Ordinance 718-25

Personnel Policy of the Town of Summerdale

SECTION I: GENERAL PROVISIONS

1 **SCOPE OF POLICIES AND PROCEDURES**. The provisions of these personnel policies and procedures shall apply to all individuals employed by the town except:

- elected officials.
- members of appointed commissions and committees.
- attorneys and similar individuals employed in their professional capacity.
- judges of any court;
- independent contractors under contract with the town;
- students or interns assigned to the town as part of a curriculum of study in which said students or interns are engaged; and
- other similar individuals as exempted by the town council.

2. **NO CONTRACT**. This personnel policy does not in any way constitute a contract and should not be construed as a contract between the Town and employees and is not a promise of employment. Normally, continuation of employment with the Town will be contingent upon an individual's job performance, the need for the position, or the availability to fund the position.

3. **ADMINISTRATIVE GUIDELINES**. The provisions contained herein are not intended to be inclusive of all the guidelines which may be necessary at the operational level. Therefore, they may be supplemented by departmental guidelines as deemed by the department heads and the mayor to be necessary to ensure efficient and effective operations. However, no supplemental guidelines will be in conflict with these basic policies and procedures which govern personnel policies for the town.

4. **RESPONSIBILITY FOR PERSONNEL ADMINISTRATION**. The personnel officer is responsible for ensuring compliance with the provisions of the town's established personnel system, including all adopted personnel policies and procedures. The mayor, as the administrative officer of the town, may delegate to other employees at his/her discretion, responsibility for selected administrative tasks required by these guidelines. The department heads, in particular, operate under the authority of the mayor and carry out many of the tasks assigned to the mayor within these guidelines. Supervisory personnel are responsible for proper support and administration of the approved personnel system and for keeping employees under their direction aware of the requirement of these guidelines. Employees are responsible for acquainting themselves with these an any other personnel policies and procedures an any subsequent revisions and for complying and abiding with them.

5. **EQUAL OPPORTUNITY EMPLOYMENT.** The Town of Summerdale affords equal employment opportunity in accordance with federal law (EEOC) to all applicants, employees, and former employees, whereas, they are protected from employment discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age (40 or older), disability, genetic information (including family medical history), or political affiliation.

6. **NON-DISCRIMINATORY WORK ENVONMENT** It is the policy of the Town of Summerdale to maintain a work environment that is free from discrimination practices based upon race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age (40 or older), disability, genetic information (including family medical history), or political affiliation. Therefore, any action, whether physical action or verbal harassment, which discriminates on the basis of the foregoing criteria, is prohibited.

7. **EMPLOYEE**. An individual who is employed by the town (other than a temporary individual obtained through a temporary service organization) and is paid from town-controlled funds; or, a person who is on authorized leave of absence from the town and whose position is being held for him/her pending his/her return.

8. **EXEMPT EMPLOYEE**. An employee whose job duties are of such a nature that they are covered by exemptions from the overtime provisions of the Fair Labor Standards Act (F.L.S.A.).

9. **PART-TIME EMPLOYEE**. An individual who is employed by the town in an ongoing position in which the employee is normally scheduled to work less than thirty-two (32) hours per week.

10. **RELATIVES AND EMPLOYEES/FRATERNIZATION IN LOCAL GOVERNMENT.**
No individual will be employed, if he/she has a member of his/her immediate family working for the Town. For this purpose, immediate family will be interpreted to include an individual's spouse, parent, stepparent, child, brother, sister, grandparent, grandchild, and the like relationship of the individual's spouse. Individuals who are currently employed in such situations at the time of adoption of this provision will be exempted from its restriction. In the event that such relationship is created between two (2) existing employees, after they are employed, one (1) of the employees will be required to resign. If one (1) of the employees does not resign, the mayor will initiate action to dismiss one (1) of them.

11. **PUNCTUALITY AND ATTENDANCE**. Regular attendance and punctuality are essential if the Town is to accomplish its objective of providing efficient, quality services for the public. If for good reason an employee is unable to arrive at work on time, or must leave early, he must notify his supervisor or, in the case of an emergency, contact him as soon as possible.

12. **APPROVING AUTHORITY**. The Summerdale Mayor and Town Council is the approving authority for all personnel policies and procedures in the Town. Individual Department Heads and others may not issue any rules, regulations, policies or procedures and may not take any action not called for under this personnel policy without the express written approval of the Town Council.

13 **APPOINTING AUTHORITY**. The Mayor and Town Council in the case of unclassified employees: or the Mayor in the case of classified, temporary or part-time employees.

14. **DISSEMINATION**. The Clerk shall furnish each employee with a copy of the Town personnel policies and procedures. The Clerk shall additionally provide any changes or additions to this policy or procedures as they are approved by the Town Council.

15. **PERSONNEL RECORDS**. All employee personnel records are the property of the Town and shall be maintained in Town Hall.

16. **POLICY SUBJECT TO CHANGE**. The policies herein are subject to change at any time in the sole discretion of the Town Council.

17. **CONTRACTS IN WRITING.** To be binding on the Town, all contracts of employment must be in writing, approved by the Mayor and Town Council as reflected in the minutes, and signed by the mayor.

18. **SMOKING POLICY STATEMENT**. The town recognizes the need for employees to work in an environment free of tobacco smoke. The town also respects the rights of those employees who choose to smoke to make such personal decisions without interference, as long as they do not interfere with the rights of other employees. All town buildings and vehicles are smoke free.

19. **POLITICAL AND RELIGIOUS ACTIVITY PROVISIONS.**
The following provisions regarding political and religious activities are adopted.

a) Not To Affect Employment. No individual will be appointed, promoted, demoted, dismissed, or otherwise harassed because of his/her political or religious opinions or affiliations.

b) Improper Use of Influence. No individual connected with the town will use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to affect employment, promotion, increase in pay, or other advantages in employment for any individual for the purpose of influencing his/her vote, political action, or any other consideration.

c) Participation Rights. No employee will be denied the right to participate in county, town, state, or federal political activities, except as limited by federal or state law.

20. **SEXUAL AND OTHER FORMS OF HARASSMENT PROVISIONS.**
The Town of Summerdale prohibits any form of unlawful employment harassment based on sex, race, color, religion, national origin, age, disability, or Vietnam era or special disabled veteran's status. Improper interference with the ability of town employees to perform their expected duties will not be tolerated. Employees are encouraged to file bona fide complaints. All complaints will be investigated immediately, thoroughly, and confidentially to the maximum extent possible. Employees filing complaints shall be protected from any forms of retaliation. If investigation leads to a determination that the charges are true, appropriate disciplinary action will be taken, up to and including termination of employment. The following policies are adopted regarding sexual and other forms of harassment.

a. Sexual Harassment Prohibited. Sexual harassment, either stated or implied, will not be tolerated.

b. Defined. Sexual harassment is defined as a continuing pattern of unwelcome sexual advances, request for sexual favors, or physical contact of a sexual nature under any of the following conditions:

a. submission to such conduct is considered a condition of employment;
b. submission, or refusal, is used, or might be used, as the basis of an employment decision which affects the individual; and
c. the conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile or offensive.

c. Identification. Sexual harassment may occur in a variety of forms. Four categories of sexual harassment and some concrete examples of conduct which may constitute sexual harassment, if unwelcome, are:

1. Verbal - unwelcome words of a sexual nature directed at another, including: making sexual demands or sexual propositions; sexual innuendos; demeaning sexual jokes; references to a person's anatomy; catcalls; whistles; demeaning name-calling; remarks on the intimate details of one's life or sexual likes or preferences; and, if unwelcome, invitations for lunch, dinner, drinks, or dates.

2. Visual - unwelcome exposure to visual objects such as: pictures, photos, drawings, cartoons, magazines, objects, or posters (including poster calendars); sexually obscene gestures or obvious staring; and, nudity.

3. Written - notes or letter of sexual content or propositions; sexually explicit literature, poems, or magazine articles; and obscene words, phrases or graphics on walls, bulletin boards, or posters.

4. Physical - unwelcome physical contact with another, including: touching, hugging, kissing, patting, fondling, grabbing, rubbing, pinching, and in some instances close physical positioning.

This list does not include all the possible behaviors which could be viewed as sexually harassing by the town and which could result in job discipline. It is merely a list of offensive behaviors. Other behavior might be viewed as being sexually harassing depending on the circumstances and frequency in which they occur.

Employees are reminded, however, that certain behaviors may be inappropriate for other reasons, even if the behavior is not sexually harassing. For example, intimate behavior at work, such as kissing and hand-holding with a willing partner, is always unprofessional. The town wishes its employees to err on the safe side.

d. Who Can Be Involved in Sexual Harassment. Sexual harassment can occur in a wide variety of circumstances and may encompass many variables. It is important to realize that:

1. Victims can be of either gender (male or female);
2. Harassers can be of either gender (male or female);
3. Harassers may be supervisors of victims, but harassers may also be co- workers or even non-employees.
4. Harassers and victims need not be of the opposite gender, if the conduct is still based upon sex;
5. Victims may be third-party observers, affected by the behavior of others and exposed to a hostile or abusive atmosphere based upon sex.
6. Victims need not suffer any financial loss.
7. The sexual harassment need not seriously affect a victim's psychological well-being or lead the victim to suffer injury; instead, conduct or an environment based upon sex that a reasonable person would and does believe to be hostile or abusive constitutes sexual harassment.

e. Other Forms of Harassment Prohibited. Harassment based on race, color, religion, national origin, age, or special veterans' status in the form of slurs, jokes or epithets either verbal, visual, written or physical about or to another employee will not be tolerated.

f. Reporting Procedure. All complaints of harassment will be promptly reported to the mayor or personnel officer who will ensure that each complaint is thoroughly investigated, all actions documented, and corrective action taken as necessary. See Section 11 for specific reporting steps and procedures.

21. **WEAPONS** Employees, with the exception of those described in the following paragraph, are prohibited from possessing or storing a concealed handgun or other weapon, as defined below, while on duty or performing services for the Town, or while in a Town uniform or in a Town vehicle, regardless of whether the employee is on municipal property or not. An employee is not prohibited from transporting or storing a lawfully possessed firearm or ammunition in an employee's privately-owned vehicle while parked or operated in a public or private area if the employee is in compliance with all state and federal laws. Weapons Licensed police officers employed by the Town as peace officers and employees appointed by the Mayor to perform law enforcement duties for the Town may possess and store a concealed handgun or other weapon while on duty or performing services for the Town.

While off duty, employees are prohibited from possessing or storing a concealed handgun or any other weapon on any property leased, owned or controlled by the Town; to the extent pre-empted by state law, this restriction shall not apply to municipal parks, political rallies, political meetings or parades. This paragraph does not apply to public streets or sidewalks, nor does it prohibit an off-duty employee from transporting firearms, as long as the transportation is in compliance with all laws. Employees who violate this policy may be disciplined up to and including termination of employment.

Weapons include, but are not limited to, the following: any firearm, including air pistols or air rifles, any switchblade knife or other knife with a blade longer than five and one-half inches in length (unless such knife is used as a regular tool in the performance of the employee's duties), explosive materials, toxic agents, or any other weapon or device intended to be used as a tool of violence (e.g., chains, brass knuckles, baseball bats, tire iron).

SECTION II: DEFINITIONS

Where used within these Personnel Policies, rules and regulations, the following words and terms shall have the meaning indicated herein:

1. **APPOINTING AUTHORITY**. The Mayor and Town Council in the case of unclassified employees; or the Mayor, in the case of classified, temporary or part-time employees.

2. **DEPARTMENT HEADS**. Those persons charged with the responsibility for administering the various departments of the Town. The Town Clerk, the Public Works Director and the Police Chief are Department Heads. Such Department Heads are also officers of the Town. The Town Council reserves the right to designate other officers or delete offices from time to time and in its sole discretion.

3. **HE/HIS**. The masculine gender, as used throughout this document, is intended to be neutral and shall also include the feminine gender. The use of the masculine gender is for convenience of writing the document, and shall not be construed as being a discriminatory use.

4. **IMMEDIATE FAMILY**. For purposes of funeral leave "immediate family" shall include the spouse, parent, parent-in-law, grandparent, grandparent-in-law, child, grandchild, brother, sister, niece or nephew, brother- in-law, or sister-in-law, niece-in-law or nephew-in-law, step-child, foster-child, or ward.

5. **NEPOTISM**. No individual will be employed, if he/she has a member of his/her immediate family working for the Town. For this purpose, immediate family will be interpreted to include an individual's spouse, parent, stepparent, child, brother, sister, grandparent, grandchild, and the like relationship of the individual's spouse. Individuals who are currently employed in such situations at the time of adoption of this provision will be exempted from its restriction. In the event that such relationship is created between two (2) existing employees, after they are employed, one (1) of the employees will be required to resign. If one (1) of the employees does not

resign, the mayor will initiate action to dismiss one (1) of them.

6. **PROBATIONARY PERIOD**. A working test period in which new employees and newly promoted employees in the classified or part-time service serve until they have successfully completed the established probationary period for their job. Presently the period is established as three (3) months for general employees and as six (6) months for employees of the police department. During the probationary period, the employee is required to demonstrate, by actual performance, his fitness for duties of the job to which he is appointed, and his general fitness and suitability as a public employee. The probationary period may be extended for additional time, and regardless of the length of any probationary period, probationary status of an employee will continue until the employee is specifically hired by the appointing authority. Any employee may be terminated with or without cause during the probationary period or until their employment is declared permanent by the appointing authority. Failure to make a probationer's employment permanent shall be an extension of the probationary status until same is made permanent by an affirmative notice to the employee by the approving authority.

7. **UNCLASSIFIED EMPLOYEE**. An individual employed by the town in a position assigned to the unclassified service. An unclassified employee serves at the pleasure of the appointing authority as described in these policies and procedures.

SECTION III: EMPLOYEE CLASSIFICATION

1. **CLASSES OF EMPLOYEES**. Every position within the Town shall be designated by the Town Council, in accordance with one of the below listed classes. The following classes of positions are hereby established in the Town of Summerdale.

a. **EXEMPT**. Those persons to whom the established personnel policies and procedures do not apply, except as to how they govern their actions and relationships with covered employees. The exempted class includes:

- elected officials;
- members of appointed commissions and committees;
- attorneys and similar individuals employed in their professional capacity;
- judges of any court;
- independent contractors under contract with the town;
- students or interns assigned to the town as part of a curriculum of study in which said students or interns are engaged; and
- other similar individuals as exempted by the town council.

b. **OFFICERS ARE UNCLASSIFIED EMPLOYEES**. Those employees who are officers of the Town either by designation by the Town Council or by state law. This classification presently includes the Clerk, Police Chief and Public Works Director and will include other officers as designated from time to time by the Town Council. These employees serve at the pleasure of the council or for a specified period if established by ordinance. Only Sections V, VI, VII and XII of this Ordinance apply to these unclassified employees; provided, however, such officers shall be subject to a standard of conduct no less than that required of other employees and may be dismissed for cause.

c. **EMPLOYEES AT WILL**. Those persons employed by the Town who may be discharged with or without reason or cause, who have no contractual interest in their job, and who have no legally protected property interest in continued employment. The employee at will class includes:

d. **PROBATIONARY**. Employees who have been hired for specific jobs but have not completed an approved probationary period. Regardless of the term of the approved probationary period, probationary status continues until the probationary employee is specifically hired as a permanent employee by the approving authority. A department head may extend the probationary period for any probationary period if he/she determines an additional period to observe the employee's performance is necessary before a determination can be made whether to make the employee full-time or not. One (1) period of not more than ninety (90) days may be imposed.

e. **TEMPORARY EMPLOYEES** who have been hired to work full or part-time for a limited period of time not to exceed one (1) year in duration. Temporary employees shall not be entitled to any benefits other than salary. Part-time employees shall be considered temporary employees.

f. **ANY OTHER EMPLOYEES**. Any other employees hired specifically as employees at will and/or classified by the appointing authority as employees at will.

g. **PERMANENT EMPLOYEES**. Those persons employed by the Town who have a legally protected property interest in their continued employment, who have not been hired and/or classified as employees at will, and who cannot be terminated without just cause and after a due process hearing. The permanent employee class includes the following:

- **FULL-TIME OR CLASSIFIED**. Employees who have been hired for positions that have been designated by the Town Council as full-time and permanent in nature, and that require no less than a forty (40) hour work week.

- **PART-TIME**. Employees who have been hired for positions that have been designated by the Town Council as part-time in nature. Such positions require a routine schedule of hours less than the hours normally worked by full-time employees. Employees in this class do not accrue vacation time and sick leave time. When a part-time employee is hired as a full-time employee, part-time employment will count toward continuous years of service on a prorated

basis so long as there is no more than a ninety (90) calendar day break in service. Part-time employees are not eligible to participate in regular employee benefits.

2. **EMPLOYMENT STATUS**. Each individual *employed* in a position in the classified or part-time service will be placed in an employment status in accordance with the following guidelines.

a. Probationary Status. Initially, each individual hired for the classified or part-time service will be placed in a probationary status until he/she has successfully *completed* the established probationary period and has been approved for regular status by the mayor. A probationary status *employee* may be separated by the mayor without hearing and without recourse at any time during his/her probationary period. A part-time employee shall be treated as if he/she is on probationary status for separation purposes.

b. Regular Status. Upon *completion* of the probationary period, a probationary *employee* who demonstrates acceptable performance and is approved for regular status by the approving authority will be afforded *regular* status. A *regular* status employee may, subject to the provisions of these policies and procedures, remain in his/her position so *long* as there is a need for the position, the position is funded, his/her performance is acceptable, and the employee's conduct meets established town standards. A temporary employee may never be afforded regular status.

c. Trainee. Individuals who have been hired or promoted to positions in higher classifications who do not meet all of the established requirements of their position may be appointed, with the approval of the approving authority. Such individuals will be appointed a level of pay that is five (5) percent below the minimum rate for their job. An employee designated as a trainee shall continue to receive a reduced salary until the department head certifies that he/she is qualified to assume full responsibilities and perform all duties of the position and the mayor approves such change. Trainee status shall count toward the town approved probationary period. However, no individual may be designated as a regular status employee as long as he/she is still classed as a trainee. Trainee status shall not exceed a one-year period.

d. Status of Present Employees. Each individual who is employed by the town at the time of adoption of these policies and procedures will be assigned to one of the categories of service described herein. In addition, those individuals who have completed the requirements to be designated regular status employees will be designated as regular status in the classified or part-time service, as the case may be. Those individuals who have not completed the requirements to be designated as regular status will be designated as probationary status employees until they complete the probationary period and are approved by the approving authority as regular status employees.

e. Evaluation. The performance of all probationary status employees will be evaluated during the probationary period.

f. Termination. During the probationary period the department and the mayor may at his/her discretion terminate the employment of any probationary employee. The employee will be notified in writing of the termination. A copy of the termination notice will be included in the individual personnel file.

g. Procedure for Designation as a Regular Status Employees. At least ten (10) working days prior to the end of an employee's probationary period, the mayor, or his/her designated representative, will complete a written evaluation of the employee's work. The evaluation will include a statement that the employee's service has been satisfactory or not and that the employee should or should not be retained as a regular status classified or part-time employee, as the case may be. If the employee receives an unacceptable evaluation, the evaluation will include a statement that the individual should not be retained. Normally, if the employee is to be terminated, the employee will be given up to one (1) working weeks' notice. However, if determined by the mayor to be necessary, the employee may be given shorter notice. All employees who successfully complete the probationary period and the Town Council confirm the same shall be notified in writing of their completion of the probationary period and prior to designation as regular status employees.

h. Appeal. A probationary status employee will not be eligible to file an appeal for any separation or disciplinary action taken against him/her or to file a grievance as provided by the town's grievance procedure, unless such appeal or grievance is based upon a claim that he/she has been discriminated against because of race, color, religion, sex, age, disability, or national origin.

SECTION IV: RECRUITMENT, EMPLOYMENT, PROMOTIONS AND SEPARATIONS

1. **RECRUITMENT**. Whenever a position vacancy is proposed to be filled by the Town Council, the clerk shall post a copy of the announcement in the Town Hall for employee notification. The Town Council shall be responsible for re-opening all positions when a position becomes vacated.

2. **APPLICATIONS**. All applicants will be required to complete the Town application form. Town applications will be provided by the Clerk and must be returned to the Clerk on or before the closing date specified in the employment announcement. Any person who has secured employment by fraud shall be terminated without recourse.

3. **SELECTION**. The Clerk shall gather all applications received by the Town for the advertised position, and after the closing date forward them to the appropriate Department Head for recommendation to the Town Council.

The Department Head shall determine those persons that are qualified for the position based on their application and shall then set up further review procedures as he deems necessary to fully evaluate the applicants.

Any police officer candidate, regardless of being uncertified or certified, must meet and pass the standards of the Alabama Peace Officers Standards and Training Commission (APOSTC)to be hired and certified as a police officer. See APOSTC administrative Code for details.

4. **EMPLOYMENT**. Only the appointing authority is authorized to make an offer of employment in accordance with these personnel policies and procedures. Only the Approving Authority can authorize the opening of a position. The approving authority set all starting pay for all positions.

5. **MEDICAL EXAMS AND DRUG TESTS**. Employees, prior to appointment, will be required to have a physical examination by a medical doctor to ensure capability for the duties expected of the position. A pre-employment drug test must be satisfactorily completed by all applicants. In addition, an employee may be required to complete a drug test at any time and in the sole discretion of the department head and/or appointing authority, with or without cause, in accordance with Ordinance No. 147-95.

6. **TRANSFERS**. Any employee may, with the consent of the approving authority, be transferred to a different position.

7. **PROMOTIONS**. Promotion shall be based on the qualifications of the person being promoted. The approving authority may, but is not required, to promote the most qualified acceptable applicant in the department in which the vacancy exists or to the most qualified applicant in any other department. The criteria used in the selection of the most qualified applicant shall be based upon the training, experience, performance, and evaluation of the applicant. Testing may be employed to assist in making such determination.

8. **DEMOTIONS**.

   a. General Provisions. Any regular status employee in the classified or part-time service may be demoted by the approving authority to a position in a lower pay grade in the same category of service for which he/she is qualified so long as such demotion meets the guidelines below. An employee who is serving in a probationary status as a result of a reassignment in accordance with Section 4. 14 above will be processed in accordance with the provisions of that section.

   b. Position Abolished. An employee may be demoted to a position in a lower pay grade, if his/her position is being abolished and he/she would otherwise be laid off.

   c. Unsatisfactory Service. An employee may be demoted to a position in a lower pay grade, when his/her performance appraisal reports demonstrate unsatisfactory performance in the position he/she holds.

   d. Administrative Action. A demotion made in accordance with the guidelines of this paragraph will be considered an administrative action rather than a disciplinary action. Such demotions may only be made when there is a position available to which the employee may be demoted. If a vacancy is not available, the employee will be separated under the separation guidelines contained in Section 4.11 of these policies and procedures.

   e. Procedures. For all demotions the appointing authority will ensure they are supported by the facts and circumstances.

   f. Unsatisfactory Performance Demotion. If the demotion is due to the employee not demonstrating the ability to render satisfactory service, the same procedure as outlined in Section 4 for dismissal of employees based on unsatisfactory performance will be followed. However, the process will end in demotion and not dismissal.

   g. Appeal. An employee may appeal a demotion for unsatisfactory performance. Such appeal will be under the same procedures and standards provided for a dismissal based on unsatisfactory performance as described in Section 3.8

   h. Notification. Written notification will be provided to all demoted employees. Such notice will state the reason(s) as well as the effective date of the demotion and will be provided to the employee at least seven (7) calendar days prior to the effective date of the demotion. The notification will be signed by the appointing authority. A copy of the notification will be filed in the employee's personnel file.

   i. Pay. The pay of a demoted employee will be reduced to the same step in the pay grade of his/her new job that it was in the pay grade for his/her old job with a reduction in pay at least five (5) percent below the employee's pay before the employee was demoted. However, under no circumstances will the pay of a demoted employee be less than the entry level or more than the maximum level authorized for the pay grade of the employee's new job.

9. **PROBATIONARY PERIOD**. During the probationary period, the employee's work habits, abilities, attitude, promptness and other pertinent matters will be observed and evaluated by a supervisor.

10. **PROBATIONARY REPORTS**. Prior to the end of the term of each employee's probationary period, the supervisor shall notify the approving authority of the progress of the probationary employee.

11. **SEPARATIONS**. All separations of full-time and part-time employees from employment shall fall into one of the following categories: resignation, retirement, reduction in force, dismissal for cause, or dismissal without cause. At the time of separation, and prior to payment of final compensation, all records, assets, and other items of Town property in the employee's possession shall be returned to his supervisor, who shall verify its return. The approving authority must approve the re-employment of any prior employees.

12. **RESIGNATION**. A two (2) week written notice stating the employee's reason for leaving and final work day is required in order to be eligible for consideration for future employment with the Town. The two (2) week requirement may be waived by the appointing authority at its discretion. An unauthorized absence from work for a period of three (3) consecutive working days may be considered by the appointing authority as a voluntary resignation. Any employee resigning under these circumstances shall not be eligible for re-employment with the Town.

13. **RETIREMENT**. All retirements shall be in accordance with the rules and regulations governing the State of Alabama Retirement Systems.

14. **REDUCTION IN FORCE (RIF)**. May occur at any time that the council determines that it becomes necessary for the council to reduce the number of employees of the Town, due to a lack of funding, reorganization of the employee force, or any other circumstances. The approving authority shall make the determination on those employees to be terminated taking into consideration the assignments of the employees involved, their performance evaluations, and their length of service. Any employee who is terminated due to a reduction in force will be placed on a preferred list for hire, and shall remain on the preferred list for two (2) years from the effective date of the layoff. The right of the council to initiate a reduction in force is hereby made a specific term and condition of employment in any position.

15. **DISMISSAL**. Employees at will and/or part-time employees may be discharged with or without cause or reason. Permanent employees may be dismissed for cause at any time.

16. **ORGANIZATION AND MANAGEMENT OF THE WORKING FORCE**. Nothing herein contained shall prevent or take from the Town Council's prerogative to re-organize the work force, to consolidate jobs, to separate jobs, to abolish jobs, to reduce or increase the working force, or to transfer employees to a higher-paid or lesser-paid job should the Town Council in its discretion find any of the above to be in the best interest of the Town. This right and prerogative of the Town Council is hereby made a specific term and condition of employment in any position.

17. **EVALUATION**. All evaluation procedures for employees are discretionary and are not mandatory.

SECTION V: COMPENSATION

1. **CLASSIFICATION PLAN**. Each employee in the Town service will have an approved written job description that describes the duties, knowledge, skills, and abilities required to properly perform the job. When a new position is created, or a substantial change is made to an existing position, the Department Head shall furnish to the approving authority a new job description and recommend a proper grade.

   Every position in the Town service shall be designated by the Town Council. All Town employees shall follow the Town's Chain of Command as approved as part of the personnel policy.

2. **PAY PLAN**. The pay of all employees, other than those whose pay is established by state law, shall be fixed by the Town Council.

   The approving authority is responsible for ensuring that the Town pay plan is strictly followed. New employees will be paid according to the pay grade established for that position. New employees paid above the beginning of the range must have prior approval of the approving authority. New employees should not be employed at salary levels above the midpoint of the established range.

   The Approving Authority will review the established Pay Plan to ensure that rates of pay are current and competitive. Cost of living consideration may be given to the established ranges with the approval of the approving authority (Town Council).

3. **PAY RATE CHANGES ARE APPROVED BY THE TOWN COUNCIL IN THE ANNUAL BUDGET OR BY RESOLUTION.**

4. **PAY**. Employees are normally paid every other week. Should the regular payday occur on a holiday, employees will be paid on the last working day prior to the regular payday.
   All employees are paid by electronic direct deposit, with a statement emailed showing gross pay, deductions, and net pay. Local, state, federal and Social Security taxes will be deducted automatically. No other deductions will be made unless required or allowed by law, or employee obligation. Employees may elect to have additional voluntary deductions taken from their pay only if they authorize the deductions in writing.

5. **OVERTIME COMPENSATION.** The work period for all Town employees except the Police Department employees shall be eighty (80) hours over a fourteen (14) day period. The work period is divided into two equal work weeks of forty (40) hours each. The work period for the Police Department shall be eighty-six (86) hours over a fourteen (14) day period. In accordance with the Fair Labor Standards Act, all hours worked in excess of these established work periods shall be deemed overtime. All employees except those employees declared exempt under the Fair Labor Standards Act shall be compensated at the rate of one and one-half times their regular base rate of pay for overtime hours worked. No employee shall work any overtime without the prior approval of his Department Head. Officers and Department Heads, because of their supervisory function as Town officials, are expected to work those hours necessary to ensure the satisfactory performance of their departments. Overtime is considered part of their job responsibility and does not make them eligible for overtime compensation. All Officers and Department Heads shall work from 8:00 AM to 4:30 PM from Monday through Friday, or, in his/her discretion, may elect to work different hours for a minimum of eighty (80) hours over a fourteen (14) day period. All Officers and Department Heads also shall attend all Town Council Workshops, Town Council Meetings, and any other meeting the mayor asks them to attend.

6. **COMPENSATORY TIME**. Is Time off in lieu of overtime pay for hours worked beyond the standard workweek, typically at a rate of 1.5 hours off for every 1 hour of overtime. All Compensatory time must be approved by Department Head and used as early as possible.

7. **HOLIDAY TIME**. Whenever a full-time employee is required to work on a holiday, he will be compensated at regular salary for

hours worked plus eight hours regular pay for holiday compensation.

8. **LONGEVITY PAY** – All employees who are employed with the Town for a least one year, except those on suspension without pay, will receive a one-time increase based on the years of continuous service. Such increase to be paid in November of each year, based on the following scale:

1-4 years - $700.00
5-8 years - $1,000.00
9-12 years - $1,200.00
13-16 years - $1,300.00
17-20 years - $1,500.00
21 Years and Up - $1,800.00
Part-time - $ 400.00

9. **SUPPLEMENTAL COMPENSATION.** All full-time employees who are injured in the course of employment, as defined by the Alabama Workers Compensation Act (the Act), shall be compensated 33 1/3 percent of the employee's average weekly earnings received at the time of injury, subject to the minimum and maximum weekly compensation, as defined in the Act, for a period of four (4) weeks. This compensation is intended to supplement the 66 2/3 percent of the average weekly earnings paid to the employee during the time of disability by the worker's compensation insurance provider, and shall not be paid in the event the injury is not compensable under the Act. Local, state, federal and social security taxes will be deducted automatically.

SECTION VI: ATTENDANCE AND LEAVE

1. **HOURS OF WORK**. The Town of Summerdale will be open for business during such hours as established from time to time by the Town Council.

2. **TOWN HOLIDAYS**. The official holidays presently established for the Town are as follows:

New Year's Day - Jan. 1
Martin Luther King, Jr. (3rd Monday in January)
Good Friday
Memorial Day - May (Last Monday)
June 19th
Independence Day - July 4
Labor Day - September (First Monday)
Columbus Day
Veteran's Day - November 11
Thanksgiving - November (Fourth Wednesday at Noon, Thursday and Friday)
Christmas - December 24 & 25
New Year's Eve – Noon

Established holidays falling on Saturday will be observed on the preceding Friday and those falling on a Sunday shall be observed on the following Monday. These holidays may be changed from time to time by the Town Council.

3. **ELIGIBILITY FOR LEAVE**. The Town of Summerdale has established the following types of leave for employees of the Town; annual, sick, maternity, administrative, military, injury, funeral, and leave without pay. All classes of employees are eligible for such leave in accordance with this policy, provided that no leave may be earned or granted during the time an employee is on leave without pay during an entire pay period.

4. **VACATION LEAVE**. All employees of the Town shall earn vacation leave with pay in accordance with these procedures. New employees will not be eligible for vacation leave until after the completion of their probationary period.

   a. All eligible full-time employees shall receive vacation leave. Vacation leave is accrued from the Anniversary Date of employment. For the purpose of calculating vacation leave, the following schedule should be used:
      i. Continuous employment for one year – 40 hours;
      ii. Continuous employment for 2 years – 80 hours per year;
      iii. Continuous employment for 10 years – 120 hours per year;
      iv. Continuous employment for 20 years – 160 hours per year.

   b. Scheduling for vacation leave must be approved by the employee's Department Head and will be scheduled at the convenience of the Department.

   c. An employee may accumulate no more than thirty (30) days of vacation leave. Subject to increase arising from scheduled increase in vacation leave. Any days accumulated over thirty (30) days from the Anniversary Date shall not be carried over into the new year. Upon termination an employee will be paid for accumulated vacation leave. Employees have the option to cash in accrued vacation time that has been earned per town's personnel policy with the exception of two (2) day.

   d. An employee who has accumulated more than thirty (30) days of vacation prior to the implementation of this policy shall upon application with the Town Council secure payment for the said leave at their current pay scale in exchange for the accrued time.

   e. For the purpose of accruing vacation leave under subsection (a), all employees designated as unclassified under Section III and/or who serve for a specified period of time by ordinance are considered eligible to calculate vacation leave in the same manner as a full-time employee. However, no unclassified employee shall be considered as a full-time employee for any other purpose.

5. **SICK LEAVE**. All full-time employees, after the probation period, are eligible for sick leave. Sick leave with pay shall be granted for the following reasons: Personal illness and physical incapacity resulting from causes beyond employee's control, pregnancy, illness of a member of employee's household that requires employee's personal care and attention, enforced quarantine of the employee in accordance with community health regulations, to keep a doctor's or dentist's appointment, for the period of illness or disability which caused the employee's absence immediately prior to death. A doctor's certificate may be required at the discretion of the department head. An employee may use sick leave as personal leave only if no vacation leave is available. Unexplained absence shall not be considered sick leave and employee shall be charged leave without pay. All new employees will receive twelve (12) Covid sick days, for covid related illness.

Upon completion of probation period, **each full-time employee accrues 8 hours of sick leave per month, or 12 days per year**. Full Time employees may accrue sick leave without limitation. Upon termination, an employee will not be paid for accrued sick leave.

6. **MATERNITY SICK LEAVE** is a leave without pay benefit available to employees of the Town who become pregnant. Maternity sick leave is part of the Family Medical Leave Act see Section 5.7.

7. **FAMILY MEDICAL LEAVE ACT** makes employees eligible for twelve (12) work weeks without pay:
   a. For Incapacity due to pregnancy, prenatal medical care, for the birth of a child and care of that child. Eligibility for this "maternity" benefit expires after twelve (12) months. This includes adoption or placement of a foster child. Thirty (30) days' notice may be required by the Town.
   b. To care for a spouse, son, daughter, or parent who has a serious health condition.
   c. If the employee himself is unable to perform his job because of accident or "serious" illness.
   d. Employees must use accumulated paid leave, including any paid vacation, at the beginning of Family Medical Leave.
   e. All F.M.L.A. leave should be approved by the Department Head in advance; thirty (30) days' notice if leave is "foreseeable."
   f. Intermittent leave or a reduced schedule may be approved in some situations, but this leave is not designed for day-to-day use.
   g. Employees may be temporarily assigned to other positions.
   h. Upon return from leave, the employee must be restored to the same or an equivalent position.
   i. The Town shall continue to pay its portion of the employee's health insurance during the twelve (12) weeks the employee is off the payroll. The Town may require the employee to provide periodic reports during the leave. If abuse is evident, or if the employee fails to return to work after the leave, the employee may be required to repay the insurance benefit costs.

8. **EMERGENCY LEAVE**. The department heads may grant leave without pay at their discretion. Employees may be granted three (3) days leave with pay upon the death of immediate members of their family. Immediate members of the family are defined as: spouse, parent, parent-in-law, grandparent, grandparent-in-law, child, grandchild, brother, sister, niece or nephew, brother-in-law, sister-in-law, niece-in-law, nephew-in-law, step-child, foster-child or ward.
Employees may be granted one (1) day leave with pay upon the death of any relative not specified above.

9. **Extended Medical Leave.** Employees who are unable to return to work at the expiration of family medical leave may be granted extended medical leave at the discretion of the Mayor and Council.

SECTION VII: EMPLOYEE BENEFITS

1. **ELIGIBILITY**. In addition to those benefits required by State or Federal Laws (social security, workman's compensation, unemployment insurance), employees of the Town are eligible for the benefits listed in this section.
   a. GROUP HEALTH INSURANCE. The Town currently offers health insurance coverage to all full-time employees and their dependents. The Town reserves the right to require employee participation in the cost of insurance by requiring that the employee pay a portion of the cost of the insurance. At the present time the Town pays 80% of the cost of the coverage and the employee pays the remainder. This may increase or decrease at any time in the Town's sole discretion. New Employees are eligible for health insurance coverage. Details of eligibility, insurance coverage, deductibles, premiums and other important information are available in the Town's Local Government Health Insurance Program Administrative Procedures Guide in the Clerk's Office.

You are not eligible for coverage if you are classified as an employee on a temporary, part-time, seasonal, intermittent, emergency or contract basis or if employment is known to be for a period of one year or less.

All employees on probation that are eligible for health insurance will still be considered on probation until you are made permanent by the appointing authority.

   a. RETIREMENT. All eligible employees of the Town of Summerdale are covered by the State of Alabama Retirement System, and all rules of that System shall apply. The Town has elected to participate in the twenty-five (25) year retirement program with both the employee and the Town contributing to that

retirement in accordance with the Retirement System regulations. The Town reserves the right to change its retirement system or plan in any way and at any time in the Town's sole discretion.

SECTION VIII: CONFLICTS OF INTEREST

1. **CONFLICTS**. This section identifies activities which are not consistent with high standards of public service and are contrary to the best interests of the Town. All employees of the Town are subject to the provisions in this section. The following activities shall be considered as conflicts of interest:

   a. STATE ETHICS LAW. Any activity which is considered a conflict of interest under the provisions of the state ethics law shall be considered a conflict of interest under the provisions of this policy.

   b. MOONLIGHTING. Involvement in an outside business, or outside employment which conflicts with the Town's demands on the individual's availability to the Town for overtime work, adversely effects the employee's job performance, or reflects adversely on the Town.

   c. POLITICAL ACTIVITY which might interfere with an employee's ability to perform his duties or are in violation of federal or state laws. Such political activities that would interfere include:

      1. Becoming a candidate for political office in the Town while still in active public service. Any employee running for such political office shall either resign from his current position or request a leave of absence without pay. Should the employee be elected to the office he shall terminate his employment with the Town as required by state law.

      2. Taking an active part on Town time in any campaign for political office. All political activities must be on the employee's own time, out of town uniform, and kept separate from his status as an employee.

      3. Use of the employee's position with the Town to influence people to vote for or not to vote for a particular candidate to Town office. No town equipment or other assets shall be used to further a political activity.

2. **VIOLATION**. Violation of this section by employees are grounds for disciplinary action.

SECTION IX: CONDUCT AND DISCIPLINE

1. **GENERAL PROVISIONS FOR CONDUCT OF EMPLOYEES**. It shall be the duty of each employee to maintain the highest standards of conduct, cooperation, efficiency, honesty, integrity and economy in his work, to show respect for, and to cooperate with supervisors and other employees during the performance of Town business to instill citizen confidence. Their conduct, both on and off the job, should reflect credit on themselves and the Town. Any employee, is subject to these rules if the circumstances warrant.

2. **TYPES OF DISCIPLINE**. Two categories of disciplinary action are established based on the seriousness or repetitiveness of an employee's conduct:

   A. MINOR DISCIPLINARY ACTIONS. Shall include verbal reprimands, written counseling, written warning, reprimands, and suspension without pay. Such disciplinary actions may be carried out by the Mayor, personnel officer of the employee's immediate supervisor. The Mayor may take action without recommendation if the supervisor fails to take action for an obvious violation and the supervisor shall also be subject to sanction for failing to take action.

      1. Verbal Reprimand. A verbal reprimand of which no formal recording is made in the employee's personnel file, except that the supervisor shall report the reprimand to the Department Head and personnel officer. The supervisor **and** personnel officer may make personal note in the event that the violation occurs again within a six-month period of time.

      2. Written Counseling. When a problem or violation is reoccurring but is not, in the opinion of the supervisor, serious enough cause for a termination or other major disciplinary action, a written counseling shall be completed documenting the problem. Written counseling shall be made a part of the employee's permanent personnel file.

      3. Written Warning or Reprimand. Formal written notification of a violation, of a nature that is sufficiently greater in severity than would justify either of the prior levels of action, or reoccurrence of the same or similar violation. The written warning or reprimand shall be recorded in the employee's permanent personnel file.

      4. Suspension Without Pay. An employee may be suspended without pay for a period not to exceed eight (8) hours by for any minor violation or repeated minor violation, or, in the opinion of the supervisor, which would render the employee unfit for duty. Suspension without pay shall be accompanied by a written reprimand and shall become a part of his permanent personnel file.

      5. Dismissal. Dismissal shall be justified if an employee has a combination of three (3) written

warnings, written counseling and/or suspension without pay withing twenty-four- month period.

6. Grounds for Minor Disciplinary Action. Minor disciplinary infraction is defined as employee conduct which, while serious, do not normally warrant suspension without pay or dismissal upon the first occurrence. Examples of the grounds for minor disciplinary action include, but are not limited to:

   a. Minor insubordination.
   b. Unexcused absence, irregular attendance and absenteeism, improper notice of absence.
   c. Tardiness, not at assigned work station at the beginning of the employee's workday.
   d. Inefficiency, waste, loafing, leaving work early, defective workmanship.
   e. Inattention to duty, orders, instructions or interference with work of others.
   f. Abuse of Town property, improper use and/or are of Town property.
   g. Horseplay - Acts which cause interference with another person's ability to perform their job, or which, if allowed to continue could lead to the damage of property or injury.
   h. Poor work attitude.
   i. Lack of cooperation.
   j. Political activity during work time.
   k. Unintentional infractions of Town policy, procedure, rules, or regulations.
   l. Conduct unbecoming an employee in the public service.
   m. Any other reason which the supervisor deems grounds for minor disciplinary action.
   n. Safety violations, failure to practice normal safety precautions or to report a work-related accident or injury or to attend safety classes when directed.
   o. Promiscuity - promiscuous behavior on town property, at a work site or with other town employees with whom the employee is not married whether at work or not.
   p. Other misconduct - similar misconduct that meets the intent of the definition generally of "minor disciplinary action."

B. **MAJOR DISCIPLINARY ACTIONS** may be initiated by the employee's immediate supervisor, the Town official with supervisory or administrative authority, the personnel officer or the Mayor but must be authorized by the appointing authority. The employee will be notified in writing of the charges and the recommended disciplinary action.

All major disciplinary actions shall be recorded in the employee's permanent personnel file and include the following:

a. **SUSPENSION WITHOUT PAY**. An employee may be suspended without pay for a period as determined by the appointing authority.
b. **DEMOTION** An employee may be demoted.
c. **DISMISSAL**. An employee may be discharged, terminated and dismissed from Town service.
d. **GROUNDS FOR MAJOR DISCIPLINARY ACTION** Some examples are as follows:
   1. Conviction of a criminal offense, which include driving under the influence of drugs or alcohol, leaving the scene of an accident.
   2. Serious insubordination - threatening or abusive language towards a supervisor or other employee;
   3. Unauthorized absence or repeated tardiness;
   4. Violation of any law while in the course of duty;
   5. Repeated inefficiency or incompetency;
   6. Repeated inattention to duty, orders or instructions, and repeated rules violations;
   7. Intoxication by drugs or alcohol, drinking of intoxicants or the taking of illegal drugs while on duty;
   8. Careless or negligent use of Town property resulting in damage or loss;
   9. Reckless acts which threaten the safety of others;
   10. Improper personal conduct or language toward the public or other employees;
   11. Suspension of driver's license, when a requirement of the job;
   12. Failure to report an accident involving Town equipment or involving minor injury to the employee;
   13. Fighting;
   14. Conduct unbecoming an employee in the public service.
   15. Gambling, or possession of gambling paraphernalia on or in the Town property.
   16. Any other reason not listed above must be deemed by the approving authority to be grounds for major disciplinary action.

C. **GROUNDS FOR DISMISSAL** are as follows:

1. Repeated incompetency or inefficiency;
2. Conviction of any misdemeanor involving moral turpitude;
3. Conviction of any felony;
4. Violation of any lawful policy, procedure, rule, regulation, order, direction or instruction made or given by a supervisor;
5. Insubordination that constitutes a serious breach of discipline;
6. Intoxication, consumption or possession of intoxicating beverages while on duty; being under the influence or in possession of an illegal drug, narcotic, or substance while on duty, except for purposes of law enforcement;
7. Operating a Town vehicle under the influence of intoxicants or alcohol;
8. Illegal possession or illegal use of any drug, narcotic or controlled substance at any time on or off duty;
9. Theft, destruction, carelessness or negligence in the use of Town property;
10. Abusive personal conduct toward the public or other employees;
11. Unauthorized absences, continual tardiness, or abuse of leave;

12. Incapacity to reasonably and properly perform duties;
13. Acceptance of any bribe or gratuity intended to elicit favors or influence the employee in the performance of his duties;
14. Falsification of any official record or document, or the use of any official record or document for personal gain;
15. Revocation of Driver's License when it is a requirement of the job;
16. Failing to maintain any certification or license that is a requirement of the job;
17. Failure to report any accident resulting in serious damage to Town equipment or injury to any person;
18. Gambling for profit, on or in Town property;
19. Reckless or negligent acts which result in injury to any person;
20. Fighting which results in any injury that requires medical attention;
21. Conduct unbecoming an employee in the public service;
22. -Any other reason not listed above must be deemed by the approving authority to be grounds dismissal.

3. **SUSPENSION AUTHORITY**. At any time that an employee commits an act that would be a violation punishable as a major disciplinary action, and the Department Head or other official with administrative authority believes that it is in the best interest of the Town for the employee to be relieved of duty, he shall have the authority to suspend the employee, with or without pay, until such time as a decision on the employee's status is determined by the appointing authority. The length of the suspension shall not exceed fifteen (15) working days unless agreed to by the employee in writing.

4. **EMPLOYEES WHO HAVE ATTAINED REGULAR FULL-TIME STATUS** shall be entitled to a hearing prior to any final disciplinary action being taken. The affected employee shall be notified in writing of the date, time, and place of the hearing, the charges against him/her, that he/she has the right to representation, and the right to present evidence at the hearing. After the hearing, the employee shall be notified of the decision. During the hearing, an employee is permitted to have a licensed attorney and/or a consultant present and to confer with such licensed attorney and/or consultant. However, the employee's licensed attorney and/or consultant will not be permitted to participate directly in the proceedings. Any employee aggrieved by the final disciplinary action taken may appeal such decision to the Circuit Court of Baldwin County within thirty (30) days, or other appropriate time afforded by law, from the rendition of the decision.

SECTION X: EMPLOYEE PERFORMANCE APPRAISAL SYSTEM

1. **GENERAL**. The process of performance appraisal is one of the most important responsibilities of a town supervisor. It is the key to reviewing an employee's performance in carrying out his assigned duties. The results of the evaluation process are key inputs into decisions concerning an employee's performance and ensuring effective and equitable operation of the town's compensation system, as well as other areas where performance is of importance. Through a system of periodic reviews of an employee's contribution and accomplishments on the job, management can maintain a record of the individual's progress and potential. The town's performance appraisal system, as established herein, is intended to be the key link in the supervisor-subordinate relationship. Supervisors will naturally make appraisals and judgments regarding the performance of their subordinates, whether a formal appraisal system exists or not. The intent of the performance appraisal created herein is to incorporate these ongoing assessments into a formal performance appraisal system that is based on job-related factors. Through this system employees can be evaluated against more specific and documented objective measures that are relevant to their assigned jobs

2. **PURPOSE AND USES**. The primary purpose of the town's performance appraisal system is to provide supervisors and employees with a vehicle by which an individual's performance on the job is established and documented. The system provides supervisors with a job-related tool for evaluating the performance of their employees on a formal, periodic basis. Properly used, this system will enable supervisors to develop with each of their subordinate employees a common understanding of the employee's needs, work objectives, and standards of acceptable performance in his employment. The supervisor and the employee will be able to agree on specific courses of action the employee can take to achieve or exceed the acceptable level of performance established for his job. The periodic evaluations required by the performance appraisal system will provide written feedback to the supervisor and the employee that documents how well the employee is meeting the expectations established between the supervisor and the employee at the beginning of the evaluation period. When the supervisor has a fair and reliable documentation of an employee's performance, he will be better prepared to assist the employee in his personal growth and development, or, determine if he should be terminated. The performance appraisal system also provides town management with valuable information to assist in identifying needed employee training programs and activities and making administrative decisions regarding compensation, reassignments, discipline, and other actions where performance is of importance.

3. **ADMINISTRATIVE PROCEDURES**.

   a. Non-Probationary Employees. All non-probationary employees will be evaluated on by their supervisor or approving authority.
   b. Probationary Employees. All probationary employees will be evaluated by their department head or supervisor.
   c. Department Heads. All department heads will be evaluated by their approving authority.
   d. Schedule. The town clerk will, at the beginning of each evaluation period notify department heads. Normally, the following steps will be used in developing the evaluation schedule for a given year.

      1. The clerk will provide evaluation form as needed by department head. The evaluation criteria contained on this form will be the basis for evaluating the employee on his performance. All reports completed by supervisors who are not department heads will be reviewed and approved by the department head.

2. The completed evaluation will be returned to the clerk. All evaluations must be signed by the department head and employees, with comments if needed.

e. Performance Appraisal Counseling Sessions. Performance counseling sessions may be held by the rater with the employee during the evaluation period as required to keep the employee informed of his progress in meeting the established evaluation criteria. There is no fixed number of counseling sessions to be held, but one will be held at least midway during the evaluation period and one will be held at the end of the evaluation period. The purpose of the session at the end of the evaluation period is two-fold. First, it closes out the current evaluation period and allows the rater to complete the appraisal form and discusses his evaluation of the employee with the employee. Second, it is the beginning of the new evaluation period, and it is at this time that the rater and the employee decide what areas the employee will be evaluated on for the next evaluation period. The interchange between the rater and the employee during each counseling session regarding the employee's performance and needed improvements is one of the most important aspects of the evaluation process. An employee should constantly be kept aware of his progress in meeting the expected requirements for the evaluation period. No employee should be surprised by his rater's evaluation of his performance at the end of the evaluation period. In preparing for the counseling sessions, the following recommended practices will be of benefit to the rater in preparing for the counseling sessions.

1. The performance appraisal counseling session at the end of the evaluating period should not be the only time during the appraisal period that the rater talks with the employee about his performance. Counseling, to be effective, must be continuous. The performance appraisal counseling session should be a re-statement and summarization of previous appraisals. Feedback, favorable or unfavorable, is more effective when it immediately follows the performance. The rater should not wait until the end of the cycle to tell the employee he has been performing poorly on a particular factor for the whole year.

2. Each performance appraisal counseling session should be planned in advance by the rater to define the objectives for the interview and outline the key points to cover. The purpose of the appraisal should be explained to the employee - it is not only to withhold, or grant pay progression, but also to promote common understanding of the work objectives and to provide the employee with feedback that the rater feels will be of benefit in his personal growth and advancement.

3. The interview should be scheduled for a time and place, which will provide privacy and will allow for the rater's undivided attention to be devoted to the subject.

4. From the outset of the session, the rater should promptly begin to discuss the appraisal and encourage the subordinate to speak his mind concerning any portion of the appraisal which he feels is incorrect or unfair.

5. The rater should listen to the employee during the interview. It is especially important to listen to the employee immediately after negative feedback has been given. When negative feedback is judgmental rather than descriptive, an employee will generally become defensive to some extent and need to react and explain. During the session, the rater may choose to alter his appraisal after the subordinate provides him with additional information and insights regarding the subordinate's performance.

6. The rater's attitude and interest regarding the employee is more important than any counseling technique that might be used. If the employee sees that his rater's prime objective is to help him do a better job, the appraisal is on its way to a successful result. If, however, the rater puts himself in the role of a judge and the employee is the defendant, the appraisal will, in all likelihood, be a waste of time.

7. At the final session of the evaluation period, the rater and the employee will work together to establish and agree upon performance objectives and criteria to be used for the next appraisal period. This is the start of the next evaluation cycle.

f. Performance Appraisal Guidelines. The following guidelines will be beneficial for raters in conducting required evaluations of their subordinates and in completing the appraisal form.

1. Read and understand each performance domain on the evaluation form. Read all duties listed under the domain before rating someone on the domain.
2. Disregard your general impression of an employee and concentrate on one performance domain at a time. Remember that the best employee may have a few weaknesses while the poorest employee may have strong points. The appraisal should reflect this.
3. Rate the employee on his typical performance during the rating period, consider observations made during the entire appraisal period, as well as recent or unusual events.
4. Ratings should be based on facts so that you can explain the ratings. This is especially necessary for above or below average ratings.
5. Do not be influenced by previous ratings. Above all, do not refer back to previous appraisal forms.
6. When rating an employee on a performance domain, disregard the ratings you have given him on the other performance domains, even though some of the performance domains on this form may be related.
7. Disregard the importance of the job in relation to other jobs in the organization when rating.

Consider only how well the person is doing his job and the particular performance domain in question.

8. Raters should appraise an employee's performance on only those domains which the rater has regularly and directly observed. This includes the way tasks were performed and/or the consequences of how they were performed.
9. Focus on the duties of the job and the observable results. Rate the employee's performance on the job, not the employee as a person. Do not focus on personal attributes and traits. In evaluating the following factors, do not consider them in isolation. They should be looked at in context with the employee's performance of his job.

    i. - aptitude - general mental ability
    ii. - personality - general. knowledge
    iii. - interest - number of years experience
    iv. - intelligence - number of years education

    Duties which are poorly performed, for whatever reason, even if that reason is because of poor interest, aptitude, etc., will be evaluated as poorly performed duties. In this case you are recording poor task performance and not, for example, poor interest or aptitude, etc. You must not justify superior performance of a domain with any of the eight factors above either (for example, "excellent personality").

10. In addition to task domains, three additional areas will be considered in the evaluation. These areas are:

    i. knowledge, skills, and abilities;
    ii. physical characteristics; and
    iii. other characteristics.
    iv. These additional areas are identified in each employee's job description. The evaluations in these areas provide the supervisors insight into the training an employee might need to better perform his job. For example:

11. If job performance is poor, but the employee has sufficient skill to do the job well, the employee should give more attention to apply the skill, if job performance is poor because the employee lacks sufficient skill to do the task well, then the employee can be advised to work on improving the specific skill or scheduled for attendance at a suitable training program.

4. **EMPLOYEE APPEALS.** An employee may appeal his evaluation in accordance with t the following guidelines.

(1) Appeal. Within three (3) working days of the employee's receiving his evaluation form, the employee may request in writing a conference to review his evaluation. The rater will meet with the employee within five (5) working days of his receipt of the employee's request. The rater will consider any additional information that the employee has to offer concerning his performance during the evaluation period. Upon completion of the meeting with the employee, the rater will forward his written evaluation of the employee's performance along with the original evaluation as prepared to the reviewer. The reviewer will consider the materials provided, schedule a meeting with the complaining employee and make a decision regarding the complaint. If the employee is dissatisfied with this decision, he may appeal to the mayor.

(2) Guidelines for Suspension Without Pay. The following guidelines will be used in administering suspensions without pay.

(a) Given. An employee may be suspended from duty without pay for a period of time not to exceed fifteen (15) calendar days when such action is recommended by the department head or other administrative officer with authority.

(3) Notice of Proposed Action. Before any action is taken against the employee, any duly authorized representative of the Town (Mayor, Town Administrator, Department Head or Personnel Director) will provide written notification to the employee, informing him/her of the proposed disciplinary action as well as the fact that a hearing before the Mayor concerning the allegation will be conducted if requested by the employee. A copy of the notice will be placed in the employee's personnel file. The written notice to the employee will contain the following information:

- the date, time, and place of the hearing;
- the reasons for the proposed disciplinary action;
- the proposed disciplinary action to be taken and effective date
- notice of the employee's right to appear in person and/or be represented by someone at his/her expense, if the employee requests a hearing;
- notice of the employee's right to respond to the allegations orally or in writing; and
- that the employee has the right to present evidence in his/her defense.

(4) Response. The employee will have two (2) working days in which to respond to this notice and/or request a hearing.

(5) Informal Hearing. If requested, the hearing will be conducted informally by the mayor, at the time and place

designated in the notice to the employee. Formal rules of evidence will not apply during the hearing.

(6) Modification of Discipline Proposed. If, after the hearing, the mayor determines that the facts of the case do not support the proposed discipline, the mayor may impose a lesser disciplinary action or advise the employee and the department head that the matter is closed.

(7) Discipline Made Effective. If the employee does not request a hearing or fails to respond to the notice or, after holding the hearing, the mayor determines the facts of the case support the suspension, it will become effective on the date specified in the notice upon determination by the appointing authority. The employee's suspension without pay will be recorded by the town clerk.

(8) More Severe Discipline. If the mayor determines during the hearing that the facts of the case appear to support dismissal, the mayor will proceed with the guidelines required for such action.

(9) Notice of Suspension. A written notice of suspension under this procedure will be dated, signed by the mayor, and delivered to the employee no later than the day immediately prior to the effective date of the suspension. The notice will contain:

- the nature of the action being taken;
- the effective date, and the length of the suspension;
- the specific reasons for the suspension; and
- a description of the appeal rights of the employee.

(10) Record of Action. A record of the complete suspension without pay action, to include a written summary of the hearing results, will be filed in the employee's personnel file. Such record need not be a transcribed record.

(11) Return to Work. When the employee returns to work, he/she will be considered to be in good standing with the town and will be restored to all rights, privileges, and benefits held prior to the suspension. However, a suspension may be considered during any subsequent personnel actions, such as promotion, RIF, disciplinary actions, etc.

(12) Guidelines for Dismissals. When an employee is to be dismissed due to disciplinary reason(s) or for the good of the town, the following guidelines will be used. (Administrative and/or job performance dismissals are not covered by these guidelines.) Such dismissals are covered in Chapter 9 of these policies and procedures

(13) When Given. An employee may be dismissed from employment when the department head determines such action to be justified and recommends dismissal to the mayor and appointing authority. A dismissal will be warranted when an employee repeatedly (see above) commits a minor type offense or upon the first occurrence of a major type offense. However, nothing should be interpreted herein as prohibiting the dismissal of an employee at any time when, in the opinion of the appointing authority, it is justified.

5. **SUSPENSION WITH PAY.** In the event of a violent action, an intolerable offense on the part of an employee (e.g. fighting, destruction of town property, gross insubordination, etc.) or other cause as determined by the mayor to warrant removal of an individual from town property or work sites pending completion of a probable dismissal action, an employee may be suspended with pay for up to fourteen (14) working days pending completion of the hearing and disciplinary action. The employee's suspension with pay will be recorded on the town's time and attendance report.

6. **CRIMINAL CHARGES.** If an employee is charged with a felony, which also is considered a serious violation of these policies and procedures, the mayor will notify the employee and conduct a hearing concerning the alleged violation. Such notification and hearing will be held according to the guidelines required by Section 8. above. If the mayor determines there is sufficient information available to indicate that town's rules or standards of employment were violated, the mayor may take appropriate disciplinary action, to include suspension without pay or dismissal, as the case may warrant.

SECTION XI: GENERAL PROVISIONS.

Recognition is given to the fact that grievances may be helpful to the town by calling matters to the attention of officials and supervisors where action may be needed. When a grievance system is used properly, it can assist in establishing a harmonious, cooperative working relationship among employees, supervisors, and town *elected officials* and also ensuring fairness in an employee's employment.

1. **INTENDED USE.** The intended use of the town's grievance system is to provide a standard process for speedy investigation and resolution of an eligible employee's complaint and/or appeal of disciplinary action taken against the employee.

2. **RIGHT TO DISCUSS EMPLOYMENT.** Every *employee* has the right and is encouraged to discuss any area of employment with his/her immediate supervisor. Such discussion will be held free from fear, interference, restraint, discrimination, coercion, or reprisal.

3. **RIGHT TO FILE GRIEVANCE.** When an eligible employee, as described below, is unable to resolve his/her concerns about his/her employment with his/her immediate supervisor, the employee shall have the right to *file* a grievance in accordance with section 11.8 *below.*

4. **EMPLOYEES ELIGIBLE TO FILE GRIEVANCE.** A regular status classified and part-time employee is eligible to file a written request for personal relief in any matter of concern or dissatisfaction relating to employment to include disciplinary action which is subject to the control of the town. Normally, a probationary employee is not eligible to file a grievance unless the grievance is based

upon a claim that he/she has been discriminated against because of race, color, religion, sex, age, disability or national origin, (see Section 11.). When an employee is serving in a probationary status as a result of being reassigned the employee will also be eligible to file a grievance action.

5. **USES EXCLUDED**. The grievance system is not intended and will not be used for the following purposes:
   a. to resolve personal differences between/among employees,
   b. to appeal pay reductions which are part of a general plan to reduce salaries and wages, when such reductions are pro-rated to all employees,
   c. to appeal non-selection for a position when properly established staffing procedures have been followed, and
   d. to appeal the content of approved and published town resolutions or other legal actions.

6. **GOOD FAITH TIMELY PRESENTATION**. An employee's grievance must be submitted in good faith and within the specified period of time after the occurrence of the incident upon which the grievance is based. Grievances that do not meet these requirements will not be considered. If an employee willfully files a false grievance action, the employee may be subject to disciplinary action that includes dismissal.

7. **WITHDRAWAL**. An employee may withdraw a grievance at any step in the process.

8. **GRIEVANCE PROCEDURES**. In those situations where an eligible employee's grievance is not resolved informally through a discussion with the immediate supervisor, the employee may reduce it to writing and submit it for formal consideration. A formal submission of a grievance will be in accordance with the following procedures.
   a. Time Period. Within five (5) working days of the time the employee has knowledge, or should have had knowledge, of the situation or circumstances the employee wishes to grieve, or within five (5) working days of the effective date of a disciplinary action the employee wishes to appeal, the employee may submit the grievance in writing to the department head.

   b. Content of Written Grievance. The employee's grievance will contain as a minimum the following information:

      1. a statement of the employee's grievances to include any policy, rule, regulation and/or procedure that he/she feels has been misapplied, or violated, and the date and description of such misapplication or violation; or the disciplinary action that is being appealed;

      2. previous discussions with his/her supervisor and other town representatives and their decisions, if any;
      3. the specific remedy which the employee is seeking; and

      4. the names of any witnesses who have knowledge of the facts involved.

   c. Department Heads. Upon receipt of the employee's grievance, the department head will investigate and/or review the facts as presented by the employee in the written grievance. If the department head determines that he/she needs to interview individuals knowledgeable of the employee's grievance, he/she will schedule such meeting(s). If the grievance by the employee is the result of a disciplinary action initiated or taken by the Department Head, the Town Clerk shall conduct the investigation/review. The affected parties will be notified of such meeting(s) and will be allowed to attend, if he/she wishes.

   d. Department Head/Town Administrator's Findings and Decision. Within two (2) working days of the department head/town clerk receipt of the employee's grievance, the department head/town clerk will notify the employee of his/her findings and decision. The department head/town Clerk's notification will be in writing and will contain as a minimum the following information:

      i. a summary of the department investigation and/or findings;
      ii. the department head/town administrator's decision; and
      iii. the employee's right to request within two (2) working days, in writing, that the grievance be submitted to the mayor of the town for consideration, if the employee is not satisfied with the department head/town Clerk ~~administrator's~~ findings and/or decision.

   e. Mayor's Review. The mayor will schedule a meeting with the employee within two (2) working days of receipt of the employee's grievance. The mayor will review the department head's findings and decision and may interview other individuals as requested by the employee, the department head, and/or as they determine necessary. The employee and/or his/her representative and the department head and/or his/her representatives may address the mayor and present their position on the grievance.

   f. Mayor's Findings and Decision. Within two (2) working days of the mayor's review, the mayor will render a decision. The decision will be in writing and will contain the following information:
      i. a summary of the mayor's findings; and
      ii. the mayor's decision.

   The mayor may in the decision sustain, amend, or overrule any previous decision rendered.

9. **RETALIATION FOR GRIEVANCE PROHIBITED**. Employees should feel free to use the town's grievance procedure. Therefore, no employee, official, or supervisor will discriminate against, coerce, or interfere with any employee, witness, representative, or appellant in the presentation or adjudication of any grievance action brought in good faith, or, take any reprisal action against such persons. Allegations of any violation of these protected rights may be processed as a separate grievance under the

town's grievance procedures or submitted in writing directly to the town council. Individuals found to have violated an employee's protected rights will be subject to disciplinary action that may include dismissal.

10. **RACIAL, ETHNIC AND SEXUAL HARASSMENT COMPLAINT PROCEDURES.** When any employee, including probationary status and temporary, believes that he/she is being discriminated against on the basis of his/her race, color, national origin, age, religion, disability or that he/she is being sexually harassed, the employee may file a written complaint with the personnel officer or with the mayor.

    a. Investigation. The employee will submit any complaints of harassment. The mayor will direct the appropriate department head to thoroughly investigate the complaint and submit a report to the mayor. If the complaint involves the department head, the mayor, or a designated representative, will conduct the investigation and complete a report.

    b. Mayor's Response. The mayor will provide a written response to the employee within five (5) working days. The written response will contain findings and any remedies.

11. **RECORDS**. All formal grievance actions, to include review, investigation, and findings, will be fully documented. A copy of the completed actions will be compiled. A copy will be placed in the employee's personnel file and a copy will be maintained by the personnel officer.

SECTION XII: EMPLOYEE VEHICLE

Definition of a Town Vehicle: Any vehicle Policy pertaining to the requirements and responsibilities for operating a Town ~~City~~ vehicle.

1. DRIVER'S LICENSE REQUIRMENT

A. Prospective and current employees whose job duties include the operation of a city vehicle must be in possession of a valid and current driver's license to include the appropriate class of commercial license for the vehicle being operated. Under no circumstance shall a city employee whose license has been cancelled, revoked, suspended, or expired operate a city vehicle.

B. Any employee whose job duties include the operation of a town vehicle, shall, within, 24 (twenty-four) hours, notify his/her department head of any change in the status of their driver's license or the receipt of any citation for a moving violation in the operation of a motor vehicle whether the citation is on or off the job. Failure to immediately report a change in the status of a license shall result in disciplinary action.

C. An Employee who fails to report a change in the status of his/her driver's license or the receipt of any citation for a moving violation shall be subject to one or more of the following:

- letter of reprimand, or
- suspension without pay, or
- revocation of driving privileges and transfer/demotion to a job not requiring the ability to drive, or termination of employment

2. **PRE-EMPLOYMENT DRIVER'S HISTORY CHECK**. The Town Clerk or the personnel officer shall conduct a driver's history records check on each person prior to making any offer of employment with the Town if the position to be filled may entail the operation of a motor vehicle in the line and scope of employment. Subject to the authority of the Town Council, if operation of a motor vehicle is an essential function of the position to be filled, no applicant shall be employed if the applicant may not operate a vehicle in the line and scope of employment under this policy.

3. **DRIVER'S HISTORY CHECKS ON EMPLOYEES**. The Town Clerk or the personnel officer shall develop and implement a procedure to annually check the driver's history of employees whose positions include as an essential function the operation of a motor vehicle. Any driver's history check may be performed more often than annually in the discretion of the Town Clerk or the personnel officer or the Mayor. The Town Clerk or the personnel officer shall determine the employee's eligibility to operate a vehicle in the line and scope of employment in accordance with this policy.

4. **EMPLOYEES TO OBEY RULES OF THE ROAD**. While operating a Town vehicle or operating a vehicle in the line and scope of employment, employees shall at all times obey all traffic laws and rules of the road, including without limitation those laws relating to speed limits, turn signals, following distance, traffic lights, stop signs, yielding right-of-way, lane usage, and traffic control devices. Only emergency vehicles that are responding to an emergency call or that are in pursuit of a suspected violator of the law, and that are operating emergency lights and sirens, are authorized to disregard certain rules of the road in accordance with Alabama Code §32-5A-7 and other provisions of law. However, this does not relieve the operator of an emergency vehicle of the duty to exercise reasonable care for the rights and safety of others. Such employees shall also adhere to all policies promulgated by their respective departments in regard to emergency runs and the operation of vehicles.

    Seat belt use is mandatory in all Town vehicles. This applies to both the driver and all passengers in seating locating equipped with seat belts.

5. **EMPLOYEES TO REPORT TRAFFIC ACCIDENTS AND OFFENSES OCCURRING WHILE DRIVING A TOWN VEHICLE OR IN THE LINE AND SCOPE OF EMPLOYMENT**. Employees are required to report as soon as possible to both their immediate supervisor and to the Town Clerk or the personnel officer, any traffic accident, citation, ticket, arrest, or charge occurring or received while driving a town vehicle or driving in the line and scope of employment for the Town. If the incident involves the custodial arrest of the employee; driving under the influence; reckless driving; an accident with injury to any person; or otherwise involves an incident that may indicate it is unsafe for the employee to continue operating a vehicle, then the employee shall

immediately cease operating a vehicle and shall contact his or her supervisor for instructions or assistance.

6. **ALL EMPLOYEES ARE REQUIRED TO REPORT.** As soon as reasonably possible (and in any event no later than when the employee next reports to duty) all employees are required to report to both their immediate supervisor and to the Town Clerk or the personnel officer each of the following events, regardless of whether the incident concerns driving a town vehicle or driving in the line and scope of employment.

   a. Receipt of any charge, arrest, or indictment for DUI or any felony traffic offense;

   b. Any adverse action taken by the Alabama Department of Public Safety or any other governmental agency in regard to the employee's driver's license or privilege, including without limitation any suspension, revocation, or cancellation of a driver's license or driving privileges;

   c. Any action or advice by any physician or other health care provider indicating that it would be unsafe for the employee to operate a motor vehicle.

7. **REASONS FOR IMMEDIATE SUSPENSION OF THE PRIVILEGE TO DRIVE IN THE LINE AND SCOPE OF EMPLOYMENT**. Employees shall immediately report and stop operating motor vehicles in the line and scope of employment under the following circumstances:

   a. The employee has been taken into the custody of law enforcement officers on a driving offense while the employee was driving a town vehicle or driving in the line and scope of employment. In such cases, the ban shall continue until the employee's eligibility is determined in accordance with this policy;

   b. The Alabama Department of Public Safety, or any other federal or state agency, has taken any adverse action taken in regard to the employee's driver's license that would make it unlawful for the employee to operate the type of vehicle the employee is assigned on the job, including without limitation any suspension, revocation, or cancellation of a driver's license or driving privileges. In such cases, the ban shall continue until the adverse action against the employee's driver's license or privilege ceases;

   c. Any action or advice by any physician or other health care provider indicating that it would be unsafe for the employee to operate a motor vehicle. In such cases, the ban shall continue until either the same health care provider certifies in writing that it is no longer unsafe for the employee to operate a vehicle, or until a health care provider approved by the Human Resources Director certifies in writing that it is not unsafe for the employee to operate a vehicle;

   d. Any other circumstance arising that indicates it may be unsafe for the employee to continue operating a vehicle. In such cases, the ban shall continue until it is safe for the employee to resume driving.

Supervisors shall as soon as practicable take immediate action to inform such an employee that he or she shall not operate a Town vehicle or otherwise operate a vehicle in the line and scope of employment, pending an investigation into the incident or resolution of the event in question. The supervisor shall then promptly notify the Department Head and the Town Clerk or the personnel officer, and any necessary investigation and/or appropriate disciplinary action by the Town shall be initiated. The supervisor shall take steps to secure any Town vehicles involved without allowing the employee in question to operate the vehicle.

8. **EMPLOYEE DRIVING RECORD**

   a. A current employee whose job description includes the duty to operate a Town vehicle will have his/her MVR reviewed at a minimum of every three years. If a current employee has, at any time, an MVR that is found to be greater than eight (8) points according to the points scale for the State of Alabama UTC offense codes, that employee shall be required to attend a defensive driving course at his/her own expense. The accumulation of points is for a 24-month period.

   b. The employee who is identified as having an MVR greater than eight (8) points will be given two weeks from the date of notification to present a certificate from a school of defensive driving to the appropriate department head, or the employee's driving privileges will be suspended until such certification is presented.

   c. Events causing permanent suspension of authority to drive on Town business. Section 8(A) notwithstanding, any employee who is subjected to any of the following events shall be permanently prohibited from operating Town vehicles or driving on Town business:

      i. Conviction for any felony traffic offense, after all direct appeals and judicial review are made final.

      ii. Conviction for DUI occurring while driving a Town vehicle or driving in the line and scope of employment, after all direct appeals and judicial reviews are made final.

      iii. Two or more convictions for DUI, after all direct appeals and judicial review are made final.

   d. Reservation of Authority to Suspend Town driving privileges or to take Disciplinary Action. The Town reserves the right to suspend an employee from operating Town vehicles or otherwise driving in the line and scope of employment, regardless of whether any of the above criteria have been met or violated, whenever the Town Council deems it appropriate to appoint an Accident Review Board to determine that it would be unsafe for the employee to continue to operate a vehicle in the line and scope of employment. The Town Clerk or the personnel officer or any Department Head may bring any employee's situation to the attention of the Town Council and request appointment of an Accident Review Board for such a determination. The Accident Review Board shall consist of the Chief of Police and two (2) citizens appointed by the Council who are residents of the Town. The Accident Review Board shall have flexibility in acting upon such cases, including without limitation suspending employee's authority to operate a vehicle in the line and scope of employment

indefinitely or for a time certain; limiting the geographic area, time, or circumstances under which an employee may operate a vehicle; imposing reasonable conditions on an employee's authority to operate a vehicle; allowing an employee to operate a vehicle with periodic review as set by the Accident Review Board; and other similar or otherwise reasonable measures. Nothing in this policy shall prohibit the Town from taking appropriate disciplinary action against any employee.

9. **DISCIPLINARY ACTION:** Employees are subject to disciplinary action for traffic offenses covered in this policy pursuant to the Town's Employee Discipline Policy.

10. **ASSIGNMENT OF TAKE-HOME VEHICLES:** Each Department Head, with approval of the Mayor, may assign take-home vehicles to employees in professional, management or supervisory positions who reside within Baldwin County and no more than twenty-five (25) miles from the corporate limits. Employees who reside more than twenty-five (25) miles outside the corporate limits must have the approval of the Mayor and Town Council to have a take-home vehicle.

11. **ASSIGNMENT OF TAKE-HOME VEHICLES FOR "ON-CALL" EMPLOYEES:** Each Department Head, with approval of the Mayor, may authorize a take-home vehicle for an "on-call" employee within Baldwin County (South of Interstate 10) for the duration of the employee's "on-call" status. In the event of a "Declaration of a State of Emergency," the assignment of vehicles before, during and until the cessation of the declared state of emergency shall be left to the discretion of the Department Head, with approval by the Mayor and/or Town Council.

12. **VEHICLE USAGE:** Employees shall follow all guidelines of this policy while operating town owned vehicles at all times. If such employee has no designated "office," Town Hall shall be such "office. Violations of this provision shall subject the employee to the disciplinary procedures and sanctions of the personnel ordinance.

An employee, who takes a town vehicle home, may not leave that vehicle at their home while they are on vacation. The vehicle will be left at the appropriate office. The keys turned in to their supervisor. In this way, if your vehicle is needed for any reason, it will be available. It is your responsibility to make the necessary arrangements prior to departure.

Lunch is to be taken on your own time, using your own vehicle. Personal business conducted while utilizing a town-owned vehicle must be done either enroute to or from work without any detour of the employee's normal route and completed within ten (10) minutes. No non-employee, including the family members of employees, shall ride in municipal vehicles except when it directly relates to municipal business or in an emergency situation. Employees cannot report to their residence during work hours in a town vehicle unless the employee's residence is within the corporate limits (and then only for a limited meal or personal break). Police Officers can use their assigned town vehicle for one (1) meal break per-shift outside the corporate limits but must remain within four (4) miles of Summerdale corporate limits. If an employee has an emergency at home or elsewhere, he/she will need to notify their supervisor for approval to drive a town owned vehicle out of the corporate limits (emergencies will be documented on time sheets and employees will not be paid for time not worked).

SECTION XIV: REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION XVI: EFFECTIVE DATE

This Ordinance shall become effective upon due passage and publication as required by law.
Adopted this 8th day of September, 2025.

Mayor

Attest: