

CITY OF FAYETTE, ALABAMA

PERSONNEL RULES AND REGULATIONS

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CITY OF FAYETTE, ALABAMA

PERSONNEL RULES AND REGULATIONS

SECTION I. POLICY STATEMENT

ALL PERSONS EMPLOYED BY THE CITY OF FAYETTE ARE EMPLOYEES AT-WILL AND THE CITY RESERVES THE RIGHT TO TERMINATE ANY EMPLOYEE AT ANY TIME WITH OR WITHOUT NOTICE. NO PRACTICE OR POLICY OF THE CITY OF FAYETTE RELATING TO TERMINATION PROCEDURES ALTERS THE AT-WILL NATURE OF ONE'S EMPLOYMENT IN ANY WAY. THE STATEMENTS CONTAINED IN THE HANDBOOK CONSTITUTE MANAGEMENT AND EMPLOYEE GUIDELINES ONLY, AND ARE IN NO WAY TO BE INTERPRETED AS A CONTRACT. THE CITY RESERVES THE RIGHT TO CHANGE, MODIFY OR DELETE ANY OF ITS WORK RULES AND POLICIES AT ANY TIME.

1. The rules, regulations and policies contained herein are for the internal use of the City of Fayette. In the event of a substantive conflict between the provisions of this manual and any ordinance of this municipality, applicable State or Federal law, regulation, rule or statute now or hereinafter enacted, the latter shall immediately supersede the former, to the extent of the conflict.
2. It is the purpose of this handbook to provide general guidelines for the day to day administration of personnel matters for municipal employees. To that end, circumstances may arise which may prevent the implementation of the provisions herein in every instance. Consequently, the City Council reserves the right to deviate from the statements herein contained when in their judgment the circumstances so demand, without incurring any liability for failure to adhere to any term or condition herein set forth or as subsequently amended.
3. Points not specifically covered by this handbook shall be interpreted by the Mayor in keeping with the intent and objectives of these policies. Records of any interpretations shall be kept by the Mayor for possible incorporation into these policies by the City Council.
4. This handbook can be amended or supplemented at any time by appropriate action of the City Council of the City of Fayette.
5. The provisions of this handbook should not be construed as establishing a pattern, policy or custom in an evidentiary sense with respect to third part claims. Violations of provisions herein contained can only form the basis of a complaint by the City and are not to be constructed as giving rise to third party complaints.
6. This handbook and the policies contained herein do not in any way constitute, and should not be construed as a contract of employment between the employer and the employee, or a promise of employment.
7. Nothing contained in this handbook and the policies contained herein is intended to imply or confer property rights to a job, benefits or to weaken the City Council's ability to manage the City in the most efficient and cost effective manner.

SECTION II. EQUAL OPPORTUNITY

The policy of the City of Fayette prohibits any employment practice which in any way discriminates against any person, employee or applicant for employment with respect to compensation, terms, conditions or privileges of employment because of an individual's race, color, religion, national origin, marital status, eligibility for military service, sex, handicap or age as provided by law.

SECTION III. PERSONAL PROPERTY

It is the policy of the City of Fayette that the loss, destruction or damage to personal property of any municipal employee proximately caused, resulting from, arising out of or in any manner associated with said employee's performance of work within the line and scope of the employee's duties with the City and/or said employee's presence on or upon municipal property or equipment; except, the loss, destruction or damage to personal property of a City employee which would otherwise form the basis of a legitimate claim against the municipality for which the municipality is or may be liable pursuant to applicable law or otherwise subject to applicable terms and conditions of property damage insurance coverage, but not including any liability insurance coverage, shall not be generally subject to reimbursement thereof except by specific finding of the City Council through resolution duly adopted for that purpose.

SECTION IV. EMPLOYEE STATUS

The City has the following hire status categories.

1. Salaried Employee
2. Hourly Employee
3. Part-Time Employee
4. Temporary Employee

- A. Salaried Employee. An employee in this status is employed at the will of the Council as regular, full-time salaried employee paid a weekly salary.
- B. Hourly Employee. An employee in this status is employed at the will of the City Council as a regular, full-time employee paid on an hourly basis.
- C. Part-Time Employee. An employee in this status works less than 40 hours per week on a regular basis. An employee in this status receives no fringe benefits. In addition, if a part-time employee is reclassified, his benefits and accrual of sick leave and vacation time will begin on the day that he becomes an hourly or salaried employee.
- D. Temporary Employee. A temporary employee is defined as an employee hired for a limited period of time or to perform a temporary function. An employee in this status may be paid on an hourly, weekly, bi-weekly or monthly basis. This status may require part-time or full working weeks. A temporary employee is not eligible for any benefits.

SECTION V. AMERICANS WITH DISABILITIES ACT POLICY

It is the policy of the City of Fayette to comply with all the relevant and applicable provisions of the Americans with Disabilities Act ("ADA"). The City of Fayette will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. The City of Fayette also will make reasonable accommodation wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job and provided that any accommodations made do not require significant difficulty or expense.

SECTION VI. EMPLOYMENT

The following procedures shall be used in recruiting and selecting City employees for all hourly, part-time and temporary positions:

The department head shall notify in writing the Mayor of any pending position openings. The Mayor shall prepare written job announcements giving the major functions, prerequisites, minimum qualifications for each position to be filled, and the closing date for receiving applications or bids.

It is the policy of the City of Fayette to fill all positions with the most qualified personnel available. To allow for upward mobility, all vacancies and promotional positions other than hourly laborer classifications shall be advertised internally by posting job announcements on all departmental bulletin boards.

The City of Fayette shall, as an Equal Opportunity Employer, recognize its responsibility to insure equal opportunity in promotional decisions based on valid and job oriented requirements.

If an insufficient number of City employees are interested in and/or are not qualified for a vacant position, the Mayor shall advertise for applicants in whatever manner will provide a suitable number and quality of applicants.

All applicants 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 test related to training and experience; and/or by personal interview. Background checks and references may be obtained by the Mayor. In addition, the City may require a physical examination and/or drug test at City expense, using a physician chosen by the City, consistent with the provisions of the Americans with Disabilities Act.

After oral interviews are completed, the Mayor shall examine the merits of all applicants interviewed and select the most qualified person for the position.

When a new employee reports for work, he/she shall be immediately referred to the City Clerk to fill out all necessary forms.

SECTION VII. PROBATIONARY PERIOD FOR POLICEMEN AND FIREFIGHTERS

Police officers and fire fighters shall have a twelve (12) month probationary period except as set forth below.

Police officers who have more than two (2) years experience when hired shall have a six (6) month probationary period. This probationary period may be extended for three (3) months

upon recommendation of the Chief of Police. Further, upon recommendation of the Police Chief the three (3) month extension of the probationary period may be extended for an additional three (3) month period.

When a probationary employee is in their department, the Police Chief and Fire Chief shall submit to the Mayor monthly reports on the performance of such person using the "Employee Probation Appraisal" form. This report is to be filled out by the Chief and reviewed with the employee. Also, the report is to be signed by the Chief and a copy given to the employee.

A person whose employment with the City of Fayette has been involuntarily terminated due to non-economic reasons, during the probationary period for any cause shall not be considered for reemployment.

SECTION VIII. PROMOTIONS

The City will post all non-salaried job openings except for hourly Laborer classifications. The notice will designate the major functions, prerequisites, minimum qualifications for the position, the closing date for receiving applications and the department, if any, which will have first priority on such vacancy. When a vacancy occurs, employees of the City who desire to fill the vacancy should submit their name in writing to the department head by the date specified on the notice and in turn the department head should forward the names to the Mayor. Those who qualify shall be given preference over non-city employees to fill the vacancy.

Promotions to a higher step within a classification or to a different classification must be at least six (6) months apart unless otherwise stated. Promotions will be given to the most qualified employee. The department head with the vacancy will recommend a candidate and the Mayor must approve the promotion. The selected hourly employee shall have a 45 day training period.

SECTION IX. HOURS OF WORK

The normal scheduled work week for City employees is 40 hours, Monday through Friday. The daily work schedule for various departments will be determined by the Mayor and/or City Council. Employees normally have one-half ($\frac{1}{2}$) hour for lunch but City offices will normally be open during the lunch period. Working hours for certain departments may vary depending upon the type of services provided. Department heads can establish different work schedules to fit the needs of their departments, with the written approval of the Council. Department heads will inform employees of their scheduled hours.

Employees shall be paid at one and one-half times the basic hourly rate for a minimum of hour (1) hour or for the actual hours worked, whichever is greater when:

1. When a department head finds it necessary to hold employee past regular hours to complete a job.
2. Called by the City for work after completing their regular work day.

SECTION X. OVERTIME

Certain employees may be required by their department heads to work overtime to meet service demands. Generally, overtime for personnel, other than firefighters assigned to 24 hour

shifts or Overtime Exempt Personnel, is any time an employee is assigned to duty for more than eight (8) hours during any one day or for more than forty (40) hours during any calendar week.

Pay for the extra hours shall be at the rate of one and one-half times the regular hourly pay. Officers of the Police Department are entitled by law to elect either overtime pay or compensatory time. Compensatory time must be taken during the calendar year in which it is earned, except during times of emergency.

Certain positions are designated as Overtime Exempt and do not receive overtime pay. These positions include professional, salary personnel who must work with their employees or crews when overtime work is required.

No employee shall receive overtime pay or compensatory time without the written approval of his/her department head.

A record of all departmental overtime and compensatory time shall be kept by each department head and shall be attached as supporting documents to the respective payrolls.

In assigning an employee to overtime work, a reasonable effort will be made to divide the overtime equally among the employees who normally do the work for which overtime is required.

If an employee is called out after scheduled working hours, he/she will be paid a minimum of one (1) hour at time and one-half.

SECTION XI. HOLIDAYS

The City of Fayette recognizes the following days as paid holidays for full-time employees:

- New Year's Day
- Martin Luther King, Jr. Day
- Memorial Day
- 4th of July
- Labor Day
- Veterans Day
- Thanksgiving Day
- The day following Thanksgiving Day
- Christmas Eve
- Christmas Day

If a holiday falls on Saturday or Sunday, it will be taken on Friday or Monday as the Mayor shall announce.

To be eligible for holiday pay, employees must not take their last regular scheduled work day prior to the holiday or their first regularly scheduled work day after the holiday as unscheduled leave unless they furnish a written doctor's excuse for the absence. In addition, employees who are scheduled to work a holiday must do so, but will be scheduled off for the holiday by their department head at a later date.

The Council reserves the right to reschedule a holiday if conditions warrant.

SECTION XII. INJURY OR ILLNESS ON THE JOB

Any employee who is injured on the job, whether the injury is major or minor, shall immediately make a written report to the department head showing that the injury was

received in the line of duty, the nature of the injury, when, where and how the injury was received, along with the name and address of any witness to the injury. In case the employee is so incapacitated by the injury as to be unable mentally or physically to make the report, his or her supervisor shall investigate and make the report.

Employees who are injured on the job or become ill while on the job so as to be unable to work shall immediately report this fact to their supervisor. This shall be done personally, if possible, and permission to leave work must be granted by either the supervisor or department head before the employee leaves.

Supervisors shall report such injury or illness to their department heads, and the department heads are to report the injury or illness to the Mayor. The Mayor may direct that the employee be examined by a physician to determine the nature and severity of the injury or illness. Any employee reported fit for work shall report to work when ordered to do so. Failure to do so or to comply with such order will be considered as absence without leave, subjecting the employee to forfeiture of pay and other discipline action.

If an employee's injury or illness appears to be severe then the supervisor, department head or fellow employee should immediately seek medical attention for the employee.

SECTION XIII. INJURY LEAVE

All City employees shall be paid the difference between their Workmen's Compensation and regular salary as injury leave, up to but not greater than 30 calendar days per injury.

SECTION XIV. MATERNITY LEAVE

Maternity leave is hereby defined to mean a leave of absence without pay for a full-time salaried or hourly employee who is pregnant.

An employee requesting maternity leave shall make a written request to the Mayor two (2) weeks prior to the time when the leave is requested to begin. The maternity leave shall be approved by the Mayor. It is anticipated that such employee shall continue with regular duties as long as the employee's physician concludes that the employee can perform her duties effectively.

At the termination of maternity leave, an employee shall be eligible for reinstatement to the position previously held or to a position with the same job classification and without reduction of pay or loss of benefits.

Maternity leave shall be cancelled if the person on leave has not requested reinstatement within six (6) weeks of the birth of the child or termination of pregnancy provided, however, additional time to commence work may be granted by the Mayor on the advice of a physician. If no request is received by the City to return to work within six (6) weeks of the birth of the child or other termination of the pregnancy, then the City shall assume that the employee has elected not to return to work and all right to reinstatement shall terminate.

An employee shall notify the Mayor of the intention to return to work no later than two (2) weeks prior to such return.

A person receiving maternity leave shall retain all of her benefits and shall be permitted, if she desires, to exhaust accrued sick leave and/or vacation days prior to being placed on maternity leave. She will not accrue additional sick leave, vacation days or holiday pay during her maternity leave.

An employee may also qualify for leave under the provisions of the Family Medical Leave Act (FMLA). Please see the Notice to Employee of Rights Under the Family Medical Leave Act attached to this policy.

SECTION XV. SICK LEAVE

Full time, hourly or salaried personnel will accumulate two (2) hours per pay period for sick leave. Employees shall be allowed to build up a maximum of 180 days of sick leave.

Sick leave days will not be granted in increments of less than one-half (½) day (4 hours).

Any employee who is on sick leave for more than three (3) days must provide a physician's statement concerning his illness when reporting back to work.

Upon retirement after 25 years of service or the reaching of age 60 or over, an employee shall have the option of being paid for the unused portion of his sick leave up to 90 days maximum or convert the unused portion to service time with the State Retirement System. If an employee quits or is fired then the employee cannot exercise the option of being paid his leave or converting it to service time with State Retirement System.

An employee may also qualify for leave under the provisions of the Family Medical Leave Act (FMLA). Please see the Notice to Employee of Rights Under the Family Medical Leave Act attached to this policy.

SECTION XV.A. BEREAVEMENT

Each full time employee receives funeral leave for members of his/her family. Immediate family (parents, spouse, brothers, sisters, children) leave is three (3) consecutive calendar days in length.

The employee will be paid for only those days he/she was scheduled to work. Other family deaths (in-laws, grandparents) leave is one day with pay. For other family deaths, or if additional time is required, the additional days will be charges to the employee's sick time.

SECTION XVI. VACATION

Full-time, hourly or salaried personnel shall be entitled to vacations as follows:

Employees who have worked for the City for 1 year will be entitled to 1 week paid vacation.

Employees who have worked for the City for 5 years will be entitled to 2 weeks paid vacation.

Employees who have worked for the City for 15 years will be entitled to 3 weeks paid vacation.

If an employee prefers, he may choose pay in lieu of vacation time. However, no one will be paid for more than 1 week's vacation in any 30 day period. All employees must give 7 days notice of their vacation plans. Vacations may be taken in increments of one day or more. Vacations are earned and may be taken solely on the employee's hire date. Vacation time and/or pay must be taken in the fiscal year earned. No vacation time or pay can be transferred to the following fiscal year or accumulated.

SECTION XVII. JURY AND WITNESS LEAVE

Employees summoned for jury duty shall be granted leave with pay for the period of time away from their job serving such duty. At any time when an employee is released from jury duty, employees are expected to return immediately to work and resume their normal City tasks. Pursuant to Section 12-6-8, *Code of Alabama, 1975*, any City employee required to perform jury duty will be entitled to his usual compensation.

Employees called as witnesses in a criminal case will be entitled to witness leave with pay. Employees called as witnesses in a civil action will not be entitled to pay while absent unless the case is in the line and scope of employment or interest to the City as determined by the Mayor.

In all cases of jury and witness leave, proof shall be required to qualify for pay while the absent and such proof shall be shown to the employee's supervisor and forwarded to the Mayor.

(See section under 'Forms, Jury Duty, Criminal or Civil Witness Leave Pay.')

SECTION XVIII. MILITARY LEAVE

City employees, who are members of the National Guard or a member of the Army, Navy, Air Force, or Marine Corps Reserves, shall be granted leave of absence with pay for annual training for a period not exceeding twenty-one (21) work days in any calendar year when ordered to do so by an appropriate military authority.

Any employee who is called to active duty in the armed forces of Alabama or the United States, other than field training period, or any employee who volunteers for service in the armed services shall be granted a leave of absence pursuant to the Uniformed Service Employment and Reemployment Act of 1994 (USERRA) and the laws of the State of Alabama.

Employees are required to furnish copies of their respective orders to their department head at least two (2) weeks before leave is to start.

SECTION XIX. LEAVE OF ABSENCE

Leave of absence for employees may be granted without pay if (1) good cause is shown, (2) the employee has used all of his sick days and vacation days, and (3) such leave will not seriously interfere with the work of the department. A leave of absence must be approved by the department head and the Mayor or Council in writing. The request for a leave of absence must state in writing the reasons for the leave and shall be limited to the time necessary as indicated by the purpose of the leave. Failure to return to work at the prescribed time from a leave without pay will result in termination. (See military leave.)

An employee may also qualify for leave under the provisions of the Family Medical Leave Act (FMLA). Please see the Notice to Employee of Rights Under the Family Medical Leave Act attached to this policy.

SECTION XX. INSURANCE

All salaried and hourly employees are eligible for insurance coverage from the date of their employment with the City.

All employees who are employed full-time by the City and certified as eligible by the City are eligible for coverage by the City's group health care plan. Dependents' eligibility for coverage will depend on the health care plan.

SECTION XXI. RETIRMENT AND PENSION

There will be no mandatory retirement age established for any City employee, except for those instances where age has been determined by the City to be a bona fide occupational qualification. Where such determination has been made, the appropriate retirement age will be established by resolution of the Council.

All full-time employees are eligible to participate in the State Retirement Plan.

Upon retirement after 25 years of service or the reaching of age 60 or over, an employee shall have the option of being paid for the unused portion of his sick leave up to 90 days maximum or convert the unused portion to service time with the State Retirement System. If an employee quits or is fired, then the employee cannot exercise the option of being paid his sick leave or converting it to state retirement.

SECTION XXII. ABSENTEEISM

Employees shall not be absent from their job without the permission of their department head. Any employee absent without such permission will be subject to disciplinary action, including suspension or discharge.

An employee who is absent without notifying his department head for three (3) consecutive work days are presumed to have abandoned their job and quit without notice.

An employee who is absent from his/her regular work shift for the purpose of working in other gainful employment, except military service, may be subject to disciplinary action, including suspension or discharge.

Department heads who knowingly allow an employee to be absent from his/her regular work shift for the purpose of working in other gainful employment, except military service, may be subject to disciplinary action, including suspension or discharge.

SECTION XXIII. CITY EQUIPMENT

No City equipment of any kind shall be employed or used for work on private property, or for the benefit of any person or organization, including religious organizations, unless such work is performed for the benefit of the City and with the written consent and authorization of the Mayor and/or Council.

No property or premises owned by or under control of the City shall be used by a City employee as a means of or place for the conduct or furtherance of any business or enterprise for personal profit, unless the City Council shall have leased such property or otherwise expressly authorized such use.

No private vehicle or equipment of any kind shall be brought to the City premises by any person for the purpose of making mechanical or other repairs thereon, and no person shall, within the enclosure which fences the City shop area or any City premises, work or cause to be worked on, any private vehicle or equipment, including his or her own; provided the City Shop foreman may be instructed by the City Council to make repairs to private vehicles damaged by

the City where such repairs are in lieu of, or as part of, damages or compensation for which the City is liable.

All employees who have care, custody or control of any equipment or facilities of the City will be held responsible for any injury or damage to the same during their shifts or work day. This means that all drivers are responsible for the motor vehicle which they are assigned and all equipment therein. In addition, all supervisors up to and including department heads shall be responsible for all equipment utilized by their personnel during their shift.

Any employee, who violates any of the regulations set out above, shall be subject to disciplinary action up to and including discharge from his/her employment with the City.

SECTION XXIV. MUNICIPAL VEHICLE MANAGEMENT AND USE

1. Use of Municipal Vehicles Generally: Municipally owned vehicles are to be operated only by City employees authorized to do so by their Department Head under the general supervision of the Mayor as hereinafter provided.
 - a. Utilization of municipal vehicles generally shall be by the authorization of the Department Head as hereinafter provided.
 - b. Municipal owned vehicles shall not be utilized to transport persons other than City employees except in the line and scope of duty and in connection with City business. Releases shall be obtained from persons who are not City employees to ride in municipal vehicles whenever possible, prior to allowing the same.
 - c. All municipal vehicles shall be identified as official City vehicles by appropriate markings with the exception of certain law enforcement vehicles as directed by the Mayor or upon the request of the Chief of Police.
 - d. Employees who drive a municipal vehicle must have a valid State of Alabama driver's license. Employees who drive a municipal vehicle and have their own driver's license suspended or revoked or been convicted of a non-minor traffic infraction must immediately inform their supervisor and department head. An employee shall not drive a City vehicle until after his license has been reinstated by the State of Alabama.
 - e. Any municipal employee involved in an accident while operating a City vehicle or any type of motorized equipment of the City of Fayette, shall notify their department head immediately and have the Fayette Police Department investigate the accident. The employee is responsible for the proper filling out and filing of an SR-13 Report or equivalent document. This may be done either individually by the employee, or by the employee promptly presenting his or herself to the City of Fayette and requesting assistance thereon.
 - f. No employee shall drive a municipal vehicle after drinking alcohol or using any controlled substance.
2. Assignment of Municipal Vehicles on a Regular and Continuous Basis
 - a. No City employee may be assigned a specific municipal vehicle on a regular and continuous basis unless so authorized as herein provided. Municipal employees other than those on 24 hour call may be assigned a specific municipal vehicle on a regular and continuing basis where such assignment is deemed to be in the best

interest of the efficient and effective operation of official municipal business as follows:

- b. Written requests for such regular assignment of a municipally owned vehicle to a municipal employee are to be made in advance of such assignment by the employee to the Department Head who, if he/she so approves the same, shall forward it to the Mayor for final approval.

The Department Head also shall prepare a written justification to accompany his or her request to the Mayor for such assignment. The justification shall include all reasons and information relating to the need for such an assignment and must include a statement of the job duties and responsibilities, advantages to the conduct of City business to be derived from the assignment and an estimate of the annual cost of such assignment. The Mayor shall act upon such request consistent with the policies of the City Council. Department Heads shall make a request for themselves directly to the Mayor. Approvals and denials made by the Department Head and the Mayor shall be in writing.

- c. For the purposes of this policy, assignment of a vehicle on a regular and continuing basis is defined as follows:

“Assignment on a regular and continuous basis” shall mean that a specific City vehicle is to be utilized by a specific employee or group of employees on a regular and continuous basis for the performance of their official municipal duties to the limited exclusion of other employees unless ordered by the Department Head or the Mayor. This does not include City employees of a certain job classification or duty that utilizes a non-specific vehicle of a certain fleet or vehicles designed or utilized for specific purpose, including but not limited to, marked police patrol units, trash trucks, heavy duty trucks, fire trucks, etc. (However, note that the provisions of this policy pertaining to use of municipal vehicles generally, apply to all municipal vehicle usage.)

- d. Municipal vehicles so assigned on a regular and continuing basis to a municipal employee shall be used strictly and solely for the conduct of official Municipal business and shall not be utilized by the employee for traveling to and from work to his or her residence. Municipal vehicles regularly assigned to employees as herein provided shall not be driven to any residence or home of said employee unless (1) the person to whom the vehicle is assigned is on twenty-four (24) hour call status in connection with his or her duties having received appropriate approvals therefore as herein provided and, (2) is also prior thereto assigned the vehicle under the general assignment policy herein established, or (3) a bona fide emergency exists relating to City business.
- e. In the interest of effective law enforcement, the promotion of public safety and to make law enforcement vehicles available while in transit from residence to duty, all Police Department vehicles are excluded from Section 2(d) of this Ordinance. This exclusion only applies to Police Department vehicles assigned on a regular and continuous basis as provided herein to a police officer of the City of Fayette. In no event shall a Police Department vehicle be taken more than ten

(10) miles beyond the City limits, unless said vehicle is in the active discharge of official duties and not in transit to or from an officer's residence.

3. Assignment of Vehicles to Employees Subject to Twenty-Four (24) Hour Call Out: Special assignment of a City owned vehicle may be granted to employees whose job duties and requirements necessitate twenty-four (24) hour responsibility. An employee determined to have twenty-four hour call out status may take said vehicle to his/her residence so as to be available for call out subject to the conditions set forth herein. An employee having twenty-four (24) hour call out status may not be allowed to take the vehicle to their residence if he/she resides beyond the police jurisdiction of the City of Fayette. The employee must first have obtained general municipal vehicle use assignment.
 - a. In assessing the need for twenty-four (24) hour call out status of a municipal vehicle, actual use of the municipal vehicle for official purposes shall be the governing criteria rather than the potential for call out or the employee's rank.
 - b. A Department Head anticipating the assignment of a municipal vehicle to themselves, an individual employee or to a group of employees for twenty-four (24) hour call out status shall prepare a written justification to accompany his or her written request to the Mayor for such assignment. The justification shall include all pertinent information relating to the need for twenty-four (24) hour call out status and must include the frequency of actual call out, details of the duties and responsibilities performed by the employee (employees) and estimates of the cost (dollar and performance) the City may incur of the assignment is not made.
 - c. Employees on twenty-four (24) hour call out status remain subject to the provisions of the 1984 Tax Reform Act and the Municipal Vehicle Policy there under.
 - d. When a municipal employee has received call out status and regularly uses a municipally owned vehicle therefore for travel to and from home because the employee is considered to be on twenty-four (24) hour call out status as herein established, said employee shall keep a log or memorandum showing the date, time, purpose and number of miles traveled in connection with any actual use of said vehicle at any time other than during the regular hours worked by the employee.
 - e. If a municipal vehicle is taken home or to the employee's residence and that employee has been assigned said vehicle on twenty-four (24) hour call out status, then that municipal vehicle can be used only for official City business. Under no circumstances may a municipal vehicle be utilized even by an employee on twenty-four (24) hour call out status for personal business.
4. Private Vehicle Usage: That the Heads of Departments of the City of Fayette may elect, in lieu of utilizing a Municipal vehicle, to utilize their own private vehicle in the discharge of their duties as Municipal employees and Heads of Municipal departments, subject to the following terms and conditions:
 - a. This option is only available to Heads of Municipal Departments.

- b. An amount to be calculated by the City of Fayette will be paid to each Department Head utilizing their private vehicle in the discharge of their public duties monthly.
 - c. Said amount and authorization must be approved by the Council.
 - d. The Department Head must have and maintain Liability Insurance in an amount of not less than is statutorily established for municipal corporations being: \$100,000 bodily injury; \$300,000 bodily injury each occurrence; and property damage limits of \$100,000 each occurrence and provide a Certificate of Insurance to the Finance Department to that effect. The Department Head's vehicle must be acceptable to the City, and in good and safe condition. It shall be the sole responsibility of the Department Head to maintain said vehicle, including, but not limited to, fuel and oil.
 - e. With council approval, the Department Head may therefore receive payment from the City of Fayette on a monthly basis in an amount ascertained by the Finance Department and approved by the Council as reimbursement to said employee for utilizing his/her private vehicle in the line and scope of their duties with the City. The City will pay for gas utilized on out of town business trips by Department Heads in their private vehicles.
5. Violation of the Policy: Any employee found to have violated the vehicle policy herein established shall be subject to disciplinary action, including removal from driving privileges under any status, suspension and termination.

SECTION XXV. OUTSIDE EMPLOYMENT

The City is the primary employer of all full-time employees and as such has the right to expect its employees to give priority to their job with the City.

Although outside employment is discouraged, the City does allow its employees to hold a second job while employed by the City if the outside employment does not interfere with the employee's effectiveness and their work with the City. If the outside employment interferes with the employee's effectiveness or work with the City, he or she will be asked to terminate such outside employment. An employee holding outside employment is subject to the same call out procedures or shift work as any other City employee.

A full-time City employee who undertakes regular employment outside of City employment shall notify the Mayor in writing and obtain the Mayor's approval before undertaking the outside employment.

Because of their unique responsibilities, members of certain departments may have special restrictions placed on their employment as long as the restrictions are approved in writing by the City Council and communicated in writing to all affected City employees.

Any City employee engaging in outside work shall be required to possess and maintain all licenses, permits, and pay all fees of a private contractor.

City employees shall not use any City vehicle, uniform, equipment, tools, supplies, time or other resources to conduct any outside work. City employees shall not use their position with the City to obtain outside work.

SECTION XXVI. DISCIPLINE AND TERMINATION

Employees shall be subject to discipline for violation of established rules, regulations and policies of the City.

The heads of departments shall have the responsibility for the conduct of their department and the discipline and efficiency of all employees in their department.

Offenses are classified below so that discipline may be administered impartially and fairly throughout the City.

Serious Offense Such offenses shall include but are not limited to the items listed below:

1. Failure to give proper notice of absence which could be anticipated
2. Being absent without leave and/or notification
3. Irregular attendance, excessive absenteeism and abuse of sick leave, including being absent from regular work shift for the purpose of working in other gainful employment
4. Tardiness (an employee not his/her assigned work station at the beginning of his/her shift and/or work day is considered tardy)
5. Interfering with the work of others
6. Excessive inefficiency to include waste, malingering, leaving job without permission, defective workmanship, inattention to duty and neglect of duty
7. Violation of normal safety practices
8. Failure to report a wreck related accident or injury
9. Improper use or care of City property
10. Partiality, unfairness or discourtesy in dealing with the public
11. Conduct unbecoming a City employee which tends to bring discredit upon the City and its employees in that such conduct tends to destroy the public's belief in the employee's ability to perform the duties under law
12. Failure to obey the directive or order of a supervisor, department head or the Mayor
13. Violation of any federal, state or municipal law, ordinance, rule or regulation.
Based on the law, ordinance, rule or regulation violated, the violation may rise to the level of a *Most Serious Offense*.

In the case of serious offenses, it is the policy of the City to administer discipline in progressive steps. The department heads shall keep complete written records of all disciplinary actions taken and a copy of these records shall be forwarded to the Mayor.

In the event of a flagrant violation of a serious offense as determined by the Mayor, progressive discipline measures may be accelerated so as to bypass various stages of discipline and proceed immediately to harsher discipline up to and including discharge.

Disciplinary action serious offenses may be administered uniformly and progressively harsher in the order listed below:

1. Oral Warning: At the first need for discipline, the Department Head shall discuss the problem with the employee so that both may offer suggestions in trying to deal with the problem. The oral warning shall be reported to the Mayor.

2. Written Warning: In the event that an oral warning fails to solve the problem and the inappropriate action continues, the Department Head shall issue the employee a written warning stating the reasons for the warning and that the next step could be suspension. A copy of the warning should be given to the employee and forwarded to the Mayor for inclusion in the employee's file. The department head should write on the written warning when and if an oral warning was given.
3. Administrative Leave: The Mayor may place an employee on administrative leave with or without pay.

A department head may place an employee on administrative leave with pay for twenty-four hours. This action shall be reviewed by the Mayor as soon as possible thereafter.
4. Suspension: The Mayor may suspend an employee with or without pay; or other compensation as a disciplinary action.
5. Discharge: As a final disciplinary action, an employee may be discharged by an appointing authority.

Most Serious Offense Such offense shall normally result in immediate discharge of an employee and shall include but not be limited to the items listed below:

1. Possession and/or use of alcohol, unprescribed dangerous drugs, similar dangerous intoxicants or controlled substances while in the facility or on the job by other than sworn law officers in the line of duty performing evidence seizures or undercover operations of the Fayette Police Department.
2. Driving a City vehicle while under the influence of intoxicants such as alcohol, unprescribed dangerous drugs, and prescribed drugs which induce an unsafe mental or physical state.
3. Use of a deadly weapon and/or force on City property by other than sworn law enforcement officers.
4. Deliberate falsification of records and/or personal misrepresentation of statements given to a supervisor, officials, the public or boards.
5. Dishonesty as related to an individual's job duties and/or profession.
6. Fighting, except when employee is a victim of an unwarranted assault.
7. Gross insubordination.
8. Criminal acts.
9. Willful damage to City property or to property of others.
10. Dangerous horseplay on the job.
11. Flagrant violation of safety practices endangering life or health or self of others.
12. Violation of federal, state, or municipal laws, ordinances, rules or regulations.
13. Unauthorized work elsewhere while on leave of absence.
14. Membership in any organization which advocates the overthrow of the government of the United States by force or violence or other extremist organizations.
15. Acceptance of gratuities for personal favor or personal gain.

16. Refusal to be examined by a City authorized, fully licensed physician when so directed.
17. Political activity as prohibited by law.
18. Sexual harassment
19. Sleeping on the job.
20. Divulging confidential and/or sensitive information caused by a temporary condition (not to exceed 3 months unless extended upon approval of Board) as determined by the Mayor. This information could be detrimental to the City of Fayette and the Department. Necessary employees of the affected department would be notified of condition.
21. Failure by the employee to notify his/her supervisor of suspension or revocation of driver's license of the employee has the responsibility of driving a City vehicle.
22. Political solicitation.

SECTION XXVII. GRIEVANCE PROCEDURE

A grievance shall be a complaint or dispute of an employee or employees regarding the application, meaning or interpretation of personnel policies, rules and regulations as they affect the work activity of such employee or employees.

Any full-time employee, and if a policeman not under probationary status, and who is aggrieved as a result of the interpretation and/or application of the rules and regulations, alleged discrimination or unfair treatment, or unsafe or unhealthy working conditions must follow this procedure if he/she desires to register a formal grievance:

Step 1: Within five (5) working days from the time the employee became aware of the facts out of which the grievance arose, the employee shall first present the grievance in writing to the supervisor who shall make careful inquiry into the facts and circumstances of the complaint. The supervisor shall attempt to resolve the problem promptly and fairly and shall give an answer in writing to the employee within five (5) working days from the date the grievance was submitted and file a copy of both with the Mayor.

Step 2: An employee who is dissatisfied with the decision of the supervisor may submit the grievance in writing to the department head within five (5) working days from the date of a supervisory decision. The department head shall make a separate investigation of the decision and reasons therefore; and shall give a written answer to the employee within five (5) working days after receipt of the employee's grievance.

Step 3: If the employee is still aggrieved, he/she may request in writing a review of the grievance by the Mayor. Such request shall be accompanied by all the facts of the nature of the grievance and all written answers given thereto, and shall be presented to the Mayor within five (5) working days of the receipt of the Department Head's answer. The Mayor shall initiate a meeting within twenty (20) days of the date of the receipt of the request for review. The Mayor Pro or a designated Councilman, the department head or a designated representative shall attend the meeting for the purpose of reviewing the grievance. Within twenty (20) working days from the date of the meeting, the Mayor shall give a decision, in writing, to the employee and shall send a copy of the same to the employee's department head. The Mayor's decision shall be final.

If the grievance is with the employee's immediate supervisor, then the employee's shall present the grievance in writing to the Department Head. If the grievance is with the Department Head, then the employee shall present the grievance in writing to the Mayor.

It is understood that the grievance procedures herein outlined do not apply to establishing wages, salaries, sick days, holidays, establishment of working hours, pension plans or other matters between the City and its employees which require the expenditure of money.

Grievances normally shall not be handled on City time. However, any matter involving the health or safety of any person may be handled at any time.

SECTION XXVIII. LIGHT DUTY POLICY

The City of Fayette does not recognize any category of work as "light duty". If an employee who has been injured or ill returns to work, he or she is expected to fully perform his or her duties. Should a department head reasonably suspect that an employee who has been injured or ill cannot fully perform his or her duties, then he/she may order the employee to provide medical certification to the effect that he or she can fully perform all employment duties.

SECTION XXIX. RESIGNATIONS

All resignations must be in writing, signed by the employee, state the effective date thereof, and be directed and delivered to the attention of the proper authority, being the Mayor of the City of Fayette.

Resignations which are unconditional, to be effective immediately, may not be withdrawn without the consent of the Mayor of the City of Fayette and shall take effect immediately. Any employees, wishing to leave the employ of the City of Fayette in good standing, should submit their resignation to the Department Head with a copy to be delivered to the Mayor at least two weeks before the effective date thereof.

SECTION XXX. TRAVEL GUIDELINES

If the cost of attending an out-of town event for an employee or official is approved by the governing body of the City of Fayette, the cost of such events shall conform to the following:

1. Registration will be paid only for the employee or official.
2. Accommodations will be paid only for the employee or official on a cost basis.
3. Meals, including tips, will be paid on a cost basis for the employee only up to \$30.00 per day to cover three meals and other incidentals.
4. Incidentals, such as taxi fares and parking tickets, will be paid only for the employee or official.
5. Transportation by public carrier will be paid for employee or official only. The City may provide transportation for employee or official and immediate family. Prior approval must be received for other persons to ride in City-owned vehicles. Transportation furnished by employees will be reimbursed at the standard rate for automobile reimbursement established each year by the Internal Revenue Service per mile. City credit cards shall not be used to privately owned vehicles.

6. Expenses reimbursed on a cost basis must be documented by receipts and if itemized, will be shown on printed forms which must be presented to the City Council for approval.
 7. The intent of these guidelines is to provide the employee with adequate accommodations, and the employee is expected to use proper discretion, as unreasonable and unjustifiable expenditures will not be subject to reimbursement.
 8. Deviations from the Travel Guidelines are subject to review and approval by the City Council.
- (See section under "Forms", travel guidelines.)

SECTION XXXA. FIREARMS PROHIBITED

Except for police officers, employees are prohibited from carrying or having a firearm in their possession or in a vehicle on City property. Also, except for police officers, employees are prohibited from carrying or having a firearm in their possession or vehicle while on duty.

A violation of this section constitutes a *Serious Offense* under this policy and discipline will be administered in accordance with SECTION XXVI. DISCIPLINE AND TERMINATION.

SECTION XXXI. CONFLICT AND SEVERABILITY CLAUSE

If any provision of this handbook and the policies contained herein conflict with any other policy of the City of Fayette, this policy shall supersede the previous policy. If any provision of the handbook and the policies contained herein are found to be contrary to law or invalid by a court of competent jurisdiction, such holding shall not affect the remainder of any provisions of this handbook and the policies contained herein.

SECTION XXXII.

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

SECTION XXXIII.

This ordinance shall become effective on March 1, 1997.

Adopted this 21st day of January, 1997.

Mayor

Attest:

City Clerk

THE DRUG AND ALCOHOL POLICY OF THE CITY OF FAYETTE, ALABAMA

SECTION 1. GENERAL POLICY

The City of Fayette, Alabama recognizes that its employees are its greatest assets. The City's employees are the key to providing the best possible services for its citizens. To achieve this goal, and to maximize the skills and talents of the City's employees, it is important that every employee of the City understand the dangers of drug and alcohol abuse and be made aware of state and federal requirements concerning substance abuse. This Policy is offered to clarify the City's position as to employee drug and alcohol use. However, this Policy should not be construed as contractual in any nature.

While misuse of alcohol and drugs among employees is the exception rather than the rule, the City is concerned over the increase in substance abuse in society and acknowledges the devastating impact of such abuse on the safety, health and efficiency of its work force and those it serves. Alcohol and drug use can impair thinking and reasoning and may lead to behaviors that bring the user into severe conflict with their work environment. Alcohol and drug use can affect coordination and perception, making the user prone to accidents and loss of effective performance. Over a period of time, drug and alcohol use causes serious medical problems, and users are at risk of becoming clinically addicted psychologically and/or physically. While the City has no intention of unreasonably intruding into the off-duty lives of its employees, it is necessary to establish policies and procedures for dealing with use and/or misuse of alcohol and/or prohibited substances, thereby preventing potentially serious consequences to the public and employees.

For these reasons, the City hereby adopts a policy that all employees must report to work (1) not under the influence of or intoxicated by alcohol, and (2) completely free from the presence of drugs, unless used as prescribed by a physician pursuant to this Policy.

Nothing herein shall prelude the City from establishing rules, regulations, policies and/or procedures in addition to those required by the Federal Acts. This policy supplements existing work rules. If there is a conflict between this Policy and a work rule, the more strict shall apply.

Though not subject to the testing requirements provided in this policy, visitors, volunteers, vendors, contractors and contractors' employees are governed by this Policy while on City premises and will not be permitted to conduct business within the City if found to be in violation of this Policy.

SECTION 2. OBJECTIVES

It is the City's desire and intent to ensure that City residents receive safe and efficient City services and that all City employees are provided a safe work environment. In order to achieve this, it is a City policy to:

- A. Create and maintain a safe, drug-free working environment for all employees;
- B. Encourage employees to seek professional assistance at any time for the use or misuse of alcohol and/or prohibited substances;
- C. Reduce problems of absenteeism, tardiness, carelessness and/or other unsatisfactory matters related to job performance;

- D. Reduce the likelihood of incidents of accidental personal injury and/or damage to citizens, employees, visitors or property;
- E. Meet the requirements of 49 C.F.R. Part 40, the Omnibus Transportation Employee Testing Act of 1991 (OTETA), as amended and the Drug-Free Workplace Act;
- F. Eliminate substance abuse and its effects from the work place;
- G. Reduce the likelihood that City property will be used for illicit drug activities;
- H. Protect the reputation of the City and its employees within the community.

SECTION 3. DEFINITIONS

A. ACCIDENT

An incident involving a city vehicle or any vehicle used in the performance of City business in which there is:

- 1. A fatality or an injury requiring treatment by qualified medical personnel; or
- 2. The employee's conduct or performance either contributed to the incident or cannot be completely discounted as a contributing factor in the cause of the incident; or
- 3. The employee receives a citation under State or local laws for a traffic violation arising from the accident; or
- 4. Property damage occurs as a result of the accident; or
- 5. All other circumstances as provided by 49 C.F.R. Part 40, as amended, and the OTETA, as amended.

B. ALCOHOL TEST

A test conducted by a Breath Alcohol Technician (BAT), or any other person approved by the Department of Transportation rules, using an Evidential Breath Testing Device (EBT) to measure the amount of alcohol concentration in a volume of breath, or any other test used to detect the presence of alcohol that is approved by the Federal Highway Administration (FHWA).

C. BREATH ALCOHOL CONCENTRATION (OR CONTENT) (BrAC)

The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an EBT.

D. CONTROLLED SUBSTANCE

A controlled substance as defined in the Federal Regulation 21 C.F.R. § 1308.11 through 1308.15, 21 U.S.C. § 812 and other federal and state laws, as amended.

E. DRUG

- 1) Any substance recognized as a drug in the official U.S. pharmacopoeia and national formulary or official homeopathic pharmacopoeia of the United States or any supplement to either of them; or
- 2) Any substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or other conditions in persons or other animals; or
- 3) Any controlled substance.

F. DRUG PROGRAM COORDINATOR (DPC)

That person or persons designated by the Mayor to coordinate and implement this Policy. In the absence of such a designation, the Mayor shall serve as the DPC.

G. EVIDENTIAL BREATH TESTING DEVICE (EBT)

A device approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List and used for the evidential testing of breath.

H. FOLLOW-UP TEST

An alcohol and/or prohibited substances test administered to an employee who has committed a violation of this Policy and who has been permitted to return to duty after passing a return-to-duty alcohol and/or prohibited substances test.

I. LABORATORY

That laboratory used for the testing of prohibited substances which shall be chosen by the Mayor, the Medical Review Officer (MRO) or the Third Party Administrator (TPA) from time to time and which shall be certified and monitored by the Federal Department of Health and Human Services.

J. MAYOR

That person who is currently Mayor of the City.

K. MEDICAL REVIEW OFFICER (MRO)

A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the City's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

L. MISUSE OF ALCOHOL

The use of alcohol which leads to a BrAC of 0.02 or higher.

M. OVER-THE-COUNTER DRUG

A drug or medication manufactured for consumption by the general public which does not require a prescription issued by a physician or other practitioner licensed by law for such drugs or medication.

N. POLICY

The Drug and Alcohol Policy of the City of Fayette, Alabama.

O. PRE-EMPLOYMENT AND TRANSFER TEST

An alcohol and/or prohibited substances test administered to an individual prior to the first time the individual performs a safety-sensitive function upon appointment to the position or prior to the first time the individual performs a safety-sensitive function after having been laid off from a safety-sensitive position. In addition, alcohol and/or prohibited substance tests may be administered to any person applying for a City position.

P. PRESCRIPTION DRUG

A drug taken in the course of treatment and under the direction or supervision of a physician or other practitioner licensed by law to prescribe such a drug.

Q. PROHIBITED SUBSTANCE

Includes controlled substances; drugs not taken according to the direction or supervision of the prescribing physician or other practitioner licensed by law to prescribe such a drug; and over-the-counter drugs used in contradiction of the manufacturer's instructions or the directions of a physician or other practitioner licensed by law.

R. PROHIBITED SUBSTANCE TEST

A method for determining the presence of prohibited substances in a urine sample using a scientifically reliable method performed in accordance with procedures specified in 40 C.F.R. 40, as amended.

S. RANDOM TEST

An alcohol and/or prohibited substance test administered to a safety sensitive employee who has been randomly selected by a scientifically valid method from among the pool of employees subject to such tests.

T. REASONABLE SUSPICION

Reasonable suspicion is that quantity of proof or evidence that is more than intuition or strong feeling, but less than probable cause. Such reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and/or withdrawal effects of prohibited substances or alcohol or any of the following:

- 1) Documentation of unsatisfactory work performance or on-the-job behavior.
- 2) Evidence of the manufacture, distribution, dispensing, possession, or use of prohibited substances or alcohol.
- 3) Occurrence of an accident that may have been caused by employee error.
- 4) Fights (physical contact), assaults, and flagrant disregard or violations of established safety, security or other work rules.
- 5) Evidence that a drug or alcohol test of the employee has been tampered with.

REFUSAL TO SUBMIT TO AN ALCOHOL OR CONTROLLED SUBSTANCES TEST.

Refusal to submit to testing shall include any or all of the following:

- 1) Failure to provide an adequate amount of breath during testing without a valid medical explanation after he or she has received notice of the requirement for breath testing; or
- 2) Failure to provide adequate urine for prohibited substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing; or
- 3) Engaging in conduct that obstructs or interferes with the testing process; or
- 4) Failure or refusal to execute the required forms provided in conjunction with the receipt of this policy or which are a part of the testing; or
- 5) Failure to be readily available for post-accident testing; and/or
- 6) Failure to report to, and undergo alcohol and prohibited substances testing, at a collection site as required.

U. RETURN-TO-DUTY-TEST

An alcohol and/or prohibited substances test administered prior to an employee being permitted to return to duty, when the employee has either committed a violation of the Policy or has entered into a rehabilitation program as part of a last chance agreement.

V. SAFETY-SENSITIVE POSITION

Any position which involves any of the following; the use of firearms, the use of mechanical equipment and machinery, exposure to hazardous conditions, the care and custody of prisoners, the regular driving of a motor vehicle, and duties which have the potential of causing serious injury or harm to other employees or the public.

Safety-sensitive positions include but are not limited to the following:

1. Any City employee who is required to obtain a Commercial Driver's License.
2. In the Police Department:
 - a. All sworn police officers, including the Chief, Lieutenants, Sergeants, and patrolmen.
 - b. Public Safety Dispatchers
 - c. Reserve Police Officers
 - d. Property Clerks and Evidence Technicians
 - e. Correctional Specialists
3. In the Fire Department:

Firefighter, including Chief, Assistance Chief, Fire Inspector, Training Officers, Apparatus Operator, and Emergency Medical Technicians.
4. In the Street and Sanitation Department:
 - a. Superintendent
 - b. Assistant Superintendent
 - c. Public Works Supervisor
 - d. Heavy Equipment Operator
 - e. Refuse Truck Driver
 - f. Truck Driver
 - g. Construction Equipment Operator
 - h. Labor Supervisor
 - i. Truck Maintenance Crew Leader
 - j. Animal Control Officer*
 - k. Skilled Laborer
 - l. Semi-Skilled Laborer
 - m. Unskilled Laborers – where duties include heavy manual labor, working near heavy equipment, riding on rear of refuse collection trucks, street repair crews, or use of lawn mower and other equipment operated in areas used by the public.
5. In the Building Inspection Department:
 - a. Building Inspection Officer*
 - b. Building Inspectors*
6. In the City Shop:
 - a. Auto Service Technician
 - b. Auto Shop Supervisor
 - c. Equipment Service Work
 - d. Laborers – who regularly assist in the maintenance of motor vehicles, equipment and who regularly drive motor vehicles

7. In the Park & Recreation Board:

- a. Superintendent
- b. Lifeguard
- c. Recreational Leaders
- d. Security Guards

The use of an (*) in the above listed classifications means that the employee regularly drives a motor vehicle as part of his or her job responsibilities.

Additional classifications may be added to the above list based on Department Head recommendations which are approved by the Mayor. Any additions to the list of safety sensitive positions will be posted on the bulletin board of the department affected.

W. SCREENING TEST (INITIAL TEST)

1) Alcohol

Any analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in his or her system.

2) Prohibited Substance

An immunoassay screen (or other Department of Health and Human Services approved test) to eliminate "negative" urine specimens from further consideration.

X. SUBSTANCE ABUSE PROFESSIONAL (SAP)

A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and prohibited substances-related disorders, designated by the Mayor or the MRO.

Y. THIRD PARTY ADMINISTRATOR (TPA)

That entity which the City selects from time to time to provide a range of services to aid the City in implementing mandatory drug and alcohol testing procedures pursuant to this Policy.

Z. CITY

The City of Fayette, Alabama.

AA.VIOLATION

Shall include:

- 1) Failure to comply with any required evaluation by SAP; or
- 2) Failure to comply with any aspect of this Policy; or
- 3) Failure to remain in compliance with any and all prescribed or recommended rehabilitation and/or treatment programs or disciplinary directives.
- 4) The use, consumption, possession, manufacture, growth or distribution of a prohibited substance on City premises, in City supplied vehicles, or in any City work area or while on duty unless authorized to do so.

- 5) The use, consumption, possession, manufacture or distribution of alcohol on City premises, in City supplied vehicles, or in any City work area or while on duty unless authorized to do so.
- 6) The use, possession, or distribution of drug paraphernalia on City premises, in City supplied vehicles, or in any City work area or while on duty unless authorized to do so.
- 7) Being under the influence of a prohibited substance or alcohol on City premises, in any City work area, in City supplied vehicles or while on or preparing to go on duty.
- 8) Being convicted for the sale or possession of a controlled or prohibited substance at any time or place.
- 9) The use of alcohol or any prohibited substance off-the-job which results in impaired work performance, including but not limited to, absenteeism, tardiness, poor work product, or harm to the City's image or relationship with the general public.
- 10) Refusal to submit to testing as defined herein.
- 11) The performance of any job-related duties within four hours after using alcohol.

An employee who engages in conduct in violation of this Policy or when an employee uses prohibited substances or uses alcohol in violation of this Policy or City work rules shall be subject to discipline up to and including discharge.

Section 4. PROGRAM ADMINISTRATION

The Mayor, through the DPC, is responsible for the overall administration of the program. The DPC must:

- 1) Prepare a report outlining the number of tests given; the basis for tests (random, pre-employment, post-accident, etc.); the results of the tests on a summary basis; and the costs incurred in the program. The report shall be submitted to the Mayor on a quarterly basis (i.e., on the 15th of January, April, July and October).
- 2) Provide department heads with the names of employees selected at random to be tested.
- 3) Assist department heads in the administration of this Policy.
- 4) Assist employees who voluntarily come forward in obtaining assistance with any substance abuse problems they have.
- 5) Receive the results of all drug tests from the MRO and maintain the information in a secure file for a minimum of five years.
- 6) Notify department heads and the Mayor of positive results.
- 7) Maintain Drug and Alcohol Policy Consent/Release, Workers' Compensation Awareness Forms and Last Chance Agreements for each employee.
- 8) Take actions to insure implementation of Policy.

Section 5. PROHIBITED CONDUCT

A. INTRODUCTION

The City requires that all employees report to work without any alcohol or prohibited substance in their systems. In order to avoid creating safety problems and committing violations of this Policy, safety-sensitive employees must inform their supervisor when they are legitimately taking drugs, prescribed, over-the-counter, or otherwise which may affect their ability to work. Prohibited conduct also includes any violations as defined herein.

B. PRESCRIPTION DRUGS

The proper use of prescription or over-the-counter drugs is not prohibited; however, the City prohibits the abuse of prescribed drugs and requires all safety-sensitive employees using prescription or over-the-counter drugs to notify in writing the MRO, or their supervisor prior to beginning work when the prescription drugs may affect their job performance.

Failure of an employee to comply with the contents of this section will be considered to be a violation of this Policy.

C. CONDITION OF EMPLOYMENT

Compliance with this Policy is a condition of employment. Failure or refusal of an employee to fully cooperate with the requirements of this Policy will be considered to be a violation of this Policy.

D. DISCIPLINARY ACTION

When positive test results are received by the DPC, the DPC shall notify the Mayor and the employee's Department Head of the test result. The employee has the right to be given opportunity to explain the results prior to personnel action being taken.

The Mayor will conduct a hearing giving the employee the right to explain the test results. Within five (5) days following the close of the hearing, the Mayor shall issue a written decision and brief summary of the facts and evidence supporting that decision.

Section 6. TESTING PROCEDURES

A. GENERAL GUIDELINES

The City and the laboratory shall rely on the guidance of the Federal Department of Transportation, Procedures For Transportation Work Place Drug Testing Programs, 49 C.F.R. Parts 40.1 through 40.39, as amended, and on the further guidance of the OTETA provided in 49 C.F.R. §§ 40.51 to 40.83 (1994), as amended.

The City reserves the right to utilize blood, hair, breath, saliva or urinalysis testing procedures. Only urinalysis and breath tests will be utilized in the pre-employment and random testing. All initial positive urine specimens will be confirmed by gas chromatography/mass spectrometry.

B. TESTED SUBSTANCES

Employees subject to testing pursuant to this Policy may regularly be tested for; amphetamines, cannabinoids, cocaine, opiates, phencyclidine, alcohol and other controlled substances. Employees may be tested for other substances without advance notice as part of a separate test performed by the City for safety purposes. Such tests will be coordinated with the DPC as directed by the MRO.

C. PROHIBITED RESULTS

The initial and confirmation drug test cut off values promulgated by the Department of Health and Human Services, (Federal Register, Vol. 59, No. 110, published June 9, 1994), and as hereafter amended, are hereby adopted as the threshold for this policy. These tests levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations. Threshold levels specified by the reagent manufacturers will be used for drugs or compounds not listed in the Federal Register, or specified by law. Specimens containing the drug or metabolite above the threshold are identified as "negative."

For alcohol tests, a prohibited result is a BrAC of 0.04 or greater. In addition, a person in a safety-sensitive position cannot use alcohol within four hours prior to performing safety-sensitive functions. If a person in a safety-sensitive position is found to have a BrAC of between 0.02 and 0.39, he or she will not be permitted to perform employment functions and shall be automatically suspended without pay until his or her next regularly scheduled shift or 24 hours, whichever is greater.

All specimens identified as positive on the initial test shall be subject to a confirmation test, as provided in 40 C.F.R. § 40.3, as amended. Positive test results, as confirmed, are prohibited and shall be considered violations.

D. COLLECTION SITES

The DPC or the TPA will designate collection sites where individuals may provide specimens.

Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain as proper and as private a collection procedure as reasonable. A person who collects a specimen for a drug test pursuant to this Policy shall collect an amount sufficient to meet the requirements of the Department of Transportation's Regulations as noted at 49 C.F.R. § 40.25, et seq., as amended. Where the City has an employee collect the specimen, the City will provide instructions and training to the employee collecting the specimen.

Where necessary, a City representative or medical personnel may obtain a specimen outside of a collection site (such as, at a public rest room at an accident investigation).

E. COLLECTING AND TESTING PROCEDURES

The City, the TPA, and the laboratory, have developed and will maintain a procedure for collecting, shipping and assessing urine and alcohol specimens in compliance with Federal Regulations, as amended. The City, the TPA and the laboratory will utilize a standard Urine Custody and Control Form for all employee drug testing and a standard Breath Alcohol Testing Form for all employee alcohol testing. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will also be used for urine sample transportation.

The City has adopted the direct observation procedures as set out in Section 40.25 of the Department of Transportation regulations, as amended. An Employer or Medical representative at the collection site may directly observe an employee provide the specimen where there is no reason to believe that an individual may alter or substitute the specimen or when the requirements of Section 40.25 (e)(2) have been met.

All employees will also be required to execute the Drug and Alcohol Policy Consent/Release Form.

F. EVALUATION

The laboratory will transmit (by facsimile, mail, or computer, but not orally over the telephone) the results of all tests to the MRO. The MRO will be responsible for reviewing the test results of employees and confirming that the individuals testing positive have used drugs in violation of this Policy. Prior to making a final decision, the MRO shall give the individual an opportunity to provide a medical explanation for the positive test result either in person or via telephone.

The MRO shall then promptly report to the DPC the employees or applicants who tested positive.

G. RETEST

Where a split specimen has been collected, an employee may request a retest of the split specimen within 72 hours of notification of the final test result. Where only one sample is submitted for testing, the employee may request the MRO to conduct a retest of the original sample within 72 hours after notification of the final test result.

ALL REQUESTS FOR RETESTS MUST BE SUBMITTED DIRECTLY TO THE MRO.

The employee may be required to pay the associated costs of retests in advance.

Section 7. SCREENING

A. PRE-EMPLOYMENT AND TRANSFER TESTING

The City shall require, as part of the employment process, that all final applicants for initial employment, appointment, promotion, or transfer to any "safety-sensitive" positions submit to drug and alcohol screening in order to determine the individual's stability for the position. Such testing may be required either alone or as part of a pre-employment physical examination or periodic physical. Applicants are required to sign a consent/release form before submitting to screening. Applicants will be disqualified for hire, continued employment, or transfer to a safety-sensitive position

if they test positive, refuse to submit to a test, or refuse to execute the required forms.

B. CURRENT EMPLOYEE TESTING

1. Reasonable Suspicion Testing

An employee shall be subject to testing when a supervisor, department head or the Mayor has reasonable suspicion that an employee has violated this Policy. In the same circumstances, a supervisor, department head or the Mayor can search lockers, work areas, desks, purses, briefcases, tool boxes or other belongings, and vehicles brought on Municipal property, or brought on locations where City related activities are being conducted. This can be done without prior notice, in order to ensure a work environment free of prohibited substances and alcohol. An employee may be asked to be present and to remove a person lock. Where the employee is not present or refuses to remove a personal lock, the DPC will do so for him or her. The City may release any prohibited substance, alcohol or drug paraphernalia to appropriate law enforcement authorities. All searches should be coordinated with the DPC.

The required observations for reasonable suspicion testing shall be made by the Mayor, department head, supervisor or designee who has been trained for at least sixty (60) minutes on alcohol misuse and an additional sixty (60) minutes on controlled substance misuse. The training shall cover the physical, behavioral, speech and performance indicators of probable use and misuse of alcohol and controlled substances.

The Mayor, department head(s), or supervisor(s) requesting testing shall prepare and sign written documents explaining the circumstances and evidence upon which they relied within twenty-four (24) hours of the testing, or before the results of the tests are released, whichever is earlier. While one person may request a reasonable suspicion test, when feasible, the Mayor, department head(s) or supervisor(s) are encouraged to obtain a second department head or supervisor as a witness.

2. Random Testing

The City may conduct random, unannounced screening, from time to time, of all safety-sensitive employees and employees subject to the OTETA, as amended and 49 C.F.R. Part 40, as amended. No fewer than 25% of the average number of City safety-sensitive shall undergo random alcohol testing in each calendar year, or a sufficient number of employees equal to an annual rate not less than the minimum annual percentage determined by the Federal Highway Administration Administrator. No fewer than 50% of the average number of safety-sensitive positions shall undergo random prohibited substances testing in each calendar year, or a sufficient number of employees equal to an annual rate not less than the minimum annual percentage determined by the Federal Highway Administration Administrator.

Section 8. RECORDS OF RESULTS

The Laboratory will promptly report to the DPC those employees or applicants testing positive. Laboratory reports and/or test results will not be placed in the employee's personnel record but will remain in a separate record securely kept under the control of the DPC. Test results will only be released by the Mayor on a strictly need-to-know basis and to others upon written request from the employee. The results of a positive drug test shall not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the laboratory.

Release of test results may also occur in case of any of the following events:

- 1) The information is compelled by law or by judicial or administrative process;
- 2) The information is needed as evidence in a disciplinary hearing involving the subject employee;
- 3) The information is needed to determine eligibility for employee benefits including sick leave, disability pension, or retirement benefits;
- 4) The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure;
- 5) The information is relevant to a worker compensation claim pursuant to § 25-5-1. et seq., *Code of Alabama*;
- 6) Upon request by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the City or any of its employees;
- 7) Information related to post-accident test results administered following an accident which is under investigation by the National Transportation Safety Board shall be released to the Board upon request; or
- 8) When required to be maintained under the FHWA Rules and Regulations to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee, and including, but not limited to, a worker's compensation claim, unemployment compensation, or other proceeding relating to a benefit sought by the covered employee and arising from the results of an alcohol and/or prohibited substances test administered in accordance with the FHWA.

Section 9. DRUG/ALCOHOL ASSISTANCE PROGRAMS

The City is committed to providing reasonable accommodations to those employees where drug or alcohol problems classify them as disabled under 29 U.S.C. 706 (8)(A) & (B).

A. VOLUNTARY REVELATION OF DRUG/ALCOHOL PROBLEM

An employee who voluntarily reveals an alcohol/drug problem to the Mayor (1) before being notified of selection for an alcohol or drug test; and (2) before testing positive for alcohol and/or drugs; and (3) before other discovery of an alcohol/drug problem may voluntarily enroll in a drug or alcohol rehabilitation program at the employee's expense.

B. LAST CHANCE AGREEMENT

Pursuant to this Policy, an employee enrolled in a program may be offered an opportunity to sign a "last chance agreement." The agreement would temporarily suspend the City's plan to take disciplinary action against the employee upon the employee's agreement to attend and complete the rehabilitation program at the employee's expense. The rehabilitation provider may be selected by the employee but must be approved by the Mayor. Following the completion of the program and submission of a certificate of fitness from the MRO confirming fitness to return to work in the same classification and job responsibilities, the employee may be returned to work. As a condition for return to work, the employee may be required to participate in a maintenance treatment program and submit to Return to Duty/Follow up testing for a period of up to sixty (60) months following completion of the rehabilitation program. Failure of the employee to satisfactorily complete the program or to fulfill any terms of the agreement will be grounds for disciplinary action including termination. Upon satisfactory employment performance and completion of at least one year of maintenance and Return to Duty/Follow up testing, the disciplinary action may be dropped.

Section 10. REQUIREMENTS OF DRUG FREE WORK PLACE ACT OF 1988

The Drug Free Work Place Act of 1988 requires the City, a recipient of certain federal grants, to certify to the United States Government that it will maintain a drug free work place. Employees shall neither use nor be under the influence of drugs, intoxicants, alcohol, or any other controlled substance in the workplace. The City recognizes the importance of maintaining a safe, efficient and healthful workplace, as well as the social responsibility to provide assistance to its employees to the extent possible. Therefore, employees are expected to report to work free from any alcohol or prohibited substances that could inhibit their ability to perform their duties.

The Drug-Free Workplace Act, Public Law 100-690, Title V, Subtitle D makes it a condition of employment that all City employees notify the City (your immediate supervisor or the Human Resources Director) of any criminal statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Within ten (10) days of receiving notice of conviction, the City will notify the appropriate Federal contracting or granting agency, if any, as required. This is required by the Federal law. Within thirty (30) days of notice of the workplace drug conviction, the City will:

- 1) Require the employee to satisfactorily participate in a drug or alcohol assistance or rehabilitation program that is approved by the City, and
- 2) Take appropriate disciplinary action up to and including discharge.

Section 11. MISCELLANEOUS

A. EFFECTIVE DATE

This policy shall become effective on the 1st day of January, 1996, as evidenced by the adoption of a resolution adopted by the Council of the City and upon the approval by the Mayor.

B. SUPERSEDES OTHER LAWS

Upon becoming effective, this Policy shall supersede any other drug-testing program now in existence.

C. CONFLICT CAUSE

If any provision of this Policy conflicts with any other Policy of the City, this Policy shall supersede the previous Policy. If any provision of this Policy is found contrary to law or invalid by a Court of competent jurisdiction, such holding shall not affect the remainder of any provisions of this Policy.

D. NOT A CONTRACT

This Policy should not be construed as contractual in any nature.

E. MAY BE CHANGED AT ANY TIME

The Policy represents the City's current guidelines in addressing a developing problem under evolving laws and facts, and may be changed in accordance with City Policy and State and Federal law, in the City's sole discretion, at any time.

Adopted this 18th day of December, 1995.

**DRUG SCREENING PROCEDURES
FAYETTE CITY EMPLOYEES
FEBRUARY 1, 2001**

Employee drug testing is divided into three categories:

1. **Reasonable Suspicion Testing** – An employee can be tested if there is reasonable suspicion.
2. **Random Testing** – An employee can be tested by a “random selection” process my means of a computer-generated database than randomly selects an employee to be tested from a pool of all available employees. This is an unannounced screening from time to time of all safety-sensitive employees.
3. **Post-Accident Testing** – An employee can be tested due to an on duty accident.

The Drug Program Coordinator (DPC) is hereby designated as Dewayne E. Roby. The implementation procedure for Random Testing of employees is as follows.

1. A computer generated Drug Screening Program will be used to enter all safety-sensitive employees into a database.
2. The computer generated process will randomly select employees to be drug screened.
3. On any given day, the mayor will direct the DPC to generate a list of employees to be screened.
4. The employee’s name will be forwarded to the supervisor of the employee.
5. The employee to be tested will be notified and taken to the DCH Hospital Lab to be tested.
6. At the hospital, the employee will be required to sign in and also sign a consent form to allow the release of the results to the DPC and Mayor.
7. A Custody and Control Form will be filled out by the lab and a copy given to the employee and the DPC.
8. Once processing is over through the lab, the employee will return to his work assignment.

YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993

FMLA requires covered employees to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

REASONS FOR TAKING LEAVE: Unpaid leave must be granted for any of the following reasons:

- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee’s job.

ADVANCE NOTICE AND MEDICAL CERTIFICATION: The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is “foreseeable.”
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer’s expense) and a fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan.”
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

UNLAWFUL ACTS BY EMPLOYERS: FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

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

FOR ADDITIONAL INFORMATION: Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

U.S. Department of Labor
Employment Standards Administration Wage and Hour Division
Washington, DC 20210

GENERAL SAFETY RULES

1. The most important fact that the Management wishes to impress upon employees is that the City does not expect, and will not permit, any employee to take any unnecessary chance in the performance of duty.
2. The safety of others, as well as themselves, should be the concern of all employees. If an employee sees another employee engaged in an unsafe or improper practice, it is his duty to point out the hazard involved. When an employee's attention is thus called to an unsafe practice, offense should not be taken; as such warnings are impersonal and are intended for the good of the employee and the service.
3. Safety Committees are a definite part of an employee's duty and should be conscientiously fulfilled. Action taken by these committees is for the good of all employees and no one should feel censured or aggravated in connection with their reports.
4. Safety rules cannot be all-inclusive. Conditions may arise which are not covered by rule and they demand sound judgment. Employees must refrain from unsafe and improper practices which are violations of written rules and instructions, and must avoid violations of unwritten rules of "common sense."
Employees must follow the safest methods and practices for their jobs.
5. Teamwork is essential to safety. When working in groups or crews, all members of the group or crew must know and understand the movements to be made.
6. The City maintains a program of safety education to improve the employee's skill and alertness. All employees are urged to avail themselves of and support this program.
7. All employees must courteously assist new employees in learning their duties.
8. Profane, indecent or abusive language is prohibited.
9. Employees suffering off duty personal injury which adversely affects their ability to perform normal assigned duties must report to proper authority prior to duty.
10. A large portion of injuries are the result of falling, slipping, tripping, etc. These injuries may occur at any time and under all circumstances. Therefore, employees must watch where they step at all times.
When working at night, exercise utmost care to avoid the hazards caused by shadow, resulting from use of lights.
Employees subject to falls are warned of the danger of pipe smoking, and the hold of protruding articles such as pencils in the mouth, which is prohibited.
11. Good housekeeping is essential to safety. Employees shall keep the premises subject to their control in a clean and orderly condition. Material will be picked up at conclusion of each work assignment and in no case will it be left where it could cause a safety hazard. Throwing of articles (littering) from vehicles is prohibited. Trash must be placed in appropriate receptacles and not thrown on floors or on the ground.
12. Employees must not leave tools or material on window sills, ledges, ladders or vehicles where they may fall or be jarred from place.
13. Aisles, walkways, steps and driveways must be kept free of debris, tools, equipment and other material.

14. Wet or freshly waxed floors must be protected by appropriately placed signs or such areas barricaded or roped off, and such protection will not be removed until area has been made safe.
15. As far as practicable, employees must avoid stepping on or walking on surfaces made slippery by grease, oil, wet paint or similar substances.
16. Ice must be removed from over doorways, walkways or any other location where there is danger of it falling and causing injury. Clean and, if necessary, apply salt, sand or other suitable materials to steps, walkways and other locations where slipping may occur.
17. Employees must keep hands out of pockets when using stairs, use hand rails when practicable.
18. Employees must not walk or stand under suspended loads, workmen or poles, ladders, or scaffolds, nor step over, straddle or stand adjacent to ropes or cables that are under tension or that might be tightened at any moment.
19. Sliding down guy wires, rods, railings and ladders; jumping off ladders or over excavations, pits and manholes is prohibited.
20. Employees may run only at locations where it can be done safely.
21. Use caution when rounding corners to prevent collisions with vehicles or persons.
22. Standing or attempting to stand on improvised scaffolds or supports made of boxes, barrels, chairs, stools, or other unsafe means for reaching shelves and high places is prohibited.
23. Broken window or door glass must be removed with gloved hand or proper tool. Broken glass on floor, platform, etc., must be removed promptly with gloved hand or proper equipment.
24. Scuffling, horseplay, practical jokes, harassment and all conduct of a similar nature either on or off duty while on City property is prohibited.
25. Spitting upon walls, floors, stairways and work areas is prohibited.
26. Employees must be physically and mentally fit, stay alert and work in harmony with their associates.
27. Boards or other material with protruding nails, or screws must not be placed where they will cause injury. They must be removed from walkways, or other areas where they may be stepped on, walked into or brushed against.
28. Employees allergic to certain oils, greases or chemicals or other agents must avoid using them. Skin must not be exposed to oils, greases or cleaning fluids more than absolutely necessary in performing the work. Gasoline, kerosene, or other volatile liquids should not be used to clean hands and arms. Mild soap containing lanolin is recommended.
29. Employees must report for duty at the designated time and place. They must be alert and attentive and devote themselves exclusively to the City's service while on duty.
30. Employees who have been off duty by reason of accident or illness, or whose sight, color sense, hearing, or health may have become affected may be required to stand satisfactory physical examination.
31. Employees must exercise every care to prevent fires. Frequent inspections must be made of the premises and fire hazards found must be promptly corrected or reported for correction.
32. Employees observing any condition which could endanger person or property must correct such when practicable, or if not practicable to make correction, report them to proper authority.

33. Employees are prohibited from allowing or requesting those not engaged in the City service to assist them in performing their work, except in cases of accident, personal injury, or other emergencies.
34. Employees whose duties require the handling of hazardous material must familiarize themselves with requirements of governmental regulations, and other special instructions relating thereto and conform to them.
35. Employees while on duty, must not play games or read literature not concerning their work or engage in any other activity which may detract their full attention from the performance of their duties.
36. Employees must not carry or have in their possession firearms or other weapons while on duty unless authorized by the City.
37. Employees must not permit an employee under their charge to work if his condition renders him unfit to do so. Any employee observing another employee physically unable to perform his assigned duties must make prompt report to the proper authority.
38. All cases of personal injury must be given attention immediately, and everything must be done to properly care for the injured party.
39. Medical attention must be provided if desired by the injured employee or if the employee or supervisor in charge is of the opinion it is needed.
40. Employees must report immediately both verbally and in writing to the employee or supervisor in charge any personal injuries suffered while on duty. If unable to do so, the report must be furnished by the employee or supervisor in charge.
41. When an injury results from use of tools, machinery or other equipment, inspections must be made promptly by a supervisor or other qualified employee.
42. Employees shall not work without shirts.
43. Employees must wear trousers which cover the legs.
44. Employees must not wear oil-soaked or greasy clothing.
45. Employees must not go under equipment unless protection is provided.
46. Do not mount or dismount moving equipment while it is in motion.
47. Gasoline, kerosene, or other highly flammable liquids shall not be used to start or intensify fire or for cleaning hands, clothing, electrical equipment, machinery, etc.
48. Do not attempt to lift or move bulky or heavy equipment or materials alone. Get someone to assist you.
49. Employees whose duties require them to operate a vehicle must:
 - A. Be in good physical condition including eyesight and hearing and have no physical impairments that would prevent safe driving.
 - B. Have in their possession the proper license.
 - C. Must see that any materials or tools are loaded in a safe manner and be secured.
 - D. Comply with posted speed limits, signs and signals, and make a complete stop at all stop signs.
 - E. Keep windshield and windows clean of ice, frost, dirt, etc.
50. All emergency lights and flashers must be kept clean and operating.
51. Hard hats must be worn when in a man-hole, deep ditch, or laying pipe with a machine in a ditch.
52. Shoes must not be worn that have thin bottoms or holes in the bottom or top.

53. Any employee working on right-of-way of public road must wear orange vest.
54. Safety glasses must be worn when:
- A. Operating bush hog
 - B. Loading garbage or brush
 - C. Using jack hammers
 - D. Grinding
 - E. Weed-eating
 - F. Driving posts or pins with large hammer
55. Machines with only a single seat must not have two occupants at anytime.
56. All safety devices on equipment must be kept in operation.
57. Safety belts must be worn on all power-shift machines.
58. When any vehicle is stopped in a roadway, one (1) orange cone must be placed to the rear of the vehicle, with a minimum of two (2) flashing lights on the rear of the vehicle.

FAILURE TO COMPLY BY THESE SAFETY RULES WILL BE SUBJECT TO THE FOLLOWING:

First Offense: Verbal warning

Second Offense: Verbal warning

Third Offense: Written warning

Fourth Offense: Written warning

Fifth Offense: 3 days suspension – without pay

Sixth Offense: Dismissal

All warnings and suspensions will be kept on file for one (1) year.

**ACKNOWLEDGEMENT STATEMENT WITH DISCLAIMER
FOR EMPLOYEE HANDBOOK**

This is to acknowledge that I have received a copy of the City of Fayette's Employee Handbook which includes the Personnel Rules and Regulations, Drug and Alcohol Policy, Safety Policy and Notice of Your Rights Under Family Medical Leave Act.

I acknowledge that my employment is at-will and that the City of Fayette reserves the right to terminate me at any time with or without cause and with or without notice. I understand that no practice or policy of the City of Fayette relating to termination procedures alters the at-will nature of my employment in any way.

I understand it is my responsibility to read the Handbook. If I have questions concerning the information in the Handbook, I will bring them to the attention of my Supervisor, Department Head, or the Mayor.

I understand that the statements contained in the policy constitute management and employee guidelines only, and are in no way to be interpreted as a contract between the City and any of its employees. I further understand that the City reserves the right to change, modify or delete any of its work rules and policies at any time.

This will also confirm that I understand that this Employee Handbook is not a contract of employment and that no express or implied promise or guarantee with regard to the duration or terms of any employee's employment, wages or benefits is binding upon the City unless made in writing and duly executed by the Mayor, and is clearly and specifically identified as a contract or agreement.

I further understand that the Mayor is the only authorized representative of the City who can modify my employment terms and conditions and that each such modification must be in writing and signed by the City's representative to be effective.

Signature of Employee

Date

**CITY OF FAYETTE, ALABAMA
DRUG AND ALCOHOL POLICY CONSENT/RELEASE FORM**

I have read and acknowledge receipt of the City of Fayette, Alabama's Drug and Alcohol Policy. I agree, as a condition of my initial or continued employment by the City to be bound by the terms, conditions and provisions of the City's Drug and Alcohol Policy. I agree to submit to drug or alcohol tests in accordance with the terms of this Policy.

I do hereby give my consent to the City of Fayette to collect a sample of my urine, blood and/or breath from me on this date, and I further give my consent to the City to forward the sample(s) to the laboratory for its performance of appropriate tests thereon to identify the presence of drugs and/or alcohol. I further give the laboratory my permission to release the results to the City's Medical Review Officer.

I expressly authorize the City or its MRO to release any test-related information, including positive results, to the Unemployment Compensation Agency, or any other relevant government agency.

I understand that if I am subject to post-accident testing I must remain available, or my employer may consider me to have refused to submit to testing. I must refrain from consuming alcohol for eight (8) hours following the accident, or until I submit an alcohol test. I also understand that if this test is being conducted because of an accident I was involved in, and I refuse to submit to or cooperate with an alcohol or prohibited substances test conducted and evaluated pursuant to standards adopted by the U.S. Department of Transportation of 49 C.F.R. §§ 40 and 382, as amended, that such refusal will forfeit my right to recover workers' compensation benefits as set forth in *Alabama Code* § 25-5-1, et seq.

I understand that this agreement in no way limits my right to terminate my employment or be terminated in accordance with federal, state and local law.

I also understand that is not the purpose of this test to identify any disability I may have.

Name Printed

Date

Signature

Witness

Social Security Number

**CITY OF FAYETTE, ALABAMA
DRUG AND ALCOHOL POLICY'S WORKER'S COMPENSATION AWARENESS FORM**

Under Alabama Law, workers who are injured at the work place or in the course of employment will be tested for drugs and alcohol and if impaired, will not be paid benefits under the Alabama Worker's Compensation Law:

"A positive drug test conducted and evaluated pursuant to standards adopted for drug testing by the U.S. Department of Transportation in 49 C.F.R. part 40 shall be a conclusive presumption of impairment resulting from the use of illegal drugs. No compensation shall be allowed if the employee refuses to submit or cooperate with a blood or urine test as set forth above after the accident after being warned in writing by the employer that such refusal should forfeit the employee's right to recover benefits under this chapter."

The City of Fayette warns that a refusal to take a urine or blood drug test and a breath alcohol test after an accident will forfeit your rights to recover benefits under the Alabama Worker's Compensation Act.

I have read and understand the foregoing statement.

Employee Signature

Date

Witness

Address