

CITY OF ONEONTA
PERSONNEL POLICIES
AND
PROCEDURES MANUAL



EFFECTIVE
AUGUST 2023

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INTRODUCTION

The personnel rules and procedures contained in this handbook implement the intent of State Act No. 648 as well as other personnel practices necessary for the operation of an effective personnel system for the City of Oneonta. The sections of this handbook cover:

1. conditions under which applicants are recruited, selected, and
2. employee discipline
3. employee grievances and appeals; and
4. other matters regarding employee wages, benefits and working conditions.

These rules and procedures contained herein were approved by the Merit System of Blount County and are applicable until changed by the Oneonta City Council and approved by the Merit Board. The City Council reserves the right to make changes in any city personnel policies, rules, procedures, and/or employee benefits at any time that it may be necessary or desirable. Such changes will not affect specific benefits earned by an employee prior to the date of such change but may affect benefits or other conditions of employment from the date of the change onward. All proposed changes to the City of Oneonta Personnel System will be posted in prominent locations in city offices and work area before being considered for adoption. All changes will become effective upon approval by the Merit System Board of Blount County.

PERSONNEL POLICY STATEMENTS
FOR THE CITY OF ONEONTA
ONEONTA, ALABAMA

WHEREAS, the City of Oneonta desires to provide quality services to its citizens; and

WHEREAS, the City of Oneonta is dedicated to providing equal opportunity for employment to all qualified applicants and nondiscriminatory treatment to all city employees; and

WHEREAS, the City of Oneonta believes that continuance of employment with the city should be based on satisfactory performance of duties; and

WHEREAS, it is the responsibility of each employee to work cooperatively with each other, to carry out his/her duties within established policies, and to contribute efficiently and effectively in providing quality services to the citizens of the City of Oneonta; and

WHEREAS, State Act No. 648, dated May 1, 1978, provides for the establishment of a merit system in the City of Oneonta;

NOW, THEREFORE, BE IT RESOLVED that the City of Oneonta's governing body does hereby adopt and proclaim the following personnel policy statements:

I. CONDITIONS OF EMPLOYMENT.

- A.** The city will develop and maintain an accurate description of each job in the city service with a list of representative tasks and qualifications normally assigned to or associated with that job.
- B.** The City of Oneonta will fill positions with the most qualified applicants. If two or more applicants are equally qualified, the appointing authority will have a choice as to which applicant he/she may select. However, reasonable consideration will be given to providing representative employment to Individuals of protected classes.
- C.** The City of Oneonta will give first consideration to the promotion of qualified merit employees when filling vacant positions above the entry level. Promotions will be based on (1) quality of past job performance, (2) ability, and (3) seniority.

- D. All employees have the right to discuss any and all matters relating to their employment and/or their personal welfare with their supervisors. They may communicate with their supervisors, either orally or in writing, and may be accompanied by reasonable representation of their choice. When a disagreement cannot be resolved within the city, merit employees shall have access to a hearing before the Merit System Board of Blount County in accordance with the provisions of State Act No. 648.
- E. Continuance of employment with the City of Oneonta shall be subject to good behavior, satisfactory performance of work, annual driver's license and driver's history check (when required), necessity for the performance of work and availability of funds.
- F. Supervisory personnel will strive for high standards or performance in their department and will strive to fairly and impartially implement required disciplinary measures. Employees, who do not perform satisfactorily or who do not meet city standards for employment will be disciplined in a just and expedient manner which respects both the rights of the individual and the obligation of the city to provide effective services for the citizens of the City of Oneonta.

II. EMPLOYEE COMPENSATION AND BENEFITS.

- A. The City shall establish and maintain job classification and pay plans for all jobs in the city's personnel system which will:
 - 1. be based on the type and complexity of work performed in each job;
 - 2. provide equal pay for equal work across all jobs in accordance with applicable laws and regulations; and
 - 3. be comparable, within funding limitations, to similar employment situations in comparable cities and localities.
- B. The city will provide to eligible employees, within its financial capability, reasonable fringe benefits such as holidays, sick leave, vacation leave, insurance and retirement benefits.

III. POLITICAL ACTIVITY.

City employees may and are encouraged to participate fully and actively in the political process, except as restricted by law. In general, city employees are restricted only in their on-the-job political activities. The city Human Resources Director will advise all employees who have questions concerning their rights and applicable restrictions. No employee shall be penalized in any way for permitted political activities or lack thereof.

IV. RULES, REGULATIONS AND PROCEDURES.

- A. The application of the personnel policy statements contained herein shall be governed by rules, regulations and procedures adopted by the Oneonta City Council and approved by the Merit System of Blount County.
- B. Those situations and/or actions not specifically covered in these policy statements and/or the rules, regulations and procedures adopted to implement them shall be interpreted by the City Administrator at the direction of the Mayor in keeping with their intent and objectives. A record of such interpretations shall be kept by the city Human Resources Director to ensure consistent application and to ensure incorporation into subsequent updates to the personnel system. In those situations where the literal application of a particular policy, rule or regulation would create a result that is unacceptable, the city reserves the right to deal with such situations in an appropriate manner. The established personnel policies, rules, regulations and procedures may be amended, altered or changed by the city council in accordance with established procedures.
- C. Any parts, sections, paragraphs, clauses and phrase of the approved city personnel system are severable. If any part, section, paragraph, clause or phrase shall be declared unconstitutional or invalid by the valid judgement or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining parts, sections, paragraphs, clauses or phrases.
- D. All policies, rules, regulations or procedures in conflict with this city personnel system as approved by the Merit System Board of Blount County are hereby repealed to the extent of such conflict.

SECTION 1-GENERAL PROVISIONS

A. PURPOSE.

It is the purpose of these rules, regulations and procedures to establish guidelines for city administrative actions which facilitate selection and retention of qualified employees, enhance effective and efficient employee performance in providing needed services to the citizens of Oneonta, and enable city employees to derive satisfaction from their work. To this end, the following general provisions are established:

1. The City of Oneonta Personnel System applies to all employees in the city service, except where specifically excluded by state act and/or these rules, regulations and procedures. All persons, now or hereafter, employed pursuant to State Act No. 648 and these rules, regulations and procedures shall remain in their respective employment so long as their employment meets the intent of the Act and such other rules, regulation and procedures as may be prescribed by the Oneonta City Council.
2. These rules, regulations and procedures are effective upon approval by the Merit System Board of Blount County and are applicable until changed by the city council and approved by the board. The city reserves the right to make changes in policies, rules and regulations or employee benefits at any time that it may be necessary or desirable. Such changes shall not, in any event, be retroactive. Any benefits earned prior to the effective date of such change will not be affected. However, any benefits earned from the effective date of the change onward will be in accordance with the change. Proposed changes will be posted in locations accessible to city employees at least seven (7) working days prior to city council consideration in order to allow input from employees. Approved changes shall be submitted to the merit system board for approval.
3. The city will provide a copy of these rules, in the form of a personnel handbook which will include the current pay scale and job classifications, regulation and procedures

to every employee. All newly hire employees will be provided a copy of the handbook during their in-processing and orientation process. All employees are expected to know and follow these policies and procedures. Any changes or amendments in these rules, regulations and procedures will be provided in writing to cover employees.

4. The rights of employees shall be protected in all personnel matters and proceedings. These rights shall include (1) right to privacy; (2) right to equal treatment in employment, and; (3) right to due process under the law.
5. All personnel records will remain confidential and will be subject to review only by authorized city officials, officers, supervisors and members of the Merit System Board of Blount County.
6. All city officials, officers and supervisors shall administer these rules, regulations and procedures.
7. The Oneonta Personnel System shall be subject to regular and periodic review by the Oneonta City Council. The city Human Resources Director is responsible for monitoring the day-to-day operation of the city personnel system and for recommending needed changes to the mayor.
8. Questions regarding operation of the city personnel system shall be directed to the city Human Resources Director. Questions concerning areas that are not covered or areas where there are conflicts in these policies and procedures shall be referred to the mayor for resolution.
9. In the absence of the City Administrator, the City Clerk shall assume all of the City Administrator's responsibilities detailed in the Personnel Policies and Procedures Manual.

B. DEPARTMENTAL RULES AND REGULATIONS.

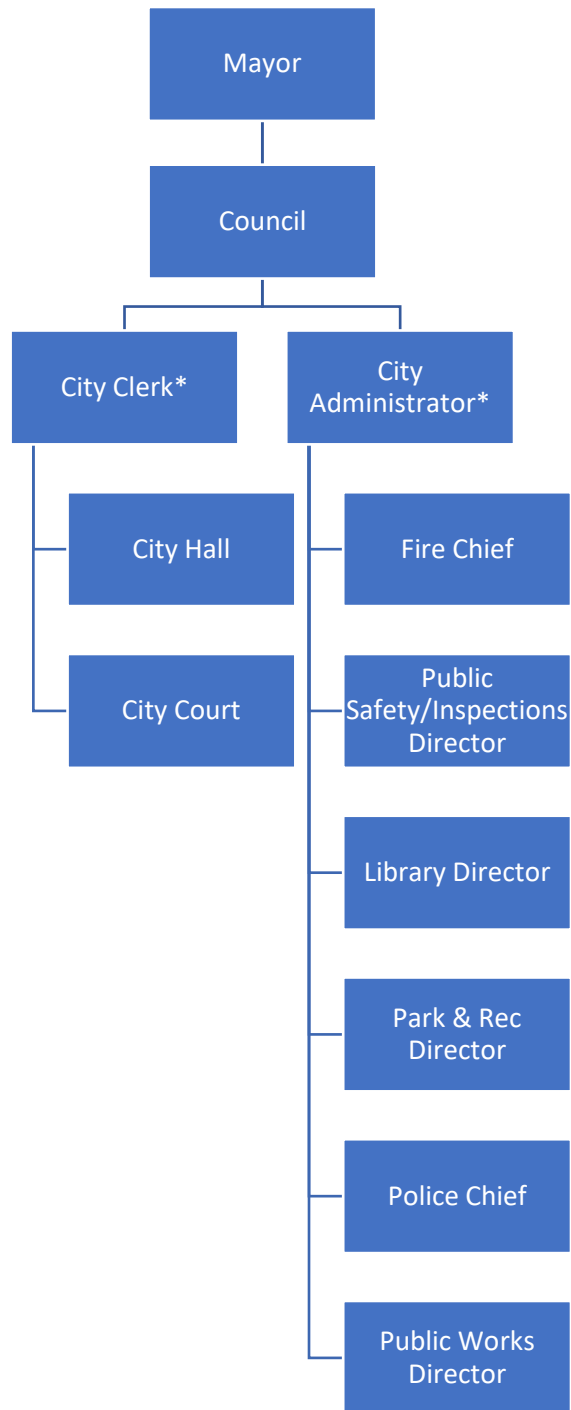
The policies as stated herein provide guidelines for all personnel of the City of Oneonta; however, they do not include all policies, procedures, rules, or regulations that may be necessary at an operational level, Therefore, City department heads may issue implementing rules and regulations for their departments that are consistent with the intent of these rules,

regulations and procedures. However, no such departmental policy, procedure, rule, or regulation shall conflict with these basic policies. A copy of all such department rules and regulations will be furnished to the City Administrator and Human Resources Director.

C. STATUS OF PRESENT EMPLOYEES.

1. All employees who are employed in merit positions and have completed the approved probationary period are designated as merit employees.
2. Those employees who are employed in merit positions but have not completed the approved probationary period must complete the probationary period to become eligible to be designated as merit employees.

D. CITY OF ONEONTA HIERARCHY



SECTION 2 – ANTI DISCRIMINATION AND HARASSMENT

A. EQUAL EMPLOYMENT OPPORTUNITY.

1. The City of Oneonta is an equal opportunity employer and shall take necessary action to eliminate equal opportunity barriers and to prohibit discrimination and/or preferred treatment concerning any individual on the basis of political or religious affiliations; on the basis of race, creed, color, military status, marital status, disability, national origin, sex, or age (except where age or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient functioning in the job); and, on the basis of any other non-merit factor.
2. Candidates shall be considered for employment only on the basis of job-related qualifications, training, experience, capabilities, and performance potential. In addition, candidates shall be selected for employment only on the basis of merit and without regard to race, sex, age, color, creed, national origin, religion, military status, or disability, except where age, sex, or disability constitute a bona fide occupational qualification. In addition, the City of Oneonta shall comply with all local, state, and federal laws concerning equal employment opportunity and discrimination. Members of these protected classes will be encouraged to seek employment with the city so that a representation of all groups in the city service is maintained.
3. This policy applies to all policies and procedures related to recruitment and hiring, promotions, transfers, compensation, benefits, terminations, and all other terms and conditions of employment.
4. The Director of Human Resources serves as the City's EEO Compliance Officer and is responsible for ensuring policy compliance, providing training, preparing related reports, investigating complaints, and monitoring procedures. Questions or concerns regarding the EEO policy should be addressed to the Human Resources Director.
5. Department heads and supervisors shall conduct personnel management operations in accordance with this equal employment opportunity policy.

B. POLICY AGAINST DISCRIMINATION AND HARASSMENT IN THE WORKPLACE.

The City of Oneonta is committed to maintaining a municipal work environment that is free of discrimination and harassment. The City recognizes that discrimination and harassment in the workplace is counter-productive to individual job performance and is against the law ,and in keeping with its commitment to provide a discrimination and harassment free municipal work environment, the City has developed this policy.

1. Harassment – Definition.

- a. Harassment on the basis of race, color, religion, gender, national origin, age or disability constitutes discrimination in the terms, conditions and privileges of employment. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age or disability or that of his/her relatives, friends or associates, and that:
 - 1. Has the purpose or the effect of creating an intimidating, hostile or offensive work environment.
 - 2. Has the purpose or effect of unreasonably interfering with an individual’s work performance.
 - 3. Otherwise adversely affects an individual’s employment opportunities.
- b. Harassing conduct includes, but is not limited to the following:
 - 1. Epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age or disability.
 - 2. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age or disability and that is placed on walls, bulletin boards or elsewhere on the employer’s premises or circulated in the workplace.

2. Complaint Procedure.

Employees encountering harassment should tell the offending person that their actions are inappropriate and offensive. The employee shall document all incidents

of harassment to Ordinance No. P-94-1 Adopted September 13, 1994 provide the fullest basis for investigation. In addition, the employee shall notify his or her supervisor of the harassment, as soon as possible, so that steps may be taken to protect the employee from further harassment and appropriate investigative and disciplinary measures may be initiated.

3. Sexual Harassment – Definition.

Sexual harassment deserves special mention. Inappropriate sexual advances, requests for sexual favors and other physical, verbal or visual conduct based on sex constitutes sexual harassment when:

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

C. ADA/ADAAA.

1. Purpose.

- a. The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.
- b. It is the policy of the City of Oneonta to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the company policy not

to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

2. Procedures.

- a. When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.
- b. The City of Oneonta will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the City of Oneonta. Employees should contact human resources (HR) with any questions or requests for accommodation.
- c. All employees are required to comply with the company's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made in regard to the employee's immediate employment situation.
- d. Individuals who are currently using illegal drugs are excluded from coverage under the company ADA policy.
- e. The Human Resources Director is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

3. Terms Used in This Policy.

- a. As used in this ADA policy, the following terms have the indicated meaning:
1. Disability: A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.
 2. Major life activities: Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
 3. Major bodily functions: Term includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness and specific learning disabilities.
 4. Substantially limiting: In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under EEOC final ADAAA regulations.

5. Direct threat: A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
6. Qualified individual: An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
7. Reasonable accommodation: Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
8. Undue hardship: An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
 - a. The nature and cost of the accommodation.
 - b. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
 - c. The overall financial resources of the employer; the size, number, type and location of facilities.
 - d. The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.

9. Essential functions of the job: Term refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified
- b. The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by the ADA/ADAAA policy.

SECTION 3 - EMPLOYEE CATEGORIES

- A. EMPLOYEE CATEGORIES.** Every employee within the city service shall be designated by the Mayor/City Council as an excluded employee, a full-time employee, an unclassified employee, or a temporary employee in accordance with the above guidelines. The following categories of employees are established in the City of Oneonta:
- 1. Excluded Employees:** Those individuals to whom the established City of Oneonta Personnel System shall in no way apply, except as how it governs their actions and relationships with covered employees. Excluded individuals include:
 - a. persons holding elective offices;
 - b. member of appointive boards, commissions and committees;
 - c. independent contractors;
 - d. persons in the state classified service within the meaning of and subject to the State of Alabama merit system;
 - e. persons whose employment is subject to the approval of the United States government or any agency thereof;
 - f. volunteer persons.
 - 2. Merit Employees.** Those employees in the service of the city, unless specifically excluded by these rules, regulations and procedures, who have completed the one (1) year probationary period. Merit employees work in full-time positions only. Full-time merit employees shall normally work forty (40) hours per week. Full-time merit employees will receive all benefits provided by the city.
 - 3. Probationary Employees.** Those employees who have been hired to positions that are authorized by the city council as full-time positions, but who have not satisfactorily completed the one (1) year probationary period. Full-time probationary employees will receive all benefits provided full-time merit employees.
 - 4. Unclassified Employees.** The Mayor and Council have designated the positions of City Clerk, Police Chief, and Fire Chief as unclassified employees. Unclassified

employees are subject to the Oneonta Personnel System to the same extent as merit employees except that:

- a. Unclassified employees serve at the pleasure of the Mayor and Council, and
- b. Unclassified employees do not have access to the grievance procedures.

Whenever a vacancy exists in an unclassified position, the vacancy will be advertised and filled in accordance with the provisions of **SECTION 4 - STAFFING**. However, the city is not obligated to fill the position with an existing merit employee.

- 5. **Temporary Employees.** Those individuals who have been hired to either perform temporary functions, full established merit positions during the temporary absences of merit employees, or work limited periods of time, during increased work periods will be employed as temporary employees. Temporary employees shall normally work the hours of work established for their positions by the Mayor/City Council. Normally, temporary employment will not exceed six (6) months in duration. The Mayor may extend the temporary employment of an individual for an additional six (6) months when it is considered in the best interest of the city. However, under no circumstances will temporary employees be employed beyond twelve (12) months. Temporary employment will not count as continuous years of service, if a temporary employee is hired for a merit position. Temporary employees may not be converted from temporary employment to merit positions unless they apply for and are selected for such positions in accordance with the staffing guidelines of these rules, regulations and procedures. The purpose of this requirement is to ensure that temporary employment is not used to by-pass the required selection criteria established by these rules, regulations and procedures and applicable federal laws. Temporary employees are not eligible for any city provided benefits, including vacation leave, sick leave, paid holidays and employee group insurance. However, they may qualify for worker's compensation, if they meet the eligibility requirements as established by the state.
- 6. **Part-time Employees.** Part-time employees are individuals employed on an ongoing basis and are normally scheduled to work less than full-time employees. They are not

eligible for health insurance unless they work Thirty (30) or more hours per week. Part-time employees are not eligible for vacation leave, sick leave, or holiday pay and are not typically expected to work overtime. The pay rate for part-time employees shall be equal to the full-time starting rate of pay for his/her job classification.

7. **City Manager.** The position of City Manager will be subject to the ordinance creating the position.

SECTION 4 – STAFFING

A. GENERAL.

1. At the beginning of each budget year the Mayor and City Council shall establish and fund all authorized positions for the budget year. Such authorization will include all positions in the city service, regardless of employment category that has been approved for the budget year. If during the budget year, a new position needs to be added to the list of authorized positions, the mayor will ensure that funding is approved by the City Council before the vacancy is advertised.
2. Staffing actions shall be initiated only for vacant positions that have been authorized and funded. If a position has not been funded, the Mayor will ensure that funding is approved by the City Council before the vacancy is advertised.
3. Whenever an authorized position becomes vacant, the City Administrator will, after determining that the need for the position still exists, notify the Human Resources Director to initiate recruiting actions to fill the position.

B. STAFFING PROCEDURES FOR FILLING MERIT AND UNCLASSIFIED VACANCIES.

1. Recruitment.

- a. The Human Resources Director is responsible for those recruiting actions required ensuring qualified individuals apply for city vacancies.

- b. As appropriate, the provisions contained in **SECTION 5 - CAREER ADVANCEMENT** will be complied with before recruitment actions are initiated outside the city service.
- c. When recruitment outside the city service is required to fill a vacancy, the Human Resources Director shall ensure that adequate notice of the vacancy will be given the general public. Such notice may be given by:
 - 1. posting all vacancy notices with the Alabama State Employment Service, educational agencies, minority organizations, disability organizations and any other organization requesting to be placed on the list;
 - 2. notifying the news media of available vacant jobs/positions and dates of examinations;
 - 3. advertising in newspapers, trade or professional journals; and
 - 4. posting vacancy notices on bulletin boards in city buildings and other prominent locations (to include areas that are readily accessible to the disabled).
- d. All employment applications will be submitted to the city Human Resources Director. Applications will be made on city furnished application forms.
- e. After the closing date of the vacancy notice, the Human Resources Director and the appropriate department head will review each application and rank those applicants who are determined to be qualified for the vacancy.
- f. All applications received in response to a vacancy notice will remain active until the selected applicant has completed the required probationary period. If the selected applicant does not successfully complete the required probationary period, the vacancy will be filled from the remaining qualified applicants. If no qualified applicants remain on file, the vacancy will be advertised again.

2. Selection.

- a. All selections for vacancies shall be made by the City Administrator and Mayor. Selections will be based on the knowledge, skills and abilities

determined to be the required and desired qualifications for the job without regard to age, sex, national origin, religion, race, color, political affiliation, or disability, except where age, sex or disability constitute a bona fide occupational qualification. Reasonable accommodations for disabled individuals who are otherwise qualified will be made, when necessary.

- b. Interviews with the Mayor, or City Administrator, will be scheduled for the top one (1) to three (3) applicants by the Human Resources office.
- c. The Mayor shall ensure that all selections are made on a nondiscriminatory basis and in keeping with established federal and/or state guidelines for equal treatment of all groups of people.
- d. All selections shall be conditional subject to completion of section 3, 4, 5, and 6 of this policy.

3. Employment Officers.

- a. After a review of all referred applicants, the Mayor shall forward his/her recommendation to the City Council for their final approval.
- b. The Mayor shall ensure that the appointment grade and/or salary of all new employees are established in accordance with the provisions of **SECTION 11 - COMPENSATION AND BENEFITS.**

4. Pre-Employment Testing. For some job classifications, the City of Oneonta requires that applicants for employment submit to a test for illegal drugs or alcohol prior to employment. Failure or refusal to submit to a test will result in withdrawal of a conditional offer of employment and/or discharge of employment if employed pending receipt of the test results. No applicant will be asked to take a test unless an offer of employment has been made. All offers of employment are conditional upon a negative test result. Employment applicants taking legally prescribed medications must notify the Human Resources Office of such, prior to the pre-employment testing.

5. Pre-employment Health Screening. Offers of employment may be conditioned on completion of a medical examination, to ensure that the person is capable of

performing the job's essential functions with reasonable accommodation, in accordance with the ADA. Failure to submit to or complete a medical examination is viewed as rejection of the offer of employment.

6. **Immigration Reform and Control Act.** All new employees, regardless of employment status, are required by the Immigration Reform and Control Act of 1986 to complete a government form I-9 before, or immediately following, employment. This form attests to the individuals' eligibility for employment in the United States. Certain documents, which will prove an individual's eligibility for employment in the United States, must be presented to the person processing the employment papers. Each newly hired employee must present either an original document which establishes both employment authorization and identity or an original document which establishes employment authorization and a separate original document which establishes identity within three (3) days of their first day of work. Employees will also be subjected to the E-Verify process as well as any other additional state immigration requirements. Establishing and maintaining eligibility for employment in the United States is a condition of employment.

C. STAFFING PROCEDURES FOR FILLING TEMPORARY VACANCIES.

1. Temporary employees will be authorized and hired in the following manner:
 - a. All temporary employee positions will be approved by the Mayor and funded by the City Council.
 - b. Upon funding by the City Council, the Human Resources Director will initiate appropriate recruitment actions to fill the temporary position.
2. Temporary employees shall be hired for an established period of time as established in **SECTION 3 - EMPLOYEE CATEGORIES**. Under no circumstances shall a temporary employee's employment exceed one (1) year. If the requirement for the position is anticipated to remain after one (1) year, action will be initiated to have the position authorized as a merit position and filled in accordance with the staffing procedures specified for merit positions. The purpose of this requirement is to ensure that the appointment of a temporary employee is not used to bypass the equal employment

opportunity requirements established by these rules, regulations and procedures and federal laws.

3. The pay for temporary employees will be established in accordance with the provisions of **SECTION 11 - COMPENSATION AND BENEFITS.**

D. PROBATIONARY PERIOD.

1. Every new employee hired for a merit position shall serve a period of one (1) year as a probationary employee before being designated a merit employee. The probationary period shall be considered an integral part of the training and evaluation process for new employees and shall be utilized for closely observing the employees' work, for determining his/her suitability for employment in the city, and for separating any new employee who does not meet city standards.
2. The probationary employees' performance shall be evaluated by his/her department head, or designated supervisor, three (3) times during the probationary period. The first evaluation shall be conducted at the completion of the fourth month of service, the second evaluation shall be conducted at the end of the eighth month, and the final evaluation shall be conducted during the twelfth month of service. Upon completion of each evaluation, the department head will confer with and advise each probationary employee about his/her progress. Each evaluation will be in writing and will note necessary improvements; if the employees' performance does not meet established city standards. Each evaluation will be prepared on the city's rating form and will be signed by either the department head, or designated supervisor, and the employee. A copy of each evaluation will be forwarded through the City Administrator to the Human Resources Director for inclusion in the employees' personnel file.
3. The employment of any probationary employee may be terminated by the city at any time. A written notice will be furnished the terminated individual. A copy of such notice will be included in the individual's employment file.
4. Lengthy or frequent absences during the probationary period are discouraged and shall be granted only in justifiable situations.

5. Employees in merit positions who successfully complete their probationary period shall become merit employees upon recommendation of the respective department head and approval by the City Administrator. Such recommendation and approval must be completed by the completion of the twelfth month of employment.

E. EMPLOYMENT OF RELATIVES.

1. The City of Oneonta is committed to a policy of employment and advancement based on qualifications and merit and does not discriminate in favor of or in opposition to the employment of relatives.
2. Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment, which can be carried into the daily working relationship, The City of Oneonta will hire or consider other employment actions concerning relatives of persons currently employed only if:
 - a. candidates will not be working directly for or supervising a relative;
 - b. candidates will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative. Such decisions include hiring, retention, transfer, promotion, wages and leave requests, and
 - c. candidates will not work in any same department of the city and be subject to the supervision of the same department head as another relative.
3. This policy applies to all current employees and candidates for employment. However, current related employees that conflict with this policy prior to its implementation will be exempt from this policy until their employment status changes.
4. "Relative" is defined as one of the following: relationships by blood—parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece and first cousin; and relationships by marriage—husband, wife (as defined by state law), step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece,

spouse/partner of any of the above, or others with whom a similar close family tie exists.

5. Any person falling within the category of "relative" by reason of adoption shall be treated the same as if such relationship occurred naturally.
6. If any employee, after employment or change in employment, enters into one of the above relationships, one or of the affected individuals may transfer to any non-conflicting vacant position that they are qualified for. Such changes must be approved by the City Administrator. If such transfer is not approved, then one of the employees entering into the relationship must forfeit his/her employment with the City.

SECTION 5 -CAREER ADVANCEMENT

A. GENERAL.

1. Normally, vacant merit positions above the lowest pay grade level and unclassified positions shall be filled so far as is practical by the transfer or promotion of qualified full-time merit employees. If no qualified merit employee is available, the vacancy will be filled by the best-qualified applicant from outside the city service.
2. Transfers and promotions shall be made without regard to race, color, religion, sex, age, national origin or disability and will be based solely on job-related qualification, efficiency and physical condition (if physical condition is a bona fide occupational qualification).

B. TRANSFERS.

1. Any merit employee may, with the City Administrator's approval, be transferred to a comparable merit position of the same grade for which he/she is qualified. No pay increase will be given to any employee as a result of a transfer.

2. A merit employee who desires to be transferred should make his/her request known in a letter through his/her department head to the Human Resources Director. There will be no repercussions for employees seeking a transfer.
3. As vacancies occur in positions for which the employee is qualified, his/her name will be submitted by the Human Resources Director to the department head for consideration. Such transfer must be approved by the Mayor.
4. When required for the benefit of the city, the Mayor may direct the transfer of a merit employee to another comparable position for which he/she is qualified.
5. Newly voluntarily transferred employees shall serve a new six- (6) month probationary period in their new jobs. If the transferred employee's performance during the probationary period does not meet expected requirements, he/she will be reassigned to a job comparable to the one he/she held prior to being transferred, if there is a vacancy in such classification that the employee qualifies for. If there are no vacancies that the employee is qualified for, the employee may be placed on personal leave of absence/ terminated. Such employee may be terminated only after a formal disciplinary hearing, and only if there is no vacancy in any such other comparable classification. This action does not prohibit an employee from applying for future vacancies with the City.
 - a. Employees who are required by the mayor to be transferred to a different department or position are exempt from this probationary period.

C. PROMOTIONS.

1. A promotion is defined as the permanent assignment of an eligible merit employee to another merit position with a higher pay grade than his/her current grade and an accompanying increase in salary. The assignment of a merit employee to an unclassified position shall not be considered a promotion.
2. To be considered for a higher-level merit position, an employee must submit an application to the Human Resources Director in accordance with the published job vacancy notice.

3. All promotions shall involve a change in salary. Normally, promoted employees will be placed at the same step in their new pay grade.
4. Promotion Procedures.
 - a. All full-time merit position vacancies above the lowest pay grade level shall be posted on department bulletin boards and other areas readily accessible to city employees. All vacancies shall be open to merit employees for receipt of applications for at least seven (7) working days from the date of the posting. Qualified full-time merit employees will be considered first for vacancies.
 - b. Interested merit employees shall be responsible for ensuring their completed applications are submitted to the Human Resources Director by the deadline listed in the vacancy notice.
 - c. If no qualified applicant is available from the full-time merit employees, the Human Resources Director shall initiate recruitment actions outside the city service as outlined in **SECTION 4 - STAFFING** of these rules, regulations and procedures.
5. Newly promoted employees shall serve a new six- (6) month probationary period in their new jobs. If the promoted employee's performance during the probationary period does not meet expected requirements, he/she will be reassigned to a job comparable to the one he/she held prior to the promotion, if there is a vacancy in such classification that the employee qualifies for. An employee who is reassigned will have his/her pay, except for any citywide or longevity pay raises provided to him/her, adjusted to the level that existed prior to the promotion. If there are no vacancies that the employee is qualified for, the employee may be terminated. Such employee may be terminated only after a formal disciplinary hearing.

D. TEMPORARY ASSIGNMENTS.

1. Any employee may be placed on temporary assignment by a department head, after approval of the City Administrator, for such purposes as training, accomplishing

special projects or filling temporary vacancies. Such temporary assignments shall not exceed one hundred eighty (180) continuous calendar days.

2. The employee's pay will remain the same as his/her regular pay, if the temporary assignment does not exceed thirty (30) continuous calendar days.
3. If the employee remains in the temporary assignment for more than thirty (30) continuous calendar days, his/her pay will be adjusted to at least the entry level for the pay grade of the temporary job assignment for the remainder of the assignment. Such adjusted pay will be at least five (5) percent above the employee's regular pay. The employee's adjusted pay will revert back to his/her regular pay upon termination of the temporary assignment.

SECTION 6 -DEMOTIONS

A. Any employee may be demoted to a position of a lower grade for which he/she is qualified for any of the following reasons:

1. His/her position is being abolished because of a lack of work or a lack of funds, and he/she would otherwise be laid off; or
2. The employee's performance has not demonstrated his/her ability to render satisfactory service in the position he/she holds; or
3. The employee voluntarily requests such demotion; or
4. The employee is being disciplined in accordance with the disciplinary procedures contained in **SECTION 8 - DISCIPLINARY ACTIONS**.

B. **DISCIPLINARY ACTIONS.**

1. All demotions shall require the approval of the City Council. All demotions, except demotions for disciplinary reasons, shall require written notification stating the reason(s) and the effective date of the demotion be provided to the employee at least ten (10) calendar days prior to the effective date of the demotion. A copy of

this notification will be provided the Human Resources Director for inclusion in the employee's personnel file.

2. In any situation involving an involuntary demotion, an eligible employee may appeal the action to the Blount County Merit System Board.
3. The provision of **SECTION 8 - DISCIPLINARY ACTIONS** shall apply for any disciplinary action demotion.

SECTION 7-SEPARATIONS

A. GENERAL PROVISIONS.

1. All employee separations shall be designated as one of the following types: resignation, reduction in force, disability, death, retirement or dismissal for cause.
2. At the time of separation, or prior to payment of any final compensation, all records, assets and other items of city property in the employee's custody shall be returned to city control. Any payment due the city because of shortages in the above shall be withheld from the employee's final compensation, unless waived by the City Council.
3. An exit interview will be held with each person termination employment with the city. The purpose of the interview shall be to:
 - a. provide an opportunity for the employee to openly discuss his/her employment with the city;
 - b. provide the employee with information about his/her benefits; and
 - c. obtain the employee's opinion of the city, which may lead to improvement in city policies, procedures and working conditions.
4. The exit interview will normally be held by the City Administrator and the employee's department head.
5. The City Council will be provided the results of all exit interviews.

B. TYPES OF SEPARATION.

4. Resignation.

- a. An employee may resign by submitting in writing to his/her department head the reason(s) and the effective date of his/her resignation. Notification will be given as far in advance as possible. Merit employees will provide at least fourteen (14) calendar days' notice prior to the effective date of the resignation. Unclassified employees will provide at least thirty (30) calendar days' notice prior to the effective date. Failure to comply with this requirement may be cause for denying the individual future employment with the city.
- b. Unauthorized and unjustifiable absences from work for a period of five (5) consecutive working days may be considered by the city as a voluntary resignation.
- c. Department heads shall forward all employee notice of resignation to the City Administrator.

5. Reduction in Force (RIF).

- a. Any employee in the city service may be separated from his/her position by being laid off through a RIF action when necessary. All RIF actions will be directed by the City Council. The Mayor shall be responsible for issuing specific guidance for implementing all necessary RIF actions. The critical nature of each job will be used to determine those jobs that will be included in the RIF.
- b. Separation of employees in a RIF shall be in the following order:
 - 1. temporary employees;
 - 2. probationary full-time employees in merit positions;
 - 3. full-time merit employees.
- c. Criteria to be used in identifying employees in each category above that are to be laid off shall include:
 - 1. performance of each employee; and

- 2. each employee's length of service.
- d. When a full-time merit employee is scheduled to be laid off, the employee shall be offered a transfer to a position of equal or lower grade if a vacancy exists and the employee is qualified for the position. If their appointment is to a job of a lower grade, they will be placed within the authorized pay range at the pay level that is equal to their previous pay. However, no former employee will be paid above the maximum pay rate for the pay grade of his/her assigned job.
- e. Merit employees and unclassified employees will be notified in writing by the Mayor of their pending layoff at least seven (7) calendar days prior to the effective date of the layoff. Other employees will give as much notice as possible. A copy of such notification will be furnished to the Human Resources Director.
- f. Merit employees who are laid off will be placed on a preferred reemployment list in the order of their separations. Such individuals will have recall rights to their former position or other merit positions of the same or lower grade for which they qualify for one (1) year from the effective day of their layoff. The Human Resources Director shall maintain the preferred reemployment list and shall notify the person on the list of existing vacancies for which they are qualified.
- g. The duties that were performed by a laid off employee may be reassigned to other employees.

6. Disability.

- a. An employee may be separated for a physical or mental disability when he/she cannot adequately perform his/her duties because of extended impairment. Reasonable accommodations for disabled individuals who are otherwise qualified will be made when necessary.
- b. A disability separation may be either voluntary or involuntary depending on whether the employee or the city initiates the action. All disability

separations shall be supported by medical evidence. If the employee initiates the separation, the city may require an examination by a physician of its choice. A merit employee may appeal an involuntary disability separation to the Blount County Merit System Board.

- c. A disability separation will be effective only after the employee's accrued leaves with pay have been expended.
- d. An employee who is eligible for retirement will be entitled to retire and receive retirement payments as provided by the city retirement plan.

7. Death.

- a. Separation is effective as of close of business on the date of death.
- b. All compensation due the employee as of that date shall be paid to the estate of the employee, except for such sums that must be paid by law.

8. Retirement.

- a. Whenever an employee meets the conditions for retirement as set forth in the rules and procedures established by the City of Oneonta retirement plan, he/she may elect to retire and receive all benefits earned under the city's retirement plan.
- b. The notice of retirement shall be forwarded through the department head to the Human Resources Director no earlier than six (6) months but no later than sixty (60) days prior to the requested effective date.

9. Dismissal.

- a. As a final disciplinary action any employee, regardless of employment status, may be dismissed for the good of the city. Reason(s) for dismissal include, but are not limited to, repeated violations of "Group One Offenses" and/or any violation of a "Group Two Offense" as provided for in **SECTION 8 - DISCIPLINARY ACTIONS.**
- b. Maximum due process protection as required by law and these rules, regulations and procedures shall be provided to the employee in all dismissal proceedings.

- c. A merit employee may appeal his/her dismissal in accordance with the grievance procedures of these rules, regulations and procedures.
- d. No employee may be dismissed for any political activity that is authorized by law.

SECTION 8-DISCIPLINARY ACTIONS.

A. GENERAL.

Employees shall be disciplined only for violations of established rules and regulations and/or for the good of the city service. No employee shall be disciplined for any authorized political activity. Each supervisor shall make every effort to determine why an employee failed to observe proper conduct and shall initiate corrective actions as appropriate. All discipline shall be fair, prompt and certain and shall be administered to correct the employee's deviant performance and behavior.

B. TYPES OF DISCIPLINE.

All employees, regardless of employment category, are subject to the following types of disciplinary actions:

1. **Formal counseling.** At the first indication of unacceptable conduct by any employee, the employee's department head shall discuss the problem with the employee so that both may offer suggestions to correct the problem. A Formal Counseling Report shall be used to establish a record of this action. A copy of the report shall be forwarded through the City Administrator to the Human Resources Director for inclusion in the employee's personnel file.
2. **Written Warning.** Repeated or continual offenses by an employee may result in the department head's issuing the employee a Written Warning Report. Such warning will include the reasons for the warning and inform the employee that further

unacceptable conduct will result in harsher disciplinary action and may result in demotion, suspension without pay, or separation. A copy of the warning report shall be forwarded through the City Administrator to the Human Resources Director for inclusion in the employee's personnel file.

3. **Suspension Without Pay.** The Mayor may suspend any employee without pay for a period not to exceed thirty (30) days whenever he/she feels it is in the best interest of the city. Suspension without pay shall require a due process hearing be held prior to the effective date of the suspension.
4. **Demotion.** The Mayor may demote an employee as a disciplinary action for insufficient performance of his/her duties or for any other cause that is in the interest of the city. A demotion shall require a due process hearing be held prior to the effective date of the demotion.
5. **Imposed Probation.** The Mayor may place an employee on probation as a disciplinary action for insufficient performance of his/her duties or for any other cause that is in the interest of the city. During this period, the employee is obliged to change their behavior, or they will be faced with more severe disciplinary actions leading up to termination. An imposed probation shall require a due process hearing be held prior to the effective date of the probation and typically shall not last longer than ninety (90) days without the Mayor approving to extend the probationary period.
6. **Dismissal from Service.** The Mayor, after consulting with the Human Resources Director, may dismiss any employee so long as the dismissal is in accordance with the intent of the city's personnel system. Dismissal from the city service shall require a due process hearing be held prior to the effective date of the dismissal.

B. CLASSIFICATIONS OF OFFENSES.

Employee offenses are grouped below with a summary of the authorized disciplinary actions recommended for each group. The offenses and recommended disciplinary actions, as described are neither all-inclusive nor automatic. City officials and supervisors are permitted and expected to treat individual situations according to the circumstances and facts involved.

1. **Group One Offenses.**

- a. Such offenses shall include but not be limited to the situations below:
1. failure to give proper notice of an absence which could be anticipated;
 2. irregular attendance and/or excessive absenteeism;
 3. tardiness (not at his/her assigned work station at the beginning of the first hour of the employee's work day);
 4. interfering with the work of others to include offensive personal habits which interfere with efficient operations;
 5. excessive inefficiency, to include waste, loafing, leaving the work area without permission and defective workmanship;
 6. violation of normal safety practices to include failure to report a work related accident/injury or accident proneness;
 7. improper use and/or care of city property;
 8. political activities during working time;
 9. misconduct to include lack of cooperation, contravention of civil or criminal law and any disgraceful conduct which reflects unfavorably on the city as an employer;
 10. willful and repeated failure to honor court judgements; and
 11. promiscuous behavior as related to job duties.
 12. Minor violation of computer policy. Including, but not limited to, excessive nonbusiness-related emails, excessive storage or personal files on hard drive, unauthorized downloading of music files or other prohibited files and unintentional downloading of corrupted files.
 13. Speaking on behalf of a department of the city on subjects involving department operations, procedures or policies not matters of public concern without prior permission of the department head or his designee or while speaking on behalf of a department of the city expressing opinions or beliefs contrary to or in contradiction with policies of the city.
 14. Neglecting to appear clean and neat in person and dress while in public or neglecting to wear proper uniform while on duty.

15. Unauthorized removal or possession of garbage, trash and recycling from waste receptacles, garbage carts, recycling containers, city right-of-way and city facilities and grounds.
16. Conduct unbecoming a city employee; conduct which tends to bring discredit upon the city and its employees in that such conduct tends to destroy the public's belief in the employee's ability to perform the duties under the law.
17. Wrongful use of sick leave or failure to otherwise comport with the Sick Leave Policy.

b. Summary of recommended disciplinary actions for Group One Offenses:

1. First offense-- formal counseling.
2. Second offense—written warning.
3. Third offense—final written warning, demotion, suspension without pay, imposed probation, or dismissal. Any demotion, suspension or dismissal action shall require a due process hearing to be held by the City Administrator and Mayor prior to the effective date of this action.
4. Three written warnings within a twenty-four (24) month period may constitute justification for dismissal.

2. Group Two Offenses.

a. Such offenses shall include but not be limited to the situations below:

1. possession and/or use of alcohol, unprescribed drugs or similar intoxicants while on city property or on the job (employees other than law enforcement personnel in the line of duty);
2. driving a city vehicle while under the influence of intoxicants such as alcohol, unprescribed drugs and/or prescribed drugs which induce an unsafe mental and/or physical state;
3. loss of a driver's license and/or driving privileges by due process of law, when the employee's job requires the operation of a motor vehicle in the performance of his/her duties;

4. use of a deadly weapon and/or force on city property (employees other than law enforcement personnel in the line of duty);
5. deliberate falsification of records and/or personal misrepresentation of statements given to a supervisor, official, the public, or board;
6. dishonesty as related to an individual's job duties and/or profession, or use of one's official position for personal advantages;
7. fighting, except when the employee is a victim of an unwarranted assault;
8. gross insubordination;
9. conviction of serious criminal offense or a misdemeanor involving moral turpitude;
10. theft, destruction, careless or negligent use, or willful damage of city property or property of others;
11. dangerous horseplay on the job;
12. flagrant violation of safety practices that endanger the life or health of the employee or others;
13. serious violation of city rules, regulations, department rules, lawful orders or directions made or given by a supervisor;
14. membership in any organization which advocates the overthrow of the government of the United States by force or violence;
15. acceptance of any consideration of value or gratuity which was given to improperly influence the employee in the performance of his/her duties;
16. refusal to be examined by a city authorized licensed physician when so directed;
17. political activities that are gross violations of federal and/or state laws and these policies and procedures;
18. sexual harassment;
19. sleeping on the job during duty/work hours;
20. incompetence or repeated inefficiency in the performance of duties;

21. abusive personal conduct or language toward the public or fellow employees, or abusive public criticism of a superior or other city official;
 22. violation of any duly adopted City of Oneonta policy, rule, regulation or state/federal law or regulation governing public employment; or
 23. conduct or actions to be determined to be a conflict of interest as defined by state law and/or these policies and procedures.
 24. Fraudulent misrepresentation in securing an appointment or promotion in the city service;
 25. serious or repeated violations of Group One Offenses.
 26. Texting while driving a City vehicle or operating City equipment.
 27. Inability to perform essential functions of job with or without reasonable accommodations.
 28. Intentional downloading of corrupted files, malware, spyware or virus to a city computer or technological device.
 29. Unauthorized work/employment while on paid or unpaid leave of absence to include the following: Worker's compensation leave, FMLA leave, military leave, or equivalent.
 30. Failure to obtain or maintain a license or certificate required as a condition of employment;
- b. Summary of recommended disciplinary actions for Group Two Offenses:
1. The first offense shall normally constitute grounds for dismissal.
 2. Due process procedures as established by federal law and/or these policies and procedures will be adhered to whenever any proposed disciplinary action will result in the deprivation of a merit employee's rights such as suspension without pay, demotion or dismissal

D. PROCEDURES.

1. The City Administrator shall ensure that an employee's rights are protected and that the intent of these rules, regulations and procedures are adhered to during any disciplinary action. When required, the City Administrator shall ensure that the

employee has been informed in writing of his/her rights under these rules and regulations.

2. Normally, disciplinary actions will be administered uniformly in the order recommended for each group of offenses listed, however, each supervisor is expected to use those disciplinary measures that are best for each situation.
3. All disciplinary actions, to include formal counseling, will be recorded and filed in the employee's personnel record maintained by the Human Resources Director. Under no circumstances shall a formal counseling or warning report be made and placed in any employee's file without the employee's knowledge.
4. Disciplinary action normally shall be taken by the employee's department head. However, when the offense is severe and a disciplinary action such as demotion, suspension without pay, imposed probation or dismissal is being considered, the action shall be taken by the Mayor. When such disciplinary action is being considered the City Administrator, at the direction of the Mayor, will before the effective date of the proposed discipline, provide the employee in writing; (a) the reason(s) for the proposed discipline; (b) the proposed action to be taken; (c) the date and time of such action becoming effective; (d) his/her right to answer the charges orally or in writing; and (e) his/her right to representation. The employee shall have three (3) calendar days in which to respond to this notice. Upon completion of the due process hearing, the City Administrator shall inform the employee of his/her decision concerning the appropriate discipline to be administered. If the City Administrator decides to impose a penalty such as dismissal, or if the employee fails to respond to the notice, their proposed disciplinary action shall be automatically forwarded to the Mayor for his/her review prior to the actions becoming final. The employee will be notified of the time and place of this review and of his/her right to appear before the City Council, with reasonable representation, if he/she chooses and to present information in his/her behalf. If the City Council concurs with the Mayor's actions, the disciplinary action shall become effective on the date specified. A copy of the due process hearing and City Council review, with the employee's submission, shall

be furnished the Merit System Board of Blount County within five (5) days of the effective date of such action. A copy of such proceedings shall be provided the Human Resources Director for inclusion in the individual's personnel file.

F. SUSPENSION WITH PAY.

In the event of a particularly violent action or intolerable offense on the part of an employee, e.g. fighting, destruction of city property, gross insubordination, etc., the employee may be suspended with pay for up to ten (10) days by the City Administrator pending the completion of the due process hearing. The Human Resources Director shall be immediately informed of this action.

SECTION 9-GRIEVANCE PROCEDURES

A. GENERAL PROVISIONS.

1. A grievance is defined as either a formal statement by a merit employee that a city supervisor or official is improperly or prejudicially applying, or failing to apply, the personnel rules, regulations and/or procedures of the City of Oneonta or a protest by a merit employee that a disciplinary action taken against him/her is improper.
2. Probationary, unclassified and temporary employees may not file a grievance under these procedures.
3. The purpose of the city's grievance procedure is to permit eligible employee's equal access to those individuals who make management decisions and to provide a standard process for speed investigation and resolution of employee complaints. The city grievance procedures will not be used to resolve differences between/among employees of like rank.
4. No employee shall be penalized in any way for exercising his/her rights under these grievance procedures.

5. A grievance may be withdrawn by an employee at any step in the process without prejudice.
6. An employee shall have the right to be represented by a person, or number of persons, of his/her own choosing at any step in the grievance process.
7. Employee appeals from disciplinary actions that involve separation, discharge, suspension without pay or demotion of the employee shall be initiated at Step 3 of the grievance procedures.
8. The provisions of these grievance procedures shall not apply to pay reductions, which are part of a general plan to reduce salaries and wages as an economic measure, when such reductions are prorated to all merit employees.
9. Department heads who are considered merit employees will begin the grievance procedure at step 2.

B. GRIEVANCE PROCEDURES

1. Step 1.

- a. Within five (5) working days after the employee knows or should have known of an alleged violation, or misapplication of a City of Oneonta personnel rule, regulation or procedure, the employee shall discuss the grievance with his/her department head.
- b. The department head shall provide the employee an answer within three (3) working days of this initial meeting.
- c. The department head shall furnish the City Administrator and the Human Resources Director with a written statement concerning the complaint, pertinent facts and his/her decision.

2. Step 2.

- a. Within three (3) days from receipt of the department head's decision or non-response, the employee shall have the right to appeal the decision to the City Administrator.

- b. The City Administrator shall make a separate investigation and consult with the Human Resources Director to determine if a City of Oneonta personnel policy has been violated or misapplied.
- c. Within three (3) working days of this appeal, The City Administrator shall furnish the employee an answer and shall furnish the Human Resources Director a written statement concerning his/her decision.

3. Step 3.

- a. Within three (3) days from receipt of the City Administrator's decision or non-response, the employee shall have the right to appeal the decision to the Mayor.
- b. The Mayor, acting in conjunction with the City Council, shall furnish the employee an answer within three (3) working days of this appeal.
- c. The Mayor shall furnish the Human Resources Director a written statement concerning his/her decision.

4. Step 4.

- a. Within ten (10) working days of receipt of the Mayor's decision or non-response; or within ten (10) working days of the effective date of any disciplinary action that involves removal, discharge suspension without pay or demotion, the employee shall have the right to elevate his/her grievance to the Merit System Board of Blount County.
- b. The appeal shall be presented to the board in writing and shall contain:
 - 1. a statement of the rule(s), regulation(s) or procedure(s) that have been violated or misapplied, with the date and description of such violation(s) or misapplication(s); or the disciplinary action that is being appealed;
 - 2. the specific remedy which is being sought;
 - 3. previous supervisory decisions; and
 - 4. a notice an appeal.
- c. The board shall set a hearing date that shall be held no less than ten (10) days or more than thirty (30) days after notification is provided the employee.

Such hearing shall be held in accordance with procedures established by the board.

- d. The employee shall be allowed to appear before the board with representation of his/her choice, if he/she desires.
- e. The board shall hear the employee's grievance, gather pertinent documents, interview witnesses as necessary and prepare a written statement of fact.
- f. Within ten (10) calendar days following the conclusion of said hearing, the board shall enter its decision in the case. Said decision shall be reduced to writing and entered into the records of the case and shall include the board's finding of facts upon which its decision is based.
- g. Any person aggrieved by the decision of the board may appeal such decision to the Circuit Court of Blount County within thirty (30) days from the rendering of such written decision by the board.

SECTION 10-ATTENDANCE AND LEAVE

A. HOURS OF WORK.

- 1. City offices and activities will be open for business as established by the Mayor and City Council.
- 2. Normally, all employees shall be scheduled to work a forty- (40) hour workweek. Part-time employees normally shall be scheduled to work less than twenty-nine (29) hours per week as approved by the city at the time of establishment of the position.
- 3. In departments where the Fair Labor Standards Act (FLSA) allows for an extended work period to be established, the number of regular hours to be worked in the work period will be established in accordance with the FLSA and the need of the city.
- 4. The workweek/work period and the number of hours to be worked by temporary employees will be established by the city at the time of their employment.

Temporary employees will be paid by the hour for those hours they actually work each pay period.

5. In an emergency situation, or for short periods of time, part-time and temporary employees may be required to work more hours than their normal work schedule.
6. Individual department heads shall establish the work schedule for their employees in accordance with the needs of the city and their department. In all instances, equal treatment of employees doing the same kind of work shall be required.
7. Employees who work in jobs that are non-exempt from the overtime provisions of the FLSA will not be permitted to begin work before the established starting time for their positions, nor continue work after their established stopping time, without being paid for the extra time. Non-exempt employees will only be credited with that work performed outside their regular work schedule that has been specifically approved in advance by their department head. Entitlement to any overtime hours and/or compensatory time will be determined by using the total hours actually worked for the workweek/work period in accordance with the provisions of the FLSA.
8. Call-In Time.
 - a. All employees, except those who are exempted from the overtime provisions of the FLSA, who are called in for duty outside their regular scheduled working hours shall be credited with all hours worked, but not less than three (3) hours for the call-in time. Credit for call-in time will be allowed only once per workday. If an employee is called-in more than once, the actual time worked will be allowed for each subsequent call-in
 - b. All non-exempt employees who are called in prior to their regular scheduled starting time and who continue working through their regular hours of work, or who continue working beyond their regular quitting time, will not be credited with call-in hours; however, they will be credited with all hours actually worked.

B. OVERTIME.

1. Employees who work in jobs that are non-exempt from the overtime provisions of the FLSA and are required by their supervisor to work more than the standard hours in the FLSA allowed workweek/work period will be credited with time worked at the rate of one and one-half (1 ½) times the actual hours worked for all hours worked that exceeded the regular time for the workweek/work period as established by the FLSA.
2. Employees who work in jobs that are exempt from the overtime provisions of the FLSA shall not be credited with any overtime hours for any hours of work over the regular hours of their workweek/work period. However, upon approval of the City Administrator, these employees may be given time off, when their workload permits, without charging the time against their accrued leaves with pay or charging the time as leave without pay.
3. Temporary and part-time employees are eligible to earn overtime hours, if the total hours they work during a workweek/work period meet the requirements of the FLSA, as amended.
4. All hours worked by employees will be reported on a department's time and attendance report in accordance with procedures established by the Human Resources Director. Credit for overtime hours will be calculated at one and one-half (1 ½) times the hours the employee worked that exceed the regular hours allowed by the FLSA for the established workweek.
5. Police officers and fire fighters may be scheduled to work an extended work period as authorized by the provisions of the FLSA. Credit overtime hours will be calculated at one and one-half (1 ½) times the hours the employees worked that exceed the regular hours allowed by the FLSA for the established work period.
6. For purposes of determining the employee's work time, hours of work shall be computed in increments to the nearest thirty (30) minutes.

C. COMPENSATORY TIME.

1. All overtime hours earned by an employee who works in a FLSA non-exempt job may be taken as compensatory time, or paid as overtime, at the discretion of the department head or City Administrator. Accrual of Compensatory Time hours will be calculated at one and one-half (1 ½) times the hours the employees worked that exceed the regular hours allowed by the FLSA for the established work period.
2. Compensatory time may be accrued up to forty (40) hours per year, but no more than forty (40) hours will be carried over in any given year with the exception of the School Resource Officer (SRO) who may not accrue more than four hundred eighty (480) hours at any time. Any compensatory time that is unauthorized to be carried over will be paid out to the employee.

D. OFFICIAL HOLIDAYS.

1. All full-time merit employees, unclassified employees, and full-time probationary employees are eligible for holiday pay for all city authorized paid holidays. Temporary employees, part-time employees, shall not be paid holiday pay for city authorized paid holidays.
2. The city shall observe the following days as paid holidays for all eligible employees:
 - a. New Years Day
 - b. Martin Luther King's Birthday/Robert E. Lee's Birthday
 - c. President's Day
 - d. Good Friday
 - e. National Memorial Day (May)
 - f. Juneteenth
 - g. Independence Day
 - h. Labor Day
 - i. Columbus Day
 - j. Veteran's Day
 - k. Thanksgiving (Thursday & Friday)

- I. Christmas Eve
 - m. Christmas
- 3. When an authorized paid holiday falls on a Saturday, the holiday will be observed on the Friday before the holiday. When the authorized paid holiday falls on a Sunday, the holiday will be observed on the Monday after the holiday.
- 4. A department head may designate another day that will be observed as a paid holiday for those eligible employees who's normally scheduled off days fall on an authorized holiday.
- 5. Eligible employees will be paid holiday pay at their normal rate of pay for each authorized paid holiday, regardless of whether the employees work that day or not. Holiday pay shall not be counted as hours worked during a workweek/work period unless an employee actually works on that day. If an employee actually works on a paid holiday and the time he/she works causes the employee's total hours worked for the workweek/work period to exceed the standard hours established for the workweek/work period as authorized by the FLSA, the overtime pay or compensatory time will be calculated at one and one-half (1 ½) for all time worked that exceeds the standard hours for the established workweek/work period. Calculation of work hours for Police and Fire personnel will be made on the same basis as the calculation for a regular workday for these employees.
- 6. An employee who is eligible to receive holiday pay for an authorized holiday and is required by his/her department head to work that holiday may, in addition to receiving his/her regular pay, be paid his/her regular rate of pay for all hours worked on the holiday, or scheduled by his/her department to take another day off for the holiday, at the discretion of the city. If the rescheduled day off for the authorized holiday is not taken within thirty (30) days, the employee shall be compensated for the holiday. Such payment will be made in the next pay period following the thirty-(30) day period.
- 7. To be entitled to receive holiday pay for an authorized paid holiday an eligible employee must be present at work, or on approved leave with pay, his/her scheduled

workdays immediately preceding and following the paid holiday. If an absence is unauthorized for either of these days, holiday pay will not be paid.

8. If an authorized paid holiday falls during an employee's vacation, the day's absence will be charged to the holiday and not against the employee's vacation leave.

E. TYPES OF LEAVE.

1. Vacation Leave.

- a. Full-time merit employees, unclassified employees and full-time probationary employees shall earn vacation leave with pay in accordance with these procedures.

- b. All eligible employees shall earn vacation leave according to the following schedule:

After one (1) year - five (5) days

After two (2) years - ten (10) days

After fifteen (15) years - fifteen (15) days

After 10 years of service, employees shall earn one (1) day of vacation of vacation per year of service up to fifteen (15) days at the end of fifteen (15) years of service.

- c. Vacation leave will be earned from the date of employment but will not be credited to the employee's leave account until the end of the leave year in which it is earned. An eligible employee shall not earn any vacation leave credit during any month in which he/she is in a non-pay status for more than twelve (12) working days during the month.

- d. Normally, each employee shall be required to take his/her accrued vacation leave in the leave year, however, when required to meet essential city requirements and upon approval by the city administrator, an employee may be granted payment in lieu of taking his/her vacation time. Upon separation from city service an individual will be paid for any unused vacation leave that is credited to his/her leave account. If a separated employee has less that

twelve- (12) continuous months of service as an eligible employee, he/she shall not be credited with any vacation leave for his/her city service.

- e. Vacation leave will be approved at the discretion of each department head taking into consideration the needs of the city, the department and the employee. A department head may require all department employees to take their leaves at the same time, if the department's workload requires it.
- f. Request for vacation leave shall be made by an employee as far in advance as possible of the time desired. Normally, department employees will schedule their projected leave days at the beginning of each leave year. The order of selection will be based on the employee's continuous years of service with the city. Leave requests submitted after this period will be approved in the order in which they are received by the department head.
- g. Vacation leave must be approved in advance of each absence, except in unusual circumstances. Failure to comply with this requirement may result in the absence being treated as an unauthorized absence.
- h. When a city authorized paid holiday occurs during an employee's vacation leave, the day will be credited as a paid holiday and not as a vacation leave day.
- i. The vacation leave year for the city runs from January 1st through December 31st of each year.
- j. One (1) day for fire suppression personnel is calculated as ten point six (10.6) hours. One day for law enforcement personnel is calculated at eight point six (8.6) hours (except for salaried or administrative positions). For all other personnel, one (1) day is calculated as eight (8) hours.
- k. Vacation leave use will be charged in units of one (1) hour.
- l. As of January 1, 2023, employees may only carry over two (2) weeks of vacation from the previous year. As of January 1, 2024, employees may only carry over one (1) week of vacation from the previous year. The Mayor may grant exceptions on a case-by-case basis.

2. Sick Leave.

- a.** Full-time merit employees, unclassified employees and full-time probationary employees shall earn sick leave credit at the rate of one (1) day of leave for each calendar month in which they qualify for leave for a total of twelve (12) days per year. Earned sick leave will be posted to the employee account at the end of each month in which it is earned.
- b.** Eligible employees may accumulate up to one hundred fifty (150) days of sick leave.
- c.** Sick leave days will not be earned during any month in which an employee is in a non-pay status for more than twelve (12) working days during the month.
- d.** No individual will be paid for his/her unused sick leave upon separation from city service, however, employees will be allowed to convert unused sick days to retirement credit as specified in Act. 88-904 adopted by City Council on February 25, 1992.
- e.** Sick leave with pay may be granted eligible for the following reasons:

 - 1. when an employee is unable to work due to personal illness, injury incurred off-duty or when the employee's presence may endanger the health of fellow workers;
 - 2. keeping a doctor, dentist or optometrist appointment;
 - 3. any impairment related to pregnancy, miscarriage, abortion and/or actual confinement. Female employees who request time away from work for maternity and childbirth will be treated equally to other employees with other forms of disability or sickness or who request leaves of absence for other reasons.
 - 4. Up to forty (40) hours per calendar year of accumulated sick leave may be used for family medical care. Requests for family medical care beyond this limit will require approval from the Human Resources Director or the City Administrator.
- f.** To be granted sick leave, an employee must meet the following conditions:

1. The employee shall notify his/her supervisor within two (2) hours of his/her usual reporting time, or as soon as practical thereafter, of his/her inability to report to work. Failure to do so may be cause for denial of sick leave for the period of absence. Denial of sick leave will result in the employee being charged with vacation leave or placed in some non-pay status at the discretion of the appointing authority.
 2. For periods of absence in excess of three (3) consecutive workings days, or anytime at the request of the department head or the City Administrator, the employee may be required to submit a medical certificate signed by a licensed physician certifying that he/she has been incapacitated for work for the period of absence and when he/she will again be physically able to perform his/her duties. Said authorities may also require an employee returning to work after sickness or sick leave to undergo a medical examination to determine whether or not the employee is physically able to return to work. Such examination, when required, shall be conducted by a physician or physicians designated by the city.
- g.** At the request of an employee, any accrued vacation leave and compensatory time may be used for illness as though they were sick leave, if the employee does not have sufficient sick leave accrued to cover the absence.
 - h.** Any unjustified or fraudulent claim for sick leave may be punished by loss of pay, charged as vacation leave or disciplinary action (to include dismissal where appropriate).
 - i.** When a city authorized paid holiday occurs during the period an employee is on sick leave, the employee shall receive his/her regular holiday pay the day shall not be charged against his/her sick leave.
 - j.** Sick leave will be charged in units of one (1) hour.
 - k.** Sick leave is not a benefit payable upon demand. It is provided to ensure-that no employee who is unable to work due to illness feels compelled for financial

reasons to do so. When an employee leaves city employment, his/her accrued sick leave will be forfeited.

- I. All job-related injuries, accidents, and/or illnesses must be reported to the employee's supervisor and the Human Resources Director as soon as practical. Expenses incurred for doctor, medical and/or hospital bills for such occurrences will be submitted to the city's insurance company for payment. The employee's compensation, other than authorized Worker's compensation, will cease after the employee's accrued sick leave is expended.

3. Military Leave.

- a. The City of Oneonta honors all of those who currently serve and/or have served in the Armed Forces of the United States. Military Leave refers to training and service duty performed by an inductee, enlistee, reservist, or any entrant into a temporary component of the Armed Forces, to include time spent in reporting to and returning from such service. It also includes active duty training as a reservist in the Armed Forces or as a member of the National Guard.

b. Paid Leave.

1. Full-time merit employees, unclassified employees and full-time probationary employees shall be authorized military leave in accordance with the Code of Alabama, 1975 Title 31-2-13, as summarized below.
 - a. Eligible employees who are active members of the Alabama National Guard, Naval Militia or the Alabama State Guard organized in lieu of the National Guard or of any other reserve component of the Armed Forces of the United States, shall be entitled to military leave of absence from their respective duties on all days that they are engaged in field or coast defense or other training, or on other service ordered under the National Defense Act, or of the federal laws governing the United States Reserves, without loss of pay, time, efficiency rating, annual or sick leave, or any other city provided benefit.

- b. No such persons granted such leave of absence with pay shall be paid for more than 168 hours per calendar year.
 - c. Eligible employees shall be entitled, in addition to the above, to be paid for no more than 168 hours at any one time while called to duty by the governor in the active service of the state.
2. An eligible employee who wishes to be granted military leave shall submit a copy of his/her military orders with his/her leave request. Such request shall be submitted as soon as the employee becomes aware of his/her projected dates of service

c. Unpaid Leave.

1. **Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).** As required by the USERRA regarding those employees who have been called to active duty, the City will keep the employee's job open and will re-employ them in their old position or a position of like seniority, status, and pay upon their discharge from duty, subject to the conditions outlined in the Act. The policy and procedures regarding military leave and reemployment will be according to the most current USERRA and subsequent case law.
2. Upon release from military service, they shall be entitled to be reemployed by the city in a comparable job that is no lower in grade or pay than that in which they were employed at the time of their call-up provided:
- a. they are physically and mentally suited to perform the required duties:
 - b. they apply for reemployment to the city within ninety (90) days following honorable separation from the Armed Forces of the United States (ten (10) days if rejected for service); and
 - c. their absence for military service did not exceed the original obligated service period. In the event a comparable vacancy does not exist, reemployment may be accomplished by the layoff of another merit

employee in a comparable job provided the laid off employee was not employed at an earlier date than the returning employee.

3. Upon receipt of involuntary active duty orders, an employee shall contact the personnel officer and request a leave of absence for military duty.
 4. Failure to apply for reinstatement within the allotted time period shall constitute waiver of these rights.
- d. During such leaves the city will provide all benefits to the employee that he/she is normally entitled to receive.
 - e. Military leave and veterans' rights will be granted in accordance with applicable federal and state laws.

4. Administrative Leave.

- a. Administrative Leave is leave with pay granted to employee(s) who are asked to remain away from work during normal hours of work while receiving regular pay and benefits and not requiring the employee(s) to use their accrued paid leave.
- b. The City Administrator may grant an employee Administrative Leave at his/her discretion for durations not expected to exceed two (2) weeks. Reasons for placing employees on Administrative Leave may include, but are not limited to, closures of work area, internal reviews or investigations that involve the employee, or circumstance/conduct that warrants removing the employee from the worksite.
- c. The leave will be confirmed in writing, stating the reason and expected duration of the leave. A copy of the documentation shall be provided to the Human Resources Director to place in the employee's personnel file.

5. Civil/Legal Leave.

- a. Leave granted an eligible employee for jury duty, for court attendance as a witness in cases not involving personal litigation or for voting. The length of time granted for voting shall be the reasonable time necessary to vote and normally will be granted at the start or end of a workday.

- b. Attendance in court by law enforcement personnel and/or other employees in an official capacity shall not be considered as civil/legal leave but as work time.
- c. The provisions of any law, or department rule that require any fees provided an employee who is attending court in an official capacity to be turned into the city shall be observed. In other situations any fees paid the employee may be retained by the employee in addition to his/her civil/legal leave pay.
- d. Upon receipts of a summons or subpoena, eligible employees shall immediately advise their supervisor, otherwise, civil/legal leave may not be authorized.
- e. Upon release from jury duty, eligible employees shall immediately notify his/her supervisor. The supervisor will notify each employee whether they are required to return to duty for that day.

6. Bereavement Leave.

Leave granted an employee who has a death in his/her immediate family (spouse, child, parent, grandparents, parent-in-law, brother or sister). Each such leave shall not exceed three (3) consecutive calendar days in length. The employee will be paid for only those days he/she was scheduled to work.

7. Hazardous Weather.

- a. When considered necessary for the safety of city employees, the City Administrator or Mayor may authorize a late arrival time or an early departure time due to hazardous weather conditions. Such time will be reported on each department's attendance report as administrative leave (hazardous weather).
- b. When a hazardous weather situation occurs, employees who are required to perform essential city operations may be required to report to work. Such employees will be contacted by their supervisors, when their attendance for work is required.

8. Leave of Absence.

- a. Full-time merit employees and unclassified employees may be granted leaves of absence without pay for a period typically not to exceed one hundred twenty (120) days for temporary sickness, disability, or other reasonable and justifiable purposes. Such leave shall require the prior approval of the Department Head, the Director of Human Resources, and the City Administrator, and may only be extended by the Mayor under extenuating circumstances. Leave without pay will not be granted until all other accrued leaves are expended.
 - 1. The following guidelines shall apply to approval of any such leaves of absence:
 - a. The leave shall be for a justifiable reason(s);
 - b. The leave shall not cause an undue hardship on the city;
 - c. The employee understands that he/she may be required to return to work before his/her leave expires, if necessary and
 - d. The employee understands that his/her failure to report for duty promptly at the end of the leave may be cause for separation.
 - 2. Where the employee qualifies for leave pursuant to the Family and Medical Leave policy, the leave of absence, up to the first twelve weeks, shall be considered to be family and medical leave and shall run concurrent with any leave of absence granted under this policy. In no event shall the combined family and medical leave and any approved leave of absence pursuant to this policy exceed Twelve (12) Months.
 - 3. Leave without pay for temporary sickness or disability must be supported by a medical statement from the employee's physician or other recognized authority that supports such absence. Requests for leaves of absence for pregnancy related conditions will be treated the same as any other requests submitted for other sickness and/or disability conditions.
 - 4. When the leave of absence expires, the employee shall be reinstated to the position he/she held at the time the leave was granted. An employee

who does not return when required may be considered to have resigned and may be separated.

5. No city paid benefits (vacation and sick leaves, insurance premiums, retirement credits, etc.) shall accrue to any employee during any month that he/she is on leave without pay status for a period that exceeds twelve (12) working days during any calendar month. An employee on leave without pay status, including suspension without pay, that exceed twelve (12) working days during the month will be required to reimburse the city for all benefit costs paid by the city on behalf of the employee.
6. While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.
 - a. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.
 - b. Under current City policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Accounting Department by the first day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.
 - c. The employer will provide 15 days' notification prior to the employee's loss of coverage.

- d. If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.
- 7. Any individual hired to perform the duties of an employee granted leave without pay, except leave without pay granted for military duty, shall be hired as a temporary employee. Such temporary employee will be required to acknowledge in writing to the Human Resources Director that he/she understands this provision.
- 8. No employee on leave without pay status, except for military duty, will accrue credit toward longevity pay increase.

9. Unexcused Leave Without Pay

- a. Any employee who, without good cause, fails to report to work, without the permission of his/her Department Head shall be considered as on Unexcused Leave Without Pay and shall be subject to disciplinary action up to and including termination, and shall have all hours absent reported as Unexcused Leave Without Pay. The employee on Unexcused Leave Without Pay shall not be entitled to any benefits, including insurance coverage, for such period of time he/she is on Unexcused Leave Without Pay.
- b. An employee who fails to report to work without permission of the Department Head for a period of three (3) consecutive workdays shall be considered to have abandoned the job and to have resigned without notice.

10. Paid Parental Support Leave Policy

a. Policy Statement

1. The City of Oneonta recognizes the importance of supporting employees during the significant life event of becoming parents through childbirth, adoption, or fostering. To provide comprehensive support, we offer eligible employees paid parental Support leave to address both the physical aspects (maternity Leave) and the bonding and care aspects (parental Leave) of becoming parents. This policy is designed to complement the job-protected leave already provided under the Family and Medical Leave Act (FMLA) or similar statutes.
2. **Eligibility-** To be eligible for paid parental support leave, employees must meet the following criteria:

1. Be a regular full-time employee of The City of Oneonta.
2. Have completed a minimum of 12 months of employment with The City of Oneonta.
3. Be eligible for and intend to take job-protected leave under the FMLA or similar statutes for childbirth and/or caring for a newborn.
4. Exhaust all accrued paid vacation time and compensatory (comp.) time before utilizing the paid maternity leave benefit sponsored by the city.

b. Paid Leave Duration- Eligible employees are entitled to the following paid parental support leave benefits:

1. Two weeks of paid maternity leave for the physical aspects of pregnancy, childbirth, or newborn care.
2. Two weeks of paid parental leave for bonding and providing care for the child, applicable to all parental scenarios, including fathers bonding with newborns, mothers bonding with newborns, and parents bonding with adopted children or children placed within foster care.

c. Mothers who give birth to a child are eligible for a combined total of 4 weeks of paid parental support leave, which includes maternity leave for the physical aspects of childbirth and newborn care, as well as parental leave for bonding and care. These leave periods are separate and can be taken consecutively or intermittently.

d. Parental Status Definition: For the purpose of this policy, the term "parent" refers to an individual who assumes legal responsibility for the care, well-being, and upbringing of a child. This includes but is not limited to biological parents, adoptive parents, legal guardians, foster parents, and any other individuals who have taken on a primary caregiving role for a child.

e. Job Protection: Employees who take paid parental support leave are entitled to job protection as provided under the FMLA or similar statutes. Upon returning from paid parental support leave, employees have the right to be reinstated to the same position or an equivalent position, as required by law.

- f. **Pay and Benefits During Leave:** During the paid parental support leave period, employees will receive their regular rate of pay for the weeks designated for each aspect of leave, subject to applicable taxes and deductions.
- g. **Notice Requirements:** Employees intending to take paid parental support leave must provide written notice to their supervisor and the Human Resources Director at least 30 days prior to the anticipated start of their leave. The notice should include the expected duration of the leave and any relevant supporting documentation, as required under FMLA or similar statutes. Employees must provide the same documentation that is required to be approved for FMLA leave.
- h. **Interaction with Other Leave Policies:** The paid parental support leave will run concurrently with any applicable leave entitlements under the FMLA or similar statutes. Once accrued paid leave (vacation and comp.) is exhausted, employees may utilize the paid leave at any point during the 12-week FMLA leave period, subject to supervisory approval and coordination with departmental needs.
- i. **Communication and Support:** During paid parental support leave, The City of Oneonta will maintain communication with employees to provide updates on workplace changes, if any, and to offer any necessary support. Employees may be provided with resources related to lactation accommodations, flexible work arrangements upon return, or other supportive measures.
- j. **Policy Review:** This paid parental support leave policy will be reviewed periodically and updated as necessary to comply with changes in applicable laws or the needs of The City of Oneonta. Any updates or revisions to this policy will be communicated to all employees in a timely manner.

F. FAMILY AND MEDICAL LEAVE ACT (FMLA).

2. General.

- a. The City of Oneonta will provide Family and Medical Leave Act (FMLA) leave to its eligible employees. The City posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department

of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act in the City Hall breakroom.

- b. The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.
- c. Employees who have any questions, concerns, or disputes with this policy, must contact The Human Resources Director in writing.

3. Granting of Leave

Under this policy, the City of Oneonta will grant up to 12 weeks of leave during a 12-month period to eligible employees (or up to 26 weeks of military caregiver leave to care for a covered servicemember with a serious injury or illness). The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

4. Eligibility

- a. To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:
 - 1. The employee must have worked for the City for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
 - 2. The employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

The 1,250 hours do not include time spent on paid or unpaid leave. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

3. The employee must work in a worksite where 50 or more employees are employed by the City within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

5. Type of Leave Covered

- a. To qualify as FMLA leave under this policy, the leave must be for one of the reasons listed below:

1. The birth of a child and in order to care for that child.
2. The placement of a child for adoption or foster care and to care for the newly placed child.
3. To care for a spouse, child or parent with a serious health condition (described below).
4. The serious health condition (described below) of the employee.

- a. An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of his or her position.

- b. Under the FMLA, a “spouse” means a husband or wife. Husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either:

1. was entered into in a state that recognizes such marriages; or

2. if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.
 - c. A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.
 - d. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.
 - e. Employees with questions about what illnesses are covered under this FMLA policy or under the City's sick leave policy are encouraged to consult with the Human Resources Director.
 - f. If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the City may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.
5. Qualifying exigency leave for families of members of the National Guard or Reserve or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

- a. An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:
 1. short-notice deployment
 2. military events and activities
 3. child care and school activities
 4. financial and legal arrangements
 5. counseling
 6. rest and recuperation
 7. post-deployment activities
 8. additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.
 - b. Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserve, or a member of the Armed Forces, the National Guard or Reserve who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserve, or members on the permanent disability retired list.
6. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember.

- a. A “son or daughter of a covered servicemember” means the covered servicemember's biological, adopted, or foster child, stepchild or legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.
- b. A “parent of a covered servicemember” means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents in law.
- c. The “next of kin of a covered servicemember” is the nearest blood relative, other than the covered servicemember's spouse, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has siblings and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible

as the covered servicemember's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to § 825.122(k).

d. "Covered active duty" means:

1. "Covered active duty" for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
2. Covered active duty or call to covered active duty status in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a federal call or order to active duty in support of a contingency operation, in accordance with 29 CR 825.102.

e. The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

7. Military caregiver leave (also known as covered servicemember leave) to care for an injured or ill servicemember or veteran.

a. An employee whose son, daughter, parent or next of kin is a covered servicemember may take up to 26 weeks of leave in a single 12-month period to care for that servicemember.

b. Next of kin is defined as the closest blood relative of the injured or recovering servicemember.

c. The term "covered servicemember" means:

1. a member of the Armed Forces (including a member of the National Guard or Reserve) who is undergoing medical

treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness; or

2. a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserve) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

d. The term “serious injury or illness” means:

1. in the case of a member of the Armed Forces (including a member of the National Guard or Reserve), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating;
2. in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserve) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.
3. Outpatient status, with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient;

or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

6. Amount of Leave.

- a. An eligible employee can take up to 12 weeks for the FMLA circumstances (No. 1) through (No. 5) above under this policy during any 12-month period. The City will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.
- b. An eligible employee can take up to 26 weeks for the FMLA circumstance (No. 6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the City will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.
- c. If a husband and wife both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the City and each wishes to take leave to care for a covered injured or ill servicemember, the husband and wife may only take a combined total of 26 weeks of leave.

7. Employee Status and Benefits During Leave.

- a. While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

- b. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.
- c. Under current City policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Accounting Department by the first day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.
- d. The employer will provide 15 days' notification prior to the employee's loss of coverage.
- e. If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

8. Employee Status After Leave.

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from a health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes

FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one that is virtually identical in terms of pay, benefits and working conditions. The City may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to business operations. Key employees will be given written notice at the time FMLA leave is requested of his or her status as a key employee.

9. Use of Paid and Unpaid Leave.

- a. An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.
- b. Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.
- c. An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the City's sick leave policy) prior to being eligible for unpaid leave.

10. Intermittent Leave or a Reduced Work Schedule.

- a. The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill servicemember over a 12-month period).
- b. The City of Oneonta may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth or placement for adoption or foster care.
- c. For the birth, adoption or foster care of a child, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced-hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.
- d. If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the City before taking intermittent leave or working a reduced-hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

11. Certification for the Employee's Serious Health Condition.

- a. The City of Oneonta will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical

certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

- b. The City of Oneonta may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The City will not use the employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee's permission for clarification of individually identifiable health information.
- c. The City of Oneonta has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

12. Certification for the Family Member's Serious Health Condition.

- a. The City will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition.

- b. The City may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The City will not use the employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee's family member's permission for clarification of individually identifiable health information.
- c. The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee's family member to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

13. Certification of Qualifying Exigency for Military Family Leave.

The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

14. Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave.

The City will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember.

15. Recertification.

The City may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days unless circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the City may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The City may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

16. Procedure for Requesting FMLA Leave.

- a. All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the HR Director. Within five business days after the employee has provided this notice, the HR Director will complete and provide the employee with the DOL Notice of Eligibility and Rights.
- b. When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day the need for leave is discovered or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the City's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

17. Designation of FMLA Leave.

Within five business days after the employee has submitted the appropriate certification form, the HR director will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

18. Intent to Return to Work from FMLA Leave.

On a basis that does not discriminate against employees on FMLA leave, the City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

G. ATTENDANCE RECORDS.

1. A centralized attendance record shall be maintained by the Human Resources Director for all city employees, regardless of their employment category. This record shall show:
 - a. the approved workweek/work period for the employee.
 - b. hours of duty scheduled and worked for each duty day;
 - c. Authorized and/or unauthorized absences including sick leave, annual leave, administrative leave, military leave and leave without pay;
 - d. Earned overtime pay and/or compensatory time; and
 - e. Overtime paid and/or compensatory time taken.
2. An employee's attendance record will be made available to the employee for inspection upon request.
3. Department heads shall be responsible for ensuring that their employees work the approved scheduled work hours and for the accurate completion of a time and attendance report for each employee within their department.

SECTION 11-COMPENSATION AND BENEFITS

A. GENERAL.

1. Each merit and unclassified job in the city service shall have an approved written job description that identifies the duties, knowledge, skills and abilities required to properly perform the job. When a new job is created or a substantial change is made to an existing job, the City Administrator shall furnish the Human Resources Director with a proposed description of the new/revised duties. The City Administrator will, in coordination with the Mayor, prepare a new job description and recommend a pay grade for the new/revised job. Such job description and pay grade shall be submitted to the City Council for approval and funding.
2. Every employee employed in the city service shall be assigned by the Mayor and the City Council to one of the employee categories defined in **SECTION 3 - EMPLOYEE CATEGORIES**. The employment category that is assigned to each employee shall be recorded on the employee's personnel record.
3. City paydays shall be bi-weekly.
4. The city expects its employees to meet their financial expectations; however, only court-ordered garnishments will be processed by the city. The City Administrator will be advised immediately whenever any city employee receives a court-ordered garnishment.
5. The city will provide compensatory time-off or overtime pay for all work that qualifies as overtime work as established by the provisions of the FLSA and these policies and procedures.

B. COMPENSATION.

1. Classification Plan.

- a. A classification plan shall be established and maintained. Every job in the city service will be assigned to one of the pay grades contained in the plan. The Mayor and City Administrator are responsible for evaluating/reevaluating jobs and assigning an appropriate pay grade level for each city job. The approved job classification plan will be used for such evaluation/reevaluation.

- b. No deviations in pay grade levels will be made from the approved classification plan. When circumstances warrant, the entire plan or the classification of a particular job in the plan may be amended by the Mayor and City Council.
- c. The approved classification plan will be maintained in the City of Oneonta Personnel System Manual.
- d. The City Administrator shall review the classification plan on a periodic basis to ensure that it is correct and current. Corrections and/or additions will be approved by the Mayor and City Council.

2. Pay Plan.

- a. Effective November 1, 1989 and being revised on October 1, 1995; October 1, 1996; and October 1, 1998, the City of Oneonta adopted a 10-step pay plan, with 13 grade classifications.
- b. Prior to each budget year, the Mayor and City Council will review the existing pay assigned to each pay grade. As necessary, changes will be approved and published in the City of Oneonta Pay Plan.
- c. The approved pay plan will be used in conjunction with the approved classification plan to determine the pay of all employees, except when the pay of an individual is controlled by state law.

3. Starting Pay.

- a. The starting pay for new full-time merit employees will be set at step one of the pay grade established for that position.
- b. Any starting pay above the normal minimum rate of pay authorized for a job will be made only when recommended by the Mayor and approved by the City Council.
- c. A former merit employee who has less than a one (1) year break in service and is rehired for a merit job of the same pay grade that he/she previously held will be placed within the pay range for his/her job at the level of pay that he/she held previously. If the individual is rehired to a job of a lower grade,

he/she will be placed within the authorized pay range at a pay level, as recommended by the City Manager and approved by the Mayor and City Council. However, no former employee will be paid above the maximum pay rate of the pay range of his/her assigned job, regardless of his previous pay.

- d. The entry level pay for part-time employees and temporary employees who are employed in jobs that have been assigned a pay grade in the city classification plan will be at the entry level rate of pay of the job's pay grade. If a part-time employee or temporary employee is hired for a job that is not listed in the classification plan, his/her starting pay will be established by the Mayor and City Council at the time of approval of the position.

4. Pay Increases.

- a. Pay increases for City Employees will be awarded in accordance with the following guidelines:
 - 1. Continuous years of service pay increases, when approved by the Council for the budget year will be awarded on each eligible employee's anniversary date.
- b. Each eligible employee's anniversary date will be determined by the criteria below
 - 1. The anniversary dates for those employees who were employed by the city on the effective date of the adoption of the city personnel system will be determined by the Mayor and City Council at the time of adoption.
 - 2. Those employees who are hired after the effective date of the adoption of the city personnel system will have their hire date established as their anniversary date.
 - 3. Those employees who are promoted after that adoption of the city personnel system will have their promotion date established as their anniversary date.

4. Continuous years of service pay increases will be effective on the first day of the pay period following the month in which an employee completes his/her twelve (12) consecutive months of service.
5. The City Council may also approve, at the beginning of a budget year, across the board increases for all employees, regardless of employment category. The City Council will determine if such increases will be in addition to the normal continuous years of service increases or awarded to replace the continuous years of service increases for that year. When across the board increases are approved, the pay rates for all employees, to include those whose existing pay rates are equal to or exceed the maximum rates of pay for the pay range of their pay grade, will be raised an amount equal to the percentage, or amount, of the increase approved by the City Council. The minimum and maximum pay rates established for each pay grade in the city pay plan will also be adjusted to reflect across the board increases approved by the City Council. Normally, across the board increase will be approved when the City Council determines that the pay ranges for each pay grade need adjusting due to such factors as increased costs of living or higher rates of pay being paid in the city's employment market.
6. At the beginning of each budget year the Mayor and City Council will determine if funds are available for awarding annual pay raises, whether such raises will be for continuous year of service or cost of living increases, and the percentage, or amount of increase to be awarded.
7. The approved pay plan will be maintained in the City of Oneonta Personnel System Manual.
8. The City Administrator will ensure that the city's classification and pay plans are strictly followed.

D. EXEMPT/NON-EXEMPT STATUS OF AN EMPLOYEE.

1. Each job classification shall be designated as being exempt or non-exempt for purposes of eligibility for certain benefits, such as overtime and compensatory time, as well as any other privileges and rights as defined in the appropriate policies. The Human Resources Director shall designate the appropriate exemption status for the job classification, after considering such factors and guidelines as:
 - a. The Fair Labor Standards Act and the U. S. Department of Labor guidelines;
 - b. The City’s Policies and practices;
 - c. The degree of supervision exercised;
 - d. The level of participation in policy making; and,
 - e. The performance of specialized and technical work requiring specialized training, experience, and knowledge.

D. BENEFITS.

1. Worker’s Compensation.

- a. City employees are automatically covered by Worker’s Compensation Insurance in accordance with state law for any injury an eligible employee may sustain on the job.
- b. Worker’s Compensation benefits and eligibility shall be determined in accordance with criteria specified in the Code of Alabama, 1975, Title 25-5.
- c. All job-related injuries shall be reported immediately by the employee to his/her supervisor. Failure to do so may result in loss, or delay in receipt, of authorized benefits. A copy of all such reports shall be provided to the Human Resources Director.
- d. No employee may receive Worker’s Compensation benefits while receiving any other compensation from the City.
- e. Employees should contact the Human Resources Director for specific details covering eligibility requirements and/or benefits.

2. Unemployment Insurance.

- a. Employees who are separated from the city may be eligible to receive Unemployment Compensation benefits, provided;
 - 1. unemployment is not brought about by the creation of the employee; and
 - 2. the employee has completed the required employment to be eligible
 - a. Eligibility and authorized benefits will be determined in accordance with guidelines established by the Director of the Alabama Department of Industrial Relations.
 - b. Employees should contact the Human Resources Director for specific details.

3. City Insurance Program.

- a. The City of Oneonta provides a city insurance program for full-time merit employees, unclassified employees and full-time probationary employees. The insurance program includes life insurance, short-term disability, and long-term disability, for employees, and hospital and medical insurance coverages for employees and their eligible dependents in accordance with guidelines established annually by the City Council.
- b. Premium cost for the city insurance program shall be paid by the city in accordance with the provisions approved by the City Council. Premium cost shall be established by the City Council on an annual basis.
- c. A participating employee, who is placed in a leave without pay status that exceeds twelve (12) working days during a month, shall be required to reimburse the city for all premiums paid by the city on his/her behalf for that month.
- d. Any eligible employee who declines to participate in the employee insurance program shall relinquish all claims against the City of Oneonta for any benefits provided by the program, except for job-related injury, sickness or disability claims.
- e. Program benefits will be provided in accordance with the terms of the individual provided program.

- f. Employees should contact the Human Resources Director for specific details concerning the employee insurance program.
- g. **COBRA**
 - 1. The Consolidated Omnibus Budget Reconciliation Act (COBRA) provides the opportunity for eligible City of Oneonta employees and their beneficiaries to continue health insurance coverage under the Organization health plan when a "qualifying event" could result in the loss of eligibility. Qualifying events include resignation, termination of employment, death of an employee, reduction in hours, a leave of absence, divorce or legal separation, entitlement to Medicare, or where a dependent child no longer meets eligibility requirements.
 - 2. Employees should contact the Human Resources Director to find out more about their COBRA rights.

SECTION 12- DRUG-FREE WORKPLACE

A. GENERAL.

- 1. In compliance with the Drug-Free Workplace Act of 1988 (PL 100-690, Title V. Subtitle D), the City of Oneonta absolutely prohibits the use, consumption, sale, purchase, transfer, possession, manufacture, distribution or dispersion of any controlled substance by any City employee or enrollee during working hours, while on the premises, while representing the city or while at an assigned workplace.
- 2. In addition, City employees and enrollees are strictly prohibited from being under the influence of alcohol or any controlled substance during working hours, while on the city premises, while representing the City or while at an assigned workplace.

3. Legally prescribed medications are not covered under this policy and are permitted to the extent that their use does not adversely affect the employee or enrollee's working ability, job performance or the safety or others in the workplace.
4. Definitions: The following definitions are provided:
 - a. Controlled substances: Controlled substances are defined for the purposes of this policy as any substance, chemical or drug listed in schedules I through V of the Code of Alabama 1975, codified in Sections 20-2-22 through 20-2-31, or in those schedules as revised and republished annually by the State Board of Health pursuant to Section 20-2-32, or covered by the Drug Crimes Amendments Act of 1987 as codified in Section 13A-12-210 through 13A-12-216, or a substance listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C 812)
 - b. Conviction: The term "conviction" means a finding of guilt (including a plea of nolo contendere) of imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
 - c. The term "criminal drug statute" means a criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.

B. EMPLOYEE ASSISTANCE.

1. The City will, to the best of its ability, work with employees suffering from drug or alcohol abuse or other personal or emotional problems in receiving the assistance necessary to overcome their dependency.
2. Any employee seeking such assistance is encouraged to meet with his or her supervisor(s) to discuss the situation before the problem begins to surface in the workplace. Any disclosures made by an employee will be treated strictly as confidential by the management personnel.
3. The employee's decision to seek assistance will not be used as the basis for disciplinary action or used against the employee in any disciplinary proceedings'.

C. DISCIPLINARY ACTION.

Employees found to be abusing drugs or convicted of any criminal drug statute violation, will be subject to appropriate disciplinary action, up to and including termination, even for a first offense or be required to enter into a written agreement with the City to participate satisfactorily in a prescribed drug or alcohol abuse assistance or rehabilitation program approved by the City for such purposes. The City is not required to pay for this rehabilitation or reimburse the employee for such expenses incurred. Failure of an employee to voluntarily participate in a drug or alcohol abuse assistance or rehabilitation program as set forth in the written agreement between the employee and the City, shall result in the automatic termination of the employee.

D. NOTICE BY EMPLOYEE REQUIRED.

Employees must notify the City in writing of any criminal drug statute conviction or a violation occurring in the workplace or during working hours or while representing the City, no later than five (5) days after such conviction. Any employee found to be in violation of this notification requirement will be immediately terminated.

E. PUBLICATION OF POLICY STATEMENTS.

The city will publish a statement notifying employees of the City's Drug-Free Workplace policy and notifying the employees in the statement, that as a condition of the employment, employees must abide by the terms of this policy. All employees must sign a copy of this statement acknowledging receipt and understanding of the statement.

F. DRUG-FREE AWARENESS PROGRAM.

1. The City will establish a drug-free awareness program to inform employees about:
 - a. The dangers of drug use in the workplace,
 - b. The City's policy of maintaining a drug-free workplace,
 - c. Any available drug counseling, rehabilitation and employee assistance programs, and
 - d. The penalties that may be imposed upon employees for drug abuse violations.

SECTION 13-CONFLICTS OF INTEREST

A. PURPOSE.

To identify those activities which are not consistent with the high standards required of employees in the public service and, thus contrary to the best interest of the City of Oneonta. All city employees are subject to these provisions.

B. POLICY.

1. The following types of actions by city employees shall be considered as conflicts of interest and thus not in the best interest of the city:
 - a. investments in real property or business in the immediate vicinity of a City of Oneonta project site which might appear to be speculative;
 - b. ownership exceeding one (1) percent in a public company holding a contract with the city;
 - c. involvement in a non-city business activity, "moonlighting", which (1) conflicts with, or limits, the city's demand on the individual with respect to his/her availability for overtime work and/or his/her performance on the job; or (2) reflects adversely on the city
 - d. the use of one's position to contract or to influence contracting, with any business for personal gain or to benefit friends, relatives or associates;
 - e. political activities which might interfere, or might be construed as interfering, with an employee's ability to perform his/her duties, or are in violation of city, state and/or federal laws; and
 - f. personal or written solicitation, or canvassing or circulation of literature for any purpose (except as provided below)
 1. The solicitation of funds for recognized charitable organizations receiving general support in the community may be permitted as an exception to

this policy, but only if such solicitation has the prior specific written approval of the Mayor. Such approval will specify the area and time of such solicitation.

2. The solicitation of funds for flowers or aid for employee in distress, or in the event of the death of an employee or a member of his/her family may be permitted as an exception to this policy, but only if such solicitation has the prior specific written approval of the Mayor. Such approval will specify the area and time of such solicitation.
3. Where further guidance is needed, employees and/or supervisors should consult with the Human Resources Director.

C. VIOLATION.

Violation of any part of this section shall be grounds for disciplinary actions in accordance with the provision of **SECTION 8 - DISCIPLINARY ACTIONS.**

SECTION 14-MISCELLANEOUS POLICIES

A. DRESS CODE.

1. An employee's personal appearance reflects on the reputation, integrity, and public image of the City of Oneonta. All employees are required to report to work neatly groomed and dressed and are expected to maintain personal hygiene habits that are generally accepted in the community, including clean clothing, good grooming and personal hygiene, and appropriate attire for the workplace and the work being performed. This may include wearing uniforms or protective safety clothing and equipment, depending upon the job. Use common sense and good judgment in determining what to wear to work.
2. Dress standards for employees are set by their department head and will be appropriate for the job being performed. In the absence of stated dress standards, clothing must be appropriate for the employee's job responsibilities and shall always present a professional appearance to the public. If uniforms are required, they

should be kept neat, clean and mended at all times. Uniforms should be worn when an employee is on the job but not otherwise. Uniforms provided by the City are considered the property of the City and shall be returned to the City at the end of their useful life or when no longer needed by the employee for performance of their duties.

3. In setting the dress standard, the department head will consider:
 - a. the nature of the work;
 - b. safety considerations;
 - c. the nature of the employee's public contact;
 - d. the prevailing practices of other workers in similar jobs; and
 - e. the performance of department employees, including consideration of the type of image the department wishes to project
4. Fragrant products, including but not limited to perfumes, colognes, and scented body lotions or hair products, should be used in moderation out of concern for others with sensitivities or allergies.
5. The City of Oneonta, in accordance with applicable law, will reasonably accommodate employees with disabilities or religious beliefs that make it difficult for them to comply fully with the personal appearance policy unless doing so would impose an undue hardship on the City of Oneonta. Employees should contact their supervisor to request a reasonable accommodation.
6. Failure to comply with the personal appearance standards may result in being sent home to groom or change clothes. Frequent violations may result in disciplinary action, up to and including termination of employment.

B. OUTSIDE EMPLOYMENT.

1. Employment with the City will be considered by all full-time classified employees as their primary job. Employees are required to obtain written approval from their Appointing Authority through their department head before participating in other employment activities. A copy of the written approval shall be forwarded to the Human Resources Office to be filed in the employee's personnel

record. Approval will be granted unless the secondary employment activity conflicts, or interferes with, or is likely to conflict or interfere with the employee's public service. In general, outside work activities are not allowed when they:

- a. prevent the employee from fully performing work for which he or she is employed with the City, including overtime assignments;
 - b. involve organizations that are doing or seek to do business with the City, including actual or potential vendors or customers; or
 - c. violate provisions of law or the City's policies or rules.
2. Occasionally, City employees may be required to work beyond their normally scheduled hours. Employees must perform this work when requested. In cases of conflict with any outside activity, the employee's obligations to the City must be given priority. Employees are hired and continue in the City's employment with the understanding that the City is their primary employer and that other employment or commercial involvement, which is in conflict with the business interests or public services of the City, is strictly prohibited.
3. Injuries or illnesses sustained as a result of the secondary employment are not eligible for worker's compensation under the City's worker's compensation policy. Filing a compensation claim in this manner is considered fraud.

C. COMPUTER, E-MAIL AND INTERNET USAGE.

1. Objective

The City of Oneonta recognizes that use of the Internet and e-mail is necessary in the workplace, and employees are encouraged to use the Internet and e-mail systems responsibly, as unacceptable use can place the City and others at risk. This policy outlines the guidelines for acceptable use of the City's technology systems

2. Scope

- a. This policy must be followed in conjunction with other city policies governing appropriate workplace conduct and behavior. Any employee who abuses the city-provided access to e-mail, the Internet, or other electronic communications or networks, including social media, may be denied future

access and, if appropriate, be subject to disciplinary action up to and including termination. The City complies with all applicable federal, state and local laws as they concern the employer/employee relationship, and nothing contained herein should be misconstrued to violate any of the rights or responsibilities contained in such laws.

- b. Employees with questions regarding the appropriate use of the City's electronic communications equipment or systems, including e-mail and the Internet, should be directed to their department head.

3. Policy.

The City has established the following guidelines for employee use of the City's technology and communications networks, including the Internet and e-mail, in an appropriate, ethical and professional manner.

4. Confidentiality and Monitoring.

- a. All technology provided by The City of Oneonta, including computer systems, communication networks, city-related work records and other information stored electronically, is the property of the City and not the employee. In general, use of the city's technology systems and electronic communications should be job-related and not for personal convenience. The City reserves the right to examine, monitor and regulate e-mail and other electronic communications, directories, files and all other content, including Internet use, transmitted by or stored in its technology systems, whether onsite or offsite.
- b. Internal and external e-mail, voice mail, text messages and other electronic communications are considered business records and may be subject to discovery in the event of litigation. Employees must be aware of this possibility when communicating electronically within and outside the City.

5. Appropriate Use.

- a. City employees are expected to use technology responsibly and productively as necessary for their jobs. Internet access and e-mail use is for job-related activities; however, minimal personal use is acceptable.
- b. Employees may not use the City's Internet, e-mail or other electronic communications to transmit, retrieve or store any communications or other content of a defamatory, discriminatory, harassing or pornographic nature. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference may be transmitted. Harassment of any kind is prohibited.
- c. Disparaging, abusive, profane or offensive language and any illegal activities—including piracy, cracking, extortion, blackmail, copyright infringement and unauthorized access to any computers on the Internet or e-mail—are forbidden.
- d. Copyrighted materials belonging to entities other than the City may not be transmitted by employees on the city's network without permission of the copyright holder.
- e. Employees may not use the City's computer systems in a way that disrupts its use by others. This includes sending or receiving excessive numbers of large files and spamming (sending unsolicited e-mail to thousands of users).
- f. Employees are prohibited from downloading software or other program files or online services from the Internet without prior approval from the City. All files or software should be passed through virus-protection programs prior to use. Failure to detect viruses could result in corruption or damage to files or unauthorized entry into city systems and networks.
- g. Every employee of the City is responsible for the content of all text, audio, video or image files that he or she places or sends over the city's Internet and e-mail systems. No e-mail or other electronic communications may be sent that hide the identity of the sender or represent the sender as someone else.

D. SOCIAL MEDIA.

a. Purpose and Application.

- i. The purpose of this policy is to establish City of Oneonta's general standards and responsibilities for the acceptable use of social media. This policy governs the use, administration, management, monitoring, and retention of social media and social media content, consistent with state, federal and city laws and regulations.
- ii. This policy is applicable to employees of the city, including part-time and full-time employees, who create or contribute to social media.
- iii. In addition to this policy, all social media activity shall comply with any and every other applicable city policy.

b. Definitions.

- i. **Social Media Channels:** Any online communication channel dedicated to community-based input, interaction, content-sharing and collaboration including websites and applications dedicated to forums, microblogging, social networking, social bookmarking, social curation and wikis. Social media can take many forms, including but not limited to text, images and video. Examples covered include, but are not limited to, Facebook, Twitter, Instagram, LinkedIn, YouTube, and Google+.
- ii. **Authorized Employee:** An employee who has been authorized to post social media content on behalf of the city.
- iii. **Mobile Apps:** Technologies that can be downloaded to smartphones and tablets and accessed on the go; provides publishing abilities to authorized employees who work at a city worksite or offsite.

c. Use of Social Media.

i. Official Use of Social Media on Behalf of the City.

1. Only authorized employees may post content to social media channels on behalf of the city.

2. Authorized employees should not disclose confidential or proprietary information acquired by way of their official position with the city. This restriction applies whether the information is disclosed on professional or personal social media channels, or by any other method.
3. All official use of social media must be through authorized official social media accounts. Authorized employees using social media for official purposes are prohibited from using personal social media accounts for those purposes. This is to facilitate compliance with public records law and protect information on personal accounts from public disclosure.
4. Authorized employees should always consider whether it's appropriate to post an opinion, commit the city to a course of action, or discuss areas outside the employee's expertise online.
5. Authorized employees posting content on behalf of the city may not include profanity or obscenity.
6. Authorized employees posting content on behalf of the city must respect the intellectual property rights of others and shall comply at all times with intellectual property laws including the Copyright Act and the Lanham Act. Authorized employees should seek legal counsel before posting any content subject to trademark or copyright protection to ensure compliance with the law.
7. Authorized employees should conduct themselves in a professional manner at all times while utilizing or posting to city social media channels. Authorized employees are prohibited from engaging in disagreements or arguments with members of the public who may be critical of the city on social media channels.
8. Authorized employees must comply with the Terms of Service of social media channels utilized on behalf of the city.

9. The city reserves the right to delete posts that are objectionable or offensive in nature, not relevant or off-topic, inaccurate, and those which violate a social media channel's Terms of Service.
10. The City Administrator shall have final authority to edit or remove content from any of the city's social media channels.
11. Hourly employees should not work on social media for official city purposes after hours without prior approval. This is considered overtime, and failure to obtain prior authorization may be cause for corrective action.

ii. **Personal Use of Social Media.**

1. Employees may access personal social media accounts at work for limited personal communications, but only as long as it does not interfere with work responsibilities and does not violate the city's Computer, E-mail and Internet Usage policy or any other personnel policies or Code of Conduct for a particular department.
2. Employees may not use a city email address when using social media channels for personal use.
3. An employee may not characterize him or herself as representing the city, directly or indirectly, in any social media channel posting or account. The use of a city e-mail address, job title, official city name, seal or logo shall be deemed an attempt to represent the city in an official capacity and is prohibited on personal use of social media. Other communications leading an average viewer to conclude that a posting was made in an official capacity shall also be deemed an attempt to represent the city in an official capacity and is prohibited.

iii. **Desktop Applications.**

In order to prevent accidental posting of personal information on or from city social media channels, authorized employees should not use professional and personal social media channels in the same system for managing social media

channels (e.g. the same dashboard). If employees use desktop applications to manage city social media channels, they must use their city email address and a password that's unique to the application (i.e. not the same as their city email password). Employees should use a personal email address to access a separate dashboard used for personal social media use.

iv. Mobile Apps.

Authorized employees should use different mobile apps for professional and personal use of social media channels. If an employee uses Twitter's mobile app to manage a city Twitter account, for example, they should not use that same mobile app to send personal tweets. It is recommended that authorized employees with smartphones download social media mobile apps such as the Facebook Page Manager mobile app to post information to city social media channels. Mobile apps should be set up to allow authorized employees to post to a city social media channel without accessing the employee's personal social media accounts.

d. Employee Rights.

Nothing in this policy will be interpreted or applied in a manner that interferes with employee rights to organize, form, join, or assist labor organizations, to bargain collectively through representatives of their choosing to the extent allowed by law, or to engage in other concerted activities for the purpose of addressing the terms and conditions of employment. Further, nothing in this policy is meant to prevent an employee from exercising his or her right to make a complaint of discrimination or other workplace misconduct. This policy does not prohibit employees from publicly expressing an opinion on a matter of public concern that does not unduly disrupt city operations

e. Disclosure and Privacy.

Employees have no expectation of privacy when using city owned equipment. The city has the right to access and monitor its computers, equipment and systems without warning or any specific notice to employees.

f. Disciplinary Action.

Inappropriate use of social media can be grounds for corrective action, including disciplinary action.

E. POLICY AGAINST WORKPLACE VIOLENCE

1. Objective

As the safety and security of our employees, vendors, contractors, and the general public is in the best interests of The City of Oneonta, we are committed to working with our employees to provide a work environment free from violence, intimidation, and other disruptive behavior.

2. Zero-Tolerance Policy

- a. The City has a zero-tolerance policy regarding workplace violence and will not tolerate acts or threats of violence, harassment, intimidation, and other disruptive behavior, either physical or verbal, that occurs in the workplace or other areas. This applies to management, co-workers, employees, and non-employees such as vendors, contractors, and the general public.
- b. Workplace violence can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm, damage to property, or any intentional behavior that may cause a person to feel threatened.

3. Prohibited Conduct

- a. Prohibited conduct includes, but is not limited to:
 - 1. Physically injuring another person
 - 2. Threatening to injure a person or damage property by any means, including verbal, written, direct, indirect, or electronic means.
 - 3. Taking any action to place a person in reasonable fear of imminent harm or offensive contact.
 - 4. Possessing, brandishing, or using a firearm on City property or while performing City business except as permitted by state law.

5. Violating a restraining order, order of protection, injunction against harassment, or other court order.

4. Reporting Incidents of Violence

Employee should report to their Department Heads, in accordance with this policy, any behavior that compromises our ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. Employees are expected to cooperate in any investigation of workplace violence.

5. Violations

Violation of this policy shall result in disciplinary action up to and including termination pursuant to the City of Oneonta's Discipline Policy, and in some cases, criminal charges.

6. Retaliation

- a. Victims and witnesses of workplace violence will not be retaliated against in any manner. In addition, employees will not be subject to discipline for, based on a reasonable belief, reporting a threat or for cooperating in an investigation.
- b. Employees who initiate, participate, are involved in retaliation, or obstruct an investigation into conduct prohibited by this policy will be subject to discipline up to and including termination.
- c. Employees who believe they have been wrongfully retaliated against should immediately report the matter to the Human Resources Director.

F. INCAPACITY TO MEET MINIMUM JOB QUALIFICATIONS AND PERFORM ESSENTIAL FUNCTIONS.

- 1. All employees of the City of Oneonta must meet and maintain all minimum job qualifications and be able to perform all essential job functions with or without reasonable accommodations to remain an active employee of the City of Oneonta. In the event that an employee is unable to or fails to meet the minimum job qualifications and/or unable to perform the respective essential job functions, the

employee must inform his/her immediate supervisor of his/her inability to meet the minimum job qualifications and/or inability to perform all essential job functions. The employee's supervisor must inform the department head who shall advise the human resource director. Under such circumstances, the employee must take one of the following actions:

- a. Apply for vacation leave, sick leave or any other paid leave of absence, FMLA leave or request an unpaid leave of absence until he/she can meet the minimum job qualifications, perform all essential job functions, and address any concerns regarding return to work/ work release certification. If the employee is unable to meet the minimum job qualifications or unable to perform all essential job functions due to an alcohol, drug or other substance related criminal charge, incident or dependency, he/she must successfully complete a rehabilitation program approved by the city.
 - 1. Prior to an employee returning to work from an approved leave, the employee shall have an evaluating physician certify the he/she is able to perform the essential functions of the job. The evaluating physician may be the physician that treated the employee while they were on leave. However, the City reserves the right to require the employee to be evaluated by a physician assigned by the City.
 - 2. The employee shall certify that he/she is able to perform the essential functions of the job and this certification shall be submitted to the Human Resources Director prior to the employee returning to work.
- b. Voluntarily resign from current job. If the employee voluntarily resigns from his/her current job as a result of becoming incapable of meeting minimum job qualifications, the employee may apply for any current job opening for which he/she meets the minimum job qualifications and can perform all essential functions of the job. If the employee subsequently regains the ability to meet the minimum job qualifications and perform the essential functions of his/her previous job, he/she may apply for his/her previous job when an opening is

available. In both cases, the employee is not guaranteed the open job, but will be considered for the job opening based upon criteria applied to all applicants for that particular job opening.

2. If a department head determines that an employee at work under his/her supervision cannot perform the essential functions of his/her job due to illness or injury, the department head shall immediately notify the human resources director in writing to request a fitness-for-duty evaluation. The department head shall state in the written notification the reasons for determining that the employee cannot perform the essential functions of his/her job. The human resource director or his designee shall schedule as soon as possible an appointment with the city's physician for a fitness-for-duty evaluation.
 - a. The employee shall be placed on administrative leave with pay until such time as the city's physician reports to the human resources director whether the employee can perform the essential functions of his/her job.
 - b. If it is determined by the city's physician that the employee cannot perform the essential functions of his/her job, the employee shall be subject to section (1) of this policy.
 - c. If it is determined by the city's physician that the employee can perform the essential functions of his/her job, the employee shall be returned to work as soon as practical upon the city's human resource's department's receipt of the physician's report.



The information contained in this personnel policies and procedures manual neither creates nor implies a contract between the city and its employees; nor do they grant any right to guaranteed or continued employment. This manual supersedes and replaces all previous rules and regulations, personnel manuals and/or all earlier oral and written materials about the City of Oneonta policies and procedures. The City of Oneonta reserves the right to change, add or delete benefits and policies as necessary.

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