

City of Dothan

# **EMPLOYEE HANDBOOK**

**Core Beliefs/Code of Ethics**

**Personnel Rules and Regulations**

**Equal Opportunity and Affirmative Action Plan**

**Employee Benefits**

**Civil Service Act**

**Drug Testing Policies and Procedures**

**Computer/Mobile Device Policies and  
Procedures & Social Media Policy and  
Guidelines**

**Employee Workplace Health & Safety:**

*Workers' Compensation*

*Employee Safety Committee Policy*

*Motor Vehicle Operations Policy*

**Performance Management Manual**

This book belongs to:



City of Dothan

***CORE BELIEFS  
CODE OF ETHICS***

*adopted by*

*City Commission- September 26, 2006*

*Personnel Board - October 9, 2006*





# ***City of Dothan***

## ***Core Beliefs***

### ***We take PRIDE in Serving You.***

***PRODUCTIVE***      Using City Resources in an Efficient Manner  
Planning Work Activities  
Doing the Right Job Right the First Time  
Looking for Better, More Cost Effective Ways of Doing the Job  
Giving 100% on Every Job and Every Day  
Identifying and Solving Problems

***RESPONSIBLE***    Taking Responsibility for Your Actions and Decisions  
Holding Self and Others Accountable  
Taking the Initiative  
Being Open to New Ideas and Suggestions  
Acting in a Professional Manner  
Taking Care of Your Workspace, Equipment and Self

***INTEGRITY***        Following Through on Promises and Commitments  
Being Honest and Trustworthy  
Respecting and Treating Others in an Equitable and Fair  
Manner  
Having a Positive Attitude and Outlook  
Communicating in an Open, Direct Manner  
Acting in an Ethical Manner

***DEDICATION***      Having a Commitment to the Public Service  
Being Loyal to the City, Mayor & City Commission, City  
Management  
Helping Others to Be Successful and Mentoring Others  
Giving 100% to Your Job  
Having a Strong Work Ethic  
Representing the City in a Positive Manner

***EXCELLENCE***       Always Giving Your Best  
Looking for New Ideas  
Applying the “Best Practices” in Your Field to Dothan  
Evaluating the Results and Learning for Next Time  
Providing Accurate, Complete Data, Analysis and Reports  
Defining and Applying Performance Standards and  
Expectations  
Developing Your Knowledge, Skill and Competencies

## ***In Serving You***

Listening to and Understanding Your Customer  
Taking Time to Explain Your Decisions and Actions Especially  
When the Answer is “No”  
Providing Friendly, Personalized Service  
Seeking and Learning From Customer Feedback  
Responding to Calls and Communications in a Timely Manner  
Being Courteous and Friendly at All Times

**These Core Beliefs state how we are going to serve our customers. To further these core beliefs, we also adopt a Code of Ethics which establish our Core Values and commit employees to the highest level of service.**

## **THE CITY OF DOTHAN CODE OF ETHICS**

*“The soul is dyed the color of its thoughts.  
Think only on those things  
that are in line with your principles  
and can bare the full light of day.  
The content of your character is your choice.  
Day by day, what you choose, what you think,  
And what you do is who you become.  
Your integrity is your destiny.  
It is the light that guides your way”.*  
*---Heraclitus (Greek Poet, Philosopher)*

The City of Dothan exists to provide those fundamental societal services for which we have been entrusted by our citizens. We recognize our obligation to that public trust and understand that ethics and integrity are individual standards of behavior upon which the foundation of our city government rests. Only through the highest levels of personal integrity can we create enduring trust within our organization and with the community that we serve.

Our integrity manifests itself through a commitment to the following core values:

**Honesty-** To be candid and forthright in our dealings, clear and accurate in our communications.

- Earn and keep the trust of those we serve.

**Respect-** To treat people with dignity and fairness, abide by the laws of our environment and respect City assets. To listen to the ideas of others, even opposing views, and work together with humility to solve problems.

- Use supplies, equipment, time and money appropriately, efficiently and for city business only.
- Protect and improve our work environment.
- Abide by and support the rules of our organization and the laws of our city, state and country.

**Responsibility-** To live up to our commitments to our customers, communities and each other.

- Provide timely, high-quality services; working collaboratively and carrying our share of the load.

**Courage-** To be brave enough to articulate and actually live our values, even when confronted by those who don't.

- Seek to know what is right and then do it, even when confronted by those who don't or when no one but you are aware you are doing the right thing.
- Do right even when it's easier to do wrong.

**Loyalty-** To be faithful to the sense of what is right or appropriate.

- Be part of the solution, not part of the problem.
- Loyalty is an action.

## **Standards of Ethical Conduct**

**Accurate and Complete Accounting-** Honest and accurate recording and reporting of City information is extremely important. Transactions of all kinds are to be executed only by authorized employees. Transactions must be recorded promptly and accurately in order to permit the preparation of accurate financial statements and other records. Records shall not be falsified in any manner to intentionally hide or disguise the true nature of any transaction.

**Confidentiality-** When employees are dealing with requests for information from outside the City they are to follow the laws of the State of Alabama and policies and guidelines of the City of Dothan. All requests for information of a controversial matter or from the media shall be forwarded to the Public Information Officer. With regard to public information, it is not always easy to identify what is public information therefore employees should always treat all materials as confidential until an authorized person has indicated otherwise. Employees should refrain from discussing confidential information with outsiders and with anyone else who does not have a legitimate need to know the information.

**Conflict of interest-** A conflict of interest arises when we put our personal, social, financial, or political interests before the interests of the City. No employee should use his or her position with the City or information acquired during employment in a

manner that may create a conflict, or the appearance of a conflict, between the employee's personal interests and those of the City. All activities conducted as an employee of the City should always place the lawful and legitimate interests of the City over personal gain or the interest of family or friends. If an employee has any reason to believe there may be a conflict of interest, he or she should immediately disclose the matter to an immediate supervisor.

*Section 36-25-5 (a) No public official or public employee shall use or cause to be used his or her official position of office to obtain personal gain for himself or herself, or family member of the public employee or family members of the public official, or any business with which the person is associated unless the use and gain are otherwise specifically authorized by law. Code of Alabama, 1975*

**Gifts-** Employees may receive seasonal gifts of an insignificant economic value of less than one hundred dollars during any one calendar year. Promotional items commonly distributed to the general public and food or beverages of a nominal value may also be received. The acceptance of a gift should be infrequent and of modest value. No employee may accept a gift that would give the impression that the employee is influenced by the gift. The receipt of a gift should never allow a vendor to gain an improper or unfair advantage when dealing with the City. *However, in accordance with Section 11-44E-183, Code of Alabama, 1975, public officials or public employees may not receive from a public utility any gift or other thing of value, or any service upon terms more favorable than are granted to the general public.*

**Community relations-** Employees must always treat citizens in a courteous manner. Providing respect to citizens will create respect for City government in our community. Employees are to be committed to Service to the community, Excellence in our work, and Commitment to our purpose.

**Use of City property-** City property is to only be used to conduct City business. Employees are expected to act responsibly and exercise sound judgment when using City property. Protecting assets against loss, theft, misuse and waste is the responsibility of all employees.

*Section 36-25-5(c) No public official or public employee shall use or cause to be used equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the public official, public employee, any other person, or principal campaign committee as defined in Section 17-22a-2, which would materially affect his or her financial interest, except as otherwise provided by law or as provided pursuant to a lawful employment agreement regulated by agency policy. Code of Alabama, 1975*

**Administration of the Code-** All employees who suspect violations of the City's Code of Ethics have an obligation to report their concerns to their Department Head. If the issue in question involves the Department Head then the employee shall take the report to the City Manager. Upon receipt, the Department Head or the City Manager will investigate the situation in accordance with Personnel Rules and Regulations, administrative regulations, or applicable city, state and federal laws. No adverse action shall be taken or permitted against anyone for communicating legitimate concerns to the appropriate persons. Reports will be handled confidentially to the extent legally possible.

This Code is subject to amendment and may be reviewed and updated periodically. All employees at all levels of the organization must certify annually their intent to comply with the guidelines herein.

## **How to Use this Code**

The City's Ethics Code is more than another rule to be filed in our employee handbook and trotted out when someone has had a mishap. Our Ethics Code is also a guide book of practical ways to achieve the purpose of the Code—knowing and doing what is ethical and right in everything we do.

Steps to Help You Do What Is Right

### **Check for Rightness Before you Act**

Unsure of what is right? Use the Ethical Actions Test below as a benchmark, an ethical decision making model, to check your decisions and activities for "rightness" before implementing them. Even one "no" or "I'm not sure" answer suggests the need to look at an alternative strategy or course of action. What do you do if you have a "no" or "I'm not sure" answer to one of the questions? You seek out the advice and counsel of someone you trust—someone you believe acts in an ethical manner.

- 1) Is it legal?
- 2) Does it comply with our rules and guidelines?
- 3) Is it in sync with what we value as an organization and employee?
- 4) Will I be comfortable and guilt-free if I do it?
- 5) Does it match our stated commitments to doing what is right?
- 6) Would I do it to my family or friends?
- 7) Would I be perfectly okay with someone doing it to me?
- 8) Would the most ethical person I know do it?

### **Know and Understand the Elements of Our Ethics Code**

Honesty, respect, responsibility, courage and loyalty.

### **Remember that Little Things Mean A Lot**

Business ethics and ethical behavior means a lot more than laws and regulations. Actually, most organizations don't have a problem staying on track with highly monitored and regulated laws and regulations. It's the little things, the day-in-and-day-out, seemingly insignificant actions and activities that get most people and organizations in trouble.

What are the little things that mean a lot? Here are a few examples. How well do you do on answering them?

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Conducted personal business on city time?
<input type="checkbox"/>	<input type="checkbox"/>	Used or taken city resources for personal purposes?
<input type="checkbox"/>	<input type="checkbox"/>	Called in sick when I really wasn't?
<input type="checkbox"/>	<input type="checkbox"/>	Used an ethnically derogatory term when referring to another person?
<input type="checkbox"/>	<input type="checkbox"/>	Told or passed along an ethnically or sexually oriented joke?
<input type="checkbox"/>	<input type="checkbox"/>	Engaged in negative gossip, or spread rumors about someone?
<input type="checkbox"/>	<input type="checkbox"/>	"Bad mouthed" the city or management to co-workers?
<input type="checkbox"/>	<input type="checkbox"/>	"Snooped" into a co-worker's conversations or private affairs?
<input type="checkbox"/>	<input type="checkbox"/>	Passed along information that was shared with you in confidence?
<input type="checkbox"/>	<input type="checkbox"/>	Knowingly ignored or violated a city rule or procedure?
<input type="checkbox"/>	<input type="checkbox"/>	Failed to follow through on something you said you would do?
<input type="checkbox"/>	<input type="checkbox"/>	Withheld information that others needed?
<input type="checkbox"/>	<input type="checkbox"/>	"Fudged" on time sheets or expense reports?
<input type="checkbox"/>	<input type="checkbox"/>	Accepted an inappropriate gift or gratuity?
<input type="checkbox"/>	<input type="checkbox"/>	Failed to admit to a mistake you made?
<input type="checkbox"/>	<input type="checkbox"/>	Knowingly let someone make an error and get into trouble?
<input type="checkbox"/>	<input type="checkbox"/>	Told "little white lies" to gain favor, make a point or get approval?
<input type="checkbox"/>	<input type="checkbox"/>	Wrote or forwarded non work related emails?

### ***Examples of Unethical Conduct***

*Arranged meetings on City time for your secondary job.*

*Allowed family and friends to make personal calls on City cell phones.*

*Called in sick and then later the same day participated in organized sports or worked at a secondary job.*

*Looked on a co-worker's computer when the co-worker is at lunch.*

*Punched the timecard for another worker.*

*You arrived 15 minutes late and showed you worked the full 8 hours.*

*Accepted seasonal football tickets from a vendor.*

*Told the supervisor that the weekly report is completed when you haven't started the report.*

*Gave your supervisor false information to make another employee look bad.*

*Took City equipment home over a weekend to do work at home or to work for your secondary job or for personal gain.*

*Did work on City time for your secondary job.*

*Spending 1-2 hours a day playing games on the city computer or conducting personal business.*

*Took home office supplies from the City for personal use.*

*Filled your personal car or lawn equipment with city gasoline.*

*Washed your personal car using City equipment and water.*

*Repaired your personal vehicle on City property using City equipment.*

*Parked personal car with "For Sale" sign in areas not designated for parking.*

*Made copies for secondary jobs or for organizations not related to City business.*

*Deliberately removing information or job announcements from bulletin boards to gain an unfair advantage*

### **Know What's Uncompromisable**

Some things simply are not open to discretion. They are clear cut, black and white, nondiscretionary issues where compromise is not acceptable. These are: laws and regulations, public and employee safety, and truthfulness of records and statements.

### **Know How to Say No...with Tact**

It's going to happen. You are going to be faced with a situation in which either someone proposed an action you believe is wrong, or you receive an instruction you feel is questionable at best. What do you do? You may be tempted to 'go along to get along', thinking to yourself: "Everyone else does it", "They'll never miss it", "Nobody will care", "The boss does it", "That's close enough", "It's not my job". Remember, knowingly doing what you believe is unethical makes you equally as wrong as the other person! Take a stand. Say no. Here's how you do it.

- Don't accuse the person of being unethical! (Talk about adding fuel to the fire). Instead, use "I statements" to explain your feelings: "I have serious concerns about this and I need you to understand why." "I honestly believe its wrong because.....and I can't do what I think is wrong."
- Offer an alternative action that you believe is right and ethical. Use "I statements" to say: "I think I know what you want to do, and I think a better way to do it is.... How about we/I try...."
- Ask for the person's help and agreement. Use "I statements" to say: "I really need your help. I want to make sure we both do the right thing. Will you go along with me on this?"
- If you can't convince the person to try your ethical alternative, you will need to seek help from a higher authority. Use "I statements" to say: "I am going to ask for help/advice/permission on this one before I agree to do it."

### **When You Are In Doubt—Ask**

You've heard it said before, "The only stupid question is the one that doesn't get asked". That adage is especially true when you're expected to do the right thing but you aren't sure what that 'right thing' is. Ask a proper authority when you're in doubt. Ask your supervisor, your department head, someone in Human Resources, someone in Legal. If you aren't sure who you should ask, ask who you should ask! And keep asking until you get an answer.

### **In Closing...**

In issuing this Code of Ethics, the City of Dothan reaffirms its commitment to conducting all of its business consistent with integrity and all legal and ethical standards set forth. For this to have real value, every person in our organization must make a personal commitment to the Code. We must make every effort to live up to the values inherent in the Code and seek new and innovative ways of applying these values into our daily activities.

Your signature below indicates that you have read, understand, and agree to abide by the City of Dothan's Code of Ethics.

Employee's Name (please print) \_\_\_\_\_

Employee's Signature \_\_\_\_\_

Date \_\_\_\_\_

Remember that a Code of Ethics will not solve all ethical problems:

***"But we must remember that good laws, if they are not obeyed, do not constitute good government. Hence there are two parts of good government; one is the actual obedience of citizens to the laws, the other part is the goodness of the laws which they obey..."--Aristotle, Politics***

**City of Dothan**

# ***Personnel Rules and Regulations***

*Employee Handbook*



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**CITY OF DOTHAN**

**PERSONNEL RULES AND REGULATIONS**

(Revised \_\_\_\_\_)

REGULATION 1 - GENERAL PROVISIONS

- Sec. 1-10. **Purpose:** It is the purpose of these rules and regulations to establish normal procedures which will serve as a guide in administrative action concerning the various personnel activities of the City of Dothan. These rules are supplementary to the "Civil Service Act of Dothan" and are not intended to supplant or overrule said act.
- Sec. 1-20. **Declaration of Policy:** The following personnel policies are established for the City of Dothan:
- Sec. 1-20. (1) It is the policy of the City of Dothan to insure affirmative action in providing equal employment opportunities without regard to race, creed, religion, sex, age, mental or physical disability, national origin, or political background, except where age or sex is a bonafide occupational qualification. (PBA 11/9/92)
- Sec. 1-20. (2) Employment with the City shall be based on merit and free of personal and political consideration.
- Sec. 1-20. (3) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in operation of the municipal government.
- Sec. 1-20. (4) Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.
- Sec. 1-20. (5) Appointments, promotions, and other personnel actions requiring the application of the merit system shall be based on systematic tests and evaluations.
- Sec. 1-20. (6) Every effort shall be made to stimulate high morale by fair administration of these regulations and by every consideration of the right and interest of the employee, consistent with the best interest of the City.
- Sec.1-20. (7) Continuation of employment with the City shall be subject to good behavior, satisfactory performance of work, necessity of the positions, and availability of funds.
- Sec. 1-30. **Coverage:** These rules shall apply to all positions and offices in the Classified Service unless otherwise provided by law.
- Sec. 1-40. **Classified Service:** The Classified Service shall comprise all offices and positions in the City employ, now existing or hereafter created, except those positions specified as the "Unclassified Service" by state laws.

- Sec. 1-50. **Interpretation:** These regulations are intended to cover most personnel problems and actions likely to be encountered. Those points not specifically covered shall be interpreted by the Personnel Director in keeping with the intent and objectives of these regulations. Records of any interpretations shall be kept by the Personnel Director for consideration of incorporation into these regulations.
- Sec. 1-60. **Enforcement and Administration:** The enforcement and administration of the rules and regulations set forth in this publication are the responsibility of the Personnel Director; however, the implementation of same is the responsibility of the department heads (Appointing Authorities).
- Sec. 1-70. **Approval of Rules:** These rules shall be in force and effect when adopted by the Personnel Board.

## REGULATION II - RECRUITMENT, SELECTION AND PROBATION

- Sec. 2-10. **The Classified Service:** The Classified Service shall comprise all offices and positions in the City employ, now existing or hereafter created, except those positions specified as the "Unclassified Service" by state laws.
- Sec. 2-20. **Employee Status:** The status of each person employed in a classified position falls into one of seven separate and distinct categories. (PBA 7-24-95, 9-11-06, 9-10-18, 6-10-19)
- Sec 2-20. (1) **Regular Full Time:** A full time status employee is defined as an employee who is scheduled to work a minimum of forty (40) hours per work week for 52 weeks per twelve (12) month period (2080.0 hours per year) or an equivalent work schedule determined by the Personnel Director to constitute full time status including fire, police and public services shift employees. An employee earns regular full time status after satisfactorily completing the probationary working test period established for the class of position into which employed (see §2-80., Working Test Period) and being certified as qualified for the position by the department head. Employees under this status participate in employee benefits including group hospitalization and life insurance, retirement, vacation, sick leave, and holiday pay. (PBA 6-8-87, 7-24-95, 10/11/04, PBA 6/11/07)
- Sec. 2-20. (2) **Probationary Full Time:** A full time status employee as defined in §2-20.(1), upon being employed in a classified or laborer position, whether through initial employment, re-employment, promotion, demotion, or transfer, is under this status until satisfactorily completing the probationary working test period established for the class of position into which employed (see §2-80., **Working Test Period**) and is certified as qualified for the position by the department head. Employees under this status participate in all employee benefits as listed under paragraph (1) above. (PBA 10/11/04, 9/11/06)
- Sec. 2-20. (3) **Part Time:** A part time status employee is defined as an employee, who is scheduled to work less than forty (40) hours per week. An employee earns regular part time status after satisfactorily completing the probationary working test period established for the class of position into which employed (see § 2-80, Working Test Period) and being certified as qualified for the position by the department head. A part time status employee who is scheduled to work a minimum of thirty (30) hours per week is eligible for group health and life insurance benefits in accordance with the City's group health and life insurance policies. A part time status employee who is scheduled to work a minimum of twenty (20) hours per week participates in the Employees' Retirement Systems of Alabama. A part time status employee is not eligible for holiday, vacation or sick leave benefits. Note: unclassified part time appointed or elected officials are eligible for group health and life insurance benefits in accordance with the City's group health and life insurance policies. (PBA 7-24-95, 4-12-99, 10/11/04)
- Sec. 2-20. (4) [deleted PBA 10/11/04]
- Sec. 2-20. (5) **Temporary:** A temporary status employee is defined as an employee who is hired for a limited period of time, not to exceed twelve (12) continuous months as defined by a calendar period, for the performance of specific tasks. A temporary status employee may be scheduled to work any number of hours per week up to a full forty-(40) hour workweek. A temporary status employee is in the Classified Service. An employee in this status is not eligible for group hospitalization and life insurance, vacation and sick leave benefits, and is not eligible to participate in the Employees' Retirement Systems of Alabama. A temporary status employee scheduled to work a full forty (40) hour work week is eligible for holiday pay provided he/she works the full eighty (80) hour pay period (except holidays) during which the holiday falls. (PBA 7-24-95, 4-12-99, 10/11/04)

Sec. 2-20. (6) **Unclassified/Seasonal:** A temporary unclassified seasonal status employee (termination date must be less than one (1) year from hire date) is an employee who is employed to work in the seasonal programs sponsored by the City. An unclassified seasonal employee's work schedule is limited to and dependent upon the work hours per week and work weeks per calendar year required to operate the particular seasonal program in which he/she is employed. An employee in this class generally works less than a cumulative 1,040.0 hours per year, but may work up to 40 hours during the temporary season. An employee in this status is eligible for holiday pay provided he/she works the full eighty (80)-hour pay period during which the holiday occurs.

An unclassified seasonal employee who works more than a continuous one (1) year period is limited to work no more than 19 hours per week and is not eligible for retirement, group health and life insurance benefits, vacation or sick leave benefits, or holiday pay. (PBA 7-24-95, 4-12-99, 10/11/04, 6/10/19)

(7) **Unclassified Seasonal/Reserve Police Officer:** An unclassified seasonal/Reserve Police Officer is a part-time/seasonal employee who is employed to work as a School Protection Officer, Park Security Officer, or Community Services Officer as employed by the City. An unclassified seasonal/Reserve Police Officer's work schedule is limited to no more than 32 hours per week and may be assigned less hours depending on the needs of the City. An employee in this classification works part-time/seasonal and is not eligible for group health and life insurance benefits, vacation or sick leave benefits or holiday pay. (PBA 09-10-18)

Sec. 2-25. **Temporary Alternative Duty** is duty that is assigned to employees who have a restricted activity status, as recommended by their treating physician, or in the case of a work related injury, by the City's Medical staff and/or treating physician. For non-work related injuries/illnesses temporary alternate duty is available to full time employees following their initial probationary period at time of hire. This alternate duty status has a time limit of **eight calendar weeks** within a twelve month period from the time the employee is first placed on 'light duty', regardless of the number of injuries/illnesses sustained during that twelve month period. It is the responsibility of the affected employee to present to the Employee Health Clinic with written documentation from their treating physician specifying the restrictions and the length of time the restriction applies. The employee should keep the Clinic staff informed of their status after each visit to their physician, which should be at least every four-calendar week. *If, after the eight week time frame, the employee is not released to his/her full duty status by their treating physician, he/she will have to be taken off work until which time his/her physician releases employee to full duty.* If the treating physician feels the employee cannot return to his/her full duty status, additional testing/evaluations may be warranted as recommended by the City's Medical Director. This will be at the expense of the employee if not covered by insurance.

In cases of restricted activity status that is a result of a work-related injury/illness, the eight-calendar week limit does not apply. The City's Medical staff in accordance with the authorized treating physician will monitor the covered employee's work status.  
(PBA 8/17/92, PBA 8-9-93, PBA 12/13/93, PBA 3/13/00, PBA 4/14/03)

Sec. 2-30. **Residence Rule:** It is the policy of the City of Dothan to give preference in hiring to persons living within the city limits of Dothan. This means that when a position vacancy occurs with the City of Dothan, those persons found to be most qualified for the position and living within the city limits of Dothan shall be given first preference for the position. If no individual is found to be most qualified within the city limits, selection shall be conducted outside the city limits.

Sec. 2-30. (1) All employees of the Fire, Police, Water, Public Works, Electric and Community Developments, and such other personnel as may be designated by department heads for emergency and/or standby duty must be immediately available to their department heads at all times by means of telephone and must be able to meet emergency calls in a minimum of time.

- Sec. 2-30. (2) Maximum reporting time for emergency and/or standby duty for employees noted in § 2.30(1), above is thirty (30) minutes from time notified to report to employee's regular work reporting station. (PBA 1/9/95)

*Note: This reporting time supersedes all previous maximum reporting times. (PBA 1/9/95)*

- Sec. 2-30. (3) All employees of the City of Dothan are encouraged to move within the city limits, as preference shall be given to those employees living within the city limits in case of layoffs.

- Sec. 2-40. **Employment of Veterans and Disabled Persons:** It shall be the policy of the City to give special consideration to the employment of war veterans and to encourage wherever possible the employment of persons with disabilities in positions where the disability will not substantially interfere with the performance of assigned duties. Veterans shall receive credit according to Section 13 of the Civil Service Act of Dothan:

"Upon successfully passing an entrance examination for a position in the Classified Service, five point preference is given to honorably separated veterans who served on active duty in the Armed Forces of the United States during any war (the official dates of war service are April 6, 1917 - July 2, 1921, and December 7, 1941 - April 28, 1952); during the Period April 28, 1952, through July 1, 1955; in any campaign or expedition for which a campaign badge or service medal has been authorized; for more than 180 consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976. (An initial period of active duty or training under the "six-month" Reserve or National Guard programs does not count.); during the Gulf War between August 2, 1990 and January 2, 1992. Ten point preference is given to veterans who served on active duty in the Armed Forces at any time, and who (1) have a service-connected disability or (2) are receiving compensation, disability retirement benefits, or pension under laws administered by the Veterans Administration, Army, Navy, Air Force, Coast Guard, or Marine Corps. A veteran who has been awarded the Purple Heart for wounds received in action is considered to have a service connected disability. (PBA 11-9-92) (6-17-2002 to reflect Civil Service Act)

- Sec. 2-50. **Eligible, Promotional and Re-employment Registers:** The Personnel Director shall establish and maintain such eligible, promotional and re-employment registers for the various classes of positions within the City service as are necessary to meet the needs of the service. The Personnel Director shall determine the period during which such registers shall remain in effect, but this period shall not exceed two (2) years. (PBA 11-14-88, 8-12-96)

- Sec. 2-50. (1) **Eligible Registers:** Eligible registers shall contain the names of those applicants who are deemed by virtue of the examination process (See § 2-60(5), Examination Process) to be qualified to perform the duties required of a specific class. The names of the eligibles may be placed on such registers in order of applicants' final ratings on examinations. Applicants shall be notified by the Personnel Director of their qualifying or failure to qualify for placement on an eligible register. The Personnel Director may remove from an eligible register the name of an applicant who has been placed on such register if it is determined that he/she intentionally made a false statement on his/her application, cheated on his/her examination, or permitted any fraud preventing the impartial execution of the principles of selection through merit. The Personnel Director shall notify each person of the removal of his/her name and the reason therefore. When the Director deems it necessary to do so, a new eligible register may be combined with an existing register by placing the names of those eligible from both registers on a combined register.

- Sec. 2-50. (2) **Promotional or In-House Registers:** Promotional or in-house registers shall contain the names of those City employees who are qualified for a vacant position. (PBA 9/11/06)
- (a) **Service Credit:** In establishing promotional or in-house registers, City employees receive a maximum of five (5) points for years of service. The formula for computing service points should be a factor of .5 x years of service up to a maximum of five (5) points. Such service points shall be added to the employee's total test score. (PBA 4/8/96, 11/14/05)
  - (b) **Time of Service Requirement:** For tested positions with a required study or preparatory period, the initial examination date will be used to determine whether an employee has completed any required time in grade or time in rank or years of experience requirements established for the position. For all other positions, the initial closing date for receiving applications will be used. (PBA 05/12/97, 11/14/05)
  - (c) **Examination date:** Any examination date(s) will be set by the Personnel Department allowing for the required study time as set by the testing instrument and recognizing the necessity of maintaining current promotional or in-house registers for high turnover positions. (PBA 01/13/89, 11/14/05)
- Sec. 2-50. (3) **Re-employment Registers:** City employees separated from the Classified Service in good standing (See § 10.10(1), Resignation) or as a result of layoffs shall be placed on a re-employment register in an order determined by length of service. Each name on a re-employment register shall be removed from such register at the expiration of one (1) year from the effective date of separation. A person employed under this provision has suffered a break in service and is beginning a new employment period. A person re-employed under this provision must complete the required initial probationary period for the position into which re-employed. A person re-employed under this provision shall have time in rank, seniority or service credit calculated from the most recent date of hire. (PBA 10/09/06)
- Sec. 2-60. **Personnel Selection Procedures:** The following procedures shall be used in recruiting and selecting City employees.
- Sec. 2-60. (1) **Written Notice:** The department head shall give notice in writing to the Personnel Director of any pending position openings, utilizing Personnel Requisition Form #139.
- Sec. 2-60. (2) **Job Announcements:** The Personnel Director shall have prepared written job announcements giving the major functions, prerequisites, and minimum qualifications for each position to be filled, and the closing date for receiving applications. §2-60(3) and (4). immediately following may be initiated simultaneously when time is a critical factor in filling a vacancy in the Classified Service.
- Sec. 2-60. (3) **Promotions:** It is the policy of the City of Dothan to fill classified positions with the most qualified personnel available. To allow for upward mobility, all vacancies and promotional positions shall be advertised internally utilizing promotional registers; job announcements for same shall be posted on all departmental bulletin boards. The City of Dothan shall, as an Equal Opportunity Employer, recognize its responsibility to insure equal opportunity in promotional decisions based only on valid and job oriented requirements.
- Sec. 2-60. (4) **Outside Advertisement:** If an insufficient number of City employees in the Classified Service are interested in and/or qualified for a vacant position, the Personnel Director shall advertise for applicants in whatever manner will provide a suitable number and quality of applicants including: advertisement of job announcements in local or national news media as appropriate; distribution of same to local employment agencies and/or colleges as required to attract the best qualified individuals; and utilization of eligible and re-employment registers.

- Sec. 2-60. (5) **Examination Process:** All applications received for vacant positions shall be screened for required and/or basic qualifications. All qualified applicants shall be examined for qualifications by application review; and/or by written and/or performance tests related to training and experience; and/or by personal interview with the Appointing Authority in cases warranting same.
- Sec. 2-60. (6) **Selection:** After oral interviews are completed, the department head shall examine the merits of all applicants interviewed, and select the person who best meets the job requirements.
- Sec. 2-60. (7) **Selection Follow-up:** After an applicant has been selected, \*notice of the selection shall be sent by the department head to the EEO Officer with Copy to the Personnel Director for his approval. In the event that a qualified applicant is considered for appointment and is not hired, the department head shall be responsible for explaining in detail and in writing his reasons for not hiring the person. This explanation shall be forwarded to the EEO Officer who shall satisfy himself that the reasons given are valid and nondiscriminatory. If he is not satisfied, the matter shall be referred to the Personnel Board, which shall conduct a hearing with notice to all parties. Thereafter, the EEO Officer shall be authorized to direct the appointment of the qualified applicant if the board has determined that the applicant was rejected or discriminated against because of his race, creed, religion, sex, age, mental or physical disability, national origin or political background. Applicants shall not be notified until the above process is completed. (PBA 11/9/92)
- Sec. 2-60. (8) **Processing:** The new employee shall be referred to the Personnel Department for employment processing at least 24 hours prior to the starting date of employment. The Department Head shall have Personnel Form #110 completed and forwarded to the Personnel Department prior to the new employee's starting date.
- Sec 2-67.5. **Drug and/or Alcohol Testing:** Drug and/or alcohol testing of City employees shall be conducted in accordance with The City of Dothan Drug Testing Policy and Procedures which are incorporated herein by reference. (PBA 6-11-90, 1-9-95, 7/24/95, 3-11-96, 4-14-97, 11/10/97, 2/9/98, 9/13/99, 10/18/99, 4/08/02, 8/09/04, 12/13/04, Restated Policy adopted by PBA 9/11/06)

COPY OF POLICY ON FILE IN PERSONNEL DEPARTMENT
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- Sec. 2-70. **Employment Physical Standards:** The following procedures shall be used to determine applicants' conformance to the City of Dothan employment physical standards.
- Sec. 2-70. (1) The Safety/Employee Health division shall be responsible for the development of physical standards for the various job classifications in the City of Dothan which are job related and in compliance with all applicable Federal and State laws and City policies concerning employee selection. These physical standards shall become effective when certified to the Personnel Director by the Employee Health Clinic Medical Director. (PBA 12-10-90)
- Sec. 2-70. (2) All employees including full time, part time, seasonal and rehires shall be certified as meeting the City of Dothan physical standards for the position applied prior to the applicant being processed for employment by the Personnel Department.
- Sec. 2-70. (3) It shall be the responsibility of the Employee Health Clinic to perform all physical examinations and certify the applicant as meeting the approved physical standards.
- Final determination regarding an applicant's failure to meet physical standards shall be made by the Employee Health Clinic Medical Director (PBA 7-13-87). Results of pre-placement physical examinations will be documented on Personnel Form 168, (Screening Form). (PBA 12-10-90, PBA 3/13/00)

\*Notice by Memorandum

Sec. 2-80. **Working Test Period (Probation):**

- Sec. 2-80. (1) **Appointed or promoted employees:** Every employee appointed or promoted to a position in the Classified Service or to a common laborer position, shall automatically be placed under probationary status and required to serve a working test period of not less than six (6) months. The length of the working test period or probationary status shall be determined by the class of position and training period established for the position. During this working test period, periodic performance and other job related evaluations showing employee progress shall be made, and the employee shall be kept informed of individual progress. Employees who prove unsatisfactory during the working test period may be removed from the position by the Appointing Authority at any time during this period, subject to the approval of the Personnel Director; however, inadequate job progress and/or deficiencies must be pointed out to the employee and the employee must be given the opportunity to improve and/or correct the inadequacies and/or deficiencies before being removed from the position. The Personnel Director may remove an employee during a working test period if the employee was appointed, promoted or demoted without prejudice as the result of fraud or error. The removal action is usually final. (Revised by Personnel Director 10/22/04)
- Sec. 2-80. (2) **Demoted employees:** An employee demoted without prejudice shall be placed on probationary status as above if requested by his/her department head and approved by the Personnel Director. (PBA 09-19-88)
- Sec. 2-80. (3) **Position change.** An employee serving an initial probationary working test period shall not be eligible for promotional and/or in-house vacancies in the Classified Service until satisfactorily completing this initial probationary working test period.
- Sec. 2-80. (4) **Due process procedure.** Due process procedures as outlined in Regulation IV - DUE PROCESS PROCEDURE, shall be afforded any employee who is removed during an initial probationary working test period. (Approved PBA 6-9-86)
- Sec. 2-90. **Personnel Records:** Employees shall bring to the immediate attention of their supervisors and department heads any changes or errors in personal information such as change of name, phone number, dependent beneficiaries, etc. The department shall then notify the Personnel Department of such changes or errors and refer the employee to the Personnel Department, if necessary, for completion of proper forms. This will enable the City to keep up-to-date personnel information and at the same time assure the employee that items affecting pay, benefits, etc., are handled in a timely and efficient manner. The Personnel Department is the official repository for every employee's individual personnel records and related papers.

## REGULATION III - DISCIPLINARY POLICY

Sec. 3-10. **Policy:**

- Sec. 3-10. (1) **Duty:** It shall be the duty of all City employees to comply with and to assist in the compliance of the provisions of the Personnel Rules and Regulations. Employees shall be disciplined for violation of established rules and regulations; such discipline shall be in accordance with procedures established by the Personnel Rules and Regulations.
- Sec. 3-10. (2) **Date of Record:** The "date of record" used for disciplinary offenses is the date on which the department head signs the counseling or warning report. (PBA 5/9/94)
- Sec. 3-10. (3) **Past Practice (Consistent Application):** Non-enforcement of City Personnel Rules and Regulations can lead employees to believe that violation of specific rules and regulations is acceptable. Later attempts to enforce these rules and regulations can cause deep-seated discontent and morale problems. Be Consistent.
- Sec. 3-10. (4) An employee in an active disciplinary progression period for a major category offense shall not be eligible for promotions or in-house position transfers. (PBA 12/12/05)
- Sec. 3-10. (5) Expired disciplinary actions remain a part of an employee's personnel record. (PBA 12/12/05)
- Sec. 3-10. (6) An employee's disciplinary history may be reviewed by a selecting appointing authority with the approval of the Personnel Director. (PBA 12/12/05)
- Sec. 3-20. **Classification of Offenses:** In order that discipline is not disproportionate to the offense, offenses are classified in a progression from minor, less serious type offenses—including Sick Leave Abuse; to major, serious offenses; and intolerable offenses. (See § 9-60(10), for Abuse of Sick Leave disciplinary action.) The classification of offenses are defined as follows:
- Sec. 3-20. (1) **Minor, Less Serious Type Offenses:** Disciplinary actions for violation of "Minor" offenses are designed to be positive in nature, whereby employees are accorded the opportunity to correct their behavior or performance.
- (a) Disciplinary actions for these type offenses progress through a formal counseling report, written warning report, final warning report or a final warning report with a one to five day suspension without pay. Whether or not an employee receives a final warning report and a suspension without pay shall depend upon whether there are any mitigating circumstances present. For employees who are unable or unwilling to correct their job performance and/or behavior in a satisfactory manner, the last recourse in disciplinary progression for minor type offenses is discharge. Overtime exempt employees can only be suspended in full-day increments for infractions of safety rules of major significance, and certain workplace conduct rules such as sexual harassment and work-place violence. (See §8-70[6]). (PBA 9-9-96, 10/11/04)
- (b) The disciplinary progression period for "Minor" offenses shall be twelve consecutive months from the date of the last Minor offense violated. In order for an employee to clear his record of "Minor" disciplinary offenses, employee must not commit any minor disciplinary offense for twelve continuous months from the "date of record" of the last Minor disciplinary offense. (PBA 5/9/94)

- Sec. 3-20. (2) Major Offense: "Major" offenses are offenses that are extremely serious in nature but not so serious that a discharge is required upon committing the first such offense.
- (a) The first "Major" offense committed shall result in a "final warning" and a one (1) to twenty-(20) day suspension without pay. Overtime exempt employees can only be suspended in full-day increments for infractions of safety rules of major significance, and certain workplace conduct rules such as sexual harassment and work-place violence. (See §8-70[6]). Violation of any subsequent "Major" offense within two years shall be grounds for discharge. (PBA 9-9-96, PBA 10/11/04)
- A "day", as referenced in the Civil Service Act of Dothan, Section 22, Suspensions, is defined as 8 hours pay or compensation, or in the case of shift employees 1/10 (.10) of their bi-weekly pay or compensation. (An alternative method to administer the above provision of the Personnel Rules would be to transfer the suspended employee to 8-hour shifts for the duration of their suspension) (PBA 2/12/01)
- (b) The disciplinary progression period for "Major" category offenses shall be twenty-four consecutive months from the date of the last "Major" category offense violation. In order for an employee to clear his record of "Major" category offenses, the employee must not commit any major category disciplinary offenses during the twenty-four month progression period. (PBA 5/9/94) (PBA 2/03/03)
- Sec. 3-20. (3) **Intolerable Offenses:** "Intolerable" offenses are those offenses that are of such severe nature that the employer cannot tolerate more than the commission of one such offense. An employee who violates or commits an "Intolerable" offense shall be subject to discharge (Implemented in accordance with Personnel Regulation IV, DUE PROCESS PROCEDURE).
- Sec. 3-30. **Types of Disciplinary Actions:**
- Sec. 3-30. (1) **Formal Counseling Report:** This is the first step in the progressive disciplinary system for "Minor Offenses." The Formal Counseling Report involves a formal conversation between a supervisor and an employee about a behavior and/or a performance problem. The supervisor shall explain to the employee the exact nature of the offense(s) violated and shall instruct the employee how the problem can be corrected. At the time the supervisor meets with the employee, a completed Personnel Form #147 shall be given to the employee for his/her signature and a copy shall be given to the employee. The original shall be remitted to the Personnel Department and shall become a part of the employee's personnel record.
- Sec. 3-30. (2) **Written Warning Report:** A Written Warning Report is the second step in the progressive discipline system for "Minor Offense" violations. The supervisor shall complete Personnel Form #147 and meet with the employee for a formal discussion of the exact offense(s) the employee violated. He shall explain to the employee how the problem may be corrected. The supervisor shall also explain to the employee that further violation of any of the offenses classified as "Minor" within a twelve month period after the date of record for the last "Minor Offense," shall result in a "Final Warning" or a "Final Warning and Suspension Without Pay." The employee shall sign a copy of the Personnel Form #147 report, which shall become part of the employee's personnel file, with a copy given to the employee and the original forwarded to the Personnel Department.
- Sec. 3-30. (3) **Final Warning Report or Final Warning Report With A One To Five Day Suspension Without Pay:** This is the third step in the progressive discipline system for "Minor Offense" violations. The supervisor shall complete Personnel Form #147 and meet with the employee for a formal discussion of the exact offense(s) violated by the employee. The supervisor shall instruct the employee how he/she may improve his/her performance and/or behavioral problem.

The supervisor shall also explain to the employee the severity of a "Final Written Warning" or a "Final Written Warning and Suspension Without Pay" and shall explain to the employee that the commission of any other offense classified as "Minor" within a twelve-month period from the date of this warning report shall be grounds for the employee's discharge. The employee shall sign the completed Personnel Form #147 report; a copy shall be given to the employee and the original forwarded to the Personnel Department and shall become part of the employee's personnel file. (Note: A due process hearing [Determination Hearing] shall be conducted with an employee before any decision is made to suspend an employee without pay—Personnel Regulation IV, DUE PROCESS PROCEDURE.)

- Sec. 3-30. (4) **Final Warning and One To Twenty Days Suspension Without Pay:** This is the disciplinary action that follows violation of any offense classified as "Major." A due process hearing (Determination Hearing) is conducted with the employee prior to making a decision to implement this disciplinary action (Personnel Regulation IV). The supervisor will meet in a formal discussion with the employee explaining the exact offense(s) the employee violated and the seriousness and consequences of the offense(s). The supervisor shall instruct the employee how he/she may correct his/her performance and/or behavioral problem. The supervisor shall explain to the employee that the violation of any further "Major Offense" within two years from the date of record of this offense is grounds for discharge. At the time of the meeting, the supervisor will have completed the Personnel Form #147 report documenting all points discussed in the formal meeting. He signs the Form and gives a copy to the employee. The original is forwarded to the Personnel Department, which becomes a part of the employee's personnel file. (PBA 5/9/94)

A "day", as referenced in the Civil Service Act of Dothan, Section 22, Suspensions, is defined as 8 hours pay or compensation, or in the case of shift employees 1/10 (.10) of their bi-weekly pay or compensation. (An alternative method to administer the above provision of the Personnel Rules would be to transfer the suspended employee to 8-hour shifts for the duration of their suspension) (PBA 2/12/01)

- Sec. 3-30. (5) **Discharge:** Discharge is the most severe disciplinary action that may be taken against an employee. A due process hearing (Determination Hearing) must be conducted with an employee prior to making a decision to discharge an employee (Personnel Regulation IV). An employee who does not correct performance and/or behavioral problems after the progressive discipline process for "Minor" and/or "Major Offenses" or an employee who commits an "Intolerable Offense" is indicating an inability or unwillingness to correct his/her behavior. By utilizing progressive discipline, it is hoped that many employee problems can be corrected at an early stage, thereby benefiting both employees and the City by eliminating an employee's discharge from his/her position with the City of Dothan.

- Sec. 3-30. (6) **Demotion:** See Personnel Rules and Regulations VIII, §8.53. The application of one disciplinary action does not preclude the imposition of another. (Note: A due process hearing [Determination Hearing] must be conducted with an employee prior to a decision being made to demote an employee [Personnel Regulation IV].)

**Sec. 3-40. SCHEDULE OF DISCIPLINARY PENALTIES:** This schedule of Disciplinary Penalties is not all inclusive. There may be offenses other than those listed for each category of "Minor", "Major", or "Intolerable Offenses" for which the appropriate level of discipline is administered. These types of offenses shall be explained in full on Personnel Form #147 under "Other" for each category of offense. The application of one disciplinary action does not preclude the imposition of another.

**Sec. 3-40. SCHEDULE OF DISCIPLINARY PENALTIES:** This schedule of Disciplinary Penalties is not all inclusive. There may be offenses other than those listed for each category of "Minor", "Major", or "Intolerable Offenses" for which the appropriate level of discipline is administered. These types of offenses shall be explained in full on Personnel Form #147 under "Other" for each category of offense. The application of one disciplinary action does not preclude the imposition of another.

<b>Sec. 3-41. MINOR OFFENSES</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Sec. 3-41. (1) Failure to give proper notice of an absence which could be anticipated	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (2) Unauthorized absence.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (3) Failure to report to work as soon as possible from any period of paid time off, included but not limited to, personal illness, extended disability, sickness in family, death in family, jury duty, vacation.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (4) Tardiness (An employee not at his or her assigned workstation at the beginning of the first hour of his/her workday is considered tardy.)	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (5) Leaving work without permission	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (6) Interfering with the work of others, offensive personal habits which interfere with efficiency.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (7) Inaccurate, careless, failure to comply with standard procedures, makes recurring errors.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (8) Unsatisfactory learning rate, unable or unwilling to learn or understand work or new procedures as demonstrated by work standard or performance rating.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (9) Unreliable, forgets to carry out normal assigned tasks; requires unusual amount of supervisory time.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (10) Uncooperative in dealing with co-workers, customers, supervisors, or public.	Formal Counseling		Final Warning or Final Warning and Suspension	Discharge

Reg.III, continued.

<b>Sec. 3-41. MINOR OFFENSES continued</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Sec. 3-41. (11) Improper use of, or failure to exercise, supervisory authority and responsibility.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (12) Discourteous treatment of the public, customers or co-workers,	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (13) Violation of routine safety practices, failure to report a work related injury within a twenty-four hour period.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (14) Improper use or care of city property.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (15) Political solicitation during working time.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (16) Violation of dress codes as prescribed by department policy.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (17) Language or conduct that is abusive or offensive to members of the opposite sex.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (18) Other; explain in detail on Personnel Form #147 the offenses(s) committed by the employee.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge

**Reg.III, continued.**

<b>Sec. 3-42. MAJOR OFFENSES</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Sec. 3-42. (1) Negligent damage to City property or to property of others.	Final Warning and Suspension	Discharge		
Sec. 3-42. (2) Dangerous horseplay, threatening physical harm to or otherwise endangering others.	Final Warning and Suspension	Discharge		
Sec. 3-42. (3) Serious violations of safety practices which could have dangerous consequences.	Final Warning and Suspension	Discharge		
Sec. 3-42. (4) Serious violation of city ordinances, administrative regulations, or department rules which could have dangerous consequences.	Final Warning and Suspension	Discharge		
Sec. 3-42. (5) Sexual harassment as defined in Personnel Rules and Regulations XI, Sec. 11-80.	Final Warning and Suspension	Discharge		
Sec. 3-42. (6) Action(s), or lack of action(s) that could endanger the life or health of self or others, that could cause undue financial loss to the City, negligence in carrying out assigned tasks or duties or responsibilities of one's position.	Final Warning and Suspension	Discharge		
Sec. 3-42. (7) Gambling or unauthorized loaning (loan sharking) of money while on the job.	Final Warning and Suspension	Discharge		
Sec. 3-42. (8) Sleeping on the job.	Final Warning and Suspension	Discharge		
Sec. 3-42. (9) Possession of alcoholic beverages with no proof of intention to consume while on the job.	Final Warning and Suspension	Discharge		
Sec. 3-42. (10) Careless misrepresentation of work records.	Final Warning and Suspension	Discharge		
Sec. 3-42. (11) Irresponsible use of City credit, purchasing authority.	Final Warning and Suspension	Discharge		
Sec. 3-42. (12) Delaying or restricting City operations or influencing others to do so.	Final Warning and Suspension	Discharge		
Sec. 3-42. (13) Misconduct, contravention of criminal law, or any disgraceful conduct which reflects unfavorably on the City as an employer or public entity.	Final Warning and Suspension	Discharge		

Reg.III, continued.

<b>Sec. 3-42. MAJOR OFFENSES continued</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Sec. 3-42. (14) Insubordination	Final Warning and Suspension	Discharge		
Sec. 3-42. (15) Release of confidential or restricted information.	Final Warning and Suspension	Discharge		
Sec. 3-42. (16) First time loss of driver's license where driver's license is a requirement for the position in which employed. License must be reinstated within ninety days, otherwise employee will be terminated after due process § 3-43. (20). (PBA 1-13-92, 1-9-95)	Final Warning and Suspension	Discharge		
Sec. 3-42. (17) Failure to report for emergency call-out or standby duty in maximum time allowed as specified at Personnel Regulation VIII, § 8-80 (PBA 1-9-95)	Final Warning and Suspension	Discharge		
Sec. 3-42.(18) Testing positive for alcohol (0.02 to 0.03999 for CDL/Public Safety/Safety Sensitive positions; 0.02 to 0.07999 for all other positions) in accordance with City of Dothan Drug and Alcohol Testing Policy. (PBA 11-10-97)	Final Warning and Suspension	Discharge		
Sec. 3-42. (19) Other, explain in detail on Personnel Form #153 the offense(s) committed by the employee. (PBA 1-9-95)	Final Warning and Suspension	Discharge		

Reg.III, continued.

Sec. 3-43. INTOLERABLE OFFENSES	First Offense	Second Offense	Third Offense	Fourth Offense
Sec. 3-43. (1) Possession and/or use of controlled, non-prescribed dangerous drugs, while on the facility or on the job by other than sworn law enforcement officers in the line of duty performing evidence seizure or undercover operations of the Dothan Police Department.	Discharge			
Sec. 3-43. (2) Use of alcohol while on the job or under the influence of alcohol while on the job	Discharge			
Sec. 3-43. (3) Driving a City vehicle while under the influence of intoxicants such as alcohol, non-prescribed drugs, controlled substances.	Discharge			
Sec. 3-43. (4) Actual physical possession and/or use of a firearm or force against another person while on City property by other than sworn law enforcement officers operating within the line of duty (NOTE: With the exception of properly permitted firearms secured in privately owned vehicles which are parked in public parking lots).	Discharge			
Sec. 3-43. (5) Deliberate falsification of records and/or personal misrepresentation of statements given to a supervisor, officials, the public or Boards.	Discharge			
Sec. 3-43. (6) Falsifying employment application, employee records or medical records.	Discharge			
Sec. 3-43. (7) Punching another employee's time card or deliberate falsification of time cards.	Discharge			
Sec. 3-43. (8) Willful and deliberate damage to city property, the public, or the property of co-employees.	Discharge			
Sec. 3-43. (9) Violation of City of Dothan Drug Testing Policy and Procedures approved by Personnel Board 4/08/02 as amended.	Discharge			
Sec. 3-43. (10) Theft of City property, property of the public or co-employees.	Discharge			

Reg.III, continued.

<b>Sec. 3-43. INTOLERABLE OFFENSES continued</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Sec. 3-43. (11) Membership in any organization which advocates the overthrow of the government of the United States by force or violence.	Discharge			
Sec. 3-43. (12) Acceptance of gratuities for personal favors or personal gain as defined by the ethics laws of the State of Alabama	Discharge			
Sec. 3-43. (13) Refusal to be examined by a City authorized, fully licensed physician when so directed.	Discharge			
Sec. 3-43. (14) Prohibited political activity as defined in the Civil Service Act of Dothan. *06/23/20	Discharge			
Sec. 3-43. (15) Repeated sexual harassment as defined by Personnel Rules and Regulations XI, §11-.80.	Discharge			
Sec. 3-43. (16) Abandoning the job, unauthorized absence for five consecutive work days.	Discharge			
Sec. 3-43. (17) Unsatisfactory work performance during the probationary period as evidenced by the employee's job performance evaluation reports.	Discharge			
Sec. 3-43. (18) Gross insubordination.	Discharge			
Sec. 3-43. (19) Other; Explain in detail on Personnel Form #153 the offense(s) committed by the employee.	Discharge			
Sec. 3-43. (20) Where driver's license is a requirement for the position in which employed, second loss of driver's license within a two-year period of time or loss for a period greater than ninety days. (PBA 1-13-92).	Discharge			

\*administrative changes made to reference Civil Service Act of Dothan instead of Code of Alabama, 1975 as amended.

Reg.III, continued.

Sec. 3-44 SICK LEAVE ABUSE OFFENSES (See §9-60(10) for implementation)	First Offense	Second Offense	Third Offense	Fourth Offense
Sec. 3-44. (1) Employee has used eight (8) occurrences of unscheduled sick leave in a twelve (12) month period, and/or	Formal Counseling	First Written Warning	Final Written Warning/Discharge	
Sec. 3-44. (2) Where there is a consistent pattern of utilization of sick leave. (PBA 5/9/94)	Formal Counseling	First Written Warning	Final Written Warning/Discharge	

**Sec. 3-45 VEHICLE ACCIDENT POINT SCALE AND DISCIPLINARY PROGRESSION.**

(1) Employees accumulating vehicle accident points under the City of Dothan Motor Vehicle Operations Policy, adopted herein by reference, will be subject to the following disciplinary action(s), administered in accordance with this Regulation III and Regulation IV – Due Process Procedure:

- 1 point            Formal Counseling Report
- 2 points          One (1) Day Suspension
- 3 points          Three (3) Day Suspension
- 4 points          Five (5) Day Suspension
- 5 points          Ten (10) Day Suspension
- Over 5 points    11 – 20 Day Suspension or Termination

(2) The disciplinary action progression under this Vehicle Accident Point scale is independent of other disciplinary action progressions authorized by these Personnel Rules and Regulations. (PBM 9-10-01)

Sec. 3-50. **Appeal of Disciplinary Action:** Any Classified employee or laborer, other than those under probationary status, may appeal any disciplinary action taken by following the procedure outlined in REGULATION V - GRIEVANCE AND APPEAL PROCEDURE or by following the procedures in Sections 21 and 22 of "the Civil Service Act of Dothan" outlined below.

Sec. 3-50. (1) **Discharges:** A discharged employee may, within ten (10) days after receipt of the discharge notice, appeal the action of the department head to the Personnel Board, by filing a written answer to the chairman with a demand for a hearing. It shall be the duty of the Board to fix a time and place for hearing the appeal, and to give notice thereof to the employee and the department head, which appeal shall be heard by the Board on a date not later than thirty (30) days from the date the appeal is taken. The Personnel Board shall have the authority, after an appropriate hearing, and based upon a finding of the facts and applicable law involved, to reduce the severity of the disciplinary action taken by the department head, and issue such orders and decrees with reference thereto as may be just and reasonable, and for the best interest of the City. (rev. CSA 5/14/92)

Sec. 3-50. (2) **Suspensions:** A suspended employee may, within ten (10) days from the date of receipt of the suspension notice, file with the Personnel Board and the department head a written answer or explanation of the assigned charges and such answer shall be preserved as a part of the Public Record and the Board may, for cause shown, set aside such suspension order. (PBA 4-8-85)

## REGULATION IV - DUE PROCESS PROCEDURE

- Sec. 4-10. **Policy:** When disciplinary action is indicated, it is necessary that such action be administered timely, justly, uniformly, and impartially.
- Sec. 4-20. **Procedure:** Whenever any such disciplinary action could result in suspension, demotion, or dismissal of a classified employee or laborer, the following procedures shall be followed to insure that each employee in fact receives "due process" in accordance with legal precedents.
- Sec. 4-20. (1) **Department heads**, as appointing authorities, shall conduct determination hearings for their respective departments. If a department head is absent for any reason, the individual designated as acting department head is to conduct the hearing. For uniformity and convenience, standard forms have been prepared and are to be used.
- Sec. 4-20. (2) The department head shall have completed Personnel Forms #147 (Employee Disciplinary Action Report Form) and #153 (Notice of Determination Hearing). The notices shall be served by the department head or through the Dothan Police Department to the affected employee at least twenty-four (24) hours prior to the date of the hearing. (PBA 6/8/92)
- Sec. 4-20. (3) The Personnel Director or his designated representative shall be present at the hearing and assure that Personnel Form #154 (Interview Questions Prior to Determination Hearing) is completed before the hearing begins.
- Sec. 4-20. (4) Within three (3) working days after the hearing is conducted, the department head shall render a decision based on the facts in the case, and notification of the decision (completed Personnel Form #155 - Decision of Determination Hearing) shall be served to the affected employee by the department head or through the Dothan Police Department.
- Sec. 4-20. (5) In all cases, Forms #147, #153 and #155 shall be completed in triplicate. The affected employee shall receive a copy, the department head shall be furnished a copy, and the original shall be retained by the Personnel Director to be placed in the employee's 201 File.
- Sec. 4-20. (6) 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 shall be removed from the job and placed on administrative leave with pay until the determination hearing is held and the decision is made.

## REGULATION V - GRIEVANCE AND APPEAL PROCEDURE

Sec. 5-10. **Policy:** It is the Policy of the Personnel Board to provide equitable treatment of all its employees. In order that local government can meet the needs of its citizens, it is imperative that there exist an orderly and constructive employee-employer relationship. In order to insure that such a relationship continues to exist, there must be prompt consideration and equitable adjustment of employee grievances.

Sec. 5-20. **Definition:** A grievance is defined as a dispute or complaint by any classified employee with regard to the administration of policies, rules, procedures or other aspects of the working relationship with the City. Actual policy, rules and established procedure cannot be grieved. A grievable issue exists where there is a complaint regarding the administration of such policy, rule or procedure. Grievances shall include any dispute concerning

- the interpretation or application of policies, rules or procedures governing disciplinary action, performance ratings, attendance and hours of work, working conditions, and
- allegations of personal bias or reprisal, as well as
- any other matters which are germane to the employee's employment, and which are not specifically reserved to the Personnel Board under the law and rules of the Personnel Board, or are not reserved to the various governmental bodies under any statutory provision.

**Non Grievable Issues:** Matters dealing with classification, pay compensation and benefits and actions specifically set forth in the Civil Service act of Dothan and Personnel Board rules and regulations shall not be considered under grievance procedures, but shall be addressed in accordance with the provision set forth in the Civil Service Act and in the rules and regulations. Any question as to what constitutes a grievance or what should be processed as a grievance or what should be processed as a matter subject to the rules and regulations, shall be determined by the Personnel Director, subject to review by the Personnel Board.

Sec. 5-30. **Procedure:** Any classified employee who is not under initial probationary status in accordance with the Policy outlined above may initiate a grievance. In the presentation of grievances, grievants are assured of freedom from restraint, interference, discrimination or reprisal. All adjudication of grievances processed under this rule shall be retroactive until the time the grievance occurred or as modified by the Personnel Board. The grievants may be represented by counsel only in step Two-B (Section 5-30.(2) [b]) of the grievance procedure.

Sec. 5-30. (1) **Step One:** An employee who desires to initiate a Grievance must file a complaint in writing (Personnel Form Number 118), within ten working days after the date of the incident giving rise to the complaint, with the supervisor and furnish a copy thereof to the department head and the City Manager, unless the complaint is against the supervisor, in which case the grievant bypasses the supervisor and files the grievance directly with the department head. The department head shall, within five working days thereafter, arrange a conference on the grievance with the grievants, with or without the supervisor, and such other representatives as the department head and the grievants may agree upon in order to ascertain all the facts in the grievance. Both the department head and the grievant shall make a good faith effort to resolve the grievance. Within ten working days after such conference, the department head shall advise the grievant in writing of the disposition of the grievance, a copy of which shall be transmitted to the Personnel Director.

If the disposition of the grievance from the department head has been filed with the Personnel Director and served on the grievant as herein prescribed, and the disposition is not satisfactory to the grievant, the grievant may appeal the grievance to step two within five working days after such report has been filed. Unless the grievance shall be appealed to step two, the grievant shall be barred from any further proceedings with respect to such grievance.

Sec. 5-30. (2) **Step Two:** Appeal to the Personnel Board. In order for a grievance to be considered in step two, it must be presented in writing utilizing personnel form number 118 by the grievant to the Personnel Director with a copy to the department head within the time prescribed in step one above. The grievance as presented to the Personnel director shall consist of the statement of the grievance, the statement of the supervisor, if any, and the statement of the department head.

- (a) **Pre-hearing fact finding investigation.** Within the period of twenty working days, the Personnel Department will conduct a fact finding investigation in order to ascertain for the Personnel Board the pertinent facts involved in the grievance. The Personnel Director or his/her designate shall obtain from the grievant and the department head a list of all individuals or witnesses involved in the grievance. The Personnel Director or his/her designate shall interview or obtain statements from the grievant and the department head and other witnesses to the grievance as noted above. The Personnel Director shall determine from the facts gathered from the investigation of the grievance what policies, rules or procedures are in question concerning the grievance and, if the grievance meets the criteria of the grievance policy, definition and procedures. The Personnel Director shall have compiled a report of all the findings for and certify the report to the Personnel Board along with a copy to the grievant and the department head.
- (b) **Personnel Board.** Within twenty working days of receiving the Personnel Director's report, the Personnel Board shall convene a meeting with notices to all parties of the grievance to hear testimony, if any, as to the disposition of the grievance and whether or not to proceed with a Personnel Board Hearing.

If it is the decision of the Personnel Board to hear the grievance, the Board shall schedule a public hearing on the grievance as early as practical. Notice of the date, time and place shall be given to the grievant and the appointing authority (Department Head). The parties may be represented by counsel. The Board shall not be bound by technical rules of evidence and court but shall seek diligently all the information and evidence bearing on the merits of the case.

Sec. 5-40. **Attendance of witnesses.** It shall be the duty of the Personnel Director to subpoena witnesses for or against the employee upon written request of either party to the hearing. Civil Service employees under the jurisdiction of the Personnel Board shall be required to attend and testify without subpoena.

Sec. 5-50. **Personnel Board Hearing:** The hearing before the Board shall be de novo, and the Board may rescind, modify, alter or affirm the action of the appointing authority, if any, or may impose such additional or different action as may be warranted by the evidence adduced at the hearing. Within thirty working days after the conclusion of the hearing, the Board shall render its decision in the form of a Personnel Board Order. Copies of the decision shall be delivered to all parties at interest. The Board shall require that all testimony introduced at hearings shall be under oath and recorded and transcribed by a certified Court Reporter and that such record shall be preserved and filed in the Personnel Department. Any party to the hearing may request copies of the transcript, provided all costs of such transcription is borne by the party requesting same.

## REGULATION VI - CLASSIFICATION PLAN

- Sec. 6-10. **Purpose:** The Classification Plan provides a complete inventory of all positions within the Classified Service and accurate descriptions and specifications for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the Classified Service.
- Sec. 6-20. **Classification Plan Defined:** The Classification Plan is the official and approved system of grouping positions into appropriate classes and covers all positions under the merit system. It includes:
- A schematic index to class specifications,
  - Class specifications, and
  - Rules of administration.
- Sec. 6-30. **Responsibility of Administration:** The Personnel Director shall be responsible for administering the Classification Plan. The Director may delegate such functions as he deems advisable.
- Sec. 6-40. **Composition of the Classification Plan:** The Classification Plan consists of:
- Sec. 6-40. (1) Groupings of classes of positions which are of approximately equal difficulty and responsibility, which require the same general qualifications and which can be equitably compensated for within the same range of pay under similar working conditions.
- Sec. 6-40. (2) **Classification Titles:** Classification titles are descriptive of the work of each classification which shall identify the classification. Class titles shall be used in all personnel, accounting, budget, appropriation, and financial records. No person shall be appointed or employed in a position in the Classified Service under a title not included in the Classification Plan. Titles used in the course of departmental routine to indicate authority, status in the organization, or administration rank may continue to be used for such purposes.
- Sec. 6-40. (3) **Classification Specifications:** Written specifications for each classification containing a description of the nature of the work, relative responsibility of the position, examples of work which are illustrative of the duties of the position, requirements of the position in terms of knowledge, abilities, and skills necessary for performance of the work, and a statement of experience and training desirable for recruitment. Specifications are to be interpreted in their entirety and in relation to others in the Classification Plan. Particular phrases or examples are not to be isolated and treated as a whole definition of the class. Specifications are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.
- Sec. 6-40. (4) An allocation list showing the classification title of each position in the City service as identified by the name of the employee holding that position.
- Sec. 6-50. **Uses of the Classification Plan:** The Classification Plan shall be used:
- Sec. 6-50. (1) In preparing public announcements of examinations or vacancies.
- Sec. 6-50. (2) As a guide in preparing examinations that will measure the qualifications needed to perform the work of the class.
- Sec. 6-50. (3) In determining lines of promotion and in developing employee training programs.
- Sec. 6-50. (4) In determining salaries to be paid for various types of work.
- Sec. 6-50. (5) In determining personal service items in departmental budgets.
- Sec. 6-50. (6) In providing uniform job terminology understandable by all City officers, employees and the general public.

- Sec. 6-60. **Maintenance of the Classification Plan:** The Personnel Director is charged with the responsibility for the proper and continuous maintenance of the Classification Plan so that it will reflect on a current basis the duties being performed by each employee in the Classified Service and the class to which each position is allocated. The Director shall make necessary amendments to the Classification Plan in the form of new classifications, revisions of existing classifications and the abolition of classifications no longer required in the plan. Revisions of specifications and reallocations within the approved Classification Plan shall be made as follows:
- Sec. 6-60. (1) The Personnel Director shall study the duties and responsibilities of each new position and place it in the appropriate class within the classification plan for the duties performed.
- Sec. 6-60. (2) Changes in the duties and responsibilities of a position, involving either the addition of new assignments or the taking away or modification of existing assignments shall be reported to the Personnel Director by department heads. If these changes are determined to be permanent, are more than minor changes, and justify a reallocation to a different class, the Director shall place such position in the appropriate class.
- Sec. 6-60. (3) The Personnel Director shall periodically review the classification of positions, and upon the basis of the investigation, make or recommend the making of appropriate changes in allocations or in the Classification Plan.
- Sec. 6-60. (4) Any deletions or additions of positions are subject to the approval of the Personnel Board.

## REGULATION VII - JOB PERFORMANCE EVALUATIONS

- Sec. 7-10. **Purpose:** The Personnel Director shall establish, in cooperation with department heads, a job performance evaluation system for each position classification in the Classified Service based on standards of employment and output of employees. The system may be amended periodically as necessity arises. Its main objective is to provide employees with sufficient information to enable them to improve their job performance. Job performance evaluation ratings shall be considered in such manner and with such weight as hereby set forth in the Personnel Rules and Regulations: (PBA 5-11-09)
- In determining pay increases or decreases within the established limits,
  - As a factor in promotional tests,
  - As a factor in determining layoffs when forces are reduced because of insufficient funds or work,
  - In determining the order in which names are to be placed on a reemployment register, and
  - As a means of discovering employees who should be promoted, demoted, transferred or dismissed.
- Sec. 7-20. **Procedure:** Job performance evaluations shall be made by the employee's supervisor. All adverse evaluations shall include recommendations for corrective action for the employee. After review and final approval of the approving authority all evaluations shall be discussed with the employee and shall be signed by the employee following the conclusion of such discussions. In the event that an employee disagrees with an evaluation rating, he/she shall have the right to utilize the Grievance and Appeal Procedure. All job performance evaluations shall become a part of the individual's personnel records. (PBA 09-19-88)
- Sec. 7-30. **Period of Evaluation:** Job performance evaluations shall be made in writing at such periodic intervals as the Personnel Director deems necessary to effectively evaluate an employee's performance during the probationary or working test period established for the class of position held. Upon successful completion of the probationary or working test period, job performance evaluations shall be made in writing at least annually. (See §2-80. - Working Test Period). (Revised PBA 6-9-86)
- Sec. 7-40. **Unsatisfactory Job Performance Post Probationary Employees:** If during the period of evaluation an employee's job performance is unsatisfactory, the employee's department head and evaluating supervisor shall immediately meet with the employee in order to determine the areas in which the employee fails to meet the expected levels of job performance and identify ways in which the employee may be able to improve his or her job performance.
- The employee will be placed on a performance improvement plan and reevaluated at the completion of six months. Failure of the employee to improve job performance to a satisfactory level at the completion of the six-month reevaluation period shall be grounds for discharge. Disciplinary action taken during the six-month reevaluation period will be deducted from this final appraisal score. (PBA 12-10-90, PBA 12/08/08, PBA 11-13-17)
- A performance improvement plan allows an employee to have a performance planning session, coaching session, and final appraisal during this special evaluation period to ascertain such ability to maintain employment. (PBA 12/08/08)
- An employee on this type of special evaluation schedule will not be eligible for promotion or transfer or other job action, including pay increases, until the employee has completed the six-month special evaluation schedule with a satisfactory or higher rating. (PBA 8-12-02, 5-11-09)
- Sec. 7-50. **Confidentiality:** Job performance evaluations shall be confidential and shall be made available to only:
- The employee,
  - the employee's supervisor and department head,
  - the Personnel Director or representative, and the Personnel Board.

REGULATION VIII - COMPENSATION PLAN AND WAGE ADMINISTRATION

- Sec. 8-10. **Purpose:** The Compensation Plan shall include a schedule of pay ranges consisting of minimum and maximum rates of pay for all classes of positions included in the Compensation Plan as adopted by the Personnel Board, and subsequent amendments thereto, and in accordance with the Compensation Plan and Policy approved by the Personnel Board on August 10, 2020 and subsequent amendments thereto. (PBA 3-11-91, \*12-11-06, 5-11-09, \*\*08-10-20)
- Sec. 8-15. **Policy:** It is the policy of the City of Dothan to provide employee compensation that reflects equitable pay for positions requiring comparable knowledge, skills, and abilities. (PBA \*12-11-06, \*\*08-10-20) (See CSA Sec. 11 Classification of Positions)
- Sec. 8-20. **Pay Ranges:**
- Sec. 8-20. (1) **Development and Maintenance of Pay Ranges:** Pay ranges shall be set with minimum and maximum rates of pay, in accordance with the procedure set out in the Compensation Plan and Policy. (PBA 4-10-89, \*12-11-06, 5-11-09, \*\*08-10-20)
- Sec. 8-20. (2) **Actions Pertaining to Pay Ranges:** Pay ranges furnish flexibility in providing performance/merit pay increases, promotions, and other related personnel actions for employees in the classified service, and in meeting conditions requiring pay adjustment. (PBA 10-16-89, 3-11-91, \*12-11-06, 5-11-09, \*\*08-10-20)
- Sec. 8-30. **Entrance at the Minimum:** An employee shall be paid, upon his/her original appointment to a classified or laborer position, the minimum rate of pay for that position except when it is determined that a new employee possesses exceptional qualifications or labor market conditions warrant employment at a higher rate in the pay range. The authority to enter an employee above the minimum rate requires a request by the Appointing Authority, recommendation by the Personnel Director, and approval by the Governing Body. (PBA 04-09-84, 5-11-09)
- Sec. 8-30. (1) An employee promoted to a position with a minimum pay rate that is equal to or less than his/her current pay rate shall receive a pay increase of at least 10% based on the employee's current pay rate. In no event will an employee's pay rate exceed the maximum of the pay range to which the employee is being promoted. (PBA 09-19-88, 10-08-07, 5-11-09)
- Sec. 8-30. (2) An employee transferred to a different position with a minimum starting pay rate that is less than his/her current pay rate shall not receive a decrease in pay. (PBA 5-11-09)
- Sec. 8-30. (3) An employee re-employed or reinstated to his/her former position, in accordance with §2-50(3) – Re-employment Registers and §10-10(1) - Resignation, and at the request of the Appointing Authority, may be paid at the same rate that he/she was receiving at the time of layoff or other separation in good standing. In no event will the employee's pay rate exceed the maximum or fall below the minimum of the pay range to which the employee is being rehired. (PBA 11-12-02, 5-11-09)

\*administrative changes made to reflect the Personnel Board's adoption of the Compensation Plan and Policy December 11, 2006

\*\*administrative changes made to reflect the Personnel Board's adoption of the Condry Compensation Plan and Policy August 10, 2020

Sec. 8-40. **Lines of Progression:** The city recognizes that certain positions require a period of formal training for certification or an apprenticeship training period with the city before an employee is able to fully assume and perform the duties and responsibilities of the position. These positions are Police Officer (Uncertified), Fire Fighter (Uncertified), Auto Equipment Mechanic Apprentice, Electric Meter Technician Apprentice, Lineman Apprentice, Radio Technician Apprentice, Water Station Operator Trainee, Wastewater Treatment Plant Operator Trainee (additional positions may be added or deleted as required upon the request of the Department Head and the approval of the Personnel Director). (\*3-21-22)

Individuals entering any of the above named positions either through appointment, promotion, demotion or transfer will be required to enter the position at the minimum pay rate of the pay range to which the employee is entering. (PBA 08-14-89, 5-11-09)

Sec. 8-41. **Additional Compensation for Classified Employees:**

Sec. 8-41. (1) Classified employees will not be assigned to unclassified positions except by resolution of the Board of City Commissioners. When a Classified employee is temporarily appointed to an unclassified position on an interim or acting basis, they shall receive a minimum additional pay amount of 10% of the base pay rate for the unclassified position, but in no case more than the current pay of the unclassified position, as compensation for the duties performed while serving in such interim or acting position, except where the authorizing Commission Resolution provides for a greater amount in additional compensation. All requests for temporary detail or assignment of a Classified employee to an unclassified position will be submitted in writing and approved by the Personnel Director through the City Manager. (PBA 8-11-03, 5-11-09)

Sec. 8-41. (2) A Classified non-probationary employee temporarily detailed or assigned, in writing, by the appointing authority with approval of the City Manager and Personnel Director, to perform the duties of another Classified position with more responsibility and a higher pay range shall, upon completion of not less than four (4) consecutive calendar weeks in the temporary detail or assignment, receive an additional pay amount equivalent to at least 10%, calculated in the same manner as a promotional increase (PBA 10/08/07), for the duration of the temporary detail or assignment. (PBA 8-11-03, 5-11-09)

Sec. 8-41. (3) Classified employees will not be temporarily detailed or assigned to another classified position in a higher pay range in any other manner than stipulated above. (PBA 8-11-03, 5-11-09)

Sec. 8-50. **Promotion:** Promotion means an advancement from one class to another class of positions with increased duties, responsibilities, knowledge, skill and ability requirements, and for which a higher pay range has been established. Promotional pay policies require that the employee: (PBA 5-11-09)

Sec. 8-50. (1) Employee must not receive less in the new position than was received in the previous position.

Sec. 8-50. (2) Employee must not receive less than the minimum pay rate in the pay range authorized for the new positions, and (PBA 5-11-09)

Sec. 8-50. (3) Employee's pay rate shall not be limited to the minimum pay rate for the new position if his/her current pay rate is higher than said minimum rate of pay. (PBA 5-11-09)

Sec. 8-51. **Position Reclassification:** This occurs as a result of a job evaluation study that determines that an employee is performing the duties and responsibilities of a higher position than their present position pay rate would warrant, and the employee's position is assigned to a higher pay range. Adjustments to the employee's pay rate shall be calculated utilizing the same procedures as for promotions. (PBA 11-20-00, 5-11-09)

\*administrative changes made to add (Uncertified) to Police Officer and Fire Fighter positions - Lines of Progression, per Memo authorizing certified applicants to be hired above the minimum. March 21, 2022

- Sec. 8-52. **Transfer:** Transfer means the lateral movement by an employee within the Classified Service from one position to another position in the same class. A transfer may be within a department or between two separate departments with the approval of the Appointing Authorities involved and the authorization of the Personnel Director. Transfer pay policies require that the transferring employee receive no change in their pay rate. (PBA 5-11-09)
- Sec. 8-53. **Demotion:** Demotion means a change in employment status resulting in the movement from one position to another position that requires lesser minimum qualifications and is assigned a lower pay range. There are five (5) reasons for demotions to take place: At employee's request, as a result of job evaluation, during reductions in force, as a disciplinary measure and unsatisfactory performance of a newly promoted employee. Effects Upon Pay:
- Sec. 8-53 (1) **At the employee's request:** An employee's request for demotion must be approved by the Department Head and by the Personnel Director. The employee must meet all the qualifications required of the job requested to be demoted to or must have previously held the position which the employee is requesting to be demoted to. If the employee has never held the position for which he/she is requesting demotion, they will be required to serve the probationary period that is required by that position. The employee demoted under these conditions shall receive a pay decrease of at least 10% based on the employee's current pay rate. In no event will the employee's pay rate exceed the maximum or fall below the minimum of the pay range to which he/she is being demoted. (PBA 12-14-92, 03/09/09, 5-11-09)
- Sec. 8-53 (2) **As a result of job reclassification:** This occurs as a result of a job evaluation study that determines that an employee is performing the duties and responsibilities of a lower range than their present pay would warrant. The pay of an individual demoted under these circumstances would remain the same. If the employee's present pay is above the maximum of the pay range in which the employee is being demoted, the employee's pay rate would be redlined at the employee's present rate until the pay range maximum increased above the employee's pay rate. If the employee's present pay rate is within the range of the position he/she is being demoted to, their present pay rate would not change and the employee would continue to be eligible for all pay increases as per present compensation plan and policy. (PBA 10-16-89, 12/10/07, 5-11-09)
- Sec. 8-53 (3) **Due to reductions in force:** An employee that is demoted as a result of reduction in force will be placed in the pay range of the position being demoted to at the employee's present pay rate. In no event will the employee's pay rate exceed the maximum of the pay range to which he/she is being demoted. (PBA 5-11-09)
- Sec. 8-53 (4) **As a disciplinary measure:** A demotion of this type is sometimes used as a disciplinary measure where an infraction of rules of conduct occurs and where mitigating circumstances dictate that the employee should not be dismissed nor should he continue to perform his present duties. An employee that is demoted to a lesser position due to disciplinary measures must have previously held the position being demoted to or must meet all the qualifications of the position being demoted to. The pay of employee demoted under these circumstances would be treated the same as in §8-53(1) above. (PBA 10-16-89)

- Sec. 8-53 (5) **Result of unsatisfactory performance or at the employee's request of a newly promoted employee:** This situation would occur when an employee is promoted to a higher pay range position and is unable, through no disciplinary infractions, to perform satisfactorily the duties and responsibilities of the higher position. An employee that is demoted in this situation would be allowed to retreat back to their former position within the same pay range at the same rate of pay in which they held at the time of promotion provided the position has not been filled. If their former position has been filled, the employee will be terminated and will be placed on a rehire register for that position for a one-(1) year period of time. When an employee voluntarily requests a demotion while serving a promotional probationary period, the employee's rate of pay will be determined based on their rate of pay for the former position. (PBA 01-13-89, 03/09/09, 5-11-09)
- Sec. 8-60. **Part Time, Seasonal and Unclassified Positions:** The Personnel Director may, with the approval of the Personnel Board and/or the City Manager, Mayor and City Commissioners, establish rates of pay for part time, seasonal or other employment of a limited duration not to exceed six (6) months. In establishing such rates of pay, the Personnel Director shall take into consideration the applicable rate of full time employment of the same or similar nature, the prevailing rates in other employment and the appropriations available for such part time, seasonal or other employment.
- Sec. 8-70. **Hours of Work:**
- Sec. 8-70. (1) **General:** Except for shift employees in the Fire Department (Fire Companies), and employees working other special shifts, employees of the City shall be on a forty (40) hour work week. The City's seven day work period begins at 12:00 a.m. Sunday and ends at midnight the following Saturday. Insofar as is possible, work should be scheduled during the regular office hours of the Administrative Department which are 8:00 a.m. to 5:00 p.m. Monday through Friday; however, some departments, may schedule their normal eight (8) hour work day to begin at an earlier hour for operational requirements and/or to serve the public more efficiently. All normal work hours and work hours of scheduled shifts shall be posted on respective departmental bulletin boards. The Personnel Director shall be notified in writing of scheduled shift hours. Salaries are paid on a biweekly basis and City payroll checks are issued on alternate Fridays following the end of the biweekly pay period (Saturday). (Approved 4-9-84, PBA 7/13/92)
- Sec. 8-70. (2) **Fire Companies:** Fire Companies shall operate on a twenty-four (24) hour "tour of duty" schedule with twenty-four (24) hours on and forty-eight (48) hours off. Three (3) shifts, A, B, and C, are established to man the Fire Companies.
- Sec. 8-70. (3) **Trading Time:** A common practice or agreement among employees engaged in fire protection and law enforcement activities is that of substituting for one another on regularly scheduled shifts in order to permit an employee to absent himself/herself from work to attend to purely personal pursuits. This practice is commonly referred to as trading time and shall have no effect on hours of work if the following criteria are met:
- (a) The trading of time is done voluntarily by the employees participating in the program and not at the behest of the City.
  - (b) The reason for trading of time is due not to the City's business operations, but to the employees' desires or needs to attend to personal matters.
  - (c) A record is maintained by respective departments of all time traded by employees.
  - (d) The period during which time is traded and paid back does not extend beyond the calendar year.
  - (e) The practice must have the approval of the department head.

- Sec. 8-70. (4) **Overtime:** Classified employees and laborers shall receive compensation for overtime in accordance with the Fair Labor Standards Act (FLSA). Overtime payments will be made in the form of overtime pay. Overtime, within reason, is more appropriate to utilize than additional personnel; however, as a general rule, the requirement of frequent and considerable overtime in a department shall be considered evidence of under staffing and shall be subject to investigation by the Personnel Director. A record of all departmental overtime shall be kept by respective departments and shall be included as supporting documents to respective biweekly payrolls. Compensation shall be made as follows. (PBA 4/8/96, 7/11/05, 6/12/06)
- (a) Any classified employee or laborer, except employees engaged in fire protection activities [29 CFR 553.210] or an employee in law enforcement activities to include sworn police officers and security personnel in correctional institutions [29 CFR 553.211] assigned to a work period as allowed under Section 7(k) of the Fair Labor Standards Act [29 CFR 553.230], and those exempted in paragraph (6) below, who is required to work more than forty (40) hours in the stated seven day work period shall receive pay for those extra hours at one and one-half times his/her regular hourly rate. (PBA 7-13-92, 5/9/94, 4/8/96, 7/11/05, 6/12/06, 10/13/08)
- (b) Employees engaged in fire protection activities as defined in 29 CFR 553.210 and assigned by the Fire Chief to a work period of not less than 7 nor more than 28 days as allowed under Section 7(k) of the Fair Labor Standards Act [29 CFR 553.230] shall be paid at one and one half times the regular hourly rate for all hours worked in excess of the statutory maximum allowed for the work period. The designated work period shall be posted on all Fire Department bulletin boards and shall not be changed without the approval of the City Manager and the Personnel Director. (PBA 5-13-85, PBA 2/14/00, PBA 6/12/00, 6/12/06)
- (c) An employee in law enforcement activities to include sworn police officers and security personnel in correctional institutions within the Police Department assigned by the Police Chief to a work period of not less than 7 nor more than 28 days as allowed under Section 7(k) of the Fair Labor Standards Act [29 CFR 553.230] shall be paid at one and one half times the regular hourly rate for all hours worked in excess of the statutory maximum allowed for the work period. The designated work period shall be posted on all Police Department bulletin boards and shall not be changed without the approval of the City Manager and the Personnel Director. (PBA 6/12/06, 10/13/08)
- (d) In computing overtime hours worked, all paid leave to include vacation, sick leave, holiday, military, etc., shall be compensated as regular hours. (PBA 9-15-86, 7-13-92)
- (e) Members of the Police Department appearing as witnesses under power of subpoena in connection with law enforcement duties on their scheduled time off shall be entitled to overtime compensation at one and one-half times their regular hourly rate for the time spent in court for a minimum of 2 hours. Should Court overtime overlap another type of overtime because of the 2 hour minimum, then the officer will receive no more than one and one-half times their regular hourly rate for any hour or partial hour. [PBA 12-14-98]
- (f) No employee eligible to receive overtime pay shall order himself/herself into overtime work without the approval of his/her department head or, should the situation arise, the Personnel Director. Regularly designated standby crews are considered to have approval if a situation arises whereby they are called out to duty. (See §8-80, Standby and Call Out Rule.)
- (g) All overtime earned in a particular pay period must be paid in that same pay period.
- Sec. 8-70. (5) **[deleted PBA 4/8/96]**

- Sec. 8-70. (6) **Exemptions From Overtime:** Certain positions in the Classified Service are in the category of Overtime Exempt Positions and do not receive overtime compensation except when recommended by the department head because of unusual circumstances and approved by the City Manager. These positions are identified by an asterisk (\*) next to the job code number on Compensation Plan listings and include professional, supervisory and management personnel other than first-line supervisors who must work with their employees or crews when overtime work is required. Before a position is placed in this category, it shall meet all criteria for Exempt Category positions as specified in Section 541.100 Executive, 541.200 Administrative or 541.300 Professional, of the Fair Labor Standards Act. (PBA 4-8-85, 4/8/96, 10/11/04)
- Sec. 8-70. (7) **Emergency Overtime Policy:** An emergency overtime situation exists when recommended by the Department Head and/or approved by the City Manger. Any Classified employee or laborer other than those exempted in §8-70(6), shall receive Emergency Overtime pay at the rate of one and one-half times his/her regular hourly rate of pay when he/she is instructed to report for duty before he/she has had eight (8) consecutive hours of off duty since the end of his/her last scheduled work period. Any employee who so reports shall be paid at the overtime rate for all hours worked thereafter until he/she has had eight (8) consecutive hours off duty. (PBA 8-9-82)
- Sec. 8-70. (8) **Employment by a Different Department:** The prescribed rates of pay include payment for all work performed in those classes even though work may be performed in more than one department. Each department may pay its proportionate share of such services but the total compensation received by such employee shall not exceed the prescribed maximum rate for the class.
- Sec. 8-80. **Standby and Call Out Rule:**
- Sec. 8-80. (1) **Definitions:**
- (a) **Standby:** An employee, as authorized by his/her department head, who is available at a designated non-job site after normal working hours to respond to calls for City services is on standby status.
- (b) **Call Out:** An employee, regardless of whether or not he/she is on standby status, who responds to a call to perform City services after normal working hours, as authorized by his/her department head, is on call out status.
- Sec. 8-80. (2) **Period of Duty:** Standby status, and related pay for such duty, shall be for a period not less than eight (8) nor more than sixteen (16) hours between normal working days and for no more or less than twenty-four (24) hours on a scheduled off-duty day.
- Sec. 8-80. (3) **Pay Schedule:**
- (a) **Standby:** Employees designated for this duty shall be paid one (1) hour of regular pay for each such duty shift during the normal work week he/she is on this status, and two (2) hours of regular pay for non-scheduled work days. If called out, such employee shall be paid at the call out rate in lieu of standby pay. Standby pay will be paid to police officers only on non-scheduled days at the rate of two (2) hours of regular pay. This will only apply to situations where officers are on standby for a court appearance. It must be verified by a court liaison. Should the officer need to attend court, Court overtime will be paid in lieu of standby pay.[PBA 12-14-98]

- (b) **Call Out:** An employee shall be paid at overtime rates (one and one-half times his/her regular hourly pay rate) for all calls to which he/she responds. Such overtime shall be accounted for in increments of tenths (tenth of an hour equals six minutes). An employee shall be guaranteed a minimum of two (2) hours overtime for each time he/she is called out in intervals of two (2) hours. Overlap of the Call Out 2 hour minimum with another type of overtime will only be paid at one and one-half times the regular hourly pay rate for any hour or partial hour. Such time shall be computed from the time the employee leaves his non-job site and returns to that point (portal to portal). (PBA 6-9-86, 12-14-98]

Sec. 8-80.

(4) **General:**

- (a) Department heads shall maintain with Central Dispatch a current list of employees who are on standby for emergency and/or other necessary services.
- (b) Department heads may provide electronic pagers to employees on standby to allow greater freedom of movement of the employee if particular circumstances justify such. The purchase of pagers for this purpose must be made upon the recommendation of the department head and must be approved by the City Manager
- (c) The privilege of taking a City vehicle home may be extended to employees on standby if the frequency of calls or the necessity of special equipment is necessary, or the nature of service is such that a City vehicle is necessary for identification purposes. Such use of City vehicles must be justified and recommended by the department head to the City Manager and approved by same.

Sec. 8-80.

(5) **Exemptions to the Rule:**

- (a) Employees are exempt from standby and call out duty if their job classification specifically stipulates the exemption.
- (b) The Personnel Board may exempt supervisory, professional and management personnel from standby and call out duty.

Sec. 8-90. **Holiday Pay:**

Sec. 8-90. (1) An annual schedule of holidays can be found at §9-20 Holiday Leave of the Personnel Rules and Regulations.

Sec. 8-90. (2) a) When an employee's scheduled work day or scheduled day off falls on an announced holiday, the employee will be authorized to take the equivalent paid time off at a later date in-lieu-of the original holiday. The in-lieu-of holiday must be taken within 12 months from the date of the original holiday or it will be forfeited. Department Heads will be responsible for scheduling the in-lieu-of holidays within the 12-month period as stated above.

b) The maximum holiday hours accruable or payable for employees assigned to a work unit operating on a 24 hour, 7 day basis (hereinafter cited as 24/7 work unit) shall be determined by the number of hours for which the employee is normally and regularly scheduled to work during the normal work period for the work unit. The City recognizes the following shift schedules for holiday accrual and pay purposes for 24/7 work units: 8 hour work shifts (96.0 holiday hours maximum), to 24 hour work shifts (288 holiday hours maximum). (PBA 10/08/18)

c) Employees transferred from a 24/7 work unit to a non-24/7 work unit or vice versa or between differing shift schedules on 24/7 work units shall have adjustments made in any holiday accrual balances to reflect the number of shift hours worked.

d) All non-24/7 work unit employees shall accrue or receive holiday pay based on an 8 hour work shift, up to a maximum of 96.0 hours accrued or paid in a 12 month period. (PBA 10/08/18)

Sec. 8-90. (3) Supervisors will denote on the employee's time card HO for holidays taken on the actual holiday or HS for an in-lieu-of holiday.

Sec. 8-90. (4) A classified employee employed prior to April 13, 1992 leaving city employment in good standing (§10-10, Types of Separation, (1) Resignation or (6) Retirement), shall be authorized for any outstanding in-lieu-of holidays, as described in §8-90(2) above, at the employee's present rate of pay up to the maximums set out in §8-90(2)(b) above. (PBA 8-13-90) (PD 1/7/91) (PBA 4/13/92) (PBA 6-8-98) [PBA 12-14-98] (PBA 7-11-05)

Sec. 8-90. (5) Employees employed with the City of Dothan effective on or after April 13, 1992 must utilize outstanding in-lieu-of holidays as described in §8-90(2) above, prior to their separation from the employ of the City. Failure to do so will result in the loss of the holiday. (PBA 4/13/92)

Sec. 8-91. **Allowances:**

Sec. 8-91. (1) **Maintenance Allowances:** Allowances given employees in the form of food, lodging, utilities, or other subsistence services shall be included in the total rates and equivalent cash values shall be deducted from the employees' stipulated pay rates. The Personnel Director shall determine such cash values, giving consideration to such factors as the conditions of each individual employment, additional service value of the employee to the City as a result of providing him/her with such subsistence, and the estimated cash value of such subsistence.

Sec. 8-91. (2) **Travel and other Official Expenditures:** The prescribed minimum and maximum rates of pay do not include allowances for official travel or other expenses incurred in City business or allowances made to employees for the official use of personally owned automotive equipment. Employees shall be reimbursed for such expenses in amounts as determined by the Personnel Director.

## REGULATION IX - LEAVES OF ABSENCE

Sec. 9-10. **General Policy:**

Sec. 9-10. (1) **Official Leaves:** Holiday leave, vacation leave, sick leave, military leave and civil leave are officially established leaves of absence and shall be granted by department heads in accordance with this Division, Regulation IX, of the Personnel Rules and Regulations.

Sec. 9-10. (2) **Other:** Periods of unpaid leave up to two (2) weeks shall be requested in writing by the employee and may be granted by department heads on a case by case basis, subject to the approval of the Personnel Director. Periods of unpaid leave exceeding two (2) weeks must be requested in writing by the employee, approved by the department head and the Personnel Board. (PBA 8/15/05).

Sec. 9-10. (3) **Maternity Leave:** Pregnancy shall be treated as any other illness. Sick leave and, if necessary, vacation leave may be utilized for this purpose.

Sec. 9-20. **Holiday Leave:** Announced holidays for all employees are New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, day after Thanksgiving, Christmas Day, and any other day the Personnel Board proclaims a holiday. Whenever possible, when a holiday falls on a Saturday or Sunday, the following Monday shall be declared a holiday for City employees. Employees required to be on regular duty on an announced holiday shall receive compensation according to §8-90, **Holiday Pay**. (PBA 09/11/23)

Sec. 9-30. **Vacation Leave:** The City provides eligible employees with paid vacation leave benefits. All vacation leave shall be computed and reported in hours. Eight (8) hours leave equals one (1) working day, based on the eight-(8) hour, five-(5) day work week. (PBA 6/11/07)

Sec. 9-30. (1) **Accrual:** Each department head, classified employee and full time laborer shall accrue vacation leave as follows: (PBA 6-8-87, PBA 6/11/07)

- (a) Employees with continuous service up to and through ten (10) years shall accrue four (4) hours vacation leave per each completed pay period (except the third pay period of any month) not to exceed a maximum of ninety-six (96) hours per year.
- (b) Employees with over ten (10) years continuous service shall accrue six (6) hours vacation leave per each completed pay period (except the third pay period of any month) not to exceed a maximum of one hundred forty-four (144) hours per year.
- (c) The pay period an employee becomes eligible to *accrue* six (6) vacation hours is the pay period after his/her ten-year anniversary hire date falls, except the third pay period of any month. Should an employee's ten-year anniversary hire date fall the pay period before or during a third pay period, his/her accumulation of six (6) vacation hours shall begin the pay period following the third pay period. (PBA 6/11/07)
- (d) Employees hired during the first week of a pay period (except the third pay period of any month) shall accrue four (4) hours vacation leave for that pay period. Employees hired during the second week of a pay period begin accumulating four (4) hours vacation leave the following pay period unless that following pay period is the third pay period of any month, in which case accumulation begins the first pay period of the following month. Employees hired during the third pay period of any month begin accumulating four (4) hours vacation leave the following pay period. (PBA 6-8-87, PBA 6/11/07)

- (e) **Public Safety-Fire.** 7K exempt employees with continuous service up to and through ten years shall accrue six (6) hours vacation per pay period. 7K exempt employees with over ten years continuous service shall accrue nine (9) hours vacation per pay period. (PBA 6/11/07)

The accrual formula for 7K exempt employees is computed as follows: Maximum number of shifts allowed x shift length in hours ÷ 24 pay periods per year = accrual per pay period. The maximum number of vacation shifts allowed for Fire Department 7K employees per year is six for employees with continuous service up to and through ten years and nine for employees with over ten years continuous service. (PBA 12-14-98, PBA 6/11/07)

Sec. 9-30. (2) **Attendance Reward Program**

- (a) An employee who does not use any sick leave hours, to include FMLA qualifying sick leave hours, for a period of one (1) year shall receive bonus vacation hours based upon his/her sick leave balance as of the last day of the pay period in which his/her anniversary sick day falls. If the employee's sick leave hours balance is 720, he/she shall receive 32 bonus vacation hours. If the employee's sick leave hours balance is at least 96, but less than 720, he/she shall receive 24 bonus vacation hours. (PBA 8-09-04) (PBA 7-13-20)
- (b) **Public Safety-Fire.** 7k exempt employees with a sick leave hours balance of 1080 shall receive 48 bonus vacation hours. If the employee's sick leave hours balance is at least 144, but less than 1080, he/she shall receive 36 bonus vacation hours. (PBA 12-14-98, PBA 6/11/07)
- (c) Earned bonus vacation hours may be either added to the employee's vacation leave hours balance or may be paid to the employee at his/her current regular rate of pay.
- (d) The employee must notify the department head during the pay period in which his/her anniversary sick day falls, using the appropriate time keeping method (time card or other acceptable time keeping record), whether he/she elects to have the bonus vacation hours added to his/her vacation leave hours balance or whether he/she elects to be paid for the bonus vacation hours at his/her current regular rate of pay. The election to be paid for bonus vacation hours cannot be made in a later pay period.
- (e) In the event the employee fails to make an election as stated in 9-30.(2)(d) above, the bonus vacation hours shall be added to the employee's vacation leave hours balance as set out in 9-30.(2)(a) above. (PBA 8-09-04)
- (f) The bonus vacation hours shall be credited to the employee during the pay period in which his/her anniversary sick day falls using the appropriate hours code. The election to be paid for bonus vacation hours cannot be made in a later pay period. (PBA 03-09-87)
- (g) If an employee's sick leave hours have been substituted for qualifying FMLA hours, or, if an employee has been advanced sick leave, they will be ineligible for bonus vacation hours until such time an employee's sick leave balance is at least 96 hours. (PBA 8-09-04, 10-11-10) (PBA 7-13-20)

Sec. 9-30. (3) **Maximum Carry Over of Vacation Hours Into the Following Year.** These hours must be earned or accrued during the current year (January through December).

- (a) Employees with continuous service up to and through ten (10) years may carry forward up to a maximum of 96 regular vacation hours plus bonus vacation hours, if any.
- (b) Employees with over ten (10) years continuous service may carry forward up to a maximum of 144 regular vacation hours plus bonus vacation hours, if any.
- (c) The year-end balance used in calculating carry over hours is the balance of vacation hours as of the last day of the last complete payroll period of the current year. (Employees who have or will have accrued vacation hours in excess of the maximum to be carried forward should use those hours on or before December 31st in order to avoid losing them.) Any vacation hours used or bonus hours earned after this date and before the end of the calendar year are treated as used/earned in the following calendar year as they are not reported and paid for until the first pay period in the new year. (PBA 05/14/12)
- (d) Maximum carry over of vacation hours into the following year for Public Safety: 7K employees will use the same logic as described in Section 9-30(3). [PBA 12-14-98]

Sec. 9-30. (4) **Utilization of Vacation Leave:**

- (a) Department heads will be responsible for scheduling the time at which vacation leave may be taken and shall allow or direct the taking of vacation leave as will best promote the efficiency of their employees and department and to insure that all employees are able to utilize their accrued vacation leave. Should a department head fail to allow an employee to take proper advantage of his/her accrued vacation leave due to emergencies or other mitigating circumstances, then the Department Head shall submit an explanation as to why vacation leave was not taken to the City Manager for his recommendation, and subject to the approval of the Personnel Board, said employee will be paid for his/her accrued vacation leave in excess of the maximum carry-over amount. In the absence of emergencies or other mitigating circumstances, accrued vacation hours in excess of the maximum to be carried forward at the end of the year shall be forfeited. (PBA 12-14-87/Effective 12-20-87)
- (b) Should a conflict arise in the scheduling of employees vacation leave, employment seniority with the City shall be the ruling factor. (PBA 12-14-87/Effective 12-20-87)
- (c) An employee shall only be authorized to use vacation leave accrued prior to the pay period in which the vacation leave is requested. No advance vacation leave shall be authorized. (PBA 12-14-87/Effective 12-20-87)
- (d) Any vacation leave use that qualifies as family/medical leave under the provisions of the Family Medical Leave Act (FMLA) will be substituted for an equivalent amount of unpaid FMLA leave. The substitution of paid leave for unpaid FMLA leave does not extend the 12-week FMLA leave period. (PBA 8-09-04)

Sec. 9-30. (5) **Vacation Leave Separation Pay:** A regular employee leaving City employment shall be compensated for vacation leave accrued to the date of separation. (PBA 6/11/07)

- (a) Vacation hours *accrued* during the pay period an employee terminates (except the third pay period of any month) are determined by the total number of hours, excluding overtime hours, for which said employee is to be paid that pay period, as follows:
  - 0 - 79 total hours = 0 vacation hours *accrued*
  - 80 total hours = 4 vacation hours *accrued* **or** 6 vacation hours *accrued*
- (b) Employees terminating during a third pay period do not *accrue* vacation leave during that pay period.

- Sec. 9-30. (6) Temporary, seasonal and part time employees do not *accrue* vacation leave.
- Sec. 9-40. **Military Leave:**
- Sec. 9-40. (1) **General Policy:** Military leave shall be granted to City employees for:
- (a) Training and service performed by an inductee, enlistee, or reservist, or any entrant into a temporary component of the Armed Forces of the United States.
  - (b) Time spent in reporting and returning from such training and service; or if rejection occurs, from the place of reporting for service.
  - (c) Active duty training of a reservist in the Armed Forces of the United States or of a member of the National Guard of the United States where the call is for training only.
- Sec. 9-40. (2) **Military Leave with Pay:** City employees on active military training, not to exceed 168 hours in a calendar year, shall be entitled to military leave of absence without loss of pay, time, efficiency rating, vacation leave and sick leave provided employees requesting Military Leave with pay have completed Personnel Form 300 in advance of commencing military duty. In any event, an employee must notify his/her Department Head at least 24 hours prior to commencing military leave. Failure to do so could result in disciplinary action. Personnel Form 300 along with Military Orders must be forwarded to the Personnel Department no later than the pay period ending date in which the Military Leave occurs in order for the Military Leave to be paid. (Rev. PBA 10-13-97)
- Sec. 9-40. (3) **Re-employment Rights:** A classified employee ordered to active duty as a reservist or member of the National Guard or ordered to initial active duty training for a period of not less than three (3) months nor more than six (6) months is entitled to re-employment rights provided he/she applies for same within thirty-one (31) days after his/her release from active duty. Individuals who are on active duty for a period exceeding six (6) months have ninety (90) days to exercise re-employment rights.
- Sec. 9-50. **Civil Leave:** Any employee shall be given necessary time off without loss of pay when performing jury duty.
- Sec. 9-60. **Sick Leave:** (Policy revised 11/08/04, three pages inserted)
- Sec. 9-60. (1) **General Policy:** Sick leave is not a benefit payable upon demand. The purpose of sick leave benefits is to provide an eligible employee with income protection for periods of physical or mental disability resulting in a medically necessary absence from duty. Limited use of accrued sick leave benefits is available to eligible employees for family, parental or bereavement leave as set out in the following sections. (PBA 11/08/04)
- Sec. 9-60. (2) An eligible employee (See Section 2-20, Employee Status) may be granted sick leave for absence from duty caused by:
- (a) **Personal illness.** An eligible employee may use accrued sick leave benefit hours for personal illness.
  - (b) **Maternity.** Pregnancy, birth and delivery are treated as any other personal illness. An eligible employee may use accrued sick leave benefit hours, and if necessary vacation leave hours, for maternity leave.
  - (c) **Legal quarantine.** An eligible employee may use sick leave benefit hours for periods of legal quarantine, when certified as necessary by a licensed health care professional.

- (d) **Illness in the immediate family.** Sick leave authorized for illness in the immediate family shall be limited to the equivalent of one work week for employees to make arrangements for the care of said member of his/her family who is ill. Additional sick leave may be taken for mitigating circumstances with the advice of the Supervisor, approval of the department head and concurrence of the Personnel Director, on a per occurrence basis. (PBA 1/09/06)
  
- (e) **Parental Leave:** Parental leave is provided to allow the employee time for bonding with the newborn or newly placed adopted or foster child and/or to provide emotional and physical support to the mother following childbirth. An eligible employee may use up to the maximum of the equivalent of one calendar work week in accrued sick leave per twelve month period upon the birth or adoption, or foster care placement of the employee's child. The number of accrued sick leave benefit hours authorized will depend upon the number of hours the employee is scheduled to work during the one week period. To qualify for this type of sick leave use, (Rev. \*09/17/19)
  - 1) The eligible employee must have a sick leave balance of at least ninety-six (96.0) hours (fire shift employees must have a balance of at least one hundred forty-four (144.0) sick leave hours); and (PBA 1/10/05)
  - 2) The eligible employee must provide written notice to the appointing authority of the intent to take parental leave at least thirty (30.0) days prior to the start of the parental leave; and (PF# 960e)
  - 3) The parental leave must be taken within the first three (3) months immediately following the birth or adoption, or placement of a foster child. (Rev. \*09/17/19)
  
- (f) **Bereavement:** An eligible employee may use up to the equivalent of one (1) week accrued sick leave benefit hours for a death in the immediate family. The number of accrued sick leave benefit hours authorized will depend upon the number of hours the employee is scheduled to work during a one (1) week period. Eligible employees may request vacation leave in addition to or instead of sick leave authorized under this section.

Sec. 9-60. (3) A member of the employee's immediate family for purposes of sick leave use shall be construed to mean: the employee's spouse, their children, the employee's parents, the employee's spouse's parents, and the employee's brothers, sisters, grandparents and grandchildren. Step-, half-, and adoptive or foster child relationships to the employee are included in this definition. (PBA 12-14-87) (PBA 9-10-01) (Rev. \*09/17/19)

Sec. 9-60. (4) **Notification:**

- (a) Employees are required to notify their department heads and/or supervisor as early as possible on the first day of their sick leave absence. Employees must also notify their supervisor as to whether their sick leave absence is due to personal illness or illness or death in their immediate family. (PBA 09-14-87)

\*administrative changes made to wording of Sick Leave Policy to reflect wording of the FMLA policy regarding foster children 09-17-19

(b) For FMLA determination and tracking purposes, department heads or supervisors are required to notify the Personnel Director in writing of any employee absence for a serious health condition or that involves inpatient care in a hospital, hospice or residential care facility or continuing treatment by a health care provider or sick leave absences of three (3) or more consecutive days.

- Sec. 9-60. (5) Time lost due to a properly reported on the job injury will be charged as Hurt-On-Job leave time when authorized by the Employee Health Clinic.
- Sec. 9-60. (6) Advanced sick leave is only available for the personal illness of an eligible employee (See Section 2-20, Employee Status), including an eligible employee's maternity leave.
- Sec. 9-60. (7) Any sick leave benefit use that qualifies as family/medical leave under the provisions of the Family Medical Leave Act (FMLA) will be substituted for an equivalent amount of unpaid FMLA leave. The substitution of paid leave for unpaid FMLA leave does not extend the 12-week FMLA leave period.
- Sec. 9-60. (8) An employee must make a reasonable effort to schedule medical treatments so that his or her absence will not unduly disrupt the operations of his or her department.
- Sec. 9-60. (9) An employee absent from duty using paid or unpaid sick leave benefits shall not engage in other employment while on such paid or unpaid sick leave.
- Sec. 9-60. (10) **Abuse of Sick Leave:** See §3-44 for schedule of corrective actions.
- (a) Abuse of sick leave is considered to be present when any of the following exist:
- 1) An employee has eight (8) or more occurrences of unscheduled sick leave use in a twelve (12) month period. An occurrence is defined as any single instance of unscheduled sick leave use, whether partial day or full day, or any consecutive instances of unscheduled sick leave. Unscheduled means the employee did not give prior advance notice of an absence to his or her immediate supervisor or department head, or
  - 2) There is a consistent pattern of utilization of sick leave. A pattern is considered to exist when any of the following occur:
    - Where there is a recurring instance of sick leave use before or after off days, holidays, weekends, seasonal events, or on the same date or day of the week.
    - Where sick leave is used when a vacation leave or holiday leave request has been denied.
    - Facts indicate that an employee has misrepresented the cause(s) or reason(s) for using sick leave and those causes or reasons given would not qualify for the use of sick leave.
    - Facts indicate that an employee, while absent from work with the City on sick leave, has been gainfully employed elsewhere or engaged in activities of such a nature that it could be reasonably assumed the employee could perform his or her job duties with the City.
- (b) When sick leave abuse is present the following action shall be taken:
- 1) First Occurrence: A Formal Counseling Report shall be issued to the employee concerning his/her unacceptable sick leave use, and:

- Re-state to the employee the purpose for and appropriate use of sick leave and the importance of and expectation for regular attendance at work.
- Notify the employee that he/she is under a rolling 12-month attendance monitoring period as of the date of the Formal Counseling Report.
- Notify the employee that further occurrences of sick leave benefit use meeting any of the provisions of this section will result in loss of compensation for those occurrences during the rolling 12-month attendance monitoring period unless the employee provides medical certification from a licensed physician certifying that the employee was incapacitated for work for the length of the sick leave benefit used due to a physical or mental incapacitation that made it necessary to be absent from work.
- Notify the employee that further occurrences of sick leave benefit use meeting any of the provisions of this section, regardless of whether the employee provides a medical certification from a licensed physician, during the 12-month monitoring period will result in progressive disciplinary actions in accordance with the disciplinary progression for Sick Leave Benefit Abuse outlined in this section.
- Notify the employee that he/she must complete 12 months from the date of the last progressive disciplinary action for sick leave benefit abuse, to lift the attendance monitoring period.

2) Second Occurrence: (First Written Warning Report) If the employee has an occurrence of sick leave benefit use within the 12 month period following a Formal Counseling Report for sick leave benefit abuse, the employee will be issued a First Written Warning Report concerning the unacceptable use of sick leave benefits, and:

- Restate to the employee the purpose for and appropriate use of sick leave benefits and the importance of and expectation for regular attendance at work.
- Notify the employee that further absences meeting any of the provisions of this section will result in loss of compensation for those occurrences during the rolling 12-month attendance monitoring period unless the employee provides medical certification from a licensed physician certifying that the employee was incapacitated for work for the length of the sick leave benefit used and stating the nature of the sickness, illness or injury.
- Notify the employee that further occurrences of sick leave use meeting any of the provisions of this section, regardless of whether a medical certification is provided from a licensed physician by the employee, during the 12-month monitoring period will result in progressive disciplinary actions in accordance with the disciplinary progression for Sick Leave Benefit Abuse outlined in this section.
- Notify the employee that any further occurrences of sick leave benefit use within the 12 month period from the date of the First Written Warning will be grounds for termination, after due process.
- Notify the employee that he/she must complete 12 months from the date of the last progressive disciplinary action for sick leave benefit abuse, to lift the attendance monitoring period.

- 3) **Third Occurrence: (Final Written Warning and Notice of Determination Hearing)** If the employee has an occurrence of sick leave benefit use during the 12 month period following the First Written Warning, the employee will be issued a Final Written Warning detailing the employee attendance history and progressive disciplinary actions taken for sick leave abuse and a Notice of Determination Hearing (PF#153) giving the employee notice of termination proceedings to be implemented in accordance with Personnel Regulation IV, Due Process Procedure.
- 4) Sick leave use qualifying as FMLA and designated as such under the provisions of the City's FMLA policy shall not constitute sick leave use for purposes of this section.

Sec. 9-60. (11) **Advanced Sick Leave:**

- (a) In cases of serious disability or illness, sick leave may be advanced to any eligible employee (see Section 2-20) after all accrued sick leave has been used. Each application for advanced sick leave must be supported by a doctor's certificate and must be approved by the department head and Personnel Director. The total advances of sick leave may not at any time exceed 160 hours.
- (b) Employees are not entitled to advanced sick leave until they have completed twelve (12) continuous months of employment. (PBA 6/11/07)
- (c) An employee who has used sick leave to the extent such use meets the definition of sick leave abuse shall not be eligible for advanced sick leave.
- (d) Any employee who has a record of advanced sick leave at the date of his/her termination shall reimburse the City for the total amount of such sick leave at the hourly rate of pay received by said employee during the time of such absence multiplied by the total number of advanced sick leave hours on record at the time of termination. The City of Dothan shall have the right to deduct from any pay or wages which may be accrued to such employee at the date of termination all sums of money which have been theretofore paid such individual for advanced sick leave. (PBA 5-11-09)
- (e) Each classified employee or laborer shall be required to sign an agreement to reimburse the City for advanced sick leave as described in item 9-60(11)(d) above.
- (f) Any advanced sick leave use that qualifies as family/medical leave under the provisions of the Family Medical Leave Act (FMLA) will be substituted for an equivalent amount of unpaid FMLA leave. The substitution of paid leave for unpaid FMLA leave does not extend the 12-week FMLA leave period. If an employee has been advanced sick leave, they will be ineligible for vacation bonus hours until such time an employee's sick leave balance is at least 96 hours. (PBA 10/11/10)

Sec. 9-60. (12) **Computation, Accumulation and Utilization of Sick Leave:** Sick leave shall be computed and reported in hours. Eight (8) hours leave equals one (1) working day, based on the eight-(8) hour, five-(5) day work week. Each department head, eligible classified employee and laborer shall accrue sick leave as follows: (PBA 6-8-87, PBA 6/11/07)

- (a) Sick leave is accrued at the rate of four (4) hours per pay period (except the third pay period of any month), not to exceed a maximum of ninety-six (96) hours per year. The maximum number of sick leave hours an individual may accumulate while in the employment of the City is 720.

- (b) **Public Safety-Fire.** 7K exempt employees shall accrue six (6) hours sick leave per pay period. The accrual formula for 7K exempt employees is computed as follows: Maximum number of shifts allowed x shift length in hours ÷ 24 pay periods per year = accrual per pay period. The maximum number sick leave shifts allowed for Fire Department 7K exempt employees per year is six shifts. The maximum number of sick leave shifts a 7K employee can accumulate is forty-five. (PBA 12-14-98, PBA 6/11/07)
- (c) Employees hired during the first week of a pay period (except the third pay period of any month) shall accrue four (4) hours sick leave for that pay period. Employees hired during the second week of a pay period begin accumulating four (4) hours sick leave the following pay period, unless that following pay period is the third pay period of any month, in which case accumulation begins the first pay period of the following month. Employees hired during the third pay period of any month begin accumulating four (4) hours sick leave the following pay period. (PBA 6-8-87, PBA 6/11/07)
- (d) An employee who does not use any sick leave hours for a period of one year is entitled to receive bonus vacation hours in accordance with §9-30(2), Bonus Vacation Hours.

Sec. 9-60. (13) **Sick Leave Pay at Retirement:**

- (a) Upon retirement, and only upon retirement, employees hired prior to April 13, 1992 shall be authorized a separation payment based on the number of hours sick leave accumulated up to a maximum of 720 hours. The payment shall be computed as follows:

<u>Hired On or Before 5-11-1977</u>	<u>Hired after 5-11-1977</u>
1 <sup>st</sup> 20 years X 2.5%	1 <sup>st</sup> 25 years X 2.0%
Next 5 years X 2.0%	Next 5 years X 1.5%
Next 5 years X 1.5%	Over 30 years X 1.0%
Over 30 years X 1.0%	

For purposes of this section and this calculation, years of service are limited to the net years of continuous service with the City of Dothan since the employees last date of continuous employment and shall not include any additional service credits that may be purchased by an employee. Additional service earned under ERS by public safety employees due to Hazardous Duty Pay as embodied in Alabama Act 2004-637 will not be used in the calculation for payment of sick leave.

There will be no sick leave separation payment at retirement for employees employed on or after April 13, 1992. (PBA 4/13/92, 10/11/04)

- (b) Any individual resigning or leaving City employment for any reason prior to retirement forfeits any accumulated sick leave.

Sec. 9-60. (14) **Temporary, seasonal, and part time employees do not accrue sick leave.**

Sec. 9-60. (15) **Emergency Sick Leave.** (PBA 4/13/15)

- (a) In cases of qualifying FMLA illnesses, emergency sick leave may be requested by an eligible employee (see Section 2-20) **after all accrued leave has been used**. Emergency Sick Leave is intended to be used for catastrophic illnesses, major injuries, and impairments of the employee or his/her immediate family member(s). Immediate family members are defined as: spouse, child, or parents. Emergency Sick Leave is not intended for routine illnesses. Each application for emergency sick leave must be supported by a doctor's certificate, to include FMLA Certification, and must be approved by the department head and Personnel Director. **The lifetime maximum number of emergency sick leave allowed is 320 hours.**

The emergency leave granted must be used for situations which qualify for protection under the Family Medical Leave Act (FMLA). However, emergency sick leave granted does not extend the twelve (12) weeks of job protection per twelve month period under the FMLA regulations and will generally be used within the twelve (12) week FMLA period.

- (b) Employees are not entitled to receive emergency sick leave until they have completed twelve (12) continuous months of employment.
- 1) The Personnel Director, as needed, will open the Emergency Sick Leave Bank for employees to donate.
  - 2) Employees who donate sick leave into the emergency sick leave bank must maintain a minimum of ninety-six (96) hours of accrued sick leave. The minimum donation of sick leave is four (4) hours and the maximum donation of sick leave annually is forty (40) hours per employee.
  - 3) Employee sick leave donations are irrevocable and cannot be earmarked for a particular employee. The donation is made to the emergency sick leave bank and employees who qualify for emergency sick leave must make application and meet all requirements to be eligible for emergency sick leave.
  - 4) Employees that donate sick leave to the emergency sick leave bank will not be penalized for their donation within the year of their donation. If, at the time of donation, the amount of sick leave accrued had not been donated and it would have placed the employee at the maximum of 720 sick leave accrual hours, the donation of hours will not count as sick leave used or interfere with the vacation bonus.

- (c) Any employee who has a record of advanced sick leave must accrue their sick leave balance back to zero and have exhausted all accrued time to be eligible for emergency sick leave. Emergency sick leave cannot be used to pay outstanding advanced sick leave or transferred to cover an advanced sick leave balance. The employee is responsible for fulfilling his or her obligation to the City by either accruing this time back to advanced sick leave or reimbursing the City as stated in the advanced sick leave agreement.
- (d) Each classified employee shall be required to request emergency sick leave and complete Personnel Form #127 Application for Emergency Sick Leave and provide all medical certifications and FMLA documentation to be considered for leave.
- (e) Emergency sick leave must qualify as family/medical leave under the provisions of the Family Medical Leave Act (FMLA). To care for newborn or newly placed adopted or foster child; to care for a spouse, parent, or child with a serious health condition; or because of your own serious health condition.

Sec. 9-70. **FAMILY AND MEDICAL LEAVE ACT (FMLA) POLICY:** (PBA 8-9-93):

The following is a summary of the provisions of the Family Medical Leave Act. It is intended to provide general guidance and information to you about your rights under the FMLA. Specific questions should be directed to the Personnel Department. (PBA 8-09-04)

The City of Dothan is covered by the federal Family and Medical Leave Act and will comply with the requirements of the Act. Under the Act, you may take up to twelve weeks unpaid leave in a twelve month period that begins from the date you first take FMLA leave. FMLA leave may be taken for the following reasons:

- (a) To care for newborn or newly placed adopted or foster child;  
To care for a spouse, parent, or child with a serious health condition;  
or because of your own serious health condition. (PBA 11-07-01)
- (b) Because of any qualifying exigency outlined by the federal FMLA Act arising out of the fact that the spouse, child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

An eligible employee who is the spouse, child, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.  
(PBA 03-10-08)

**COMBINED LEAVE TOTAL**—During a single 12-month period an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (A) and (B). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (A) during any other 12-month period. (PBA 03-10-08)

Your paid sick leave benefits and/or paid vacation leave benefits will run concurrently with any FMLA qualifying leave. (PBA 8-09-04)

- Sec. 9-70 (1) **Eligibility**—To be eligible for Family Medical leave, you must have worked for the City for at least 12 months, and have worked at least 1,250 hours during the twelve months before your request for leave. Time worked must be actual hours worked and shall not include any paid or unpaid leave time. (PBA 8-09-04)
- (a) In addition to eligibility requirements, employees requesting Active Duty Family Leave and Injured Servicemember Leave must produce a copy of active duty orders, commission documentation, and/or a statement from a physician stating you will need leave to care for a covered relative under Active Duty Family Leave and Injured Servicemember Leave. (PBA 03-10-08)
- Sec. 9-70. (2) **Notice**—You must give the Personnel Director and your Department Head thirty days notice of your expected leave, or whatever notice is practical under the circumstances.
- Sec. 9-70. (3) **Parental Leave**—The Act allows you to take leave for the birth of a child, or for the placement of an adopted or foster child. Generally, this type of leave must be taken in a block, up to twelve weeks. You may not take periodic leave or work a reduced schedule unless the Personnel Board approves your request. Parental leave must be taken within twelve months of the birth or placement of the child. (PBA 05/12/03)
- Sec. 9-70. (4) **Medical Leave**—The Act also allows you to take leave to care for a spouse, parent, or child with a serious health condition, or because of your own serious health condition. Medical leave may be taken in either a block, or you may take periodic leave or work a reduced schedule. If you choose periodic leave or a reduced work schedule, the City may temporarily transfer you to another job that will better accommodate recurring periods of leave. If you are transferred, the alternate job will have pay and benefits that are equivalent to your current job. (PBA 05/12/03)
- (a) If you take any type of medical leave, you must provide the Personnel Director and your Department Head with a Certification of Health Care Provider, available from the Personnel Department, as soon as possible. The certification must include the following information:
- The date that the condition began;
  - The expected length of the condition;
  - The appropriate medical facts regarding the condition;
  - If applicable, a statement that you are needed to care for your spouse, parent or child, and the approximate length of care needed;
  - If applicable, a statement that you are unable to perform the functions of your job.
- (b) If you seek to take periodic leave or work a reduced schedule, your certification must include the information listed above, plus the following:
- 1) If the leave is for your own serious health condition, the dates on which you expect to receive medical treatment and the length of time that you will be undergoing treatment; (PBA 8-09-04)
  - 2) If the leave is for the care of a spouse, parent, or child with a serious health condition, a statement that you will need leave to care for a covered relative with a serious health condition, or to help with the relative's recovery, and the expected length and schedule of your periodic leave or reduced work schedule. (PBA 8-09-04)
- (c) The City reserves the right to require a second or third medical opinion in appropriate cases where authorized by the Act. The City will pay the cost of any second or third opinion.

- Sec. 9-70. (5) **Active Duty Family Leave**—Employees with a spouse, parent, or child who is on or has been called to active duty in the Armed Forces may take up to 12 weeks of FMLA leave when they experience a "qualifying exigency." (PBA 03-10-08)
- Sec. 9-70. (6) **Injured Servicemember Leave**—Employees who are the spouse, parent, child, or next of kin of a servicemember who incurred a serious injury or illness on active duty in the Armed Forces may take up to 26 weeks of leave in a 12-month period. (PBA 03-10-08)
- Sec. 9-70. (7) **Health Insurance**—During the period of either parental or medical leave, The City will maintain your health insurance coverage. You must continue to make timely payments of your share of such coverage. Under most circumstances if you do not return to work at the end of your leave, the City will require you to reimburse the health insurance premiums that it paid during the period of your leave.
- Sec. 9-70. (8) **Return to Work**—When you return to work at the end of either a parental or medical leave, you will be placed in your original job or an equivalent job with equivalent pay and benefits. You will not lose any seniority or other benefits that you had accumulated before you took your leave. For performance appraisal purposes and in compliance with federal regulations, supervisors may not postpone an employee's performance appraisal while on approved Military or FMLA leave. Personnel Rule §12-70, Returning to Work After a Serious off the Job Injury/Illness, will apply to work at the end of Medical Leave. (PBM 5-11-09)
- Sec. 9-70. (9) **Other Information Available**—This is only a summary of the basic provisions of the Family and Medical Leave Act, and other exceptions and requirements may apply to you that are not discussed here. If you are considering taking a leave under the Act, you should consult with the Personnel Department for the details that apply to your situation.
- Sec. 9-80. **Medical Leave of Absence Without Pay: Medical leave** of absence without pay may be taken if it is necessary to leave your job for health reasons. THIS RULE ACTS IN COMBINATION WITH PERSONNEL RULE §9-70. (PBA 12-14-92, 8-9-93)
- Sec. 9-80. (1) **Procedure** - Requests for leave of absence must be in writing to the Personnel Board through your department head and accompanied by your doctor's written statement, clearly defining the disability and the approximate period of disability. You will be required to use your accrued sick leave, before being eligible to apply for a medical leave of absence. If you are unable to return by your leave expiration date, a written doctor's statement giving the new expected return date must be submitted prior to the expiration of your original leave. A doctor's release stating that you are able to return to the full duties and responsibilities of your job must be presented upon return to work, at which time you will be placed in the same or a comparable job. (PBA 12-14-92)
- Sec. 9-80. (2) **Benefits Effected** - During a medical leave of absence, accrued time of service and other benefits are protected but do not continue to accrue. (PBA 12-14-92)
- Sec. 9-80. (3) **Limitation** - Employees are responsible for paying their portion (portion on which the City pays the premium) and their dependent's portion of the health insurance premium, in order to keep health insurance coverage intact. Arrangements must be made in advance with payroll personnel in order to arrange payments for insurance benefits, etc. The total medical leave may not extend beyond nine months. If after nine months your doctor will not release you to return to work, your employment with the City will terminate. (PBA 12-14-92, 8-9-93)

## REGULATION X - SEPARATIONS

- Sec. 10-10. **Types of Separations:** All separations of classified and unclassified employees shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, compulsory resignation, quit without written notice, disability, death, retirement, layoff or dismissal. Department heads shall furnish the Personnel Director a Notice of Termination (Personnel Form #111) no later than one (1) working day (24 hours) following the effective date of separation. The Personnel Department will not process any related paperwork including personnel requisitions and retirement withdrawals until this Notice Of Termination has been received.
- Sec. 10-10. (1) **Resignation:** An employee wishing to leave City employment in good standing shall file with his/her department head, at least one week before leaving, a written resignation stating the date the resignation shall become effective and the reason(s) for leaving. Failure to comply with this procedure may be considered cause for denying said employee future employment with the City. Department heads shall forward a copy of all written resignations to the Personnel Director within twenty-four (24) hours after receipt.
- Sec. 10-10. (2) **Compulsory Resignation:** Unauthorized absence from work for a period of five (5) consecutive working days shall be considered a compulsory resignation.
- Sec. 10-10. (3) **Quit Without Written Notice:** Quitting the job without written notice or other proper notice. (PBA 8-9-82)
- Sec. 10-10. (4) **Disability:** An employee may be separated for disability when he/she cannot perform the required duties because of a physical or mental impairment. Actions may be initiated by the employee or by the City; however, all cases must be supported by medical evidence acceptable to the Personnel Director. Disability resulting from an on-the-job injury may lead to retirement of the employee.
- Sec. 10-10. (5) **Death:** Separation shall become effective as of the date of death. All compensation due in accordance with §10-20, Rights of Employees at Separation shall be paid to the estate of the employee or to the surviving spouse as may be required by law.
- Sec. 10-10. (6) **Retirement:** Eligible employees (See §2.20, Employee Status) are automatically covered under the Employees' Retirement Systems of Alabama as a condition of employment. (PBA 10/11/04)
- (a) Payroll deductions for the retirement plan and Social Security (FICA) are automatically deducted at the prescribed percentages from each payroll check.
  - (b) For more details on the retirement system, please refer to Employees' Retirement System of Alabama Member Handbook. (PBA 10/11/04)
  - (c) No right to the receipt of any post employment benefit is conferred or guaranteed to any employee. Post employment benefits available to retiring employees (retiring under the provisions of the Employees' Retirement Systems of Alabama) may include group health, group dental and life insurance. Eligibility for the post employment benefits are determined by the provisions of each benefit plan as said plan(s) has been approved and or amended by the Governing Body and provided the retiring employee pays the required premium, as specified in the City of Dothan Retirement Guide. Any employee hired after January 1, 2009 is solely responsible for the full cost of any post employment benefit upon retiring from employment. (PBA 11/10/08, 5/23/24)

- Sec. 10-10. (7) **Layoff:** A department head may lay off any employee whenever such action is made necessary by reason of shortage of work or funds, the abolition of a position, or because of changes in organization; however, no regular employee shall be laid off while there are temporary, provisional, or probationary employees serving in the same class of positions for which the regular employee is eligible and available. The Personnel Director shall prescribe layoff procedures to include consideration of length of service. The names of employees laid off for any of the above reasons shall be placed on a reemployment register for a period of one year. If an abolished position is recreated within one year, individuals laid off shall be reemployed according to their position on the reemployment register.
- Sec. 10-10. (8) **Dismissal:** REGULATION IV - DUE PROCESS PROCEDURE must be followed in any dismissal case involving classified or unclassified employees, to include part time, temporary/seasonal or probationary employees. (See §2-80. Working Test Period for additional information regarding the dismissal of probationary employees.) (Revised PD 7-31-96)

Sec. 10-20. **Rights of Employees at Separation:**

Sec. 10-20. **Payroll Time:** Regular employees who separate shall receive payment for all earned pay and all authorized leave subject to deductions and any indebtedness pursuant to §10-30, City Equipment and Property. Final payment for all payroll time shall be made at the end of the pay period during which the employee terminates. (PBA 4/8/96, 10/11/04, 5-11-09)

Sec. 10-30. **City Equipment and Property:** At the time of separation and prior to the time of final payment, all records, assets and items of City property in the employee's custody shall be transferred to the department head. Certification to this effect shall be indicated on the Notice of Termination (Personnel Form #111) submitted by the department head to the Personnel Director. Any amount due the City because of a shortage in the above shall be withheld from the employee's final paycheck.

## REGULATION XI - CONDUCT OF EMPLOYEES

- Sec. 11-10. **Attendance and Punctuality:** Each employee is expected to be on duty at the time prescribed by his/her particular department or division. It is the employee's responsibility to notify his/her supervisor of any intended or unintended absence prior to his/her normal reporting time. Absence from work without proper leave or notification can be the basis for disciplinary action.
- Sec. 11-20. **Dress and Appearance:** There are no specific rules covering the dress and appearance of City employees. Certain departments, however, do have such rules and these rules shall be adhered to by members of the affected departments. Employees not covered by specific rules are expected to exercise their better judgment. Each employee should keep in mind that he/she fills a public service position and that inappropriate appearance or dress habits can be as offensive to the citizens who pay City employee salaries as any other form of discourtesy or disrespect.
- Sec. 11-30. **Outside Employment:** Although outside employment is discouraged, the City does allow its employees to hold another job while employed by the City. A full time employee who undertakes regular employment outside of his/her City employment shall notify the Personnel Director through his/her department head. If the outside employment in any way interferes with an employee's effectiveness in his/her work with the City, he/she may be asked to terminate such outside employment. An employee holding outside employment is subject to the same call out procedure as any other City employee (See §8-80 **Standby and Call Out Rule**). It should be clearly understood by all employees that the City is considered the primary employer and as such has the right to expect its employees to give priority to their job responsibilities with the City.
- Sec. 11-40. **Political Activity:**
- Sec. 11-40. (1) The principle of the merit system is to keep government jobs free from political patronage. This not only creates a patronage free public employee work force but also protects employees' jobs from being taken away because of political reasons; therefore, active political participation by City employees is prohibited. This does not, however, interfere with an employee's right to vote or to express his/her opinion privately.
- Sec. 11-40. (2) No person shall be promoted, appointed, demoted, or dismissed from any position in the Classified Service or in any way favored or discriminated against with respect to employment because of his/her political affiliation.
- Sec. 11-40. (3) For more details on political activity, see Sections 23 and 24 of the "Civil Service Act of Dothan".
- Sec. 11-50. **Loaning Money:** The practice of loaning money or its equivalent between City employees for the purpose of personal gain is against Personnel policy. The responsibility for administration of this rule and any disciplinary action resulting from this rule shall rest with the individual department heads.
- Sec. 11-60. **Reporting Illegal or Suspected Activity Involving City Employees:**
- Sec. 11-60. (1) Any City employee becoming aware of or having any information regarding illegal activity in any City department shall immediately notify his/her respective Department Head.
- Sec. 11-60. (2) The Department Head receiving such information shall:

- (a) If the activity is of a criminal nature, the City Manager and the ranking officer on duty in the Police Department shall be notified. The Police Department shall conduct an investigation to determine the validity of the information. If the information is valid, normal investigative procedures shall be followed. The Chief of Police or officer in charge shall keep the City Manager apprised as the investigation progresses.
- (b) The Office of the Police Chief shall complete a report of the investigation and submit a copy to the City Manager and the Personnel Director.
- (c) If the information is of a non-criminal nature, the Department Head shall notify the City Manager and the Personnel Director, who shall evaluate the information and order or conduct an investigation if deemed necessary. The City Manager shall have the prerogative of utilizing the Police Department to assist with or conduct the investigation. In any event, a report shall be compiled by the investigating department and submitted to the City Manager and Personnel Director.

Sec. 11-60. (3) **Police Department Internal Investigations:**

- (a) In the event an investigation of any criminal offense or misconduct involving Police Department personnel becomes necessary, the incident shall be investigated by the Office of the Police Chief.
- (b) If the incident does not come within the jurisdiction of the department by statute or City of Dothan Merit System, or if the incident is of a nature whereby another agency would have offense jurisdiction outside the department's jurisdiction, the proper agency shall be notified and department personnel shall cooperate with the authorized agency.
- (c) In any investigation whereby the expertise or resources of another agency can or might assist or expedite the investigation, the services of that agency may be requested and utilized. (PBA 6-13-83)

Sec. 11-70. **Firearms:** With the exception of duly sworn law enforcement officers, all City employees are expressly prohibited from carrying firearms (pistols, guns, etc.), concealed or openly displayed, into any City owned or leased facility or property. Under certain conditions, work crews and/or survey parties may be authorized to carry a weapon (shotgun) when working in areas where snakes or other animals may endanger the safety or life of employees. Department Heads only have the authority to approve a request from their crew foreman to carry a weapon when working in such infested and hazardous areas.

Sec. 11-80 **Harassment, Threats, and Violence Policy:** (Rev. 10-18-99)

Sec. 11-80. (1) **Purpose:** The purpose of this policy is to help assure a working environment where all employees can maximize productivity in their jobs by eliminating offensive or threatening conduct that might interfere with maximum productivity. There are several types of anti-social behavior that can interfere with this goal including: (1) sexual harassment; (2) racial, religious and other forms of harassment; and (3) Violence and threats of violence. All of these types of behavior can distract employees from their job-related duties, and it is the policy of the City of Dothan to prohibit and eliminate these types of behaviors.

Sec. 11-80. (2) **Definitions:**

- (a) **Sexual Harassment:** Sexual Harassment can include:
1. Physical assaults or physical conduct that is sexual in nature (touching, pinching, or brushing against another's body).
  2. Unwelcome sexual advances, propositions, comments, "kidding," "teasing," or requests for sexual favors.
  3. Sexual displays or publications such as calendars, cartoons, graffiti, or computer pornography.
  4. Other verbal or physical conduct of a sexual nature that would interfere with an individual's work performance, or create an intimidating, hostile or offensive work environment.
  5. Retaliation for complaints of harassment.
- (b) **Racial, Religious, National Origin, Disability, or Age Harassment:** These types of harassment can include:
1. Any conduct based on race, religion, national origin, disability, or age that makes an employee uncomfortable at work or which interferes with an employee's ability to perform the job.
  2. Jokes which refer to race, religion, national origin, disability, or which portray age in a negative light.
  3. The posting or distribution of cartoons, drawings, or any other material which adversely reflects on a person's race, religion, national origin, disability, or age.
  4. The use of "slurs" or other offensive language.
  5. Practical jokes, horseplay, or teasing which tend to make fun of a person's race, religion, national origin, disability, or which reflect negatively on a person's age.
  6. Retaliation for complaints of harassment.
- (c) **Violence and Threats of Violence.** This type of anti-social behavior can include:
1. Any conduct which involves the offensive touching of another employee.
  2. Intimidating or threatening gestures or body posture that reflect possible violence or a threat of violence.
  3. Verbal threats to "get even," "go postal," or similar statements that cause an employee to fear possible harm by another employee.

Sec. 11-80. (3) **What To Do If You Experience Harassment, Threats Of Violence, Or Violent Behavior:** These types of anti-social behaviors can be blatant or they can be subtle. Despite the definitions given above, it is sometimes difficult to recognize whether particular conduct falls within these types of anti-social behaviors. Any employee who feels that he or she is the victim of any of these types of anti-social behaviors should report the conduct immediately. Further, any employee who observes conduct that could be a violation of this policy should report that conduct promptly.

Reports should be made to your supervisor, your Department Head, the EEO Officer, the Assistant Personnel Director or Personnel Analyst, or the Personnel Director. Upon receipt of a harassment complaint by a supervisor, department head, EEO Officer or Personnel Analyst, the Personnel Director shall be notified immediately. While verbal reports will be accepted, in most cases an employee reporting these types of behaviors will be asked to make a written report providing as much detail as possible concerning who has engaged in the behavior, when, where, and exactly what was done or said.

Sec. 11-80. (4) **How Reports Will Be Handled:** Reports of anti-social behavior will be promptly investigated. In most cases, the investigators will meet with the person making the report to get a complete and accurate statement concerning the nature of the problem. The investigators will then normally meet with the accused employees and other potential witnesses. Once the facts have been gathered, the City will try to address and eliminate any problems through one or more of the following actions: (1) verbal counseling sessions with those committing possible anti-social behavior; (2) group meetings or training sessions; (3) referrals to formal counseling; (4) written disciplinary action or suspension; or (5) terminations of employment.

In most cases, the employee reporting the anti-social behavior will be informed of the results of the investigation and of the remedial action taken.

While all reports of anti-social behavior will be treated as confidentially as possible, the requirement to conduct an impartial investigation means that complete confidentiality cannot be assured.

Sec. 11-80. (5) **Your Role and Responsibility:**

First and foremost, each of us is responsible for our own conduct and should avoid the types of behaviors addressed in this policy.

Second, each of us has a responsibility to report anti-social behavior that we experience or observe.

With your help in enforcing this policy, we can make our City a better and more productive place to work for all employees.

## REGULATION XII - SAFETY, ACCIDENTS, INJURIES AND INSURANCE

- Sec. 12-10. **Purpose:** The purpose of this regulation is to establish rules governing safety, the reporting of accidents and injuries, and procedures for submitting workmen's compensation and insurance claims.
- Sec. 12-20. **City Safety Creed:** The necessity of the service or the importance of the job is never so great that we cannot do the job safely!
- Sec. 12-30. **Safety and Loss Prevention:** The Employee Safety Committee Policy shall by reference be incorporated and made a part of these rules and regulations. (PBA 9-10-01)
- Sec. 12-30. (1) **General:**
- (a) The safety of City employees is considered one of the primary obligations of the City. Primary objectives of the safety and loss prevention program are the prevention of personnel accidents and fatalities both on and off the job, and the prevention of property damage and loss.
  - (b) Safety and loss prevention are not separate and apart from the job but are an integral part of each assignment of all employees and shall be considered major elements in management appraisal and in job performance evaluations.
  - (c) Safety and loss prevention are paramount considerations in providing tools, materials, and equipment necessary to accomplish an assigned job.
  - (a) Responsibility for enforcement of safety and loss prevention rules and policies shall rest with department heads and supervisors. Disciplinary action for violation of, or non-compliance with, safety and loss prevention rules, policies and/or procedures (including but not limited to the Employee Procedure for On-The-Job Injuries, Supervisor Procedure for On-The-Job Injuries, Supervisor's First Report of Injury, the Motor Vehicle Operations Policy, the Employee Safety Committee Policy, and departmental safety policies and procedures) shall be implemented in accordance with these Personnel Rules and Regulations. (PBA 11-8-82) (PBA 12-10-90) (PBA 9-10-01)
- Sec. 12-30. (2) **Employee Responsibility:**
- (a) Employees are responsible for their own safety and are expected to satisfy themselves before starting any job that can be done safely under existing conditions. They must not take chances or permit associates to do so.
  - (b) Employees are expected to conduct all job duties in a safe working manner in order to prevent property damage and personal liability losses due to their own negligence.
  - (c) Employees are responsible for assisting others in avoiding the above losses by bringing loss producing situations and/or unsatisfactory working conditions to the attention of their co-workers and/or supervisors.
- Sec. 12-30. (3) **Supervisor Responsibility:**
- (a) Supervisors at every level, from department heads down, are responsible for safeguarding the lives and health of the individuals under their supervision and for the prevention of loss, damage, and destruction of City property. (PBA 9-10-01)

- (b) Supervisory employees are particularly responsible for the training, performance, and behavior of employees under their supervision.
- (c) Prompt disciplinary action shall be administered whenever a department head or supervisor determines that an employee has neglected required safety practices, deliberately disobeyed safety rules, or through unsafe acts endangered his/her own health or safety and/or the health or safety of others.

Sec. 12-40. **City Vehicle Accidents:** The Motor Vehicle Operations Policy, incorporated herein by reference, shall be followed whenever any City vehicle is involved in an accident. (PBA 9-10-01)

- Sec. 12-50. **Worker's Compensation:** Any employee who is injured in any manner or degree while on duty or serving in the line of duty shall immediately notify his/her supervisor of such injury.
- Sec. 12-50. (1) Employees injured on the job and supervisors of employees injured on the job shall follow "Employee Procedure for On-The-Job Injuries" and "Supervisors Procedure for On-The-Job Injuries". Copies of these procedures are available in the Employee Health Clinic.
- Sec. 12-50. (2) All on-the-job injuries shall be investigated for the purpose of preventing accidents of the same or similar type and to insure compliance with the safety rules and policies in accordance with the Employee Safety Committee Policy and/or the Vehicle Operations Policy and various department safety and loss prevention policies. The results of these investigations and recommendations for prevention of future injuries and loss shall be reported to the City Manager and Department Heads. (PBA 11-8-82) (PBA 12-10-90) (PBA 9-10-01)
- Sec. 12-60. **Employee Group Insurance:** For details concerning insurance coverage, refer to the "Group Insurance Plan for Employees of the City of Dothan" or contact the Insurance staff in the Personnel Department.
- Sec. 12-70. **Returning to Work After Serious Off the Job Injury/Illness:** If an employee is hospitalized or under the care of a physician which requires a physician's recommendation as to when the employee should resume normal activities due to an illness and/or injury off the job, the employee shall present himself/herself in the Employee Health Clinic prior to returning to work. The employee shall not be allowed to return to work without the proper "Return to Work" form (#165) from the Clinic.

**NOTE:** *The intent of this rule is to provide medical assistance to those employees that are returning to work after a serious illness and/or injury that required extensive treatment; i.e. surgery or recovery from a heart attack, etc. There is no intention in the scope of this rule to take any adverse action against a City employee. This rule is only intended to provide health assistance to our employees.*  
(PBA 12-16-85)

REGULATION XIII - CREDIT UNION

Sec. 13-10. Alabama Telco Credit Union and Five-Star Credit Union are financial service organizations available to all City employees. They provide savings and loan arrangements that assist all their members in saving or borrowing money at reasonable rates. A City employee may become a member of the credit unions by contacting the respective credit union office. Payroll deductions for savings and repayment of loans may be authorized by the employee.

REGULATION XIV - PERSONNEL BOARD REGULAR MEETING DATES

Sec. 14-10. Regular monthly and special called meetings of the Personnel Board shall be held on dates and times at public meeting rooms as directed by the Personnel Board. Notice of said meeting will be posted on all City Public and Department Bulletin Boards. (revision authority: Section 8, City of Dothan Civil Service Act, PD 1-7-91)

REGULATION XV - AMENDMENT OF PERSONNEL RULES

Sec. 15-10. Amendments and revisions to the Personnel Rules may be initiated by the Personnel Director, the Personnel Board, any department head, or the City Commission. Before becoming effective, such amendments or revisions shall be posted on a bulletin board to be designated by the Personnel Director, shall be given a public hearing, and shall be approved by the Personnel Board. Amendments and revisions shall become effective when approved by the Personnel Board.

## REFERENCES

Detailed references may be found in the following documents which are available in all City departments.

"The Civil Service Act of Dothan", Act No. 273, Alabama Law, dated August 7, 1947, as amended.

"Group Health Care Plan City of Dothan". Effective October 1, 1993, as amended.

"City of Dothan Drug and Alcohol Testing Policy," Personnel Board Action March 11, 1996 City of Dothan Policy #51, as amended.

**City of Dothan**

**EQUAL OPPORTUNITY  
AND  
AFFIRMATIVE ACTION PLAN**

*updated November 2021*



EQUAL OPPORTUNITY  
AND  
AFFIRMATIVE ACTION PLAN

CITY OF DOTHAN

ALABAMA

AUGUST 1975

Updated October 2021

(Based on 2020 Dothan, AL \*MSA Census data)

\*Includes Henry/Houston/Geneva Counties

## Part II – Equal Opportunity and Affirmative Action Plan

### 1. PURPOSE.

The purpose of this Plan is to set forth the City of Dothan policy and practice on Equal Employment Opportunity and Affirmative Action Commitment.

### 2. GENERAL.

- A. The City of Dothan will implement a Civil Service System which offers equal opportunity for all applicants and employees which will be based on a policy of nondiscrimination in personnel procedures and practices.
- B. The City recognizes and supports the concept of Affirmative Action and recognizes its obligation to reach out aggressively to employ and utilize members for minorities of minority groups, women, and physically or intellectually disabled persons.
- C. To this end, definite commitments derived from the policy include, but is not limited to, the policy and practice of the City of Dothan to:
  - (1) Recruit, hire, and promote employees in all job classifications and the separate City departments without regard to race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws; except when sex or age is a bona fide

occupational qualification.

- (2) Base personnel decisions for employment and/or promotion solely upon an individual's qualifications for the position vacancy.
- (3) Apply standards for selection in all job classifications, in so far as feasible, that will tend to be indicative of success in employees performing a given job.
- (4) Ensure that all personnel procedures, policies, and actions, such as compensation, fringe benefits, transfers, layoffs, rehires, training programs, and social and recreational programs, will be administered without regard to race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled , genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws; except when sex or age is a bona fide occupational qualification.
- (5) Initiate and maintain on a continuing basis special records and controls which lend themselves readily to the analysis of progress and which identify problem areas in this Equal Employment Opportunity and Affirmative Action Program.

The specific commitments made herein should not limit the extent or nature of the methods, objectives or policies which may be initiated or instituted from time to time by the Personnel Board to ensure implementation of this Plan.

3. INTERNAL DISSEMINATION POLICY.

Internal dissemination of the policy will be on a formal and informal basis. It will be the practice of the City of Dothan to include reference to, or discussion of this policy on Equal Employment Opportunity and Affirmative Action whenever feasible and practicable in the following situations:

- A. In regularly scheduled and official Board of Commissioners and Personnel Board meetings.
- B. In regular staff meetings conducted by the City Manager and all Department Heads.
- C. In internal Department meetings with middle- and first-line supervisors and employees.
- D. By posting a memorandum outlining Affirmative Action Policy on Bulletin Boards throughout the various operating departments, and employee facilities.
- E. By posting Equal Opportunity posters on Bulletin Boards throughout the operating departments, and employee facilities.
- F. In City News Bulletins and information flyers. (Such publications as a matter of regular practice will be sent to each employee personally by email.)
- G. Through the picturing of both minority and non-minority employees in all advertising featuring employees.

4. EXTERNAL DISSEMINATION POLICY.

Formal external dissemination of this policy will be accomplished in the following manner:

- A. All recruiting sources will be informed in writing at least once each year of this Affirmative Action Policy, and stipulate that these sources actively recruit and

refer minority and female applicants for positions advertised. In particular, the Alabama State Employment Service and local employment agencies will be contacted on an individual basis by representatives of the Personnel Department.

- B. All employment advertisements will contain the by-line "An Equal Opportunity Employer, Affirmative Action Employer.
- C. Written notification of this Affirmative Action Policy will be sent to all vendors and suppliers and will include solicitation of appropriate action on their part.
- D. Minority organizations, community agencies, community leaders, pastors, secondary schools and colleges in the immediate area will be notified of this Affirmative Action Policy.
- E. All pamphlets, brochures, and other printed matter prepared for public circulation in the future which contain photographs of City employees and citizens using public facilities will reflect, so far as possible, that City employment and City facilities are equally open to all citizens regardless of race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disable, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws.
- F. Special Note: A database will be maintained for purposes of noting each external and internal dissemination of this Affirmative Action Program. Dates, the nature of the occasion, and attendance will be recorded. Local and area media coverage will also be noted with press clippings and photographs attached, when possible.

5. DUTIES AND RESPONSIBILITIES.

A. The Equal Employment Opportunity (EEO) Officer is the Affirmative Action Program Manager. The Personnel Staff will assist in the operation of the program, and all Personnel Staff members will be cross-trained and thoroughly familiar with all aspects of the Affirmative Action Program. Actions in implementing the Program will include, but will not necessarily be limited to the following:

- (1) Design and implementation of this Affirmative Action Program for the City will be the responsibility of the EEO Officer.
- (2) Conduct studies to determine needs, realistic goals, training requirements, and potential transfers (upward mobility) that will enhance the success of the Program.
- (3) In conjunction with each Department Head, develop achievable goals and identify potential vacancies for upward mobility for the short- and long-range time frame.
- (4) Ensure proper orientation briefing of all new employees to ensure each is acquainted with this Affirmative Action Program.
- (5) Exit Interviews are mailed to individuals leaving City employment to determine if discrimination in any form was a factor in the termination.
- (6) Update the program as required to integrate new ideas and goals into the program.
- (7) Conduct systematic reviews or audits of the various aspects of the policy to include recruiting, hiring and promotional patterns; record of internal and external dissemination of the Policy; and develop performance data or progress of the program.

B. Day to day responsibility for the execution of both the letter and spirit of the policy will be the duty of each Department Head and their respective supervisors. Full support of supervisors at all levels is an essential factor in the meeting of the standards of performance established.

6. OBJECTIVE.

The long-range objective of the City of Dothan's Affirmative Action Program in hiring and promoting employees is to make every reasonable attempt to place minorities and women into all phases and operations of its work force, to ensure that both the percentage and distribution of minorities and women throughout all levels of its work force are representative of the percentage and distribution of minorities and women in the community labor force. This long-range objective will include unclassified as well as classified employees.

As of October 2021, the City of Dothan has 979 full time employees: and 253 Part-Time and seasonal employees with a total of 1,232 individuals on the payroll. Of this number, 283 or 23% are minorities. Based on the 2020 census for Dothan, AL MSA (U.S. Census Bureau: Henry, Houston, and Geneva Counties) shows the immediate Dothan MSA area with a total of 25.7% minority population (African Americans, American Indian, Asian, Pacific Islander and Hispanic) and City of Dothan with a total of 38.7% minority population (African American, American Indian, Asian, Pacific Islander and Hispanic) in the statistical area. However, in the Official/Administrator EEO Category, minorities had 14%; Professional occupations 12%; Paraprofessional Occupations 27%; Protective Service Occupations 20%; Technicians Occupations 7%; Administrative Support, including clerical occupations 16%; Services/Maintenance Occupations 44%; and Skilled Craft occupations 19% of

the labor force.

The City of Dothan will continue to strive to meet or exceed the local percentage of minorities in the statistical area; and it is the stated policy that a proportionate distribution of minorities is a long-range objective of the program.

7. EMPLOYMENT PRACTICES.

- A. The Civil Service Act of Dothan and the Personnel Rules and Regulations will provide an appropriate mechanism whereby personnel practices and procedures will be administered without regard to race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws; except where sex or age is a bona fide qualification.
- B. Changes, if any, in Personnel Rules and Regulations will be in consonance with EEOC guidance and will be processed locally by the Personnel Board.

8. SPECIFIC AREAS OF PERSONNEL ACTION.

The following specific areas will be in accordance with announced policy and implementation of this Affirmative Action Program.

A. Recruitment.

Recruitment is the process by which the City of Dothan develops an applicant pool from which employees are selected. In both professional and non-professional areas, job advertising and recruitment will include an attempt to locate minority group members, women, and physically or intellectually disabled persons, to include Veterans, with the necessary qualifications and potential, and communicate to them the possibility of their employment by the City of Dothan. To ensure that non-discriminatory personnel recruitment occurs, the following policies will prevail:

- (1) All job openings shall be posted on appropriate department bulletin boards throughout City offices concurrent with their announcement to other media or sources.
- (2) Notice of all job openings shall be provided to but not necessarily limited to the following agencies:

Alabama Employment Service

Local Employment Agencies

Dothan Community Relations Group (formerly Multi-Racial Club)

Religious Leaders of the Minority Community

Dothan Area Chamber of Commerce

Dothan High School

Wallace Community College Dothan and Eufaula Campus

Troy University Troy and Dothan Campus

Fort Rucker Retirement Center

Southeast Alabama Rehabilitation Center

- (3) All notices of job openings shall indicate that the City of Dothan is "An Equal Opportunity Employer Affirmative Action Employer".
- (4) The Personnel Office will serve as a job information center to inform both minority and non-minority applicants of job information, availability, and opportunities.

B. Selection, (Hiring).

In order to accomplish the objective of the City of Dothan Affirmative Action Program, it is recognized that after the establishment of an applicant pool that includes qualified minority group members, women, Veterans and disabled persons, the process of selection from that pool must ensure all applicant's equal opportunity for employment. To provide such assurance, the City of Dothan hereby adopts the following items as policy:

- (1) Hiring shall be accomplished without regard to race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws. Applicants must be citizens of the United States of America, or aliens who have legally declared their intention of becoming a citizen.
- (2) Consistent with City of Dothan policy, the City when hiring and promoting employees will make every reasonable attempt to place

qualified Blacks, women and other minorities into all phases of its work force to ensure that the percentage and distribution of women and minorities throughout all levels of its work force are representative of the percentage and distribution of women and minorities in the community labor force.

- (3) Employment forms and applications shall be void of all references to regard to race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws; except as may be required to meet EEOC or other legal requirements.
- (4) Employment applications shall state in writing the length of time they will remain on file for active consideration and the method for renewing such applications upon their expiration from active consideration.
- (5) Applicants for employment will remain in consideration until the final decision is made as to which applicant will be hired or until a determination is made establishing the applicant to be an "Eligible Applicant." "Eligible Applicants" will be those persons who achieve a position on a Civil Service Eligible List or who have been determined to possess the necessary minimum qualifications required by the position for which they applied. All "applicants" will be advised of their

status following the completion of the selection process.

- (6) "Eligible Applicants" who are not selected for a given position will be provided upon their written request with a written indication of the reasons why they were not selected for any job for which they applied and achieved "Eligible Applicant" status.
- (7) All applicants will be given whatever assistance is necessary to complete fully and thoroughly any and all employment application forms. Clarification of any entries which appear vague will be sought from the applicant at the time the application is submitted.
- (8) Applicants will be required to grant a release of criminal records and medical records for those positions which require background investigation by the nature of the duties involved.
- (9) Records of criminal convictions may be used as a bar to employment when they indicate, given the nature of the crime and the nature of the job, that employment of the individual in the job in question would seriously compromise the health, security or safety of the City of Dothan.
- (10) Records of garnishment will not be used as a bar to employment.
- (11) All pre-employment tests or similar evaluative devices shall be validated in accordance with established Equal Employment Opportunity Commission guidelines for such tests or evaluative devices.
- (12) All job descriptions and/or basic criteria for employment in each job classification will be made as explicit as possible and will be accessible to all employees and applicants alike.

- (13) No standards for hiring, placement, promotion or job classification may draw a distinction based upon regard to race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation, (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws, nor may they be applied in any way to deny any person equality or opportunity for employment.
- (14) The City of Dothan recognizes that pre-employment interviews present a potential mechanism for the interviewer to subjectively screen out job applicants on a discriminatory basis. In order to limit the potential for the occurrence of discrimination in job interviews, the City of Dothan limits the focus of non-professional pre-employment interviews to the following items all of which shall be discussed during such interviews:
- (a) Clarification of items listed on the employment application.
  - (b) Clarification of the applicant's qualifications for the job in question.
  - (c) Clarification of the applicant's availability for work.
  - (d) Discussion of wages and benefits available with the City of Dothan.
  - (e) Discussion of the nature and duties of the job in question.
- All persons conducting pre-employment interviews shall be thoroughly

indoctrinated and trained by the Personnel Department in their responsibilities to interview and evaluate applicants on a non-discriminatory basis.

- (15) Relationship by blood or marriage to an employee of the City of Dothan shall in no way serve as an asset or liability in consideration for employment with the City of Dothan. It shall be the policy of the City to avoid such relationships in positions which might require supervisory or daily working contacts by relatives, as specified in Section 26, the Civil Service Act.

C. Terms and Conditions of Employment.

The City of Dothan recognizes the importance of insuring that the terms and conditions of employment with the City are established in an equitable manner. The City of Dothan therefore adopts the following items as policy:

- (1) All payment of wages, work assignments, work schedules, promotions, granting of leaves of absences, enforcement of discipline, and other actions affecting the conditions of employment with the City shall be made without regard to race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws.
- (2) Except where matters of personal privacy are applicable, the use of

facilities will not be decided on the basis of race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws.

- (3) Pregnancy and childbirth are justified reasons for a leave in accordance with general sick leave policies and will be treated as any other illness or injury. Reinstatement in accordance with general sick leave policies will occur without sacrifice of seniority or benefits. Leave for males and females for purposes of childcare will be granted in accordance with leave policies.

The length of time that an employee may be permitted to work during the term of her pregnancy will not be established by an arbitrary period of time but shall be established by a joint decision between the employee, the employer, and her doctor, taking into consideration the nature of the employee's job and her state of health. The City may in accordance with this and other policies require the employee to submit a statement from her doctor indicating the length of time during the term of the employee's pregnancy that she should be able to work.

- (4) Payment of all wages and salaries shall be made without regard to race, color, national origin, ancestry, religion, age (40 and older) sex,

sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws. In accordance with this policy, the following procedures will be implemented:

- (a) Criteria for determining salary for each classification or rank and within each classification or rank shall be accessible and available to all employees.
  - (b) In all cases, the pay level will be determined on the basis of qualifications and/or job rank classification.
  - (c) Disparities in pay between persons holding the same or equivalent qualifications have been eliminated except for differences in the pay plan achieved by service and merit.
- (5) All new employees shall be advised upon their hire of all rules and regulations affecting their employment, and upon request, will be furnished copies of the City of Dothan Affirmative Action Program. All employees will receive notice of any and all amendments or revisions subsequent to their hire.
  - (6) All employees shall be advised upon their hire and at least once per year thereafter, of promotion policies and any and all education benefits or programs offered by or through the City of Dothan that would qualify them for such promotions.
  - (7) Training and educational programs that are sponsored or supported

by the City of Dothan will be available to all employees without regard to race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws. Participation in such programs will be based on qualifications in accordance with City of Dothan policy. Minority and female employees who appear to have potential management or supervisory abilities will be encouraged to take the appropriate training to qualify them for promotions.

- (8) Any employee found to be harassing or unfairly treating any person because of his/her race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws will be subject to disciplinary action.
- (9) Action to terminate employment shall be based on reasons other than race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related

medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws. If any action or actions have a disproportionate, adverse effect on minority or female employees, the appropriate authority will be requested to explain the basis for such action, and necessary corrective action will be taken immediately.

- (10) Any employee who feels that he or she has been discriminated against because of his or her race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws. Shall have the right to seek a remedy through established grievance procedures (Procedures - Personnel Rules & Regulations). The terms, conditions, and records of employment shall not be adversely affected because he or she has utilized existing grievance procedures to seek a remedy for an alleged discriminatory action.
- (11) The terms, conditions, or records of employment of any employee shall not be adversely affected in any manner because he or she made charges, testified, or assisted in any manner in hearings or proceedings involving the City of Dothan in human rights cases before

any council, govern intellectual body or court of law.

- (12) In accordance with the City of Dothan Performance Management System, all classified employees shall be evaluated in writing by their supervisors once during their probationary period and at least once per year thereafter.

The purpose of all periodic evaluations shall be to provide the employee with sufficient information to enable him/her to continue to improve his/her job performance. Such evaluations shall determine employee performance based on objective criteria. All adverse evaluations shall list the reasons for such comments and include recommendations for corrective action for the employee. All evaluations will be discussed with the employee and will be signed by the employee following the conclusions of such discussion. In the event that an employee disagrees with an evaluation, he shall have the right to utilize the grievance procedure. All such evaluations will be a part of the individual's personnel records.

- (13) All disciplinary action shall be made without regard to race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws. In the event that disciplinary action becomes necessary, the person taking such action shall follow the

steps established in the City's policy on disciplinary matters.

The statements shall be discussed with the employee involved and shall be signed by him/her following such discussions. At the time of such discussion, the employee shall be advised of his/her rights to appeal the disciplinary action and the method to be followed in initiating such appeals. A copy of the statement shall be provided to the employee involved.

(14) Fringe Benefits as Part of Conditions of Employment. The following benefits accrue to all regular full-time classified employees of the City of Dothan regardless of classification. Benefits apply equally to all regular full-time classified employees regardless to race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws.

(a) Work Week: Except for shift employees of the Fire and Police Departments and employees working other special shifts, full-time employees of the City are on a 40 hours per week work week. Shift employees of the Fire Department work a 24 on/48 off schedule with a work period of 212 hours per a 28-day period; and the Police Department employees who work 12 hr. shifts with a work period of 171 hours per 28-day period before

overtime is computed (FLSA Section 553.230, Sec 207K).

(b) Pay Period: Biweekly, Sunday thru Saturday (14 days).

(c) Vacation Leave:

(1) Upon hire, employees with continuous service up to and through 10 years shall accrue four (4) hours vacation leave per each completed pay period (except the third pay period of any month) not to exceed a maximum of ninety-six (96) hours per year. Public Safety-Fire 7K employees accrue six (6) hours per pay period and not to exceed a maximum of one hundred forty-four (144) hours per year.

(2) Employees with over 10 years continuous service shall accrue six (6) hours vacation leave per each completed pay period (except the third pay period of any month) not to exceed a maximum of one hundred forty-four (144) hours per year. Public Safety-Fire 7K employees will accrue nine (9) hours per pay period and not to exceed a maximum of two hundred sixteen (216) hours per year.

(3) Maximum carry over hours is determined by number of hours accrued during the calendar year and length of service as set out in the Personnel Rules and Regulations.

(d) Overtime: As prescribed in the Fair Labor Standards Act (FLSA).

(e) Sick Leave: Upon hire, employees with continuous service shall accrue four (4) hours sick leave per completed pay period

(except the third pay period of any month) not to exceed a maximum of seven hundred twenty (720) hours or ninety (90) days. Public Safety-Fire 7K employees shall accrue six (6) hours sick leave per pay period not to exceed a maximum of one thousand eighty (1080) hours or forty-five (45) shifts.

- (f) Holidays: Twelve (12) paid holidays or as approved by Personnel Board. A schedule of approved holidays is available in the Personnel Department.
- (g) Insurance: Life Double Indemnity.  
Group Hospital Plan.  
(Coverage becomes effective immediately upon hire.)  
(Medical coverage for employee's dependents at a small cost and at employee's individual option.)
- (h) Retirement: Eligible employees are automatically covered under the Employees' Retirement Systems of Alabama as a condition of employment (PBA 10/11/04).
- (k) Worker's Compensation Insurance Coverage. (Effective November 29, 1975; Alabama Legislative Act #565)
- (l) Unemployment Insurance Coverage (Effective January 1, 1978, Federal Legislation PL 94.566)

D. Upward Mobility System.

The City of Dothan recognizes the importance of promoting minorities and women as part of this Affirmative Action Program. The City of Dothan, therefore, adopts the following items as policy:

- (1) All promotions will be made without regard to race, color, national

origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws.

- (2) All notice of opportunities for promotions will be posted in accordance with established guidelines for the posting of job openings.
- (3) All city employees who are qualifiable for promotions will be afforded the necessary training to qualify them for promotions where such training can reasonably be provided by the City of Dothan.

E. Contracts and Agreements.

Consistent with this policy of equal opportunity, the City of Dothan categorically states that no contract or agreement shall in any way be recognized involving any employee group which discriminates on the basis of race, color, national origin, ancestry, religion, age (40 and older) sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), physical or intellectual disabled, genetic information (including testing and characteristics), veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws. The City of Dothan further states that no contract or agreement shall in any way violate the guidelines or spirit of the City of Dothan Affirmative Action Program.

F. Internal Auditing and Reporting System.

As specified in Paragraph 5, the EEO Officer is the Affirmative Action Program

Manager. With the assistance of the members of the Personnel Staff, an Internal Auditing and Reporting System will be established to monitor and evaluate progress in each aspect of the program.

- (1) The Audit and Reporting System will be designed so that it will, but not necessarily be limited to:
  - (a) Measuring effectiveness of the City Program.
  - (b) Determining the degree to which City objectives have been attained.
  - (c) Indicating the need for remedial actions.
- (2) Formats and records will be developed in accordance with EEOC guidelines that will show:
  - (a) Applicant Flow Data
  - (b) Promotion and Transfer Data
  - (c) Training Activities
  - (d) Termination Data
  - (e) Quarterly Statistical Report
  - (f) Goals and Timetable Analysis
  - (g) Test Validation Data

SUMMARY:

The City of Dothan hereby reaffirms its full support of the concept of Equal Employment Opportunity and Affirmative Action and will take any and all steps necessary to implement an aggressive and successful affirmative action program to accomplish the objectives stated herein. It is recognized that it is the end results of the program which indicate the degree of success. To this end, the program will be evaluated at periodic intervals and positive remedial actions taken where deemed necessary to ensure overall success of the Program.

**City of Dothan**

# ***Employee Benefits***



# EMPLOYEE BENEFITS – EFFECTIVE JANUARY 1, 2019

Not all employees are eligible for all benefits. Contact the Personnel Department for eligibility information.

BENEFIT	WHAT DOES IT MEAN TO YOU?	WHO PAYS FOR IT?	WHEN ARE YOU ELIGIBLE?	WHOM DO YOU CONTACT?
<b>BONUS VACATION LEAVE</b>	YOU MAY RECEIVE 24 TO 32 BONUS VACATION LEAVE HOURS BASED ON NON-USE OF YOUR SICK LEAVE AND A MINIMUM BALANCE OF 96.0 HOURS. YOU MAY ELECT TO BE PAID YOUR BONUS VACATION HOURS BY SO INDICATING ON YOUR TIME CARD FOR THE PAY PERIOD YOU BECOME ELIGIBLE FOR THE BONUS.	THE CITY.	ELIGIBLE TO RECEIVE BONUS VACATION HOURS EACH YEAR YOU COMPLETE ONE (1) YEAR OF SERVICE WITHOUT USING ANY SICK LEAVE AND HAVE MINIMUM OF 96 HRS.	YOUR SUPERVISOR AND/OR DEPARTMENT PAYROLL CLERK. PERSONNEL DEPARTMENT FOR QUESTIONS ABOUT RULES.
<b>CAFETERIA PLAN</b>	A VOLUNTARY PAYROLL PROGRAM ALLOWING YOU TO EXEMPT A PORTION OF YOUR INCOME FROM FEDERAL, STATE & SOCIAL SECURITY TAXES THROUGH A MEDICAL EXPENSE REIMBURSEMENT ACCOUNT (MEP), AND/OR A DEPENDENT CARE REIMBURSEMENT ACCOUNT (DCEP).	YOU MAY ELECT TO PLACE UP TO THE LIMIT (AS DEFINED BY IRS.COM) IN A MEP & OR \$5,000 IN A DCEP THROUGH PAYROLL DEDUCTIONS	OPEN ENROLLMENT IS IN OCTOBER OF EACH YEAR.	ENROLL DURING OPEN ENROLLMENT.
<b>CREDIT UNION</b>	BASIC SERVICE INCLUDES PAYROLL DEDUCTION FOR SAVINGS AND LOANS	YOU PAY DEPENDING UPON THE TRANSACTION.	ELIGIBILITY IS IMMEDIATE UPON EMPLOYMENT.	AVADIAN CREDIT UNION 1900 WEST MAIN STREET AND/OR FIVE STAR CREDIT UNION, 411 N. FOSTER STREET
<b>DEFERRED COMPENSATION PLAN – RSA-1</b>	A VOLUNTARY INDIVIDUAL RETIREMENT PROGRAM (SECTION 457 PLAN) FOR GOVERNMENT EMPLOYEES THAT ALLOWS YOU TO DEFER RECEIPT OF A PORTION OF YOUR INCOME AND DEFER PAYING FEDERAL AND STATE INCOME TAX ON THAT PORTION.	CONTACT PERSONNEL FOR CURRENT ANNUAL LIMITS. (SEE APPROPRIATE PLAN DOCUMENT FOR ADDITIONAL INFORMATION).	ELIGIBILITY IS IMMEDIATE UPON EMPLOYMENT.	PERSONNEL DEPARTMENT
<b>DERF</b>	THE DOTHAN EMPLOYEES RELIEF FUND OFFERS AID AND/OR FINANCIAL ASSISTANCE TO ACTIVE EMPLOYEES REGARDLESS WHETHER OR NOT THEY CONTRIBUTE	VOLUNTARY CITY EMPLOYEE DONATIONS THROUGH PAYROLL DEDUCTION AND FUND RAISING ACTIVITIES.	ELIGIBILITY IS IMMEDIATE UPON EMPLOYMENT.	YOUR DEPARTMENT REPRESENTATIVE.
<b>DIRECT DEPOSIT</b>	EMPLOYEES MAY ELECT TO HAVE THEIR PAYROLL CHECK DEPOSITED DIRECTLY INTO THEIR CHECKING ACCOUNT.	N/A	ELIGIBILITY IS IMMEDIATE UPON EMPLOYMENT.	PERSONNEL DEPARTMENT
<b>DISCOUNT WATER WORLD TICKETS</b>	YOU MAY PURCHASE WATER WORLD 25% DISCOUNT TICKETS FOR YOU, YOUR SPOUSE, AND YOUR CHILDREN.	THE CITY PAYS 25% AND YOU PAY 75% OF THE TICKET PRICE.	ELIGIBILITY IS IMMEDIATE UPON EMPLOYMENT.	LEISURE SERVICES
<b>EMPLOYEE ASSISTANCE PROGRAM</b>	A PROGRAM TO HELP EMPLOYEES RESOLVE PERSONAL AND WORK RELATED PROBLEMS, INCLUDING COUNSELING SESSIONS, LEGAL CONSULT AND FINANCIAL CONSULT.	THE CITY.	ELIGIBILITY IS IMMEDIATE UPON EMPLOYMENT.	SPECTRACARE HEALTH SYSTEMS 1-800-951-HELP
<b>EMPLOYEE HEALTH CLINIC</b>	INDUSTRIAL NURSE ON DUTY FOR WORK RELATED INJURIES AND MINOR ILLNESSES.	THE CITY.	ELIGIBILITY IS IMMEDIATE UPON EMPLOYMENT.	EMPLOYEE HEALTH CLINIC
<b>EMPLOYEE PHYSICAL FITNESS PROGRAM</b>	A PROGRAM STRESSING HEALTH AND FITNESS FOR CITY EMPLOYEES. YOU HAVE FREE USE OF THE SAUNA, WHIRLPOOL, INDOOR POOL, AND PHYSICAL FITNESS ROOM FACILITIES AND EQUIPMENT AT WESTGATE RECREATION CENTER AND WALTON PARK TO PURSUE AN INDIVIDUALIZED FITNESS PROGRAM.	THE CITY.	ELIGIBILITY IS IMMEDIATE UPON EMPLOYMENT AND UPON OBTAINING AN EMPLOYEE I.D. CARD.	LEISURE SERVICES

# EMPLOYEE BENEFITS – EFFECTIVE JANUARY 1, 2019

Not all employees are eligible for all benefits. Contact the Personnel Department for eligibility information.

BENEFIT	WHAT DOES IT MEAN TO YOU?	WHO PAYS FOR IT?	WHEN ARE YOU ELIGIBLE?	WHOM DO YOU CONTACT?
<b>GROUP DENTAL INSURANCE</b>	BASIC DENTAL BENEFITS UP TO 80% OF COVERED EXPENSES. EMPLOYEE ONLY OR FAMILY COVERAGE AVAILABLE.	EMPLOYEE PAYS \$26/MONTH FOR EMPLOYEE ONLY COVERAGE OR \$60/MONTH FOR FAMILY COVERAGE.	COVERAGE IS EFFECTIVE IMMEDIATELY UPON EMPLOYMENT. HOWEVER, OPEN ENROLLMENT IS IN OCTOBER OF EACH YEAR. THE GROUP HEALTH CARE PLAN BOOKLET SHOULD BE CONSULTED CONCERNING INSURANCE COVERAGE FOR YOUR DEPENDENTS.	PERSONNEL DEPARTMENT
<b>GROUP LIFE INSURANCE</b>	YOU HAVE LIFE INSURANCE WITH A DOUBLE INDEMNITY CLAUSE FOR ACCIDENTAL DEATH AND DISMEMBERMENT. \$10,000 FOR NON-EXEMPT EMPLOYEES AND \$25,000 FOR EXEMPT EMPLOYEES.	THE CITY.	COVERAGE IS EFFECTIVE FIRST OF MONTH AFTER A 60-DAY WAITING PERIOD.	PERSONNEL DEPARTMENT
<b>GROUP MEDICAL INSURANCE</b>	COMPREHENSIVE MAJOR MEDICAL BENEFITS FOR THE CARE OF INJURY, ILLNESS AND MATERNITY. \$65 COPAY FOR PRIMARY CARE PHYSICIANS; \$50 COPAY FOR SPECIALISTS. BENEFITS UP TO 80% OF COVERED EXPENSES. \$1,000 DEDUCTIBLE. DEPENDENT COVERAGE AVAILABLE.	EMPLOYEE PAYS \$72/MONTH FOR EMPLOYEE ONLY COVERAGE. DEPENDENT COVERAGE AVAILABLE AT AN ADDITIONAL COST. (EFFECTIVE JANUARY 1, 2018)	COVERAGE IS EFFECTIVE IMMEDIATELY UPON EMPLOYMENT. HOWEVER, OPEN ENROLLMENT IS IN OCTOBER OF EACH YEAR. THE GROUP HEALTH CARE PLAN BOOKLET SHOULD BE CONSULTED CONCERNING INSURANCE COVERAGE FOR YOUR DEPENDENTS.	PERSONNEL DEPARTMENT
<b>HOLIDAYS</b>	YOU HAVE 12 PAID HOLIDAYS/CALENDAR YEAR. NEW YEARS DAY, MARTIN LUTHER KING DAY, PRESIDENT'S DAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, COLUMBUS DAY, VETERANS DAY, THANKSGIVING DAY, DAY AFTER THANKSGIVING, CHRISTMAS (TWO DAYS), AND ANY OTHER DAY SET BY THE PERSONNEL BOARD.	THE CITY.	ELIGIBILITY IS IMMEDIATE UPON EMPLOYMENT.	DEPARTMENT HEAD OR PERSONNEL. HOLIDAY CALENDARS
<b>JURY DUTY LEAVE</b>	YOU WILL BE GIVEN NECESSARY TIME OFF WITHOUT LOSS OF PAY WHEN PERFORMING JURY DUTY BY PRESENTING SUMMONS.	THE CITY.	ELIGIBILITY IS IMMEDIATE UPON EMPLOYMENT.	DEPARTMENT HEAD
<b>MILITARY LEAVE</b>	YOU MAY BE GRANTED MILITARY LEAVE UP TO 21 WORKING DAYS/CALENDAR YEAR FOR ACTIVE MILITARY TRAINING. ALL MILITARY LEAVE IS SUBJECT TO PRESENTATION OF YOUR MILITARY ORDERS TO YOUR DEPARTMENT HEAD AND PERSONNEL DIRECTOR.	UP TO 21 WORKING DAYS IN A CALENDAR YEAR WILL BE PAID BY THE CITY.	ELIGIBILITY IS IMMEDIATE UPON EMPLOYMENT PROVIDED YOU HAVE COMPLETED A MILITARY LEAVE REQUEST FORM.	DEPARTMENT HEAD OR PERSONNEL
<b>RETIREMENT PLAN</b>	RETIREMENT SYSTEMS OF ALABAMA	7.5% CONTRIBUTION FOR ALL EMPLOYEES, EXCEPT CERTIFIED POLICE AND FIRE CONTRIBUTE 8.5%. EMPLOYEES HIRED ON OR AFTER 01/01/2013 - 6% CONTRIBUTION FOR ALL EMPLOYEES, EXCEPT CERTIFIED POLICE AND FIRE CONTRIBUTE 7%.	ENROLLMENT IS MANDATORY AND IMMEDIATE UPON EMPLOYMENT.	PERSONNEL DEPARTMENT
<b>SICK LEAVE</b>	YOU ACCRUE 4 HOURS OF SICK LEAVE EACH COMPLETED PAY PERIOD (EXCEPT THE 3RD PAY PERIOD OF A MONTH) UP TO A MAXIMUM OF 720 HOURS (90 DAYS).	THE CITY.	IF HIRED DURING FIRST WEEK OF PAY PERIOD, ACCRUAL BEGINS IN THAT PAY PERIOD. IF HIRED DURING SECOND WEEK OF PAY PERIOD, ACCRUAL BEGINS THE FOLLOWING PAY PERIOD.	SUPERVISOR AND DEPARTMENT HEAD FOR USE. PERSONNEL FOR QUESTIONS ABOUT PERSONNEL RULES.

# EMPLOYEE BENEFITS – EFFECTIVE JANUARY 1, 2019

Not all employees are eligible for all benefits. Contact the Personnel Department for eligibility information.

BENEFIT	WHAT DOES IT MEAN TO YOU?	WHO PAYS FOR IT?	WHEN ARE YOU ELIGIBLE?	WHOM DO YOU CONTACT?
<b>SOCIAL SECURITY</b>	PROVIDES FOR MONTHLY BENEFITS AT RETIREMENT AGE, CERTAIN MEDICAL BENEFITS AFTER RETIREMENT, SURVIVORS BENEFITS AND DISABILITY BENEFITS.	THE CITY PAYS 7.65% OF COVERED SALARY EARNED EFFECTIVE JANUARY 1, 1991. YOU PAY 7.65% OF COVERED SALARY EARNED. PAYMENT MADE THROUGH BIWEEKLY PAYROLL DEDUCTION.	ENROLLMENT IS IMMEDIATE UPON EMPLOYMENT. (MANDATORY FEDERAL INCOME TAX).	SOCIAL SECURITY OFFICE.
<b>VACATION LEAVE</b>	FOR THE FIRST 10 YEARS OF CONTINUOUS SERVICE, YOU ACCRUE 4 HOURS OF VACATION LEAVE EACH COMPLETED PAY PERIOD (EXCEPT FOR THE 3RD PAY PERIOD OF A MONTH) UP TO A MAXIMUM OF 96 HOURS (12 DAYS) PER YEAR. FOR OVER TEN YEARS CONTINUOUS SERVICE, YOU ACCRUE 6 HOURS PER COMPLETED PAY PERIOD (EXCEPT FOR THE 3RD PAY PERIOD OF A MONTH) UP TO A MAXIMUM OF 144 HOURS (18 DAYS) PER YEAR.	THE CITY.	IF HIRED DURING FIRST WEEK OF PAY PERIOD, ACCRUAL BEGINS IN THAT PAY PERIOD. IF HIRED DURING SECOND WEEK OF PAY PERIOD, ACCRUAL BEGINS THE FOLLOWING PAY PERIOD.	SUPERVISOR AND DEPARTMENT HEAD FOR AUTHORIZATION TO USE LEAVE. PERSONNEL FOR OTHER QUESTIONS ABOUT USE AND PERSONNEL RULES.
<b>VOLUNTARY ACCIDENT INSURANCE</b>	ELECTIVE ACCIDENT INSURANCE PROVIDED BY UNUM, AVAILABLE THROUGH PAYROLL DEDUCTION.	YOU PAY YOUR PREMIUM THROUGH BIWEEKLY PAYROLL DEDUCTIONS.	COVERAGE IS EFFECTIVE FIRST OF MONTH AFTER A 60-DAY WAITING PERIOD.	PERSONNEL DEPARTMENT
<b>VOLUNTARY DRUG REHABILITATION</b>	IF, BEFORE AN INCIDENT OF SUSPECTED CHEMICAL ABUSE OR BEING SELECTED FOR RANDOM DRUG AND ALCOHOL SCREENING OR BEING SUBJECT TO TESTING FOR POST INCIDENT OR REASONABLE SUSPICION TESTING, AN EMPLOYEE MAY VOLUNTEER FOR REHABILITATION.	THE CITY OF DOTHAN WILL COVER THE COST FOR THE REHABILITATION PROGRAM, UP TO THE ESTABLISHED LIFETIME MAXIMUM AMOUNT DETERMINED BY THE PERSONNEL DIRECTOR AND PUBLISHED ON THE VOLUNTARY DRUG OR ALCOHOL REHABILITATION ENROLLMENT FORM.	SEE PAGE 8, DRUG & ALCOHOL TESTING POLICY AND PROCEDURES IN YOUR EMPLOYEE HANDBOOK	
<b>VOLUNTARY INDIVIDUAL LONG TERM DISABILITY INSURANCE</b>	ELECTIVE INDIVIDUAL LONG TERM DISABILITY INSURANCE PROVIDED BY UNUM, AVAILABLE THROUGH PAYROLL DEDUCTION.	YOU PAY YOUR PREMIUM THROUGH BIWEEKLY PAYROLL DEDUCTIONS.	COVERAGE IS EFFECTIVE FIRST OF MONTH AFTER A 60-DAY WAITING PERIOD.	PERSONNEL DEPARTMENT
<b>VOLUNTARY INDIVIDUAL SHORT TERM DISABILITY INSURANCE</b>	ELECTIVE INDIVIDUAL SHORT TERM DISABILITY INSURANCE PROVIDED BY UNUM, AVAILABLE THROUGH PAYROLL DEDUCTION.	YOU PAY YOUR PREMIUM THROUGH BIWEEKLY PAYROLL DEDUCTIONS.	COVERAGE IS EFFECTIVE FIRST OF MONTH AFTER A 60-DAY WAITING PERIOD.	PERSONNEL DEPARTMENT
<b>VOLUNTARY TERM LIFE INSURANCE</b>	ADDITIONAL TERM LIFE AND ACCIDENTAL DEATH & DISMEMBERMENT (AD&D) INSURANCE FROM UNUM IS AVAILABLE THROUGH PAYROLL DEDUCTION ON A VOLUNTARY BASIS.	YOU PAY YOUR PREMIUM THROUGH BIWEEKLY PAYROLL DEDUCTIONS.	COVERAGE IS EFFECTIVE FIRST OF MONTH AFTER A 60-DAY WAITING PERIOD.	PERSONNEL DEPARTMENT
<b>VOLUNTARY WHOLE LIFE INSURANCE</b>	ELECTIVE UNIVERSAL LIFE INSURANCE PROVIDED BY UNUM, AVAILABLE THROUGH PAYROLL DEDUCTION.	YOU PAY YOUR PREMIUM THROUGH BIWEEKLY PAYROLL DEDUCTIONS.	COVERAGE IS EFFECTIVE FIRST OF MONTH AFTER A 60-DAY WAITING PERIOD.	PERSONNEL DEPARTMENT

## EMPLOYEE BENEFITS – EFFECTIVE JANUARY 1, 2019

Not all employees are eligible for all benefits. Contact the Personnel Department for eligibility information.

BENEFIT	WHAT DOES IT MEAN TO YOU?	WHO PAYS FOR IT?	WHEN ARE YOU ELIGIBLE?	WHOM DO YOU CONTACT?
VOLUNTARY VISION PLAN	VOLUNTARY VISION BENEFITS COVERAGE PROVIDED BY AVESIS, AVAILABLE THROUGH PAYROLL DEDUCTION. EMPLOYEE ONLY OR FAMILY COVERAGE AVAILABLE.	EMPLOYEE PAYS \$6.50/MONTH FOR EMPLOYEE ONLY COVERAGE OR \$14.95/MONTH FOR FAMILY COVERAGE.	COVERAGE IS EFFECTIVE IMMEDIATELY UPON EMPLOYMENT; HOWEVER, OPEN ENROLLMENT IS IN OCTOBER OF EACH YEAR. THE GROUP HEALTH CARE PLAN BOOKLET SHOULD BE CONSULTED CONCERNING INSURANCE COVERAGE FOR YOUR DEPENDENTS.	PERSONNEL DEPARTMENT

**City of Dothan**

# **Civil Service Act**

*Employee Handbook*



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Created: Act No. 273,	Bill No. S.292 (Hardwick)	8/07/47
Amended: Act No. 92-442,	Bill No. H-790 (Rep. Carothers)	5/14/92
Amended: Act No. 2018-521,	Bill No. HB438 (Rep. Lee)	4/06/18

AN ACT

Enrolled, An Act

(a) To create and establish in the City of Dothan a Civil Service System effecting certain personnel whose compensation is now or may hereafter be payable, in full or in part, from the public funds of Dothan; (b) to create a Personnel Department consisting of a Citizens Supervisory Committee, a Personnel Board and a Personnel Director, for the supervision and administration of the system and department herein created; (c) to fix and define the powers and authority and to prescribe the duties of each; (d) to define the scope and extent of the operation of the system, of its powers and authority over the City of Dothan and its employees; (e) to provide for the payment of the expenses of the administration of this Act and the system and department created; (f) to provide for the adoption of reasonable Rules and Regulations; (g) to provide for the enforcement of the provisions of this Act and the Rules and Regulations adopted pursuant thereto and to provide penalties for their violation; (h) to authorize the discharge and suspension of employees; and (i) to repeal all laws and parts of laws and all ordinances and parts of ordinances in conflict with its provisions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 3, 6, 8, 12, 13, 14, 19, 21, 23, 24, 26, and 31 of "the Civil Service Act of Dothan", Act No. 273, S. 292, of the 1947 Regular Session (Local Acts of Alabama, 1947, p. 196), as amended, is amended to read as follows:

Section 2. DEFINITIONS. The following words, terms and phrases, wherever used in this Act, shall have the meaning respectively ascribed to them in this Section, unless the context plainly indicates a different meaning: 'Masculine Gender' shall comprehend all other genders; 'Committee' means the Citizens Supervisory Committee herein created; 'Board' means the Personnel Board herein authorized; 'Director' means the Personnel Director herein created; 'Appointing Authority' means a Department Head; 'Employee' means a person in the Classified Service herein set up and appointed by the Appointing Authority, unless herein expressly excepted; 'Classified Service' includes all offices, positions and employment in the City of Dothan as these offices, positions and employment now or may hereafter exist, the holders of which are paid whether by salary, wages or fees, in whole or in part from funds of the City, except those expressly placed in the 'Unclassified Service'; 'Employment Register' means typewritten lists containing the names of those applicants who have successfully passed mental tests for initial employment within the Classified Service for any specific position and which names are listed in the order of final grades attained on such tests from the highest grade attained to the lowest grade attained; 'Roster' means a typewritten list showing the names of persons employed in the Classified Service by Departments and the position occupied by each employee concerned; 'Tests' mean written, oral or other methods of evaluation established by the Board or Director, to determine the merit, aptitude, knowledge of the job and general qualifications, other than physical, of applicants to fill initial positions within the Classified Service, or for the promotion of those Classified Employees presently assigned to higher positions within the Classified Service, or for the purpose of reclassification or transfer of such employees into new or existing positions within the Classified Service; 'Public Hearing' means a meeting of the Board open to the public, where any citizen, taxpayer or other interested party may appear and be heard, subject to the duly adopted Rules and Regulations; 'Public Record' means a record which the members of the Public shall have the right to inspect, within reason and during ordinary business hours; 'Department Heads' means (1) City Manager as the administrative head of the municipal government, (2) City Clerk-Treasurer in charge of the Administrative Department, (3) City Engineer in charge of the Engineering Department, (4) Electrical Superintendent in charge of the Electrical Department, (5) Fire Chief, (6) Chief of Police, (7) Superintendent of Recreation, (8) Superintendent of Sanitation, (9) Superintendent of Streets and (10) Superintendent of Water, and heads of such other functional departments that may be established or created to provide services required in the efficient and effective administration and operation of the municipal government, and to meet requirements imposed by state or Federal regulations and rules, whether such new department is created by the abolition of an existing department or departments, the consolidation of two or more departments into one department or by the creation of a completely new department or departments. Any proposed increase or decrease in the number of city departments shall be initiated by the city governing body and shall become effective when approved by the Personnel Board; 'Rules and Regulations' mean a prescribed course of procedure adopted by the Board to promote the administration of the provisions of this Act and the system hereby created; 'Promotional Register' means typewritten lists containing the names of those Classified Employees, presently assigned, who have successfully passed mental tests for promotion to higher positions within the Classified Service and which names are listed in the order of final grades

attained on such tests from the highest grade attained to the lowest grade attained; and 'Examinations' mean physical fitness evaluation to include annual or other physical examinations, physical fitness examinations, final physical examinations or any other type of physical examinations as prescribed by the Personnel Board or the Director to determine the physical fitness of initial applicants for employment within the Classified Service and the physical fitness of Classified Employees now assigned, to qualify physically for the positions they now occupy or expect to occupy within the Classified Service.

Section 3. UNCLASSIFIED SERVICE. The following named officials, persons and agencies of the City shall constitute the 'Unclassified Service'; (a) Officers elected by popular vote and their successors in office; (b) Principals, supervisors, teachers and instructors, engaged in supervising or teaching in the public schools, and all employees of the City Board of Education; (c) The Personnel Director provided for by this Act; (d) Independent contractors receiving their remuneration from public funds under contract awarded by competitive bidding; (e) Common or temporary laborers, school crossing guards and seasonal recreation employees; (f) Attorneys, physicians, surgeons, and dentists employed in their professional capacities; (g) The judge of any municipal court; (h) Members of Boards who are not employed on a full-time basis and not required to devote their entire service to the City; and (i) Department Heads consisting of but not limited to (1) City Manager as the administrative head of the municipal government, (2) City Clerk-Treasurer in charge of the Administrative Department, (3) City Engineer in charge of the Engineering Department, (4) Electrical Superintendent in charge of the Electrical Department, (5) Fire Chief, (6) Chief of Police, (7) Superintendent of Recreation, (8) Superintendent of Sanitation, (9) Superintendent of Streets, and (10) Superintendent of Water, and the heads of such other functional departments that may be established or created to provide services required in the efficient and effective administration and operation of the municipal government, and to meet requirements imposed by state or Federal regulations and rules whether such new department is created by the abolition of an existing department or departments, the consolidation of two or more departments into one department or by the creation of a completely new department or departments. Any proposed increase or decrease in the number of departments shall be initiated by the governing body and will become effective when approved by the Personnel Board.

Section 4. PERSONNEL DEPARTMENT CREATED. There is hereby created and established in and for the City of Dothan a Personnel Department, consisting of a "Citizens Supervisory Committee", a "Personnel Board", and a "Personnel Director", each of which shall have the power and authority, perform the duties and functions, and receive the remuneration hereinafter provided.

Section 5. PURPOSES OF PERSONNEL DEPARTMENT. Said Personnel Department shall, to the extent hereinafter provided, govern, supervise and control all individuals of the Classified Service, by Civil Service Rules and Regulations, and in the manner hereinafter authorized.

Section 6. CITIZENS SUPERVISORY COMMITTEE. The membership of the Citizens Supervisory Committee shall consist of qualified electors of the City of Dothan. The Citizens Supervisory Committee of the City of Dothan shall be composed of the following: One member or representative appointed or elected from the following respective federated, national or international organizations, associations or groups whose primary function is civic or service--as distinguished from social organizations,

associations or groups now existing in the City--and generally known as: (1) Altrusa Club (2) Association of Women and Youth (3) Dothan Area Chamber of Commerce (4) Civitan Club (5) Dothan Jaycees (6) Dothan Rotary Club (7) Dothan-Wiregrass NAACP (8) Exchange Club (9) Kiwanis Club [Dothan] (10) Kiwanis Club [Houston County] (11) Lions Club [Wiregrass] (12) Lions Club [Dothan] (13) Optimist (14) Pilot Club (15) Renaissance Wives Club (16) Rotary Club [Houston County] (17) Wiregrass Elks Lodge (18) Young Men's Civic Club, or any other like organization, association or group, after such organization, association or group shall have been approved for membership at a regular meeting of the then existing members by three-fourths of such membership present and voting. Each member shall be a bona fide resident of Dothan and a qualified elector of Dothan. No person shall be elected or appointed as a member of said committee if he is an elected or an appointed official or a classified or unclassified employee of the City of Dothan. Members of the Citizen Supervisory Committee, so appointed or elected from organizations one through eight above shall serve for a two-year term. The members of the Citizens Supervisory Committee so appointed or elected from organizations nine through eighteen above shall serve for a four-year term, and their successors in office shall serve for a term of four years and until their successors in office have been appointed or elected.

The organizational or first meeting of the Committee shall be held within ninety days from the day this act becomes effective. The Personnel Director shall mail notification of the passage of this act to each organization named above and each organization shall notify the Personnel Director by mail of the appointment or election of their organization's member to the Citizens Supervisory Committee. The first organizational meeting shall be held at City Hall.

At its first meeting, the Committee shall appoint or elect a chairperson and a vice-chairperson. The chairperson of the Committee shall preside at all meetings, or in the Chairperson's absence the Vice-Chairperson, and shall be entitled to vote only in the case of a tie. The proposed members of the Committee present, in the event less than a majority of the members attend any meeting, shall adjourn the meeting and call another meeting at a time and place to be then determined. The designated members of the Committee shall have the right, respectively, to serve as members of the Committee during the term of office in their respective organization, association or group above identified. Any qualified elector of the City of Dothan may file with the Chairperson of the Committee the written objection to the right of any person or organization to sit on the Committee. The Chairperson shall rule upon the objections in writing. The first order of business at the next meeting of the Committee shall be a report by the Chairperson of the objections and ruling thereon. The ruling shall be final unless the objecting party, within five days, duly appeals to the Committee; in which event the seated members shall, upon a hearing on the objection--after notice is duly given to the objecting party and party objected to--determine the qualifications of the party objected to.

The vote of the majority of the members of the Committee present shall govern in all matters if a quorum be present. The Committee may adopt, from time to time, such rules, regulations, and modes of procedure that it deems expedient to enable it to dispatch its business in an orderly manner. The Chairperson may call upon the Chief of Police of the City to attend the meetings of the Committee and preserve order and execute the decisions, rules, and orders of the Committee and of the Chairperson thereof. The Chairperson may punish for contempt of the Committee in like manner and extent as may be done by the judges of circuit courts of this state.

The Personnel Director shall act as secretary and such secretary shall be the keeper and custodian of the minutes, records, property and paraphernalia of the Committee, and he may call upon the Personnel Board to furnish such supplies and a safe place for keeping the records and property. The expense and cost of each meeting shall be paid in the manner as provided for in this act.

The Committee shall meet in regular session in each of the months of April and October, at such date and hour as the committee shall determine to receive reports of the Mayor, Personnel Board and City Manager and to make such recommendations to the Board as it shall deem in the interest of the sound administration of this act, to elect a successor of any member of the Personnel Board whose term of office expires before the next regular meeting of the committee and to transact such other business as may properly come before the committee. The Chairperson of the committee or a majority of the members thereof may call special meetings of the committee to transact any business which may have arisen. All meetings shall be held at the City Hall, or some other public meeting place designated by the Chairperson. Notice of all call meetings of the committee shall be given to members of the committee by certified mail giving at least five days notice of such meeting; such notice must be signed by the persons calling the meeting and the purpose thereof shall be briefly outlined. Notice of regular meetings shall be given to members of the committee by regular mail giving at least five days notice of such meeting, but failure of any member to receive notice of any meeting either regular or special shall not invalidate any act of the committee transacted at such meeting. A majority of persons serving as members of the committee shall constitute a quorum to do business, but less than that number may adjourn and may compel the attendance of the absent members, in such manner and under such penalties as may be prescribed by the rules and regulations promulgated by the committee. The committee shall serve without compensation and shall have general supervisory control of the Personnel Department.

Section 7. ALTERNATE METHOD OF SELECTING BOARD. In the event the Committee shall fail for any reason to elect the Personnel Board for a period of thirty (30) days after this Act becomes effective, or in the event the Committee shall fail to fill any vacancy on the Personnel Board within a period of thirty (30) days after such vacancy occurs, then, and in that event, the Governor is hereby empowered, authorized and directed to appoint the members of said Board or fill any vacancy thereon.

Section 8. PERSONNEL BOARD. The Personnel Board shall consist of five members and they and their successors in office shall be elected or appointed by the Citizens Supervisory Committee. The five members shall be designated respectively as member No. 1, member No. 2, member No. 3, member No. 4, and member No. 5. Provided that after the effective date of the 1992 amendment hereto, that those members in office on the effective date of said amendment may serve out the remainder of their unexpired terms and shall be designated as member No. 1, member No. 2, and member No. 3, in order of their original appointments. Member No. 4 shall be for a term of three years and until his successor is appointed. Member No. 5 shall be for a term of five years and until his successor is appointed, and their successors in office shall serve for a term of five years and until their successors in office have been appointed and qualified. Each member shall be: (a) Over 21 years of age, (b) Of recognized good character and executive ability, (c) A bona fide resident of Dothan and (d) A qualified elector of Dothan. No person shall be elected or appointed as a member of said Board if he or she, within three years next preceding the date of his appointment as a member of said Board, received an appointment to any public office in the City or Houston County or becomes elected for any public office in the City or Houston County; any member of said Board shall forthwith forfeit his position as a member of said Board. Each member of the Board shall receive \$50 per meeting attended and \$50 per day for attendance upon all trials and hearings by the Board. Such compensation shall be paid from the same funds as other expenses of the Personnel Department are paid.

The Personnel Board shall meet once a month on dates to be fixed by its Rules and Regulation and as often as shall be necessary for the orderly dispatch of its business. The Board shall have the power and authority and it shall be its duty to: (a) Select a Personnel Director of the City of Dothan; (b) Adopt rules and regulations for the administration of the provisions of this act; (c) Approve, modify, revise and reject recommendations made by the Director; (d) Make reasonable investigations of all charges or complaints presented to it concerning the observance of the provisions of this act; (e) Enforce the Provisions of this act and the provisions of the rules and regulations made in pursuant thereof; (f) Consider and determine all matters referred to it by the Director; (g) Do all things necessary and proper to improve the administration of the Classified Service hereby established; (h) Advise with and assist the Director in fostering and promoting the public interest; (i) Adopt rules providing for subrogation of the City to the rights of an employee against a third party to the extent of all salary and other expenditures made or to be made by the City to or for such employee because of injuries received while in the line of duty due to the negligence of such third party; (j) To conduct hearings and to render decisions, as hereafter provided, on charges preferred against persons in the classified service; (k) To elect at the regular monthly meeting in January of each year one of its members to serve as Chairperson of the Board of the ensuing twelve months; (l) To attend all regular meetings of the Citizen Supervisory Committee; and (m) Exercise all other powers, functions and duties provided by this act or essential to its effective administration.

Section 9. PERSONNEL DIRECTOR. The Personnel Director shall be elected or appointed by the Personnel Board and he shall serve at the pleasure of the said Board; he shall: (a) be over twenty-one years of age, (b) be of recognized good character and administrative ability, and (c) be or become within thirty days of appointment, a bona fide resident of Dothan. The salary of the Personnel Director shall be fixed by the Personnel Board. The Director shall have power and authority and it shall be his duty to: (a) direct and supervise the administrative and technical activities of the department; (b) appoint from the Employment Register, with the approval of the Board, such employees and special assistants as may be necessary to effectively organize the Department and the System herein created; (c) attend all meetings of the Board and provide for recording its official acts; (d) prepare and recommend Rules and Regulations for the administration of the provisions of this Act; (e) recommend and on its adoption establish, administer and execute a plan for a Classified Service in the City of Dothan; (f) submit to the Board a Compensation Plan for all positions in the Classified Service; (g) Conduct Tests, formulate Employment Registers and certify names of persons qualified for appointment under the Classified Service; (h) devise and administer an Employment Service Rating; (i) examine all payrolls or other compensation for personnel service, within the Classified Service, and to disapprove from time to time, any compensation which is not in line with the Compensation Plan adopted by the Board; (j) to establish and maintain a Roster of all of the officers and employees in the Classified Service; (k) make reasonable investigations pertaining to personnel, salary scales and employment conditions in the Classified Service as may be requested by the Board, the Citizens Supervisory Committee or by the Governing Body of the City; (l) make investigations concerning the administration and effect of this Act, the Rules and Regulations made thereunder and to report his findings and recommendations to the Board; (m) make at least one comprehensive annual report to the Board, which shall include the Efficiency Rating of each person employed under the Classified Service; and (n) perform any other act or acts required of him under provisions of this Act, by the Personnel Board or by the Citizens Supervisory Committee, which may be necessary or proper to carry into effect the purposes and objectives of this Act.

Section 10. RULES AND REGULATIONS. No Rule or Regulation shall be adopted by the Board unless it is proposed at a prior meeting and public notice thereof given by posting a copy of same for ten days within the vestibule of the City Hall. Any citizen or taxpayer in the City of Dothan may appear before the Board and advocate or protest the adoption of such Rule or Regulation. The scope of all Rules and Regulations shall be: (a) to provide a method for administering the Classification Service and the Compensation Plan, adopted by the Board; (b) to establish, maintain, consolidate and cancel Personnel lists; (c) to provide a system for receiving, accepting or rejecting applications for tests; (d) to prescribe the manner of giving tests, grading papers and otherwise determining the qualifications of applications for rating under the Classified Service; (e) pertaining to the adoption and application of a Service Rating System; (f) pertaining to uniform recommendations as to working conditions, hours of employment, leaves of absence and vacations of employees in the Classified Service; and (g) the order and manner in which suspension from service may be applied to persons in the Classified Service. All Rules and Regulations, duly adopted by the Board, if not inconsistent with the provisions of this Act, shall have the force and effect of law and shall become effective when a copy thereof is recorded in the office of the Clerk of the City.

Section 11. CLASSIFICATION OF POSITIONS. The Director shall, as soon as practicable after his appointment, ascertain and record an outline of the duties of each position to be filled from the Classified Service, and, after consultation with the Appointing Authority, recommend to the Board a Classification Plan, together with proposed Rules and Regulations for its administration. Such plan shall show each class of position in the Classified Service, separately stated as to each Appointing Authority, and, when approved by the Board, the plan together with the Rules and Regulations for its administration shall be made public. Each such class shall include positions requiring duties which are substantially similar in respect to the authority, responsibility and the character of the services required, and shall be designated by a title indicative of such duties. Each class shall be so defined that the same general requirements as to education, experience, capacity, knowledge, skill, and aptitude are demanded of incumbents, for the proper performance of their respective duties. The same test of fitness may be used in selecting qualified appointees, the same schedule of pay may apply where equitable and the same practical plan of promotion and demotion shall as far as practicable be followed. The Director shall have authority and it shall be his duty to investigate the number of employees in any department or office in the city and if in his opinion, after conference with the Department Head, there are an excessive number, or an insufficient number of employees, in proportion to the amount of work required in such department or office, the Director shall recommend to the Board that the excessive number of employees be laid off or transferred, either permanently or temporarily in accordance with the provisions of this Act; or the Director, if in his judgment there be an insufficient number of employees, may, with the approval of the Board, certify to the appointing Authority additional names to fill such positions, and the Appointing Authority shall forthwith put into effect the order of the Personnel Board, in such respect.

Section 12. COMPENSATION PLAN. The Director shall prepare and recommend to the Board, after consultation with the Appointing Authority and other officers, a uniform Compensation Plan for all employees in the Classified Service; such plan shall include, for each class of positions, a minimum and maximum rate not inconsistent with such rate or rates as may be fixed by law, in other specific instances. The Director, in establishing such rates, shall give consideration to the experience in recruiting for positions in the Classified Service, the prevailing rates of pay for comparable services in public and private employment, living costs, maintenance or other benefits received by employees, and the financial condition of the City. Such Compensation Plan shall take effect when approved by the Board, and same may be thereafter modified or revised at the pleasure of the Board. Each employee in the Classified Service shall be paid initially at the minimum rate fixed in the Compensation Plan for the Class of Positions in which he is employed, and the raising or lowering of the pay of an individual, within such limitations, shall be done upon request of the Appointing Authority, with a similar recommendation by the Director, and the approval of the city manager. The foregoing provisions may be relaxed by the Board in fixing the compensation of persons employed by the City at the time this Act becomes effective.

### Section 13. TESTS.

I. General. The Director shall prepare and conduct tests for the purpose of enabling him to establish Employment Registers for the various classes of positions in the Classified Service. The tests shall be prepared and conducted so as to take into consideration elements of character, reputation, education, aptitude, experience, knowledge, physical fitness and other pertinent matters. Such tests may be given in writing, orally, or in any other manner which will enable the Director to determine the fitness of the applicant for acceptance into some class of position in the Classified Service. Public notice of the time, place and general scope of every test must be given by the Director. Promotional Tests shall be conducted in like manner and embrace the same subject-matter as initial tests for similar Classified Employment. Admissions to test shall be open to all persons who: (a) reasonably appear to the Director to possess the required qualifications, (b) may be lawfully appointed to a position in the class for which a list is to be established, and (c) pays the fees, if any, prescribed by the Rules. The Director may, however, reject the application of any person for admission to test, or may strike the name of any person from a list, or refuse to certify the name of a person on a list for a position, if he finds that such person: (a) lacks any of the required qualifications; (b) is physically unfit to perform any of the duties of the position in which he seeks employment; (c) is addicted to the habitual use of drugs or intoxicating liquors; (d) has been convicted of any crime involving moral turpitude; (e) has been dismissed from public services for delinquency; (f) has made a false statement of a material fact pertaining to his qualifications and service; and (g) practiced or attempted to practice any fraud or deception in his application or Test, or in attempting to secure appointment. The names of persons employed by the City at the time this Act becomes effective shall be placed on the Employment Roster without rating, and they shall be subject to all the provisions of this Act, except a certificate from the City Commission that any employee of the City has been employed in the same line of service for a period of two years and that such employee has rendered satisfactory service to the City shall relieve such person of taking any test authorized by the provisions of this Act, to continue to hold such position provided such employee is otherwise qualified.

II. Veteran. Upon successfully passing an entrance examination for a position in the Classified Service, five point preference is given to honorably separated veterans who served on active duty in the Armed Forces of the United States during any war (the official dates of war service are April 6, 1917 - July 2, 1921, and December 7, 1941 - April 28, 1952); during the Period April 28, 1952, through July 1, 1955; in any campaign or expedition for which a campaign badge or service medal has been authorized; for more than 180 consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976. (An initial period of active duty of training under the "six-month" Reserve or National Guard programs does not count.)

Ten point preference is given to veterans who served on active duty in the Armed Forces at any time, and who (1) have a service-connected disability or (2) are receiving compensation, disability retirement benefits, or pension under laws administered by the Veterans Administration, Army, Navy, Air Force, Coast Guard, or Marine Corps. A veteran who has been awarded the Purple Heart for wounds received in action is considered to have a service connected disability.

Section 14. FILLING VACANCIES. When any vacancy occurs in the Classified Service the Director, subject to the approval of the Personnel Board, may direct the filling of such vacancy by appointment, promotion, reappointment, transfer or demotion, where practical.

(a) Appointment: When it is necessary to fill a vacancy by appointment, the appointing authority shall submit to the director a personnel requisition containing a statement of the title of the position and the desired qualifications of the person to be appointed, and request the director to certify to him the names of persons eligible for appointment to the position. The Director shall certify to the appointing authority the names of three ranking eligibles from the most appropriate register and, if more than one vacancy is to be filled, the name of one additional eligible for each additional vacancy, or, if agreeable to the Appointing Authority all the names on the register, if there is less than the above required number. If it is impossible to locate any of the persons so certified or if any of the certified persons decline to accept the position, and there are by reason thereof less than the above required eligibles, the appointing authority may request that additional names be certified until the proper number of eligible persons have been certified. The appointing authority shall, within thirty days, appoint one of those whose names are certified to fill each vacancy. In the event the requested number of eligibles cannot be certified to the appointing authority, he may chose from the remaining certified names or may elect to make a provisional appointment as provided in this act. In the event there does not exist an employment register, which the Director deems appropriate for the class in which the position is established, he shall prepare such a register within a reasonable time after receipt of the request of the appointing authority that eligibles be certified. Whenever an eligible has been certified to and objected by the appointing authority as many as three times, the Director may remove the name of such person from the employment register.

(b) Promotion: Vacancies other than entry level positions shall be filled by promotion in so far as practicable, from the appropriate promotional register. The certification of individuals for promotion shall be the same as provided for in paragraph (a) above, with the exception that individuals certified to the appointing authority as many as three times shall not be removed from the promotional register.

Section 15. TRANSFER. The Appointing Authority may, when desirable, transfer a Classified Employee under his jurisdiction from one position to another in the same class. Any Classified Employee may be transferred from one department to another in the same class, provided the Director has authorized the transfer and it has been approved by the Appointing Authority concerned. The Appointing Authority shall give written notice to the Director of each Transfer made by him and same may be disapproved by the Board, after a hearing.

Section 16. DEMOTIONS. An Appointing Authority may, with the approval of the Director, Demote a Classified Employee under his jurisdiction from a position in one class to a position in a lower class, upon giving written notice stating the reasons thereof, but such Demotion may be disapproved by the Board, after a hearing.

Section 17. PROVISIONAL APPOINTMENTS. Whenever in the opinion of the Director it is impossible within a reasonable time to certify eligible persons for appointment to a vacancy in the Classified Service, the Appointing Authority may nominate a person for the vacancy to the Director. If such nominee is found by the director to have had experience and training which appear to qualify him for the position, the Director may authorize the Appointment of such person to such vacancy only until an appropriate eligible Register can be established and an Appointment made therefrom. Such Provisional Appointments shall be for a period of ninety (90) days and may, with the approval of the Director, be extended for an additional ninety (90) days, however, in no event shall a provisional Appointment be made for a period aggregating more than 180 days.

Section 18. WORKING TEST PERIOD.

(a) Every person appointed to a position in the Classified Service, after certification of his name from a Promotion List or an Employment Register, shall be tested by a Working Test while occupying such position. The period of such Working Test shall commence immediately upon appointment and shall continue for such time, not less than six months, as shall be determined by the Director. The Appointing Authority shall observe the employee's attitude toward his work, his capacity to perform the duties required of him, any habits which may affect in any manner the character of service performed by him, and his general dependability, during such Working Test Period, and report to the Director, periodically as required, in writing, the results of such observation. The Appointing Authority may remove an employee, after a reasonable Test Period, if in his opinion the employee is unable or unwilling to perform the prescribed duties satisfactorily, or if his habits or dependability do not merit his continuance in the service, subject to the approval of the Director. Notice of such removal, with the reasons assigned therefor, shall be given to the employee and the Director, at the time of the discharge. No more than two employees shall be removed successively from the same position by the same Appointing Authority, during their Working Test Period, without the approval of the Director. The Director may remove an employee during his Working Test Period if he finds, after notice and an opportunity to be heard, that such employee was appointed as a result of fraud or error.

(b) Ten days prior to the expiration of an employee's Working Test Period, unless the employee has been previously removed, the Appointing Authority shall notify the Director in writing whether the service of the employee has been satisfactory and whether he desires to continue the employee in his position, and a copy of such notice shall be given to the employee. If he is not to be continued in the position, after such notice the employee shall not be paid for work performed after the expiration of his Working Test Period.

(c) If any employee is removed from his position during his Working Test Period and the Director determines that he is suitable for appointment to another position, his name may be restored to the list from which it was certified. If any such employee was a regular employee in another position in the Classified Service immediately prior to his appointment and such position has not been filled, he shall be reinstated and if such position has been filled, his name shall be placed on the re-employment list.

Section 19. SERVICE RATINGS. The Director shall establish, in cooperation with the Appointing Authorities, a system of Service Ratings, based upon standards of employment and output of employees in each class of positions in the Classified Service, which may be amended from time to time as the necessity arises, and such Service Ratings shall be considered in such manner and with such weight as shall be provided by the Rules and Regulations: (a) in determining salary increases or decreases, within the established limits; (b) as a factor in Promotional Tests; (c) as a factor in determining Lay-offs, when forces should be reduced because of insufficient funds or work; (d) in determining the order in which names are to be placed on the Re-employment Lists; and (e) as a means of discovering employees who should be promoted, demoted, transferred or dismissed.

Each Appointing Authority shall report to the Director, in such manner and at such times as the Rules and Regulations require, the Service Ratings of Employees in his division or department and shall also disclose such other information as the Director may request, to enable the Director to determine the Service Ratings of all employees. Each employee shall be given reasonable opportunity to inspect the records of the Department which show his Service Ratings.

Section 20. LAY-OFFS. An Appointing Authority may Lay-Off employees in the Classified Service, in accordance with the Rules and Regulations adopted under the provisions of this Act, whenever he deems it expedient because of shortage of work or funds or material changes in duties or organization, and Seniority and Service Ratings of employees shall control in determining the order of Lay-Offs. The Appointing Authority shall give written notice to the Director of every proposed Lay-Off, at least ten days before the effective date thereof, and the Director shall make such orders relating thereto as he considers necessary to secure compliance with the established Rules and Regulations. The name of any regular employee laid-off shall be placed on the appropriate Re-employment List.

Section 21. DISCHARGES. (I) The Appointing Authority may discharge an employee in the Classified Service, whenever he considers the good of the service and the welfare of the city will be best served thereby, by making and filing in his office an order to that effect together with the reasons assigned for the discharge, however, the power to discharge shall not be capriciously or arbitrarily exercised in any case; a copy of such order and the reasons assigned shall be served upon each the employee and the Director before the effective date thereof; and a copy served upon the Director shall be filed and retained in this office as a Public Record. The discharged employee may, within ten days after receipt of the discharge notice, appeal the action of the Appointing Authority to the Board, by filing a written answer to the chairman with a demand for a hearing. It shall be the duty of the Board to fix a time and place for hearing on the appeal, and to give notice thereof to the employee and the Appointing Authority, which appeal shall be heard by the Board on a date not later than thirty days from the date the appeal is taken. The Personnel Board shall have the authority, after an appropriate hearing, and based upon a finding of the facts and applicable law involved, to reduce the severity of the disciplinary action taken by the Appointing Authority, and issue such orders and decrees with reference thereto as may be just and reasonable, and for the best interest of the City. The findings of fact by the Board, based upon its records, and the testimony taken before it, shall be conclusive if supported by substantial evidence. If the Appointing Authority is sustained by the Board, the discharge shall be final as of the date thereof; if the discharge is not sustained, the employee shall continue in the service of the City and shall be entitled to full compensation. (II) A person in the Classified Service may also be removed or disciplined in the following manner: Charges may be filed with the Director by any officer, citizen, or taxpayer of the city and the Director shall, after an investigation, certify the charges filed, together with the results of his investigation, to the Personnel Board and said Board shall set a day for a public hearing on such charges. The Board shall on the date fixed receive testimony offered in support of and in denial of such charges and from such testimony make a finding of the facts and applicable law involved, in writing, and make such orders and decrees with reference thereto as may be just and reasonable and for the best interest of the city.

The findings of fact by the Board, based upon its records and the testimony taken before it, shall be conclusive if supported by substantial evidence. (III) If a person in the Classified Service relies upon a direct order by a superior; (a) as a defense or excuse for the violation of any of the provisions of this Act or the Rules and Regulations adopted thereunder, or (b) an omission to observe the provisions of this Act or Rules and Regulations adopted thereunder, he must establish such direct order of a superior to the reasonable satisfaction of the Board.

Section 22. SUSPENSIONS. An appointing Authority may, from time to time, suspend an employee without pay or other compensation, as punishment for improper behavior, but no employee may be suspended for a period or periods within the aggregate of more that [sic] 30 days in any year's service. A Suspension may be effected by serving written notice upon the employee together with a statement clearly setting forth the causes thereof; a copy of which must be forthwith mailed or delivered to the Director. The suspended employee may file with the Board and the Appointing Authority a written answer or explanation of the assigned charges and such answer shall be preserved as a part of the Public Record and the Board may, for cause shown, set aside such suspension order.

Section 23. POLITICAL ACTIVITIES PROHIBITED. (a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the Classified Service, or in any way favored or discriminated against with respect to employment in the Classified Service because of his political or religious opinions or affiliations. (b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the Classified Service. (c) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment, or advantage in appointment, to a position in the Classified Service, or an increase in compensation or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any other consideration. (d) No employee in the Classified Service shall, directly or indirectly, pay or promise to pay any assessment, subscription or contribution for any political organization, or purpose, or solicit, or take any part in soliciting any such assessment, subscription or contribution. No person shall solicit any such assessment, subscription or contribution of any employee in the Classified Service. (e) No employee in the Classified Service shall be a candidate for nomination or election to any City of Dothan municipal public office or shall take any part in the management in the affairs of any political party or any political campaign relating to City of Dothan municipal elections except to exercise his right as a citizen privately to express his opinion and to cast his vote. (f) Any officer or employee in the Classified Service who violates any of the foregoing provisions of this Section shall forfeit his office or position and may not be again employed by the City of Dothan. The provisions of this Act shall not preclude any employee in the Classified Service who has been elected to public office or nominated or selected as a member of a committee of a political party prior to the effective date of this Act from discharging duties of his office.

Section 24. POLITICAL ACTIVITIES OF DEPARTMENT HEADS PROHIBITED. (a) No employee named in Section 3 (i) of this bill shall: (a) use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure for any person an appointment, or advantage in appointment, to a

position in the Classified Service, or an increase in compensation or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any other consideration. (b) Directly or indirectly, pay or promise to pay any assessment, subscription or contribution for any political organization, or purpose, or solicit, or take any part in soliciting any such assessment, subscription or contribution. No person shall solicit any such assessment, subscription or contribution of any employee in the Classified Service. (c) Be a candidate for nomination or election to any public office or participate in any political campaign relating to City municipal elections, or shall take any part in the management of the affairs of any campaign committee, or any political campaign related to City of Dothan municipal elections, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Any such officer or employee who violates any of the foregoing provisions of this Section shall forfeit his office or position and may not be again employed by the City of Dothan.

Section 25. INVESTIGATIONS. The Board and the Director shall make a study of all matters touching the administration and enforcement of the provisions of this Act and the Rules and Regulations adopted thereunder. To this end, the Board or the Director may visit all offices and places of employment to ascertain information and to advise with the heads of the various departments concerning their method of handling matters affecting the Service; and to ascertain if the provisions of this Act and the adopted Rules and Regulations are fully complied with. The Board or Director, in the course of such inquiries, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production of records, books, papers and documents pertaining to the subject-matter under Investigations. The Board, or the Director, shall have the authority to inquire into the number of employees in any office or department and, after notice and an opportunity to be heard by the Appointing Authority and the employees affected, the Board may determine there is an excessive number of employees in such office or department, in proportion to the amount of work required, and, in that event, it shall issue an order in writing to the Appointing Authority to eliminate the number of employees found to be excessive, in the manner prescribed by this Act or the Rules and Regulations, and such order shall be forthwith complied with by the Appointing Authority. The Board and the Director shall also study the organization of the system, procedure of administration and other matters which affect the successful operation of the system and make such lawful changes as may increase efficiency or economy.

Section 26. CORRUPT PRACTICES. (a) No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of this Act or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions of this Act and the prescribed Rules and Regulations. (b) No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the Classified Service. (c) No employee of the Department or other person shall defeat, deceive, or obstruct any person in his right to an examination, eligibility, certification or appointment under the provisions of this Act, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any persons with respect to employment in the Classified Service. (d) No person shall be appointed or employed in any position in the Classified Service as defined in this Act in a department of the City if such person is related by blood or marriage within the second degree to a commissioner or to the

department head who is in charge of such department. This provision shall not be construed to require the dismissal of any employee in said Classified Service where, subsequent to his original employment in such service, the department head of the department in which such employee is working or Commissioner becomes related to such employee by blood or marriage within the second degree. The commission of any such corrupt practice shall constitute a misdemeanor and shall be punished in the manner provided by the general laws of the State.

Section 27. CERTIFICATIONS OF PAYROLLS. (a) It shall be unlawful for any City official, employee or other officer to pay or cause to be paid any salary or compensation to any person in the Classified Service of the City, for Personal services, unless the payroll estimate, voucher, or account, for such compensation, containing the name of the persons to be paid, shall bear the certification of such persons' Department Head or Appointing Authority that the person or persons named therein are employees of the City and are legally entitled to receive the sums stated therein and such payroll or voucher must be approved by the Director. (b) Any sum paid in violation to the provisions of this Act or the Rules and Regulations adopted thereunder may be recovered, in any action maintained in the name of the City, by the City Attorney, or by any Citizen or Taxpayer of the City, from the officer who made, authorized or approved such payment or who signed or countersigned any voucher, payroll, check or warrant for such payment, or from the sureties on the official bond of such officer, and all money recovered in such action shall be paid into the city treasury. (c) Any person appointed or employed in violation of the provisions of this Act, the Rules and Regulations adopted, or the orders of the Board, who performs service for which he cannot be lawfully paid out of the municipal funds, may maintain an action against the Appointing Authority to recover the agreed pay for such services, or the reasonable value thereof, and no officer shall be reimbursed by the City at any time for any such sum recovered and paid. (d) If the Director wrongfully withholds certification of the payroll voucher, or account of any employee, such employee may maintain a proceeding to compel the Director to certify such payroll, voucher or account. (e) A thirty day month shall be used for the purpose of calculating the pay of employees compensated on a monthly basis.

Section 28. ATTENDANCE OF WITNESSES: FEES: FALSE OATHS. Any person who shall be served with a subpoena, issued in the course of an investigation or hearing conducted under any provision of this Act, to appear and testify or to produce records, books, and papers, who shall disobey or neglect to obey any such subpoena shall be guilty of a misdemeanor and punished as provided by the general laws of the State. The fees of witnesses for attendance shall be the same as fees of witnesses before the courts of record and shall be paid as provided in this Act. Any judge of a court of record, upon application of a member of the Board or the Director, shall compel the attendance of witnesses, the production of records, books and papers and the giving of testimony before the Board, by attachment, contempt proceedings or otherwise, in the same manner as the production of evidence may be compelled before said court. Any person who, having taken oath or made affirmation in the cause of any investigation or hearing under the provisions of this Act, shall willfully and knowingly testify or declare falsely shall be guilty of perjury and upon conviction shall be punished as provided by the general laws of the State. The Director or the Board may require the Attendance of employees who are needed as witnesses without subpoena.

Section 29. EXPENSES OF THE DEPARTMENT. The salaries and other compensation herein authorized to be paid to the members of the department herein created, together with the necessary expenses actually incurred by such Committee,

Board or Director shall be paid by warrant or requisition drawn by the Personnel Board and signed by at least two members thereof; such warrant or requisition shall be drawn upon the same officer, payable in the same manner, and out of the same funds, as the salaries of the members of the City Commission are paid. Within 90 days after his appointment, the Personnel Director shall submit a budget of operating expenses to the Personnel Board, and furnish a copy thereof to the Governing Body of the City, for the fiscal year ending October 1, 1947. He shall likewise submit a budget of such operating expenses not less than 45 days before the beginning thereof for each subsequent fiscal year; and such budgets may include expenses incurred in any previous year and not duly paid. The Governing Body of the City may appear before the Board and protest the approval of any item which it deems unnecessary or excessive, however, the Board may adopt a reasonable budget over the protest of the Governing Body of the City.

Section 30. USE OF BUILDING. The officials of the City are hereby required to furnish the Personnel Department necessary facilities in City Hall for the conduct of its business, provided for under the Provisions of this Act, to include office space, office equipment and supplies.

Section 31. LEGAL SERVICE. It shall be the duty of the City Attorney to furnish legal advice and legal service to the Board and the Director, in the administration of the Provisions of this Act and the Rules and Regulations adopted in pursuance thereof. However, the Board is hereby authorized to employ special counsel when deemed necessary. The City is hereby required to pay reasonable compensation for such service.

Section 32. RECORDS OF THE DEPARTMENT. The records of the Department, except such records as the Rules and Regulations may require to be held confidential for reasons of public policy, shall be Public Records and open to Public inspection, subject to reasonable regulations as to the time and manner of inspection.

Section 33. COURT PROCEEDINGS. Orders of the Personnel Board may be enforced by mandamus, injunction, quo warranto or other appropriate proceedings, in any court of competent jurisdiction. Any person or City official directly interested may, within five days, appeal to the Circuit Court of Houston County from any order of said Board by filing notice thereof with the Board, whereupon said Board shall certify to a transcript of the proceedings before it and file the same in said Court. The findings of fact by said Board, duly set forth in the transcript, if supported by substantial evidence adduced before said Board, after notice to the interested party or parties and after affording such parties an opportunity to be heard, shall be conclusive on any appeal. The issues on such appeal shall be made up under the directions of the court and within thirty days after such transcript is filed in court; and the trial thereof shall proceed on the evidence contained in such transcript, if it appears that the evidence was taken after such notice and opportunity to be heard. If upon such appeal the court finds that the ruling, order or action appealed from is unlawful or unreasonable, within the meaning of this Act, it shall have power to vacate or modify the same.

Section 34. SEVERABILITY. This Act is hereby declared to be divisible and severable and the holding of any Provision thereof to be void, ineffective or unconstitutional for any cause, by any court of competent jurisdiction, shall not in any manner serve to affect the other Provisions thereof and such remaining portions of said Act shall remain in full force and effect.

Section 35. REPEALING CLAUSE. All laws or parts of laws and all ordinances or parts of ordinances inconsistent with any of the provisions of this Act are hereby expressly repealed.

Section 36. EFFECTIVE DATE. This Act shall become effective upon its adoption and approval or when it otherwise becomes law. However, a period of ninety days thereafter shall be allowed in which to organize and prepare for the administration of the provisions of the Act.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

s/James S. Clark  
Speaker of the House of Representatives

s/ Ryan DeGraffenried  
President Pro Tem and Presiding Officer of the Senate  
House of Representatives

I hereby certify that the within Act originated in and was passed by the House April 16, 1992

Greg Pappas  
Clerk

Senate      April 30              Amended and Passed

House      May 5, 1992              Concurred in Senate Amendment

Approved 5-14-92  
Time 11:51 a.m.

s/Guy Hunt  
Governor

\*\*\*\*\*

I hereby certify that the within Act originated in and was passed by the House March 8, 2018

Jeff Woodward  
Clerk

Senate      March 22, 2018              Passed

House      March 8, 2018              Passed

Approved 4-06-18  
Time 10:15 a.m.

s/Kay Ivey  
Governor



City of Dothan

*Drug Testing  
Policies and  
Procedures*

*effective August 14, 2012*



*Employee Handbook*



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# **THE CITY OF DOTHAN DRUG/ALCOHOL TESTING POLICY AND PROCEDURES**

## **SECTION I - DRUG AND ALCOHOL TESTING POLICY**

### **Section I-A. PURPOSE**

The goal of this policy is to establish a drug testing program for prospective and current employees of the City of Dothan. Employees in safety-sensitive positions (see Appendix A) and in positions that require a Commercial Drivers License (see Appendix B) will be tested in accordance with City of Dothan Policy and Personnel Rule 2-67.5 Drug and/or Alcohol Testing, the Omnibus Transportation Employee Testing Act of 1991 (OTETA) and the Federal Highway Administration (FHWA) 49 CFR Part 40. Action taken against an employee shall be determined by the rules and regulations of the Omnibus Act and/or the City of Dothan policies and procedures. Disciplinary action up to and including termination is possible.

### **Section I-B. STATEMENT OF NEED**

As employees who abuse/misuse drugs or alcohol have a medical problem which could pose a safety risk to co-workers and to the public, and which decreases productivity, the City of Dothan has developed these policies and procedures to test employees for drug and alcohol abuse/misuse, and job applicants for drug abuse.

### **Section I-C. POSITION STATEMENT**

It is the position of the City of Dothan that the following constitutes violation of a drug free working environment and the Omnibus Act. Violation of this policy will be dealt with according to the Department of Transportation Regulations and/or according to the policies of the City of Dothan:

1. A detectable quantity of illegal drug(s) in the urine as specified by Department of Transportation regulations, 49 CFR, Part 40 (Copy available in the Employee Health Clinic).
2. A detectable quantity of scheduled drugs without evidence of duly authorized prescription or in excess of prescribed levels as determined by the Medical Review Officer as specified by the Federal Highway Safety Act (FHWSA) 49 CFR Part 40.
3. A detectable quantity of alcohol as specified by Department of Transportation regulations 49 CFR, Part 40 for employees of Appendix A & B, and as described by State of Alabama DUI law. The Department of Transportation regulations prohibit covered employees from performing safety-sensitive functions:
  - When test results indicate an alcohol concentration of 0.04 or greater (See removal from safety-sensitive positions Section I-D)
  - Within four hours after using alcohol
  - While using alcohol on the job
  - During the eight hours following an incident if the employee's involvement has not been discounted as a contributing factor in the incident or until they are tested
  - If they refuse to submit to required alcohol tests

4. Possession of illegal drugs and/or alcohol.
5. The City of Dothan will only accept results from urine samples collected by authorized City personnel or by a facility authorized by the City and conducted in accordance with this policy and 49 CFR Part 40. (Hair sample testing or any other means of testing not allowed or recognized by 49 CFR Part 40 are not allowed or recognized by the City of Dothan.)

#### **Section I-D. CONSEQUENCES FOR VIOLATING ALCOHOL AND DRUG ABUSE RULES**

1. Removal from safety-sensitive function with breath alcohol concentration of 0.02 - 0.03999
  - a. *Consequences for alcohol — CDL holders/Public Safety/Safety Sensitive employees* (see Appendix A and B): Levels as described by Department of Transportation 40 CFR, Part 40.
    - (1) The employee will have to be removed from duty for at least twenty-four hours and until his/her breath alcohol level is below 0.02.
    - (2) For levels greater than 0.03999, all employees listed in Appendix A and B will be subject to termination after due process.
  - b. *Consequences for alcohol — All other employees:* Levels as described by State of Alabama DUI law, to include amendments as they become law.
    - (1) Removal from duty for levels of 0.02 — 0.07999 for period of 8 hours and until level drops below 0.02.
    - (2) Termination, after Due Process, for levels greater than 0.07999.
2. An employee, who is under the influence of or impaired by alcohol as indicated by behavior, speech, and performance indicators of alcohol misuse, and a *reasonable suspicion alcohol test result cannot be obtained*, will not be permitted to perform safety-sensitive functions for:
  - A minimum of twenty-four hours for Commercial Drivers License (CDL) holders or minimum of eight hours for other safety-sensitive positions; and
  - Until a retest shows that the employee's alcohol concentration is below 0.02

When it is unfeasible or impossible to conduct a reasonable suspicion test in a timely manner (e.g., an Evidential Breath Test [EBT] is unavailable) the employee holding a Commercial Drivers License is not permitted to perform safety-sensitive functions for the twenty-four hour period, eight hours for other employees or until a result below 0.02 on a test if an Evidential Breath Test [EBT] subsequently becomes available. Removal from the safety-sensitive functions for this reason does not require a Substance Abuse Professional's (SAP) evaluation (when breath alcohol level is between 0.02—0.0399).
3. Employees who test positive for drugs and/or have an alcohol level exceeding the limits discussed in Section I-D will be placed on administrative leave with pay until a due process hearing can be conducted. If after due process, it is determined that an illegal substance or alcohol levels exceeding the limits discussed in Section I-D was found to be present in the employee's system the employee will be terminated from employment with the City of Dothan.

## **Section I-E. RESPONSIBILITIES**

It is the desire of the City of Dothan to provide a drug free working environment for its employees. In addition, the City is responsible to the citizens to provide safe and productive government functions. It is the employee's responsibility to follow all policies and procedures and avoid the use of illegal drugs and the abuse/misuse of alcohol. Under no circumstances will an employee be allowed to drive or operate machinery if drug and/or alcohol misuse is suspected. Collection of urine drug tests and performance of the breath alcohol test will be performed by the Employee Health Clinic staff during office hours in accordance with requirements outlined in 49 CFR Part 40. The staff is specially trained in the collection procedures of urine drug tests. They are also certified as Breath Alcohol Technicians (BAT). After clinic hours the test will be performed at an approved testing facility which has staff that has been trained in the collection procedures. All managers, foremen, supervisors, and department heads will attend an education and training session on identification of drug and alcohol abuse situations every two years. These training sessions will conform to the requirements outlined in 49 CFR Part 40.

## **Section I-F. AUTHORITY FOR TESTING**

For reasonable suspicion testing, authority for ordering a drug and alcohol test shall be given by a supervisory level employee and requires the concurrence of a second supervisory level employee (which may or may not be from the same department). For purposes of the City of Dothan Drug Testing Policy and Procedures, a supervisory level employee means a foreman, manager, supervisor, division head, assistant department head, designated acting department head, department head, or City Manager. All supervisory personnel will have undergone training for identification of "reasonable suspicion" situations. Under the Omnibus Transportation Employee Testing Act (OTETA), the regulations shall be followed for testing as specified by 49 CFR Part 40.

## **Section I-G. TESTING AGENT**

Analysis of urine drug tests shall be done by a SAMHSA (Substance Abuse and Mental Health Services Administration)/NIDA (National Institute on Drug Abuse) certified laboratory according to the Department of Transportation standards for screening and confirmation. All drug tests collected will be split specimen and will follow Department of Transportation requirements in collection and testing procedures. All specimens reported by the Medical Review Officer as "negative-dilute" will be recollected in accordance with Sec.40.197 of 49 CFR Part 40. If an individual declines to take a test as directed, the individual has refused the test and it will be treated as a positive test. The breath alcohol testing will be conducted by trained Breath Alcohol Technicians (BAT) at the City of Dothan's Employee Health Clinic. After hours, if a City of Dothan trained Breath Alcohol Technician (BAT) is not available, the approved collection site shall be Southeast Alabama Medical Center, Flowers Hospital or any other qualified facility. [A qualified facility is an appropriate collection site which has staff specifically trained in the collection procedures for drug and alcohol testing.]

## **Section I-H. CIRCUMSTANCES/CONDITIONS ALLOWING FOR TESTING**

1. **Pre-Placement**—Upon conditional offer of employment for all City of Dothan positions, the individual will be routinely tested for drugs as part of his/her pre-placement medical examination. Positions that require a Commercial Drivers License will be tested as required in 49 CFR Part 40. A urine drug screen will be conducted on all employees changing positions, whether it is a promotion, transfer (position/title change) or demotion.

- a. *Notification/Procedure*—Applicants will be notified of the policy and procedure and will have an opportunity to review the policy and procedure prior to the drug test being performed. All negative-dilute specimens, as reported by the MRO, will be re-collected one time.
  - b. *Rejection/Consequences*—Refusal to take the test, or confirmed test results reporting a presence of illegal drugs, or the illegal use of controlled substances as described in 49 CFR Part 40, shall be a basis for rejecting an applicant from employment and the selection process for five years.
2. **Reasonable Suspicion**—Employees may be subjected to drug and alcohol testing if the City has a reasonable suspicion that the employee is (1) using illegal drugs (2) using prescription drugs without a prescription or in excess of the prescribed doses (3) using or under the influence of alcohol during working hours. (Test for alcohol shall be given by a certified Breath Alcohol Technician on the RBT-IV). Both drug and alcohol testing will be performed for all reasonable suspicion requests.
- a. *Written documentation*— Written documentation stating the grounds for reasonable suspicion shall be provided by a supervisor (See Section I-F). Two supervisors must then be in agreement for reasonable suspicion testing to proceed. Request for Reasonable Suspicion Drug and Alcohol Testing form (EHC 100) should be completed and presented to the facility at time of testing. As soon as possible, usually within seventy-two (72) hours, the City Manager or in his/her absence, the Personnel Director, will review the documentation and confirm the testing. If the testing is not confirmed, the test will be invalidated.
  - b. *Definition*—Reasonable suspicion shall mean suspicion based upon specific objective findings and reasonable inferences drawn there from. One or more of the following may exist as determined by two supervisory personnel who are in agreement regarding grounds for testing and have documented such.
    - (1) Having more evidence for than against: slurred speech, smell of alcohol on breath, inability to walk a straight line, an incident involving City property without reasonable explanation, physical altercation, verbal altercation, behavior which is so unusual that it warrants summoning a supervisor or anyone else with authority, or possession of alcohol or drugs with the exception of sworn law enforcement officers in the line of duty performing evidence seizures or undercover operations of the City of Dothan Police Department. This list is not all-inclusive.
    - (2) An apparent state of facts and/or circumstances which would lead a reasonable person to believe an individual was using or abusing drugs/narcotics or alcohol.

The employee will be escorted to the testing site (City’s Employee Health Clinic if during office hours or SAMC Emergency Department if after hours) by the Department Head or his/her designee. Under no circumstances will an employee be allowed to drive or operate any machinery IF drug or alcohol misuses/abuse is suspected. After test collection, the employee will be driven home by the Department Head or his/her designee and put on administrative leave with pay until which time results of the test(s) are known.

- c. *Time Limits*—An employee is required to undergo reasonable suspicion testing for alcohol as soon as possible because the body rapidly eliminates alcohol. Therefore, if a reasonable suspicion test is not conducted within two (2) hours following the determination of reasonable suspicion, the City shall prepare and maintain on file a record stating the reasons why the test was not conducted. If the test is not conducted within eight (8) hours after the determination of reasonable suspicion, the City shall cease attempts to conduct the test and shall state in the record the reasons for not administering the test. These records must be submitted to the appropriate Department of Transportation officials upon request if the employee is in a position requiring a Commercial Drivers License.

A urine drug test for reasonable suspicion shall be performed as soon as possible by the City of Dothan Employee Health Clinic during regular working hours. If the need for the test is after Clinic hours, the employee shall be taken to the approved collection site for the collection of the drug test.

3. **Random Drug Testing**— To protect public health and safety, the City will perform random drug and alcohol testing on those employees whose jobs relate to public safety (see Appendix A) and on those employees in positions requiring Commercial Drivers License under the Omnibus Act (see Appendix B). The primary objective is deterrence. Thereby, effective October 1, 2012 ALL City employees will be subject to random drug and alcohol testing. (PBA 9-10-12).

- a. *Random Urine Drug/Alcohol Testing Procedure*—Testing will be conducted to equal or exceed the annual amount recommended by the Department of Transportation.

The City shall select covered employees for testing through a secure computer-based random number generator that is matched with the employees' Social Security number. This type of selection and testing procedure will conform with 49 CFR Part 40. Access to this database shall be restricted to the Personnel Director and/or a person designated by the Personnel Director. It shall be the responsibility of the Personnel Director or his/her designee to perform the random selection process and the responsibility of the Employee Health Clinic to administer the testing procedure in accordance with the City of Dothan's Drug Testing Policy and Procedures, and meeting the criteria referenced in 49 CFR Part 40. Appendix A and B of this procedure contain job classifications which are subject to random testing. Random testing of employees covered in the Omnibus Act shall be kept in a separate pool from non-covered employees. Each covered employee will have an equal chance of being tested under the random selection process used. The dates for administering random tests must be spread reasonably throughout the year and should not be predictable. Because of the randomness of the testing, some individuals may be tested more than once a year, while others may not be tested at all. Access to the computer-generated list will be restricted to the Personnel Director, his/her designee and the Industrial Nurse. Once the list is presented to the Industrial Nurse, he/she will contact the employee's Department Head or Department Head designee. Upon notification of the random selection, the Department Head or Department Head designee will have the employee stop performing his/her safety-sensitive job and report to the City's Employee Health Clinic immediately. The time allowed should be only the necessary travel time needed to report to the facility for testing. Disciplinary action will be taken for failure to report to the facility for testing in a reasonable amount of time.

- b. *Training and Notification Responsibility*—Prior to implementation of these procedures the employee will be notified that he/she is subject to random testing. All employees will receive a copy of the City of Dothan's Drug Testing Policy and Procedures at the time of employment processing.

4. **Post-Incident [Workers Compensation]**—Post- incident drug and alcohol testing will be conducted on all individuals requiring off-site medical treatment, at the time of the initial off-site treatment of the injured employee, including those involved in the incident (other than passengers if not injured or bystanders) whether they caused the incident or not. The employee subject to this type testing may be allowed to drive to the testing site unless there is concern regarding the employee’s ability to do so safely. If the employee’s ability to drive is questioned, he/she will be driven to the testing site by his/her supervisor (or Department Head designee). After collection of the drug and alcohol tests, the employee will be put in a non-safety sensitive position, at the discretion of the Department Head, or his/her designee, until which time results of the tests are known.

a. *Definition* of a post-incident test under the federal highway administration:

- Covered employee involved in an incident that caused a **fatality** to another person when the driver was operating, or about to operate a motor vehicle. Note: If the driver is the fatality, drug or alcohol testing is not required. Also, if the driver is comatose or otherwise medically incapacitated, then no drug or alcohol test will be performed.
- Of which there is personal injury to the driver, pedestrian, or passenger and that person(s) is transported for medical treatment **AND** the driver is cited for a violation.
- Damage to vehicle requires either or all vehicles to be towed from the incident **AND** driver is cited with a violation.

One of the above criteria must be met in order to require a covered employee to be tested for the Department of Transportation. However, the City may require the employee to be drug and/or alcohol tested under the City policy. The employee subject to Department of Transportation type testing will be driven to the testing site by his/her supervisor (or Department Head designee).

- b. *Time Limits*—The Omnibus Transportation Employee Testing Act (OTETA) rules generally require that as soon as practicable during the eight hours following an incident, the City shall test each surviving covered employee for alcohol, if that employee's performance of a safety-sensitive function either contributed to an incident or cannot be discounted as a contributing factor to the incident. Any employee subject to post-incident testing shall remain readily available for such testing or may be deemed by the City to have refused to submit to testing. Such a refusal is treated as if the employee recorded a test result on a breath alcohol of 0.04 or greater and/or a positive urine drug test. Where possible, the City should make every effort under the circumstances surrounding the incident to ensure that the employee, even one who has been permitted to leave the site—or has had to leave the site—is available for post-incident testing. If the post-incident breath alcohol test is not administered within two hours following the occurrence of the incident, the City must prepare and maintain on file a record stating why the testing was not promptly administered. If, after an eight hour period has passed since the occurrence of the incident and no breath alcohol test has been accomplished, then the City shall cease attempts to administer the test and record why the test was unable to be administered.

The urine drug test shall be performed as soon as possible but no later than thirty-two hours after the incident.

c. *Testing Agent*—During the City's Employee Health Clinic hours, trained personnel will be available for urine drug collections and breath alcohol testing under the post incident category. After hours and weekends, if a City of Dothan trained Breath Alcohol Technician (BAT) is not available; the employee shall be taken to the approved collection site for urine drug testing and breath alcohol testing. [An approved facility is an appropriate collection site which has staff who are specifically trained in the collection procedures for drug and alcohol testing.]

5. **Return to Duty and Follow-up After Completing Rehabilitation**—After successful rehabilitation, employees must undergo a negative return to duty drug and/or alcohol test and enter into the follow-up testing pool. The employee must provide to the Employee Health Clinic nurse written documentation stating that he/she has met the requirements as detailed in form PF#2.675 before he/she is allowed to return to work. All Return to Duty and Follow-up drug tests will be collected under direct observation by a person of the same gender. Any employee who refuses to test or cooperate with any portion of the collection process will be subject to termination after due process. For Return to Duty and Follow-up testing purposes, a negative alcohol test means having NO detectable alcohol (zero tolerance) on the breath test. Specifically, any result > 0.00 on the Intoximeter RBT-IV will be considered a positive test and the employee will be subject to disciplinary action after due process. The employee will be subjected to at least six (6) drug and/or alcohol tests within the first 12 months after return-to-duty, and continued random follow-up tests for a period of up to five years.

OTETA rules require the City to ensure that a covered employee, who has violated any of the alcohol misuse rules, has been evaluated, treated (where indicated) and tested with a result indicating an alcohol concentration of 0.00 before returning to a safety-sensitive function. Given potential for poly-drug misuse, the rules permit the City to conduct return-to-duty drug tests on an employee when the Substance Abuse Professional (SAP/MRO) has reason to suspect drug involvement and recommends such testing. Any such testing shall conform to the requirements of Part 40. The City shall have similar authority to test for alcohol where an employee tested positive for drugs and the Substance Abuse Professional/Medical Review Officer has reason to suspect alcohol misuse.

## **Section I-J. EMPLOYEE CONSEQUENCES**

1. **Rehabilitation**—Any classified full-time employee, after successful completion of his/her probation period, who **voluntarily** comes forth prior to being selected for a random drug and alcohol screen or being subject to testing for post incident or immediate/current request for reasonable suspicion and requests assistance from his/her Department Head, the Industrial Nurse, or the Personnel Director, will be enrolled in a rehabilitation program. The City of Dothan will cover the cost for the rehabilitation program, up to the established lifetime maximum amount determined by the Personnel Director and published on the Voluntary Drug or Alcohol Rehabilitation Enrollment Form. This benefit is available one time to the employee, regardless of the number of periods of employment with the City. Any additional expenses must be borne by the employee. The employee will select a provider from a list of accredited facilities for the appropriate type of rehabilitation requested. The Personnel Director, thru the Industrial Nurse, will be responsible for enrolling the employee in the program. The employee shall use any accumulated paid leave available or unpaid FMLA (Family Medical Leave Act) leave. This incident shall not be counted against the employee.

An employee may be allowed to work while enrolled in an outpatient program if all of the following conditions are met:

- a. Successful completion of the “intensive” portion of the program, as per the facility’s protocol.
  - b. Continued attendance at all required or recommended “aftercare” programs.
  - c. Unconditional written recommendation of the treating specialists/counselors that return to work is appropriate. Upon receipt of this written recommendation, the employee is to present to the Employee Health Clinic by the following business day.
  - d. Approval of the City of Dothan Medical Director for return to work.
  - e. Approval of the Personnel Director for return to work.
  - f. The employee agrees to remain drug and alcohol free for the remaining course of his/her employment with the City as determined by unannounced follow-up drug and alcohol testing for a period of five years. This testing is in addition to any other type of drug and alcohol testing as per city policy.
  - g. A negative result received on the return to duty drug and alcohol test. This test will be collected by the Medical Review Officer and/or staff member of the same gender, at the time certificate of program completion or return-to-work certification from the treating facility is presented.
2. **Test Refusal**—Refusals are treated as a positive drug and/or alcohol test. Any employee who refuses to be drug and/or alcohol tested, or cooperate with any portion of the collection process, under appropriate circumstances will be subject to termination after due process.
  3. **Test Positive**—When a positive confirmation is received by the Employee Health Clinic, the Personnel Director will be immediately notified.
    - Employees who test positive for drugs and/or alcohol will be immediately removed from safety-sensitive functions.
    - Employees who test positive for drugs, or whose breath alcohol level exceeds the limits discussed in Section I-D, will be placed on administrative leave with pay until a due process hearing can be conducted. If, after due process, it is determined that an illegal substance or alcohol (see Section I-D) was found to be present in the employee’s system, the employee will be terminated from employment with the City of Dothan.

## SECTION II - DRUG AND ALCOHOL TESTING PROCEDURES

### Section II-A. SPECIFIC PROCEDURES

#### 1. Drug Testing

- a. *Identification*— For pre-placement testing the applicant will be positively identified before testing via photo identification. If the individual does not have a photo identification, no drug test will be given. For employees, in the absence of photo identification, positive confirmation of the employee’s identity will be made to testing personnel by the employee’s supervisor or department head.

- b. *Collection and Collection Facility*— Collection of specimens will be done according to Department of Transportation regulations 49 CFR, Part 40 (including any and all revisions) in the Employee Health Clinic during operating hours. The specimen collection room shall be a one person unit, with commode water chemically treated, sinks water shut off, and all chemicals inaccessible, to discourage adulteration of the specimen. The individual will select a specimen container, enter the bathroom alone and urinate into specimen jar. If the Employee Health Clinic is closed, the collection will be done at an approved collection facility (facility which has staff specifically trained in the drug/alcohol test collection procedures). All tests will be split-sample collections according to the Department of Transportation regulations. Under no circumstances will an employee be allowed to drive or operate any machinery if drug or alcohol abuse/misuse is suspected.
- c. *Test Specimen*—The individual's urine specimen will be evaluated for temperature and color before processing for transport to the testing laboratory. If the specimen is suspicious, i.e., color or temperature, the trained collector will request the individual to provide a second urine specimen immediately, under direct observation, by a person of the same gender. The individual will be allowed to drink fluids, not to exceed 40 oz., for a period of up to three (3) hours under supervision, until a second specimen is provided. The individual will stay in the collection site until the second specimen is obtained. Both specimens will be sent to the lab for testing. This also applies to individuals who fail to provide an adequate amount of urine in the initial attempt.
- d. *Chain of Custody*—With the individual observing, the trained collector will seal the specimen containers with labels containing the individual's specimen I.D. number and the date collected. The individual will initial the labels. The testing laboratory will be notified for specimen pickup. The specimen will be stored in a sealed box until it is picked up by the testing laboratory personnel. The Chain of Custody form will be completed and distributed as indicated on the form.
- e. *Laboratory pick-up*—When the laboratory personnel arrive for specimen pickup the specimen will be taken in a sealed package to the laboratory for testing. A logbook will be maintained in the Employee Health Clinic for all specimens collected.
- f. *Test Refusal*—If an applicant refuses to be tested or is unwilling or unable to provide an adequate specimen, without a causative medical condition as determined by a licensed physician, within three (3) hours of the initial attempt he/she will be treated as a “positive” test and will not be eligible for hire for a period of five years.

If an employee refuses to be tested, or is unwilling or unable to provide an adequate specimen, without a causative medical condition as determined by a licensed physician, he/she will be driven home by a City employee. He/she will be informed that he/she is to remain on administrative leave with pay until further notice and that he/she is subject to termination after due process, to include a determination hearing to allow the employee reasonable opportunity to explain his/her position.

## 2. **Laboratory Procedures—Drug Test**

- *Screen*—The testing laboratory shall be SAMHSA/NIDA-certified and shall meet all the criteria set forth in 49 CFR Part 40. The testing laboratory will screen for Drug Survey FDS 22-B which specifically screens for amphetamines, cocaine, marijuana, opiates and phencyclidine (PCP).

- *Results Notification*—The testing laboratory will notify the Medical Review Officer (MRO) by written report of the test results as soon as possible.
- *Positive Test*—If urine drug test results are confirmed as positive, the MRO shall perform his required duties in order to determine if there is a legal medical explanation for the positive test. It is during this interview that the MRO informs employee of his/her right to have the split-sample sent to another SAMHSA/NIDA-certified lab for another analysis.
- The employee has 72 hours to make the request known to the MRO. After the 72-hour period, the MRO has the right to accept or decline the request for the split-sample to be processed. The split-sample analysis cost will be the responsibility of the employee. If the split-sample is tested by the different lab as negative, both tests are canceled. Another urine drug test shall be performed for all categories, except random. After the MRO's duties are fulfilled, the MRO will forward a results letter to the Employee Health Clinic Nurse. The Employee Health Nurse will then forward the results confidentially to the Personnel Director.

### 3. **Alcohol Testing—Breath**

- a. *Testing Agent*- Alcohol testing will be performed by a certified Breath Alcohol Technician on the RBT-IV, manufactured by Intoximeters, Inc. in accordance with procedures established by 49 CFR, Part 40.
- b. *Alcohol Testing Categories*—Alcohol testing shall be performed for the following categories:
  - (1) Post-Incident requiring off-site medical treatment
  - (2) Reasonable suspicion
  - (3) Random
  - (4) Return to duty/Follow-up after completion of rehabilitation
- c. *Alcohol Screening Procedures*— For reasonable suspicion and post incident testing after clinic hours, a breath test may be performed by an approved collection site which has staff who are specifically trained in the collection procedures for drug and alcohol testing. For screening and confirmation testing, the Intoximeter RBT-IV shall be utilized and shall meet the requirements of the National Highway Traffic Safety Administration (NHTSA) Conforming Products List (CPL). The procedures for performance of the alcohol testing shall follow the Omnibus Transportation Employee Testing Act of 1991 with any revisions required as in 49 CFR Part 40.
- d. *Positive Test*—Positive Test Results may result in termination after Due Process.

## **Section II-B. CONFIDENTIALITY AND RECORD RETENTION**

The release of information regarding drug/alcohol test results will be handled in accordance with the City of Dothan's procedures and any federal/state regulations on release of medical information. Log sheets and specimen labels will not have the employee's name but rather will be coded with the employee's social security number to insure privacy. Test results will be secured in the employee's Employee Health Clinic file. Random test results will be secured in a separate file in the Employee Health Clinic. The Medical Review Officer will maintain records in accordance with the Department of Transportation regulations.

## **CITY OF DOTHAN PERSONNEL BOARD**

**It is the policy and intent of the City of Dothan's Drug and Alcohol Testing Policy and Procedures to comply fully with the requirements of the following state and federal laws and regulations:**

- **Department of Transportation (DOT) Drug and Alcohol Testing Program Regulation 49 CFR Part 40**
- **Federal Motor Carriers Safety Administration (FMCSA) Regulation 49 CFR Part 382**
- **Federal Transit Administration (FTA) Regulation 49 CFR Part 655**
- **Drug Free Workplace Act of 1988 (49 CFR Part 29)**
- **Omnibus Transportation Employee Testing Act of 1991 (OTETA)**
- **Alabama Drug Free Workplace Act, Act No. 95-535**
- **4th Amendment to the U.S. Constitution**

**Copies of these laws and regulations are available at the following URL's:**

**Department of Transportation Drug and Alcohol Testing Regulations**  
[http://www.dot.gov/ost/dapc/NEW\\_DOCS/part40.html](http://www.dot.gov/ost/dapc/NEW_DOCS/part40.html)  
<http://www.gpoaccess.gov/cfr/index.html> (search "49 cfr part 40")

**Federal Motor Carriers Safety Administration Regulations**  
<http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguidedetails.asp?regulation=382>  
<http://www.gpoaccess.gov/cfr/index.html> (search "49 cfr part 382")

**Federal Transit Administration Regulations**  
<http://www.gpoaccess.gov/cfr/index.html> (search "49 cfr part 655")

**Drug Free Workplace Act**  
<http://www.dol.gov/workingpartners/>  
<http://www.gpoaccess.gov/cfr/index.html> (search "49 cfr part 29")

**Omnibus Transportation Employee Testing Act of 1991 (OTETA)**  
<http://www.dot.gov/ost/dapc/>

**Alabama Drug Free Workplace Act (25-5-330)**  
<http://alisdbs.legislature.state.al.us/acas/CodeOfAlabama/1975/coatoc.htm>

**4th Amendment to the U.S. Constitution**  
<http://caselaw.lp.findlaw.com/data/constitution/amendment04/04.html>

## APPENDIX A

This list is not all inclusive and may be amended  
without prior notice.

251	Accreditation/Training Manager	2323	Fire Captain
349	Animal Care Associate	245	Fire Chief
354	Animal Services Manager	2451	Fire Chief (Paramedic)
351	Animal Services Officer	226	Fire Fighter
5831	Aquatics Supervisor (Part Time)	2261	Fire Fighter (Paramedic)
008	Assistant City Attorney	227	Fire Sergeant Engineer
267	Assistant Public Safety Communications Center Manager	2271	Fire Sergeant Engineer (Paramedic)
352	Chief Animal Services Officer	5936	Lap Swim Supervisor (Unclassified)
007	City Attorney	5915	Lifeguard I (Unclassified)
258	Communication Center Manager	5916	Lifeguard II (Unclassified)
252	Crime Scene Technician	288	Police Captain
253	Evidence Custodian	295	Police Chief
241	Deputy Fire Chief	282	Police Corporal
2411	Deputy Fire Chief (Paramedic)	286	Police Lieutenant
265	Detention Lieutenant	290	Police Major
261	Detention Officer	281	Police Officer
262	Detention Sergeant	283	Police Sergeant
449	Dothan Utilities Director	5921	Pool Attendant (Unclassified)
552	Electronics & Systems Specialist	5922	Pool Manager (Unclassified)
559	Electronics Technician II	259	Public Safety Calltaker
558	Electronics Technician I	256	Public Safety Dispatcher I
563	Electronics & Systems Maintenance Sup.	260	Public Safety Dispatcher II
253	Evidence Custodian	257	Public Safety Dispatch Supervisor
249	Evidence Technician	115	Reserve Police Officer (Unclassified)
2262	Medical Specialist (Fire Fighter)	5917	Ride Attendant (Unclassified)
2272	Medical Specialist (Fire Sergeant Engineer)	5944	School Crossing Guard (Unclassified)
2322	Medical Specialist (Fire Captain)	317	Safety Officer
235	Fire Battalion Chief	040	Social Services Coordinator
2351	Fire Battalion Chief (Paramedic)	016	Staff Attorney
2251	Firefighter Cadet 7K		
2321	Fire Captain (Paramedic)		

Appendix A revised 12/06, 6/07, 8/07, 2/08, 8/09, 11/09, 1/12, 9/12, 1/13, 4/14, 6/14  
6/16, 1/18, 7/18, 8/18, 01/19, 5/19, 8/20, 9/23, 11/23

## **APPENDIX B (CDL)**

This list is not all inclusive and may be amended  
without prior notice.

5828	Bus Driver (Part Time)	402	Lineman Apprentice
5905	Bus Driver (Unclassified)	403	Lineman 1st Class
416	Chief Electric Meter Technician	408	Lineman, Lead
453	Easement Crew Leader	382	Maintenance Construction Foreman
418	Electric Meter Technician I	376	Maintenance Construction Worker
415	Electric Meter Technician II	132	Park Manager
398	Electric Operations Tree Trimmer	454	Pumping Station Foreman
389	Environmental Services Assistant Manager-Operations	452	Pumping Station Maintenance Worker
391	Environmental Services Foreman	131	Recreation Center Manager
362	Environmental Service Operator II	137	Recreation Leader (Senior Citizen)
363	Environmental Service Operator I	134	Recreation Supervisor (Therapeutics)
*364	Equipment Operator II	492	Sewer Test and Seal Operator
365	Equipment Operator III	388	Street Maintenance Manager
515	Equipment Service Foreman	405	Substation Lineman First Class
510	Equipment Service Writer	406	Substation Supervisor
523	Equipment Welder/Mechanic	492	Wastewater CCTV Operator
527	Fleet Maintenance Foreman	470	WW Collections Systems Foreman
528	Fleet Services Manager	500	WWT Equipment Mechanic I
510	Fleet Services Writer	497	WWT Equipment Mechanic II
5211	Fleet Technician I	501	WWT Equipment Mechanic III
5212	Fleet Technician II	496	WWT Maintenance Foreman
5213	Fleet Technician III	479	WWT Plant Chief Operator
411	General Line and Services Supervisor	472	WWT Plant Operator Trainee
399	Ground Helper	477	WWT Plant Operator II
393	Landfill Attendant	478	WWT Plant Operator III
392	Landfill Foreman	474	WWT Plant Operator IV
409	Lead Substation Lineman	487	Water Production Chief Operator
407	Line Foreman	466	Water Station Operator Trainee
		467	Water Station Operator II

\* Traffic Division excluded

Appendix B revised 6/07, 8/07, 11/07, 01/08, 2/08, 10/09, 9/10, 2/11, 4/11, 8/11, 11/12, 2/13, 3/14  
10/14, 2/15, 3/15, 10/17, 02/18, 8/18, 12/18, 5/19, 9/19, 06/20, 9/23



**City of Dothan**

# ***Computer/Mobile Device Policies and Procedures***

***Computer Resources Policy***

***E-Mail Policy***

***Internet Policy***

***Social Media Policy***

***Mobile Devices***

***Employee Handbook***



# **City of Dothan**

## **COMPUTER RESOURCES POLICY**

### **Introduction**

Computer resources are extremely important to the operation and success of the City of Dothan. Maintaining the integrity of all computer services, data, programs, and equipment is vitally important. The City of Dothan requires all employees with computer access to use the City of Dothan's computer system carefully and responsibly in accordance with the following guidelines.

### **Computer Equipment**

All computer equipment, including hard drives, monitors, keyboards, laptops, speakers, modems, scanners, printers, other peripherals, software, and data are the property of the City of Dothan and bear an identification number. The Information Technologies, (IT), Division is responsible for maintaining this equipment and conducts periodic audits. Employees should report any missing equipment immediately.

### **Personal Use**

Computers are provided by the City of Dothan for employees' business use. Very limited or incidental use for personal, non-business purposes is acceptable. However, personal use must be infrequent and must not:

- Involve any prohibited activity (see Section, "Prohibited Activities").
- Interfere with the productivity of the employee or his or her co-workers.
- Consume system resources or storage capacity on an ongoing basis.
- Involve large file transfers or otherwise deplete system resources available for business purposes.
- Employees should not have any expectations of privacy with respect to personal use of computers (see Section, "Monitoring").

### **Monitoring**

Any work an employee does on a company computer is subject to monitoring or review by the City of Dothan. Employees have no expectation of privacy in any computer-related activities, and the IT Division conducts periodic reviews of computer activities and files stored on the system.

## **Computer Procedures**

- **System Access** - Employees obtain system access, log-on names, and passwords from the IT Division and should apply through their department heads. Employees should log out of password-protected areas before leaving their desks and should log out of the computer system entirely at the end of each day.
- **Hardware/software Acquisition** – the IT Division is responsible for the procurement, installation and maintenance of all computer hardware, software and peripheral devices for the City of Dothan. Employees having a requirement for hardware, software, and/or peripheral devices should submit a request to the IT Division through their Department Head. Replacement computer equipment will immediately be returned to the IT Division. No replacement equipment will be reinstalled without the recommendation of the IT Division and the approval of the City Manager. The IT Division will set the standard office application software for use on the City of Dothan computers. The IT Division will be responsible for maintaining all software licenses.
- **Training** – Training is coordinated through the Personnel Department. Contact them for information and schedules on available training.
- **In Case of Difficulties** – If an employee experiences problems with a City of Dothan computer system they should immediately contact the IT Division. Employees should not attempt to correct problems that they are not familiar with.
- **Respect Others** – Employees are expected to respect the data and information of other employees.

## **Prohibited Activities**

The following activities are prohibited by employees:

- Downloading files from the Internet (see "Internet Guidelines" for information on downloading files).
- Loading software on the City of Dothan computers.
- Installing or attaching peripheral devices to the City of Dothan computers.
- Installing hardware on the City of Dothan computers.
- Disconnecting or moving computers or computer equipment.
- Changing system settings or modifying the City of Dothan computers.
- Attempting to access data and information belonging to other employees or the City.

## **Violations**

Violations of this policy can result in discipline up to and including discharge. Employees who steal, alter, destroy, or otherwise tamper with the City of Dothan's computer services, data, or programs are subject to immediate dismissal, after due process, and criminal prosecution, as are employees who use computer equipment to engage in illegal or fraudulent activity.

# **City of Dothan**

## **E-MAIL POLICY**

### **Introduction**

The City of Dothan provides its employees with systems to send and receive electronic mail (e-mail) so they can work more productively. E-mail, like other documents created by employees, are the property of the City of Dothan. This policy explains rules governing the appropriate use of e-mail and sets out the City of Dothan's rights to access messages on the e-mail system.

### **Access to Employee E-Mail**

Employees should not have any expectation of privacy with respect to messages or files sent, received, or stored on the City of Dothan's e-mail system. E-mail messages and files, like other types of correspondence and the City of Dothan documents, can be accessed and read by authorized employees or authorized individuals outside the company. Authorized access to employee e-mail by other employees or outside individuals includes, but is not limited to, the following:

- Access by the systems administration staff during the course of system maintenance or administration.
- Access approved by the employee, the employee's supervisor, department head or other official of the City of Dothan when there is an urgent business reason to access the employee's mailbox - for example, if an employee is absent from the office and the supervisor has reason to believe that information relevant to the day's business is located in the employee's mailbox.
- Access approved by the employee's supervisor, department head, or other official of the City of Dothan when there is reason to believe the employee is using e-mail in violation of the City of Dothan's policies.
- Access approved by the City of Dothan's City Attorney in response to the City of Dothan's receipt of a court order or request from law enforcement officials for disclosure of an employee's e-mail messages.

E-mail should not be used to communicate sensitive or confidential information. Employees should anticipate that an e-mail message might be disclosed to or read by individuals other than the intended recipient(s), since messages can be easily forwarded to other individuals. In addition, while the City of Dothan endeavors to maintain the reliability of its e-mail system, employees should be aware that a variety of human and system errors have the potential to cause inadvertent or accidental disclosures of e-mail messages.

## **Passwords**

Each user accesses the e-mail system by means of a log-in name and password.

- Passwords are intended to keep unauthorized individuals from accessing messages stored on the system. From a systems perspective and from the perspective of an e-mail recipient, passwords also establish the identity of the person sending an e-mail message. The failure to keep passwords confidential can allow unauthorized individuals to read, modify, or delete e-mail messages; circulate e-mail forgeries; and download or manipulate files on other systems.
- The practice of using passwords should not lead employees to expect privacy with respect to messages sent or received (see Section, "Access to Employee E-mail").
- Passwords must be at least four characters in length and should never consist of a proper name or a common word. Passwords should never be given out over the phone, included in e-mail messages, posted, or kept within public view.
- Employees are prohibited from disclosing their log-in name or password, or those of any other employee, to anyone who is not an employee of the City of Dothan. Employees also should not disclose their log-in or password to other employees, except when required by an urgent business matter. Employees should change their password as soon as possible after the urgent business matter has been resolved.

## **Personal Use**

E-mail services are provided by the City of Dothan for employees' business use. Very limited or incidental use for personal, non-business purposes is acceptable. However, personal use must be infrequent and must not:

- Involve any prohibited activity (see Section, "Prohibited Activities").
- Interfere with the productivity of the employee or his or her co-workers.
- Consume system resources or storage capacity on an ongoing basis.
- Involve large file transfers or otherwise deplete system resources available for business purposes.
- Non City of Dothan e-mail accounts will not be set up on the City of Dothan computers. Only the City of Dothan e-mail accounts will be set up to automatically send and receive e-mail.
- Using e-mail to participate in any news group, mailing list, bulletin board, or other type of discussion forum that is not job-related is not incidental personal use and is strictly prohibited.
- Employees should not have any expectations of privacy with respect to personal e-mail sent or received on the City of Dothan's systems. Employees should delete personal messages as soon as they are read or replied to. Employees should not store copies of the personal messages they have sent. Because e-mail is not private, employees should avoid sending personal messages that are sensitive or confidential.

## **Prohibited Activities**

Employees are strictly prohibited from sending e-mail or otherwise using the system in connection with any of the following activities:

- Engaging in illegal, fraudulent, or malicious activities.
- Engaging in activities on behalf of organizations with no professional or business affiliation with the City of Dothan.
- Sending or storing offensive, obscene, or defamatory material.
- Sending or storing material which reflects poorly on the City of Dothan organization.
- Annoying or harassing other individuals.
- Sending uninvited or unsolicited e-mail of a non-business related or personal nature.
- Using another individual's account or identity without explicit authorization.
- Attempting to test, circumvent, or defeat security or auditing systems, without prior authorization.
- Permitting any unauthorized individual to access the City of Dothan's e-mail system.
- Distributing or storing chain letters, jokes, solicitations or offers to buy or sell goods, or other non-business material of a trivial or frivolous nature.

## **Confidential Information**

All employees are expected and required to protect the City of Dothan's confidential information. Confidential information should never be transmitted or forwarded to outside individuals or companies not authorized to receive the information. Employees must exercise greater care when transmitting confidential information using e-mail than with other communication means because e-mail makes it easier to redistribute or misdirect to unauthorized individuals.

The City of Dothan also requires its employees to use e-mail in a way that respects the confidential and proprietary information of others. Employees are prohibited from copying or distributing copyrighted material -for example, software, database files, documentation, or articles - using the e-mail system.

E-mail is an inappropriate method of communicating certain types of confidential information. Employees should consult their supervisor and the systems administrator before e-mailing highly sensitive or confidential information.

## **Storage Policy**

The City of Dothan strongly discourages the storage of a large number of e-mail messages. Retention of messages takes up a large amount of space on the e-mail server and can slow down system performance. In addition, because e-mail messages can contain confidential information, it is desirable to limit the number, distribution, and availability of such messages. E-mail will be deleted from the file server by the system administrator in a timely manner and in accordance with applicable State of Alabama records retention statutes.

## **Encryption**

Encrypting e-mail messages or attached files sent, stored, or received on the City of Dothan's e-mail system is prohibited except where explicitly authorized by the City Manager.

## **E-Mail Policy Violations**

Employees violating the City of Dothan's e-mail policy are subject to discipline, after due process, up to and including termination. Employees using the e-mail system for defamatory, illegal, or fraudulent purposes, and employees who break into unauthorized areas of the City of Dothan's computer system also are subject to civil liability and criminal prosecution.

## **Discipline**

Employees violating this policy are subject to discipline, after due process, up to and including termination of employment. Employees using the City of Dothan's computer system for defamatory, illegal, or fraudulent purposes also are subject to civil liability and criminal prosecution.

# **City of Dothan**

## **INTERNET POLICY**

### **Introduction**

This policy establishes rules governing employee use of the City of Dothan provided Internet services. The Internet is a powerful communications tool and a valuable source of information about vendors, customers, competitors, technology, and new products and services. However, an employee's improper use of the City of Dothan provided Internet services can waste time and resources and create legal liability and embarrassment for both the City of Dothan and the employee.

### **Policy Scope**

An Internet service includes, but is not limited to e-mail, FTP, telnet, web browsing, and Usenet or newsgroups. This operating guideline applies to any Internet service that is:

- Accessed on or from the City of Dothan's premises.
- Accessed using company computer equipment or via company- paid access methods.
- Use in a manner that identifies the individual with the City of Dothan.

### **Prohibited Activities**

Employees are strictly prohibited from using the City of Dothan provided Internet services in connection with any of the following activities:

- Engaging in illegal, fraudulent, or malicious conduct.
- Working on behalf of organizations without any professional or business affiliation with the City of Dothan.
- Downloading files from the Internet. If you have a requirement to download a file, contact the Information Technologies Division, who will download the file, scan it for viruses and forward it to the employee.
- Sending, receiving, or storing, offensive, obscene, or defamatory material.
- Annoying or harassing other individuals.
- Sending uninvited e-mail of a personal nature.
- Monitoring or intercepting the files or electronic communications of employees or third parties.
- Obtaining unauthorized access to any computer system.
- Using another individual's account or identity without explicit authorization.

- Attempting to test, circumvent, or defeat security or auditing systems of the City Of Dothan or any other organization without prior authorization
- Distributing or storing chain letters, jokes, solicitations, offers to buy or sell goods, or other non-business material of a trivial or frivolous nature.

### **Personal Use**

Internet services are provided by the City of Dothan for employees' business use. Very limited or incidental use of Internet services for personal, non-business purposes is acceptable. However, personal use must be infrequent and must not:

- Involve any prohibited activity (see Section, "Prohibited Activities").
- Interfere with the productivity of the employee or his or her co-workers.
- Consume system resources or storage capacity on an ongoing basis.
- Involve large file transfers or otherwise deplete system resources available for business purposes.

### **Employer Monitoring Rights**

Employees should not expect privacy with respect to any of their activities using the City of Dothan provided Internet access or services. The City of Dothan reserves the right to review any files, messages, or communications sent, received, or stored on the City of Dothan's computer systems. The City of Dothan does log every web site accessed by its employees and periodically reviews these logs for abuse.

# **City of Dothan**

## **SOCIAL MEDIA POLICY**

### **Purpose**

To establish a policy for appropriate use of social media by City of Dothan employees.

### **Scope**

This Policy applies to all employees of the City of Dothan. It is not the City's intent to control what its employees say on personal social media sites, but all employees must understand that all policies, including those on anti-harassment, discrimination, retaliation, and conduct unbecoming extend to all forms of communication.

### **Policy Statement**

All employees must follow the City's guidelines for use of social media as set forth below.

#### **A. GUIDELINES FOR PERSONAL USE OF SOCIAL MEDIA**

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or chat room, whether or not associated or affiliated with the City of Dothan, as well as any other form of electronic communication. The same principles and guidelines found in the City's policies related to workplace conduct apply to the employee's activities online. Ultimately, employees are solely responsible for what they post online. Before creating online content, consider the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects customers, the general public, and contractors may result in disciplinary action up to and including termination.

##### **1. Know and follow the rules.**

Carefully read this Policy and the Personnel Rules and Regulations on workplace conduct, internet usage, confidential and proprietary information, workplace violence, and harassment, and ensure that your postings and other social media activities are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may be subject to disciplinary action up to and including termination.

##### **2. Protect confidential information.**

- Maintain the confidentiality of City of Dothan trade secrets, departmental practices and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post any reports, policies, procedures or other internal business-related confidential communications without authorized permission.

- Maintain the confidentiality of any information protected by the attorney-client privilege.
- Maintain the confidentiality of the City of Dothan customers' information and general public. Do not post any information about other employees, customers, vendors, contractors, partners, representatives, or others associated with the City of Dothan.
- Respect financial disclosure laws.
- Observe all copyright and other intellectual property laws, and show proper respect for the copyrights, trademarks, rights of publicity and other intellectual property of the City of Dothan and other entities.

### **3. Be transparent.**

- **Express only your personal opinions.** Never represent yourself as a spokesperson for the City of Dothan if not authorized to do so. Your social media profile and line of discussion/comments may directly affect the workplace or negatively impact the public trust of the City of Dothan as a public employer. If the City is a subject of the content on a social media site, the comments made by an employee causing discord and disruption to the workplace is not protected speech. Keep in mind your actions, comments, and conduct that adversely affects your job and the City as an employer is prohibited.
- Any conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects customers, the general public, and contractors may result in disciplinary action up to and including termination.

### **4. Be respectful.**

Always be fair and courteous to others, including fellow employees, customers, contractors, or people who work on behalf of the City of Dothan. Also, keep in mind that employee-employer related complaints should be handled through the channels outlined in the City of Dothan Personnel Rules and Regulations. Such complaints should be presented to the Personnel Department or EEO Office for processing.

Do not post complaints or criticism or use statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, employees, or contractors, or that might constitute harassment, discrimination, or bullying.

Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, color, religion, sex, national origin, age, disability, or any other status protected by law or City of Dothan policy. Consistent with City policy, using social media as an outlet for discriminatory, harassing, or threatening behavior may subject you to discipline, up to and including termination.

**5. Be honest and accurate.**

Ensure all posted information is honest and accurate information or news, and if an error is made, correct it quickly. Be open about any previous posts that have been altered. Remember the internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors about the City of Dothan, fellow employees, customers, contractors, or people working on behalf of the City.

**6. Retaliation is prohibited.**

The City of Dothan prohibits taking negative action against any employee for reporting a possible deviation from this Policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this Policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

**7. Be careful in responding to negative comments.**

You may encounter or be the recipient of negative or disparaging comments or posts about the City and/or an employee(s), or see third parties attempting to spark negative conversations. Before reacting, carefully consider the appropriateness of your response and the consequences that might follow from it. Remember that as a City employee, you are bound by this Policy and all other City policies. If you come across material that requires a response from the City of Dothan or involves discriminatory remarks, harassment, threats of violence, intimidation or bullying, alert the Personnel Department or EEO Office to the existence of the material.

**B. USE OF SOCIAL MEDIA FOR CITY BUSINESS**

Only those employees who are specifically authorized by the City of Dothan may use social media on behalf of the City. Employees who have been specifically authorized by the City to use social media on the City's behalf must follow the appropriate actions and behavior in disseminating facts and events that are sanctioned by the City. These guidelines are in addition to the responsibilities and obligations set forth above for personal use of social media.

## **GUIDELINES FOR EMPLOYEES AUTHORIZED TO USE SOCIAL MEDIA ON THE CITY'S BEHALF**

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These guidelines should be followed by employees who have been specifically authorized by the City of Dothan to use social media on the City's behalf. These guidelines are in addition to the responsibilities and obligations set forth above for personal use of social media.

### **Approved Users and Content**

At this time, only certain employees in the City of Dothan are authorized to use social media on behalf of the City. Unless and until the City specifically authorizes you to do so, you may not use social media on behalf of the City.

If you are authorized to participate in social media as a City of Dothan representative, you should:

- Obtain all required approvals from the Department Head/City Manager before posting on behalf of the City.
- Not engage with the news media via social media platforms to discuss the City of Dothan without prior approval.
- Identify yourself and your role when speaking on behalf of the City of Dothan.

### **Crisis Communication**

In the event of a crisis at the City of Dothan, the City may use its social media platforms to communicate with employees, the community and the media. If you are asked by the City of Dothan to respond to a crisis using social media, you should:

- Remain calm;
- Follow all instructions provided by Department Head/City Manager, and
- Follow the posts that appear on the Crisis Communication Website.

# **City of Dothan**

## **MOBILE DEVICE**

### **POLICY**

#### **Purpose**

To provide employees of the City of Dothan with guidelines and directives on the deployment, appropriate use, and maintenance of mobile devices during the course of performing their duties for the City.

To provide uniform and consistent standards for the issuance of individually assigned City supplied wireless mobile devices and pooled wireless mobile devices, in addition to the high requirement of security for these devices and any information stored or transmitted via these devices.

To ensure City Employees are aware of their responsibility to safeguard the mobile devices and attachments assigned to them, and to keep the transmission and storage of information secure in order to prevent unauthorized access to the City of Dothan systems and infrastructure.

#### **Constraints**

This policy applies to all users of City technology, equipment and services including:

- A.** City employees, elected officials, and contractors who use or access City technology, equipment and/or services are bound by the conditions of this policy.
- B.** Mobile devices connecting to the City infrastructure and systems covered by this policy for both City owned devices and approved non-City owned devices include but are not limited to the following types:
  - Laptop
  - Tablet or iPad
  - Beeper or Pager
  - Cellular Phone, Smartphone, or Hot spot
  - All removable media including CD/DVD, USB devices or any other type of removable media.

\*Note: City Guest Networks are excluded from this requirement because they are not part of the City of Dothan Domain Network.

#### **Qualification**

- A.** Department pooled devices or shared devices are encouraged where appropriate.

**B.** An Information Technology Request must be completed with the employee Director's approval in addition to one or more of the following qualifications before the city employee can be considered for issuance of an individual mobile device :

1. City job does not require an immediate response but can wait for a response from employee when they make it to the nearest phone. (beeper/pager)
2. Mobile job requires immediate phone contact or text message. (flip)
3. Mobile job requires immediate access to email.
4. Mobile job requires immediate access to email and immediate phone contact.
5. Mobile job requires logon capability to City network while in the field or after hours.
6. Job requires on-call responsibilities after hours.

**C.** City Manager must approve any special requests falling outside the standard qualifications listed above.

\*Note: Cost comparison can be accomplished to determine if a more viable option available for a specific purpose by IT and Department Director.

### **Policy Statement**

**A.** Expectations of Use of City of Dothan Owned Mobile Devices

The following must be observed with respect to the use of City of Dothan owned mobile devices:

1. Employees are responsible for not allowing misuse of their mobile devices by anyone. Employees must ensure other persons that are not authorized to view information on the device do not access mobile devices.
2. All mobile devices must be used in a manner that is ethical, appropriate, careful, and lawful. Mobile device use must conform with the City's Code of Conduct.
3. Employees may not use City mobile devices to conduct their own business or act as an agent conducting business for another individual for profit. Telephone solicitation to or by an employee is strictly prohibited. City cell phone numbers will not be listed for the sale of personal items.
4. Only mobile devices owned and operated by City of Dothan may be used to connect to the City infrastructure or network without prior approval from the IT Department.

\*Note: This does not include the City of Dothan Guest Networks.

5. Any installed management software, such as anti-virus software, may not be removed and must be kept enabled and up to date. Anti-virus software is updated automatically but it can only update when it is connected to the City of Dothan network.
6. City owned mobile devices remain the property of the City of Dothan, and as such, can be unreservedly requested and accessed by the Information Technology department at any time to monitor usage.
7. Any information which infringes any copyright or intellectual property rights obtained illegally (such as downloading and/or pirating music, movies, etc.), are not permitted to be stored on any device owned by the City of Dothan.
8. The user of the device must notify their Director or Supervisor within 24 hours upon:
  - a. The device malfunctioning
  - b. The device sustaining damage, loss, or theft
  - c. Suspected loss/theft of the device
  - d. The device becoming compromised

\*Note: Where possible, the contents of the device will be remotely erased and the services associated with the device will be disabled.

9. USB memory sticks from an unknown or un-trusted source are not to be connected to the City of Dothan equipment without prior approval of the IT Department.
10. City owned devices are locked to the City of Dothan's chosen network provider. Transfer of such devices to other carriers will only be considered where a need is identified. In which case, the transfer must be approved and handled by IT.
11. Usage charges or charges to the device account are subject to periodic review. Excessive data usage may be investigated and any additional costs incurred from personal use, such as streaming movies or music that are not justified for City business purposes, may be passed on to the user of the device.
12. Employees must report any non-work related charges incurred on the mobile account to their Supervisor. Costs that are associated with excessive personal use may require the employee to reimburse the City and may result in appropriate corrective action by the Director of their department. Employees may be responsible for wireless charges if they maintain possession of the City mobile phone while they are on extended leave other than where it can be established that usage was related to the City of Dothan business.
13. Employees are responsible for all activity connected with their account(s) and assigned equipment.
14. Employees should have no expectations of privacy with respect to personal use of city owned mobile devices.

15. Any use perceived to be illegal, harassing, offensive, to reflect badly on the City of Dothan, or to interfere with normal business operations will be considered a violation of this policy.

Examples of such violations include but are not limited to:

- a. Sexually explicit material
- b. Bullying
- c. Material supporting intolerance or disrespect.

### **Availability**

- A. The Employee is expected to have the City owned mobile device charged and available during assigned work hours and during any expected on-call periods.
- B. City of Dothan reserves the right to erase the contents of the device and/or disable the device at any time, and at its sole discretion.

### **Physical Security of Mobile Devices**

- A. City of Dothan expects all employees who have been allocated mobile devices to take very good care and responsibility for them. Employees are required to:
  1. Take good care of the mobile device and accessories
  2. Take all responsible precautions to ensure that the device is not damaged, lost or stolen
  3. Keep mobile devices clean and in a serviceable condition to the best of their ability
  4. Report all irregularities in the operation of the mobile device immediately to their Supervisor and the IT Department
  5. Cable locking devices should be considered for use with laptop computers in general public access spaces, e.g. public parks, offices, or community centers/senior centers, even when the laptop is attended.
  6. \*Note: IT department will supply the locking device if one is deemed necessary
  7. Mobile devices should be taken as carry-on luggage when travelling by aircraft and not checked baggage
  8. IT will control enterprise-wide requirements whereby all devices will have encrypted storage and secure passcode locks where technically possible
  9. The mobile device "Location" feature (allows phone to be located) is to be left turned on at all times. The disabling of such features by employees may result in disciplinary action.

10. Employee is responsible for the care and protection of all Mobile devices and accessories (chargers, cords, carrying cases, etc.). The City will not replace any damaged device or accessory due to improper care until proper disciplinary action is administered by the employees Supervisor (reference: City of Dothan Employee Handbook). Depending on the circumstances in which the device was lost, stolen or damaged, the employee may be held responsible for the cost associated with replacing the device if the loss, damage, or theft was caused or contributed to by the employee's lack of care.

## **PRETECTION OF INFORMATION ON MOBILE DEVICES**

- A. The following must be observed in order to securely protect information on mobile computing devices:
  1. Every reasonable effort should be made to ensure that the City of Dothan information is not compromised through the use of mobile equipment in a public place. Screens displaying sensitive or critical information should not be seen by unauthorized persons.
  2. Mobile devices are not to be used as the sole repository for City of Dothan information. Information stored on mobile devices should be backed up appropriately.
  3. All software applications purchased and installed by the City of Dothan IT Department must remain on the device in a usable condition and accessible at all times.
  4. Storage space on devices required for City of Dothan application will take priority over space for personal items. Devices will not be purchased to ensure capacity to store personal items.
  5. City of Dothan is not responsible for the loss of any personal applications or data when the device is updated, tested, or restored to its original state. Personal apps and data are not supported by the IT department.

## **RIGHT TO MONITOR**

- A. City of Dothan reserves the right to monitor, record, and audit use of any of its applications, systems, and equipment including those owned by and connecting to the City of Dothan's systems and infrastructure. Use of these systems and equipment implies consent to such monitoring, recording, and auditing.
- B. Information on the mobile device may be subject to the "Alabama Open Records Act". The City of Dothan reserves the right to disclose any user data and mobile device activity involving City of Dothan systems and equipment to law enforcement officials or third parties without any prior notice to the user.
- C. Upon termination of employment or otherwise at the request of the City of Dothan, an employee who has been issued a City mobile device must return it to their immediate supervisor or to IT. Any battery chargers, power supplies, carry cases, or other accessories supplied by the City for use with the mobile device must also be returned.

## **EXEMPTIONS**

This policy is mandatory unless an exemption is granted by the Information Technology Director and City Manager. Any requests for exemptions from any of these directives should be referred to the IT Department.

## **BREACH OF THE CONDITIONS OF THIS POLICY**

In circumstances where a breach of this policy occurs, the City reserves the right to restrict the use or access to the technology, network, equipment, or services and to maintain that restriction at its discretion.

## **RESERVATION OF AUTHORITY**

The City Manager reserves the right to change, amend, or modify this operating guideline.



City of Dothan

# **Employee Workplace Health and Safety Policies**

***WORKERS' COMPENSATION***

***EMPLOYEE SAFETY COMMITTEE POLICY***

***MOTOR VEHICLE OPERATIONS POLICY***

***effective October 10, 2005***



# EMPLOYEE WORKPLACE HEALTH AND SAFETY POLICIES

## PART 1 - WORKERS' COMPENSATION

The City of Dothan, Alabama operates a self-funded workers' compensation program. This means that all workers' compensation costs are paid directly by the City of Dothan, out of City funds.

The purpose of workers' compensation is to provide prompt and necessary medical treatment, and wage replacement for employees who are injured or killed from an accident arising out of and in the course of employment with the City.

Workers' compensation pays all medical costs, provides wage replacement benefits where certain conditions are met, and is paid for exclusively by City of Dothan. There are well-defined provisions established by state law that must be met to ensure that employees qualify for workers' compensation benefits. In providing workers' compensation to employees, the City adheres to the provisions of Code of Alabama, Title 25, Chapter 5, Workers' Compensation, and as amended.

No workers' compensation benefits will be paid for treatment of or lost time due to any work-related injury where that injury has not been immediately reported in writing using the First Report of Injury form. The injury must be immediately reported (within twenty-four (24) hours of the injury) to the employee's supervisor and to the Employee Health Clinic staff. All claims are subject to review and investigation. When facts cannot be verified, the claim will be denied.

No workers' compensation benefits will be paid for any claim for an injury caused by an employee's willful misconduct, by the employee's intention to bring about the injury or death of himself or herself or of another, by the willful failure or willful refusal to use safety appliances provided by the City or by an accident due to the injured employee being intoxicated from the use of alcohol or impaired by illegal drugs, or by an accident that occurs during the employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.

No workers' compensation benefits will be paid if the employee refuses to submit to or cooperate with a urine drug test or where a positive drug test is reported that has been conducted in accordance with the U.S. Department of Transportation 49 C.F.R. Part 40.

Workers' compensation fraud is a felony, punishable by fines and/or jail time. The City will prosecute any individual found to be claiming a work-related injury fraudulently. Code of Alabama, 1975, Section 13A-11-124.

No workers' compensation benefit will be paid if at the time of or in the course of entering into employment with the City the employee knowingly and falsely misrepresents in writing a physical or mental condition and that condition is aggravated or re-injured in an accident arising out of or in the course of the employee's employment with the City.

The City will select the initial treating physician and other treating physicians for an injured employee. Any treatment other than that approved by the authorized treating physician will not be paid. The injured employee must submit to medical examinations arranged by the City at all reasonable times.

## **Types of Benefits**

There are generally three types of workers' compensation benefits available to an employee with a work-related injury: medical, vocational retraining and wage replacement benefits.

Medical benefits include all services, treatment, or equipment provided by an authorized provider. Providers generally include medical clinics, pharmacists, dentists, psychologists, podiatrists, physical therapists, pharmaceutical supply companies, rehabilitation services or facilities at which treatment is provided.

Wage replacement benefits begin on the 4<sup>th</sup> day the employee is unable to work (temporarily disabled), as determined by the treating provider, due to an injury arising out of or in the course of employment with the City. If the employee is unable to work for a period over twenty-one (21) days, the City's third party administrator for workers' compensation will go back and pay the wage replacement benefits for the first three days.

Wage replacement benefits equal  $66 \frac{2}{3}$  of the employee's average weekly earnings (up to the maximum weekly wage as determined by the Director of the Alabama Department of Industrial Relations) for the 52 week period immediately preceding the date of the injury.

The wage replacement benefit check will be released upon signed receipt to the injured employee from the Employee Health Clinic upon presentation of identification.

Wage replacement benefits are not subject to employment tax. Wage replacement benefits are not included in earned compensation for retirement benefit calculation purposes.

Time lost due to an on the job injury is not included in creditable service for retirement purposes.

## **Use of Accrued Paid Leave**

Employees may utilize accrued paid leave to provide income protection for the first three (3) days of temporary disability due to an injury arising out of or in the course of employment with the City. No paid leave will be advanced to an employee.

Employees cannot use accrued paid leave to supplement wage replacement benefits except that an employee impacted by the maximum weekly wage amount established by the Worker's Compensation Law may use accrued paid leave to make up the difference between the maximum amount and  $66 \frac{2}{3}$  percent of their average weekly wage at the time of injury.

## **Voluntary Payroll Deductions**

Employees are responsible for making arrangements to continue any voluntary payroll deductions with the vendor/provider during any period of leave for which no payable hours are due. Employees with dependent city group health and/or dental insurance coverage will be billed by the City for any missed employee premium payments while on payroll with no payable hours.

## **Certain Fringe Benefits Continued**

During a period of lost time resulting from a workers compensation injury arising out of or in the course of employment with the city and for which proper notice has been given by the employee to the City, the City will continue to pay the employer portion of health and life insurance premiums.

## **Temporary Modified or Alternative Duty**

An employee who refuses to return to regular duty or temporary modified or alternative duty suitable to his or her medically determined functional capacity on the date released to duty by the attending physician will not receive any workers' compensation wage replacement benefits from that date. Such a refusal will be considered job abandonment/quit and will be grounds for termination of employment with the City.

An employee who fails to return to work on the date released to duty by the treating physician will be considered to have abandoned/quit employment with the city and will be subject to termination.

The City does not guarantee the availability of temporary modified or alternative duty in the department, division or work location to which the employee is normally assigned. The City reserves the right to place an employee on appropriate temporary modified or alternative duty in any department or work location in the City. Temporary accommodations of this nature are not permanent, do not create a new position, and do not confer a property interest in the temporary modified or alternative work assignment.

Being placed on temporary modified or alternative duty does not excuse an employee from following all workplace rules and regulations.

Temporary modified or alternative duty as determined by the medical restrictions documented on the Work Status report from the treating physician will be available to an employee until maximum medical improvement has been reached, as determined by the treating physician.

## **Reporting and Receiving Treatment**

Any employee reporting an on-the-job injury will receive immediate and appropriate medical treatment. All applicable federal, state, and local laws or regulations pertaining to occupational injuries will be followed and complied with at all times.

It is the responsibility of all employees to report immediately in writing (no later than twenty-four (24) hours following the injury) to their supervisor all on-the-job injuries regardless of how insignificant or minor the injury may appear at the time. An "Employee First Report of Injury/Incident/Exposure Form" (hereafter called First Report Form) is provided for this purpose and may be obtained from any supervisor, Personnel, or the Employee Health Clinic. A completed First Report Form must be sent or taken to the Employee Health Clinic within twenty-four (24) hours of the injury.

For injuries that require treatment Monday through Friday between 7:30 a.m. and 4:00 p.m., employees must report to the Employee Health Clinic, located in Room 105, 1<sup>st</sup> Floor, Roy Driggers Municipal Building at the Civic Center Complex. If the Employee Health Clinic is closed, employees

must report to Prime Care Associates, located at 301 Westgate Parkway. Inform the Prime Care medical staff that you are a City of Dothan employee with an on the job injury.

For injuries that require immediate emergency treatment go to the nearest emergency medical treatment facility (emergency room). In the Dothan and surrounding area, use Southeast Alabama Medical Center Emergency Room or Flowers Hospital Emergency Room. Inform the emergency room staff that you are a City of Dothan employee with an on the job injury.

Failure to report an injury as required by state law or this policy can result in loss of compensation benefits and possibly lead to corrective action up to and including termination under a progressive discipline policy for failure to follow workplace health and safety policies.

## **Post Incident Drug and Alcohol Testing**

When an employee sustains an injury that requires outside medical treatment, the employee is required to undergo post incident drug and alcohol testing.

If the injury occurs during Employee Health Clinic operating hours, the employee is to be transported to the Employee Health Clinic by a supervisor, or a co-worker if a supervisor is not available, for the post incident drug and alcohol testing. Under no circumstance is an injured employee to be allowed to drive him/herself for post incident drug and alcohol testing.

If the injury occurs before or after Employee Health Clinic operating hours and the employee receives medical treatment at an outside treatment facility, it is the employee's responsibility to inform the treating facility personnel of the City's post incident drug and alcohol testing requirement. If the employee is unable to speak or act on his or her own behalf, the employee's supervisor or co-worker if a supervisor is not available, will be responsible for informing the treating facility personnel of this requirement.

Refusal to submit to a post incident drug and alcohol test shall be grounds for termination, after due process.

Failure to follow this policy in regard to post incident drug and alcohol testing policy can result in loss of compensation benefits and may lead to corrective action up to and including termination under a progressive discipline policy for failure to follow workplace health and safety policies.

Under state law, a positive result on a post incident drug or alcohol test will result in loss of wage replacement compensation. Under City policy, a positive result on a post incident drug or alcohol test will result in termination, after due process.

## **Reporting to EHC Following Initial Medical Treatment**

Before returning to duty following initial medical treatment for an on the job injury, employees are to report to the EHC immediately after receiving outside medical treatment and being released to return to duty by the outside medical facility staff. If released by the outside medical facility staff to return to duty before 7:30 a.m. or after 4:30 p.m. or on the weekend or a city holiday, an employee must report to the EHC the first day of EHC operation following treatment for the injury.

If the injury or treatment makes it impossible for the employee to report to the EHC following medical treatment, the employee or a person authorized to speak on the employee's behalf must contact the EHC in person or by telephone for instructions.

No employee is to be allowed to return to duty without proper medical clearance. If treatment is not received at the EHC, the employee must present the Work Status form received from the treating medical facility personnel to the shift supervisor. Both the employee and the employee's supervisory chain of command are responsible for following any restricted duty instructions documented on the Work Status form. The employee must report to the EHC as soon as possible after return to duty under the circumstances described here. The Work Status form must be forwarded to the EHC as well.

When the employee is released to duty by the treating medical facility personnel, no worker's compensation wage benefits will be paid. Released to duty includes normal, unrestricted work status, as well as restricted, light, alternative, or modified work status.

### **Follow-Up Medical Treatment**

After receiving follow-up medical treatment and BEFORE returning to duty, the employee must report to the EHC with the completed Work Status report from the outside medical facility personnel

No employee is to return to duty or be allowed to return to duty by supervisory personnel, without receiving a Clinic Referral Form from the EHC staff.

Failure to follow this policy can result in loss of compensation benefits and may lead to corrective action up to and including termination under a progressive discipline policy for failure to follow workplace health and safety policies.

### **Compensation on the Day of Injury and for Follow-up Medical Treatment**

In the event the injury is of the nature that requires outside medical treatment, employees will be paid their regular rate of pay for that time spent away from work during normal work hours seeking and/or receiving medical treatment. No compensation will be paid for time spent outside normal work hours for the employee.

Employees are to schedule any follow-up medical treatment during non-work hours if possible, or at a time that minimizes time away from work. Employees are authorized to receive their regular rate of pay for up to two hours per follow-up visit per day. Any additional time will be charged to an employee's accrued leave, beginning with sick leave, followed by vacation leave, then accrued holiday. If there is not sufficient accrued leave to cover the period of absence from work during, the employee will be docked.



## **PART 2. EMPLOYEE SAFETY COMMITTEE POLICY**

**Purpose:** The City of Dothan Employee Safety Committee is established to assist departments in reducing employee injuries, vehicle incidents and providing a safe operating environment for all City of Dothan employees.

### **Responsibilities:**

- A. The committee will review all vehicle incidents and lost time workers compensation injuries. The committee shall determine the cause of these incidents, determine chargeability and make recommendations to the department heads and city manager for the prevention of these incidents in the future.
- B. Committee members will assist the Safety Officer in conducting incident/accident investigations in their departments.
- C. The committee will develop safety policies for the various city operations.
- D. The committee will review safety training and prepare recommendations to insure that all employees receive adequate safety training for their particular work environment.
- E. The committee will make recommendations to the City Manager, Personnel Board and department heads for resolving safety issues, establishment of safety programs and other issues as required or directed to insure that the employees of the City of Dothan are provided a safe work environment.

### **Composition of the Employee Safety Committee:**

- A. Voting members of the committee will consist of the Safety Officer and one primary and one alternate member from each city department.
- B. In addition to the voting members, the Personnel Director and Industrial Nurse shall be advisory members of the committee.
- C. The Safety Officer will serve as the chairperson for the committee and be responsible for all administrative matters of the committee.
- D. The committee members will be appointed in writing by the City Manager and will serve until replaced by the City Manager.
- E. Voting members of the committee must be classified employees.

**Meeting Procedures:**

- A. Should the primary member be unable to attend a meeting then it shall be the responsibility of the alternate member to attend in their place.
- B. A department representative shall abstain from voting on disciplinary recommendations regarding members of his/her department.

**Review of Workers Compensation Incidents:**

- A. All lost time workers compensation incidents are reviewed by the Employee Safety Committee. It is the responsibility of the committee to determine the cause of the incident, chargeability and develop recommendations to prevent incidents from reoccurring.
- B. Employees are not required to appear before the committee when their incident is being reviewed but may appear if they so choose.
- C. After reviewing all the facts the committee shall determine the true cause of the incident and whether it was (1) Non-chargeable, or (2) Chargeable.

**Reporting Responsibilities:** The committee shall report to the department head its recommendation and recommendations for preventative measures. The department head shall report back to the committee within 30 days on what actions have been taken regarding the recommendations.

## **PART 3. MOTOR VEHICLE OPERATIONS POLICY**

**I. Purpose:** The City of Dothan is committed to insuring that its fleet operations are conducted in a safe and efficient manner. This policy addresses specific responsibilities of those employees whose job duties require that they operate city vehicles and equipment and applies to City of Dothan employees of all categories. It is the responsibility of these employees to familiarize themselves with this policy and its requirements.

**II. Definition of City Vehicle:** A city vehicle is any vehicle or equipment that is owned, leased, rented or loaned to the City of Dothan.

**III. Definition of Vehicle Operator:** Only City of Dothan employees with a valid state driver license are authorized or shall be permitted to operate a city owned vehicle. Under special circumstances, the City Manager may authorize a non-employee to operate a City owned vehicle. (Reference City of Dothan Standard Operating Guideline No. 6 – Use of Vehicles for City Business)

### **IV. Drivers License Requirements:**

- A. Prospective and current employees whose job duties include the operation of a city vehicle must be in possession of a valid and current driver's license to include the appropriate class of commercial license for the vehicle being operated. Under no circumstance shall a city employee whose license has been cancelled, revoked, suspended, expired, or who has accumulated eight (8) or more points against his/her license in the immediate past two (2) year period, be allowed to operate a city vehicle.
- B. Any employee whose job duties include the operation of a city vehicle shall, within 24 hours, notify his/her department head of any change in the status of their drivers license. Failure to immediately report a change in the status of a license shall result in disciplinary action.

### **V. Motor Vehicle Record (MVR) Requirements:**

- A. Applicants for positions with the City of Dothan that require driving a city vehicle will have his/her current MVR reviewed prior to being employed. If the MVR has greater than 8 points in the preceding 24 month period listed for traffic violations or a conviction or pending charge for driving under the influence during that period, that applicant will be disqualified from consideration.
- B. All employees whose job requires a driver's license shall have an MVR check done annually during their birth month. This review shall be the responsibility of the Risk Management Division. Supervisors shall be responsible for verifying that all other employees have a valid drivers license prior to operating a City of Dothan vehicle.

- C. Anytime a MVR for a current employee whose job duties include the operation of a city vehicle is found to have received more than 8 points in the preceding 24 months according to the points scale for the State of Alabama UTC offense codes, that employee shall be required to attend a city approved defensive driving course at their expense. The employee will have two weeks to present a certificate of completion to their department head or their driving privileges will be suspended until such certification is presented.

**VI. Seat Belt Use:** Seat belt use in city vehicles is mandatory for all drivers and passengers in city vehicles. Failure to utilize seat belts shall result in disciplinary action. These offenses shall be treated as "Minor Offenses" in accordance with City of Dothan disciplinary policy.

**VII. Driver Training Requirements:** All new employees who will be operating city vehicles as a part of their job duties will be required to complete a driver training program within 90 days of their employment. This training program will be developed by the Risk Management Division. Specialized training will be the responsibility of and be conducted by the employee's department as required.

**VIII. Vehicle Maintenance & Inspection:**

- A. Each driver is responsible for insuring that their vehicle is in proper working condition prior to being placed in operation. This includes the following equipment at a minimum:
- Brakes
  - Tires and wheels
  - Steering
  - Lights and reflectors
  - Horns
  - Windshield wipers
  - Mirrors
- B. Each department will develop inspection checklists for their large vehicles and specialized equipment that the operator will be responsible for using on a daily basis. Should any defects be discovered during these checks, it is the driver's responsibility to have the problem corrected.

**IX. Incident Reporting:**

- A. Any driver involved in a vehicular incident will be expected to do the following unless injuries or other circumstances prevent them from doing so:
- Immediately stop your vehicle. Do not leave the incident scene.
  - Take whatever steps may safely be taken to prevent another incident from occurring.
  - Render any assistance possible to those who are injured.
  - Notify law enforcement and your supervisor immediately. Your department will notify the Risk Management Division who will respond to the incident scene to perform an incident investigation.

- B. The driver shall complete the Supervisors Incident Report Form, which shall be reviewed by the department head and sent to the Risk Management Division within 24 hours after the incident.
- C. Employees and supervisors who fail to report incidents involving city vehicles shall be subject to disciplinary action. These offenses shall be treated as "Major Offenses" in accordance with City of Dothan disciplinary policy.
- D. No vehicle will be repaired for wreck damage until the Risk Management Division has been notified and has authorized repairs to be made.

**X. Vehicle Backing Procedures:**

- A. Vehicle backing is one of the most potentially dangerous operations involved in vehicle operations. Prior to backing any vehicle the operator must insure that no obstacles or personnel are behind the vehicle. Prior to entering the vehicle, walk behind the vehicle and visually check to insure nothing is behind it.
- B. If you are driving a vehicle which is one ton or larger and have another person in the vehicle, city policy requires that person spot for the vehicle while backing. Spotting the vehicle means a second person exits the vehicle and provides guidance to the driver during the backing maneuver.

**XI. Review of Vehicle Incidents:**

- A. All vehicular incidents involving city vehicles will be reviewed by the Employee Safety Committee. It is the responsibility of the committee to determine the cause of the incident, determine chargeability, make disciplinary recommendations and develop recommendations to prevent incidents from recurring.
- B. Employees are not required to appear before the committee when their incident is being reviewed but may appear if they so choose.
- C. After reviewing all the facts the committee shall determine the true cause of the incident and whether it was (1) Non-chargeable, (2) Non-chargeable but Avoidable or (3) Chargeable.
- D. If the committee determines the incident to be Non-chargeable then no disciplinary action shall be recommended.
- E. If the committee determines the incident to be Chargeable then the employee will be charged 1 point. 1 additional point will be charged if the incident is determined to be classified as serious. A serious incident is one in which:
  - Damages to all vehicles involved exceed \$10,000 or
  - Injuries which require outside medical treatment were sustained by the occupants of any vehicle involved or
  - Speeding in excess of 15 mph or
  - As determined by the committee, the driver operated the vehicle in a dangerous or flagrant manner.

- F. Preventable backing incidents will be categorized and have points assessed as follows:
- One (1) Point - Minor category, where property damage is minimal as determined by the Safety Officer or the Safety Committee, or
  - Two (2) Points - Major category, where injuries result or where property damage is significant or where the driver operated the vehicle in a dangerous or flagrant manner as determined by the Safety Officer or Safety Committee.
- G. The minimum recommended disciplinary action will be as follows for points accumulated in a three-year period.
- |               |   |
|---------------|---|
| 1 point       | Written reprimand                                 |
| 2 points      | Suspension for 1 day without pay                  |
| 3 points      | Suspension for 3 days without pay                 |
| 4 points      | Suspension for 5 days without pay                 |
| 5 points      | Suspension for 10 days without pay                |
| Over 5 points | Suspension for longer than 10 days or termination |
- H. Points assessed for an incident will be removed from an employee's record three years from the date of the incident. The three (3) year period continues to apply regardless of the department to which assigned or breaks in employment with the City.
- I. The committee shall report to the department head and the City Manager its disciplinary recommendations and its recommendations for preventative measures. The department head shall report back to the committee within 30 days on what actions have been taken regarding the recommendations. The committee shall report to the City Manager and Personnel Board the results of all recommendations on a monthly basis.
- J. Should the department head disagree with the recommendations of the Safety Committee, the department head shall review the Safety Committee recommendations with the City Manager prior to determining final action.
- K. An employee who attends a National Safety Council certified Defensive Driver training course, or a certified Defensive Driving Training Course approved by the City Safety Officer (minimum of 4 hour course) at his/her own expense and presents proof of completion to the Safety Officer will have one (1) point deducted from the total points accumulated to date against his/her City of Dothan driving record. This provision shall not reduce, alter, override or supersede any disciplinary action(s) already taken under this policy. This provision will only be available once during any three (3) year period. (PBA 10/14/13)

## **XII. Consequences for Violation of this Policy**

Employees found in violation of this policy shall be subject to disciplinary action up to and including termination, after due process.

# **CITY OF DOTHAN PERFORMANCE MANAGEMENT MANUAL**



*September 1, 2008  
Edition*

Approved by Personnel Board Action December 8, 2008



# **PERFORMANCE MANAGEMENT MANUAL**

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# **INTRODUCTION**

**INTRODUCTION**

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# **PERFORMANCE MANAGEMENT**

## PERFORMANCE MANAGEMENT

Performance management is a continuous event. It is not a form that is completed by a supervisor once a performance period though that is what many people may think. Instead, performance management is continual management of an employee's performance of their work functions and work conduct. "Performance management" is a term that is frequently used to look at the definition and use of what, in the past, has been referred to as "performance evaluation." However, performance management includes much more than the historical view of employee evaluations. First, performance management focuses on the performance of an individual instead of the employee as a person or personality traits. Second, performance management includes examination of work responsibilities, expected outcomes, and the compliance of the employee with given work policies. Third, performance management comprises the managerial and supervisory duties of managing, motivating, and coaching with employees to deliver more and better services to the City. Additionally, performance management takes a wider view of performance to include improvement strategies and/or discipline if taken with the employee during the performance management period.

Performance management, in an organizational development sense, is when performance is thought of as an employee's "actual" results on the job versus the desired "results" of the employee's performance. Performance management can be thought of as a cycle including the following phases:

1. *Performance Planning* where Functions are identified and Goals are established.
2. *Performance Coaching* where a manager monitors performance and provides performance feedback.
3. *Performance Appraisal* where individual performance is formally documented and feedback delivered at the end of a given performance management period.

The Performance Coaching Phase is by far the longest Phase of the performance management process. The Performance Coaching Phase involves three strategic management efforts. Performance recognition is provided when an employee meets Goals of a particular function. Performance reward is provided when an employee performs above the expected level of performance. A performance problem is any deficient gap between expected results and actual results. Performance improvement is any effort targeted at closing the gap between actual results and desired results. Any discrepancy, where actual results are less than desired, constitutes a performance improvement zone.

Performance management is the art of managing and coaching an employee's performance and work conduct on the job. A simple meeting once a performance period with a signature on a form will not manage performance, let alone change an employee's performance. In today's government setting we must maintain accountability in the performance of duties by each employee's position including management employees. In this accountability, the employees and supervisors alike are responsible for managing resources, maintaining performance and increasing services of government. The basis

of any Performance Management System looks at individual positions, examining the functions and associated goals for performance during the performance period. The City's performance management system is centered on the "Functions" of a particular position and "Goals" set for the position. Functions refer to the essential job requirements and important activities of the position. Goals are the expected outcomes of employee performance for the performance period. Goals are written at the fully competent performance level for each Function. Goals or accomplishments of a position's Functions are to aid in reaching the department's objectives and mission. In essence, each employee's performance will be examined to see if it has met, fallen short or exceeded the Goals set for the position at the beginning of the performance period.

Therefore, performance management is a process by which a supervisor or manager can lead an employee to goal oriented performance in service to citizens. One reason performance management sometimes seems more myth than reality is that supervisors have the illusion that managing comes naturally. Unfortunately, "doing what comes naturally" doesn't often result in effective performance management because Performance Planning and Performance Appraisal require skills that many supervisors do not possess. However, these skills can be developed. Similarly, most people think that Performance Coaching comes naturally. This too is a myth. In order to conduct effective performance management, each manager and supervisor needs to understand:

- the City's Performance Management System,
- the importance of Appraisal to performance management, and
- the time and effort needed for effective performance planning and coaching.

# **USE OF PERFORMANCE MANAGEMENT**

## **PROPER USE OF PERFORMANCE MANAGEMENT**

The benefits of a properly managed performance management system are listed below.

### *1. Clarification of job responsibilities.*

Role ambiguity is one hindrance to good job performance. Many supervisors think that an employee should automatically know what the supervisor or department expects if the employee has performed a similar job before or has been in the position with a previous supervisor. This is a false assumption. An employee can perform better when the Functions and Goals are clear and, even more importantly, written at the expected level of the performance. Employee understanding and performance of job requirements are enhanced by a discussion between the supervisor and the employee regarding specific needs. After all, employees cannot read the supervisor's mind. The performance management system should be used by supervisors to communicate with an employee regarding the work Functions, expected accomplishment of Goals and related Work Conduct in a particular position of the department within city government.

### *2. Employee performance feedback.*

Employees need to clearly understand how well performance is to be conducted in order to meet Goals at the end of the performance period. It is important to let employees know how well they are doing on a daily, weekly and/or monthly basis so that the employee will know their strengths and have an opportunity to change any weaknesses. At the end of the performance management period, the supervisor must conduct a Performance Appraisal Session with the employee which should provide feedback of overall performance trends during the performance period for each assigned Function. It is important for employee awareness that a supervisor communicate not only strengths in performance but developmental needs as well. This interchange of ideas allows the employee to change performance during the performance period in areas that need modification and maintain areas of strength. The employee may adjust behavior to the expected performance level but only if this information is provided to them by the supervisor or manager.

### *3. Reward and reinforcement of performance.*

As an employee grows personally and professionally in a position, contribution is made to the accomplishment of departmental goals. The employee needs to be recognized for performance that has met or exceeded the Goals set for the position. The City's Performance Management System provides supervisors with a method for objective evaluation of job performance. A supervisor, through this assessment can show employees their responsible contribution. In addition, the supervisor should be able to reward performance that exceeded the goals and provide reinforcement for performance that met goals. The actual Performance Appraisal Score as well as any monetary benefit based on the score is perceived as a temporary reward or reinforcement.

*4. Performance improvement.*

The Performance Management System should be used hand in hand with the City's discipline system. The Performance Appraisal Form is not a disciplinary tool. It is simply a mirror reflecting the prior performance during the performance period. Unfortunately, there will be times when an employee's performance is lacking. A Performance Management System links disciplinary problems to performance on the actual forms. Recording objective employee performance provides documentation of behavior, communication, and the opportunity to change necessary performance areas. As well, it provides accurate records of personnel actions. Therefore, any discipline or needed correction is documented on a Performance Appraisal Form.

*5. Identification of training needs.*

When an employee is identified as having weakness in a performance area, the supervisor can pinpoint the competency or ability that is missing via the performance management forms. The employee may attend formal classroom training, utilize DVD or CD training through commercial companies, job training or mentoring by someone that works with the employee in areas which the employee is having problems.

*6. Pay for performance.*

There is an extremely important link between the performance management process and personnel actions. Performance Appraisal scores impact salary increases. For example, raises are not automatic but to be earned. An employee may earn a pay increase by demonstrating fully competent performance as documented on the Performance Appraisal Form. This process is often termed as "pay for performance." If a supervisor uses the Performance Management System correctly, the employees, within the pay structure, may determine their own increases based on what they accomplish during a particular performance period.

*7. Reorganizations or layoffs.*

Unfortunately there are times when layoffs occur. Performance Appraisal scores are used to identify those employees that have provided the largest contribution in their performance over the years. This data will be used then to conduct layoffs based on performance and not arbitrary reasoning.

*8. Employee history documentation.*

Supervisors, as well as employees, might have a hard time remembering what has occurred during a particular performance period or from year to year with employee's performance. Performance Appraisals allow an accurate and timely history when needed. Performance records of your employees are not just for a one time benefit; they are also for the benefit of the supervisor who may take the place of a supervisor who has moved up the career ladder or into retirement. It may be used to examine the employee performance over a period of years. It may be used to verify disciplinary actions. It may be used as a reference of promotion. Periodic performance management assures that good records are maintained.

*9. Productivity boost.*

When performance is measured, most employees and supervisors become increasingly concerned with meeting performance Goals. An effective performance management system will aid the department in delivering quality and timely services offered to citizens.

*10. Define functions for new employees.*

The first day on the new job, a good supervisor should eliminate any misunderstandings and communicate the necessary goals and outcomes expected of the employee in the position.

*11. Provide a sense of ownership of the work to employees.*

When employees feel they have a hand in the planning of their performance management process, a sense of buy-in and commitment will ensue.

*12. Improve supervisory counseling techniques.*

Learning to counsel employees on performance is one of the tougher duties of a supervisor. In fact, most supervisors avoid discussions of poor performance. Having a structured performance management system paves the way to planning, monitoring performance and following up with employees regarding performance issues. Feedback to employees can become easier for supervisors to conduct which leads to a true coaching relationship between staff and supervisors.

# **GENERAL GUIDELINES**

## **GENERAL PERFORMANCE MANAGEMENT GUIDELINES**

In appraising performance, a supervisor should keep the following guidelines in mind.

1. Appraising employee performance is a continuous process of observing, documenting, coaching, and counseling, not simply an activity to be performed once a performance period. It is not a form; performance management is a year long process of management. If used properly, performance management is a well utilized tool for supervisors to dialogue with employees regarding performance.

2. A list of the Functions and Goals of an employee's position is what an employee will be appraised upon at the end of the performance period. This list is to be discussed at the beginning of the performance period. Time should be allowed for employee questions to be addressed by the supervisor at this session.

3. Feedback is a necessity for learning. Therefore, informal feedback is an important part of the performance management process. Meetings/discussions should be held with employees throughout the performance period to review progress in areas of weaknesses (called counseling) or areas of complexity/non-routine. Meetings and informal discussions should be held with the employee to discuss the strong areas of performance (called reinforcing/rewarding) letting the employee know how the performance level is exceeding expectations. Informal feedback needs to be provided continuously during the performance period. This informal feedback is referred to as coaching.

4. Performance management is to be utilized in an accurate and objective manner. Appraisal of the employee's performance should include all performance during the performance period. A supervisor needs to compare the employee's performance during the performance period to the Goals set for the position at the beginning of the performance period instead of comparing employees to one another. Supervisors should not be influenced by one or two unusual incidents. It is best to review the employee's complete work record. Supervisors should avoid being too lenient or too strict in rating.

5. Performance appraisals are to be a reliable and realistic reflection of the employee's performance. The employee's performance should be evaluated on current responsibilities, not performance expected in a different, higher, or lower class. A rating should reveal what the employee actually does in the present position based on what is assigned within their classification. Potential value of the employee or personal talents should not be considered except when they are actually revealed in and used on the present work assignments.

6. Performance Appraisals are to be truthful. Each job function or work conduct area is rated separately. Supervisory documentation should be reviewed at the end of the performance period prior to appraising an employee. This review will help to determine whether or not an employee's performance truly yielded the expected results as stated at the beginning of the performance period. In most cases, an employee's performance will be better in some duties than in others. It is always important to remember that "effort" does not mean the employee met the goals set for the position. Effort is one thing and accomplishment is another.

7. Documentation is a necessary part of the performance management process. A supervisor must be able to substantiate judgments about employee performance levels. Documentation should be taken throughout the performance period and kept in an informal supervisory file. Disciplinary actions should be kept in the Personnel Department.

8. Feedback should include an employee discussion involving ratings that did not meet the expectations discussed at the beginning of the performance period. Ideally, a supervisor and employee should decide together what should be done to improve the employee's performance in a problem area. Once a plan of action has been discussed, it is the employee's responsibility to apply the actions needed. It is the supervisor's responsibility to monitor performance. A meeting should be held with the employee at the end of the improvement period for employee accountability with changing behavior.

9. Performance management is not a substitute for employee discipline. It is a complimentary process. The Performance Appraisal should document any disciplinary actions taken during the performance period. Appropriate points should be deducted on the appropriate section of the Appraisal Form.

10. Supervisors must conduct the performance management process as outlined in the City of Dothan Performance Management procedures and the accompanying supervisory training.

# **PERFORMANCE MANAGEMENT PROCEDURES**

# PERFORMANCE MANAGEMENT PROCEDURES

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# **PERFORMANCE MANAGEMENT PROCESS**

## **Performance Management Phases**

The performance management period consists of three distinct phases -- Performance Planning, Performance Coaching, and Performance Appraisal. These three phases are used for both probationary and non-probationary employees. Performance management for non-probationary employees covers a twelve-month period while a Probationary Performance Period, typically, may range from 6-12 months.

The Performance Planning Phase is used to outline and discuss the employee's Functions and expected Goals that begin immediately upon entry to a position if the employee is newly hired or promoted. The Performance Planning Phase is to begin in the first week of a new performance management period for employees that are non-probationary. During the Performance Coaching Phase the employee's performance is observed, coached, and documented by the immediate supervisor. Also, the supervisor is to provide performance feedback on a regular basis throughout the period. During the Performance Appraisal Phase the employee's performance is measured, discussed, and evaluated. This Phase takes place at the end of the performance management period.

## **Rating Supervisor**

It is expected that a rating supervisor will be in a higher classification than the employee being evaluated. The rating supervisor should be the employee's immediate supervisor and the person responsible for conducting the performance management process. The rating supervisor is the person most familiar with the work being performed by the employee. The rater must have direct knowledge of the actual performance of the employee. It would be difficult for a supervisor to measure and rate performance that has never been seen or in which the supervisor has not been involved. A rater should take time and effort to learn more about the employee's functions particularly if the rater is in another job family or career field than the employee. This job knowledge yields more accurate ratings and feedback. The supervisor needs to hold the Performance Planning Session, Performance Coaching Session and the Performance Appraisal Session.

All rating supervisors must be trained in performance management. It is up to each department to contact the Personnel Department when an employee is being promoted to a supervisory level or when a new supervisor is hired in from outside the City system. The reasons why training is necessary may vary but one is the legal defensibility for the department and supervisor. A supervisor must know how to "evaluate" an employee to guarantee consistency, to fully use the system for employee development and performance encouragement.

There are times when an employee has been supervised by more than one person during the performance management period due to a lateral transfer. When an employee is leaving a person's supervision, the supervisor is required to complete an interim

Performance Appraisal Form. When signed by the employee, rater, reviewer, and Department Head the Form is to be sent to the Personnel Department. At the Performance Appraisal Phase, under new supervision, the supervisor will complete a Performance Appraisal Form for the remainder of the performance management period. This form shall be sent to the Personnel Department where the Appraisal Scores from the previous supervisor and the current supervisor will be combined to determine the final Performance Appraisal Score for the period. The Performance Planning Form and Performance Coaching Form must be submitted with the Appraisal Form. The interim Appraisal Form is required when the supervisor has managed the employee for more than three months.

In cases where an employee has been promoted, demoted, transferred, or has changed supervisors, an interim Performance Appraisal Form must be completed and supporting documentation provided to the Personnel Department for the time period the employee was working under their supervision. The interim Appraisal Form is required when the supervisor has managed the employee for more than three months.

In some cases, the supervisor may separate from a position due to retirement, promotion, transfer, resignation, etc. Prior to separating from the supervisory position, the supervisor must organize the performance management documents for each employee under their supervision. The departing supervisor will complete interim Performance Appraisal Forms on employees. These appraisals are to be sent to the Personnel Department prior to their departure. All Appraisal Forms must have the signature of the employee, rater, reviewer, and Department Head.

In any situation where a supervisor or employee changes positions during the performance management period, the new supervisor should complete employees' Performance Planning Forms within a week of the change. It is the joint responsibility of the new supervisor and the employee to review the Functions and Goals together within the first week of the change in position. This discussion will ensure that the employee understands the supervisor's expectations regarding work Functions.

### **Reviewing Supervisor**

The reviewing supervisor should be the immediate supervisor of the rating supervisor to ensure a more accurate and effective overview of the performance management process. Minimum reviewing duties must include reviewing the various sections of the Performance Appraisal Form, signing in the appropriate spaces on the form, and investigating any situation when an employee attaches comments to the Form. The reviewing supervisor should document the investigation including comments from both the rater and employee with their side of the situation. The reviewing supervisor must add narrative comments which are to be attached to the Performance Appraisal Form. In cases where a Department Head is not the immediate reviewing supervisor, the Department Head reviews the reviewing supervisor's narrative; signs form and/or provides comments which are to be attached to the Performance Appraisal Form. Any disagreement between an employee and rater is to be resolved and documented by the reviewing supervisor and Department Head.

## **Timing of Performance Management**

The performance management period is twelve months in duration. The timing of the performance management period begins on January 1 and ends on December 31 of each year. Performance Planning Forms are to be completed by January 1 of each year. Performance Coaching Forms are to be completed by July 15 of each year. Performance Appraisal Forms are due in the Personnel Department by January 31 of each year.

Any employee not receiving a Performance Planning, Coaching and Appraisal Form each year may contact the Personnel Department, in writing, requesting proper procedures be followed.

A rating supervisor must submit a Performance Appraisal Form for each employee annually. It is imperative that raters and reviewers comply with the City of Dothan policies and procedures.

There are very few reasons why a Performance Appraisal should be postponed. All questions regarding postponing a final Performance Appraisal are to be directed to the Personnel Department. There are specific times when a supervisor must not postpone the Performance Appraisal. One is when an employee is or was on military leave during the performance period. According to federal law (USERRA), an employee is entitled to any benefit that would have occurred if the employee had been at work. A supervisor must rate the employee as if the employee has actually been at work the entire performance period. Another time a Performance Appraisal cannot be postponed is when an employee is or was on Family Medical Leave during the performance period. The supervisor must then rate the employee as if the employee was there to perform the job throughout the total performance period. No penalty may be taken in the case of approved Military or FMLA Leave.

It is important to note that when an employee terminates employment, for any reason, whether voluntary or involuntary, a Performance Appraisal Form must be completed and sent to the Personnel Department. This Form will provide the City with adequate documentation on the final performance of the employee.

## **Probationary Period**

When an employee is newly hired or promoted, the supervisor is to conduct the three phases of the Performance Management Process as described in the City's Performance Management Procedures and in supervisory training.

If the probationary period is twelve months, the process is very similar to a regular employee's performance management. The rater utilizes the Performance Planning, Coaching, and Appraisal Phases with associated Forms and Sessions.

If the employee is in a six month probation period, the rating supervisor must conduct the Performance Planning Phase upon hiring. The Performance Coaching Phase is to be conducted three months into the six month period. The Performance Appraisal Phase is

to be conducted at the end of the six months period. Still, the rating supervisor should utilize the procedures for the regular employee's performance management period and condense the process from twelve months into six months.

Regardless of the length of the probationary period, the final Performance Appraisal should be accurate and truthful. The employee should be appraised on all job Functions at the level required of the job. Functions and Goals should not be reduced in complexity during the probationary period. The overall Performance Appraisal Score determines whether the employee will continue in probation, be given regular status, or be separated at the end of the probationary period. The Forms should be sent to the Personnel Department.

## **PHASE ONE: PERFORMANCE PLANNING**

## **PHASE ONE: PERFORMANCE PLANNING**

### **Prepare for Performance Planning**

The first step in the Performance Planning Phase is to define the responsibilities of the employee's job. These responsibilities are to be written as job Functions. In other words, a supervisor needs to think through the contribution needed from each employee in order to achieve the department's overall goals. Next the supervisor, with help from the employee, must define the Goals for each Function for the employee's job. Most Goals should be a reflection of a department's goals or mission. Functions and Goals must be written properly and appropriately in accordance with the City of Dothan Performance Management Training Manual.

The primary purpose of the Performance Planning Phase is to clarify what is expected of the employee's performance by the rating supervisor during the current performance management period. It is important to involve the employee in this preparation. If an employee has been in the position for years, the employee may be a subject matter expert regarding the duties and expectations for the position. The most important factor to consider in writing Functions and Goals is clarity. They should be written in a way which conveys meaning and understanding to the employee. Functions and Goals should clarify exactly what the rater is looking for in performance by the employee during the particular performance management period. Functions and Goals are specific to a position. The essential Functions of the job and Goals are to be written at the "Meets Goals" level. Employees should be informed that this is the expected level of performance. The employee may perform above this expected level or fall below. However, the employee will only be considered as performing satisfactorily or competently if the "Meets Goals" level is met during the performance management period. It is important that the supervisor discuss how the Functions and Goals will be measured throughout the performance management period. In addition, the rater must be prepared to provide examples of how an employee can go above and beyond in the Meets Goals level to reach the level of "Exceeds" or "Consistently Exceeds Goals."

Functions and Goals may change as the job and/or expectations change. If the job Functions do not change but the Goals change, then the Goals should be modified to fit the new conditions. Modifications may be made on the Performance Planning Form any time during the performance period. Please refer to the "Performance Coaching" section of this manual for details. An employee is to contact the reviewing supervisor if an employee believes that the Functions or Goals are written in error.

A supervisor must also prepare for the Performance Planning Session by ensuring that proper requirements are in order regarding the "Work Conduct" section of the Performance Planning Form. Work Conduct factors include Attendance, Punctuality, Teamwork and Compliance with Personnel Rules & Regulations. The policy(s) of the office, department or work environment dictate most Work Conduct factors. The policy(s) should be set by the department in most cases. A Work Conduct factor may include not only the departmental policy but also the supervisory requirement of each Work Conduct. If there is no specific guidance from the department, the rating supervisor or division must write the policy for Work Conduct factors. For example, if

there is no specific attendance policy in writing, the supervisor must document the policy for employees in that office or division. If the City or department has a policy, then the policy must be used by the supervisor. All policies must be given to the employee in writing at the Performance Planning Session.

### **Complete the Performance Planning Form**

The Performance Planning Form is to be completed by the rating supervisor. Each supervisor may determine the best way for this to be accomplished. It may be that the supervisor completes the Form without the employee present. Another technique may include the rating supervisor and employee, when developing the Functions and Goals, completing the Form together as a matter of concluding their work. At all times, a Performance Planning Session must be held to thoroughly discuss all aspects of the employee's performance expectations.

### **Conduct Performance Planning Session**

After Functions and Goals have been developed for the position, these expectations should be communicated to the employee in a formal "sit down" session. The rating supervisor needs to schedule a time for a Performance Planning Session. This session should be held at a time convenient for the employee and within the hours of business. The supervisor and employee are to sit down together to discuss a performance plan for the upcoming performance period. This plan, called Performance Planning Form, should be based on expectations, often called Goals, which are measurable, specific, challenging, yet realistically attainable.

The Performance Planning Session should take place immediately upon the beginning of the employee's performance management period. The Performance Planning Session is particularly important when an employee is in the first several years of holding a specific position. In this case the conversation should cover the performance management process plus the Functions and Goals of the position. If an employee has worked for the City for a longer period of time, the employee will be familiar with the process and perhaps the Functions and Goals. It is the responsibility of the rating supervisor to compile Functions and Goals whether employee chooses to be involved or not.

The four Work Conduct areas are to be discussed with the employee during the Performance Planning Session and a written policy on each area should be provided. The written policy should contain specific information dealing with the expectations of the particular supervisor. For example, Attendance can be defined as the "use of leave within City policy." That is not sufficient. A rating supervisor must provide a written policy of what they consider to be satisfactory. For example, it may be important for the supervisor to clarify the specifics around an employee calling in sick to work. Another example may require an employee to provide a doctor's excuse after returning to work from leave.

A Performance Planning Session denotes two-way communication. It is important to answer any questions the employee might have about the performance management process in general or in the specific position. This is a time when the employee may ask

for examples on how to exceed the standard for a particular Function. The supervisor should be prepared to provide one or two examples of how to “Exceed Goals” of the Function. Many supervisors do not recognize the importance that the Performance Planning Session plays in the process to productivity and personnel liability.

## **Discussing the Performance Planning Form**

### **Functions and Goals**

The next section to be discussed is the “Functions and Goals” section of the Performance Planning Form. This section should contain the Functions and Goals of the position. At least four Functions are to be provided for an employee evaluation. The maximum number of Functions depends on the job. In rare cases, a position may have ten to fifteen Functions. However, when written properly, a typical office job can usually be defined in five to eight Functions. Separately, the Goals for each Function must be documented on the Form. Functions and Goals should be reviewed annually for accuracy and relevancy. Only those Functions that are important activities or essential job functions of the employee's position should be included on the Performance Planning Form. For assistance in developing Functions and Goals, refer to the “Function and Goals” section in this Manual.

During the Performance Planning Session, supervisors should clearly indicate the relative importance of the Functions to be rated, priorities placed on different aspects of the job and critical definitions and expectations for Goals. This session is a time where the supervisor and employee should discuss performance that results in a 3 rating versus a 2 or 4 rating. This important discussion leaves the employee accountable for appropriate performance during the performance period. If detailed guidance is not given at the beginning of the performance period, the supervisor must then spend an inordinate amount of time providing frequent instructions in the day to day operations during the performance period.

Ideally, the supervisor and the employee should reach agreement on the job Functions and Goals on the Performance Planning Form. Rating supervisors have the final decision concerning the Functions and Goals, subject to discussion with the reviewing supervisor and approval of higher departmental authorities. Employees must then conduct those functions.

The same Functions may be listed for subsequent performance management periods as long as the employee's job does not change. The rating supervisor and the employee should always discuss the job Functions and related expectation of Goals during each annual Performance Planning Session to ensure the continued relevance.

If the rating supervisor has responsibility for two or more employees in the same job classification, it may be appropriate to list the same Functions for all employees in that

classification if Functions are truly identical. Expected Goals for those employees may also be the same if the same level of performance is expected. Before imposing the same Functions and Goals on a group of employees, however, the supervisor must carefully consider each employee's job and determine if the work requirements are, in fact, identical. This will ensure that all employees are evaluated based solely on their specific position.

If an employee no longer performs a particular Function, then the Function should be deleted from the new Performance Planning Form. A Function should be listed if there is a possibility the Function may be performed during the performance period. If a particular Function does not come up during a given performance period, it remains on the Performance Planning Form. However, if a Function is not performed during a performance period, the Function is not to be listed or rated on the Performance Appraisal Form at the end of the performance management period. It is not appropriate to list the Function and rate it as "not applicable." The Function is to be left off the Performance Appraisal Form completely if work was such that a Function could not be performed during the period. The next Performance Planning Form should, once again, list the Function in case it is required in the next performance management period.

## **Work Conduct**

The "Work Conduct" section is used to discuss the employee's compliance with the terms and conditions of employment. The four areas are Attendance, Punctuality, Teamwork, and Compliance with Personnel Rules & Regulations. To clarify expectations about the employee's Work Conduct, the supervisor should consider the following definitions when writing the policy or procedure.

(1) Attendance is defined as the use of leave in accordance with the Personnel Rules and Regulations and procedures. The supervisor should detail in writing any requirements of the policy for which the employee will be accountable. Annual and sick leave are considered a benefit and not a right. Leave should be utilized in a way that productivity is maintained and work is not disrupted. Any policy or detail requirements must take into account all appropriate federal employment law. For example, military leave is an attendance area that is afforded to an armed forces employee. Therefore, any time that an employee is on military leave (meeting federal requirements) cannot be counted against the employee on the Performance Appraisal Form.

(2) Punctuality for the employee's shift is defined as the timing of the employee's arrival, return from lunch and breaks, and departure from the shift. When the position requires an employee to routinely work outside an office, as a daily necessary requirement of the job description, the "employee's dependability to keep or maintain the schedule" should be considered as the definition for punctuality. It is difficult for the supervisor to be able to know or maintain an exact measurement of punctuality if an employee is not in the office on a regular basis. As with attendance, supervisors must specify this policy in detail for individual employees. The policy should be in writing and given to the employee during the Performance Planning.

(3) Teamwork is defined as the extent to which an employee works with others to accomplish the goals and mission of the department and City. It includes requirements that emphasizes that employees work together and do not hinder coworkers/supervisors/other City employees in performance of their work to achieve goals and directives. This Work Conduct is not a measurement of attitude, but an identified area that can be documented with job related behavior. For example, there may be an employee that is the instigator of rumors, gossip, etc. which leads to conflict in the office effecting the work flow. Another example is when two employees will not work harmoniously on the crew or shift. A supervisor cannot automatically rate an employee based on hearsay only but should seek first hand information and document the behavior which hindered work operations.

(4) Compliance with Policies/Procedures is defined as the employee's conformance to City, department, division and supervisory rules. If the rules are not in writing, such as the Personnel Rules & Regulations, the rules are to be given to the employee in writing by the rating supervisor during the Performance Planning Session. It is important to note that Work Conduct "Policies/Procedures" are intended to focus on those areas that involve standards of conduct and apply to all employees in a department. Regulations or policies that are specific to the performance of a Function (e.g., the appropriate procedures for conducting an audit or for delivering phone messages) should be included as a part of the Function and Goals.

At this time, the assessment method of "Work Conduct" section should be discussed with the employee. At the end of the performance period, the "Work Conduct" area may be rated either "Satisfactory" or "Unsatisfactory" depending upon the defined expectations of the supervisor and the performance of the employee during the performance period. In the Performance Appraisal Phase, Work Conduct is rated as follows:

**Satisfactory:** A mark in this area means that the employee's conduct during the performance period has been performed according to the defined policies.

**Unsatisfactory:** A mark in this area means that the employee's conduct during the performance period has deviated, at times, from the defined policies resulting in a disciplinary action.

Again, Work Conduct refers to job related terms and conditions of employment that are similar for most employees. For example, when someone says "yes" to a job, they are saying "yes" to compliance with the four Work Conduct areas as defined. It will help with consistency of Work Conduct policies for a reviewing supervisor to monitor Work Conduct definitions to make sure the level of expectations is similar or consistent among employees in the same department, shift or office.

## **Performance Planning Form Signatures**

The “Performance Appraisal Signatures” section has designated places for the rating supervisor, the employee, and the reviewing supervisor and Department Head to sign and date the form. All signatures are required.

Any comments or rebuttal added by an employee can be made, submitted and attached to the Performance Planning Form. If comments or a rebuttal are attached, the employee must initial the space on the Form indicating comments are attached.

If an employee adds comments, it is the responsibility of the reviewing supervisor to look into the situation by meeting with the employee and rater. The reviewer should try to facilitate a solution for the difference in opinions. Comments are then to be added by the reviewer documenting the actions taken, discussions, and solutions.

In addition, the following areas should be discussed with the employee:

### **Performance Appraisal Score**

The rating supervisor should discuss with the employee the computation process for the Performance Appraisal Score by use of the numerical ratings. It is imperative that “Meets Goals” is defined as successfully meeting expected Goals for performance. In particular, the employee should be informed of the impact of the Work Conduct, Disciplinary Score, and Function Score to reach the final Performance Appraisal Score.

### **Disciplinary Score**

It should be discussed with the employee that a step of discipline during the performance period will affect an employee’s Performance Appraisal score at the end of the performance management period. Points will only be deducted if certain discipline actions occur during the performance period. If an employee follows policies and procedures, no points will be deducted in this section. Otherwise, the Disciplinary Score is calculated as follows:

Written Warning: At the end of the performance period, a mark in this area means that the employee’s conduct, as defined by policies, has not been followed during the performance period. Due to the infraction(s), the supervisor has given the employee a Written Warning according to the City’s discipline process. If the most severe step taken with the employee during the performance period is one or more written warnings the Disciplinary Score will be 6.

Final Written Warning/Minor Offense: At the end of the performance period, a mark in this area means that the employee’s conduct or performance has not been according to policy during the performance period. Due to the continued or severe nature of the infraction(s), a Final Written Warning/Minor Offense has been taken.

If the most severe step taken with the employee in the performance period is one or more Final Written Warning/Minor Offense, the Discipline Score will be 12.

Final Written Warning/Major Offense: At the end of the performance period, a mark in this area means that the employee's conduct or performance has not been according to policy during the performance period. If the most severe step taken with the employee is one or more Final Written Warnings/Major Offense, the Discipline Score will be 18.

Demotion: At the end of the performance period, a mark in this area means that the employee's behavior or performance is deficient during the performance period. Due to the continued or severe nature of the infraction(s), documentation of the date and reason for the discipline is to be placed in this section on the Performance Appraisal Form. If the most severe step of discipline is a Demotion, the Discipline Score will be 24.

### **Maintain Records**

The rating supervisor maintains the original Performance Planning Form.

### **Supervisory Checklist for Performance Planning Phase**

Supervisors should ask themselves the following questions to determine if proper procedures have been followed in the Performance Planning Phase. It is most beneficial if a rating supervisor reflects on each question and honestly answers the question after each Performance Planning Phase with each employee supervised. If they can honestly answer "yes" to each, a successful Performance Planning Session has been conducted.

1. Are the Functions written appropriately in compliance with the manual and in accordance with ADA?
2. Do you as the supervisor know that the Function and Goal can be monitored, observed, measured, and rated at the end of the performance period? In other words, it must be measurable in concrete terms?
3. Does the employee understand the Functions for the position?
4. Does the employee understand the expected Goals for each Function?
5. Does the employee understand what performance constitutes a Fully Competent versus ratings above or below the fully competent level?
6. Was the Performance Planning Form completed according to this manual?

7. Does the employee understand the policy for each Work Conduct? Have you provided the attendance and punctuality policy in writing for the employee and added specifics to the general department policy where needed?
8. Does the employee know the disciplinary steps and the impact on the Performance Appraisal?
9. Does the employee understand the Performance Coaching Form and Performance Appraisal Form and scoring procedures for each area on the forms?
10. Did you as the supervisor hold a “sit down” private Performance Planning Session with the employee?

## **PHASE TWO: PERFORMANCE COACHING**

## **PHASE TWO: PERFORMANCE COACHING**

### **Prepare for the Performance Coaching Phase**

The Performance Coaching Phase is the majority of the performance management period. It is the timeframe during which the employee and supervisor perform their jobs for the City. Supervisory responsibilities contain performance management duties plus their operational duties. Performance management related duties include observing employees, monitoring on-going performance, documenting examples of performance, completing the Performance Coaching Form, conducting a Performance Coaching mid-year Session with employee, distributing copies of the Form properly and coaching employees on performance. Most importantly, effective performance management and coaching depend on two way communication. Today's employee wants to be involved. Employees want to participate in their future -- want ownership in the decisions affecting their jobs. In order for these employees to be motivated, supervisors need to listen to them and use their ideas when appropriate.

### **Monitor and Observe Employee Performance**

Performance management is not something that rolls around every twelve months just to make life more difficult. Performance management is twelve months out of the year. The job of a supervisor includes observations of employee performance. A planned system of performance management converts these informal observations and review into factual statements about the abilities of employees.

It is important for the supervisor to be aware of how well the employee is performing their Functions and Work Conduct listed on the Performance Planning Form. If a supervisor cannot personally observe performance or review a work product, then it is impossible for the supervisor to correctly measure performance. A supervisor cannot measure performance that was never seen. If performance cannot be measured, it cannot be rated. If performance cannot be rated, the Function does not belong on the Performance Planning Form. Thus, to be assessed at the end of the period, performance must be monitored and measured.

### **Modify Functions and Goals**

If an employee's Functions change during the course of a Performance Coaching Phase, the changes in responsibilities should be noted on the Performance Planning Form. Any new Functions should be added to the Form with a corresponding date. Any Functions that are no longer being performed should be highlighted and a date added as to when the Function was no longer performed by the employee. Any modification to the Performance Planning Form should be initialed by the rating supervisor and employee. If there are fewer than ninety days remaining in the performance period, the employee should be rated on the current Functions and Goals. Then, modifications should be made during the next Performance Planning Session. Three months of performance is the minimal period of time sufficient to observe an employee for a reliable evaluation. The supervisor should use good judgment of timing when modifying, adding, or deleting

Functions. Obviously, it would be more of an impact to change all Functions and Goals than to modify one. Supervisors should take this fact into account when making a judgment of whether to modify Performance Planning Form information when a few months or less are left in the Performance Coaching Phase.

### **Coach Employees**

Some employees work at their satisfactory level when no one notices what they are doing. There are other employees who work above the Goals when no one is watching. Either way, most employees flourish under supervision that includes positive reinforcement when work meets or exceeds expectations. In addition, studies and experience demonstrates that most employees respond positively to constructive help when a supervisor offers suggestions to help the employee's performance problems.

In order to understand the importance of ongoing feedback to assessing performance, we need to recognize the role of effective performance management -- not only to measure employee performance, but also to improve it. Whereas clearly defined and communicated expectations are needed to measure performance, ongoing feedback is needed to improve performance.

Quality feedback yields positive results. One, if feedback is a priority, there will be no surprises. Employees know from the beginning what is expected and have been kept informed of their progress in meeting the set Goals. Secondly, feedback can help improve employee performance immediately. Receiving praise for meeting and/or exceeding expectations encourages employees to continue positive behavior. Assistance in correcting performance problems encourages them to improve in less satisfactory areas. Being held accountable on an ongoing basis helps employees develop consistency in good performance.

Informal communication with feedback should take place between the rating supervisor and the employee. This coaching consists of the daily, weekly, monthly discussion of work assignments, projects, performance expectation, and conduct issues. Coaching means letting the employee know how well the employee is performing each assignment, project, etc. Coaching may be done with one word, by a discussion, or in writing. The idea is that a rater serves as a coach to employees.

Coaching is the process of recognizing, monitoring, and providing feedback regarding three levels of performance; exceptional, fully competent, and poor performance. Coaching means discussing performance levels with an employee but does not stop there.

Coaching includes the following:

1. Rewarding strong performance during the performance period,
2. Reinforcing fully competent performance during the performance period, and
3. Counseling employees with poor performance or unacceptable work conduct during the performance period.

Reinforcement takes on a similar meaning as rewarding. Reinforcements, however, are mostly intangible. Reinforcement is provided to employees when their performance meets the expected level of performance. Examples include praise, recognition in front of a higher level manager, decision making, cross training, interesting work, or even a simple "thank you."

Some managers find that their efforts to improve performance do not come easy. Below is a five-step model that can help deal more effectively with performance problems. It is not the only approach to upgrading performance, but it has been shown to be 75 percent effective according to Supervisory Management. It involves five steps. 1) Looking at a subordinate's total performance and focusing on significant, not trivial, or insignificant, behavior requiring improvement. 2) Agreeing on a description of current performance. 3) Finding out why expectations are not being met. 4) Developing a performance improvement plan as discussed in the next section under "Documentation." 5) Making sure improvement provides a positive result for the employee.

### **Document Performance**

Most of the clear, specific objectives and much of the ongoing feedback will be lost if it is not documented. Most humans have faulty memories when it comes to details. After two or three weeks or months, our memories cannot be depended upon. Therefore, documentation is needed to insure proper follow-up. It's also needed to insure sufficient data for an effective Performance Appraisal. Without documentation, a supervisor may only remember one or two situations instead of using examples of an entire performance period's performance.

The documentation does not have to be fancy. Documentation methods range from spiral notebooks, calendars, manual file folders to electronic files. It's essential that the content of all performance management interactions be documented -- that is, written and dated. Documentation should include job responsibilities, goals, positive behavior, and performance problems. Without documentation, the performance management reverts to "guesswork" and becomes an ineffective management tool.

Documentation is a necessary part of the entire Performance Coaching Phase. The rating supervisor must document examples/samples of employee's performance, work conduct, work discussions, and the Performance Coaching mid-year Session. Documentation serves as a memory source and justification for ratings during the final Appraisal Phase. Both services are for legal and managerial considerations. Documentation may be conducted several ways including:

1. Diary keeping -- making daily or weekly notations per employee.
2. Critical incident -- documenting employee behavior and/or the situation surrounding any critical event including strong and weak performance.
3. Summary -- summarizing the performance of each employee for a certain time frame, possibly on a monthly basis.

The best documentation is a compliment between critical incident and summary. Diary keeping is best used in situations where there are daily/weekly shift changes or supervisor shift changes.

In addition, documentation should be a paper trail where someone that does not know the employee could review the supervisory file and come to similar conclusions of personnel actions that the supervisor or department reached. A concise method of explaining proper documentation is the ABC Method:

**A – Accurate –** The supervisor should never falsify documentation to carry out an agenda. Similarly, a supervisor should never backdate documentation. The post dating of notes usually occurs when a supervisor has forgotten to document an incident. Months later they may be reminded of the situation and date the documentation as if it was documented when the situation occurred. This action would be falsifying the date on the documentation. It would be appropriate to date the document on the day that it is written and then refer to the date of the incident or event being documented.

**B – Behavioral –** The supervisor should document the behavior and actions that took place on the job just as the situation occurred. It is not proper to label people such as “worst employee.” It is improper to label the behavior and not describe exact details. For example, “The employee is poor at typing.” Behavioral documentation takes into account the situation in context, specific behavior actions and who conducted the actions, consequences of behavior as related to department/division function, and how the incident is connected to job performance.

**C – Consistent -** The supervisor should consistently document work performance for all employees under his/her management. Documentation should be performed the entire performance period, not just the last few months prior to Performance Appraisal or only around the Performance Coaching mid-year Session.

Most documentation is maintained in an informal supervisory file. Only formal documents such as performance management forms, disciplinary steps, etc. are sent to the Personnel Department.

A Performance Improvement Plan (PIP) is recommended anytime a step of discipline is taken with an employee. A PIP should be used with a warning, reprimand and suspension. In fact, a PIP is useful for any performance problem. The level of the problem may have not risen to the action of discipline and a Performance Improvement

Plan can be developed by the supervisor. Once written, the Performance Improvement Plan must be written and discussed with the employee.

### **Develop a Performance Improvement Plan**

A Performance Improvement Plan consists of five areas. Each area needs to be communicated to the employee verbally and in writing. This may be done through a memo or an informal form developed by the supervisor. It may be communicated during the disciplinary session or counseling session. A PIP provides an orderly, precise, and practical plan to overcome the weak area.

There are five areas included in a PIP. The supervisor should:

1. State the behavior or area of conduct that is deficient and needs to change. Be very specific in this explanation. It is helpful to include the consequences that make the conduct undesirable.
2. State the correct behavior, policy, or conduct. Be specific as to what actions would be appropriate for the employee to take to get back on track. Provide the method or steps necessary for change.
3. Set a time frame that will be used to monitor the behavior to assure that the employee changes the conduct to proper behavior. This timeframe should be long enough such that the area in question can be observed enough times to ensure the proper behavior is occurring.
4. State any assistance that the supervisor or department will provide to the employee, if appropriate. For example, the employee may need training or additional resources such as equipment or supplies. If so, those should be outlined. If the issue is in Work Conduct, there is no assistance since attendance, punctuality, etc. is the employee's sole responsibility.
5. Set a follow-up date and time to meet with the employee. This meeting should be at the end of the original timeframe that was set. For example, a supervisor may set one month as the timeframe in which to monitor a change in employee behavior. The supervisor should set a day and time for a meeting on the last day of the fourth work week. Actually set the date and time of a meeting. Notes of this session should be written on the PIP to record the end result of employee performance. It gives the employee a point of closure to determine whether a change in conduct has occurred or not. It is important for this meeting to be conducted and not neglected even if the employee's behavior appears to have improved.

A Performance Improvement Plan will clarify to the employee the importance of the situation. A PIP demonstrates that conduct has gotten to a critical part of performance. Again, a PIP is appropriate at any time an employee's performance is not up to standards, policies, or procedures.

## **Complete the Performance Coaching Form**

The supervisor should complete the Performance Coaching Form by ensuring the three areas of the Form are well documented. The areas address the employee's performance in three areas: performance that "Meets Goals", performance that "Exceeds Goals", and performance that was below expected performance levels. The method used to complete the Form is left up to each supervisor. The rater may choose to complete the Form independent of employee input. However, an effective method is to solicit input from the employee in order to complete the Form. If completed in this manner, it is wise to ask the employee to provide specific projects, programs or instances that support their opinions about the performance.

## **Conduct Performance Coaching Mid-year Session**

At least once during the Performance Coaching Phase, ideally at the six-month interval time, the rating supervisor is to conduct a formal "sit-down" session with the employee to discuss performance. Discussion should include employee's performance in meeting Goals and Work Conduct including strengths and weaknesses. Identified weaknesses should be monitored in order to provide the employee an opportunity to change the behavior by the end of the performance management period. Performance Improvement Plans for weak areas are often useful at this point in the performance period.

If any discipline has been taken thus far in the performance period, the supervisor should remind the employee of the continued need for a change in behavior. If a counseling session has been conducted that is going to be used on the final Appraisal, the matter should be made known or the employee reminded of this fact during the Performance Coaching mid-year Session.

The Session should also include praise regarding the strong points of the employee's performance. In particular, an employee should be informed if the performance is meeting the Functions' Goals set in the Performance Planning Phase. This candor allows an employee to know exactly where they stand. Thus, it is up to the employee to bring up performance if below Goals in some areas or bring up performance if wanting to score in a category above "Meet Goals" on the Performance Appraisal Form.

## **Discuss the Performance Coaching Form**

The supervisor should have completed the three areas on the Form regarding employee's strengths, weaknesses, and fully competent performance. Included is any Performance Improvement Plan to alleviate any uncertainty about what the supervisor expects regarding the employee's weaker performance.

Specific Functions and Work Conduct areas should be cited. Each of these areas should be discussed with the employee. The Performance Coaching mid-year Session is a time to discuss what has occurred during the time since Performance Planning Phase. It is not a disciplinary session. When applicable, the employee should be made fully aware of the correct expectations by developing a written Performance Improvement Plan. The PIP should include the consequences of failing to fulfill the Goals.

The supervisor should reward the areas of strengths with praise and encouragement. There are other ways supervisors can choose to reward employees other than possible monetary rewards. If the supervisor is in doubt as to what might be a reward for an employee, they need to only ask the employee.

If any discipline has occurred during the first half of the performance period, Performance Improvement Plans and consequences of further noncompliance should be made clear. If the employee is "Meets Goals" in each Function, the supervisor should be candid and tell the employee at the Performance Coaching Session.

Remember, this is a time set aside to inform the employee how well they are performing. One reason for this discussion is to provide an opportunity for an employee to change performance that is not consistent with productive work as set out in the Performance Planning Phase. The second reason for the Performance Coaching mid-year Session is so that the employee is not surprised by the outcome of the Appraisal. A third reason is so the supervisor can reward or reinforce strong points of performance. Reinforcing and rewarding performance usually means the performance will be repeated in the second half of the performance period. These reasons are for legal and managerial considerations.

The rater, reviewer, Department Head, and employee sign the Performance Coaching Form. All signatures are required.

Any comments or rebuttal added by an employee can be made, submitted and attached to the Performance Coaching Form. If comments or rebuttal are added, the employee must initial in the Space provided in the signature section. The reviewing supervisor should investigate any disagreement between the rater and employee and find a resolution at this time. The reviewing supervisor must add comments regarding this resolution and initial in corresponding space. In cases where a Department Head is not the immediate reviewing supervisor, the Department Head reviews the reviewing supervisor's narrative; signs form and/or provides comments which are to be attached to the Performance Appraisal Form.

## **Maintain Records**

The rating supervisor maintains the original Performance Coaching Form.

## **Supervisory Checklist for Performance Coaching Phase**

During the Performance Coaching Phase, supervisors should ask themselves the following questions. If they can honestly answer "yes" to each, a successful Performance Coaching Phase has occurred. If any question is in doubt, the rating supervisor must deal with the issue immediately.

1. Are you aware of how well the employee is performing? Have you observed the performance personally? Have you been able to monitor performance via telephone calls, reports, etc.? Is there a way to measure that performance?
2. Does the employee know how well you think the Functions are being performed? Does the employee receive regular feedback/coaching on a daily, weekly, or monthly basis?
3. Does the employee know where they are in regard to the Work Conduct areas? Does the employee receive regular feedback/coaching on a daily, weekly, or monthly basis?
4. Has a "sit down" Performance Coaching mid-year Session been held with the employee at approximately six-months?
5. After the Performance Coaching mid-year Session, did the employee understand the areas of performance that need improvement? Did you develop a Performance Improvement Plan for the employee?
6. After the Performance Coaching mid-year Session, did the employee understand the areas of performance that "Exceeds Goals"? Did you reward the employee?
7. After the Performance Coaching mid-year Session, did the employee understand the areas of performance that "Meets Goals" as set in the Performance Planning Session? Did you reinforce the employee?
8. Have you documented examples of performance during the Performance Coaching Phase to serve as a memory source and to substantiate final ratings?

## **PHASE THREE: PERFORMANCE APPRAISAL**

## **PHASE THREE: PERFORMANCE APPRAISAL**

### **Prepare for the Performance Appraisal**

The Performance Appraisal Phase is considered the final stage of the performance management process. It is still a continuous process of synthesizing the information collected and observed during the performance period. The rating supervisor has two general responsibilities in the Performance Appraisal Phase. The first responsibility is preparing the employee's Performance Appraisal Form. The second is the Performance Appraisal Session.

Completing the Form does not require the supervisor to be face to face with the employee. Only during the Performance Appraisal Session does the supervisor need to be face to face with the employee to provide an assessment of the employee's level of performance. Some supervisors consider the Performance Appraisal Session as unpleasant because of the possible reaction of the employee if the Appraisal Form is not favorable. However, if the Performance Coaching Phase is conducted properly, the employee may be disappointed but will not be surprised by poor ratings. If handled properly, the Session could be used to assist the employee in improving performance. The supervisor should also discuss the employee's strengths also.

A beneficial way to involve the employee is for the supervisor to ask the employee to prepare for the Performance Appraisal Session. This preparation will tend to make the employee feel more confident and less anxious during the Performance Appraisal Session.

Since Performance Appraisal inevitably overlaps with key management and planning activities, it usually has a far-reaching impact, beyond the scope of one-shot evaluation or "report card." It is impossible and unfair to try to measure performance independently from managing performance. An accurate and reliable Performance Appraisal needs to be based on a clear definable position; planning; ongoing feedback; and documentation. If you have conducted an effective Performance Coaching Phase, you will be prepared for a proper Performance Appraisal Phase.

### **Gather Information, Seek Input, and Review the Employee's Work Record**

At this point the rating supervisor must review the performance of the employee during the performance management period. The rater should consider the employee's Work Conduct and performance of Functions while reviewing their informal file of documentation and seeking input from appropriate others. The performance should be compared to what was listed on the Performance Planning Form and discussed in the Performance Planning Session. The Function is rated based on the performance level starting at Meets Goals performance as discussed in the Performance Planning. The Performance Appraisal is the Form on which Functions and Goals performance, Work Conduct, and, if any, disciplinary actions during the performance period are documented. Remember, the Performance Appraisal Form is like a mirror; it accurately reflects what has occurred during the rating period. This information should include strengths, weaknesses, disciplinary actions, and/or the fully competent performance performed in the position as it occurred during the performance period.

The Performance Appraisal Form should only include the performance for the performance period of dates indicated on the Form. The dates reflect the immediate past performance period. This procedure should be obvious but is not always used appropriately at times. It is not appropriate to continue to use past performance periods to determine a current rating or score. For example, often times the inappropriate use comes when a supervisor is still mulling over a mistake made by the employee two years ago. The supervisor, knowingly or unknowingly uses that past experience to “bias” or “shade” the current performance period’s Performance Appraisal score. The employee has already been counseled or disciplined two years ago and the current performance management should not reflect performance outside the dates listed on the Performance Appraisal Form.

However, there may be occasions where an employee performed a Function, for example, two years ago. In this example, the errors made two years ago were not discovered until the current performance period. In this case, the performance management should reflect the finding of errors during the current performance period. A more specific example is where an employee has a client, project, audit, etc. that occurred two years ago in their routine caseload. The file regarding the project, audit or client had no need to be brought to view until the current performance period when a situation arose needing the file to be reviewed. So, two years after the actual performance, the file is reviewed and found to have errors that cost the department in terms of public image, money, incorrect procedure, harm to others, etc. The mistakes found in the two year old file should be used in rating the appropriate Function or Work Conduct involved on the current Form. The job related reason behind such exception to only scoring current performance is that the performance was not known until the current need developed and the file was reviewed – even if the actual error occurred two years ago. Clarification on a specific issue may be obtained from the Personnel Department.

### **Conduct the Performance Appraisal Session**

When all appropriate input has been gathered and examined, the supervisor then carefully plans and conducts a Performance Appraisal Session with the employee. The documents to be used in reviewing and evaluating an employee include the Performance Planning Form, Performance Coaching Form, supervisory file of documentation and input from appropriate others, and the Performance Appraisal Form. Planning a session may include rationale for ratings and scores, writing a Performance Improvement Plan for areas less than Meets Goals, considering reward/praise of strong performance areas. The reaction of the employee for the given score should be considered and the supervisor should be prepared to deal with the assumed possible reaction. Often a supervisor knows the employee well enough to anticipate the reaction an employee may have to disciplinary point deduction or lower Function ratings. The Functions and Goals ratings and Work Conduct scoring should be discussed one by one with the employee. This Session is designed to give the employee specific and detailed performance information on how well the employee performed in the department and for citizens during the performance period. However, past history is not the only reason

for feedback. The supervisor should prepare any pertinent actions or suggestions for improving performance. This information will allow an employee to know how well they need to perform in the future to achieve Goals and objectives.

There are several guidelines for conducting an effective Performance Appraisal Session. The supervisor should schedule a mutually agreed upon period of time that is adequate for the supervisor and the employee to discuss each rating and suggestions for improved performance. Performance Appraisal sessions should not be scheduled during the employee's lunch break or after work hours. A private setting should be provided for the Session. Interruptions should not be allowed. This is a formal "sit-down" Session with the employee.

The supervisor should prepare thoroughly for the Performance Appraisal Session and have the necessary forms and factual information ready to present at the proper time during the Performance Appraisal Session. The documents include the Performance Planning Form, Performance Coaching Form, supervisory file of documentation, input from appropriate others and the Performance Appraisal Form. The supervisor should be ready to respond to any questions regarding the reasons for the ratings. Again, in particular, Work Conduct not marked as Satisfactory or a Function Rating below Meets Goals should be addressed, and a Performance Improvement Plan developed if appropriate. Performance improvement plans are discussed in the "Performance Coaching Phase" section of this manual under "Documentation." This performance improvement plan may be developed by the supervisor prior to the Performance Appraisal or developed with the employee during the final Performance Appraisal Session. This type of communication and documentation allows ample opportunity for an employee to adhere to the expected Goals for the job position during the next performance period.

An advantageous method to use in the final Performance Appraisal Phase is to ask the employee to complete a self-evaluation. This self evaluation is not to be used for the official Performance Appraisal Form. The employee should rate themselves on each Function and verify that level of performance with examples that validate the rating. This self evaluation can be discussed between the supervisor and employee or simply given to the supervisor for use in completion of the Performance Appraisal Form.

The supervisor should listen to the employee's point of view. Each employee is different and will react differently to the ratings and suggestions discussed in the Performance Appraisal Session. It is extremely important to allow sufficient time for the employee to ask questions and discuss any performance topics.

## **Complete the Performance Appraisal Form**

### **Work Conduct**

At this time, the evaluation of Work Conduct should be completed. A Work Conduct area may be rated as “Satisfactory” or “Unsatisfactory” depending upon the performance of the employee during the performance period. An individual Work Conduct may be marked in one level only. There are no points deducted in the “Work Conduct” section of the Form.

**Satisfactory:** A mark in this area means that the employee’s behavior has been according to the defined supervisory policies throughout the majority of the performance period.

**Unsatisfactory:** A mark in this area means that the employee’s behavior has warranted a second step of discipline or higher during the period.

Again, Work Conduct is terms and conditions of employment that are similar for many employees, yet job related, to all employees. For example, when someone says “yes” to a job, they are saying “yes” to compliance with the four Work Conduct areas as defined by the department and supervisor. It will help with consistency of Work Conduct policies for a reviewing supervisor to monitor Work Conduct definitions and evaluations for consistency within the unit, office or department.

Remember, if an employee has been penalized with discipline it should affect the one area of the Form in which the problem occurred. An employee should not be marked down in more than one Work Conduct area for a single infraction. This means that an employee is not to be marked down in Work Conduct and a Function. For example, if an employee has been tardy such that the employee received a Formal Counseling, the only low mark would be in Punctuality of Work Conduct. It would not be marked in Compliance with Rules also. Accordingly, no ratings on the Functions would be lowered due to the Formal Counseling in Punctuality. Ideally, disciplinary actions are for work conduct. Performance problems are indicated by a rating below “Meets Goals”. When the “Work Conduct” section has been completed, the supervisor then completes the “Functions and Goals” section and “Disciplinary Score” section on the back of the Form.

### **Function and Goals**

The Functions from the Performance Planning should be listed in the “Function and Goals” of the Performance Appraisal. The supervisor should assign a numerical rating (1, 2, 3, 4, or 5) to each Function listed. Only whole numbers, not fractions or decimals, may be used in providing the individual Function ratings.

Supervisors should be able to substantiate their judgments about employee performance ratings. Any Function that has not been performed by the employee during the current performance period should not be used as a Function during this final evaluation. It is not to be included on the Form and, as often done, marked as N/A (Not Applicable).

Only those Functions performed during the performance period should be listed. Below are the ratings and corresponding level of performance to receive the particular rating.

4 Exceeds Goals: This rating recognizes that the employee's performance frequently exceeded expected Goals for the Function and the employee needed little or no supervision on routine tasks as discussed in Performance Planning. The difference between "Exceeds" performance and "Consistently Exceeds" rating is that the exceptional performance on a particular Function may have not occurred each time the Function was performed but occurs more often than not throughout the performance period.

3 Meets Goals: This rating recognizes that the employee's performance in an individual Function met the expected Goals set for the position in the Performance Planning. It indicates that the employee performed the specific Function in a fully competent manner and met Goals.

2 Partially Meets Goals: This rating recognizes that an employee's performance on an individual Function was below the expected Goals required for the position as discussed in the Performance Planning Session. The rating means that the Goals were not routinely met by employee in performance. More often than not the level of expected performance fell below what had been discussed between the supervisor and employee. This rating may be used for performance that must be supervised closely in a position where the employee should be operating independently.

1 Does Not Meet Goals: This rating indicates that the employee's performance on the individual Function consistently and clearly fell below the expected Goals set for the position in the Performance Planning Phase. The performance did not meet the goal continually as the Function was conducted throughout the performance management performance period. This rating may be used for performance that must be supervised closely in a position where the employee should be operating independently.

5 Consistently Exceeds Goals: *This rating is reserved for performance that acts as a role model to other employees regarding a particular Function. This rating indicates that an employee's performance on a particular Function consistently and clearly exceeded requirements for the position over the performance period. This rating is used to represent an employee that continually exceeded the expected Goals set for the Function almost every time it was performed. The rating is used to recognize that the employee can be relied upon to accomplish the most complex assignments required of an employee in that position with little or no supervision from the management. Again, the employee who is rated in this area should be considered a role model for other employees when performing this Function.*

Remember, to arrive at a particular rating, an employee's performance is to be compared to the position's requirements as discussed and written in the Performance Planning Phase. Employees are not to be compared to one another. The supervisor basically rates an employee with only the Performance Planning Form, Coaching Form, supervisory documentation, input from appropriate others and memory of events. A

supervisor should be able to substantiate or justify the reason for the rating to the employee giving specific examples of performance or situations.

When each Function has been rated, it is then time to calculate the Functions Score. The Functions Score is calculated in the following manner:

Add together the ratings that were assigned to each Function. Divide this sum by the number of Functions. The sum, at this time, should be carried out three decimal places and rounded to the nearest digit using standard accounting principles of rounding (0 through 4 rounds down; 5 through 9 rounds up). This score will then have two places after the decimal – having rounded using the third place. Next multiply this number by 10 to arrive at the final Function Score.

An example of the computations follows:

<u>Rating</u>	<u>Functions</u>
3	A. Prepares documents
4	B. Maintains files
3	C. Interacts with office staff and citizens
3	D. Manages the purchasing function
2	E. Maintains inventory
<u>4</u>	F. Trains employees
19	Total of ratings

Function Score:

$$\frac{19}{\text{Total of Function Ratings}} \div \frac{6}{\text{Number of Functions}} = \frac{3.17}{\text{Average Function Rating}} \times 10 = \frac{31.7}{\text{Function Score}}$$

### **Disciplinary Score**

Only Written Warnings, Final Written Warnings with Minor and/or Major Offenses, and/or Demotions are to be scored in this section. The supervisor should identify the most severe step of discipline taken with the employee during the performance period. If the most severe step consisted of one or more Written Warnings, the Score is 6. If the most severe step taken consisted of one or more Final Written Warnings/Minor Offense, the Score is 12. If the most severe step consisted of one or more Final Written Warnings/Major Offense, the Score is 18. If the most severe step taken consisted of a demotion, the Score is 24. Record the appropriate points in the blank labeled Disciplinary Score. If no discipline, informal counseling or only a Formal Counseling Report was given, the Score is 0.

Written Warning: A mark in this area means that the employee's conduct, as defined by policy, has not been followed during the performance period. Due to those infractions, the supervisor has given the employee a Written Warning. The Discipline Score is 6.

Final Written Warning/Minor Offense: A mark in this area means that the employee's conduct, as defined by policy, has not been followed during the performance period. Due to the continued or severe nature of the infractions, the supervisor has given the employee a Final Written Warning/Minor Offense according to the City's discipline policy. The Discipline Score is 12.

Final Written Warning/Major Offense: A mark in this area means that the employee's conduct, as defined by policy, has not been followed during the performance period. Due to the continued or severe nature of the infractions, the supervisor has given the employee a Final Written Warning/Major Offense according to the City's discipline policy. The Discipline Score is 18.

Demotion: A mark in this area means that the employee's conduct, as defined by policy, has not been followed during the performance period. Due to the continued or severe nature of the infractions, the supervisor had to demote the employee to a lower classification according to the City's discipline policy. The Discipline Score is 24.

Disciplinary Score: 6

When the Function Score and Disciplinary Score have been calculated, the supervisor is ready to complete the Performance Appraisal Score.

### **Performance Appraisal Score**

The Performance Appraisal Score is computed by subtracting the Disciplinary Score from the Function Score.

$$\begin{array}{rcccl} \underline{31.7} & - & \underline{6} & = & \underline{25.7} \\ \text{Function} & & \text{Disciplinary} & & \text{Performance Appraisal} \\ \text{Score} & & \text{Score} & & \text{Score} \end{array}$$

The result of this computation yields the Performance Appraisal Score. The Score falls into one of five categories based on the number.

Identify which of the performance ranges contain the employee's Performance Appraisal Score. Check the box directly above that numerical range. There will also be a narrative label to accompany the numerical range. This narrative label describes the overall performance level of the employee during the performance period.

Definitions for these categories are as follows:

Exceptional Performer: (32.7 - 44.6) Overall job performance was above the level of expected Goals set for the position in the Performance Planning Phase. The employee

has gone above the meets goals level in performing the job Functions and has complied with policies for Work Conduct. More often than not the performance of overall work exceeded the expectations set for the Functions and Goals. This score may often indicate performance of more complex tasks with less supervision.

Fully Competent Performer: (20.7 - 32.6) Overall job performance of Functions and Work Conduct were at a meets goals level and met the expected Goals set for the position on the Performance Planning Form. This is fully satisfactory performance and at the level for which one is hired to perform. The dependable employee correctly performs the job in a timely manner with only necessary supervisory instruction.

Ineffective Performer: (8.7 – 20.6) Overall job performance of Functions and Work Conduct has not met the acceptable requirements for the position. Occasionally, Goals were achieved but some Goals did not meet terms discussed in the Performance Planning Phase. Therefore, the overall job performance fell below the meets goals level.

Unacceptable Performer: (8.6 – below) Overall job performance on Functions and Work Conduct consistently failed to meet the requirements set for the position on the Performance Appraisal. This score may indicate performance that is not timely, of proper quality or quantity, or need too much instruction for someone in the classification. This performance cannot be tolerated and unless performance improves the employee may be subject to termination.

*Model Performer: (44.7 - 50) An employee that scores in this category should be a role model to other employees. Overall job performance on Functions and Work Conduct were consistently performed, throughout the performance period, above the expected level for the position. This score recognizes performance which clearly exhibits the highest level. The score indicates where an employee has gone above and beyond in performing the job on Functions and Goals and is considered leader in all performance areas.*

The rating supervisor must attach documentation validating or justifying the Performance Appraisal Score category in which the employee's performance fell. A description of how the performance continued at this level throughout the performance period should be specified. Specific examples should be documented regarding each Function. This documentation is to accompany the Performance Appraisal Form and be sent to the Personnel Department.

## **Performance Appraisal Signatures**

Upon preliminary completion of the Performance Appraisal, the rating supervisor should forward the Form and any documentation to the reviewing supervisor for review. In this way, both the rating and reviewing supervisors will have the opportunity to discuss, sign, and agree on the ratings and Performance Appraisal Score before it is discussed with the employee. In cases where a Department Head is not the immediate reviewing supervisor, the Department Head reviews the reviewing supervisor's narrative; signs form and/or provides comments which are to be attached to the Performance Appraisal Form.

The supervisor and the employee should meet to review and discuss the Performance Appraisal. At this time, the employee signs and dates the Form in the appropriate spaces. Signature by the employee does not indicate that the employee agrees with the content of the Performance Appraisal Form but that the performance has been discussed with the employee. All signatures are required.

If supervisory comments are attached, the appropriate line in the "Performance Appraisal Signatures" section should be completed. If an employee has comments about the Performance Appraisal or wishes to file a rebuttal to the performance management, the comment page should be attached to the Form. If comments are attached, the rater and employee are to initial the appropriate line in the "Performance Appraisal Signatures" section of the Form. These comments should accompany the Form to Personnel Department. When the Performance Appraisal Session has been completed, the rating supervisor should forward the Performance Appraisal Form to the reviewing supervisor for review. The reviewing supervisor, at a minimum, must investigate any situation when comments are attached. Problems should be addressed, and attempts made to resolve conflicts at this time. When a reviewing supervisor investigates a situation, it is important to document the actions and discussions on a comment page and attach it to the Form. The reviewer should then initial the space in the "Performance Appraisal Signatures" section that indicates the attachment of comments. In cases where a Department Head is not the immediate reviewing supervisor, the Department Head reviews the reviewing supervisor's narrative; signs form and/or provides comments which are to be attached to the Performance Appraisal Form.

### **Maintain Records**

The supervisor and employee should keep a copy of all Performance Management Forms. The original Performance Planning, Coaching, and Appraisal Form with any employee, rater, and reviewer comments must be sent to the Personnel Department.

### **Supervisory Checklist for Performance Appraisal Phase**

After the final Performance Appraisal Session, supervisors should ask themselves the following questions. If they can honestly answer "yes" to each, a successful Performance Appraisal Phase has been conducted.

1. Was the Performance Appraisal completed accurately and fairly, without bias, and based on the set Performance Planning Form and the employee's meeting, exceeding, or falling below Goals?
2. Does the employee understand the Function Score? Were you able to answer questions and provide examples to the employee as to why a specific rating was given?
3. Does the employee understand the Disciplinary Score?

4. Have the employee and you reached an agreement on a performance improvement plan to improve performance in areas below Meets Goals or on a Work Conduct that received an Unsatisfactory?
5. Does the employee appear motivated to improve in these areas? What have you done to motivate the employee? Do you know what a motivational factor is for this specific employee?
6. Does the employee understand what will happen if an agreed upon Performance Improvements Plan is not fulfilled?
7. Have you rewarded or reinforced exceptional performance? Besides a salary increase, if any, what have you done to tangibly reward excellent work?
8. Do you believe the Performance Appraisal Session built a more constructive relationship between the employee and you? If not, have you met again to seek input from the employee on how you might build a better working relationship?
9. Have you made the necessary changes to the Performance Planning Form and/or Functions for the next performance period?

CITY OF DOTHAN  
PERFORMANCE PLANNING

THIS FORM IS TO BE COMPLETED  
AT THE BEGINNING OF THE  
PERFORMANCE PERIOD

Employee Name: \_\_\_\_\_ Classification: \_\_\_\_\_

Department: \_\_\_\_\_ Performance Period: \_\_\_\_\_

Probationary  Non-probationary

**WORK CONDUCT** CHECK WHEN DISCUSSED:

- Attendance
- Punctuality
- Teamwork
- Compliance with Policy/Procedures

**FUNCTIONS**

**GOALS**


All signatures are required. If comments are attached, mark the box corresponding to the appropriate name. Signature denotes discussion, not necessarily agreement.

Rating Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewing Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Department Head Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**CITY OF DOTHAN**  
***PERFORMANCE COACHING***

**ATTACH ORIGINAL COACHING  
FORM TO FINAL APPRAISAL AND  
SUBMIT TO PERSONNEL  
DEPARTMENT**

Employee Name: \_\_\_\_\_ Classification: \_\_\_\_\_

As observed during the first half of the performance period, describe the employee's performance strengths that exceeded goals set in the Performance Planning Session.

As observed during the first half of the performance period, describe developmental area(s) of performance that are below the expected level for goals. Document any counseling or disciplinary actions that have been taken with the employee during this period.

Describe any area where the employee's performance is "meeting goals" as set in the Performance Planning Session.

A mid-year Coaching session has been held and performance has been discussed on \_\_\_\_\_.  
(date)

All signatures are required. If comments are attached, mark the box corresponding to the appropriate name. Signature denotes discussion, not necessarily agreement.

**Rating Supervisor Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Reviewing Supervisor Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Department Head Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Employee Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**CITY OF DOTHAN FINAL APPRAISAL**

**FINAL APPRAISAL DUE IN PERSONNEL DEPARTMENT BY JANUARY 31.**

Employee Name: \_\_\_\_\_ Classification: \_\_\_\_\_

Department: \_\_\_\_\_ Performance Period: \_\_\_\_\_

Probationary  Non-Probationary

**PERFORMANCE MANAGEMENT SCORE**

Locate the Functions Score and write it in the appropriate space. Locate the Disciplinary Score and write it in the appropriate space. The Disciplinary Score is subtracted from the Functions Score to derive the Performance Appraisal Score.

$$\frac{\text{Functions Score}}{\text{Functions Score}} - \frac{\text{Disciplinary Score}}{\text{Disciplinary Score}} = \frac{\text{Performance Appraisal Score}}{\text{Performance Appraisal Score}}$$

Find the corresponding range in which the Performance Appraisal falls. Place a mark in the box above the performance category.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(45.0 - 50.0) Model Performer <input type="checkbox"/>
(35.0 - 44.9) Exceptional Performer	(25.0 - 34.9) Fully Competent Performer	(12.6 - 24.9) Ineffective Performer	(12.5 - below) Unacceptable Performer	

**APPRAISAL SIGNATURES:** Signatures are to be provided after the form has been completed and discussed. Signatures do not denote agreement necessarily, only that the discussion has been held. If comments are added to the form, the box next to the corresponding name should be initialed.

Rating Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewing Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Department Head Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**COMMENTS/CALCULATIONS BY PERSONNEL DEPARTMENT:**

**WORK CONDUCT:** Check the appropriate box for each work habit area.

	Satisfactory	Unsatisfactory
Attendance	<input type="checkbox"/>	<input type="checkbox"/>
Punctuality	<input type="checkbox"/>	<input type="checkbox"/>
Teamwork	<input type="checkbox"/>	<input type="checkbox"/>
Compliance with Policy/Procedures	<input type="checkbox"/>	<input type="checkbox"/>

**DISCIPLINE SCORE:** List below any discipline that was taken with the employee during this performance period. For each action, list the specific step taken and date of action.

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If a Formal Counseling was taken, the score is 0. If a Written Warning was taken, the score is 6. If a Final Written Warning/Minor Offense was taken, the score is 12. If a Final Written Warning/Major Offense was taken, the score is 18. If a Demotion was taken, the score is 24. Otherwise, the Disciplinary Score will be 0.

DISCIPLINARY SCORE: \_\_\_\_\_

**FUNCTIONS:** List an abbreviated version of the employee's Functions below as documented on and discussed during the Planning session. Record the appropriate rating in the box for each Function.

<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>5</b>
Exceeds Goals	Meets Goals	Partially Meets Goals	Does Not Meet Goals	Consistently Exceeds Goals

**Function Ratings**

<input type="checkbox"/>	1.	
<input type="checkbox"/>	2.	
<input type="checkbox"/>	3.	
<input type="checkbox"/>	4.	
<input type="checkbox"/>	5.	
<input type="checkbox"/>	6.	
<input type="checkbox"/>	7.	
<input type="checkbox"/>	8.	
<input type="checkbox"/>	9.	
<input type="checkbox"/>	10.	

**FUNCTIONS SCORE:**

$$\frac{\text{Total Function Ratings}}{\text{Number of Functions Listed}} = \text{Average Function Rating} \times 10 = \text{Functions Score}$$

**DISCIPLINARY POLICY  
FROM  
CITY OF DOTHAN  
PERSONNEL RULES AND REGULATIONS**



## REGULATION III - DISCIPLINARY POLICY

Sec. 3-10. **Policy:**

- Sec. 3-10. (1) **Duty:** It shall be the duty of all City employees to comply with and to assist in the compliance of the provisions of the Personnel Rules and Regulations. Employees shall be disciplined for violation of established rules and regulations; such discipline shall be in accordance with procedures established by the Personnel Rules and Regulations.
- Sec. 3-10. (2) **Date of Record:** The "date of record" used for disciplinary offenses is the date on which the department head signs the counseling or warning report. (PBA 5/9/94)
- Sec. 3-10. (3) **Past Practice (Consistent Application):** Non-enforcement of City Personnel Rules and Regulations can lead employees to believe that violation of specific rules and regulations is acceptable. Later attempts to enforce these rules and regulations can cause deep-seated discontent and morale problems. Be Consistent.
- Sec. 3-10. (4) An employee in an active disciplinary progression period for a major category offense shall not be eligible for promotions or in-house position transfers. (PBA 12/12/05)
- Sec. 3-10. (5) Expired disciplinary actions remain a part of an employee's personnel record. (PBA 12/12/05)
- Sec. 3-10. (6) An employee's disciplinary history may be reviewed by a selecting appointing authority with the approval of the Personnel Director. (PBA 12/12/05)
- Sec. 3-20. **Classification of Offenses:** In order that discipline is not disproportionate to the offense, offenses are classified in a progression from minor, less serious type offenses—including Sick Leave Abuse; to major, serious offenses; and intolerable offenses. (See § 9-60(10), for Abuse of Sick Leave disciplinary action.) The classification of offenses are defined as follows:
- Sec. 3-20. (1) **Minor, Less Serious Type Offenses:** Disciplinary actions for violation of "Minor" offenses are designed to be positive in nature, whereby employees are accorded the opportunity to correct their behavior or performance.
- (a) Disciplinary actions for these type offenses progress through a formal counseling report, written warning report, final warning report or a final warning report with a one to five day suspension without pay. Whether or not an employee receives a final warning report and a suspension without pay shall depend upon whether there are any mitigating circumstances present. For employees who are unable or unwilling to correct their job performance and/or behavior in a satisfactory manner, the last recourse in disciplinary progression for minor type offenses is discharge. Overtime exempt employees can only be suspended in full-day increments for infractions of safety rules of major significance, and certain workplace conduct rules such as sexual harassment and work-place violence. (See §8-70[6]). (PBA 9-9-96, 10/11/04)
- (b) The disciplinary progression period for "Minor" offenses shall be twelve consecutive months from the date of the last Minor offense violated. In order for an employee to clear his record of "Minor" disciplinary offenses, employee must not commit any minor disciplinary offense for twelve continuous months from the "date of record" of the last Minor disciplinary offense. (PBA 5/9/94)

- Sec. 3-20. (2) Major Offense: "Major" offenses are offenses that are extremely serious in nature but not so serious that a discharge is required upon committing the first such offense.
- (a) The first "Major" offense committed shall result in a "final warning" and a one (1) to twenty-(20) day suspension without pay. Overtime exempt employees can only be suspended in full-day increments for infractions of safety rules of major significance, and certain workplace conduct rules such as sexual harassment and work-place violence. (See §8-70[6]). Violation of any subsequent "Major" offense within two years shall be grounds for discharge. (PBA 9-9-96, PBA 10/11/04)
- A "day", as referenced in the Civil Service Act of Dothan, Section 22, Suspensions, is defined as 8 hours pay or compensation, or in the case of shift employees 1/10 (.10) of their bi-weekly pay or compensation. (An alternative method to administer the above provision of the Personnel Rules would be to transfer the suspended employee to 8-hour shifts for the duration of their suspension) (PBA 2/12/01)
- (b) The disciplinary progression period for "Major" category offenses shall be twenty-four consecutive months from the date of the last "Major" category offense violation. In order for an employee to clear his record of "Major" category offenses, the employee must not commit any major category disciplinary offenses during the twenty-four month progression period. (PBA 5/9/94) (PBA 2/03/03)
- Sec. 3-20. (3) **Intolerable Offenses:** "Intolerable" offenses are those offenses that are of such severe nature that the employer cannot tolerate more than the commission of one such offense. An employee who violates or commits an "Intolerable" offense shall be subject to discharge (Implemented in accordance with Personnel Regulation IV, DUE PROCESS PROCEDURE).
- Sec. 3-30. **Types of Disciplinary Actions:**
- Sec. 3-30. (1) **Formal Counseling Report:** This is the first step in the progressive disciplinary system for "Minor Offenses." The Formal Counseling Report involves a formal conversation between a supervisor and an employee about a behavior and/or a performance problem. The supervisor shall explain to the employee the exact nature of the offense(s) violated and shall instruct the employee how the problem can be corrected. At the time the supervisor meets with the employee, a completed Personnel Form #147 shall be given to the employee for his/her signature and a copy shall be given to the employee. The original shall be remitted to the Personnel Department and shall become a part of the employee's personnel record.
- Sec. 3-30. (2) **Written Warning Report:** A Written Warning Report is the second step in the progressive discipline system for "Minor Offense" violations. The supervisor shall complete Personnel Form #147 and meet with the employee for a formal discussion of the exact offense(s) the employee violated. He shall explain to the employee how the problem may be corrected. The supervisor shall also explain to the employee that further violation of any of the offenses classified as "Minor" within a twelve month period after the date of record for the last "Minor Offense," shall result in a "Final Warning" or a "Final Warning and Suspension Without Pay." The employee shall sign a copy of the Personnel Form #147 report, which shall become part of the employee's personnel file, with a copy given to the employee and the original forwarded to the Personnel Department.
- Sec. 3-30. (3) **Final Warning Report or Final Warning Report With A One To Five Day Suspension Without Pay:** This is the third step in the progressive discipline system for "Minor Offense" violations. The supervisor shall complete Personnel Form #147 and meet with the employee for a formal discussion of the exact offense(s) violated by the employee. The supervisor shall instruct the employee how he/she may improve his/her performance and/or behavioral problem.

The supervisor shall also explain to the employee the severity of a "Final Written Warning" or a "Final Written Warning and Suspension Without Pay" and shall explain to the employee that the commission of any other offense classified as "Minor" within a twelve-month period from the date of this warning report shall be grounds for the employee's discharge. The employee shall sign the completed Personnel Form #147 report; a copy shall be given to the employee and the original forwarded to the Personnel Department and shall become part of the employee's personnel file. (Note: A due process hearing [Determination Hearing] shall be conducted with an employee before any decision is made to suspend an employee without pay—Personnel Regulation IV, DUE PROCESS PROCEDURE.)

- Sec. 3-30. (4) **Final Warning and One To Twenty Days Suspension Without Pay:** This is the disciplinary action that follows violation of any offense classified as "Major." A due process hearing (Determination Hearing) is conducted with the employee prior to making a decision to implement this disciplinary action (Personnel Regulation IV). The supervisor will meet in a formal discussion with the employee explaining the exact offense(s) the employee violated and the seriousness and consequences of the offense(s). The supervisor shall instruct the employee how he/she may correct his/her performance and/or behavioral problem. The supervisor shall explain to the employee that the violation of any further "Major Offense" within two years from the date of record of this offense is grounds for discharge. At the time of the meeting, the supervisor will have completed the Personnel Form #147 report documenting all points discussed in the formal meeting. He signs the Form and gives a copy to the employee. The original is forwarded to the Personnel Department, which becomes a part of the employee's personnel file. (PBA 5/9/94)

A "day", as referenced in the Civil Service Act of Dothan, Section 22, Suspensions, is defined as 8 hours pay or compensation, or in the case of shift employees 1/10 (.10) of their bi-weekly pay or compensation. (An alternative method to administer the above provision of the Personnel Rules would be to transfer the suspended employee to 8-hour shifts for the duration of their suspension) (PBA 2/12/01)

- Sec. 3-30. (5) **Discharge:** Discharge is the most severe disciplinary action that may be taken against an employee. A due process hearing (Determination Hearing) must be conducted with an employee prior to making a decision to discharge an employee (Personnel Regulation IV). An employee who does not correct performance and/or behavioral problems after the progressive discipline process for "Minor" and/or "Major Offenses" or an employee who commits an "Intolerable Offense" is indicating an inability or unwillingness to correct his/her behavior. By utilizing progressive discipline, it is hoped that many employee problems can be corrected at an early stage, thereby benefiting both employees and the City by eliminating an employee's discharge from his/her position with the City of Dothan.

- Sec. 3-30. (6) **Demotion:** See Personnel Rules and Regulations VIII, §8.53. The application of one disciplinary action does not preclude the imposition of another. (Note: A due process hearing [Determination Hearing] must be conducted with an employee prior to a decision being made to demote an employee [Personnel Regulation IV].)

**Sec. 3-40. SCHEDULE OF DISCIPLINARY PENALTIES:** This schedule of Disciplinary Penalties is not all inclusive. There may be offenses other than those listed for each category of "Minor", "Major", or "Intolerable Offenses" for which the appropriate level of discipline is administered. These types of offenses shall be explained in full on Personnel Form #147 under "Other" "Other" for each category of offense. The application of one disciplinary action does not preclude the imposition of another.

**Sec. 3-40. SCHEDULE OF DISCIPLINARY PENALTIES:** This schedule of Disciplinary Penalties is not all inclusive. There may be offenses other than those listed for each category of "Minor", "Major", or "Intolerable Offenses" for which the appropriate level of discipline is administered. These types of offenses shall be explained in full on Personnel Form #147 under "Other" for each category of offense. The application of one disciplinary action does not preclude the imposition of another.

<b>Sec. 3-41. MINOR OFFENSES</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Sec. 3-41. (1) Failure to give proper notice of an absence which could be anticipated	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (2) Unauthorized absence.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (3) Failure to report to work as soon as possible from any period of paid time off, included but not limited to, personal illness, extended disability, sickness in family, death in family, jury duty, vacation.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (4) Tardiness (An employee not at his or her assigned workstation at the beginning of the first hour of his/her workday is considered tardy.)	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (5) Leaving work without permission	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (6) Interfering with the work of others, offensive personal habits which interfere with efficiency.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (7) Inaccurate, careless, failure to comply with standard procedures, makes recurring errors.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (8) Unsatisfactory learning rate, unable or unwilling to learn or understand work or new procedures as demonstrated by work standard or performance rating.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (9) Unreliable, forgets to carry out normal assigned tasks; requires unusual amount of supervisory time.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (10) Uncooperative in dealing with co-workers, customers, supervisors, or public.	Formal Counseling		Final Warning or Final Warning and Suspension	Discharge

Reg.III, continued.

<b>Sec. 3-41. MINOR OFFENSES continued</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Sec. 3-41. (11) Improper use of, or failure to exercise, supervisory authority and responsibility.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (12) Discourteous treatment of the public, customers or co-workers,	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (13) Violation of routine safety practices, failure to report a work related injury within a twenty-four hour period.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (14) Improper use or care of city property.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (15) Political solicitation during working time.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (16) Violation of dress codes as prescribed by department policy.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (17) Language or conduct that is abusive or offensive to members of the opposite sex.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge
Sec. 3-41. (18) Other; explain in detail on Personnel Form #147 the offenses(s) committed by the employee.	Formal Counseling	Written Warning	Final Warning or Final Warning and Suspension	Discharge

**Reg.III, continued.**

<b>Sec. 3-42. MAJOR OFFENSES</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Sec. 3-42. (1) Negligent damage to City property or to property of others.	Final Warning and Suspension	Discharge		
Sec. 3-42. (2) Dangerous horseplay, threatening physical harm to or otherwise endangering others.	Final Warning and Suspension	Discharge		
Sec. 3-42. (3) Serious violations of safety practices which could have dangerous consequences.	Final Warning and Suspension	Discharge		
Sec. 3-42. (4) Serious violation of city ordinances, administrative regulations, or department rules which could have dangerous consequences.	Final Warning and Suspension	Discharge		
Sec. 3-42. (5) Sexual harassment as defined in Personnel Rules and Regulations XI, Sec. 11-80.	Final Warning and Suspension	Discharge		
Sec. 3-42. (6) Action(s), or lack of action(s) that could endanger the life or health of self or others, that could cause undue financial loss to the City, negligence in carrying out assigned tasks or duties or responsibilities of one's position.	Final Warning and Suspension	Discharge		
Sec. 3-42. (7) Gambling or unauthorized loaning (loan sharking) of money while on the job.	Final Warning and Suspension	Discharge		
Sec. 3-42. (8) Sleeping on the job.	Final Warning and Suspension	Discharge		
Sec. 3-42. (9) Possession of alcoholic beverages with no proof of intention to consume while on the job.	Final Warning and Suspension	Discharge		
Sec. 3-42. (10) Careless misrepresentation of work records.	Final Warning and Suspension	Discharge		
Sec. 3-42. (11) Irresponsible use of City credit, purchasing authority.	Final Warning and Suspension	Discharge		
Sec. 3-42. (12) Delaying or restricting City operations or influencing others to do so.	Final Warning and Suspension	Discharge		
Sec. 3-42. (13) Misconduct, contravention of criminal law, or any disgraceful conduct which reflects unfavorably on the City as an employer or public entity.	Final Warning and Suspension	Discharge		

Reg.III, continued.

<b>Sec. 3-42. MAJOR OFFENSES continued</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Sec. 3-42. (14) Insubordination	Final Warning and Suspension	Discharge		
Sec. 3-42. (15) Release of confidential or restricted information.	Final Warning and Suspension	Discharge		
Sec. 3-42. (16) First time loss of driver's license where driver's license is a requirement for the position in which employed. License must be reinstated within ninety days, otherwise employee will be terminated after due process § 3-43. (20). (PBA 1-13-92, 1-9-95)	Final Warning and Suspension	Discharge		
Sec. 3-42. (17) Failure to report for emergency call-out or standby duty in maximum time allowed as specified at Personnel Regulation VIII, § 8-80 (PBA 1-9-95)	Final Warning and Suspension	Discharge		
Sec. 3-42.(18) Testing positive for alcohol (0.02 to 0.03999 for CDL/Public Safety/Safety Sensitive positions; 0.02 to 0.07999 for all other positions) in accordance with City of Dothan Drug and Alcohol Testing Policy. (PBA 11-10-97)	Final Warning and Suspension	Discharge		
Sec. 3-42. (19) Other, explain in detail on Personnel Form #153 the offense(s) committed by the employee. (PBA 1-9-95)	Final Warning and Suspension	Discharge		

Reg.III, continued.

Sec. 3-43. INTOLERABLE OFFENSES	First Offense	Second Offense	Third Offense	Fourth Offense
Sec. 3-43. (1) Possession and/or use of controlled, non-prescribed dangerous drugs, while on the facility or on the job by other than sworn law enforcement officers in the line of duty performing evidence seizure or undercover operations of the Dothan Police Department.	Discharge			
Sec. 3-43. (2) Use of alcohol while on the job or under the influence of alcohol while on the job	Discharge			
Sec. 3-43. (3) Driving a City vehicle while under the influence of intoxicants such as alcohol, non-prescribed drugs, controlled substances.	Discharge			
Sec. 3-43. (4) Actual physical possession and/or use of a firearm or force against another person while on City property by other than sworn law enforcement officers operating within the line of duty (NOTE: With the exception of properly permitted firearms secured in privately owned vehicles which are parked in public parking lots).	Discharge			
Sec. 3-43. (5) Deliberate falsification of records and/or personal misrepresentation of statements given to a supervisor, officials, the public or Boards.	Discharge			
Sec. 3-43. (6) Falsifying employment application, employee records or medical records.	Discharge			
Sec. 3-43. (7) Punching another employee's time card or deliberate falsification of time cards.	Discharge			
Sec. 3-43. (8) Willful and deliberate damage to city property, the public, or the property of co-employees.	Discharge			
Sec. 3-43. (9) Violation of City of Dothan Drug Testing Policy and Procedures approved by Personnel Board 4/08/02 as amended.	Discharge			
Sec. 3-43. (10) Theft of City property, property of the public or co-employees.	Discharge			

Reg.III, continued.

<b>Sec. 3-43. INTOLERABLE OFFENSES continued</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Fourth Offense</b>
Sec. 3-43. (11) Membership in any organization which advocates the overthrow of the government of the United States by force or violence.	Discharge			
Sec. 3-43. (12) Acceptance of gratuities for personal favors or personal gain as defined by the ethics laws of the State of Alabama	Discharge			
Sec. 3-43. (13) Refusal to be examined by a City authorized, fully licensed physician when so directed.	Discharge			
Sec. 3-43. (14) Prohibited political activity as defined in Section 11-80-6, Code of Alabama, 1975 as amended.	Discharge			
Sec. 3-43. (15) Repeated sexual harassment as defined by Personnel Rules and Regulations XI, §11-80.	Discharge			
Sec. 3-43. (16) Abandoning the job, unauthorized absence for five consecutive work days.	Discharge			
Sec. 3-43. (17) Unsatisfactory work performance during the probationary period as evidenced by the employee's job performance evaluation reports.	Discharge			
Sec. 3-43. (18) Gross insubordination.	Discharge			
Sec. 3-43. (19) Other; Explain in detail on Personnel Form #153 the offense(s) committed by the employee.	Discharge			
Sec. 3-43. (20) Where driver's license is a requirement for the position in which employed, second loss of driver's license within a two-year period of time or loss for a period greater than ninety days. (PBA 1-13-92).	Discharge			

Reg.III, continued.

Sec. 3-44 SICK LEAVE ABUSE OFFENSES (See §9-60(10) for implementation)	First Offense	Second Offense	Third Offense	Fourth Offense
Sec. 3-44. (1) Employee has used eight (8) occurrences of unscheduled sick leave in a twelve (12) month period, and/or	Formal Counseling	First Written Warning	Final Written Warning/Discharge	
Sec. 3-44. (2) Where there is a consistent pattern of utilization of sick leave. (PBA 5/9/94)	Formal Counseling	First Written Warning	Final Written Warning/Discharge	

**Sec. 3-45 VEHICLE ACCIDENT POINT SCALE AND DISCIPLINARY PROGRESSION.**

(1) Employees accumulating vehicle accident points under the City of Dothan Motor Vehicle Operations Policy, adopted herein by reference, will be subject to the following disciplinary action(s), administered in accordance with this Regulation III and Regulation IV – Due Process Procedure:

- 1 point Formal Counseling Report
- 2 points One (1) Day Suspension
- 3 points Three (3) Day Suspension
- 4 points Five (5) Day Suspension
- 5 points Ten (10) Day Suspension
- Over 5 points 11 – 20 Day Suspension or Termination

(2) The disciplinary action progression under this Vehicle Accident Point scale is independent of other disciplinary action progressions authorized by these Personnel Rules and Regulations. (PBM 9-10-01)

Sec. 3-50. **Appeal of Disciplinary Action:** Any Classified employee or laborer, other than those under probationary status, may appeal any disciplinary action taken by following the procedure outlined in REGULATION V - GRIEVANCE AND APPEAL PROCEDURE or by following the procedures in Sections 21 and 22 of "the Civil Service Act of Dothan" outlined below.

Sec. 3-50. (1) **Discharges:** A discharged employee may, within ten (10) days after receipt of the discharge notice, appeal the action of the department head to the Personnel Board, by filing a written answer to the chairman with a demand for a hearing. It shall be the duty of the Board to fix a time and place for hearing the appeal, and to give notice thereof to the employee and the department head, which appeal shall be heard by the Board on a date not later than thirty (30) days from the date the appeal is taken. The Personnel Board shall have the authority, after an appropriate hearing, and based upon a finding of the facts and applicable law involved, to reduce the severity of the disciplinary action taken by the department head, and issue such orders and decrees with reference thereto as may be just and reasonable, and for the best interest of the City. (rev. CSA 5/14/92)

Sec. 3-50. (2) **Suspensions:** A suspended employee may, within ten (10) days from the date of receipt of the suspension notice, file with the Personnel Board and the department head a written answer or explanation of the assigned charges and such answer shall be preserved as a part of the Public Record and the Board may, for cause shown, set aside such suspension order. (PBA 4-8-85)

## REGULATION IV - DUE PROCESS PROCEDURE

- Sec. 4-10. **Policy:** When disciplinary action is indicated, it is necessary that such action be administered timely, justly, uniformly, and impartially.
- Sec. 4-20. **Procedure:** Whenever any such disciplinary action could result in suspension, demotion, or dismissal of a classified employee or laborer, the following procedures shall be followed to insure that each employee in fact receives "due process" in accordance with legal precedents.
- Sec. 4-20. (1) **Department heads**, as appointing authorities, shall conduct determination hearings for their respective departments. If a department head is absent for any reason, the individual designated as acting department head is to conduct the hearing. For uniformity and convenience, standard forms have been prepared and are to be used.
- Sec. 4-20. (2) The department head shall have completed Personnel Forms #147 (Employee Disciplinary Action Report Form) and #153 (Notice of Determination Hearing). The notices shall be served by the department head or through the Dothan Police Department to the affected employee at least twenty-four (24) hours prior to the date of the hearing. (PBA 6/8/92)
- Sec. 4-20. (3) The Personnel Director or his designated representative shall be present at the hearing and assure that Personnel Form #154 (Interview Questions Prior to Determination Hearing) is completed before the hearing begins.
- Sec. 4-20. (4) Within three (3) working days after the hearing is conducted, the department head shall render a decision based on the facts in the case, and notification of the decision (completed Personnel Form #155 - Decision of Determination Hearing) shall be served to the affected employee by the department head or through the Dothan Police Department.
- Sec. 4-20. (5) In all cases, Forms #147, #153 and #155 shall be completed in triplicate. The affected employee shall receive a copy, the department head shall be furnished a copy, and the original shall be retained by the Personnel Director to be placed in the employee's 201 File.
- Sec. 4-20. (6) 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 shall be removed from the job and placed on administrative leave with pay until the determination hearing is held and the decision is made.

