

**CITY OF COLUMBIANA  
PERSONNEL RULES AND REGULATIONS**

**ORDINANCE NO. 03-16-03**

Be it ordained by the City Council of Columbiana, Alabama, that the following changes, modifications, and amendments to Ordinance No. 02-09-01, the Personnel Rules and Regulations of the City of Columbiana, Alabama, as amended, are hereby adopted:

- Mission Statement: Update to the City’s Mission Statement by the Mayor and Council.
- Section 4 (k): Replace definition of immediate family with definition listed in Section 8.
- Section V (2) Holidays: Adding Good Friday as a City Holiday (Originally passed by Resolution 10-10-03).
- Vehicle Use Policy: Adding XIV. Vehicle Use Policy (Originally Passed by Resolution 02-15-05)
- Substance Abuse Policy and Program: Adding XV Substance Abuse Policy and Program (Originally passed by Ordinance 02-15-09).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIANA, ALABAMA,  
AS FOLLOWS:

**Section 1 Purpose**

There is hereby established a personnel system for the City of Columbiana. Such system shall be established on the following merit principles:

- (a) Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge, and skills, including open competition of qualified applicants for initial appointment;
- (b) Establishing pay rates consistent with the principle of providing comparable pay for comparable work;
- (c) Training employees, as needed to assure high quality performance;
- (d) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
- (e) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, creed, national origin or ancestry, sex, religion or age.

**Section 2 Classified Service, Exceptions**

The classified service shall include all employees, as well as Police Chief and City Clerk, serving in full time permanent positions in the municipality except the following:

- (a) Members of the Municipal Governing Body and other elected officials;

- (b) Members of appointed boards and commissions, municipal judges, municipal attorneys;
- (c) Persons employed to work less than full-time;
- (d) Volunteer personnel that receive no regular compensation from the municipality;
- (e) Temporary positions scheduled for less than one year's duration who are not carried on the payroll as employees;
- (f) Persons performing work under contract for the municipality who are not carried on the payroll as employees;

**Section 3 Preparations of Personnel Rules and Regulations**

A policy committee consisting of all department heads, the Mayor, and Council designee, shall draft, or cause to be drafted, the personnel rules and regulations for the municipality. Amendments to the rules and regulations may be made by the policy committee from time to time as circumstance and conditions may require. Such rules shall become effective upon passage of an appropriate resolution by the Municipal Governing Body. The policies shall provide for:

The classification of all positions, based on duties, authority and responsibility of each position, with adequate provisions for reclassification of any positions or persons named therein that have been appointed and employed in accordance with the provisions of this ordinance and the policies thereunder. The City Clerk of the municipality shall not make or approve, or take part in making or approving, any payment for the personnel service to any person holding a position in the municipality unless said payroll voucher or account of such pay bears the certification of the department head.

**Section 4 Repealer**

That any ordinance or part thereof in conflict with this ordinance is and the same is hereby repealed.

**Section 5 Severability**

If any section or provision of this ordinance be declared to be invalid or unconstitutional by judgment or decree of a court of competent jurisdiction such judgment or decree shall not affect any other section or provision of this ordinance.

**Section 6 Effective Date - Publication**

This ordinance shall take effect upon adoption and shall be published as required by law.

ADOPTED AND APPROVED THIS THE 15<sup>TH</sup> DAY OF MARCH, 2016.

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



### **COLUMBIANA MISSION STATEMENT**

We respect the dignity and worth of all our citizens. We pledge to strive to improve the quality of life and opportunity for economic prosperity of all our residents by working to attract more visitors, retail merchants, industries, and entertainment opportunities by being a City that is responsive to changing needs.

We will work diligently to continue to earn the ever increasing trust, respect and support of our citizens as we strive to improve our City's operations. In this work we will accept no mediocrity.

We realize the perception of our City is dependent upon the public's confidence in our City employees, in our Mayor and Council and in our ability to work together as a team.

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Mayor Stancil Handley

## **TABLE OF CONTENTS**

<b>I</b>	<b><u>INTRODUCTION</u></b>	<b>PAGE</b>
1.	Establishment of Rules	6
2.	Applicability of Rules	6
3.	Dissemination of Rules	6
4.	Definitions	6
5.	Administration of Personnel	8
<b>II</b>	<b><u>APPOINTMENT AND PROMOTION</u></b>	
1.	General	8
2.	Promotion / Transfers	8
3.	Probationary Period	8
4.	Relatives in the Local Government Service	9
<b>III</b>	<b><u>CLASSIFICATION OF POSITIONS</u></b>	
1.	Classification Plan	9
2.	Position Descriptions	9
3.	Emergency Appointments	9
<b>IV</b>	<b><u>PAY OF EMPLOYEES</u></b>	
1.	Pay Plan	10
2.	Pay Steps	10
3.	Performance Evaluations	10
4.	Review of Performance Evaluations by Employees	11
5.	One Year Merit Increase	11
6.	Merit Increases	11
7.	Promotion	11
8.	Overtime	11
9.	Compensatory Time	12
10.	Pay for part-time Employment	12
11.	Deductions on Termination	12
<b>V</b>	<b><u>LEAVE OF ABSENCE</u></b>	
1.	General Policy	13
2.	Holidays	13
3.	Annual Leave	13
4.	Sick Leave	14
5.	Military Leave	15
6.	Leave without Pay	16
7.	Official Duty Leave	16
8.	Bereavement Leave	16
9.	Civil Leave	17
10.	Forced Medical Leave	17
11.	Leave Records	17
12.	Time Off to Vote	18

13. Office Hours	18
<b>VI <u>EMPLOYEE BENEFITS</u></b>	
1. Group Life Insurance	18
2. Group Health Insurance	18
3. Retirement	18
4. Workmen's Compensation	18
5. Supplementary Training Program	19
<b>VII <u>IN SERVICE ACTIVITIES</u></b>	19
<b>VIII <u>RETIREMENT</u></b>	19
<b>IX <u>EMPLOYEE COMPLAINT OR GRIEVANCE PROCEDURE</u></b>	
1. Purpose	20
2. Definition	20
3. Grievance Policy	20
4. Non-Retaliation Policy	20
<b>X <u>CONDUCT, WORK HABITS, ATTITUDE</u></b>	
1. General	21
2. Discipline Policy	21
3. Disciplinary Action	22
4. Criminal Activity	23
5. Harassment	23
6. Equal Opportunity Employment	25
7. Internet & E-mail Policy	25
8. Probationary Employee	26
9. Attendance & Punctuality	26
10. Employee Assistance Program (“EAP”)	27
11. Conflict of Interest	27
12. Non-Smoking Policy	27
13. Operators of City-owned Vehicles	27
14. Open Door Policy	27
15. Reference Checks	27
<b>XI <u>POLITICAL ACTIVITY</u></b>	
1. Political Limitations	28
2. Affiliation	28
3. Political Pressure	28
4. Disciplinary Action	28
<b>XII <u>OUTSIDE EMPLOYMENT</u></b>	28
<b>XIII <u>CIRCUMSTANCES NOT COVERED</u></b>	29
<b>XIV <u>VEHICLE USE POLICY</u></b>	29
<b>XI <u>SUBSTANCE ABUSE POLICY AND PROGRAM</u></b>	29

# PERSONNEL RULES AND REGULATIONS

## CITY OF COLUMBIANA

### I. INTRODUCTION

#### Section 1. Establishment of Rules

In accordance with the provisions of Ordinance No. 07-06-01 of the City of Columbiana, the following rules, regulations, and other administrative provisions for personnel administration (hereinafter called “rules”) are established for the information and guidance of all concerned.

#### Section 2. Applicability of Rules

The rules herein established, shall apply to all classified service (see Section 2, Classified Service, Exceptions) employees of the City of Columbiana. The Policy Committee has the authority to take appropriate action in dealing with applicability of these rules.

#### Section 3. Dissemination of Rules

Each City employee shall be furnished a complete copy of all rules and changes thereto, and shall be responsible for maintaining a complete set of rules. All employees are responsible for a general familiarization with the rules and regulations within five (5) working days of issuance. All employees must sign a form signifying receipt of the rules and regulations. The signed forms will be maintained in the employee personnel file.

#### Section 4. Definitions

Where used within these Personnel Rules, the following words and terms shall have meaning indicated below:

- (a) **Allocation** -The assignment of an individual position to an appropriate class of positions on the basis of the kind, difficulty, and required skill, and responsibility of the work performed.
- (b) **Anniversary Date** -One year from date of employment in a full time position with City, and annually on that date thereafter.
- (c) **Appointing authority** -That officer or body having authority under the laws of the State of Alabama or the ordinance of the City of Columbiana to make appointments to positions.
- (d) **Class or Class of Positions** -A group of positions sufficiently alike in duties to justify the same class titles and range of pay.
- (e) **Class Description** -A written description of a class of positions containing a title, example of work performed, required knowledge, competencies, skills, abilities, and qualifications for applicants or incumbents to insure satisfactory performance.
- (f) **Classification** -The entire process of assigning individuals to positions, positions to classes, and classes to grade, to the end that employees will be employed and compensated on the basis of merit, knowledge, skills and actual duties performed so that there may exist equal pay for equal work.

- (g) **Classified Service System** -A uniform system of personnel administration and employee recognition which has been adopted by the City of Columbiana to recruit, employ, retain, and advance the best qualified persons available.
- (h) **Demotion** -The change of an employee from a position in one class to a position in another class having a lower pay grade and requiring the performance of less responsible duties.
- (i) **Grade or Pay Grade** -The numerical designated of a fixed salary range assigned to a position, class or group of classes.
- (j) **Household** -Any related person living with the employee.
- (k) **Immediate Family** -Immediate family is defined as: spouse, child, step-child, parents (including in-laws), step-parents, siblings (including in-laws), step-siblings (including in-laws), grandparents, grandchildren or any person who is a legal dependent of the employee.
- (l) **Merit Increase** -Advancement in pay of an employee to a higher step in pay grade based upon display of merit in performance in duties and/or requiring a change in basic duties.
- (m) **Municipal Governing Body**-The City Council of the City of Columbiana, Alabama.
- (n) **Policy Committee**-The Department Heads Mayor, and Council designee, who are responsible for personnel administration within the City government.
- (o) **Position Description**-A detailed written description of the specific duties assigned to and performed by a particular employee to serve as the basis for classification.
- (p) **Probationary Period**-Working test period of one year for employees, during which an employee is required to demonstrate by actual performance, his or her knowledge and skills for the duties to which he/she is appointed, and his or her general knowledge and skills and suitability as a public employee.
- (q) **Promotion/Transfer**-The Change of an employee from a position in one class to a position in another class having a higher pay grade and requiring the performance of more responsible duties; the reassignment of an employee to a position in the same pay grade without increase or decrease in rate of pay.
- (r) **Reclassification**-The reallocation of a position to a different class of positions based upon substantial change in duties and responsibilities.
- (s) **Regrading**-The assignment of a new grade to an entire class of positions.
- (t) **Step of Pay Steps**-The fixed rates of pay within a pay range authorized for a class of positions assigned to a particular grade, through which an employee may advance, while still performing the same duties.

## **Section 5. Administration of Personnel**

The Policy Committee is responsible for personnel administration within the City government. All matters dealing with personnel shall be routed through the Policy Committee. The policy of the municipality is that all employee hiring, termination, classification, assignment, and promotion shall be based on ability and suitability, and in compliance with Title VII of the Civil Rights Act of 1964.

A complete system of personnel files and records shall be maintained by the City Clerk, the custodian of records, and all updates to personnel files shall be routed to the Clerk's office to facilitate the maintenance of the permanent personnel records as required by law.

## **II. APPOINTMENT AND PROMOTION**

### **Section 1. GENERAL**

Appointment and promotions to all classified positions shall be solely on the basis applicant's

- training, education, experience, knowledge and skills, oral interview
- whenever practical, examination or performance tests.
- any other circumstance at the discretion of the department head.

### **Section 2. PROMOTIONS & TRANSFERS**

All vacancies occurring in the classified service shall, whenever possible, be filled by promotion of a qualified employee within the classified service. However, the Policy Committee (or the Mayor and Council, in the case of Police Chief and City Clerk) may recruit applicants from outside the classified service whenever it has reason to believe that better suited applicants are available than within the classified service.

The City of Columbiana encourages employees to assume higher-level positions or lateral transfers for which they qualify. Toward this end, the City of Columbiana has a job posting program that offers employees the opportunity to bid for certain positions within the organization.

Employees must be in their job for at least one year before applying for a change in position, unless a specific need arises at the recommendation of a department head. In addition, employees must have a good performance, attendance and punctuality record.

Each employee requesting a transfer will be considered for the new position along with all other applicants.

Each transfer is judged on an individual basis, depending on the needs of both departments involved.

All final decisions regarding transfers will be made by the Policy Committee, with the approval of the Municipal Governing Body (if applicable), with the exception of Police Chief and City Clerk (which are governed by State Statute, with the Police Chief being appointed by the Mayor, and the City Clerk appointed by the Council).

Employees who wish to apply for a transfer should discuss it first with their supervisor and/or manager, so that it may be determined if their skills fit the requirements of the desired job.

### **Section 3. PROBATIONARY PERIOD**

Every new employee goes through an initial period of adjustment in order to learn about the City of Columbiana and about his/her job. During this time the employee will have an opportunity to find out if he/she is suited to, and likes, his/her new position. The probationary period gives the employee's supervisor a reasonable period of time to evaluate his/her performance. The probationary period for all employees is one year.

During this time, the new employee will be provided with training and guidance from his/her Supervisor. He/she may be discharged at any time during this period if his/her Supervisor concludes that he/she is not progressing or performing satisfactorily. Quarterly evaluation, using the approved review form and review procedures established by the Policy Committee, will be utilized to assess employee progress and

performance. Provided his/her job performance is "satisfactory" at the end of the probationary period, he/she will continue in employment. Probationary employees may be discharged without the right of appeal to the Policy Committee.

**Termination** If at any time during the probationary period the department head determines that the services of the employee have been unsatisfactory the employee may be terminated from his/her position. In the case of department heads, the Mayor serves as their department head.

**Probationary Reports** At least ten days prior to the end of each employee's probationary period, the department head shall complete a review, with a final probationary report and notify the policy committee in writing that either;

(a) the employee has successfully completed his/her probationary period and shall henceforth be considered a tenured employee with all rights and privileges due him/her;

(b) the employee has not demonstrated ability to perform satisfactorily the duties of the position and is to be separated from employment, or if promoted from another position returned to the previous or a similar classification; or that the employee's probationary period be extended by ninety days, at the end of which time action must be taken to either grant tenure, terminate the employee, or return the employee to the classification from which promoted.

#### **Section 4. RELATIVES IN THE LOCAL GOVERNMENT SERVICE**

No more than one member of an immediate family shall be employed per department by the City of Columbiana. This policy applies to promotions, demotions, transfers, reinstatements, and new appointments. (See Article I, Section 4, Item (k) for definition of immediate family)

### **III. CLASSIFICATION OF POSITIONS**

#### **Section 1. CLASSIFICATION PLAN**

A classification plan shall be established and maintained and filed within the office of the Policy Committee. No deviation shall be made from the classification plan. Where circumstances warrant, the plan itself, or the classification of a particular position, or classification, may be amended by the Municipal Governing Body.

#### **Section 2. POSITIONS DESCRIPTIONS**

Where a new position is created, departments shall furnish a description of expected duties prior to employment to aid in the recruitment and the initial classification of that employee.

#### **Section 3. EMERGENCY APPOINTMENTS**

When an emergency arises, such that in order to prevent loss of public property or serious inconvenience to the public; the Mayor may appoint any qualified person during the period of the emergency, but not for

a period exceeding thirty days. No vacancy in a position caused by a resignation of which the City Council has had reasonable notice shall be considered an emergency. The Mayor or his/her authorized agent shall, as soon as possible, report to the City Clerk any emergency appointment giving name of appointee, rate of pay, probable length of employment, nature of emergency, and nature of duties performed. Separation from service of an emergency appointee shall likewise be reported. No emergency appointment may be renewed.

#### **IV. PAY OF EMPLOYEES**

##### **Section 1. PAY PLAN**

The pay of all employees, other than those whose pay is fixed by the Municipal Governing Body, is established by the pay plan for the class of position in which they are employed.

##### **Personnel records**

To keep necessary City of Columbiana records up to date, it is extremely important that employees notify their Department Head of any changes in:

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

All changes must be forwarded to the City Clerk's office to allow the appropriate records to be updated and to insure that correct employee information is provided to all agencies.

Access to Personnel records is restricted to the employee's department head, the City Clerk and the employee. Any employee may, upon request, view his/her personnel file. At no time will anyone be permitted to remove the personnel file, or any part thereof, from the custody of the City Clerk. All requests for information contained in the Personnel files of the City shall be forwarded to the City Clerk.

##### **Section 2. PAY STEPS**

For each class of positions, a pay grade is assigned, and for each class of positions within that grade a number of pay steps are provided. Initial employment is normally at the first pay step of the range but in exceptional circumstances based upon experience or unusual qualifications of any applicant and with the prior approval of the Municipal Governing Body, an employee may be hired in a higher step. (See attached)

##### **Section 3. PERFORMANCE EVALUATIONS**

In order to attract and retain a highly qualified and competent work force, the City of Columbiana has instituted a performance management program to compensate employees in a fair and equitable manner based upon demonstrated job performance, and in accordance with its Equal Employment Opportunity policy.

A performance evaluation form, approved by the Policy Committee, must be completed semi-annually for each employee by their Department Head. The mayor will complete evaluations for each department head. The completed signed form will be placed in the employee's personnel file, maintained in the City Clerk's office. Each employee will receive a copy of their evaluation.

Through this program employees will receive constructive work reviews designed to address performance and skill developmental needs and interests. A Performance Evaluation Form may be found with the Department Head.

#### **Section 4. REVIEW OF PERFORMANCE EVALUATIONS BY EMPLOYEES**

An employee may request to review his/her performance evaluation with the Policy Committee without prior approval by his/her supervisor; however, if there is evidence of a grievance, the employee is required to follow the procedures under the Employee Complaint or Grievance Procedure.

#### **Section 5. ONE YEAR MERIT INCREASE**

Upon satisfactory completion of the probationary period, an employee may be recommended for a one step adjustment.

#### **Section 6. MERIT INCREASES**

Provided he/she has not reached the maximum of his/her pay range, an employee may be recommended to receive a merit increase whenever his/her department head considers that his/her performance warrants such rewards for the quality of performance. Factors to be considered for a merit increase are skill, ability, judgment, initiative, reliability, attitude, and increased educational qualifications.

Requests for merit increases should be submitted in writing by the Department Head giving full justification. Merit increases are subject to approval of the Municipal Governing Body.

#### **Section 7. PROMOTION**

The pay of an employee promoted to a position of higher grade may be adjusted to that step in the new pay grade, which is next higher than the former rate of pay.

#### **Section 8. OVERTIME**

The standard workweek shall be established by the Policy Committee and in compliance with the Fair Labor Standards Act. Department heads should work those hours necessary to assure the satisfactory performance of their department. The department head shall assign to each employee regular duties and responsibilities, which can normally be accomplished within the established workday and workweek. However, occasionally some overtime work may be necessary for proper completion of work. Exempt employee overtime is considered part of their job responsibility and does not justify overtime pay or compensatory time. When regular full-time, non-exempt classified employees are required to work extra or prolonged shifts, they shall receive overtime pay equal to one and one half (1½) their normal pay rate, or compensatory time to be determined by the Department Head. All overtime worked must have prior approval by an immediate supervisor and should be documented as to the reason that overtime is necessary.

Additionally, time records with overtime must be countersigned by the supervisor and must be in to the Supervisor by 10:00 a.m. the Monday preceding payday in order for an employee's pay to be processed for payday.

### **Section 9. COMPENSATORY TIME**

It is the policy of the City of Columbiana, whenever possible, to reduce the necessity of overtime or compensatory time. However, when determined by the department head, full-time employees may be granted compensatory time for hours worked during their regular work week that exceed their normal number of hours worked (40 hours in a seven consecutive day period for all except uniformed police officers in the Police Department, in which case, it would be hours in excess of 86 in a two week pay period) at a rate of 1 ½ times their rate of pay in lieu of paid overtime. At no time shall the number of hours accrued exceed 40 hours for any employee.

The use of compensatory time shall be at the discretion of the department head based on the needs of the department and the employee must obtain permission from the department head prior to using accrued time.

This benefit does not apply to department heads, or to any other employee who is classified as exempt by FLSA definition.

All unused compensatory time accrued as of an employee's anniversary date will be paid out to the employee on the next pay date following the anniversary, to zero the balance.

### **Section 10. PAY FOR PART-TIME EMPLOYMENT**

The limit for part-time hours is 29 1/2 hours per week, however, any part-time employee hired to work 19 or more hours per week is required to participate in Employee's State Retirement. Part-time positions should be assigned a specified number of hours, when the hire is requested, and the employee's hours should not exceed those hours, unless prior approval has been obtained from the Municipal Governing body, and it should be on a temporary (with a designated beginning and ending date of the variation) basis.

### **Section 11. DEDUCTIONS ON TERMINATION**

On termination of employment the municipality shall deduct and withhold from the final paycheck of any employee any amount owed the municipality in payment for unreturned equipment, or any other indebtedness to the municipality, and the final paycheck shall not be issued until the extent of any indebtedness to the municipality has been determined and cleared.

### **Section 12. EMPLOYEE PAYCHECKS**

Employee paychecks, once distributed to the employee, are their responsibility. Lost or damaged checks should be reported to the City Clerk no later than five (5) business days after the pay date. Any costs associated with the replacement of an employee's check (lost, damaged, uncashed) is the responsibility of the employee and will be deducted from the replacement check, or if the costs exceed the amount of the check, will be deducted from the employee's regular pay.

## **V. LEAVE OF ABSENCE**

### **Section 1. GENERAL POLICY**

The following types of leaves and no others are officially established: holidays, annual leave, sick leave, military leave, educational leave, emergency leave, civil leave without pay, official duty leave, FMLA, and Inclement Weather (as determined by the Mayor).

### **Section 2. HOLIDAYS:**

New Year's Day  
Martin Luther King  
Memorial Day  
Independence Day  
Good Friday  
Labor Day  
Veteran's Day  
Thanksgiving Holidays – 2 days, Thursday and Friday  
Christmas Holidays – 2 days

When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. When the holiday falls on a Sunday, the holiday shall be observed on the Monday following the holiday.

### **Holidays on Scheduled Work Days**

Any employee eligible for holiday pay, who is required to work on the observed holiday, shall be granted a work day of leave. Part-time employees are not eligible for holiday pay.

### **Section 3. ANNUAL LEAVE – VACATION LEAVE**

- After one year of satisfactory employment, including probationary period, each full-time employee will be eligible for one week of vacation leave.
- After three years of satisfactory employment each full-time employee will be eligible for two weeks of vacation leave.
- After seven years satisfactory employment each full-time employee shall be eligible for three weeks of vacation leave.
- Only one-week vacation leave may be taken at a given period, unless the employee has department head approval. The Mayor will approve the Department Head's vacation leave.

No employee may take vacation leave until he or she has completed twelve months of service. Annual vacation accrued shall be taken prior to the employee's next anniversary date. Vacation time cannot be carried over under any circumstances nor can an employee be paid for annual leave in lieu of time off.

Employees resigning voluntarily or retiring and who give two (2) weeks notice of their intention to resign will receive any annual leave credit earned as of the date of resignation. Employees dismissed for reasons

not involving personal misconduct will also receive all earned annual leave. All earned annual leave of employees who die while employed shall be paid in cash to the spouse or the estate of said employee

#### **Section 4. SICK LEAVE**

All full-time employees are eligible for sick leave. Sick leave with pay shall be granted for the following reasons: personal illness and physical incapacity resulting from causes beyond employee's control; illness of a member of employee's household that requires employee's personal care and attention, enforced quarantine of the employee in accordance with community health regulations; to keep a doctor's or dentist's appointment. A doctor's certificate maybe required at the discretion of the department head.

#### **Amount of Sick Leave**

Each full-time employee shall accumulate sick leave at the rate of one working day per month, beginning the first day of the month following employee's hire date. The maximum amount of sick leave an employee can accrue is 720 hours. No payment will be made for excess sick leave earned

#### **Worker's Compensation**

All employees must report any and all injuries which occur from accidents arising out of and in the course of employment with the City. All job related injuries must be immediately reported during the work shift by the employee to his/her supervisor. In addition, it is the responsibility of the employee to meet with the City Clerk to complete a first report of injury to be submitted to the City's insurer. Failure to report an injury may result in the loss or delay of receipt of benefits.

Failure to report an injury or the performance of unsafe acts will result in disciplinary actions. No employee shall receive worker's compensation pay benefits while receiving any other compensation from the City. An employee may use accrued leave for the initial three day waiting period for worker's compensation benefits. All accrued leave the employee has accrued will be frozen at the levels held at the time the employee is placed on worker's compensation leave. If an employee does not return to work following a worker's compensation leave, the employee will be paid for the accrued leave in accordance with the City's leave policy.

The City promotes the return of an employee to work as soon as approval is granted by the designated worker's compensation doctor. The performance of restricted duties shall be granted the employee who was injured on the job, so long as the employee's performance and duties do not place an undue hardship on the operation of the department.

For absences for which workmen's compensation benefits are received, the employee may choose between receiving his/her workmen's compensation benefit only; in which case no sick leave will be deducted. However, if the employee chooses to use sick leave, the difference between his/her regular salary and the workmen's compensation check will be deducted from his/her sick leave and his compensation check must be surrendered to the City.

#### **Disposition of Sick Leave At Separation**

Upon separation from the classified service all sick leave is cancelled and is not transferable to annual leave, nor is it transferable to retirement with Employee's State Retirement.

### **Sick leave is not a right but a privilege and shall not be used as annual leave**

Department Heads are authorized to take necessary steps to prevent abuses, to include dispatching a nurse or physician to verify illness, or to require a medical examination as evidence of physical condition.

### **Section 5. MILITARY LEAVE**

Military leave means training and service duty performed by an inductee, enlistee, or reservist, or any entrant into a temporary component of the Armed Forces of the United States, to include time spent in reporting and returning from such training in service or, if rejection occurs, from the place of reporting for service. It also includes active duty training as a reservist in the Armed Forces of the United States or as a member of the National Guard.

#### **Eligibility**

Any permanent employee who has completed his/her probationary period and who leaves the classified service for compulsory military duty shall be placed on military leave without pay; such leave to extend through a date of 30 days after his or her release from the classified service; also, a permanent employee who has completed his/her absence for the purpose of being inducted or otherwise entering military service. If not accepted for such duty, the employee shall be reinstated in his or her position without loss of status or reduction in pay.

#### **Restoration**

An employee returning from military leave shall be entitled to restoration to his or her former position, in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). A person dishonorably discharged, will not be reinstated with the city.

#### **Disposition of Pay and Sick Leave**

A regular employee who leaves the service directly for such military leave, without pay, may elect to be paid for any accrued vacation as he/she may be entitled to if he/she were actually separated from the service. If the employee elects not to be paid for such leave, the accrued leave credit shall be reinstated upon return of the employee. Employees returning to duty under this provision shall have unused sick leave credit restored for their use.

Any employee who is a member of the National Guard, reserve officer or enlisted person in the US Military Reserve Components shall be granted leave of absence with pay for the purpose of attending an annual training of such organization when so ordered by military authority. The maximum military leave with pay shall not exceed 168 hours in any calendar year. If the governor and/or President activates any member of the National Guard or US Military Reserves, they will receive up to an additional 168 hours paid leave in any calendar year.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) provides rights and responsibilities involving military leave for both the employer and employee. For further information or clarification, contact the City Clerk, or consult the USERRA Advisor at <http://www.dol.gov/elaws/vets/userra>.

## **Section 6. LEAVE WITHOUT PAY**

### **Family Medical Leave Act**

FMLA provides eligible employees with up to 12 workweeks of unpaid leave provided that the requirements as outlined by the Act are met. If an employee has accrued paid leave (e.g., vacation, sick leave, personal leave), however, the employee must use any qualifying paid leave first. "Qualifying paid leave" is leave that would otherwise be available to the employee for the purpose for which the FMLA leave is taken. The remainder of the 12 workweeks of leave, if any, will be unpaid FMLA leave. Any paid leave used for an FMLA qualifying reason will be charged against an employee's entitlement to FMLA leave. This includes leave for disability or workers' compensation injury/illness, provided that the leave meets FMLA requirements. The substitution of paid leave for unpaid leave does not extend the 12-workweek leave period.

During the 12 week period, the City will continue the employee's medical insurance, providing the employee's normal deduction is remitted to the City. If the employee fails to remit their payroll deduction amount, the City is no longer obligated to provide the coverage.

### **Employee Eligibility Criteria**

To be eligible for FMLA leave, an employee must have been employed by the City of Columbiana: (FMLA, Family Medical Leave Act)

- for at least 12 months (which need not be consecutive);
- for at least 1,250 hours during the 12 month period immediately preceding the commencement of the leave

### **Events, Which May Entitle an Employee to FMLA Leave**

FMLA leave may be taken for any one, or for a combination of, the following reasons:

- the birth of the employee's child or to care for the newborn child.
- the placement of a child with the employee for adoption or foster care or to care for the newly placed child.
- to care for the employee's spouse, child or parent (but not in-law) with a serious health condition.

## **Section 7. OFFICIAL DUTY LEAVE**

An employee who is absent from work while on official business for the municipality, or while participating in training courses to which they have been assigned by the municipality, shall be granted leave with full pay without charge against annual leave.

## **Section 8. BEREAVEMENT LEAVE**

In the unfortunate event of a death in the immediate family, a leave of absence of up to 3 days with pay will be granted. These three days are to be taken consecutively within a reasonable time of the day of the

death or day of the funeral, and may not be split or postponed. Bereavement leave will be deducted from the employee's sick leave accrual.

For this purpose, immediate family is defined as:

Spouse

Child

Step-child

Parents (including in-laws), step-parents

Siblings (including in-laws), step-siblings (including in-laws)

Grandparents

Grandchildren

Or any person who is a legal dependent of the employee

Employees should make their supervisor aware of their situation. In turn, the supervisor should notify the Department Head or Personnel Director of the reason and length of the employee's absence.

Upon returning to work, the employee must record his/her absence as a Bereavement Leave on his/her attendance record. Proof of death and relationship to the deceased may be required.

### **Section 9. CIVIL LEAVE**

An employee called for service on a jury may be granted leave with full pay for the duration of the period for which called, unless released earlier, without charge against annual leave.

### **Section 10. FORCED MEDICAL LEAVE**

All employees are subject to being placed on temporary involuntary medical leave when it is determined to be in the best interest of the employee and/or the City for the employee to be classified as such. The purpose of temporary involuntary medical leave is to permit an employee to take time off for an actual illness or injury when the Mayor or his duly assigned designee determines that the action is in the best interest of the affected employee, his/her fellow employees, and that of the government entity.

Any employee placed on temporary involuntary medical leave shall use his/her accumulated time off. In order to be taken off temporary involuntary medical leave, the employee must furnish a written medical report from his/her physician stating that the employee is able to discharge his/her full responsibilities without undue risk to the employee, his/her fellow employees or the City of Columbiana.

In case of work-related injury making it impossible for an employee to perform the employee's work, every effort will be made to assign the employee to work that can be done within the limitations caused by the injury. If the injury prevents the employee from doing any work at all, the employee shall be eligible for Workers Compensation benefits according to the particular facts surrounding the occurrence that resulted in the injury.

### **Section 11. LEAVE RECORDS**

All leave records shall be maintained by the City Clerk and records filed in the employee's permanent personnel file. Leave slips shall be prepared for all forms of leave, including official duty leave and leave without pay. Leave slips to cover sick leave shall be prepared on the day of return. All other leave slips shall be prepared in advance. All leave forms should be forwarded to the City Clerk's office to update the payroll and to be filed in the employee's personnel file.

**Section 12. TIME OFF TO VOTE**

On days when elections for public office ("elections for public office" includes elections for sheriff, school board, district attorney, and all primary and general elections) are scheduled throughout the state, county, city or town in which the employee works, the City will provide an adequate opportunity for its employees to exercise their right to vote.

Employees living in other localities or states will need to inform their supervisor in advance if they expect any conflict between their work schedule and the exercise of voting rights in any election for any public office. Supervisors will find out when the polls are open and adjust employee's schedules as needed to ensure that they will have the opportunity to vote.

No employee will be penalized or retaliated against for requesting time off to vote.

**Section 13. OFFICE HOURS**

A workday shall consist of eight-hour days, or its equivalent, not including lunch time; a workday week as defined by the Fair Labor Standards Act. Normal office hours within the employees' division are at the discretion of the Department Head. Where activities of a particular department require some other schedule to meet workloads, the Department Head may authorize a deviation from the normal schedule.

**VI. EMPLOYEE BENEFITS**

**Section 1. GROUP LIFE INSURANCE & DISABILITY**

All full-time employees, and elected officials, are provided a life insurance policy through Fortis at no cost to the employee. Employees are also offered group rates for additional life insurance and other insurance options through the City's cafeteria plan. Please contact the City Clerk for further information regarding your options.

**Section 2. GROUP HEALTH INSURANCE**

Group health insurance-cost is shared by employee for individual and family coverage.

**Section 3. RETIREMENT**

All employees who are employed for 19 or more hours are required to participate in RSA – Retirement System of Alabama, with the exception of employees who opted out when the City adopted State Retirement. The Tier I employee deduction for retirement is 6% for certified police officers and 5% for all other eligible employees. The Tier II employee deduction for retirement is 7% for certified police officers and 6% for all other eligible employees. Terms: subject to regulations of the Retirement Systems.

**Section 5. WORKER'S COMPENSATION**

The City of Columbiana provides its employees with worker's compensation coverage. Benefits and eligibility for each employee will be determined in accordance with criteria specified in the Code of Alabama, 1975, Title 25-5-1, et seq.

## **Section 6. SUPPLEMENTAL TRAINING PROGRAM**

The City recognizes that improved skills and capabilities of its employees can be valuable from the viewpoint of both the City and the employees. Consequently, it is the City's policy to aid its employees to improve themselves through professional educational programs, seminars, workshops and conferences.

### **Eligibility**

All permanent employees will be eligible, and are expected, to attend programs for profession improvement.

### **Approved Courses**

A program may be eligible if, in the opinion of the Department Head, it will either:

- Improve the employee's ability to perform his present job, or
- Help prepare the employee for a job with the City, which will demand a higher level of responsibility and /or skill.

The City may pay the cost of tuition, registration fee, books, laboratory fees, travel, meals and lodging away from home.

Employees who successfully complete certification required for their position may be entitled to a merit increase.

## **VII. IN-SERVICE ACTIVITIES**

### **Section 1. IN-SERVICE TRAINING**

Department Heads shall be held responsible for providing suitable and adequate working conditions within their means, and for making recommendations for correction not within their means of any conditions not suitable or adequate. Department Heads shall further be held responsible for those matters normally associated with foremanship, such as providing employee safety training, handling employee complaints, explaining employee benefits and personnel system, and development of employee morale and effectiveness.

## **VIII RETIREMENT**

The City provides a matching percentage of all eligible employees' contribution to the State Retirement Plan. The amount of this contribution is set by the Retirement Systems of Alabama.

## **IX EMPLOYMENT COMPLAINT OR GRIEVANCE PROCEDURE**

### **Section 1. PURPOSE**

- To insure employees a procedure by which their complaints can be considered rapidly, fairly and without reprisal.
- To encourage the employee to express himself/herself about the conditions of work as they affect him as an employee.
- To promote better understanding of policies, practices, and procedures which affect employees.
- To instill confidence in employees that personnel actions are taken in accord with established, fair and uniform policies and procedures.
- To develop in supervisors a greater sense of responsibility in their dealings with employees.

### **Section 2. DEFINITION**

A grievance is a complaint, view or feeling that insufficient consideration or unfair treatment has been given to an individual or group within a department pertaining to employment conditions, to relationships between an employee and their supervisor or to relationships between an employee and other employees.

### **Section 3. GRIEVANCE POLICY**

#### **Purpose**

The most effective accomplishment of the work of the municipality requires prompt consideration and equitable adjustment of the employee grievances. It is the desire of the municipality to adjust the causes of grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise.

- a) An employee must submit his/her grievance to his/her department head, or the mayor in the case of a department head, for initial settlement within five (5) working days of the initial incident.
- b) If satisfaction is not obtained within five (5) working days following the date of the initiation, the employee may appeal to the Policy Committee for a hearing.
- c) There will be a hearing held within five (5) working days after receipt by the Policy Committee of the employee's request. The hearing by the Policy Committee shall be open to the public subject to the requirements of the Open Meetings Act. It shall be conducted in an informal manner and the chairperson shall make every effort to avoid the appearance of conducting a trial in a court of law.
- d) The appellant shall have the right to appear and be heard in person or by counsel. Appellant's failure to attend or notify the chairperson of the Policy Committee of his/her inability to attend will constitute just cause for dismissal of the appeal. The recommendations of the Policy Committee shall be final.

### **Section 4. NON-RETALIATION POLICY**

No employee shall be disciplined or discriminated against in any way because of his/her proper use of the grievance procedure.

## **X. CONDUCT, WORK HABITS, ATTITUDE**

### **Section 1. GENERAL**

It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency and economy in their work for the local government. Whenever work habits, attitude, production or personal conduct of any employee falls below the established standard, department heads should point out the deficiencies at the time deficiencies are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and goodwill of the employee.

### **Section 2. DISCIPLINE POLICY**

It shall be the duty of all public employees to comply with and to assist in carrying into effect the provisions of the personnel rules and regulations. No employee shall be disciplined except for violation of established rules and regulations; and such discipline shall be in accordance with procedures established by the personnel rules and regulations.

### **Employee's and Department Head Responsibilities**

- a) It is the duty of every employee to attempt to correct any faults in his/her performance when called to his or her attention and to make every effort to avoid conflict with the City of Columbiana Rules and Regulations.
- b) It is the duty of every Department Head and/or supervisor, to discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. Discipline shall be a four-step process in the form of: Oral, Written, Suspension and Termination.

### **Grounds for Action**

The following are declared to be grounds for disciplinary action in the form of: oral, written, suspension, and termination of any permanent employee, including department heads, which includes, but is not limited to:

- 1) Conviction of a felony or other crime involving moral turpitude.
- 2) Acts of incompetence.
- 3) Absence without leave.
- 4) Acts of insubordination.
- 5) Intentional failure or refusal to carry out instructions.
- 6) Misappropriation, destruction, theft or conversion of property.

- 7) Employee subsequently becomes physically or mentally unfit for the performance of his/her duties.
- 8) Willful disregard of orders, city policies and procedures.
- 9) Habitual tardiness and/or absenteeism.
- 10) Falsification of any information required by the local government.
- 11) Failure to properly report accidents or personal injuries.
- 12) Neglect or carelessness resulting in damage to public property, equipment, or injury to another human being.
- 13) Repeated convictions during employment of misdemeanor and/or traffic charges which affect employee ability to perform his/her job.
- 14) Introduction, possession, or use on government property or in government equipment of intoxicating liquors or controlled substances.
- 15) Gambling on city property.
- 16) Horseplay
- 17) Fighting or deliberately injuring another employee.
- 18) Intentional violation of these rules.
- 19) Disorderly Conduct

### **Section 3. Disciplinary Action**

The following provisions shall govern disciplinary actions affecting employees in the Classified Service. A department head, or the Mayor in the case of disciplining a department head, both subject to appeal rights of employees stated herein (Article IX, Section 3), shall have the following alternatives for disciplinary action. In every case of disciplinary action, the department head or Mayor as appropriate shall provide both probationary and permanent employees with a written notice of such action accompanied by appropriate justifications. A copy of such notice, signed by the employee, is to be filed in the employee's personnel file.

- Oral Reprimand-A department head or an authorized designee may, for disciplinary purposes, give an oral reprimand to an employee in his or her department for cause. Oral reprimand should be noted in writing, signed and dated by the employee and the department head, or authorized designee. A copy should be placed in the employee's personnel file.
- Written Disciplinary Action-A department head should always document his or her disciplinary action in writing. This document should be dated and signed by the employee and department head or authorized designee. A copy should be placed in the employee's personnel file.
- Suspension-A department head may, for disciplinary purposes, suspend without pay, any employee in his/her department up to five working (5) days without the Policy Committee's approval. This disciplinary action should be in writing and signed by the employee and

department head or supervisor. All suspensions shall be reviewed by the Policy Committee for official disciplinary action. A copy of this action will be placed in the employee's personnel file.

- Other Disciplinary Action-During investigation, hearing, or trial of an employee on any criminal charge, or during the course of any civil action involving an employee when suspension would be in the best interest of the municipality, the Policy Committee may suspend the employee without pay for the duration of the proceedings as a non-disciplinary measure. Back pay shall not ordinarily be recoverable, but upon reinstatement of the employee, the governing body may authorize full recovery of any benefits for the entire, or for any lesser, period of the suspension.

### **Termination**

Termination of an employee needs prior approval from the Policy Committee, subject to the approval of the City Council. All termination justifications should be placed in the employee's personnel file.

### **Section 4. CRIMINAL ACTIVITY**

An employee may be suspended without pay upon being charged with a serious misdemeanor or felony in which the City Council believes it is in the best interest of the City.

An employee may be dismissed upon conviction of a Class A misdemeanor or felony.

### **Section 5. HARASSMENT**

The City of Columbiana seeks to provide a work environment that is free from intimidation and harassment. Harassment and intimidation can arise from a broad range of physical or verbal behavior, which can include, but is not limited to, the following:

- Physical or mental abuse
- Racial insults
- Ethnic slurs
- Religious slurs
- Unwelcome sexual advances or touching
- Sexual comments or sexual jokes
- Requests for sexual favors used as a condition of employment or affecting any personnel decision such as hiring, promotion or compensation
- Display of sexually explicit or otherwise offensive posters, calendars or materials.

The City of Columbiana prohibits any form of harassment relating to age, race, sex, sexual orientation, national origin, religion and the other protected categories by employees, coworkers and supervisors, and views such actions very seriously. Such harassment or similar unacceptable activities that could become a condition of employment or a basis for personnel decisions, or which create a hostile environment, are specifically prohibited.

Sexual harassment is a particular form of employee misconduct which requires more explanation. All employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment does not refer to occasional compliments or other generally acceptable

social behavior. It refers to behavior which is not welcome, personally offensive, undermines or weakens morale and, therefore, unreasonably interferes with the work effectiveness of its victim and their coworkers.

Sexual harassment may include such conduct as: (1) offensive, sex-oriented verbal “kidding”, jokes or abuse; (2) pressure for sexual activity; (3) offensive, unwanted physical contact such as patting, pinching or repeated brushing against another’s body; and (4) demands for sexual favors, accompanied by implied or overt promises of preferential treatment concerning an individual’s employment status.

The objective of this “no harassment” policy is to create a positive working environment which is free from hostile, offensive, intimidating or harassing conduct that unreasonably interferes with an employee’s work on account of any of the types of harassment described above. The target of this policy is the prevention of unwelcome conduct. Employees should be aware of any conduct on their part, which could be construed as welcoming conduct directed at them, which the employee might actually consider to be unwelcome. In some situations, a person may not realize that his or her behavior is inappropriate or unwelcome. Employees who consider any person’s behavior to be inconsistent with these guidelines are required to tell that person that his or her behavior is considered inappropriate and request that the conduct stop. Persons so told should comply immediately and graciously with such requests.

All forms of unlawful harassment are prohibited. If any employee becomes aware of any harassment, this information should be communicated – without fear of retaliation – to any supervisor or manager. If, for any reason, an employee would prefer not to discuss the issue of harassment with any of these individuals, the employee is encouraged to report the conduct to any officer of the City of Columbiana. The City of Columbiana requires such employees to come forward promptly. Timely reporting is vital to the City of Columbiana for the ability to investigate complaints. Prompt reporting also discourages the spread of harmful rumors. The City of Columbiana will continue its practice of taking prompt and necessary steps to investigate and, where appropriate, correct any form of harassment.

## **DISCRIMINATION AND HARASSMENT**

The City of Columbiana is committed to providing equal employment opportunity and prohibits all forms of unlawful harassment and discrimination based upon race, color, religion, gender, national origin, ancestry, age, sexual orientation, veteran status, marital status, mental or physical disability, or any other basis protected by law. This policy applies to all areas of employment including, for example, recruitment, hiring, training, promotion, compensation and benefits. Employees may not discriminate against or harass any other employee, applicant, customer, vendor or visitor.

This policy applies to all employees including non-supervisory personnel, supervisors, managers and executives. It also applies to non-employees who have business contact with employees. Any employee who is the subject of, who has knowledge of, or who witnesses any possible prohibited harassment or discrimination should immediately bring such information to the attention of his/her immediate supervisor or department head.

The City of Columbiana will continue its practice of taking prompt steps to investigate concerns regarding prohibited harassment and discrimination and, where appropriate, take prompt corrective action. The City of Columbiana will handle reports of such alleged misconduct with sensitivity to concerns for confidentiality, reputation and privacy, as is practicable.

Employees may not take any kind of retaliatory action against an employee who has made a good faith complaint about harassment or discrimination prohibited by this policy. It is the responsibility of every employee of the City of Columbiana to follow this policy conscientiously.

## **Section 6. EQUAL OPPORTUNITY EMPLOYMENT**

Equal Employment Opportunity has been, and will continue to be, a fundamental principle at the City of Columbiana, where employment is based upon personal capabilities and qualifications without discrimination pursuant to Title VII of the Civil Rights Act of 1964.

This policy of Equal Employment Opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment.

The Department Heads and Municipal Governing Body have overall responsibility for this policy and maintain reporting and monitoring procedures. Employees' questions or concerns should be referred to the Policy Committee.

Appropriate disciplinary action may be taken against any employee willfully violating this policy.

## **Section 7. INTERNET & E-MAIL POLICY**

The City of Columbiana has established a policy with regard to access and disclosure of electronic mail messages created, sent or received by organization employees using the organization's electronic mail system.

The City of Columbiana intends to honor the policies set forth below, but must reserve the right to change them at any time as may be required under the circumstances.

1. The organization maintains an electronic mail system. This system is provided by the organization to assist in the conduct of business within the organization.
2. The electronic mail system hardware is organization property. Additionally, all messages composed, sent, or received on the electronic mail system are and remain the property of the organization. They are not the private property of any employee.
3. The use of the electronic mail system is reserved solely for the conduct of business at the organization. It may not be used for personal business.
4. The electronic mail system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
5. The electronic mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive, are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.
6. The electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.

7. The organization reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received or sent over the electronic mail system for any purpose. The contents of electronic mail properly obtained for legitimate business purposes, may be disclosed within the organization without the permission of the employee.

8. The confidentiality of any message should not be assumed. Even when messages are erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to the organization or they are invalid and cannot be used.

9. Notwithstanding the organization's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval by the employer.

10. Employees shall not use a code, access a file, or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages without the latter's permission. All computer pass codes must be provided to supervisors. No pass code may be used that is unknown to the organization.

11. Any employees who discover a violation of this policy shall notify the Department Head.

12. Certain employees may be provided with access to the Internet to assist them in performing their jobs. The Internet can be a valuable source of information and research. In addition, e-mail can provide excellent means of communicating with other employees, our customers and clients, outside vendors, and other businesses. Use of the Internet, however, must be tempered with common sense and good judgment. Surfing the web will only pertain to work related websites and work related research sites, inappropriate web sites are not allowed. If you abuse your right to use the Internet, it will be taken away from you. In addition, you may be subject to disciplinary action, including possible termination, and civil and criminal liability.

## **Section 8. PROBATIONARY EMPLOYEE**

Any probationary employee may be suspended, reduced in pay or class, or removed at any time by the department head. Probationary, temporary, seasonal or part-time employees shall not have the right of appeal from such action.

## **Section 9. ATTENDANCE AND PUNCTUALITY**

Because the City of Columbiana depends heavily upon its employees, it is important that employees attend work as scheduled. Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. As such, employees are expected at work on all scheduled workdays and during all scheduled work hours and to report to work on time.

Moreover, an employee must notify his/her supervisor as far in advance as possible, but not later than one hour before his/her scheduled starting time if he/she expects to be late or absent. This policy applies for each day of his/her absence. An employee who fails to contact his/her immediate supervisor may be

considered as having voluntarily resigned. A careful record of absenteeism and lateness is kept by the employee's supervisor and becomes part of the personnel record. To the extent permitted by law, absenteeism and lateness lessen an employee's chances for advancement and may result in dismissal.

**Section 10. EMPLOYEE ASSISTANCE PROGRAM ("EAP")**

The City of Columbiana offers a voluntary and professional service that provides information, counseling, and referral services to all full-time and part-time employees and their dependents who may be experiencing personal stress in their lives.

The EAP provides the following services without cost to employees:

- Supervisory and management training sessions
- Unlimited telephone consultations
- One workshop presentation
- Brief information/articles of interest to all employees
- Referral services to community resources

The EAP offers confidential counseling to you and your families regarding personal stress related issues in your lives. You may contact your EAP provider at 1-800-925-5EAP or 1-800-925-5327.

**Section 11. CONFLICT OF INTEREST**

Employees of the City of Columbiana and the many governmental entities associated with the City's comprehensive operations should be aware of a conflict of interest and potential ethics violation regarding the use of their job for personal gain. Employees should not be using City owned or Board owned equipment for their personal use, nor should employees be using the exempt status of the municipality or its governmental entities to purchase items for their personal use. Any employee found to be breaking this regulation may face disciplinary action as well as action by the Alabama Ethics Commission. Supervisors are charged with the responsibility to report these violations to their department head as soon as the incident is discovered for immediate action.

**Section 12. NON-SMOKING POLICY**

Smoking will not be allowed in City buildings or vehicles at any time.

**Section 13. OPERATORS OF CITY-OWNED VEHICLES**

All City owned vehicles must be identified by the City logo, with the exception of police vehicles designated for undercover or surveillance use, which will remain unmarked. All employees must be properly licensed and meet the requirements of the City's motor vehicle record policy and follow the Vehicle Personal use policy.

**Section 14. OPEN DOOR POLICY**

The City of Columbiana promotes an atmosphere whereby employees can talk freely with members of the management staff. Employees are encouraged to openly discuss with their supervisor any problems so appropriate action may be taken. The City of Columbiana is interested in all of our employees' success and happiness with us. We, therefore, welcome the opportunity to help employees whenever feasible.

**Section 15. REFERENCE CHECKS**

Upon every hire for the City of Columbiana, it is mandatory that reference checks be performed prior to hire. The number of reference checks performed is determined by the hiring manager and may include a background check and a motor vehicle report, if subject to driving requirements.

Under no circumstances should any City of Columbiana employee release any information about any current or former City of Columbiana employee over the telephone. All requests for employment verification should be referred to the City Clerk's office.

**XI. POLITICAL ACTIVITY**

**Section 1. POLITICAL LIMITATIONS**

No officer, agent, or employee of the City, other than persons subject to popular election shall:

- a) Become a candidate for election, or appointment to political office in the municipality.
- b) Take an active part in any political campaign, or distribute badges, pamphlets, or handbills of any kinds favoring or opposing any candidate for nomination or election to municipal office of Columbiana.
- c) Except that any person who wished to do (a) or (b) may take a leave of absence.

**Section 2. AFFILIATION**

Nothing in this section shall be construed to prevent any employee from becoming or continuing to be a member of a political party or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his or her vote. No officer, agent, or employee of the municipality shall make or solicit contributions or donations to any political campaign.

**Section 3. POLITICAL PRESSURE**

Employees of the City of Columbiana shall not be appointed or retained on the basis of their political activity, or affiliation. Employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, or support for the purpose of supporting or opposing the appointment or election of candidates for any elected office.

**Section 4. DISCIPLINARY ACTION**

Any employee in violation of this chapter of the Personnel Rules and Regulations shall be subject to disciplinary action up to and including dismissal.

**XII. OUTSIDE EMPLOYMENT**

Employees are required to obtain written approval from their supervisor before participating in any outside work activities. Approval will be granted unless the activity conflicts with the employee's department he/she works in for the city. In general, outside work activities are not allowed when they:

- o Prevent the employee from fully performing work for which he or she is employed at the organization, including overtime assignments.

- Violate provisions of law or the City of Columbiana policies or rules.
- Misrepresent the city's involvement in outside work.

From time to time, the City of Columbiana employees may be required to work beyond their normally scheduled hours. Employees must perform this work when requested. In cases of conflict with any outside activity, the employee's obligations to the City of Columbiana must be given priority. Employees are hired and continue in the City of Columbiana's employment with the understanding that the City of Columbiana is their primary employer and that other employment or commercial involvement, which is in conflict with the business interests of the City of Columbiana, is strictly prohibited.

### **XIII. CIRCUMSTANCES NOT COVERED**

Any circumstance not covered by these rules and regulations will be determined by the Policy Committee.

### **XIV. VEHICLE USE POLICY**

The City of Columbiana is responsible for all city-owned vehicle use, operation and whereabouts at all times. It may be necessary for the City to obtain the vehicle assigned to an individual at any given time. Therefore it is required that all city-owned vehicles be left at City Hall, their designated location or the assigned individuals place of residency.

City-owned vehicles may only be assigned to employees who live within 25 miles of City Hall. Employees are permitted to drive assigned vehicles to and from work and their place of residency only; provided, however, that employees may transport non-employees to other locations when approved by the Department Head and all trips must be logged by dispatch.

## **XV. SUBSTANCE ABUSE POLICY AND PROGRAM**

### **SUBSTANCE ABUSE POLICY AND PROGRAM**

#### **I. Substance Abuse Policy**

##### **A. Purpose.**

The City of Columbiana is concerned about the adverse dangers posed by employees' abuse of controlled substances and alcohol. Employee substance abuse, on or off duty, can cause increased accidents, injuries, illnesses and medical claims. Substance abuse also can lead to the deterioration of employees' health and family lives. Employees who abuse controlled substances or alcohol endanger the safety of themselves, their fellow employees and the public. Medical costs related to substance abuse also place an undue financial burden on the health and benefit programs to the detriment of other employees. Additionally, substance abuse can adversely affect productivity and employee morale, and can cause increased absenteeism and turnover, all of which adversely affects the City's ability to provide services to our residents. In light of these concerns, the City's goal is to maintain a safe, healthy and productive workplace free of substance abuse. To achieve this goal, the City has adopted and implemented this comprehensive *Substance Abuse Policy and Program* ("Program") that includes (i) alcohol and controlled substance testing; (ii) educational training programs, and (iii) immediate termination for violations of the City's policy. Off-duty, illegal use, possession, or sale of controlled substances or alcohol, especially if it leads to a criminal conviction, may bring discredit to the City.

##### **B. Policy.**

The possession, use, distribution, dispensing, manufacture or sale of alcohol or any controlled substance on city property while working (including meal and rest periods) is prohibited. Reporting for duty or performing work while affected by alcohol (a level 0.04 BrAC or greater) or with any controlled substance present in the body (unless the employee has a current legal prescription and a valid medical reason for using the controlled substance) is also prohibited. Employees who violate this policy will be subject to termination. Employees who are not in an official on-call status and who are called in to work outside their normal duty hours to perform emergency or otherwise unscheduled work are required to report any recent consumption of alcohol to the supervisor making the work request and, if any alcohol has been recently consumed, are to decline the request to report to work. The employee in this instance shall not be disciplined for failure to report to work.

## C. Procedures.

To implement this policy, the City has established a Substance Abuse Policy and Program that includes alcohol and controlled substance testing of all City employees. Alcohol and controlled substance testing will include reasonable suspicion testing, post-accident testing under certain circumstances, and pre-employment and/or random testing of employees. An employee or applicant who tests positive, or who refuses to submit to a test if requested to do so, will be terminated and will be ineligible for re-employment with the City. Each employee will receive a copy of the City's *Substance Abuse Policy and Program*.

Upon request, the City will make available information concerning the availability of alcohol or drug abuse counseling, rehabilitation and employee assistance programs in the Columbiana area. Participation in such program is at the employee's own expense, but the City will allow a leave of absence without pay for that purpose. Each year, the City will sponsor a program to inform all employees of (i) the dangers of drug abuse in the workplace, (ii) the City's intent to maintain a drug free workplace through implementation of Substance Abuse policy, and (iii) the availability of any alcohol or drug abuse counseling, rehabilitation and employee assistance programs that are available in our area.

If an employee observes a violation of this policy, the employee is required to report the violation to the Human Resources Director. If an employee is convicted of a criminal offense that is related in any way to the unlawful manufacture, distribution, dispensing, possession or use of illegal drugs or other controlled substances in the workplace, the employee must notify his or her supervisor of the conviction within five days after the date of the conviction. Within ten days after receipt of the conviction, the City is required to notify the federal agency that approves federal grants to the City. A "conviction" includes a guilty plea.

If an employee must use an over-the-counter or prescriptive drug that has adverse side effects (such as drowsiness or impaired reflexes or reaction time) that prevents the employee from performing his or her job duties safely, or that pose a risk to the safety of others, the employee must inform his or her supervisor. Upon request, the employee may be required to provide a copy of any prescription and may be required to produce the medication in its original container. If the prescription causes performance or safety problems, the employee may be placed on unpaid leave of absence (unless the employee has accumulated vacation or sick leave time) while the employee is taking medication.

Adherence to the City's policy on drugs and alcohol is a condition of employment for all employees. All employees will be required to sign the attached acknowledgement form consenting to this *Program*.

## II. Definitions

**A. Medical Review Officer (MRO).** The MRO is a City-designated licensed physician with knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate the results of alcohol and controlled substance tests in light of an employee's

medical history and relevant biomedical information. If the City utilizes an employee of the laboratory conducting testing under this *Program* as the City's MRO, the laboratory must have established a clear separation of functions to prevent any appearance of conflict of interest, including assuring that the MRO does not supervise and is not supervised by any person who has responsibility for the drug testing or quality control operations of the laboratory.

**B. Testing Laboratory.** The testing laboratory is a City-designated facility, certified by the United States Department of Health and Human Services and licensed or certified, when required, by appropriate local and state authorities, to test employees for the use of alcohol and controlled substances.

### **III. Drug and Alcohol Testing**

**A. All Employees.** The City may instruct a City employee to undergo a test for controlled substances or alcohol under the following circumstances:

1. *Post Accident or Incident.* The City shall test any employee who causes, or contributes to the causation of, an accident or incident that results in (i) death, (ii) personal injury or illness requiring medical treatment away from the scene of the accident, (iii) an on-the-job injury that results in a loss of work time, or (iv) estimated property damage in excess of \$1,000.
2. *Reasonable Suspicion of Substance Abuse.* The City shall test an employee based upon reasonable suspicion that the employee has used alcohol or a controlled substance in violation of this *Program*.
  - a. Reasonable suspicion shall be based upon specific, contemporaneous, articulable and objective facts and reasonable inferences drawn from the facts in light of experience. While it is not possible to list every factor that might lead to testing, those listed below are some of the more common:
    1. Observable actions while at work, such as direct observation of substance abuse or the physical symptoms or manifestations of impairment due to the substance abuse;
    2. A report of substance abuse provided by a reliable and credible source;
    3. Evidence that an employee has tampered with any substance abuse test under this *Program*;
    4. Evidence that an employee has used, possessed, sold or solicited alcohol or controlled substances while working, while on City property, or while operating a City vehicle, machinery or equipment;
    5. Excessive unexcused absenteeism or tardiness;

6. Significant deterioration in job performance;
  7. Significant change in personality (such as mood swings, euphoria, depression, abusive behavior, violence, secretiveness, insolence, insubordination);
  8. Unexplained absences from normal work sites;
  9. Unusual or erratic behavior that cannot be readily explained;
  10. Changes in personal hygiene or demeanor;
  11. Sudden cravings for water or sweets;
  12. Reddened eyes or dilated pupils;
  13. Odor of alcohol or controlled substance;
  14. Unexplained significant weight loss or gain;
  15. Slurred or incoherent speech;
  16. Difficulty in motor coordination.
- b. Within 24 hours of observation and before the test results are released, the witness or witnesses providing information to support reasonable suspicion shall prepare and sign an incident report (*APPENDIX C*) detailing the facts supporting the reasonable suspicion.
  - c. Alcohol testing upon reasonable suspicion shall be conducted under this Paragraph only if the factual observations and reasonable inferences are made during, just preceding, or just after the period of the work day that the employee is required to be in compliance with this Policy. The person who determines that reasonable suspicion exists to conduct an alcohol test shall not conduct the test of the employee.
  - d. If an alcohol test conducted under this Paragraph is not administered within two hours following the determination to conduct reasonable suspicion testing, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered.
  - e. If an alcohol test required by this Paragraph is not administered within eight hours following the determination to conduct testing, the City shall cease attempts to administer the test and shall state in the record the reasons for not administering the test.
  - f. If a controlled substances test required by this Paragraph is not administered within thirty-two hours following the determination to conduct reasonable suspicion testing, the City shall cease attempts to administer the test and shall state in the record the reasons for not administering the test.
  - g. Part time employees will be included within the sequence of random testing with full time employees. Part time employees should only be tested within their

regularly scheduled work day. Should the employee not be available for testing during the scheduled test day, the department head will coordinate with the testing facility to help facilitate their testing.

**B. Safety-Sensitive Positions.** In addition to testing of all employees described above, each City employee who is employed in a safety-sensitive position shall be subject to pre-employment and random testing for controlled substances and alcohol misuse or abuse.

1. *Designation of Safety Sensitive Positions.* A position will be designated safety sensitive when the City has a compelling need, on the basis of safety or security concerns, to ascertain on-the-job impairment on the part of employees who hold the position. Such a compelling need may arise where the duties of the position create, or are accompanied by, a risk of personal injury or property damage of such magnitude that even a momentary lapse of attention, judgment or dexterity could have disastrous consequences, or where the position involves such a high level of public trust, safety or security that unlawful use of controlled substances or alcohol abuse could seriously impact the ability of the employee to carry out his or her trust, safety or security responsibilities. A list of all City positions that have been designated as Safety-Sensitive Positions is attached hereto as *APPENDIX A*.

2. *Pre-Employment Testing.* An applicant for a Safety-Sensitive Position with the City shall be extended a conditional offer of employment, which condition shall be satisfied only upon the applicant's successful completion and passing of a controlled substances and alcohol test.

3. *Random Testing.* The City shall select a percentage of the pool of employees in Safety Sensitive Positions to be tested annually for abuse or misuse of controlled substances and alcohol utilizing a random number table or a computer-based random number generator matched to employees' social security numbers.

**C. Commercial Motor Vehicle Drivers.** In addition to testing of all employees described above, each City employee required to maintain a Commercial Drivers License ("CDL") and (i) who operates any vehicle on public highways in interstate commerce with a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds, (ii) who operates any vehicle which transports hazardous materials required to be placarded, or (iii) who operates any vehicle which is designed to transport 15 or more persons (including the driver) (collectively, "CMV Drivers") shall be subject to controlled substance and alcohol testing. Tests shall conform in all respects to the Controlled Substances and Alcohol Use and Testing Regulations (49 C.F.R. Part 382) of the Federal Motor Carrier Safety Administration ("FMCSA") and the Procedures for Transportation Workplace Drug and Alcohol Testing Programs (49 C.F.R. Part 40) of the U.S. Department of Transportation. Tests are required in the following situations:

1. *Pre-Employment.* An applicant for a CMV Driver position with the City shall be extended a conditional offer of employment, which condition shall be satisfied only

upon the applicant's successful completion and passing of a controlled substances test.

2. *Random.* The City shall select at least 10 of the pool of employees (including CMV Drivers and to be tested semiannually using a random number table or a computer-based random number generator matched to employees' social security numbers. CMV Drivers selected for random testing shall be subjected to both controlled substances and alcohol testing.
3. *Post Accident.* A CMV Driver shall be subject to post-accident testing as follows:
  - a. In the event of an accident involving the loss of human life, any surviving CMV Driver shall be tested for controlled substances and alcohol use as soon as practicable after the accident.
  - b. In the event of an accident involving bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, any CMV Driver who, within 8 hours of the accident, receives a citation under State or local law for a moving traffic violation arising from the accident shall be subjected to controlled substances and alcohol testing.
  - c. In the event of an accident involving bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, any CMV Driver who, between 8 and 32 hours following the accident, receives a citation under State or local law for a moving traffic violation arising from the accident shall be subjected to controlled substances testing.
  - d. If an alcohol test required by this Paragraph 3 is not administered within two hours following the accident, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the accident, the City shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.
  - e. If a controlled substances test required by this Paragraph 3 is not administered within 32 hours following the accident, the City shall cease attempts to administer a controlled substances test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.
  - f. A CMV Driver who is subject to post-accident testing shall remain readily available for post-accident testing. In the event such employee is not readily available, such employee will be deemed by the City to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

- g. If the accident occurs away from a City facility, the employee shall arrange for the test and reporting of results to the City.
- 4. *Reasonable Suspicion Testing.* CMV Drivers shall be subject to controlled substances and alcohol testing upon reasonable suspicion under the same standards and procedures contained in Paragraph III.A.2. above applicable to all City employees.

#### **IV. Procedures Applicable to Testing**

- A. Transportation to Test Collection Site.** The City shall arrange transportation for employees to be tested to the collection site. If an employee refuses to accept City-provided transportation, the employee shall be warned that the City may take disciplinary action, up to and including dismissal. If the City believes that the employee is impaired by alcohol or a controlled substance, the employee shall be advised that the City will notify law enforcement authorities if the employee attempts to drive. If the employee attempts to drive, the City police shall be notified immediately and all actions taken to persuade the employee not to drive shall be documented.
- B. Relationship of DOT Drug and Alcohol Tests to Non-DOT Tests.** Controlled substances and alcohol testing of CMV Drivers and Covered Gas Department Employees which is required by DOT regulations shall be completely separate from non-DOT required tests for such employees. DOT-approved custody and control forms and alcohol testing forms shall not be used for any non-DOT required drug and alcohol testing.
- C. Split Specimens.** All collections of urine specimens for controlled substances testing shall be split-specimen collections.
- D. Continuation of Work.** The City may permit an employee to continue work pending the results of the test, if, in the City's sole discretion, the employee's continuation of work will not risk the health, safety or property of any person, including the employee, fellow employees or members of the public. If an employee cannot or should not be permitted to continue to work pending the results of the test, the employee shall be suspended with pay until the results have been obtained.
- E. Drug-Free Awareness and Substance Abuse Program.** Upon request, the City will make available to employees information concerning the availability of alcohol or controlled substance abuse counseling, rehabilitation and employee assistance programs in the Columbiana area. Participation in such program is at the employee's expense. Each year, the City will sponsor a program to inform all employees of (i) the dangers of drug abuse in the workplace, (ii) the City's intent to maintain a drug free workplace through implementation of a substance abuse policy, and (iii) the availability of any alcohol or drug abuse counseling, rehabilitation and employee assistance programs that are available in our area.
- F. Special Searches.** When there is reasonable suspicion that an employee may be in possession of a substance prohibited by the *Program*, the employee may be required, as a condition of employment, to submit to a reasonable search of clothing, personal lockers,

purses, lunch boxes or other containers, desks or personal vehicles. Searches shall be approved by the City's Human Resources Director. Reasonable suspicion shall be based upon specific objective facts and reasonable inferences drawn from the facts in light of experience. Before a search is approved by the City Human Resources Director, the witness or witnesses providing information to support reasonable suspicion shall prepare and sign an incident report detailing the facts supporting the reasonable suspicion.

**G. Discipline.**

1. *General.* Employee compliance with this *Program* is a condition of employment with the City. A violation of this *Program*, a failure or refusal to cooperate or participate fully in this *Program*, or a failure or refusal to sign any required document or to submit to a test or search, shall result in the employee's termination and render that employee ineligible for employment by the City in the future.
2. *Drivers.* In addition to the discipline in subparagraph IV.G.1. above, CDL drivers may be subject to disqualification and suspension or revocation of licenses, registrations or certifications in accordance with applicable Federal Highway Administration and Department of Transportation rules and regulations.

**Employees and job applicants are advised of the existence of the Drug-Free Workplace Program established by Title 25, Chapter 5, Article 13, Code of Alabama 1975, as amended.**

**H. Other Alcohol Related Conduct.** No employee tested under the provisions of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for the City, nor shall the employee be permitted to perform or continue to perform safety-sensitive functions, until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test. Any employee who returns to duty after testing positive for an alcohol concentration of 0.02 or greater shall be subject to testing before resuming his or her job functions.

**I. Criminal Convictions.** As a condition of employment, each employee who is convicted of any violation occurring in the workplace of any criminal drug statute shall notify the City no later than 5 days after such conviction. A conviction includes a guilty plea or a plea of *nolo contendere*. Any employee so convicted shall be subject to termination.

**V. Communication of Test Results**

**A. Negative Test Result.** The testing laboratory shall report negative results to the City's Human Resources Director, who shall communicate the results confidentially in person to the employee. If an employee who tests negative has been suspended pending the results of the test, the employee will be reinstated with back pay.

**B. Unreadable Sample.** The testing laboratory shall report any sample which is adulterated, contaminated, unreadable, not authentic, or otherwise impossible to analyze properly to the City's Human Resources Director, who shall meet with the employee and ask for explanation. If a satisfactory explanation is provided, a new test may be performed at the City's discretion. If a satisfactory explanation is not provided, the

employee is subject to termination. The Human Resources Director, with the concurrence of the Mayor, and in consultation with the MRO, if deemed necessary, shall determine the adequacy of the explanation.

**C. Positive Test Result.** The testing laboratory shall confirm all positive test results using approved confirmatory methods. If the confirmatory test is positive, the following procedures shall be followed:

1. The testing laboratory shall report positive test results only to the MRO for verification.
2. Prior to finally verifying a positive test result, the MRO shall give the employee an opportunity to discuss the result in person, and shall review the applicant's or employee's medical history, relevant biomedical factors and all medical records made available by the employee to determine if a confirmed positive result might be due to an alternative medical explanation. The MRO may request a reanalysis of the sample to determine the accuracy of the reported result.
3. The MRO shall report as negative any initial positive result for which there is a legitimate medical explanation consistent with legal drug use or which, based on laboratory inspection reports, quality assurance control data and other test results, the MRO concludes is scientifically insufficient for further action. For purposes of this paragraph, under no circumstances shall use of hemp oil or medical marijuana be considered a legal drug use pursuant to a legitimate medical explanation.
4. If the MRO verifies that the positive test is correct, the MRO shall inform the employee of the result and of the controlled substance or substances discovered by the test. The applicant or employee shall be asked to provide an explanation and whether a second confirmatory test of the split sample is desired.
5. If the applicant or employee desires a second confirmatory test of the split sample, he or she shall submit a written request to the MRO for such retest no later than 72 hours after being informed of the initial positive result. The MRO shall notify the Human Resources Director, and the second test shall be done on the split sample using approved test methods at the applicant's or employee's expense. At the applicant's or employee's option, the test shall be done at either the original testing laboratory or at another laboratory certified by the United States Department of Health and Human Services. The cost of the test shall be paid before retesting is done. Untimely requests for retesting shall be denied. In the event a split sample reveals a negative result, the employee will be reimbursed the cost of the test.
6. If the results of the additional confirmatory test are negative, the MRO shall notify the Human Resources Director, and the results of the initial positive test will not be used to impose discipline.
7. If no additional confirmatory test is timely requested or if the additional confirmatory test is positive and a satisfactory explanation is still not provided, the Human Resources Director shall inform the employee, who will then be subject to termination. See employee handbook for disciplinary actions.

8. A confidential written memorandum of any discussion with the employee shall be prepared and signed by all City representatives present.

**D. Access to Test Records.** Upon written request, an employee shall have access during regular business hours to any records relating to the employee's screening tests conducted pursuant to this *Program* and to the results of any relevant certification, review or revocation of certification proceeding. The employee is entitled to one copy of the results, if requested in writing. The employee shall give the City a receipt for such copy.

**E. Confidentiality.** All information involving testing, counseling, rehabilitation, treatment or discipline of an individual employee or applicant shall be treated as confidential medical information, which shall be maintained in separate medical records files, The MRO shall be sole custodian of all test results. The City shall retain only the following information in a separate employee medical records file:

1. That the Employee submitted to a drug and alcohol screening test.
2. The date of such test.
3. The location of such test.
4. The name of the laboratory performing the test.
5. Whether the test was positive, negative, adulterated, unreadable or not authentic.

Such information shall be accessible only to the Mayor, and the Human Resources Director, authorized testing laboratory personnel, the MRO, other persons designated by the Human Resources Director based upon a valid need to know, and otherwise as provided by applicable laws regulations, *provided* such information may be used by the City in the course of any grievance proceedings requested by the employee under the City's grievance procedure, and in any legal proceedings in which the test results are relevant. Except pursuant to judicial or quasi-judicial process, no such information shall be provided to any other party, including supervisors, fellow employees, family and friends or prospective employers without the specific written consent of the employee authorizing release to an identified person. In the absence of a valid consent, the City shall respond to inquiries regarding an employee tested, referred for counseling or rehabilitation, disciplined or dismissed under this *Program* by stating only that the employee was terminated and the dates of employment. Any employee who willfully discloses such information in violation of City policy will be subject to discipline, up to and including dismissal.

## **VI. Miscellaneous Provisions**

**A. Grievance Procedure.** An employee subject to discipline under this *Program*, including termination, shall be disciplined as provided in the City's Personnel Policy Rules and Regulations and may assert a grievance under the grievance procedure.

**B. Dissemination of Program.** A copy of the City's *Substance Abuse Policy and Program* shall be distributed to all City employees and a copy shall be available in the office of the City Clerk for inspection and copying during regular business hours.

- C. Emergency Action.** Nothing in this *Program* shall prevent or restrain any administrator, department head, supervisor or other employee from taking any immediate action deemed necessary to stop or prevent an unsafe act or to stop or prevent an immediate threat of personal injury, death or property damage.
- D. Severability.** If any provision in this *Program* is determined to be contrary to law or is otherwise invalidated by a court of competent jurisdiction, such action shall not affect any other provision in this *Program*.
- E. Employee Acknowledgement and Consent.** Each City employee shall be required to read the City's Substance Abuse Policy and Program and to sign an acknowledgement and consent form (*APPENDIX B*).
- F. Contractor employees.** With respect to those covered employees who are contractors or employed by a contractor, an operator may provide by contract that the alcohol testing, training and education required by this Policy be carried out by the contractor provided the contractor (i) presents proof to the satisfaction of the City that such contractor and its employees who will be performing such function are covered by a controlled substances and alcohol testing program that conforms to the requirements of this Policy and (ii) allows access to property and records by the City and any DOT agency with regulatory authority over the City or covered employee.
- G. Drug-Free Workplace Program.** Employees and job applicants are advised of the existence of the Drug-Free Workplace Program established by Title 25, Chapter 5, Article 13, Code of Alabama 1975, as amended.
- H. Modification of Policy.** This policy may be modified by the City at any time deemed appropriate by the City; or to comply with applicable federal and state laws and regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment.

## **I. SUBSTANCE ABUSE**

### **POLICY AND PROGRAM**

#### ***APPENDIX A***

##### **LIST OF DESIGNATED SAFETY-SENSITIVE POSITIONS**

1. Public Safety  
Chief of Police, Assistant Chief of Police, Captain, Lieutenant, Sergeant, Corporal, Patrol Officer, Corrections Officer, Dispatcher, Animal Control Officer, School Crossing Guard, Fire Chief / Station Custodian
2. Public Works  
Department Head, Assistant Director, , Environmental Officer, Equipment Operator, Carpenter, Gardener, Grass Cutter, Laborer, Landfill Operator, Landscaper, Mechanic, Painter, Recycling Center Leader, Sanitation Helper, Service Technician, Lineman, Substation Meter Technician, Underground Foreman
3. Public Utilities  
Utility Superintendent, Department Head, Assistant Superintendent, Crew Leader, Electrician, Groundperson, High Voltage Lineperson, Maintenance Technician, Meter Reader, Meter Reader Specialist, Meter Technician, Sewer Line Maintenance Worker, Utility Line Locator, Utility Mapper, Waste Water Treatment Operator, Water Line Maintenance Worker, Water Treatment Operator
4. Parks and Recreation  
Department Head, Greenskeeper, Grounds Supervisor, Parks Maintenance Worker, Lifeguard, Recreation Center Director, Front Desk Manager,
5. Other General Government  
City Administrator, City Clerk, City Treasurer, General Superintendent, Administrative Superintendent, Financial Reporting Manager, Human Resources Director, Information Technology Director, Network Administrator, Revenue Officer, Planning and Building Director, Building Official, Building Inspector, Electrical Inspector, Fire Inspector, Senior Services Director, Senior Center Shuttle Driver, Senior Center Shuttle Dispatcher, Treasurer's Assistant
6. Any person who operates City owned equipment.

**APPENDIX B**  
**CONSENT AND RELEASE OF LIABILITY**

Name of Employee or Applicant (Please Print)

\_\_\_\_\_

Last

First

Middle

To further the City's policy of providing and maintaining a safe and healthy environment for all City employees and City residents, I agree that, I will abide by the City's *Substance Abuse Policy and Program*. I acknowledge that I have received a copy of the *Program* and I understand that it is my responsibility to read the *Program*. I understand that, under the *Program*, as a condition of my employment with the City, I may be required to undergo a controlled substance and alcohol screening test.

I hereby state my willingness and give my consent to undergoing controlled substance or alcohol screening tests as provided in this *Program*. ***I fully understand and accept the condition that any false answers, failure to cooperate, attempted or actual adulteration, contamination, or substitution of any sample or willful omission by me will be sufficient grounds for my discharge, regardless when discovered.***

I hereby authorize the release of the results of my tests to the management of the City and to such health insurers and health care evaluating groups as the City may from time-to-time contract with to provide employee health benefits or evaluation for health care.

I release the City, its employees, its elected and appointed officials, department heads, administrators and supervisor, medical and professional representatives, and testing facility from any and all claims or causes of action resulting from any such tests.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPENDIX C**  
**INCIDENT REPORT AND**  
**TESTING REQUEST FORM**

This form is to be used to document the reasons for requesting that an employee be asked to submit to a medical evaluation or controlled substance or alcohol screening test. Only those questions which apply need to be answered. Additional pages, if necessary, should be attached along with any other relevant documents.

Employee's Name: \_\_\_\_\_

Department: \_\_\_\_\_ Position: \_\_\_\_\_

A. Was there an incident? Yes \_\_\_\_\_ No \_\_\_\_\_

1. Description of event: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Date: \_\_\_\_\_ Time: \_\_\_\_\_

3. Extent of injury to persons or property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Employee's actions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Is the employee a driver/in a sensitive position? Yes: \_\_\_\_\_ No: \_\_\_\_\_

C. Observation of Employee:

1. *Walking* -

- |                                      |                                     |   |                                   |
|--------------------------------------|-------------------------------------|---|-----------------------------------|
| <input type="checkbox"/> Falling     | <input type="checkbox"/> Staggering | <input type="checkbox"/> Holding on     | <input type="checkbox"/> Unsteady |
| <input type="checkbox"/> Swaying     | <input type="checkbox"/> Stumbling  | <input type="checkbox"/> Unable to Walk | <input type="checkbox"/> Normal   |
| <input type="checkbox"/> Other _____ |                                     |   |                                   |

2. *Standing -*

- Unable to stand     Rigid                     Swaying                 Normal  
 Feet wide apart     Staggering             Slumping at knees  
 Other \_\_\_\_\_

3. *Speech -*

- Mute                     Incoherent             Rambling               Shouting  
 Slow                     Slurred                 Whispering             Normal  
 Other \_\_\_\_\_

4. *Demeanor -*

- Calm                     Crying                 Excited                 Polite  
 Sad                       Silent                   Sleepy                  Sarcastic  
 Moody                    Talkative               Fighting                Cooperative  
 Quiet                     Euphoric                Secretive  
 Other \_\_\_\_\_

5. *Actions -*

- Calm                     Drowsy                 Erratic                 Fighting  
 Slow                     Hostile                 Insolent                Hyperactive  
 Fast                      Fumbling                Profanity               Threatening  
 Resists Communication  
 Other \_\_\_\_\_

6. *Eyes -*

- Bloodshot               Closed                 Dilated                 Droopy  
 Glassy                   Watery                 Normal  
 Other \_\_\_\_\_

7. *Face -*

- Flushed                 Pale                     Sweaty                 Normal  
 Other \_\_\_\_\_

8. *Appearance/Clothing* -

- Neat                       Dirty                       Messy                       Unruly  
 Having odor               Excrement/blood stains on clothing  
 Partially dressed  
 Other \_\_\_\_\_

9. *Breath* -

- Alcohol odor               Faint alcohol odor               No alcohol odor  
 Marijuana odor               Faint marijuana odor               No marijuana odor  
 Other \_\_\_\_\_

10. *Eating/Chewing/Drinking* -

- Candy                       Gum                       Mints                       Sugar  
 Large amounts of water                       Nothing  
 Other \_\_\_\_\_

D. Attendance:

1. Number of Mondays or Fridays missed in the last six months \_\_\_\_\_
2. Total absences in last six months \_\_\_\_\_
3. Times tardy in last six months \_\_\_\_\_
4. Times employee left early in last two months \_\_\_\_\_
5. Number of unexplained absences from work station in last six months \_\_\_\_\_

E. Performance Level:

1. Has there been a recent change in the employee's level of performance?  
Yes: \_\_\_\_\_ No: \_\_\_\_\_
  2. If yes, describe: \_\_\_\_\_
- 
-

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F. Other Observations: \_\_\_\_\_

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G. Other Witnesses: \_\_\_\_\_

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\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Approved: \_\_\_\_\_

**Receipt of City of Columbiana Ordinance 03-16-03**  
**Personnel Rules and Regulations of the City of Columbiana**  
**Including Substance Abuse Policy and Program**

I acknowledge that I have received a copy of Ordinance 03-16-03 Amending Personnel Rules and Regulations of the City of Columbiana. I also acknowledge that this Ordinance having been adopted on March 15, 2016, is in full effect and hereby agree to adhere to the guidelines and requirements set forth in said Ordinance.

I acknowledge that I have received a copy of The City of Columbiana Employee Handbook. I agree to read it thoroughly, including the statements in the foreword describing the purpose and effect of the Handbook. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my department head or supervisor. I understand that the City of Columbiana is an "at will" employer and as such employment with the City of Columbiana is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice.

No supervisor or other representative of the organization (except the Municipal Board) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this Handbook states the City of Columbiana policies and practices in effect on the date of publication.

I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with the City of Columbiana for benefits or for any other purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time.

Please sign and date this receipt and return to the City Clerk of Columbiana.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Supervisor/Department Head: \_\_\_\_\_