products, and the use of vaping or electronic smoking devices are prohibited in all buildings and facilities owned, operated, or controlled by the City of Helena or any agency of the City. This prohibition applies to all indoor areas without exception. Smoking tobacco products and vaping are also prohibited in all City-owned or City-operated vehicles and equipment at all times. No tobacco products of any kind are to be used when interacting with customers, agents, or the public. Employees are expected to comply with this policy and with all applicable state and local laws. Violations may result in disciplinary action in accordance with City policy.

13.10 No Solicitation or Acceptance of Gratuities

No City officer or employee may solicit or accept money, compensation, favors, or any other thing of value from any person or entity other than the City in exchange for performing, or refraining from performing, any act that is part of the officer's or employee's official duties. In addition, no officer or employee may directly or indirectly solicit or accept any gift, gratuity, favor, or other thing of value that could reasonably be perceived as intended to influence, or that might influence, the employee's judgment, actions, or decisions related to City business.

13.11 State Ethics Requirements

Employees are required to be familiar with and comply with all state ethics laws applicable to public employees, including the Alabama Ethics Law. Employees who are required to file a Statement of Economic Interests pursuant to Section 36-25-14, Code of Alabama (1975), as amended, must fully comply with all filing requirements and deadlines.

No employee may solicit, accept, or request anything of value from a subordinate, or from any person or business that the employee directly inspects, regulates, supervises, or otherwise oversees in an official capacity, except in the ordinary course of business as permitted by law.

Employees are prohibited from using, or allowing the use of, City equipment, facilities, time, materials, labor, or any other public property or resources under their control for personal gain or for the private business benefit of the employee or any other individual or entity.

Employees serving in positions such as director, assistant director, department or division chief, or any employee who participates in the negotiation, approval, or administration of contracts, grants, or awards on behalf of the City, may not enter into, solicit, or negotiate a contract, grant, or award with the City for a period of two (2) years following separation from City employment, as provided by law.

Additionally, no employee who personally participates in the direct regulation, audit, or investigation of a private business, corporation, partnership, or individual may, within two (2) years following separation from City employment, solicit or accept employment with that same business, corporation, partnership, or individual.

Violations of applicable ethics laws or this policy may result in disciplinary action, up to and including termination of employment, and may also subject the employee to penalties under state law.

13.12 Political Activities

Employees should be aware that the Civil Service Act, Chapter 14, and applicable Alabama law place certain restrictions on political activity by public employees. These restrictions are not intended to discourage or limit employees from exercising their rights as private citizens, but rather to ensure the integrity, neutrality, and independent operation of City government.

The City encourages employees to exercise their civic rights and responsibilities. However, employees may not use their City position, authority, time, or City resources for political purposes, whether on or off duty.

Permitted Political Activities

When an employee is on approved leave, using personal time before or after work, on unpaid meal periods, or on a holiday—and not on City property or using City resources—the employee may:

- Participate in political activities
- Belong to political organizations or parties
- Support political issues or causes
- Campaign for or support political candidates

Prohibited Political Activities

City employees may not, at any time:

- Use or allow the use of City funds for political activities
- Use or allow the use of City property, equipment, vehicles, uniforms, or supplies for political activities
- Use or allow the use of City time, including paid break time, for political activities
- Solicit political contributions from subordinate employees
- Coerce or attempt to coerce subordinate employees to engage in political activity or campaign work
- Engage in political activity while on duty, while at work, or while wearing a City uniform
- Abuse of Position or Authority

No City employee may use or attempt to use their official position, authority, or influence to affect the political actions or voting decisions of any person, including voters, candidates, or elected officials. Employees should be advised that misuse of official authority for political purposes is a serious violation of law. Any City employee convicted of such conduct may be guilty of a Class C felony, as provided by Alabama law.

Applicable Alabama Law

This policy is consistent with the Code of Alabama (1975), Section 17-17-5, which provides, in part:

No person in the employment of the State of Alabama, a county, a city, a local school board, or any other governmental agency, whether classified or unclassified, shall use any state, county, city, local school board, or other governmental agency funds, property, or time for any political activities.

Violations of this policy or applicable law may result in disciplinary action, up to and including termination of employment, and may also subject the employee to criminal penalties under state law.

If employees have questions regarding permissible political activity, they should contact their supervisor or the Personnel Director before engaging in the activity.

13.13 Nepotism

No family member or co-habitant may have direct or indirect supervision over the progress, performance, pay, or welfare of another.

For these purposes "immediate family" shall include present spouse, children (including natural, step and adoptive), parents (including natural, step and adoptive), siblings, parents-in-law, siblings-in-law, grandparents and grandchildren, and any other Individual residing within the employee's household who is a legal dependent of the employee for income tax purposes. This policy shall also apply to romantic relationships.

Any relationships in place prior to the effective date of this policy and handbook shall be considered grandfathered at the level of supervision as it exists on the effective date of this policy.

Neither the Council nor any of its members shall direct or request the appointment or removal of officers and employees in the classified service of the City.

13.14 Travel

Travel shall be undertaken only when it is in the best interest of the City and directly related to official City business. All travel must be approved in advance by the Department Head. Out-of-state travel, travel exceeding budgeted amounts, or travel by a Department Head or elected official must be approved in advance by the Mayor. All travel should be conducted in a fiscally responsible manner, with due consideration given to minimizing costs while maintaining efficiency and safety.

Reimbursable travel expenses may include:

- Transportation (airfare, mileage, rental vehicles, public transportation)
- Lodging
- Meals
- Conference or registration fees
- Parking, tolls, and other necessary travel-related expenses

All expenses must be reasonable, necessary, and directly related to official City business. At no time may a City employee use a City purchasing card or request reimbursement for the following expenses while traveling:

- Alcohol
- Personal entertainment including movies, videos, pay-per-view services in a hotel
- Spa services
- Cleaning or pressing of laundry
- Membership fees in airline clubs
- Fines for parking or traffic violations
- Lost or damaged personal property
- Airline or trip insurance not approved in advance
- Travel upgrades not previously approved
- Any other expense not clearly outlined in this policy as acceptable

Immediate family members may stay in a hotel room reserved for an employee while traveling on City business; however, the City will not pay for additional rooms for family

members, nor will it reimburse any expenses incurred by family members. This includes, but is not limited to, transportation, meals, registration fees, or other incidental costs.

Transportation

City-owned vehicles should be used for travel when available and practical. Employees traveling to the same destination are encouraged to carpool when feasible.

Air travel will be reimbursed only at the lowest reasonable economy fare. Employees should book air travel sufficiently in advance to avoid higher fares whenever possible.

Rental vehicles may be used when they are more economical or practical than other forms of transportation. Economy or compact vehicles should be selected unless a larger vehicle is justified by business needs and approved in advance.

Lodging

Lodging selections should be based on reasonable cost, proximity to the business destination, and safety. Reimbursement for lodging shall not exceed the standard lodging rates established by the U.S. General Services Administration (GSA) or other rates adopted by the City, unless prior approval is obtained.

The City will reimburse lodging expenses only for the number of nights necessary to conduct authorized City business or training. Employees who choose to extend their stay for personal reasons must arrange and pay for additional nights separately. Failure to comply with this policy may result in payroll deduction to reimburse the City for unauthorized lodging expenses.

The City will not reimburse lodging expenses for conferences or training events held within fifty (50) miles of City Hall unless prior written authorization is obtained from the City Manager.

Employees are responsible for canceling lodging reservations in a timely manner to avoid unnecessary charges. Charges incurred due to failure to cancel reservations may not be reimbursed.

Meals

Meal reimbursement must comply with any maximum rates established by the City or the Department Head. All meal reimbursement requests must be supported by itemized receipts.

Receipts must clearly identify the individuals for whom the meal was purchased and the business purpose of the expense. If an itemized receipt is unavailable, the employee must submit a signed affidavit stating that:

- The meal was purchased solely for City employees;
- No impermissible items, such as alcohol, were included; and
- The tip amount was reasonable and not excessive.

The Department Head reserves the right to deny reimbursement for meal expenses or to require repayment of meals purchased using a City credit card if proper documentation is not provided, regardless of whether an affidavit is submitted.

13.15 Federal Motor Carrier Safety Association (FMCSA) Drug and Alcohol Clearinghouse

Pre-employment queries required by 49 CFR 382.701(a).

The City shall conduct a pre-employment full query through the FMCSA Drug and Alcohol Clearinghouse (clearinghouse) before a Commercial Motor Vehicle (CMV) driver begins employment. The applicant shall register with the clearinghouse and login to the clearinghouse and give consent to the City to run a full query. Failure of the applicant to consent to the City running of a full query within twenty-four (24) hours of notice shall result in the application no longer being considered or withdrawal of a conditional offer and/or final offer of employment.

Employee annual queries required by 49 CFR 382.701(b). The City shall conduct a limited query through the clearinghouse on all CMV drivers at least once a year. All employee CMV drivers shall sign a consent form to remain in the employee's personnel file for the duration of employment enabling the City to conduct unlimited queries on the employee CMV driver. If a limited query on a CMV driver employee shows that a record exists for the employee, then the City shall run a full query within twenty-four (24) hours. If employee fails to login to the clearinghouse and give full consent to the query in reasonable time, not to exceed twenty-four (24) hours, then the employee will be removed from safety sensitive duty, will be subject to disciplinary action, and be considered not capable of performing the essential functions of the job.

Notification/reporting. The City and/or medical review officer and/or a third-party administrator shall report to the clearinghouse the following required by 49 CFR 382.705:

- A verified positive, adulterated, or substituted drug test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to a drug or alcohol test in violation of 49 CFR 382.211;
- An employer's report of actual knowledge, as defined by 49 CFR 382.107;
- On-duty alcohol use pursuant to 49 CFR 382.205;
- Pre-duty alcohol use pursuant to 49 CFR 382.207;
- Alcohol use following an accident pursuant to 49 CFR 382.209;
- Drug use pursuant to 49 CFR 382.213;

A substance abuse professional's (SAP's) report of the successful completion of the return to duty process and negative return to duty test and an employer's report of completion of follow-up testing.

Employees shall notify the City of a change to employee's clearinghouse record within thirty (30) days of the City conducting a query. CMV driver employees shall notify the City of drug and alcohol violations while working for a different employer within one business day.

Return to duty prohibition: No CMV driver shall perform any safety-sensitive function if the results of a clearinghouse query demonstrate that the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of 49 CFR 382.211; or that an employer has reported actual knowledge, as defined at 49 CFR 382.107, that the driver used alcohol on duty in violation of 49 CFR 382.205, used alcohol before duty in violation of 49 CFR 382.207, used alcohol following an accident in violation of 49 CFR 382.209, or used a controlled substance in violation of 49 CFR 382.213, except where a query of the clearinghouse demonstrates:

- That the driver has successfully completed the substance abuse professional (SAP) evaluation, referral, and education/treatment process set forth in 49 CFR part 40, subpart O;
- Achieves a negative return-to-duty test result;
- Completes the follow-up testing plan prescribed by the SAP and/or the City; and
- That, if the driver has not completed all follow-up tests as prescribed by the SAP in accordance with 49 CFR 40.307 and specified in the SAP report required by 49 CFR 40.311, the driver has completed the SAP evaluation, referral, and education/treatment process set forth in 49 CFR part 40, subpart O, and achieves a negative return-to-duty test result, and the City assumes the responsibility for managing the follow-up testing process associated with the testing violation.

-END-

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

EMPLOYEE HANDBOOK ACKNOWLEDGMENT AND RECEIPT

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

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

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

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

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

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

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

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

Employee's Name in Print

Signature of Employee

Date Signed by Employee

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

EMPLOYEE ACKNOWLEDGMENT AND RECEIPT OF HARASSMENT POLICY

I have read and understand the City of Helena's Harassment Policy. My signature below confirms my knowledge, acceptance, and agreement to comply with this policy.

☐ NO, I am not aware of any current situations involving workplace harassment that should be reported to Management.

☐ YES, I am aware of current situations involving workplace harassment that should be reported to Management.

Employee's Name in Print

Signature of Employee

Date Signed by Employee

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

DRUG AND ALCOHOL-FREE WORKPLACE POLICY ACKNOWLEDGEMENT

It is the policy of the City of Helena to maintain a drug and alcohol-free work environment that is safe and productive for employees and others having business with the City. Employee must remain free of the influence of alcohol and illegal drugs. In addition, the employee should not take any prescription drug(s) that adversely affects his or her ability to perform safely and effectively his or her job duties. If an employee has a medical condition and has concerns about complying with this requirement, the employee should consult with the Personnel Director. The unlawful use, possession, purchase, sale, or distribution of or being under the influence of any illegal drug or controlled substance (including medical marijuana) while on City premises or while performing services for the City is strictly prohibited. The City also prohibits reporting to work or performing services under the influence of alcohol or consuming alcohol while on duty or during work hours. In addition, the City prohibits off-premises abuse of alcohol and controlled substances (including medical marijuana), as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance, job safety, or the City's reputation in the community.

To ensure compliance with this policy, substance abuse screening may be conducted in the following situations:

- As part of pre-employment testing for employees working in a safety sensitive job.
- When an employee is reclassified or promoted to a safety sensitive position.
- When there is reasonable suspicion to believe an employee is abusing illicit drugs or alcohol. Reasonable suspicion is based on a belief that an employee is using or has used drugs or alcohol in violation of our policy.
- When an employee has caused or contributed to an on-the-job injury.
- Routine fitness-for-duty testing for safety sensitive positions.
- On a random basis for safety-sensitive positions with no prior notice given.
- As a post-rehabilitation/follow-up. An employee who has voluntarily requested rehabilitation prior to a positive drug test may be subject to random testing for twenty-four (24) months from the return-to-work date.
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Compliance with this policy is a condition of employment. Employees who test positive or who refuse to submit to substance screening will be subject to termination. Notwithstanding any provision herein, this policy will be enforced at all times in accordance with applicable state and local law. Any employee violating this policy is subject to discipline, up to and including termination.

I hereby consent to allow the City to take a specimen of my hair, urine, or blood and submit it to a laboratory testing service for a pre-employment, random, reasonable suspicion or post-accident drug test. I further consent to allow the laboratory testing service to make the results of the drug test available to the City. I understand that [where allowed by state law] positive test results, refusal to be tested or any attempt to affect the test results or test sample will result in withdrawal of any provisional employment offer I have received from the City or termination of employment, depending on when the results are received.

Employee's Name in Print

Signature of Employee

Date Signed

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

SOCIAL MEDIA POLICY ACKNOWLEDGEMENT FORM

I have read and understand the City of Helena's Social Media Policy. My signature below confirms my knowledge, acceptance, and agreement to comply with the policy.

Employee's Name in Print

Signature of Employee

Date Signed by Employee

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