



City of Hanahan

Employee Handbook

Adopted 05/12/2015

DISCLAIMER

ALL EMPLOYEES OF THE CITY ARE EMPLOYED AT-WILL AND MAY QUIT OR BE TERMINATED AT ANY TIME AND FOR ANY OR NO REASON. NOTHING IN ANY OF THE CITY'S RULES, POLICIES, HANDBOOKS, PROCEDURES OR OTHER DOCUMENTS RELATING TO EMPLOYMENT CREATES ANY EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT. THIS HANDBOOK REPLACES ANY PREVIOUSLY ISSUED POLICIES, PRACTICES AND UNDERSTANDINGS, WRITTEN OR ORAL, GOVERNING EMPLOYMENT. NOTHING CONTRARY TO OR INCONSISTENT WITH THE LIMITATIONS IN THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE IN WRITING; 2) THE DOCUMENT IS LABELED "CONTRACT"; 3) THE DOCUMENT STATES THE TERM OF EMPLOYMENT; AND 4) THE DOCUMENT IS SIGNED BY THE CITY ADMINISTRATOR, MAYOR OR APPROVED BY VOTE OF COUNCIL.

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ACKNOWLEDGEMENT:

Signature

Date

Printed Name

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General Policies

Purpose

The purpose of this Employee Handbook is to present the principals and procedures that are to be followed by the employees of the City of Hanahan. These rules are not intended to be inflexible; therefore, it is expected that amendments and revisions may be made from time to time. Should a situation arise where this handbook does not provide specific guidance for decision making, the City Administrator will interpret these policies and apply them accordingly.

These policies are applicable to all positions within the City of Hanahan. This includes full-time, part-time, and temporary employees unless otherwise stated in a particular policy.

Certain City departments may have additional departmental policies, which may apply only to employees in those departments or divisions. Affected employees are expected to comply both with departmental and general City policies. To the extent that the departmental policy has some great requirement or restriction than the corresponding City policy, the departmental policy will govern.

Equal Employment Opportunity

The City provides equal opportunity to all applicants for employment and administers hiring, conditions and privileges of employment, compensation, training, promotions, transfer and discipline without discrimination because of race, color, religion, gender, disability, genetic information, age or national origin. The City also prohibits retaliation against employees who have reported discrimination. Any employee who believes that he/she has been discriminated against in violation of this policy should report the matter to the Human Resources department.

Americans With Disabilities Act (ADA)

The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in undue hardship. This guideline governs all aspects of employment including selection, job assignment, compensation, discipline, employment, termination, and access to benefits and training. Identifying an appropriate reasonable accommodation is a two-way process requiring the participation of both the City and the individual. Not every disability is self-evident, and you have a responsibility to let the City know if you have a disability for which an accommodation is needed. The City has the right to require proof of the condition for which an accommodation is sought. The City will interact with the individual to determine whether there is a reasonable accommodation that would enable him/her to perform the essential functions of his/her job. If an employee cannot be accommodated in his/her current position, a transfer to another opening for which he/she is qualified may be considered.

Anti-Harassment

Various laws and regulations generally prohibit employment decisions from being made on the basis of race, sex, religion, national origin, color, age, genetic information, veteran status, disability or similar distinctions. In addition, it is our desire to provide a working environment in which employees are

free from discomfort or pressure resulting from jokes, ridicule, slurs, threats and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being.

The City does not tolerate harassment of any kind and forbids retaliation against anyone who has reported harassment in good faith.

Sexual Harassment

Sexual harassment warrants special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitute sexual harassment when

1. Submission to the conduct is an explicit or implicit term or condition of employment; or
2. Submission to or rejection of the conduct is used as the basis for an employment decision; or
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, "put-downs" or condescending or derisive comments or terms based on gender, and physical conduct, such as patting, pinching or brushing against another person. This policy prohibits such conduct regardless of the gender of the perpetrator or victim.

Disputes sometimes arise as to whether conduct was "welcome" or "unwelcome." Conduct that would violate this policy if it were unwelcome violates the policy if anyone complains of it. However, not all conduct prohibited by this policy constitutes a violation of the law.

Complaint Procedure and Investigation

If you believe this policy has been violated by anyone with whom you come in contact on the job, regardless of whether it is by a fellow worker, a supervisor or a member of the general public, you should report the incident(s). You may do this by following your "chain of command" as follows:

- a. reporting to your department head.
- b. reporting to the Human Resources Director.
- c. reporting to the City Administrator.
- d. complaints against the City Administrator should be made to the Mayor or another member of Council.

Department heads who receive complaints of or become aware of harassment should coordinate with the Human Resources department.

Harassment allegations will be investigated, and the investigatory process may vary from case to case. The investigation is conducted as confidentially as possible consistent with the effective handling of the complaint and the goals of this policy. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential, whether the employee is the accused person, the complaining one or merely a potential witness. Persons who are interviewed should not discuss the matter with co-workers, friends or management. This does not mean, however, that employees may not complain to civil rights agencies.

Employees may be asked to submit to a polygraph (lie detector) examination.

Retaliation Prohibited

It is a violation of this policy to retaliate in any manner against an individual who makes a good faith report of harassment or other forms of prohibited discrimination, or who participate in an investigation of such a report. Retaliation can sometimes take subtle forms and it is important that you report any form of retaliation using the reporting procedure in this policy so that corrective measures can be taken where appropriate. Individuals who violate this prohibition will be subject to discipline up to and including discharge.

-- Important --

To avoid misunderstandings, complaints made to members of management or to the Human Resources Director require the completion of a complaint report, either by you or by the person, to whom the complaint is made, summarizing the allegations and listing any witnesses to the alleged harassment. You should be sure to get a copy of this initial complaint report to confirm you have complied with this procedure.

These procedures have been established to enable you to get relief if you feel that you are the victim of harassment. The U.S. Supreme Court has ruled that, with limited exception, you may not sue the City for a violation of your rights unless you first give us notice and an opportunity to end the harassment. The reporting procedures we have adopted are intended to establish a clear record of what has been reported.

Employment Policies

Hiring/Recruiting

The City endeavors to hire the most suitable candidate for open positions and encourages current employees to apply for positions for which they are qualified. The City may also solicit and consider applications from external applicants. Decisions to fill an open position that are made by lower levels of management require prior approval by the City Administrator.

Employee Orientation

On the first day of employment (or before, if possible), all appropriate personnel forms including payroll, retirement, health, dental, and life insurance, and other related forms should be completed in full. At this time, new employees will be provided with a copy of the employee handbook and briefed on the City's personnel practices and procedures.

Employees are expected to read this handbook, know the contents, and ask questions for clarification.

Nepotism/Employment of Relatives

People in the same immediate family may not be employed or continue to be employed if one directly or indirectly supervises another or interacts with another in the handling of money or compensation. For purposes of this policy, immediate family is defined as spouse, parent, child, grandparent, grandchild, brother or sister, parent-in-law, grandparent-in-law, brother-in-law and sister-in-law. The immediate family is also considered to include stepparents, stepchildren, stepbrothers and stepsisters when the employee and the step-relative have lived together regularly in the same household. Unrelated employees residing together or otherwise engaged in a close personal relationship (such as domestic partner, co-habitant or significant other) are treated as being within the immediate family of each other for the purposes of this nepotism policy. If employees become related by marriage and create a situation prohibited by this policy, one of the employees may be asked to give up his position. If the employees cannot choose which of them it will be, the employee having the lower budgeted annual compensation may be removed. The removed employee may be considered for other positions within the City for which he/she is qualified.

Employment of immediate family members or those in a personal relationship, which would otherwise be prohibited by this policy, may be permitted to work in the same department on a temporary basis, in strictly emergency situations. This temporary period of time, should not exceed 90 calendar days, and must be approved by the City Administrator. This may only be allowed if other qualified individuals are not available. This policy will be effective on the date of its adoption and is not retroactive.

Members of the immediate family of elected officials of the City are not eligible for full-time employment with the City. If a sitting elected official becomes related to an employee by marriage, then the elected official may be eligible to complete his/her current term while the employee remains employed. This only applies to cases that involve elected officials and employees that become immediate family members during employment.

Situations not specifically addressed in this policy that, in the City's opinion, create a conflict of interest or give the appearance of a conflict of interest, will be handled at the City's discretion. Employees who enter a relationship that violates this policy while employed and do not inform management will be subject to corrective action up to and including termination.

Employment Status

Regular full-time employees are those who have completed their probationary periods and fill a full-time position with the City. Employees in this status are normally scheduled to work at least 40 hours per week. However, the City does not guarantee any minimum number of hours of work per week. Regular full-time employees are generally eligible for fringe benefits.

Regular part-time employees are those who have completed their probationary periods and fill a part-time position with the City. Employees in this status are normally scheduled to work less than 30 hours per week but may be called upon to work above their normally scheduled hours of work when workloads require. Regular part-time employees are generally not eligible for fringe benefits.

Probationary employees are part-time and full-time employees who have not yet completed their probationary period.

Temporary employees are those hired for a limited period of time or until completion of a particular project or projects. Such employees may work part-time or full-time hours depending on the needs of the City. Temporary employees are generally not eligible for fringe benefits. The fact that a temporary employee was hired for a specific anticipated time period or project duration does not guarantee employment for the full anticipated time.

Probationary Period

All new employees, including former employees who have been rehired, are considered to be on probation for the first six months. This period is a continuation of the selection process and is a time in which the new employee should demonstrate that he/she is suited for his/her job. This period is not a guarantee of employment for six months. If the department head concludes at any time that the employee is not suited for his/her position, the employee may be terminated or may be placed on extended probation if approved by the City Administrator.

The probation period ends successfully when the department head, not sooner than six months after the employee was hired, evaluates the new employee in writing and authorizes his classification as a "regular" employee.

All newly promoted employees are considered to be on probation in their new jobs for six months. This period is a continuation of the selection process and is a time in which the newly promoted employee should demonstrate that he/she is well suited for the promotion. It is not a guarantee of employment for six months.

If the department head concludes at any time during the promotion probationary period that the newly promoted employee is not suited for his/her new position, the employee may be removed from that position. If there is a vacancy in his/her former position that is to be filled, he/she may be returned to it. If there is no such vacancy, he/she may be considered for the filling of other vacancies for which he/she is

qualified. If no other position is found for him/her, the employee may be terminated. This action does not prohibit an employee from applying for future vacancies with the City.

Loss of Necessary License or Certification

Certain positions involve duties for which the employee must obtain and maintain a license or certification to perform. In the event that an employee loses a license or certification necessary to perform his/her duties, he/she may be separated from service. Where transfer to a position not requiring the license is possible and in the City's best interest, the employee may be transferred in lieu of discharge. In such a case, the employee's pay may be adjusted accordingly. When appropriate, the employee may be placed on a leave of absence while endeavoring to reestablish the needed license or certification. However, there is no guarantee of reinstatement from such leave. The terms and conditions of leave and return to work will be up to the sole discretion of the City Administrator. What changes, if any, that will be made are determined based on the needs of the City.

Outside Employment

The City expects an employee's work for the City to take precedence over any outside employment engaged in by an employee. Employees must get prior written approval from the City Administrator before engaging in other employment. Should the City, in its sole discretion, determine that the outside employment interferes with or is otherwise incompatible with employment for the City, the employee may be asked to choose between the jobs.

Employees may not engage in any private business or activity while on City work time or at City workplaces.

Conflict of Interest

City employees are covered by state ethics laws that prohibit public employees from using their public position for their own personal gain or to benefit a family member or business associate. State law also prohibits employees from making governmental decisions on matters in which they, their family or business associates have an economic interest. Employees must notify their supervisors in writing of any matter in which they, their family or business associates have an economic interest and in which they must act on behalf of the City. The supervisor must send the notification to the City Administrator for review. If the City determines a potential conflict or appearance of conflict of interest exists, the matter will be reassigned to another employee.

Gifts and Gratuities

No employee may directly or indirectly solicit, accept or receive a gift under circumstances in which it could be inferred that the gift was intended to influence him in the performance of his official duties or was intended as a reward for an official act on his part. A gift is defined as any benefit, favor, service, privilege or thing of value that could be interpreted as influencing an employee's impartiality. A gift includes, but is not limited, to meals, trips, money, loans, rewards, merchandise, foodstuffs, tickets to sporting or cultural events, entertainment, and personal services or work provided by City suppliers or

contractors. This policy is not intended to prohibit the acceptance of items of nominal value that are distributed generally to all employees.

A determination as to whether this policy has been violated is in the City's sole discretion.

Political Activity

Employees may fully and freely associate themselves in organizations of their own choosing, except those organizations whose purpose is the violent overthrow of the government of the United States, the State of South Carolina or any of its political subdivisions. In addition, supervisory employees may not join or support labor organizations that accept to membership subordinates of such supervisors.

In certain circumstances involving real or potential conflicts, employees who run for public office may be placed on an unpaid leave of absence until after the election. If an employee is placed on leave of absence, his/her employment will terminate upon his/her election to a partisan public office.

For purposes of this policy, an employee is considered a "candidate for public office" as soon as he/she begins actively campaigning for nomination or election, or when he/she files for candidacy, whichever comes sooner.

Workplace Privacy/Computer and Internet Use

The workplace is intended to be a place of work. An important part of work is communications and recordkeeping. No employee is at work 24 hours a day, seven days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces. Personal items and personal communications received or stored on City property are not entitled to a guarantee of privacy.

Management may search City property and documents in City-owned vehicles, employee desks, lockers, file cabinets, electronic devices, etc. Further, to help provide for the safety and security of City employees, guests and property, the City conducts video surveillance of City property.

Electronic media raise similar issues. The City provides electronic and telephonic communication and, when necessary, computers and mobile devices to employees. Although assigned to the employee, these items still belong to the City. Similarly, any electronic files created on or software downloaded on, a City computer or mobile device belong to the City. Unauthorized programs and files may not be used or installed on City computers without the written permission of the City. Additionally, employees may not encrypt work and may not use passwords other than those assigned to them by the City. Employees may not destroy or delete files from City computers or mobile devices except pursuant to the City's record retention policy.

The City reserves the right to review voice mail, electronic mail, computer and mobile device files, text messaging, and other electronic information generated by or stored in the City's electronic systems. The City also reserves the right to report the finding of such reviews to appropriate agencies. The City consents to the reasonable personal use of its computers and mobile devices. Although the City consents to the "reasonable" use of its computers and mobile devices for personal business, what is "reasonable" is determined in the sole discretion of the City. The only sure way to avoid violating the

City's policy on personal computer and mobile device use is to not use the City's computers for **any** personal purpose.

The following use is absolutely forbidden:

1. to access any material the City considers to be pornographic; to transmit or knowingly accept receipt of any communication that is pornographic, obscene, or in the City's opinion might contribute to a hostile work environment in that it demeans individuals on the basis of race, sex, age, national origin, disability or some similar distinction
2. to conduct business for outside employment or a side-business
3. to purchase any goods or services, even if charged to the employee's personal credit card.
4. to solicit others for non-work related reasons

City employees may not use personal electronic equipment (including but not limited to personal laptop computers, mobile devices and cellular phones) on City property or at City work sites to engage in conduct that would be prohibited if using City equipment.

Important Notice: The City has the capacity to examine the computer and mobile device usage of individual employees in detail. Even though an item has been "deleted" and the employee cannot retrieve it, this does not mean that the City cannot do so. It is also possible to generate a report of every Internet connection made by each user and of how much time was spent in each connection.

Social Networks, Personal Websites and Blogs

Social networking, personal websites, and blogs have become common methods of self-expression. The City respects the right of employees to use these media during their personal time. Employees may not access social media sites, other than for business use, during working hours or using City equipment.

Employees must understand that material posted on these media may be read by persons other than those for whom it is intended. Employees are cautioned that they are responsible for the contents of social media posts they make. Posts that contain obscene or harassing material, that are unlawful, that contain personal attacks on coworkers, that reasonably call into question the employee's judgment, or that reasonably cause concern among the public may result in discipline, up to and including termination from employment. Similarly, conduct that would violate City policies if done in person also violates City policy if done through social media. Employees may not disclose confidential information over social media or similar sites.

Employees who post on media sites and who have identified themselves as a member or employee of the City on those sites must make it clear that they are expressing their own views and not those of the City.

Inclement Weather

1. Employees whose departments are closed due to inclement weather are paid their regular straight time earnings if scheduled to work the day of the closure so long as they remain available to work and where they can be reached. Any employee who does not return to work after the department reopens will not be paid for their continued absence after that return time.
2. Employees whose departments are not closed due to inclement weather or whose jobs require they report are expected to report to work. Those who fail to report are considered unexcused and may not use paid leave to make up their work hours.

Safety/Safety Equipment

Safe working conditions are of primary importance for all City employees and the goal of all departments. It is the responsibility of every employee to observe safe practices in all daily activities. When a safety hazard is detected, it must immediately be reported to the appropriate supervisor or department head. Each supervisor will take prompt and appropriate action to correct any unsafe or unsanitary condition which is reported to or observed by him/her.

All on the job injuries must immediately be reported to the employee's immediate supervisor or department head whether or not the injury requires medical treatment. A first injury report must be filled out and given to the Human Resources department within 24 hours. Violation of this policy may result in disciplinary action.

The City will provide its field employees with safety equipment. The department head or supervisor will implement rules and regulations identifying the safety equipment to be used by field personnel and governing their use. The failure of an employee to comply with these rules and regulations will be considered in violation of this provision of the employee handbook.

Personal Appearance and Demeanor

An employee's appearance reflects upon the reputation of the City, and an employee whose dress and grooming reflects discredit on the City may be deemed in violation and be subjected to disciplinary action.

Employees will dress appropriately for their assigned job. If a uniform is provided, it must be worn as a complete set. The clothing and overall appearance of all employees must be compatible with the job assignment and in good taste. Generally, office workers should avoid extreme fashion in dress and pay particular attention to cleanliness and personal grooming.

Those employees issued uniforms, safety shoes, and other appropriate garments are required to wear them. It is the responsibility of each supervisor to prescribe appropriate attire for unusual work activities and for periods of extreme climatic conditions. The City will not accept responsibility for replacement of uniform items which have been damaged through neglect or through other than normal wear and tear, but will require replacement by the individual involved.

Facial hair must be maintained in a manner that will not interfere with the employees specific job duties. Hair must be maintained at a length that will ensure that it does not become caught or tangled in equipment with which the employee might come in contact.

Jewelry and Tattoos

Employees are allowed to wear body-piercing jewelry only on the ears. No other areas of visible piercings are allowed. Tattoos must be appropriate in content and keeping with a professional image. It is preferable that tattoos be covered while an employee is at work.

Jewelry and tattoos are never appropriate if they pose a conflict with the job or work environment which includes, but not limited to:

- a. Safety of self or others
- b. Productivity or performance of tasks
- c. Community norms
- d. Customer complaints

Any concerns with this policy should be handled by the department head. Clarification can be provided by the Human Resources Director.

City Vehicles and Property

Employees who are allowed to operate City owned vehicles are required to use such vehicles only during the actual performance of work. The authorization to take a vehicle home is to allow the employee to respond directly from home in the case of an emergency. Department heads and personnel driving emergency vehicles are the only employees authorized to take City owned vehicles home. All other personnel must get authorization from the City Administrator. Employees who drive City vehicles must have a driving record, which is satisfactory to the City and its insurer(s), and must operate City vehicles in a safe and lawful manner. Acceptance or use of a City vehicle constitutes an agreement to use it in accordance with City policies and applicable law.

Property owned, leased, or consigned to the City including real estate, facilities, equipment, and uniforms will be used only for the operation and conduct of City business. Such property will not be used for personal use or business. Employees must respect such property and not remove, destroy, deface, or misuse City property. Any deviation from this policy is ground for disciplinary action up to and including termination.

Media Releases

Any news releases, stories, or statements pertaining to the operation of the City or its employees shall be released or approved for release to the public only by the City Administrator, department head, or a designated representative.

Any City employee receiving a request for information from the media must notify your department head of the request immediately. The department head must then notify the City Administrator immediately.

Confidentiality

During the course of employment an employee may come into possession of information that is confidential and should not be disclosed to other employees or the public. If you do not know whether or not information is confidential, the safest course is not to disclose it.

Smoking

To protect and enhance our indoor air quality and to contribute to the health and well-being of all employees, the use of all tobacco and smoking products is banned from the City workplace, except as designated in this policy. Smoking is prohibited in all of the enclosed areas within the City worksites, without exception. This includes all City buildings, maintenance shops, vehicle bays/garages, employer owned or leased vehicles, and all other enclosed facilities.

The only designated smoking area on the City premises is outdoors. No one may smoke along any pathway or walkway leading to or from the entrance to any City building or where the public may be. While the City makes these areas available to smokers, it in no way has any legal responsibility to do so. Employees who choose to use these smoking areas do so at their own risk. No additional breaks are allowed to any employee who smokes. Smokers and users of tobacco products must dispose of the remains in the proper containers.

Failure to comply with this policy will result in disciplinary action up to and including termination.

NOTE: "Tobacco and smoking products" include all tobacco-derived or containing products, including but not limited to cigarettes, electronic cigarettes, cigars and cigarillos, pipes, water pipes, smokeless tobacco products or substitutions (spit and spitless, chew, pouches, snuff) or any other device intended to simulate smoked tobacco. This does not apply to nicotine replacement therapy, which is designed to assist tobacco users to quit tobacco.

Wages and Hours of Work

Hours of Work

The City's normal hours of business are from 8:30 a.m. to 5:00 p.m. However, some departments must operate outside the City's normal hours of business, and schedules of employees of those departments may differ from the City's normal hours. Each department is responsible for scheduling its employees to meet the needs of the City. Employees may be required to work overtime.

Regular full-time employees who work during the City's normal hours of business receive one unpaid meal break of 30 minutes. Breaks and meals for employees whose departments operate outside the City's normal hours are set by those departments. All breaks are workload permitting.

Employees may not use break times and meal periods to report late or to leave early. Break periods may not be combined with the meal period.

Overtime and Compensatory Time

Non-exempt employees, with the exception of law enforcement and fire suppression personnel, receive overtime premiums at 1.5 times their regular hourly rate for all hours worked in excess of 40. Law enforcement personnel receive overtime premiums after 86 hours in 14 days. Fire suppression personnel receive overtime premiums after 106 hours in 14 days.

Employees must accurately record all hours worked and must have worked all hours recorded. Employees may not work "off the clock," and employees may not work overtime without the permission of their supervisor except in cases of emergency.

Employees who are exempt from overtime receive a salary that compensates them for all hours worked in the workweek. Such employees do not receive overtime pay or compensatory time off. However, the City Administrator may, in his sole discretion, grant additional paid time off to exempt employees who have worked unusual amounts of time in excess of the normal schedule, but no exempt employee has a right to such additional paid time off. There is no payment for such additional time upon termination.

Payment of Wages

Employees are paid bi-weekly by direct deposit. Employees should examine their paychecks/pay stubs immediately to ensure they have been properly paid for all hours and that no improper deductions have been made. Any payment errors must be reported to payroll within 14 calendar days.

The City deducts from employees' gross pay taxes and withholding required by the taxing authorities. The City may also deduct from employees' pay the employees' share of any premiums or plan contributions for insurance, retirement and similar plans that are elected by the employee. The City may make other deductions as required by law or court order. The City does not make unauthorized deductions and will reimburse employees if such deductions are made inadvertently and reported to payroll.

Cash, debts owed the City, fringe benefits, uniforms, tools, equipment, vehicles, instruction manuals, keys, City identification cards and other items belonging to the City that are advanced or issued to an employee but not repaid or returned by him/her at the time of his/her termination are considered advances of wages, the value of which may be deducted from the employee's pay.

FLSA Salary Deduction Policy

The federal Fair Labor Standards Act (FLSA) is a federal law which requires that most employees be paid minimum wage and overtime premiums. However, certain employees who meet FLSA tests are exempt as "executive", "administrative", or "professional" employees. There also are other exemptions. To qualify as an exempt employee, an individual must be paid on a salary basis. In addition, the employer may not make deductions from that salary except as allowed by the FLSA.

Generally, deductions from salary are permitted when:

- a. the employee is absent for one or more full days for personal reasons
- b. the employee is absent for one or more full days for sickness or injury in accordance with the City's sick or other paid leave plan
- c. the deduction is an offset for jury or witness fees; or
- d. for certain unpaid disciplinary suspensions of one or more full days.

Also, salary may be pro-rated in an employee's first and last weeks of employment.

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all improper deductions from the salaries of exempt employees. We want our employees to be aware of this policy. If you believe that an improper deduction has been made from your salary, you should immediately report this information to your supervisor or to the Human Resources department. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction.

Performance Evaluations

The City may periodically conduct oral or written evaluations of employees' performance. Employees must sign written evaluations. The employee's signature does not necessarily indicate agreement with the contents of the evaluation, only that he has been made aware of it. Employees may attach comments to their evaluations. While favorable performance evaluations may be a factor in determining wage increases, no employee is entitled to a wage increase because he receives a favorable evaluation.

Holidays

The City observes the following holidays:

- New Year's Day
- Martin Luther King Jr. Birthday
- Good Friday
- Memorial Day
- Fourth of July
- Labor Day
- Veteran's Day
- Thanksgiving - 2 days
- Christmas - 2 days

Holidays that fall on Saturday are generally observed the preceding Friday. Holidays that fall on Sunday are generally observed the following Monday.

Council may declare additional days as holidays.

The police and fire departments are open 24 hours a day, 7 days a week. Employees at some point may be scheduled to work on a holiday. Employees scheduled to work on a holiday receive their regular rate of pay for that day. Police patrol, full-time dispatchers, and fire personnel will receive 8 hours of additional pay at their regular rate for each holiday, regardless of working the holiday or not. The additional hours of holiday pay are not treated as hours worked for the purpose of calculating overtime. Part-time dispatchers will receive additional pay at their regular rate for each holiday equal to his/her actual hours worked that day.

Employees must work the day before and after a holiday or be on approved leave in order to be paid for a holiday.

Travel/Per Diem

When employees are required to travel on official City business, the City will pay reasonable amounts for transportation, meals, and lodging. These rates will be established by Council after periodic review. All employees are expected to show proper regard for economy in incurring travel and related expenses.

Upon presentation of proper receipts, an employee will be reimbursed for all ferry, bridge, highway, and parking tolls incurred while on official business. Taxi expenses will be properly reimbursed if properly itemized. Expenses must be submitted for reimbursement within 30 calendar days of the time incurred. Expenses submitted after that time period or submitted without proper documentation may be denied.

Departure for business related trips involving one-way travel of 100 miles or less will normally commence the same day. However, employees will not be expected to depart prior to 6:30 a.m. Employees will be expected to depart as soon as practical after the conclusion of their official business. However, no employee will be expected to depart when such departure will result in travel after 11:00 p.m.

Leave Policies

Annual Leave

Regular full-time employees accrue annual leave as follows:

Less than ten years of continuous service - earn 3.08 hours per pay period
More than ten years of continuous service - earn 4.62 hours per pay period
More than twenty years of continuous service - earn 6.16 hours per pay period

All leave is earned at the appropriate rate of service years and will be accrued over twenty-six pay periods.

Regular part-time employees accrue annual leave as follows:

Earn annual leave at the rate of 1.54 hours per pay period that will be accrued over twenty-six pay periods.

Employees desiring to take annual leave should give their supervisors at least two weeks advance notice. Annual leaves will be scheduled as much as practical in accordance with employee requests. The City's workload demands, however, are paramount. Annual leave accrues but may not be taken during the employee's probationary period. An employee who is separated from service prior to or at the end of the initial probationary period (and any extension thereof) is not entitled to pay for any accrued paid leave. Annual leave will be charged in units of fifteen minutes.

When more employees request particular days off than can be accommodated, supervisors will make annual leave assignments taking into account the date the requests were made, special needs for particular annual leave dates and the employees' lengths of service.

The maximum number of annual leave hours that can be carried over to the next year is 360 hours. This is based on a fiscal year basis, which runs July 1 through June 30.

Accrued, unused annual leave will be paid for at termination only if the employee is terminated or resigns for non-disciplinary reasons. Employees who resign must give and properly work a two-week notice of resignation to receive accrued, unused annual leave. Department Heads and the City Administrator must give and properly work a three-week notice of resignation to receive accrued, unused annual leave. During the notice, the employee may not use annual leave and must provide a doctor's note for any sick leave used. The notice may be waived by the City Administrator, or Council if the notice is for the City Administrator.

Effective 05/12/2015, a maximum of 240 hours of unused annual leave will be paid at the time of termination or resignation. In the event of the death of an active employee, this payment will be made to their legal representative.

Any current employees with 241-300 hours of accrued annual leave, that are terminated or resign within one year of adoption of this policy, will be paid for all hours of annual leave.

Any current employees with more than 300 hours of accrued annual leave, that are terminated or resign within two years of adoption of this policy, will be paid for all hours of annual leave.

Annual leave balances may be reduced for disciplinary reasons.

Sick Leave

Regular full-time employees accrue 3.69 hours of sick leave per pay period.

Regular part-time employees accrue 1.84 hours of sick leave per pay period.

Sick leave is paid when an employee is excused from work due to his own non-occupational disability. Employees may be required to submit a physician's statement of disability before being eligible for sick leave payment, including when absent for prolonged periods of time or if the employee has been counseled for excessive use of sick leave. In some circumstances, employees may be required to provide certification from their physician that they are able return to work. Abuse of leave or failure to call in as required may result in denial of paid sick leave.

Sick leave will be charged in units of fifteen minutes. It may be used when an employee is unable to work due to personal illness or bodily injury, or when the employee's presence might jeopardize the health of others. Sick leave may be taken for required physical or dental examinations or treatment. It may also be taken in circumstances where illness in the employee's immediate family makes it necessary for the employee to be absent.

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

Employees are not paid accrued, unused sick leave at termination. However, under current South Carolina Retirement Systems rules employees may use a total of 90 days toward retirement.

Exempt Leave

Exempt employees are expected to work whatever hours are necessary to accomplish the goals and deliverables of their exempt position, without any requirement for additional compensation. Recognizing that exempt employees will at times be required to work in excess of scheduled hours to meet the needs and demands of the position, the City has chosen to provide annual Exempt Leave to the following positions: City Administrator, Recreation Director, Chief of Police, and Fire Chief. Exempt employees are granted 40 hours of exempt leave per year at the beginning of each fiscal year. Exempt leave will be added to the exempt employees annual leave balance. Exempt employees hired during the year, or non-exempt employees promoted to exempt leave positions during the year, will receive a pro-rated share of exempt leave hours for that initial year.

Military Leave

Employees are entitled to leave of absence and reinstatement upon return from leave of absence for military service (including Reserve and National Guard duty) as may be provided by applicable state and federal law. The provisions of these laws change from time to time and for that reason no effort is made to set forth the law in this policy.

Employees on military leave will receive paid leave for up to 15 days per military fiscal year for training or call-up. In addition, if an employee is called upon to serve during an emergency the employee will receive paid leave of absence for not exceeding thirty additional days.

Jury Duty

An employee will be paid for wages lost from scheduled straight time work due to jury service up to a maximum of 80 hours per calendar year.

To qualify for this payment, an employee called for jury service must

- a. give his/her supervisor notice of such service within two work days of the time the employee is called for such service,
- b. report for work when released by the court on any day of jury service,
- c. submit a written statement from the court indicating the days of jury service and the time released each day.

Bereavement Leave

An employee will be paid for time actually lost from straight time scheduled work up to 3 consecutive calendar days due to attendance at the funeral of a member of his immediate family, which is defined as spouse, parent, child, grandparent, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law and sister-in-law. The immediate family will be considered to include stepparents, stepchildren, and stepbrothers and stepsisters only when the employee and the deceased had lived together regularly in the same household at or prior to the time of death. The City may require proof of relationship and attendance at the funeral.

Employees may be excused from work to attend the funerals of other family members and, upon request, may be paid for such absences from accrued annual leave balances.

Leave of Absence

A. Physical Disability & Personal Leave

Applies to:

**Employees Employed Less than 12 Months
Employees Who Have Worked Fewer than 1250 Hours in the Preceding 12 Months
Employees Whose Reasons for Leave Are Not Covered by FMLA**

An employee who has completed his initial probation (and any extension thereof) may request a leave of absence for up to 6 months when unable to work because of sickness, pregnancy or injury on or off the job. Such an employee may also apply for leave of absence for personal reasons. Personal leaves are granted only in the discretion of the City Administrator.

Employees are requested to apply for leaves of absence as far in advance of need as is possible, but an employee may be placed on leave status without application when the circumstances warrant such action.

Physical disability leave begins on the first day of absence.

After the employee has exhausted his annual and/or sick leave, as a general rule, an employee on leave of absence is not entitled to wages or fringe benefits and does not accrue fringe benefits.

Employees on leave of absence may not engage in other employment.

Employees desiring to return to work from an unpaid leave of absence should notify the department head in writing at least ten (10) days prior to their desired return date. If the City finds the employee is fit to resume his/her duties, the employee may be recalled to his/her former job if a vacancy exists that is to be filled. If no such vacancy exists, the employee may be returned to some other position of equal or lesser compensation for which he/she is qualified and where there is a vacancy to be filled. If the employee is not returned to active employment, he/she may be continued on leave of absence status until he/she is returned to active duty status or his/her leave of absence expires, whichever occurs sooner. Any employee who has not been reinstated within six (6) months following the commencement of a leave of absence is terminated. This action does not affect the employee's eligibility to be considered for hire as a new employee at some future time. Further, employees with circumstances that warrant special consideration should bring those circumstances to the attention of management.

B. Family and Medical Leave Act (FMLA)

Applies only to employees employed 12 months or longer and who have worked 1250 hours or more in the preceding 12 months, both prior to commencement of leave.

General

Employees who meet the length of service and hours worked requirement described above have rights under the Family and Medical Leave Act. As a general rule, employees must request leaves of absence under this law and policy but, in appropriate situations, employees may be placed on leave status without application.

Reason for Leave of Absence

Medical and Family Leave. An eligible employee may be entitled to a leave of absence under this law and policy if a serious health condition, including disability resulting from an on-the-

job injury, prevents the employee from being able to perform his job, if the employee's spouse, child or parent has a serious health condition and the employee must be absent from work in order to care for that relative, or to care for a natural child, adopted child, or formally placed foster child, provided that entitlement to leave to care for a child who is newly born or newly received in the employee's household shall end 12 months after a natural child is born or 12 months after an adopted or foster child is received in the employee's household.

Military Caregiver Leave. An eligible employee whose spouse, parent, child or next-of-kin is a covered service member of the Armed Forces of the United States may be entitled to leave of absence to care for the service member if he is injured while on covered active duty.

Qualifying Military Exigency Leave. An eligible employee whose spouse, parent or child is a member of the Armed Forces of the United States and is on active duty or called to active duty in federal service may be entitled to a leave of absence due to one or more qualifying exigencies arising out of the active duty or call to active duty. Qualifying exigencies are: (1) Short-notice deployment (*i.e.*, notice of 7 days or less); (2) Military events and related activities; (3) Childcare and school activities (regular or routine childcare by the employee does not count); (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

Proof of need for leave of absence may be required regardless of the type of leave taken.

An eligible employee will be granted a leave of absence under this law and policy if a serious health condition, including disability resulting from an on-the-job injury, prevents the employee from being able to perform his job; if the employee's spouse, child or parent has a serious health condition and the employee must be absent from work to care for that relative; or if the employee must care for a natural child, adopted child, or formally placed foster child, provided that entitlement to leave to care for a child who is newly born or newly received in the employee's household shall end 12 months after a natural child is born or 12 months after an adopted or foster child is received in the employee's household.

Length of Leave

Medical and Family Leave. An eligible employee may take the equivalent of a total of 12 work weeks of leave during any 12 consecutive months for his own serious health condition, that of a parent, spouse or child, or to care for a newly born or newly received child. The City uses a "rolling" twelve months for determining leave availability. Leave to care for a newly born or newly received child must be taken consecutively. Leave required because of the employee's own serious health condition or that of a spouse, child, or parent, may be taken intermittently or by means of a modified work schedule when necessary.

Military Caregiver Leave. Leave to care for an injured service member may be taken for up to 26 work weeks in a single 12 month period. Any leave taken by the employee for any other FMLA-qualifying reason will count against the 26 weeks of leave permitted to care for an injured service member.

Qualifying Military Exigency Leave. Leave taken because of a qualifying exigency is available for up to 12 work weeks in any 12 consecutive months. Leave taken because of a short notice deployment is limited 7 days from the date of notice, and leave taken to be with the service member during periods of rest and recuperation are limited to 5 days per period of rest and

recuperation. Leave taken to attend post-deployment activities must be taken within 90 days of the end of active duty service.

Coordination of Leave and Paid Time Off

An employee who must be absent due to his own serious health condition will be paid for time lost from work first from any accrued sick leave balances then from any accrued annual leave balances and similar balances. An employee who takes leave for any other reason will be paid for time lost from work from any accrued annual leave balance and similar balances. Leave taken under this policy counts toward the employee's 12-weeks (or 26-weeks, where appropriate) of leave regardless of whether all or part of the employee's leave is paid.

Effect of Leave on Accrual of Fringe Benefits

Health benefit plan. Employees taking leave under this policy must continue to pay their portion of health benefit plan premiums on the same date that such portion of premiums would be deducted from the employee's wages. Failure to make timely premium payments may result in a lapse or termination of benefits.

Accrual of paid leave. Unpaid time lost from work due to leave granted under this policy is not considered time worked for the purpose of accrual of paid time off.

Employee Responsibility

Employees who request leave under this policy must give 30 days' advance notice or such lesser amount of notice as is possible in the particular circumstances. When the need for leave is unforeseeable, the employee must follow the normal procedure for reporting an absence.

Employees may not engage in other employment while on leave of absence.

Light Duty

Employees who have been absent due to their own illness or injury may be assigned temporary light duty work which will allow them to return to work prior to full recovery with temporary medical restrictions. When available, the City will endeavor to make such temporary light duty assignments subject to the following rules and restrictions:

- a. The City will NOT create light duty. Assignment to light duty may be made only if there is light duty work which is available and for which the individual is qualified.
- b. If there is light duty available in the individual's regular department or division, that assignment will be considered first. If there is no available light duty in the individual's regular department, then light duty assignments in other departments may be considered.
- c. No light duty assignment may last for more than six (6) weeks per occurrence. In the case of multiple occurrences, no one individual may be assigned to light duty for more than ten (10)

weeks in any twelve-month period. This does not guarantee that any light duty assignment made will necessarily last for the maximum period. However, on occasion, an employee may stay on light duty for longer than the ten (10) weeks in a twelve-month period. This is evaluated on a case-by-case basis. Light duty assignments may be made on a day-to-day or week-to-week basis or on such other basis as may best serve the needs of the City.

- d. Any employee who remains unable to return to his regular duties after a light duty assignment has ended will be returned to non-work status in accordance with the City's Leave of Absence Policy.
- e. In the event that there are more individuals seeking light duty than there are available light duty assignments, the City reserves the right to give preference to an individual who has a job-related injury.
- f. All light duty assignments must be approved in advance by the City Administrator.

Nothing in this policy prevents a disabled employee from applying for transfer to a regular position which is open and to be filled and for which the employee is qualified and able to perform the duties (with or without a reasonable accommodation) despite his disability.

Termination of Leave of Absence

A leave of absence under this policy ends when the need for the leave of absence ends or when the maximum leave described above has been taken, whichever occurs sooner.

Reinstatement

At or before the conclusion of the FMLA leave of absence the employee is entitled to reinstatement to his/her former position or to a position equivalent to his/her former position. The employee must demonstrate that he/she is fit for duty and must give reasonable notice of intent to return to work.

Extension of Leave Without Benefits

An employee who is unable to perform the duties of his/her position due to his/her own disability and who has exhausted his/her entitlement to leave under the Family and Medical Leave Act by taking 12 consecutive weeks of leave may, in the discretion of the City Administrator, upon written application, be granted up to an additional 14 weeks of leave. This additional leave of absence does not entitle the employee to reinstatement or to payment of any portion of his/her health benefit plan premiums. If the employee is able to return to work prior to the exhaustion of his/her extended leave, he/she may be returned to his/her previous position if it is vacant and is to be filled, or to some other position of equal or lesser compensation for which he/she is qualified and where there is a vacancy to be filled. If the employee is not returned to active employment, he/she may be continued on extended leave of absence status until he/she is returned to active duty status or his/her extended leave of absence expires, whichever occurs sooner.

Employees who have exhausted their FMLA leave under other circumstances, but who continue to require leave that would qualify for FMLA leave if such leave had not been exhausted, may apply for an extended leave of absence for personal reasons. Such extended leaves are granted only at the discretion of the City Administrator.

Automatic Termination of Employment

An employee's employment automatically terminates if he/she does not return to full active employment status at the conclusion of his/her leave of absence or extended leave of absence. This does not affect the employee's ability to reapply for the position at a later time. Further, employees with circumstances that warrant special consideration should bring those circumstances to the attention of management.

Special Situations

Spouses. When both a husband and a wife are employed by the City, their combined right to a leave of absence because of the birth or placement of a child, or to care for a newly born or placed child or to care for a parent with a serious health condition is 12 weeks in a 12 month period, or 26 weeks in a single 12 month period to care for an injured service member.

Key employees (salaried employee in highest paid 10 percent of all employees). Such employees may be denied reinstatement rights if reinstatement would cause substantial and grievous economic injury to operations.

Notice of Rights

Federal law requires that we provide you with the notice of your rights that appears on the following page.

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

For incapacity due to pregnancy, prenatal medical care or child birth;

To care for the employee's child after birth, or placement for adoption or foster care;

To care for the employee's spouse, son or daughter, or parent, who has a serious health condition, or

For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block.

Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30-day notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

Interfere with, restrain, or deny the exercise of any right provided under FMLA;

Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Benefits

The City currently offers a competitive benefits package. The terms of the City's benefits plans are subject to change, and the City is not responsible for any changes in or elimination of benefits or benefit plans. Some benefits are offered under state-sponsored plans and are subject to state rules and regulations. Please see Human Resources for specific information on the City's benefit plans.

Health Insurance

Health and dental insurance is provided to all full-time employees. The City pays 100% of employee's premiums. The employee may elect to insure their dependents. However, the dependent premiums are to be paid by the employee through payroll deduction.

Retirement

All regular, full-time employees are required to become members of the South Carolina Retirement System. Membership in such system requires contributions on the part of the member and the City at a rate set by the State. Any part-time employees who were previously in the Retirement System must continue to be members. All other part-time employees may choose whether or not to become a member.

Workers' Compensation

City employees are covered by workers' compensation for on-the-job injuries. Benefits are governed by state law and not set by the City. Employees must report immediately any on-the-job injury, regardless of severity, to their supervisor. An incident report form must be completed and given to the Human Resources department within 24 hours of the injury. Violation of this policy may result in disciplinary action. Failure to timely report an injury can affect your right to receive benefits relating to that injury. FMLA Leave will run concurrently with workers' compensation.

Employee Assistance Program (EAP)

The City provides an Employee Assistance Program, which is available to all employees and their dependents. EAP information along with the current EAP provider is given to the employee upon orientation. If the provider should change, the Human Resources department will advise all employees. If you are unsure about the provider or need more information, please contact the Human Resources department.

EAP use is confidential and, generally, is voluntary. In some cases, an employee may be required to participate in an EAP program as a condition for continued employment following a conduct problem or other infraction. In those instances, the employee will also be required to authorize the EAP to confirm to the City that the employee participated in and successfully completed the required program.

Discipline

Discipline Policy

As is the case with all organizations, instances arise when an employee must be disciplined. The discipline that may be imposed includes but is not limited to oral reprimand, written warning, probation, reduction of leave balances, suspension without pay, demotion and discharge. In addition, the City may procedurally suspend an employee pending investigation to determine if disciplinary action is appropriate. If the City determines an unpaid suspension is appropriate discipline, exempt employees will be suspended in full-day increments; non-exempt employees will be suspended in partial or full-day increments. In addition, the City may impose a combination of disciplinary measures. **THE DISCIPLINE IMPOSED IN ANY PARTICULAR SITUATION IS AT THE SOLE DISCRETION OF THE CITY. NOTHING IN ANY OF THE CITY'S POLICIES OR BY VIRTUE OF ANY PAST PRACTICE OF THE CITY REQUIRES THE CITY TO FOLLOW ANY PARTICULAR COURSE OF DISCIPLINE.** Supervisors and department head must submit terminations to the City Administrator for review and approval.

Employees must sign counseling memoranda, policy statements, performance evaluations and other similar documents. The employee's signature does not necessarily indicate agreement with the contents of the document, only that he/she has been notified of the contents of the document. If an employee refuses to sign the document he/she will be relieved of duty without pay until the document is signed. If the document has not been signed and returned by 5:00 p.m. of the employee's next scheduled work day, the City will consider the employee to have resigned.

Examples of Conduct Warranting Disciplinary Action

It is not possible to list all acts and omissions that may result in disciplinary action. The disciplinary action that is appropriate for any particular misconduct is at the sole discretion of the City. The following are merely examples of some of the more obvious types of misconduct that may result in disciplinary action, up to and including discharge. **THE CITY RESERVES THE RIGHT TO TREAT EACH EMPLOYEE INDIVIDUALLY WITHOUT REGARD FOR THE WAY IT HAS TREATED OTHER EMPLOYEES AND WITHOUT REGARD TO THE WAY IT HAS HANDLED SIMILAR SITUATIONS.**

- a. conviction of or plea of guilt or no contest to a charge of theft, violation of drug laws, sexual misconduct, offense involving moral turpitude or offense that affects the City's reputation or that reasonably could create concern on the part of fellow employees or the community. Employees who are arrested may be relieved of duty (with or without pay) pending the City's determination on continued employment.
- b. incompetence
- c. unauthorized absence or tardiness or a pattern of absenteeism or tardiness
- d. insubordination, including disrespect for authority, or other conduct that tends to undermine authority

- e. failure or refusal to carry out instructions
- f. unauthorized possession or removal, misappropriation, misuse, destruction, theft or conversion of City property or the property of others
- g. violation of safety rules; neglect; engaging in unsafe practices
- h. interference with the work of others
- i. threatening, coercing or intimidating fellow employees, including “joking” threats
- j. dishonesty
- k. failure to provide information; falsifying City records; providing falsified records to the City for any purpose
- l. failure to report personal injury or property damage
- m. neglect or carelessness
- n. any violation of the City's substance abuse policy, including introduction, possession or use of illegal or unauthorized prescription drugs or intoxicating beverages on City property or while on duty anywhere; working while under the influence of illegal drugs or intoxicating beverages; off-the-job illegal use or possession of drugs. For purposes of this policy, an employee is “under the influence” if he/she has any detectable amount of any such substance in his/her system.
- o. unsatisfactory performance
- p. violation of City policies
- q. lack of good judgment
- r. any other reason that, in the City’s sole determination, warrants discipline

Drug Free Workplace Policy

Alcohol Use and Testing

The possession or use of alcohol or intoxicating beverages by employees while on duty, on City premises, in a City vehicle, or during meal or rest breaks is prohibited. Employees also are prohibited from being at or reporting for work while under the influence of alcohol or intoxicating beverages. For the purposes of this policy, an employee should be considered under the influence if there is any detectable amount of alcohol in the employee's body.

The City may require an employee to submit to an alcohol test whenever circumstances suggest that the employee has violated this policy. Employees whose positions are safety-sensitive or require that they have a Commercial Driver's License, are or may be subject to testing under other conditions as set out in other policies or in laws relating to those positions.

A "test" is not required in order for the City to determine that this policy has been violated.

Alcohol tests will be approved only by the City Administrator, department heads, Human Resources, or their designee. An employee who is determined to be in violation of this policy will be subject to disciplinary action up to and including discharge. An employee who refuses to submit to an alcohol test or who refuses an inspection of property for the presence of alcohol, or who tampers or interferes with any test or test result will also be subject to disciplinary action up to and including discharge. What disciplinary action, if any, is imposed in any particular situation is determined at the City's sole discretion.

Employees who have problems with alcohol are encouraged to seek help. As a general rule, no disciplinary action will be taken against an employee who seeks help before being selected for alcohol testing and before the employee is found to have violated this policy.

Note: Moderate consumption of alcohol may be permitted at designated social or business functions when expressly approved by the City Administrator.

Substance Abuse and Testing

It is well recognized that substance abuse has a harmful effect on public health and safety, on the welfare of employees, on morale, and on productivity. Furthermore, it is the policy of the City to comply with the Drug Free Workplace Act, to comply with applicable government regulations, to establish and maintain substance free workplaces, and to prohibit the unauthorized or unlawful manufacture, distribution, dispensation, possession, and use of controlled substances on or off the job. For these reasons, the City adopts the following policy:

General Rule

All employees of the City are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using, illegal drugs and substances (such as marijuana, bath salts, cocaine, LSD, heroin, meth, etc.) and prescription drugs which are not prescribed for the employee's use. Further, this prohibition applies to the misuse, abuse or any unlawful use or possession of otherwise legal drugs or substances used

to alter mood. Other substances prohibited by this policy include such items as: any illegal or unlawfully obtained drug or controlled substances; "designer" or synthetic drugs; "over the counter" or prescribed medications not being used for their purposes or in the manner intended; "mood or mind-altering substances"; and alcoholic or intoxicating beverages. These prohibitions apply to use at any time, both on the job and off the job. City employees are, of course, permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person. Employees who are informed by their healthcare provider or pharmacist that a drug they are using may impair their ability to safely perform work must report that to their supervisors. The City will determine whether an employee may continue to work.

Employees whose jobs require them to have a Commercial Driver's License, safety-sensitive positions, and certain police and fire department employees are or may be subject to additional policies and procedures relating to substance use and testing. To the extent that those special departmental policies/procedures conflict with this general policy, the special or departmental policy shall govern with regard to the affected employees.

Employee Testing

All City employees will be subject to drug testing where "particularized suspicion" of drug use in violation of this policy exists or under other lawful conditions.

Particularized suspicion is deemed to exist when:

1. Information that an employee has used illegal drugs or substances is provided by a reliable informant.
2. Serious accident, injury or incident is caused or contributed to by the employee; a serious accident or injury is defined as:
 - an accident involving a fatality
 - an accident causing an overnight stay in a hospital
 - an accident causing total aggregate property damage of \$2000 based on reliable estimates
 - an accident in which one or more vehicles incurs disabling damages as a result of the accident, requiring the towing of one or more of the vehicles from the scene by a tow truck or other vehicle
3. An employee exhibits any of the following:
 - extreme mood swings
 - slurred speech
 - unusual clumsiness
 - staggering
 - dilation of pupils
 - sleeping on the job or lethargy
 - excessive unexplained sweating
 - other abnormal behavior
4. An employee has been arrested for violation of drugs laws.
5. Particularized suspicion testing shall not be conducted without the approval of the City Administrator or their designees(s).

6. All employees occupying positions designated by the City as "safety sensitive" will be subject to random testing for illegal or unauthorized drug use. All DOT regulated employees are subject to random selection testing pursuant to 49 CFR Part 382.
7. Employees who are required by their jobs to possess a Commercial Driver's License also are subject to testing under such terms and conditions as are set forth in the City's policy relating to such positions.
8. If an employee refuses to submit to a drug test when ordered to do so or tampers with or otherwise interferes with a test or test result, the City shall terminate the employee.

Random Testing

Employees holding safety-sensitive positions with the City will be randomly selected for unannounced alcohol/drug testing through a system using a scientifically, statistically, and legally valid number generation process performed by a third party administrator which will, at random, select the employees for testing regularly. Employees could be selected for testing more than once a year. Employees selected for testing will be notified on the day they are to be tested, just prior to being sent for testing. There is no advance notice for random testing.

Testing Procedure

1. Drug testing will be done by urinalysis or other testing methods when the City deems appropriate.
2. The test location will ensure the collection of samples will be performed under reasonable and sanitary conditions.
3. Urine normally will be collected under conditions of semi-privacy, that is, a person of the same gender will be in a position to observe obvious attempts to substitute or adulterate a urine sample. Collection of the urine sample may be directly observed by a person of the same gender, if the person supervising the collection believes an employee has tampered with an earlier urine sample or the employee has previously admitted or been proved to have used drugs in violation of this rule.
4. Urine samples will be sealed, labeled, and documented in accordance with the procedure of the drug testing company. Labeling, storage, and transportation of samples shall be performed so as to reasonably preclude the probability of erroneous identification, sample contamination, or sample adulteration.
5. Specimens will be checked for at least the following six substances:
 - marijuana
 - cocaine
 - opiates
 - amphetamines
 - phencyclidine
 - barbiturates
 - specimens may also be tested for alcohol

6. Applicants and employees will have an opportunity to provide any information which they consider relevant to the test, including identification of currently used prescription or nonprescription drugs, or other relevant information.
7. Samples which initially result in a positive finding for drug use will be re-tested by the gas chromatography/mass spectrometry (GCMS) method. If the GCMS test results in a positive finding of drug use, and is verified by the Medical Review Officer, the written report of the Medical Review Officer shall be conclusive for all employment-related purposes. The Medical Review Officer may be any third party service provider chosen as deemed appropriate by the City.
8. The City's Medical Review Officer will normally allow an employee whose drug test results have been confirmed as positive the opportunity to justify the result before the Medical Review Officer notifies the City.

Notice to Employees

The City will endeavor to distribute to all employees a copy of this policy. All employees will sign the "Drug Free Workplace" form that they received a copy of this policy and understand the policy. Additional copies of this policy are available upon request. By continuing to work, the employee agrees that they will abide by the policy as a condition of employment.

Notice to Employer, State and Federal Grantor/Contracting Agencies and Law Enforcement Authorities

As a condition of employment, employees agree to notify the City within five (5) calendar days after any criminal conviction for the workplace manufacture, distribution, dispensation, possession or use of illegal drugs and prescription drugs not prescribed for the individual employee's use. As required by the state and federal drug free workplace acts, the City will notify within ten (10) days all state and federal grantors/contracting agencies of such employee convictions. "Conviction" means a finding of guilt, imposition of a sentence, a plea of no contest or a plea of guilty.

The City will notify law enforcement authorities whenever illegal drugs are found in the workplace.

Consequences of Violating This Policy

Violations of this policy will result in disciplinary action up to and including discharge.

For all employees, the City shall impose corrective action up to and including discharge for an employee who is found to be in violation of this policy.

1. The City, in lieu of terminating an employee, may condition the continued or future employment of an employee who tests positive for or admits to or is convicted of the use of illegal drugs, upon the successful completion of a drug counseling/rehabilitation program.

2. If the City, after considering all relevant circumstances, agrees to allow an employee who is found to be in violation of this policy to continue as a City employee, the City will do the following:
 - a. Refer the employee for drug abuse counseling. The employee shall be placed on a Leave of Absence until the successful completion of the program. Unless otherwise required by law, generally benefits do not accrue while employee is on leave. This leave shall be unpaid, Absences for this reason do not qualify for use of any accrued paid leave except for those employees who have voluntarily entered the program.
 - b. Re-test the employee for controlled substances before allowing the employee to return to duty.
 - c. Require the employee to authorize the Employee Assistance Program or other facility to report periodically to the City during the course of treatment/counseling.
 - d. Require the employee to submit to unannounced follow-up drug testing for a period not to exceed three (3) years.
3. Should an employee, whose continued or future employment is conditioned upon the successful completion or a counseling or rehabilitation program, refuse or fail to participate in a single counseling or treatment session, the employee will be terminated.
4. An employee whose return to duty test sample does not indicate that the employee has discontinued use of illegal drugs will be terminated.

Voluntary Reporting of Substance Abuse Problems

All employees (other than sworn police officers and paramedics) who have substance abuse problems and report them to the City before being selected for testing, and before the occurrence of an event which normally would result in testing, normally will not be disciplined upon the first violation but will be subject to counseling/rehabilitation. Employees who have come forward under this policy may be allowed to use any available accrued vacation leave to receive pay during the leave of absence.

If an employee admits to a violation of this policy or tests positive for drugs in violation of this policy, but seeks counseling and remains an employee of the City, the employee will be discharged if they again either admit to a violation of this policy or test positive for drugs in violation of this policy.

Confidentiality

Any drug test results or information supplied by employees and applicants as part of the City's drug testing program will be kept as confidential as possible, consistent with the purposes of this policy.

Testing Cost

The City will pay the costs off all drug tests to which the City requires an employee to submit. However, an employee subject to unannounced follow-up testing because of previous positive results will

be solely responsible for the cost of all follow-up tests. By accepting continued employment offered subject to follow-up testing, an employee expressly consents to the deduction from wages of the cost of said follow-up testing.

Notification of Test Results

Applicants will be notified of the results of a pre-employment drug test, provided the applicant requests the results within 60 days of being notified of the disposition of the employment application.

Employees will be notified of the results, including the drug(s) discovered, of all drugs, provided the results are positive.

Employee Assistance Program

The use of illegal drugs and similar substances is a serious threat to our nation's collective health, safety, and welfare. Substance abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. In order to prevent these consequences of substance abuse, the City has implemented the above policy and made available to its employees an Employee Assistance Program. The program provides employees and their immediate family with professional help for problems such as alcohol and substance abuse, emotional stress, money management difficulties, and unpleasant family situations. Information about the Employee Assistance Program is available through the Human Resources Department.

Not a Contract

This policy creates neither a contract nor a property interest in employment.

Grievance Procedure

General

This procedure is adopted in accordance with the “County and Municipal Employees Grievance Procedure Act,” Section 8-17-110, *et seq.*, Code of Laws of South Carolina, 1976, as amended.

1. A grievance is defined as a complaint by an employee that he/she has been treated unlawfully or in violation of his/her rights under City policies with regard to his/her employment. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion and demotion. An employee’s level of compensation or classification is not the proper subject of a grievance except as it applies to alleged inequities within the employee’s department. However, if an employee believes he/she has not received or been credited with or has otherwise lost wages or benefits to which he/she is entitled, he/she must present his/her grievance in accordance with this procedure. (Note: this does not apply to reporting inadvertent pay errors as discussed on page 17 of this handbook.)
2. An employee who believes he/she has a grievance must follow the following procedure:
 - Step 1. He/she must file his/her grievance in writing within seven (7) calendar days of the event giving rise to the grievance or his/her knowledge of the events giving rise to the grievance. He/she is to follow the chain of command in his/her department, appealing to each successive level of supervision. These steps may be oral. At each level, each supervisor has four (4) calendar days to render a decision. If no decision is made within this time, the grievance is considered denied. If a supervisor at a particular level is unavailable to consider the grievance, it is considered denied and the employee is to appeal to the next level of supervision.
 - Step 2. If the head of the department in which the employee is employed denies the grievance, this decision is final as to any grievance brought by an employee in his/her initial probationary period. A new employee is considered probationary until his/her probationary evaluation is completed and approved by his/her department head.
3. Employees other than probationary employees may appeal to the Employee Grievance Committee the denial of their grievances by department heads by filing a written request for appeal at the City’s Human Resources department. This must be done within seven (7) calendar days of the department head’s denial of the grievance. The written request for appeal must include the following information:
 - a. the purpose of the appeal and what recommendation is requested of the Grievance Committee, and
 - b. a statement that the chain-of-command has been followed in the appeal as is required by the grievance procedure

The Human Resources department staff will assist in preparing the appeal, if requested.

4. Within ten (10) calendar days of receiving the employee's request, the Grievance Committee chairman will schedule the requested hearing and notify the Grievance Committee, the employee requesting the hearing, the affected department and the Human Resources department.

Employee Grievance Committee

The council appoints a committee composed of five (5) employees to serve for terms of three (3) years, except that the members appointed initially are appointed so that their terms will be staggered. The committee consists of a department head, and when possible and practical, contain at least two (2) females, and two (2) males. The council may also appoint two (2) alternates to serve when other members are disqualified or unable to serve. Approximately one-third of the terms shall expire each year. A member continues to serve after the expiration of his/her term until a successor is appointed. Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term is for the unexpired term. Any member may be reappointed for succeeding terms at the discretion of the council. All members are selected on a broadly representative basis from among City employees. Members employed in the same department as the grieving employee and members having formed an opinion on the issues prior to the hearing may not participate in that employee's hearing.

1. The Committee annually selects its own chairman from among its members. The chairman serves as the presiding officer at all hearings that he/she attends but may designate some other member to serve as presiding officer in his/her absence. The chairman has authority to schedule and to re-schedule all hearings.
2. A quorum consists of at least two-thirds of committee members, and no hearings may be held without a quorum.
3. The presiding officer has control of the proceedings. He/she may take whatever action is necessary to ensure an equitable, orderly and expeditious hearing. Parties must abide by his/her decisions, except when a Committee member objects to a decision to accept or reject evidence, in which case the majority vote of the Committee governs.
4. The Committee has the authority to call for files, records and papers that are pertinent to any investigation and that are subject to the control of the City; to call for or consider affidavits of witnesses; to request and hear the testimony of witnesses; to consider the results of polygraph examinations; and to secure the services of a recording secretary in its discretion. The Committee has no authority to subpoena witnesses, documents or other evidence, nor may any City employee be compelled to attend any hearing. All proceedings are recorded. Witnesses, other than the grieving employee and the department representative, are sequestered when not testifying. All witnesses must testify under oath.
5. All hearings are held in executive session unless the grieving employee requests, at least 24 hours prior to the hearing, that it be held in open session. The official recording and the official minutes of all hearings are subject to the control and disposition of the City Administrator.
6. Neither the grieving employee nor the department may be assisted by advisers or by attorneys during the hearing itself. However, the Committee may have an attorney available to it at any and all times it considers necessary and the Human Resource

department may provide assistance in reading written materials to the Committee at the request of a grieving employee.

7. In disciplinary actions by department heads and their subordinate supervisors, the employee must receive in reasonable detail written notice of the nature of the acts or omissions that are the basis for the disciplinary action. This notice may be amended at any time 24 hours or more before the commencement of the hearing. The department must demonstrate the disciplinary action is for the good of the City. The department makes the first presentation. The Committee may base its findings and recommendations on any additional or different grounds developed from the employee's presentation.
8. In non-disciplinary grievances, the employee must establish that a right existed and it was denied him unlawfully or in violation of a City policy. The employee makes the first presentation.
9. In all grievances, the grieving employee and the department are each limited to one (1) hour of initial presentation. The party required to make the first presentation is entitled to a ten (10) minute rebuttal of the other party's presentation. The chairman may appoint themselves or another member of the Committee as timekeeper.
10. In all grievances, presentations may be oral, in writing or both. They may be supported by affidavits or unsworn signed statements from witnesses, records, other documentary evidence, photographs and other physical evidence. Presentations are made by the grieving employee (with reading assistance from a member of the Human Resources department if the employee desires) and by a managerial employee of the affected department. Parties may request the Committee call witnesses, and a list of potential witnesses should be submitted to the Committee five (5) calendar days prior to the hearing. However, neither party may question the other party or question any witness called by the Committee.
11. The Committee will, within twenty (20) calendar days after hearing an appeal, make its findings and recommendation and report such findings and recommendation to the City Administrator. The City Administrator will review the findings and recommendation. If the City Administrator approves, the Committee's recommendation becomes final. The decision and copies of the decision will be transmitted by the Committee to the employee and to the head of the particular department involved. If, however, the City Administrator rejects the Committee's recommendation, the City Administrator will make his/her own decision without further hearing, and that decision is final. Copies of the decision will be transmitted to the employee and to the head of the particular department involved.
12. Nothing in this grievance procedure creates a property interest in employment or a contract of employment, nor does this procedure limit the City's authority to terminate any employee when the City or respective elected or appointed official considers such action to be necessary for the good of the City.