

RESOLUTION NO. - 22

A RESOLUTION  
AMENDING RESOLUTION NO. 5025-12,  
THE CITY OF GULF SHORES PERSONNEL HANDBOOK  
BY REWRITING THE ENTIRE HANDBOOK IN ITS ENTIRETY

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 13, 2022, as follows:

**Section 1.** That Resolution No. 5025-12, adopting the Personnel Handbook for the City of Gulf Shores, be and it is hereby amended by rewriting the handbook in its entirety, so the entire handbook shall read as follows:

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**GENERAL PROVISIONS**

## **Purpose and Statement of Intent**

At the City of Gulf Shores, we believe that a good working relationship with our employees is the key to our success, and that a good working relationship starts with effective communication. Our Employee Handbook is our way of opening the lines of communication.

This handbook provides a summary of our employment benefits, policies, procedures and work rules. While we expect all employees to become thoroughly familiar with our handbook, no handbook can cover every situation or answer every question. Remember, effective communication is a two-way street. If you have questions, problems or suggestions, please let us know. Our goal is to work together as a team. For the City to be successful, we must be performance-oriented. Your success and, in turn, our success depends upon the quality of your work.

Our employment relationship is based upon mutual trust and mutual satisfaction. Your employment with the City will always be “at-will”, meaning that either you or the City may terminate the employment relationship at any time for any reason. This Employee Handbook does not: (1) obligate the City to continue your employment for a particular length of time; (2) create a contract of employment between you and the City; (3) create a property right or any other right to continued employment with the City; or (4) limit the City's right to terminate your employment for any reason the City deems sufficient. Except by written agreement signed by the City, no elected official, appointed official, manager, supervisor, employee or other representative of the City has any authority to promise you employment for a particular length of time or to make any other promise or representation about your continued employment with the City.

Our Employee Handbook is a general summary of our employment benefits, policies, procedures and work rules. While we strive to follow our handbook, circumstances may arise that make it appropriate to vary from or change the policies, procedures, work rules and benefits described in the handbook. If so, we reserve the right to do so, with or without prior notice.

## **Dissemination of the Employee Handbook**

Each employee is responsible for reading and understanding the personnel policies. After each employee is afforded the opportunity to read this Employee Handbook, the employee will be required to sign an acknowledgement to confirm the employee has read and understands the policies. A copy of this Employee Handbook can be viewed and/or downloaded from the city's website [www.gulfshoresal.gov](http://www.gulfshoresal.gov) in the Document Center under New Hire Documents. In addition, a copy of this Employee Handbook will be provided to all employees if requested.

Each Department of the City may develop additional policies and procedures relating to their department at their discretion as approved by the Human Resources Director, City Administrator, Mayor, and City Attorney. Additional policies and procedures may be more restrictive than the provisions of this handbook, but may not be less restrictive.

## **EQUAL EMPLOYMENT OPPORTUNITY & HARASSMENT POLICY**

We are committed to equal employment opportunity for all employees. We recognize and appreciate each employee's work and contribution to our success. We believe that our employees are entitled to be treated fairly and with respect.

We provide equal opportunity and equal treatment in all aspects of employment to all employees and to all applicants for employment without regard to their race, color, religion, sex (including pregnancy, childbirth and related medical conditions), national origin, age (40 and over), citizenship, physical or mental disability, or military obligations. We will make reasonable accommodations upon request to ensure equal employment opportunities for qualified disabled individuals, provided that such accommodation does not constitute an undue hardship on the City. A disabled individual is qualified for a job if he or she can, with or without reasonable accommodation; perform the essential functions of his or her job.

We expect all employees, including all supervisors and managers, to respect the feelings of fellow employees, and to treat fellow employees in a courteous and professional manner. We will not tolerate any form of harassment of our employees. Harassment includes any hostile, intimidating, offensive, insulting or demeaning words or conduct. Specifically forbidden is harassment because of a person's sex, race, color, national origin, religion, age or disability, and any other legally protected status. Examples of prohibited harassment include:

- Offensive, insulting or demeaning remarks, gestures, jokes, pranks, slurs and graffiti about a person's sex, race, color, national origin, religion, age or disability.
- Managers' or supervisors' use of threatening, intimidating, demeaning or insulting words or actions in dealing with employees under their supervision, particularly any derogatory comments about an employee or about an employee's job performance related to the employee's race, sex, national origin, religion, age or disability.

Harassment of our employees is forbidden and will result in disciplinary action, which may include discharge.

We maintain a professional workplace that is free from sexual harassment. Managers and supervisors shall not threaten or insinuate that an employee's refusal to submit to sexual advances or any other form of sexual harassment will adversely affect the employee's continued employment, pay, benefits, working conditions or job opportunities. Similarly, managers and

supervisors shall not state or imply that submission to sexual advances or any other form of sexual harassment will in any way enhance an employee's employment opportunities, hours, pay, benefits, or any other terms or conditions of employment. No manager or supervisor has any authority to take any adverse action against an employee, including discharge, demotion, or reducing the employee's work hours, benefits or pay, because the employee refuses to submit to sexual advances or any other form of sexual harassment. Similarly, no manager or supervisor has any authority to give an employee preferential treatment because the employee does submit to sexual advances or any other form of sexual harassment.

Any verbal or physical conduct of a sexual nature that could contribute to a hostile or offensive workplace for any employee, whether committed by a manager, a supervisor, an employee or any other person (including a contractor or customer), is prohibited. Examples of prohibited conduct include:

- Use of profane or vulgar language;
- Unwelcome sexual flirtations, sexual advances or sexual propositions;
- Sexually-oriented or suggestive jokes or comments;
- Comments about a person's body or sex life;
- Sexually degrading words, including sexual slang, used to describe any person;
- Physical contact of a sexual nature, including unwelcome or inappropriate touching, pinching, patting, grabbing or hugging;
- The display in the work place of sexually oriented or suggestive pictures or objects;
- Sexually suggestive or vulgar graffiti, including words and drawings;
- A supervisor's or manager's comments suggesting that an employee will suffer employment consequences, such as demotion, discharge or denial of a pay raise, if s/he does not agree to sexual demands or if s/he complains about offensive sexual behavior or any other form of harassment;
- Comments suggesting that an employee will receive favorable employment treatment in exchange for sexual favors.

### **Workplace Violence Prevention**

The City of Gulf Shores is committed to maintaining a safe environment and preventing workplace violence. All employees should be treated with courtesy and respect at all times. Conduct that



threatens, intimidates or coerces another employee, a client, or a member of the public at any time, including off-duty periods, will not be tolerated.

In an effort to prevent violence that may occur during business hours or on City property, the City has developed these guidelines to identify and define prohibited conduct, which includes, but is not limited to, the following:

- Physically or verbally threatening another individual.
- The intentional destruction or threat of destruction of City property or a co-worker's property while at work;
- Harassing or threatening phone calls or written communications; including social media
- Stalking
- Advocating or threatening the illegal use of weapons or bombs;
- Threats or attempts to commit suicide;
- Fighting
- Horseplay
- Bullying;
- Profanity; or
- Advocating or threatening revenge based upon a workplace occurrence.

All threats of violence, violent acts, potentially volatile situations and all conduct prohibited by this policy should be reported as soon as possible to your supervisor. This includes threats by employees, as well as threats by clients, vendors, solicitors or other members of the public. Reports should be as specific and detailed as possible.

Additionally, any emergency crisis or situation posing imminent danger should be immediately reported to 911 and as soon as practical notify your Supervisor, Department Head, or Human Resources. Anyone determined to be responsible for threats of violence; violent acts or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

### **Complaint Procedure**

You *must* promptly report any incident of harassment, workplace violence, or any other violation of our EEO/Harassment Policy directly to your immediate Supervisor (unless the complaint is against that person). If the complaint is against the immediate Supervisor, the employee may file the complaint with the department/division head (or designee). If the employee's complaint is against the Department Head, the employee may file their complaint with the Human Resources Director, a complaint can be filed at any time with the Human Resources Director (telephone no. 968-1147 or 968-2425). All supervisors and managers have a responsibility to prevent harassment and to stop it if it occurs. However, to ensure that the City can promptly investigate and, if appropriate, take prompt and effective action, it is essential that you promptly notify the Human Resources Director if the harassment does not stop. If your complaint is against or otherwise involves the Human Resources Director, you must report any incident of harassment or other violation of our EEO/Harassment Policy directly to the City Administrator (telephone no. 968-2205). In addition, you should report your complaint to the City Administrator if the Human Resource Director has failed to investigate the allegations contained in the complaint.

All managers and supervisors have a responsibility to enforce our EEO/Harassment Policy. Our managers' and supervisors' responsibility includes immediately stopping any harassment that is observed or reported, and reporting any violations directly to the Human Resources Director or the City Administrator. Failure to do so will result in disciplinary action, which may include discharge.

The Human Resources Director will thoroughly investigate all complaints. The employee may be required to prepare a written report detailing the alleged harassment or any other violation of our Policy, and to sign the report. The report should detail the date of the incident(s), what was said or done, and the names of all witnesses. To the extent practicable, the investigation will be confidential with due regard for the sensitive nature of such complaints. If, after completing our investigation, we determine that a complaint is valid, we will take prompt and appropriate disciplinary action against the person or persons engaging in such conduct. Depending upon the severity of the violation of our policy, appropriate discipline may be discharge of the employee.

We encourage you to come forward if you have a complaint. We assure you that no adverse action will be taken or allowed against any employee who in good faith reports harassment or any other violation of our EEO Policy.

### **Anti-Retaliation Policy**

The City is committed to providing a work environment in which employees may complain about alleged discrimination or other problems, including harassment, without fear of retaliation. The City strictly prohibits discrimination against any employee because he or she has opposed any unlawful employment practices or because he or she has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing regarding such alleged practices.

Any employee who wants to report an incident of retaliation shall promptly report the matter as outlined above "Complaint Procedure". Employees can raise concerns or make reports without fear of reprisal or retribution.

Any employee, supervisor, or manager who becomes aware of possible retaliation shall promptly advise any of the persons listed above. Anyone engaging in retaliation will be subject to disciplinary action, up to and including immediate termination of employment.

## **OPEN DOOR POLICY**

To do your job effectively, you must be able to work together with your fellow employees, supervisors and managers. Even in the best of circumstances, however, problems can arise. We expect our employees to deal with problems in a professional manner so small problems do not affect the quality of our work.

To help resolve any problems that may arise, we maintain an "open door" policy for our employees. An employee may use this policy to seek review of any employment-related complaints, such as (1) any inquiry regarding the application, meaning or interpretation of personnel policies, rules and regulations as they affect the work activity of such employee or employees, (2) complaints of unsafe or unhealthy working conditions, (3) complaints regarding pay grades, wages, salaries, holidays, establishment of working hours, pension plans or (4) other matters involving work conditions.

You may take any problem or complaint you may have directly to your Supervisor, Department Head, or the Human Resources Director. If the problem or complaint is against the Human Resources Director you may take it to the City Administrator. **However, if an employee has a discrimination or harassment complaint covered by the City of Gulf Shores' Equal Employment Opportunity/Harassment Policy, the employee must use the complaint procedure found in that policy.**

Most problems, of course, can best be handled with your immediate supervisor. If you cannot resolve a problem with your supervisor, or if for some reason you feel you cannot talk freely to your supervisor about the problem, you may go directly to your Department Head or the Human Resources Director. Just call to schedule a meeting, or ask your supervisor to schedule a meeting for you. You will have the opportunity to discuss your problem and, hopefully, to work out a satisfactory resolution.

Our open door policy works best when you follow our procedure of scheduling a meeting, rather than making a spur of the moment visit. Anyone who is interrupted suddenly may not have the time to give your problem the full attention it deserves.

## **City of Gulf Shores' Labor Relations Philosophy**

As reflected in our value statement, the City of Gulf Shores is committed to maintaining good working conditions, competitive wages and benefits, open communications, and employee involvement.

We are committed to dealing with employees fairly, honestly, and directly; to consider and treat each employee as an individual; and to provide all employees favorable working conditions. Under such conditions, the City believes that unions do not serve the best interest of its employees, or the organization. Experience has shown that where unions exist division among employees and friction between employees and their managers and supervisors frequently follow and a strike often takes place. The City's non-union status allows employees to deal directly with management rather than through third party representatives, allows employees to be treated as individuals, and allows opportunities to advance based upon employees individual merits. The City's continued success depends upon the cooperative relationship between management and employees. Therefore, in the interest of all employees and the City, every legal and proper means will be implemented to preserve the non-union relationship the City enjoys with its employees.

One of the greatest strengths of the City of Gulf Shores has been the dedication of its employees, working in harmony with the organization's objectives to achieve customer service satisfaction.

## **GENERAL EMPLOYMENT INFORMATION**

At the City of Gulf Shores, we believe successful productivity comes from well-informed and appreciated employees. Every effort will be made to assist you in finding work suitable to your interest and qualifications. In addition, opportunities for increased learning and self-advancement will provide you with progressive mobility. These elements, plus cooperation, teamwork, and a positive attitude, will help us assure the delivery of high quality work. The following policies incorporate these ideals:

### **Employment Process--Application and Selection**

(1) *Application forms.* To insure the accuracy and completeness of its records, all individuals who wish to be considered for employment must complete and sign a City employment application form for each position for which application is made unless the position is to be filled by a job search agency under contract with the City Council. The City requires accurate, truthful and complete answers to the questions included on the employment application form. A refusal to supply requested information or a falsification of information may result in elimination of the application from consideration or termination if falsification is discovered after the commencement of employment. Complete application forms submitted to the Human Resources Department will not be returned once submitted.

(2) *Processing of applications.* All applications must be received by the Human Resources Department during the period of the posted job opening to be considered a valid application.

Applications are only accepted for positions that are posted and remain active for a period of 1-year from date of posting. Employees are selected on the basis of their qualifications to effectively and efficiently perform the job for which they have applied. However, preference may be given, but is not required to be given, to current, eligible full-time City employees provided they meet the following eligibility requirements: (1) demonstrated ability to meet the minimum qualifications included in the job description and vacancy announcement; and (2) employment in the present job for at least six months. Employees meeting these eligibility requirements should submit an application to the Human Resources Department. Applications will be received from part-time (those less than 20 hours per week) and temporary employees, as well as non-employees. Part-time (those less than 30 hours per week) and temporary employees may be given preferential consideration over any other applicant. Prior employment will not count as continuous years of service if a part-time (those less than 30 hours per week) or temporary employee is subsequently hired as a full-time regular classified employee. If a sufficient applicant pool is not obtained, the vacancy may be reposted in an effort to solicit additional applicants.

Applications received shall be screened for required and/or basic qualifications. Applicants shall be examined for qualifications by application review, and/or by written and/or performance tests relating to training and experience, and/or by personal interview. The Department Head shall select the best-qualified person for the job and notify the Human Resources Director in writing of the selection. If the Human Resources Director is satisfied that the best-qualified applicant was selected, he/she, upon approval by the City Administrator and Mayor, shall extend a conditional offer of employment.

### **Employment Offer**

All offers of employment must be approved by the City Administrator and Mayor. After the Mayor approves the candidate selected by the Department Head, the Human Resources Department will prepare a written conditional offer. The candidate will be required to sign and date an acceptance of the written offer and sign a copy of the position's job description. No recipient of a conditional offer of employment may begin work until the satisfaction of all conditions, including background and criminal record checks, drug screening, and any applicable medical examination.

### **Employment Eligibility Verification**

New employees must present documentation verifying employment eligibility by completing the Department of Homeland Security Form I-9 on the first day of employment. A driver's license and social security card or birth certificate is the most frequent means of verification of employment eligibility; however, any of the forms of identification enumerated on Department of Homeland Security Form I-9 will be accepted.

### **Background Investigations**

The Human Resources Department will verify background information provided by candidates on application forms, resumes and in interviews. All reference checks must be provided to Human Resources by the hiring manager after the candidate is selected. In reviewing qualifications and backgrounds of candidates for all jobs, such as positions involving financial or fiduciary accountability, security-related issues or unsupervised access to minors, the Human Resources Department may use the services of outside investigative agencies to conduct credit or background checks on individuals. Applicants may be disqualified or dismissed from employment as a result of background checks.

### **Pre-Employment Physical and Drug Screening**

All job offers are contingent on the candidate passing the background check, physical examination and drug screen. Before an offer of employment is made by the City, applicants must undergo a test for controlled substances and a medical examination. The City requires the medical examination of all full-time and regular part time positions. The purpose of the medical examination is to determine if the individual is able to perform the essential functions of the job, with or without reasonable accommodation, and without posing a direct threat to the health or safety of the applicant, other employees, or the public. Applicants who test positive for a controlled substance will not be hired.

Knowingly providing false, misleading or materially incomplete information during the medical examination process is a ground for withdrawal of the conditional job offer or dismissal from employment if discovered after the employee begins work.

### **Employment Status**

Each employee will be assigned a classification when he or she is hired. The City of Gulf Shores generally has several employee classifications:

- (1) Mayor, Council, & Officials. (Category Code A) Employees in this status are elected officials or appointed officials, such as municipal judges and municipal attorneys. These employees may be considered full-time for benefit purposes.
- (2) *Unclassified Management Positions*. (Category Code B) All employees in this status, are subject to appointment by the Mayor or by the City Council as provided by law for a term that expires with the term of the Mayor, unless sooner terminated, unless otherwise provided by statute, contract, or unless otherwise specified to be for a shorter period at the time of appointment. The City Clerk and Treasurer are appointed by the City Council and serve for the term provided in Ala. Code § 11-43-3. The City Administrator, Fire Chief, Police Chief, Public Works Director, the Director of Finance and Administrative Services, Director of Recreation and Cultural Affairs, Chief Building Official, Director of Planning and Community Development, and City Engineer whose appointment is not otherwise provided

for by statute are appointed by the Mayor and Council All employees in this status are considered “at will” and subject to removal from office by the Mayor or by the City Council as provided by statute and do not have entitlement to the Grievance Procedure or Personnel Board review provisions in the Handbook for any purpose

- (3) *Classified.* (Category Code C) All employees in this status are regular full-time employees with an expectation of at least 40 hours per workweek for the duration of employment.
- (4) *Firefighter.* (Category Code K) A firefighter of the City of Gulf Shores Fire Department who has satisfied the requirements of Code of Alabama 1975, § 36-32-7, and the rules and regulations adopted by the Alabama Firefighters Personnel Standards and Education Commission and certified by that commission as a Firefighter and classified as Firefighter/EMT, Firefighter/Paramedic, Fire Lieutenant, Fire Marshall, or Battalion Chief.
- (5) *Police Officer.* (Category Code L) A sworn police officer of the City of Gulf Shores Police Department who has satisfied APOST (Alabama Peace Officers Standards and Training, §36-21-40, Code of Alabama) requirements, been certified as such by said agency and classified as Police Officer, Police Investigator, Police Sergeant, Command Sergeant, or Police Lieutenant.
- (6) *Regular Part-time Employees 30 hours per work week* (Category Code D). All employees in this status are regular part-time hourly employees with an expectation of at least 30 hours per work week for the duration of employment. Employees in this category serve at the will of the Mayor and are not eligible to receive fringe benefits offered by the City with the exception that they (1) shall elect health insurance coverage as provided by the Affordable Care Act regulations and paying the same contribution as regular full time employees, (2) shall accrue four hours of vacation and sick leave per full month of employment, (3) receive one-half compensation for holiday pay, and (4) will participate in the city’s mandatory retirement plan with the Employees Retirement Systems of Alabama. If an employee in this category fails to average 30 hours per week in any rolling twelve-month period, health insurance privileges may be forfeited and the employee may be subject to being reclassified.
- (7) *Regular Part-time employees 20-29 hours per work week.* (Category Code E) All employees in this status are regular part-time hourly employees with an expectation of at least 20 hours per work week for the duration of employment. Employees in this category serve at the will of the Mayor and are not eligible to receive fringe benefits offered by the City with the exception that employees in this category shall (1) accrue four (4) hours of vacation and sick leave per full month of employment, (2) receive one-half compensation for holiday pay, and (3) will participate in the city’s mandatory retirement plan with the Employees Retirement Systems of Alabama. If an employee in this category fails to average 20-29 hours per week in any rolling twelve-month period, the employee may be subject to being re-classified.

- (8) *Regular Part-time employees less than 20 hours per work week.* (Category Code F) All employees in this status are regular part-time hourly employees with an expectation of less than 20 hours per work week for the duration of employment. Employees in this category serve at the will of the Mayor and are not eligible to receive fringe benefits offered by the City.
- (9) *Temporary Employees.* (Category Code G) A temporary employee is defined as an employee hired for a limited period of time not to exceed 180 calendar days. If warranted, temporary employment may be extended an additional 180 calendar days by the Mayor. This status may require part-time or full working weeks. Temporary employees are not eligible for any fringe benefits.
- (10) *Seasonal.* (Category Code J) Employees in this status work on a seasonal basis not to exceed 180 days and are not eligible for overtime and will be paid for all hours worked at straight time. Most employees in this classification will be paid the minimum rate of pay in the City's compensation plan. However, exceptions may be granted upon written approval of the Department Head and Human Resources Director with final approval by the City Administrator and Mayor.
- (11) *Probationary* (Category Code M) All full time employees and regular part time employees (Category Code D, E, F) with the exception of unclassified management positions (see Item 2 Unclassified Management positions) will complete a probationary period upon initial employment with the City for a period of one year.

### **Probationary Period**

Employees selected for a job with the City of Gulf Shores, including new hires, rehires, and promotions must successfully complete a one-year probationary period with the exception of unclassified management positions (see item 2 Unclassified Management positions). The probationary period is an integral part of the selection and evaluation process. The probationary period provides the employee an opportunity to demonstrate his/her suitability for the position and provides the City an opportunity to evaluate the employee's ability to perform the job. New full time employees are eligible to participate in the City's life, accidental death and dismemberment, and dental/vision plans on the first day of the calendar month following completion of the required 30-day waiting period for these benefits. New employees who are classified as full time or part time 30+ will automatically be enrolled in the City's health insurance plan for individual coverage upon initial employment with coverage beginning on the first of the month following 30 days of employment. New employees who work in a non-temporary capacity on at least a one-half time basis must participate in the City's defined benefit retirement plan with the Employees Retirement Systems of Alabama as of the date of hire. New employees may participate in the City's voluntary section 457 deferred contribution plan, and any other benefit plan that is non-contributory by the City, on the first day of the month following the date of hire.



Employees who have not completed the probationary period do not have access to the Grievance Procedures set forth below. However, probationary-period employees are covered by the Equal Employment Opportunity/ Harassment Policy and *do* have access to the Complaint Procedure under that policy. Probationary-period employees may also utilize the City's Open Door Policy. The City may extend the one-year probationary period if deemed necessary to evaluate properly the employee's performance. The additional probationary period will not extend beyond six months of original probationary period.

During the probationary period, the employee's supervisor and/or Department Head will prepare one performance evaluation on or before the employee's 6 month anniversary and another performance evaluation prior to the employee completing the one year anniversary probationary period. The evaluations will be reviewed with the employee, who is required to sign the evaluation acknowledging that it has been reviewed with the employee. Employees who are in categories C, D, E, F, K, and who satisfactorily complete the one year probationary period may be eligible for a 5% pay increase based on recommendation of the Department Head with final approval by the City Administrator and Mayor. Employees in category B, unclassified positions, are reviewed at the end of their first year and may be eligible for a 5% increase based on the recommendation of the City Administrator with approval by the Mayor. Probationary employees do not have access to the grievance procedure and may be terminated or otherwise disciplined by the City.

### **New Employee Orientation**

All new employees are required to attend General Orientation. Information pertaining to the City's mission, organization structure, personnel policies and employee benefits will be presented. In addition, Department Heads will provide specific departmental policies and procedures, along with further instructions about job tasks.

### **Job Descriptions**

A job description for every job is created and available to each employee. This description is used for recruitment and the core responsibilities are used for annual employee evaluations and organizational structure. Additional tasks may be assigned based on the City's operational needs.

### **Performance Assessment Review Program (PAR)**

The City of Gulf Shores believes that an employee must know what is expected of him or her before he or she can meet these expectations. If the employee has an opportunity to participate in formulating and developing the criteria upon which his/her performance will be measured, the entire process will be enhanced in terms of credibility and validity. The consensual approach between supervisor and employee in developing the job criteria is directly job related,

encourages a joint commitment to the process and "bonds" the everyday working relationship between the two.

To achieve the City's goal of training, promoting and retaining the best qualified employee for each job, the City of Gulf Shores has implemented an employee performance evaluation program which utilizes both employee and supervisor input. Performance evaluations are designed to provide an objective method for reviewing an employee's job performance in accordance with pre-established performance standards. Performance evaluations are used to assess an employee's work performance during a specified time frame so that the actual performance and success as an employee can be rewarded.

All employees in category C, K, L, D, E, and F as defined on pages 17-20, will be evaluated by his or her supervisor and Department Head prior to completion of the City's probationary period and at least once each year thereafter in connection with the employee's annual pay for performance review. Employees in category B (unclassified management) positions will be evaluated by the City Administrator and/or Mayor at the end of their first year of employment and every year thereafter to determine their eligibility for a merit increase, unless specified otherwise. This method gives employees an opportunity to provide input into their performance evaluation, identify learning needs, and highlight areas of excellent performance they have had during the evaluation period. In addition to an annual review, supervisors will complete performance appraisals at the time of promotion, transfer, or demotion of an employee.

The process should be approached as a growth opportunity: a time to commend employees for their good work and to identify improvements that need to be made. All managers and supervisors are encouraged to provide feedback throughout the evaluation period and to work with their employees to identify learning needs on an on-going basis so additional training can be provided throughout the year. By requiring assessments of performance, the entire process becomes one of a continuing nature based on real, day to day events, occurrences and results. It should not be considered a laborious exercise of a short, arbitrary duration.

Supervisors, when completing evaluations, will prepare a written PAR of each employee's job performance. The appraisal will include the supervisor's comments and recommendations, the performance goals and objectives expected for the next evaluation period.

Department Heads will review each supervisor's written PAR to help assure that the evaluation function has been properly completed in as fair and objective a manner as possible prior to the Supervisor reviewing it with the employee. Information derived from the PAR may be considered when making decisions affecting an employee including, but not limited to, decisions concerning training needs and opportunities, pay, promotion, transfer, or continued employment.

The performance award component is designed to reward job performance, therefore, serving as an incentive system. Base salary increases and/or lump sum bonuses may at the Council's discretion

be awarded to employees whose performance is evaluated as exceeds standard and/or far exceeds standard. The performance appraisal is essential to the effective utilization of this component. The merit system is based upon the principle that exceeds standard, or above, performance should be rewarded because such performance is a greater contribution to the jurisdiction than below standard performance. The performance award is strictly used to monetarily reward exceeds standard or above standard performance. Employees receiving a performance appraisal rating of exceeding standards or above are eligible for a performance pay increase based on the Merit Increase Guide established for the year.

Employees at the maximum of their salary ranges are not eligible for base salary increases. However, they may be eligible for performance awards which shall be paid in the form of lump sum bonuses at the time of the performance appraisal/review. Lump-sum performance awards shall be equal to the amount for the level of performance attained based on the Merit Increase Guide for the year. These increases will be based on the annual fiscal year's budget and its constraints with approval by the Council.

After the PAR has been reviewed by the Department Head, the supervisor and employee will meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee will be given the opportunity to examine the PAR and make written comments about any aspect of it.

Employees are required to sign their evaluations to acknowledge that the evaluation and review was performed. If an employee disagrees with a performance evaluation, the employee may note such disagreement on the evaluation form and request a review of the evaluation through the City's open door policy. A PAR resulting in probation or moving back in salary within the City's Pay Plan should be considered disciplinary in nature and is subject to the pre-disciplinary review procedures.

If the employee's performance is not sufficient for the department head to recommend any applicable merit based on the employee's overall score as being unsatisfactory, the merit/wage index increase will then be withheld and the employee will be put on a performance improvement plan. The steps necessary for the employee to take to improve performance to the level necessary of meeting standards will be clearly detailed in the Performance Evaluation, and in the discussion with the employee. The Performance Evaluation indicating the withheld merit and the basis for such withholding must be submitted to Human Resources. The employee's performance will be formally evaluated within 90 days of the employee's placement on the performance improvement plan. If the employee's performance has improved to meeting standards he/she will be eligible for the wage index increase as approved by budget for the year by Mayor and Council. .

At the end of the 90 days if there are performance deficiencies this may be grounds for disciplinary action up to and including discharge. Any extension of the 90 days probationary period must be

approved by the Department Head, City Administrator and the Mayor. The performance evaluation will be discussed with the employee, signed by the employee and submitted to Human Resources.

These procedures as outlined above are only guidelines. The City may unilaterally modify or revoke them in whole or in part from time to time. Accordingly, these procedures are not a promise or contract, express or implied that they will be used in every instance. Pay for performance increases and wage index market adjustments are subject to annual Council approval.

### **Promotion and Transfers**

Employees may apply for a transfer or promotion to vacant positions. Prior performance, skills, knowledge, experience, education, ability to perform the job, and recommendation from the employee's current Department Head will be considered in making promotion and transfer decisions. A transfer of an employee to another department in a similar position shall not change the employee's pay, grade, or the date from which eligibility for consideration for a merit increase shall be counted. When the employee is transferred to another department a performance review will be given by the employee's prior supervisor at the time of transfer. Promotion does not ensure continued employment in the new position, and there is no guarantee the employee will be allowed to return to his or her former position if the employee is unsuccessful in the new job. Employees who are promoted will begin a new one-year probationary period on the first effective day of the promotion.

### **Promotional Increase Policy**

When an employee is promoted to a position in a higher grade, the employee's salary will increase to the minimum salary of the new grade, or 5% above the current base salary, whichever is greater, unless otherwise approved by the Mayor, but not to exceed the maximum salary of the new grade. The employee will begin a new one-year probationary period and the anniversary date will change.

### **Procedures for Determining Promotional Increase**

1. Approval for all promotional increases must be made by the Human Resources Director and final approval by the City Administrator and Mayor, with recommendations from the Department Head.
2. The decision regarding a promotional increase shall reflect the promoted employee's experience and qualifications in comparison with other employees' backgrounds in the same job.
3. A performance appraisal must be completed at the time of promotion. The Department Head shall determine if a performance salary increase is warranted, which shall be prorated for the portion of the year which has been completed since the employee's last performance appraisal. A performance appraisal form must be completed and submitted by the Department

Head to the Human Resources Director with final approval by the City Administrator and Mayor is required for a promotional increase and a merit increase if applicable.

4. If an employee is transferred as a result of a promotion, demotion or lateral transfer, the current supervisor must complete and submit a performance appraisal form to the Human Resources Director prior to the promotion or transfer. The Human Resources Director and the new/receiving Department Head will discuss the recommended promotional increase and merit increase, if applicable. Any increase must be approved by the new/receiving Department Head and given final approval by the City Administrator and Mayor.

### **Demotion**

A “demotion” is a change from one position to a position in a lower pay grade. Employees may be involuntarily demoted based upon job performance, for disciplinary reasons, or based upon the needs of the City. Employees may also be voluntarily demoted to an open position upon the request of the employee. Demotions must be reviewed by the Human Resources Director and approved by the City Administrator and Mayor. When an employee is demoted to a lower position, the employee shall be paid at a rate which is within the approved range for the lower position. The rate of pay shall be set by the Human Resources Director, Department Head, and City Administrator taking into consideration the circumstances surrounding, and the reasons for, the demotion. An employee who is demoted involuntarily will be put on a new one year probationary period with a new anniversary date.

### **Vacancy/Announcement of New Positions**

When a vacancy or new position becomes available, it will be posted on all bulletin Boards located throughout the City workspaces, on the “job openings bulletin board” in City Hall, and on the City’s web site. If the vacancy is an internal posting it will be posted for five working days prior to posting for outside recruitment. All outside recruitment postings shall be posted a minimum of 14 days. The posting will include job title, class, department, job functions, qualifications, and application deadline.

### **Attendance and Tardiness**

Good attendance is a mark of dependability. While personal circumstances, often beyond the employee’s control, will sometimes necessitate lost work time, absenteeism and tardiness must be kept to a minimum. "Tardiness" includes reporting for work after your scheduled starting time, leaving work early, leaving work before your scheduled meal break or returning to work late from your meal break, unless the employee has prior approval from his/her supervisor. Employees who use the biometric clocks should clock in no earlier than 7 minutes before their scheduled shift. Employees are deemed tardy if they clock in after their scheduled start time.

Good attendance is an essential function of each job. If an employee cannot report for work, the employee must notify his/her supervisor at least 30 minutes prior to start time or within the time frame set by the department. If an emergency causes an employee to be late for or absent from work, and the employee is not able to notify the appropriate supervisor before the normal reporting time, the employee should contact the supervisor as soon as possible. The employee should advise the supervisor of the reason for the absence or tardiness and when the employee expects to return to work.

If an employee becomes ill during the workday, the employee should notify his/her supervisor or another member of management before leaving work. Employees who leave work without notifying their supervisor or another member of management are subject to discipline, including discharge.

An employee who is absent from work should contact his or her supervisor each day, unless the employee has previously advised the supervisor of the expected duration of the absence, or the employee is on an approved leave of absence. Except in exceptional circumstances as determined in the sole discretion of the employee's Department Head, an employee who fails to contact his or her supervisor as required will not be able to utilize sick leave or vacation time to cover the absence, resulting in the loss of pay for the day.

The employee's Department Head will determine whether an employee's stated reason for an absence and supporting documentation, if required, is sufficient for an absence to be classified as "excused." The City maintains attendance records, which include the reasons the employee has given for missing work. *Unexcused* absenteeism or tardiness is a ground for discipline, including discharge. Even excused *absenteeism* or tardiness, however, is a ground for discharge if it becomes excessive. Approved leaves of absence, including family and medical leave, military leave, jury duty leave, and bereavement leave will not be deemed an absence and will not be considered in determining whether absenteeism is "excessive." An employee who is absent without excuse for three consecutive working days will be considered a "voluntary quit."

## **EMPLOYEE CONDUCT AND DISCIPLINARY PROCEDURES**

### **Employee Conduct Generally**

Because we strive to hire the finest people as employees, the City of Gulf Shores expects everyone to be honest, hardworking, professional and cooperative. We recognize our employees need to know what is expected of them, so the employee can meet our expectations. Rules of conduct are essential for a safe, happy and productive workplace. Of course, rules must be enforced to be effective. You must abide by all rules, policies and procedures, including our safety rules. Remember, rules are for your protection as well as for the protection of others.

Conduct that interferes with the operations of the City, discredits the City, or is offensive to residents, customers, or fellow employees will not be tolerated. All employees are expected to

conduct themselves and behave in a manner that is conducive to the efficient operation of the City. The City has established minimum standards of personal conduct. Among the City's expectations are:

- Reporting to work punctually as scheduled and being at the proper workstation, ready for work, at the assigned starting time.
- Notifying the appropriate supervisor in advance when an employee will be absent from work or unable to report for work on time.
- Complying with all City safety regulations.
- Smoking or tobacco use of any kind including vaping and chewing allowed only at time and in places not prohibited by the City rules or local ordinances. (See Smoking Policy)
- Wearing clothing appropriate for the work being performed. (Uniforms and safety equipment where assigned)
- Maintaining work place and work area clean and orderly.
- Treating all customers and fellow employees in a courteous manner.
- Refraining from offensive or undesirable behavior or conduct
- Performing assigned tasks efficiently and in accordance with established quality standards.
- Reporting to management suspicious, unethical, or illegal conduct by fellow employees, customers, or suppliers.
- Preserving and protecting City equipment, facilities, and resources.

### **Employee Misconduct Generally**

The following activities are prohibited by City resolution and will result in disciplinary action, which may include oral or written warning, demotion, suspension or discharge.

- Horseplay, practical jokes or pranks.
- Fighting.
- Reporting to work under the influence of alcoholic beverages and/or illegal drugs; the use, sale, dispensing, or possession of alcoholic beverage and/or illegal drugs on the City's premises, in City vehicles or equipment, or City worksites while on duty with the City; or any other violation of our "Alcohol and Drug Abuse Policy."

- Insubordination.
- Intentionally or carelessly damaging City property, customer property or co-workers' property.
- Dishonesty.
- Unexcused or excessive absenteeism or tardiness
- Unauthorized use or disclosure of confidential information.
- Carelessness resulting in either an unsafe condition or an accident, including sleeping on the job.
- Falsifying or altering any City record or report, such as, but not limited to an application for employment, medical report, production record, a time record, an expense account, an absentee report, a test sample report, or shipping and receiving records.
- Unauthorized use or misuse of City property or equipment.
- Harassing or threatening fellow employees, customers or visitors (*see e.g.*, EEO policy on "Sexual Harassment").
- Failure to wear assigned safety equipment or violation of established safety rules.
- Unauthorized use of a City bulletin board.
- Gambling at work or on City property.
- Unauthorized solicitations or distribution of written material.
- Failing to report on-the-job accidents or injuries.
- Neglect of assigned duties.
- The use of profanity or abusive language.
- Theft, destruction, defacement, or misuse of City property or of another Employees' property.
- Smoking, vaping or using smokeless tobacco, if prohibited by local ordinance or City rules
- Improper attire or inappropriate personal appearance.
- Unsatisfactory job performance.



- Violation of City policies or procedures.
- Commission or conviction of a felony offense.
- Ethics violations according to the State of Alabama Ethics Commission.
- A violation of the social media or technology use policy

The examples above are illustrative behavior that will not be permitted, but they are not intended to be all-inclusive. In addition to the foregoing rules, common sense should guide employee behavior. Gossiping, needless complaining, loud talking and profane language are out of place and unacceptable. Instead, courteous and considerate behavior towards co-workers and customers is always appropriate. If an employee has any question about a course of conduct, he or she intends to pursue, he or she should consult with his or her Department Head.

The City of Gulf Shores has developed its rules of conduct to guide employee on-the-job behavior. Employees should become thoroughly familiar with these rules. Employees should avoid even the appearance of impropriety as their positions involve the public trust. If you have questions, ask your supervisor. You should understand, however, that the general rules are not an all- inclusive list of the grounds for discipline or discharge and do not limit the City's discretion to discipline or discharge for other reasons that the City deems sufficient. Moreover, the nature of the discipline imposed for misconduct may be affected by the circumstances surrounding the particular incident. In each case, management will decide the appropriate discipline.

### **Insubordination**

The City of Gulf Shores expects its employees to perform their job assignments promptly and to carry out all instructions from supervisors or other members of management. Refusing or failing to carry out instructions, including an unreasonable refusal to work overtime, is a ground for discipline, including discharge. Any verbal abuse of a supervisor, including profanity or name calling, is a ground for discipline, including discharge.

### **Dishonesty**

Dishonesty includes, but is not limited to (i) theft or unauthorized possession of City property, customer property or your fellow employee's property, (ii) failure to report known or suspected theft, and (iii) providing false information for any employment-related purpose, including time records. Employees must have the Department Head's permission before property can be removed from the workplace.

### **Lost or Damaged Property**

If an employee negligently loses or damages City property, another employee's property, or a third party's property, the employee may be required to reimburse the owner for any expense the owner incurs. If an employee intentionally or recklessly damages City, customer or employee property, the employee will be subject to disciplinary action, including discharge.

## **Weapons**

1. No employee shall possess any weapon on his person, in a City-owned vehicle, or on City-owned property while on duty unless expressly authorized to do so by virtue of the employee's position with the City (e.g., police officers) or authorized to do so in writing by the Mayor.

2. Employee Carrying of Firearms While on Duty. Except when required as part of the duties of the position (e.g., police officers), no City employee, including those with a valid Alabama pistol permit, shall possess a firearm on his person, in a City vehicle, or on any City-owned property while on duty with the City of Gulf Shores. However, an employee may keep a firearm in his or her personal vehicle that is lawfully parked in a City-owned parking lot provided that the employee is either with the vehicle and the weapon is where it could not ordinarily be observed, or the vehicle is unattended by the employee and the firearm is locked in a compartment or container that is securely affixed to the employee's vehicle. In addition to these conditions, an employee must either:

a. possess a valid Alabama pistol permit; or

b. possess a valid Alabama hunting license **AND**:

1) A firearm that is **not** a pistol, but is otherwise authorized for hunting under Alabama law;

2) The firearm is not loaded;

3) The firearm is in the vehicle during a hunting season authorized by Alabama law or regulation;

4) The employee has never been convicted of any of the following crimes of violence:

a) Murder;

b) Manslaughter (except vehicular manslaughter);

c) Rape

d) Mayhem;

e) Assault with the intent to rob;

f) Assault with the intent to ravish; g) Assault with the intent to murder;

- h) Robbery;
- i) Burglary;
- j) Kidnapping;
- k) Any Class A or B felony that has one of the following as an element of the crime:
  - i. serious physical injury;
  - ii. Distribution of a controlled substance; or
  - iii. Is sexual in nature and involves a child under 12;
- 5) The employee has never been convicted of a crime set forth Title 13A, Chapter 6 of the Alabama code (the list of such crimes is too lengthy to include in this policy but include all homicide, assault, sexual, stalking, domestic violence, and human trafficking offenses);
- 6) The employee is not the subject of a domestic violence order;
- 7) The employee has had no *history* of prior workplace incidents involving physical injury or threats of physical injury; and
- 8) The employee does not meet any of the following factors that would disqualify him or her from obtaining an Alabama pistol permit including:
  - a) Being found guilty but mentally ill in a criminal case;
  - b) Being found not guilty by reason of insanity or mental disease or defect in a criminal case;
  - c) Was declared incompetent to stand trial on a criminal charge;
  - d) Asserted a defense of not guilty by reason of insanity or mental disease or defect in a criminal case;
  - e) Was found not guilty only by reason of lack of mental responsibility under the Uniform Code of Military Justice;
  - f) Required involuntary inpatient treatment in a psychiatric hospital or similar treatment facility;
  - g) Required involuntary outpatient treatment in a psychiatric hospital or similar facility based on a finding that the employee was an imminent danger to himself/herself or others; and
  - h) Required involuntary commitment to a psychiatric hospital or similar facility for any reason, including drug use.

This policy is based upon Alabama law at the time the policy was drafted. It is the intent of the City to impose the most restrictive firearms policy authorized by law including future changes to

Alabama firearms law. The City reserves the right to discipline employees that may be in compliance with this policy, but not with Alabama law. Employees wishing to keep firearms in their personal vehicles in City-owned parking lots are required to remain up to date on current firearms law.

## **Employee Discipline**

At the City of Gulf Shores, discipline is not merely punishment. We also use discipline to help employees become aware of their conduct and performance requirements when their behavior or performance fails to measure up to acceptable standards and when the situation warrants. The supervisor's and Department Head's role is to alert the employee to the fact that the employee's behavior or performance is not meeting expected standards and to make the expected standards clear. It is the employee's responsibility to make the necessary changes.

We expect our employees to accept responsibility for their own behavior; to follow our policies, procedures and rules; and to perform their jobs to the best of their abilities. If an employee fails to meet our expectations, we generally take corrective action.

The City has developed its rules of conduct to guide employee on-the-job behavior. Employees should become thoroughly familiar with these rules. If you have questions, ask your supervisor or Department Head. You should understand, however, that the general rules are not an all-inclusive list of the grounds for discipline or discharge and do not limit the City's discretion to discipline or discharge for other reasons that the City deems sufficient. Moreover, the nature of the discipline imposed for misconduct may be affected by the circumstances surrounding the particular incident. For employees who have completed their probationary period, the City normally will use discipline ranging from a verbal or written warning (verbal or written counseling for unsatisfactory job performance), to suspension and discharge. The City reserves the right; however, to determine the appropriate level of discipline for inappropriate conduct or poor performance, including written warnings, suspension without pay, demotion or discharge. Employee discipline can take the following forms:

- 1) Verbal warning- supervisor will document deficiencies on a form (employee discipline notice) and indicate corrective action
- 2) Written warning- supervisor will, in writing, describe the deficiencies in conduct or performance and indicate corrective action
- 3) Suspension- employee may be suspended without pay to provide an opportunity to reflect upon poor conduct or performance. Suspension may vary dependent on the severity of the conduct.

4) Termination- the City reserves the right to discharge an employee first without giving a verbal or written warning, probation, or a suspension, if the City determines that the conduct or poor performance justifies immediate discharge.

If you feel that you have been disciplined or counseled unfairly, you may use our "open door" policy to obtain a review of the action. You must do so in writing within 24 hours after you are advised of the corrective action.

If the nature or extent of the violation is so serious that it indicates the employee is incapable or unwilling to meet the City's standards, the employee may be terminated without any prior disciplinary steps.

### **General Pre and Post Disciplinary Procedures**

1. Applicability. The term "employee" as used in this section is defined as employees who are serving in regular part time and full-time positions. The procedures in this section, therefore, do not apply to employees during their probationary periods, those serving in temporary positions and those serving in unclassified positions. This policy does not apply to law enforcement personnel as those employees are covered by a separate policy. Law enforcement personnel are those employees who have the authority to make arrests, who are APOST certified, and who are not serving a probationary period.

2. Procedure.

a. In appropriate circumstances, the Department Head with City Administrator's approval may recommend suspension of a subordinate employee *with pay* pending the outcome of the proceedings described below.

b. When disciplinary demotion involving a loss of pay or dismissal of an employee covered by this procedure is contemplated by the employee's Department Head, the Department Head shall submit a written recommendation to the Mayor together with any statements or other evidence supporting demotion or dismissal. When a suspension without pay is contemplated, the Department Head contemplating the suspension without pay shall submit a written recommendation with supporting documentation to the City Administrator and the Human Resources Director.

c. The Mayor, or his designee, (when dismissal is recommended) City Administrator, or Human Resources Director (when demotion or unpaid suspension is recommended) shall review the recommendation of the Department Head together with the accompanying evidence and determine: whether a pre-disciplinary hearing should be held; or whether the matter should be returned to the Department Head because the Mayor, or his designee, City Administrator, or Human Resources Director has determined that the infraction does not warrant the proposed discipline and that a lesser disciplinary sanction or no sanction at all is warranted.

d. If the Mayor, or his designee, City Administrator or Human Resources Director determines that a pre-disciplinary hearing is warranted, the Human Resources Director, acting on behalf of the Mayor shall send written notice to the employee that contains the following:

- 1) That the discipline is contemplated such as dismissal, disciplinary demotion or suspension without pay;
- 2) The reason(s) for the contemplated dismissal, demotion or suspension without pay;
- 3) That the employee has three (3) calendar days from the date of the notice to request, in writing, a hearing before the Mayor, his designee, City Administrator, or Department Head and the Human Resources Director ;
- 4) That if the employee does not submit a written request for a hearing within three (3) calendar days of the date of the notice, he or she will be deemed to have waived a hearing and the Mayor, his designee, Department Head or City Administrator will make a final decision without further notice or input from the employee.

e. If the employee declines a pre-disciplinary hearing or fails to respond within three (3) calendar days of the date of the notice described in subsection D above, the Mayor, his designee, City Administrator, or Department Head will proceed to make a final decision.

f. If the employee requests a hearing (which will be informal in nature), the Human Resources Director, acting on behalf of the Mayor shall cause a second written notice to be sent to the employee containing the following information:

- 1) The date, time, and place for the hearing;
- 2) A statement that the employee has the right to appear at the hearing in person to respond to the charges against him or her.
- 3) That the pre-disciplinary hearing shall be informal. Legal Counsel may attend, but shall not be allowed to participate in the hearing.

g. Pre-disciplinary Hearing. The following rules shall govern the pre-disciplinary hearing:

- 1) The rules of evidence shall not apply, and the hearing shall be informal.
- 2) There shall be no discovery.
- 3) The employee shall be given the opportunity to address the charges against him or her and present the Mayor, his designee, City Administrator, or Department Head with any evidence that is relevant to the charges against the employee.

h. Following the pre-disciplinary hearing, the Mayor, his designee, City Administrator, or Department Head shall make a decision as to what, if any, discipline shall be imposed and notify the employee and, the Human Resources Director in writing of his or her decision. The decision should be issued within ten (10) calendar days of the pre-disciplinary hearing, but in his or her discretion, the Mayor, City Administrator or Department Head may take a longer period of time if warranted (as determined by the decision maker).

i. Unless the Mayor, City Administrator, or Department Head directs otherwise, the discipline decided upon is effective as of the date the Human Resources Director, acting on behalf of the Mayor, sends the notice of decision subject to an appeal with the personnel review board.

j. If the employee wishes to appeal the decision of the Mayor, City Administrator, or Department Head, he or she must submit to the Human Resources Director a request for a post-discipline hearing before the personnel review board within three (3) calendar days after being notified of the decision. The appeal shall describe the disciplinary action being appealed and the reasons the employee believes the action should be rescinded or modified.

k. As soon as practicable, the personnel review board will schedule a hearing on the appeal. The decision maker and the employee shall be notified of the time, date and place of the hearing.

l. The hearing before the personnel review board shall be an open hearing unless closing the hearing is requested by the employee. The hearing shall be informal and the rules of evidence shall not strictly apply. The employee shall have the right to appear, present testimony, documents and witness and to question witnesses offered by any other party. Should the employee choose to have a representative assist in the appeal hearing it will be at the employee's own expense.

m. The personnel review board, within ten (10) calendar days, unless the board extends the time for good cause, will issue a written decision on the appeal. The personnel review board's decision is the final action to be taken by the City on the discipline.

### **Pre and Post Disciplinary Procedures for Law Enforcement Employees.**

1. Applicability. The term "employee" as used in this section is defined as follows: an employee who is

    serving in a law enforcement position with the authority to make arrests, (2) is certified as a peace officer by the Alabama Peace Officers Standards and Training Commission ("APOST"), and (3) is not serving in a probationary period. This policy does not cover the Chief of Police, who is appointed and subject to disciplinary suspension without pay of up to thirty (30) days, a demotion or dismissal by the Mayor and City Council. The Mayor shall have the authority to issue a disciplinary verbal or written warning to the Chief of Police for good cause.

2. Procedure.

a. In appropriate circumstances, the Mayor, City Administrator, or Chief of Police may suspend a subordinate employee *with pay* pending the outcome of the proceedings described below.

b. When dismissal, disciplinary demotion involving a loss of pay, or suspension without pay is contemplated, the Chief of Police shall submit a written recommendation to the Mayor together with any statements or other evidence supporting demotion, dismissal or suspension without pay.

c. The Mayor, or his designee shall review the recommendation of the Chief of Police together with the accompanying evidence and determine:

1) Whether a pre-disciplinary hearing should be held; or

2) Whether the matter should be returned to the Chief of Police because the Mayor, or his designee, has determined that the infraction does not warrant the proposed discipline and that a lesser disciplinary sanction or no sanction at all is warranted.

d. If the Mayor, or his designee, determines that a pre-disciplinary hearing is warranted, the Human Resources Director acting on behalf of the Mayor shall provide written notice to the employee that contains the following:

1) That discipline, such as dismissal, disciplinary demotion or suspension without pay, is contemplated:

2) The reason(s) for the contemplated dismissal, demotion or suspension without pay;

3) That the employee has ten (10) calendar days from the date of the notice to request, in writing, a hearing before the Mayor;

4) That if the employee does not submit a written request for a hearing within ten (10) calendar days of the date of the notice, he or she will be deemed to have waived a hearing and the Mayor will make a final decision without further notice or input from the employee.

e. If the employee declines a pre-disciplinary hearing or fails to respond within ten (10) calendar days of the date of the notice described in subsection D above, the Mayor will proceed to make a final decision.

f. If the employee requests a hearing, the Human Resources Director acting on behalf of the Mayor shall cause a second written notice to be sent to the employee containing the following information:

1) The date, time, and place for the hearing;



2) A statement that the employee has the right to appear at the hearing in person to respond to the charges against him or her;

3) That the employee has the right to have a representative assist in responding to the charges, but that if the employee elects to have a representative it will be at the employee's own expense and he or she must also be present at the hearing.

g. Pre-disciplinary Hearing. The following rules shall govern the pre-disciplinary hearing:

1) The rules of evidence shall not apply.

2) There shall be no discovery.

3) The employee shall be given the opportunity to address the charges against him or her and present the Mayor with any evidence that is relevant to the charges against the employee.

h. Following the pre-disciplinary hearing, the Mayor shall make a decision as to what, if any, discipline shall be imposed and notify the employee, the Chief of Police, and the Human Resources Director in writing of his or her decision. The decision should be issued within ten (10) calendar days of the pre-disciplinary hearing, but in his or her discretion, the Mayor may take a longer period of time if the Mayor believes the situation warrants it.

i. Unless the Mayor directs otherwise, the discipline decided upon is effective as of the date the Mayor sends the notice of decision subject to an appeal with the personnel review board.

j. If the employee wishes to appeal the decision of the Mayor, he or she must submit to the Human Resources Director a request for a post-discipline hearing before the personnel review board within three (3) calendar days after being notified of the decision. The appeal shall describe the disciplinary action being appealed and the reasons the employee believes the action should be rescinded or modified.

k. As soon as practicable, the personnel review board will schedule a hearing on the appeal. The Mayor and the employee shall be notified of the time, date and place of the hearing.

l. The hearing before the personnel review board shall be an open hearing unless closing the hearing is requested by the employee. The hearing shall be informal and the rules of evidence shall not strictly apply. The employee shall have the right to appear, present testimony, documents and witness and to question witnesses offered by any other party. Should the employee choose to have a representative assist in the appeal hearing it will be at the employee's own expense.

m. The personnel review board, within ten (10) calendar days, unless the board extends the time for good cause, will issue a written decision on the appeal. The personnel review board's decision is the final action to be taken by the City on the discipline.

### **Termination Processing Procedure**

The City of Gulf Shores recognizes four types of termination:

1. **Resignation.** If an employee finds it is necessary to resign, the employee shall give at least two week's written notice to the employee's supervisor. The notice should include the reason for leaving and the proposed final date of work. The advance notice gives the City the opportunity to find a replacement. Employees who properly resign and later wish to be considered for re-employment will be eligible for rehire if they maintained a satisfactory performance and attendance record when they worked for the City. Employees who properly resign are eligible for payment for accumulated vacation time. At the sole discretion of the Mayor, exceptions to the advance notice requirement may be made in emergency situations in which advance notice of resignation is not practicable.
2. **Voluntary Quit.** An employee who quits *without* proper notice is classified as a voluntary quit. This is a poor practice. An employee who quits without proper notice generally will *not* be considered for re-employment. Absences on three consecutive days without notifying the City will be considered a "voluntary quit."
3. **Discharge.** Discharge includes involuntary termination of employment by the City for any reason. Although employees are subject to discharge at any time and for any reason, with or without prior notice, discharge generally involves economic cutbacks, unsatisfactory job performance, or discharge for disciplinary reasons.
4. **Retirement.** Retirement is a voluntary retirement by the employee from City employment. An employee is eligible to receive retirement benefits if he or she has met the eligibility requirements set by the Retirement Systems of Alabama. An eligible employee is able to retire on the first day of the month following attainment of eligibility. However, employees who are eligible for retirement may use their accumulated sick leave balance up to 960 hours at the time of retirement to extend their effective retirement date beyond their last actual day at work and receive all benefits the same as a current employee. An employee eligible for retirement can also elect a lump sum payout of their accumulated sick leave balance up to a maximum of 960 hours. The employee who elects the lump sum payout understands that RSA will not allow these hours to be used in the calculation of service credit toward their retirement benefit. Before leaving the City's employ, all terminating employees must come to the Human Resources Department to make arrangements for exiting employment, return all City property, and resolve benefits questions.

### **Exit Interview**

If your employment terminates, you should attend an exit interview with your Department Head and the Human Resources Director before the effective date of your termination. One purpose of the exit interview is to ensure that the termination is not based upon a misunderstanding. Exit interviews also allow the City to obtain information to improve our organization. The information you share will not reflect on your work record. We also review eligibility to continue certain benefits and arrange your final pay during the exit interview. Your final pay check will be issued on the next regularly scheduled payday.

### **Re-Employment**

If you leave the City, an employee with a satisfactory performance evaluation and adequate notices, you will be considered to have terminated employment in good standing and will be eligible for consideration for re-employment. Employees, who resign in good standing, may apply for re-employment by completing an employment application in the Human Resources Department. A candidate for re-employment is required to meet all the requirements for employment just as if he or she were a new employee.

A reinstated employee shall be paid at a salary rate within the approved salary range for the position in which the employee is reinstated. The salary level in the range will be related to, but not limited to such factors as performance; experience and length of previous services in the jurisdiction and shall be set by the Department Head, with advice from the Human Resources Director and approval by the City Administrator and Mayor.

### **Employment References**

The City generally does not give employment references. No manager, supervisor or other City representative is authorized to give an employment reference on behalf of the City or to release any other information about your employment to your fellow employees or to anyone outside of the City. If an employee or former employee submits a written request to the City, we will verify employment, provide the dates the employee was employed and provide the employment position held. Your request must be in writing, signed and must specifically consent to the disclosure of this information to a specified person or business.

### **Compensation upon Separation from Employment**

Upon separation from employment, employees will receive the following compensation on the next regularly scheduled payday:

1. Pay for all hours worked up to the time of separation.
2. Employees who leave employment with the City will be paid accumulated but unused vacation.

3. In the event of the death of an employee, all compensation due as of the date of death shall be paid to the employee's designated beneficiary or to the employee's estate, as applicable.

The City may deduct from the employee's final paycheck any amount owed to the City for uniforms, jackets, phones, training and tuition reimbursement, etc. No employee will receive a final paycheck until the employee returns all City property, including keys, ID badges, etc. In addition, the employee's supervisor must be given any computer passwords used by the employee to access City databases, programs, or computers prior to the release of the final paycheck. Employees who do not give at least two weeks' notice of termination may not be considered eligible for rehire unless approved by the Mayor and City Administrator.

### **Secondary Jobs**

Employees of the City of Gulf Shores are expected to devote their full time and attention to the City and needs of its customers. Secondary employment that interferes with an employee's performance of his/her job duties for the City is prohibited. Current employees must report all secondary jobs to their Department Head. The "Request for Outside Employment" form must be completed and approved prior to starting outside employment. Applicants must report all secondary jobs to the Human Resources department at the time of application for employment. Certain designated managers and professional and technical experts are expected to devote all of their working energies to the performance of their duties at the City and, therefore, may not accept outside positions.

Employees are not to accept full-time, part-time, or temporary employment with any organization that does business with the City, such as major contractors, suppliers, and customers. This prohibition on employment includes serving as an advisor or consultant to any such organization, unless that activity is conducted as a representative of the City.

- Employees seeking or engaged in outside employment for other businesses, operating private businesses, or otherwise being gainfully employed during off-duty hours, can do so provided that:
  - a. The demands of that secondary employment do not interfere with the efficient, effective, professional performance of the employee's duties:
  - b. The secondary employment does not give rise to a conflict of interest; and
  - c. The secondary employment does not cause the employee to violate any written rules or regulations of their department, any City Ordinance, any state or federal laws.
- Employees seeking outside employment must complete the "Request for Outside Employment" form from the Human Resources department and forward it to the appropriate

Department Head. The form must be approved by the Department Head, City Administrator, and Mayor.

- No city equipment, vehicles, supplies, uniforms will be used by the employee in connection with any secondary employment; unless specifically authorized by the Department Head
- Employees will not allow a normal work day and secondary employment to overlap.
- Secondary employment necessitating interruption of the employee's regular duty will not be authorized.
- Any private organization, entity or individual seeking outside employment services from the police department (e.g., security, traffic control) must submit a request to the Chief of Police, or Deputy Chief of Police, in advance of the desired service. Such services will be subject to the following:
  - a) A request for special services during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute will not be approved.
  - b) Any request to act as security for a bar, nightclub, or any establishment with a majority of revenue coming from alcohol sales will not be approved.
  - c) Any request for service that would represent a conflict, or perceived conflict of interest for the Department or the City, will be denied.
  - d) Any request for services, outside the corporate limits, must additionally be approved by the Mayor.
- Whenever a request for outside employment services is approved, any employee working the event shall be subject to the following conditions:
  - a) The employee shall wear the department uniform and carry department identification.
  - b) The employee shall be subject to the rules and regulations of this department.
  - c) Compensation for such approved outside employment shall be made to the employee.
  - d) Outside employment services may be subject to the memorandum of understanding process.
  - e) Outside employment shall be assigned at the discretion of the Chief of Police or the authorized designee.

- An employee who is out on workers compensation, FMLA, or in a light-duty status working part time for the City, is not permitted to engage in any type of secondary employment while receiving any type of disability compensation as a result of their City of Gulf Shores duties.

- An employee who is injured or who has become ill as a result of their secondary employment is to promptly submit a detailed written report of the injury or illness to the Department Head. Employees who do not comply with this policy are subject to disciplinary measures up to and including dismissal.

### **Employment of Family Members (Nepotism)**

No two persons from the same immediate family or household may be employed by the City without the express written approval of the Mayor and the City Administrator. Factors that the Mayor and City Administrator may, but are not required to, consider in determining whether to approve employment of two immediate family members may include, but are not necessarily limited to, the following:

1. Whether one family member would have authority to supervise, assign, promote, demote, discipline, or dismiss the other;
2. Whether one family member would have authorized access to confidential information involving the other;
3. Whether one family member would be responsible for auditing or evaluating the work of the other;
4. Other circumstances that may create a potential conflict of interest or that are not in the best interest of the City.

***Change in Circumstances.*** If two employees become immediate family members through marriage during employment and if, in the Mayor’s or City Administrator’s judgment, employment of both of such family members is not in the best interest of the City, the employees will be notified that they have 30 days to decide which employee will resign. If the employees cannot decide, the City will retain the most senior employee and dismiss the less senior employee.

Immediate family members for purposes of the nepotism policy include the employee’s spouse, child, sister, brother, parent, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, stepchildren, and grandchildren.

## **COMPENSATION**

### **Workdays/Pay Periods/Paydays**

**Workdays.** Subject to overtime requirements, recognized city holidays and the use of time off (vacation, sick, and other paid and unpaid leave) and benefits, all regular full-time non-exempt city employees shall work a 40-hour week, consisting of 8 hours a day, 5 days a week, with an hour break for lunch, as determined by the applicable Department Head.

**Fire Protection Activities.** The City of Gulf Shores has established a 27- day work period for employees engaged in fire protection activities. All Gulf Shores Fire and Rescue Service personnel engaged in fire protection activities shall be subject to a 27-day, 204 hour work schedule with 13.04 work cycles established per year consisting of 27 days per cycle. Employees shall work 204 hours in a work cycle before overtime is required pursuant to 29 U.S.C. § 207(k). Employees in this category shall receive compensation for actual time worked during the bi-weekly pay period of the work cycle.

**Law Enforcement Activities.** The City of Gulf Shores has established a 14-day work period for all non-exempt employees engaged in law enforcement activities. All Gulf Shores non-exempt Police Officers and Corrections Officers shall be subject to a 14-day, 86-hour work schedule. Employees shall work 86 hours in a work cycle before overtime is required pursuant to 29 U.S.C. § 207(k).

**Pay Periods/Paydays.** The City of Gulf Shores operates on a bi-weekly (every two weeks) payroll period. Pay days are every other Friday. Pay checks or direct deposits are available one week after the end of the pay period. If a holiday falls on a payday, employees will receive their payroll check on the last workday prior to the holiday. It is City policy to decline a request for early paychecks or pay advances for personal reasons.

### **Time Reports**

Each Department Head of the City shall account for their employees' hours of work and shall approve all time cards and request for time off. Employees may *not make corrections to their time record* or any other employee's time without the permission of their direct Supervisor or Department Head. Employees may *not* alter or falsify their own or another employee's time records. Violation of these rules may result in disciplinary action, up to and including termination.

### **Safe Harbor Policy**

It is the policy and practice of the City of Gulf Shores to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that the employee is paid properly for all time worked and that no improper deductions are made, the employee must record correctly all work time and review his or her paychecks promptly to identify and to report all errors.

The City of Gulf Shores makes every effort to ensure all employees are paid correctly. When mistakes do happen and are called to our attention, we will promptly make any corrections necessary. Each employee should review his or her pay stub when received to make sure it is

correct. If a mistake has occurred or if there are any questions, please use the reporting procedure outlined below.

If an employee is classified as non-exempt (hourly), he or she must maintain a record of the total hours worked each day. These hours must be accurately recorded in the time keeping system provided by the City. Each employee must verify that the reported hours worked are complete and must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures and meal breaks. The employee should submit the completed time record to his or her supervisor for verification and approval. When an employee receives each pay check, the employee must also verify immediately that he or she was paid correctly for all regular and overtime hours worked each work week.

Unless authorized by the employee's supervisor, the employee shall not work any hours that are not authorized, unless authorized to do so by his or her supervisor and that time is recorded on his or her time record. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work the employee may perform but fails to report on his or her time record. Any employee who fails to report or inaccurately reports any hours worked will be subject to potential disciplinary action, up to and including, termination.

It is a violation of the City's policy for any employee to falsify a time record, or to alter another employee's time record. It is also a serious violation of City policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time record to under- or over-report hours worked. If any supervisor or employee instructs another employee to (1) incorrectly or falsely under- or over-report an employee's hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, the employee should report it immediately to the Human Resources Director or the City Administrator.

If an employee is classified as exempt (salaried), the employee will receive a salary that is intended to compensate him or her for all hours he or she may work for the City. This salary will be established at the time of hire or when he or she becomes classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variation in the quantity or quality of the work the employee performs.

All salaried (exempt) employees are expected to accomplish their duties irrespective of the time or days required to do so. Salaried exempt employees will be responsible for recording all-time records if he or she is absent from work.

Under federal and state law, an employee's salary is subject to certain deductions. For example, absent contrary state law requirements, an employee's salary can be reduced for the following reasons:



1. Full day absences for sickness, disability or personal reasons;
2. Partial day absences for sickness, disability or personal reasons when:
  - a. Permission for paid leave has not been sought or has been sought and denied;
  - b. Accrued leave has been exhausted; or
  - c. Employee is granted leave without pay, in accordance with the policies adopted by the City of Gulf Shores.
3. Full day disciplinary suspensions for infractions of the City's written policies and procedures;
4. Family and Medical Leave absences (either full or partial day absences);
5. To offset amounts received as payment for jury or witness fees or military pay;
6. The first or last week of employment in the event the employee works less than a full week; or
7. Suspension without pay for full or partial day absences based on violation of a safety rule.

An employee's salary may also be reduced for certain types of deductions such as his or her portion of health, dental or life insurance premiums; state, federal or local taxes and social security; or voluntary contributions to a retirement plan.

If an employee has questions about deductions from his or her pay, please immediately contact the Human Resources Director. If an employee believes that his or her pay does not accurately reflect the employee's hours worked, the employee should immediately report the matter to his or her supervisor. If the supervisor is unavailable or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply), the employee should immediately contact the Human Resources Director. If an employee has not received a satisfactory response within five (5) business days after reporting the incident, immediately contact the City Administrator.

Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discipline for any employee(s) who violates this policy. In addition, the City will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the City's investigation of such reports. Retaliation is unacceptable and any form of retaliation in violation of this policy will result in disciplinary action, up to and including, discharge.

## **Meals**

The normal work schedule includes a 60-minute or 30-minute meal break during the work day. Employees are expected to take their meal break each day, unless a supervisor instructs an employee to work during the designated meal break. If an employee is instructed to work during the meal break and receives less than a 30-minute uninterrupted break, the employee will be paid for the entire scheduled meal break. Otherwise, the meal break shall be at least 30 minutes of uninterrupted time away from work duties and employees will not be paid for time not actually worked.

Department Heads shall schedule meal periods for employees in their Departments so that the Department remains operational throughout. In rare occasions when the meal period is extended, employees must use accrued vacation time or the extended time must be accounted for with approved administrative leave. Extending the workday to account for an extended meal period should be avoided. A workday may not be shortened by “working through” or reducing the lunch period on a voluntary basis. Eliminating or reducing a lunch period requires prior approval from the employee’s immediate supervisor. Such approvals must be limited and will typically be for one (1) day due to unusual or special circumstances. Working through the lunch period is not to be used an on-going solution for scheduling issues. If you need to make a one-time adjustment to your work schedule, you may ask your immediate supervisor, in advance, for permission to reduce or eliminate your lunch period on the day in question. This may not be used on an on-going basis.

Non-exempt firefighters and dispatchers are considered “on duty” during meal times, meaning that meal times for these employees are paid time.

Police officers shall have a meal period of 30 minutes, which shall be considered “on duty,” meaning that such meal period is paid time.

### **Breaks**

Department Heads may, but are not required to, allow employees to take breaks during working hours. All breaks, including smoking breaks, shall last no more than 15 minutes and be limited to one in the morning and one in the afternoon. Breaks may only be taken if the Department's activities are such that the employees' absence will not materially impair the Department's operations to be determined at the discretion of the Department Head. Break times are not like vacation leave. Break times may not be accumulated and used at a later time.

### **Payroll Deductions**

The City of Gulf Shores complies with all federal and state mandatory deduction requirements. Applicable federal and state laws require us to make the following deductions:

- 1) Federal Withholding Tax
- 2) Alabama Withholding Tax

3) Social Security Tax

4) Social Security Medicare Payments

Employees are required to participate via payroll deduction in the City of Gulf Shores' Retirement Plan. Employees may voluntarily have other deductions withheld from their paychecks.

### **Wage and Tax Statement**

In addition to the wage statement accompanying each paycheck, every employee will receive an annual Wage and Tax Statement (IRS Form W-2) for the preceding year on or before January 31. Any employee who believes that his or her pay or deductions are incorrect for any period or on the W-2 should check with the Payroll/Benefits Specialist immediately.

### **Holiday Pay for City Employees**

Classified and Unclassified employees will receive eight (8) hours of Holiday Pay. Eligible part-time employees; category D and E, will receive four (4) hours of Holiday Pay on officially recognized City holidays. If a holiday falls on a Saturday, the holiday will be observed on the preceding Friday. If the holiday falls on a Sunday, the holiday will be observed on Monday. Regular Holiday Pay is not considered time worked for purposes of calculating overtime. An employee must work the day before and the day after a holiday to be paid holiday pay, unless prior approval is given by the supervisor. Those employees who work shift work, such as Fire and Police, must work the scheduled shift before and the scheduled shift after a holiday in order to receive holiday pay, unless prior approval is given by the supervisor. If an employee is absent due to illness, he or she must present a doctor's excuse to be paid for the holiday. An employee who is out on FMLA will not be paid holiday pay, if in a **Non-Paid** status (employees who do not have any leave available or who are using sick leave from the Sick Bank).

### **Holiday Pay for City Employees Who Work on Holidays**

When any non-exempt employee is requested to, and does, work on an officially recognized city holiday, he or she will receive eight (8) hours holiday pay and time and a half for all hours worked on the holiday. The holiday pay and holiday worked hours will not be used in the calculation of overtime.

Although exempt salaried employees will receive their regular compensation for pay periods that include official Holidays, exempt salaried employees will not be paid any additional compensation for any hours worked on an official Holiday, because exempt employees are paid a yearly salary for accomplishing their assigned jobs. However, if approved by the City Administrator, exempt employees may take paid time off at a later date on an hour-for-hour basis.

***Holiday pay for regular part-time city employees.*** Regular part-time City employees, who are eligible for holiday pay and who are asked to work on an established City holiday, will receive four (4) hours of Holiday pay and time and a half for all hours worked on the holiday. The holiday pay and holiday worked hours will not be used in the calculation of overtime.

***Application to fire department line personnel.*** The provisions of this section shall not apply to line personnel in the City fire department.

### **Overtime Pay/Compensatory Time**

***Overtime.*** Business demands occasionally require overtime work. Employees may *not* work overtime unless instructed to do so. If an employee is scheduled to work overtime, however, the employee is required to work the assigned hours.

Non-exempt employees (those who are paid on an hourly basis) will be paid one and one half times their regular rate of pay for all hours worked in excess of 40 hours in a workweek. Hours paid but not worked are not used in computing overtime. For example, paid holidays and vacation days are not included for purposes of determining if an employee has *worked* more than forty hours in a workweek.

Exempt-salaried employees are paid for performing a specific job, not for the number of hours worked. Accordingly, exempt-salaried employees are not generally paid extra for overtime work. With prior approval of the Department Head, an exempt-salaried employee *may* be granted time off if particular assignments require significant extra work.

***Compensatory Time.*** When a non-exempt (hourly) employee has worked overtime, he or she may elect to receive compensatory time in lieu of monetary overtime compensation. Compensatory time is one and a half times the actual hours of overtime worked.

- Non-exempt (hourly) employees. All non-exempt employees may accrue up to 120 hours of compensatory time. All excess hours worked beyond these limits will be paid as overtime. Compensatory time may be accumulated for a period of one year from the date worked.
- Compensatory time off awarded to overtime exempt employees shall accrue at the rate of one hour of compensatory time for each hour worked.

***Emergencies, Disasters or Special Events.*** In the event of an emergency, disaster, or special event, as defined by the appropriate official organization, the Mayor may suspend or modify provisions pertaining to overtime for exempt employees, including exempt Department Heads for a period of time not exceeding 30 calendar days, the Mayor may also suspend or modify any other policy of the City pertaining to exempt employees, including Department Heads, pertaining to the accrual, carryover or utilization of compensatory time, vacation time, holidays or other benefits that such exempt employees would otherwise forfeit or lose as a consequence of such *emergency, disaster, or*

*special event. In the event of an emergency, disaster, or special event all employees who are directed to work overtime will comply or disciplinary action may be taken.*

In order to implement such authorization, the Mayor shall issue a written directive to the Human Resources Director and copy to employee's Department Head and the City Council setting forth the reasons for declaring an *emergency, disaster, or special event*, specifying the position and the name of the exempt employee, the suspension or modification of the specific benefit or policy and the period of time it is to be in effect.

***Calculation of overtime/compensatory time.*** For all non-exempt personnel, compensatory time will generally only be awarded and overtime will only be paid for hours worked in excess of 40 hours in a work week, as defined by the City. However, the City may establish an alternative work period and payment plan for a specific segment of its workforce which may result in a different method of accruing and calculating overtime. For example, the City has established, under Section 7(k) of the Fair Labor Standards Act, a different work period for employees engaged in fire protection activities and law enforcement activities. Under the 7k exemption fire employees do not accrue overtime until after 204 hours in a 27-day work period and police employees under the 7k exemption do not accrue overtime until after 86 hours in a 14-day work period.

Paid time off, including, but not limited to, vacation time, compensatory time, holidays, worker's compensation time, suspensions with pay, and any other time off from actual time worked, and for which compensation from the City is otherwise received, will not be included in the calculation of hours worked and credited toward overtime compensation or compensatory time.

***Call out time.*** The primary function of call-out pay is an incentive and inducement to return to duty after regularly scheduled work hours. If a non-exempt employee of the Police Department, Fire Department, Court, Information Systems, or Public Works Department is called out by being ordered to return to duty after scheduled working hours to perform emergency or necessary services on behalf of the City as directed by his/her supervisor, he or she will be paid a minimum of two hours of work at the rate of one and one-half times the employee's current regular rate of pay regardless of the actual time the employee is required to work, up to a maximum of two hours. Thereafter, any call out work in excess of two hours will be paid at time and a half.

### **Step-up Pay**

Occasionally, an extended vacancy will exist in the position of the Head of a City department or a temporary vacancy within certain City Departments engaged in non-public safety related operations. In these instances, the extended absence of a Department Head or the temporary absence of a key employee can hamper the operations of an entire Department or that of a Division. Such situations are not in the best interest of the City of Gulf Shores or the public.

***Step up to "acting" Department/Division Head positions.*** It is the policy of the City that classified employees in such positions as assistants, associates, or deputies or similar chain of command type positions shall function in the role of his or her superior during temporary absences of that superior without additional compensation.

However, in the event it is necessary for a City employee in the classified service to function in the capacity of their respective Department/Division Head for more than two pay periods, it is appropriate that such employee should receive some additional compensation for assuming the responsibility and duties of the Department/Division Head (step-up pay). The step-up pay shall commence with the first full pay period following that the employee has been functioning as acting Department/Division Head and shall terminate upon the appointment of a Department/Division Head or another acting Department Head or may be terminated at the Mayor's discretion, subject to the conditions below.

(1)The employee is appointed in writing by the Department Head and approved by the Mayor prior to the appointment.

(2)The employee must have functioned in or it is anticipated that the employee will serve in the capacity as acting Department/Division Head for a period of no less than two pay periods.

Temporary step up pay amount will be at the discretion of the Mayor based on qualifications for a period not to exceed three months. The City Administrator and Mayor may extend this time period as necessary to meet the needs of the City.

### **Assignment of Special Duties**

From time to time, employees may be assigned to special duties. For the period of time the employee is assigned to such special duties, the Department Head may recommend a "premium pay" in addition to the employee's base pay. The amount of this premium pay may be determined by the Human Resources Director based upon the scope and other factors involved in the additional duties, final approval must be given by the City Administrator and Mayor. When the employee is no longer responsible for these additional duties, the premium pay will be discontinued. Such special duties may be such as in the Police Department assignment as K-9 Officer, as an Investigator, and as a Field Training Officer and are typically paid at 5% above current pay for the duration of the assignment or an increase of rank. (e.g., Officer to Sergeant, etc.).

### **Topped Out Employees**

Notwithstanding anything in this Handbook to the contrary, no classified or unclassified employee (non-exempt or exempt) will receive any increase in base pay at any point of the pay plan or by pay adjustment which would result in that employee's base pay exceeding the maximum pay of the pay range for the employee's job classification pay grade. Employees at the maximum of their salary ranges are not eligible for base salary increases. However, they may be eligible for performance awards which shall be paid in the form of lump sum bonuses at the time of

the performance appraisal/review. Lump-sum performance awards shall be equal to the amount for the level of performance attained based on the Merit Increase Guide for the year.

## **Compensation Plan**

The City's General Pay Classification Plan and Pay Ranges as adopted by Mayor and Council is designed as a fair and equitable method for payment of employees in the City. The Plan shall establish a basic salary schedule as approved by the City Council. The salary ranges shall include minimum, market and maximum rates of pay for all positions included in the Classification Plan. In addition to the basic salary schedule, the Compensation Plan consists of two salary components. These two mechanisms include market adjustments and performance awards that are subject to annual budget review and may be amended from time to time and approved by Mayor and Council.

### **1. Market Adjustment**

The market adjustment is the component that is used to insure that the salary structure is adjusted equally across-the-board to reflect changes in the wage index. Two considerations dictate whether or not a wage adjustment will be administered: changes in the wage index based upon references such as the Bureau of Labor Statistics annual review of Wages and Salaries seasonally adjusted employment cost index for wages and salaries, for State and local government workers by occupational group and industry. Each year, the City Council shall vote on the applicability and the ability of the City to apply a wage adjustment(s) to the salary structure. When applicable, a percentage increase will be applied equally to all ranges. If an employee's performance evaluation is below or not meeting standards and the employee is put on a 90-day performance improvement plan, the wage index will be withheld until the employee's performance has improved to meeting standards as determined by the Merit Increase Guide for the year as approved by Mayor and Council

### **2. Pay for Performance**

The performance award component is designed to reward job performance therefore, serving as an incentive system. Base salary increases and/or lump sum bonuses are awarded to employees whose performance is evaluated as exceeds standard and/or far exceeds standard at their action date. The performance appraisal is essential to the effective utilization of this component. The merit system is based upon the principle that exceeds standard, or above, performance should be rewarded because such performance is a greater contribution to the jurisdiction than below standard performance. The performance award is strictly used to monetarily reward above standard performance. Employees receiving a performance appraisal rating of Exceeds Standards or above are eligible for a performance pay increase based on the Merit Increase Guide established for the year. Employees at the maximum of their salary ranges are not eligible for base salary increases. However, they may be eligible for performance awards which shall be paid in the form of lump sum

bonuses at the time of the performance appraisal/review. Lump- sum performance awards shall be equal to the amount for the level of performance attained based on the Merit Increase Guide for the year. Each year, the City Council shall vote on the applicability and the ability of the City to budget a merit increase for the year.

### **Starting Rates for New Employees**

In most cases, a new employee shall be paid the minimum (90%) rate of pay for the position. Exceptions may be granted upon the written prior approval of the Department Head, the Human Resources Director, and the City Administrator and Mayor. Such a request must be made in writing by the Department Head for approval by the Human Resources Director and the City Administrator and Mayor. New employees in categories C, D, E, F, K, and L after completing a one year probationary period satisfactory may be eligible for an increase of 5% added to their base salary. New employees in category A unless otherwise specified by contract or other, may also be eligible for an increase of 5% added to their base salary after one year of employment. Employees failing to complete satisfactorily their probationary period will be dismissed.

### **Exceptions may be made in the following cases.**

- The minimum rate for each position is based upon the assumption that a new employee meets the minimum qualifications stated in the class specification. In the event that qualified applicants cannot be located for a given position, consideration should be given to establishing a new position at a lower grade which will reflect lower level duties and corresponding lower entrance requirements.
- Difficulty of recruitment may require payment of a higher rate. If difficulty of recruitment at the minimum rate in the salary range persists, consideration should be given to assigning a higher hiring rate or reevaluation of the position to determine if a higher pay grade is indicated. Appropriations for funding positions above the minimum rate must be secured within the framework of the budget of the department employing the individual. Employees who are hired at the higher market rate within the salary range will only be given consideration under the pay for performance merit guide and not considered eligible for the 5% increase at the end of the one year probationary period.

## **SALARY ADMINISTRATION PROGRAM**

### **Purpose of Salary Administration Program**

The Salary Administration Program is the formal system for classifying positions and compensating employees in the City. It is divided into two (2) distinct programs or plans.



1. The Classification Plan, which is the categorization of job positions, duties and necessary qualifications, and;
2. The Compensation Plan, which provides salary structures. Each plan will be discussed in detail below.

### **Amendment of Salary Administration Program**

The Human Resources Director with the recommendation of the City Administrator and approval of the Mayor shall cause the Salary Administration Program to be examined for the purposes of amendment. On the basis of conclusions reached through this examination, the Human Resources Director will present recommendations for revisions in the Salary Administration Program to the City Administrator for appropriate action. The City Administrator will review and present recommendations to the Mayor and City Council. The Salary Administration Program shall constitute the pay schedule(s) for positions and shall be effective for the ensuing fiscal year (or at such time as the City Council may designate) and thereafter until amended or a new Salary Administration Program shall be adopted by the City Council. The Salary Administration Program may be amended from time to time as needed by the Human Resources Director with approval of the City Administrator, Mayor and Council.

### **Classification Plan**

The position Classification Plan provides a systematic arrangement and inventory of the positions in the City. Each class specification lists the minimum requirements or qualifications needed to perform the job such as education, work experience, and other qualifications. By describing essential job functions, job duties, responsibilities, and qualifications, the Classification Plan provides guidelines for establishing a pay plan based on these relationships.

### **Class Specifications**

Class specifications are descriptive and explanatory and are not necessarily inclusive of all duties performed. They are designed to indicate the types of duties and level of responsibilities assigned to the class. The use of a particular specification as to duties, qualifications or other factors shall not be held to exclude others of similar kind or quality. Class specifications are not job descriptions.

### **Official Copy of Class Specifications**

The Human Resources Department shall maintain a master set of all approved class specifications which shall constitute the official Classification Plan. The official copy shall show all amendments to the original plan. The copies of the specifications may include the date of adoption and/or the last revision of the class specification.

The Human Resources Director shall provide each Department Head with a set of class specifications of those positions allocated in his or her department and such other positions as necessary. Such class specifications maintained in the Human Resources office shall be open for inspection by employees under reasonable conditions during business hours.

### **Titles of Positions**

The title of an official class position shall be used to designate the position in all budget estimates, payrolls, and other official records, documents, vouchers, and communications in connection with all personnel processes. Working titles may be used, where appropriate, for positions with the approval of the Department Head in which the position is allocated.

### **Minimum Qualifications**

Minimum qualifications are considered comprehensive statements of the minimum required education, experience, and other qualifications for all classes as evidence of an employee's ability to perform the work properly.

### **Procedures for the Classification of New Positions**

- The Human Resources Director shall create new class specifications for positions upon receipt of the prescribed forms indicating a statement of duties, responsibilities, and requirements of such positions from the Department Head. Whenever a position is created, a Position Description must be submitted to the Human Resources Director, in order to verify that the position has been appropriately allocated.
- The Human Resources Director reviews and recommends approval or disapproval to the City Administrator all proposed position creations, allocations, reallocations, and abolishment.
- The City Administrator shall review and approve or disapprove recommendations of the Human Resources Director regarding all proposed position creations, allocations, reallocations, and abolishment with final approval by the Mayor.

### **Procedures for the Reclassification of Positions**

The Department Head shall recommend changing the classification of existing positions when it is determined that the position is incorrectly classified. Such action is called reclassification and must be reviewed and approved by the Human Resources Director, City Administrator and Mayor. If an employee has facts which indicate that his/her position is improperly classified, the employee may request the Supervisor to review the classification of the position, through and with the knowledge of his/her Department Head. Such request shall be submitted in the Position Questionnaire. For this or any other type of request for reclassification from any source, the Human Resources Director shall thereupon investigate actual or suggested duties of the position and reclassify the position to

its appropriate grade if warranted. The Human Resources Director will recommend a reclassification to the City Administrator for approval by the Mayor. Reclassification may occur as the result of the conditions described below.

There has been a substantial change in the duties and responsibilities associated with a position since it was classified to a particular grade.

a. If the position is assigned a higher pay grade than the current position, such action is considered an upgrade for the position. If the position is occupied at the time of an upgrade, the incumbent may be reclassified without examination, but does have to meet the minimum qualifications of the new position if they are changed. The incumbent salary will increase to the 95% rate of the new grade if below market or 5% of current salary whichever is greater.

b. If the position is assigned a lower pay grade, this change is called a downgrade of the position. If the position is occupied, the incumbent will continue at the same pay and may receive increases to the maximum of the range of the lower grade. If the current salary is above the maximum for the lower class, the employee shall be permitted to continue at the present rate of pay, but shall not be entitled to future salary increases until such time as the salary is no longer above the maximum of the salary range.

c. In all cases of reclassification, if the position is vacant, it shall be filled in the prescribed manner. In all cases of reclassification of an occupied position, the incumbent is reclassified consistent with the new classification. The anniversary review date of the incumbent is not changed by reclassification. Any employee affected by the reclassification of his/her position, may file with the Department Head a written request for reconsideration thereof in such manner and appeal form as the Human Resources Director may prescribe and shall be given a reasonable opportunity to be heard thereon. The City Administrator shall have the final approval upon the reclassification.

### **Abolishment of Positions**

Whenever there is justification for abolishing a position such as lack of work, reorganization, lack of funds, or other reason, the Department Head shall make such recommendation to the City Administrator. The Human Resources Director shall review and present such recommendations for approval by the City Administrator. In no case will a position be abolished solely as a means of terminating the employment of an employee.

### **Maintenance of the Classification Plan**

1. Each time a unit or department is reorganized, the Department Head will submit new Position Description s for all affected positions to the Human Resources Director.

2. The City Administrator may require Department Heads to submit Position Questionnaires at any time when there is reason to believe there has been a change in duties and responsibilities of one or more positions.
3. Any change in the Classification Plan, such as establishing new positions, abolishing positions, reclassifying positions, or pay grade changes for positions require the prior review by the Human Resources Director and the approval of the City Administrator and Mayor.
4. Periodically, the City Administrator shall review the Classification Plan to determine if changes need to be made.

## **EMPLOYEE BENEFITS PROGRAMS**

The City provides a comprehensive package of employee benefits for its employees. This Employee Handbook has only a *brief* discussion of the City's employee benefits. The insurance coverage's and retirement plan are described in detail in the Employee Benefits Booklet for these plans. Employees should review these Employee Benefit Booklets carefully, because the information in the Employee Benefits Booklets, not the brief outline in the Employee Handbook, controls all questions concerning eligibility, benefits and the administration of these important employee benefit plans. The Human Resources Department will gladly provide assistance and answer any questions employees may have regarding benefits.

Benefits and conditions of coverage may change from time-to-time. Although we hope to continue, or even to enhance our benefits over time, we may change or even discontinue the benefits described in this Handbook. The City reserves the right to amend, modify or discontinue any benefit program in this Handbook. Any changes will be contained in amendments to the plan documents, and may be summarized in the employee notices, bulletin board postings, or the summary plan description.

### **Health Insurance/Dental Insurance**

The City currently offers health insurance coverage to all full-time and qualified part time employees and their dependents. Coverage is provided for the employees and dependents, effective the first day of the calendar month following 30 days of continuous employment. Part-time employees classified as part time 30 plus and their dependents are also eligible to participate in the health insurance program.

Employee premiums are paid through payroll deductions. Details of eligibility, insurance coverage, deductibles, premiums and other important information are included in the Employee Benefits Booklet for the health insurance plan. Employees should review the Employee Benefits Booklet carefully for detailed information about the plan effective each plan year.

### **Notice for Individuals Declining Health Coverage**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires group health plans and issuers to advise an employee and employee's dependents of enrollment rights when declining health coverage.

If an employee is declining enrollment for health plan benefits for himself or herself, dependents or both because of other health insurance coverage, the employee may, in the future, be able to enroll in this plan, provided that he or she requests enrollment is within thirty (30) days after the other coverage ends.

In addition, if an employee has a new dependent as a result of marriage, birth, adoption or placement for adoption, he or she may be able to enroll himself or herself, dependents or both, provided that he or she request enrollment within thirty (30) days after the marriage, birth, adoption or placement for adoption.

### **COBRA Continuation Coverage**

If an employee is covered under the City's group health insurance plan, the employee will have the right to continue insurance coverage at group rates if certain events occur that would otherwise cause the employee to lose insurance coverage; the termination of the employee's employment or a reduction in the number of hours worked, for example. Although employees and eligible dependents would be required to pay the insurance premium for the continuation coverage, employees and eligible dependents can obtain the coverage for a limited time (generally 18 or 36 months) at group rates, which could mean a substantial savings. Employees will be given full details of their right to continue group health insurance coverage COBRA in a separate "Notice of Right to Elect Continuation Coverage under COBRA."

### **Life Insurance**

Classified and unclassified employees will be provided term life insurance equal to two times their annual pay effective the first day of the calendar month following 30 days of continuous employment. Maximum coverage is \$50,000; the City additionally provides \$2,000 of coverage for spouses and children.

Full details of the plan are provided in the Employee Benefits Booklets. Employees should review the Employee Benefits Booklet carefully for detailed information about the plan effective each plan year.

### **Dental/Vision Insurance**

The City makes available a dental and vision insurance program for classified, part time 30 plus and unclassified employees. This is a voluntary dental/vision insurance plan. The employee pays the entire cost of coverage. Coverage is generally effective on the first day of the calendar month following 30 days of continuous employment. Full details of the plan are provided in the Employee

Benefits Booklets. Employees should review the Employee Benefits Booklet carefully for detailed information about the plan effective each plan year.

### **Long Term Disability Insurance**

The City makes available a long-term disability insurance program (LTD) for employees who become permanently and totally disabled following an illness or injury. All classified and unclassified employees can enroll in the LTD program. New employees must elect to participate in the LTD program at the time of hiring. Current employees (i.e., late enrollees) may elect to begin LTD coverage after the beginning of employment, but such employees may have to present evidence of insurability, and some restrictions or waiting periods may apply. Coverage is effective on the first day of the calendar month following completion of a six-month period of employment. Employees who elect LTD coverage may receive a monthly benefit based upon a formula which takes into account a percentage of the employee's last 60 months of average earnings. The employee receiving LTD benefits may be required to provide proof of continuing disability. A waiting period of 60 days will apply before benefits start. Details of long-term disability plan are covered in the Employee Benefit Booklet for this benefit. Employees should review the Employee Benefits Booklet carefully for detailed information about the plan effective each plan year.

### **Retirement Plan**

Mandatory participation in the Employee's Retirement Systems of Alabama Retirement Plan is required as of the date of hire for all eligible employees by automatic deduction in the amount of 5% of the employee's gross pay. Effective January 1, 2013, all employees hired on or after this date with no previous creditable retirement service credit will be required to contribute 7.5% to the employee retirement plan as Tier 2 employees. However, with the passage of Resolution 6213-19, Tier 2 employees will be provided Tier 1 eligibility benefits for retirement, but still be required to contribute at a higher rate as approved by Mayor and Council.

The City will make an additional contribution to the employee's account based on the requirements as set forth by the Employee Retirement System each year. The exception will be in the case of Certified Police Officers and Firefighters. The Police Officers and Firefighters contributions will be six percent (6%) of gross pay, except those in Tier 2 who will be required to contribute 8.5% to the Plan.

All employee contributions to the Pension Plan are tax deferred. On the date of hire, employees may elect to make an additional tax-deferred payroll deduction to the city's tax deferred savings (section 457) plan with RSA-1 or Alabama Deferred Compensation. Participation in the section 457 plan is effective on the first day of the month following the employee's date of hire. Employees should review the Employee's Retirement Plan booklet for detailed information regarding your plan.

## **Recreation Center Membership**

Membership to the City Recreation Center may be obtained at half cost per selected type of desired membership. A wide variety of activities are available, including swimming, basketball, racquetball, indoor jogging track, fitness center and much more. Membership is payroll deducted based on 24 pay periods. If an eligible City employee elects to participate in the City's wellness program at the end of each quarter he/she may be reimbursed the cost of the membership fee for the previous quarter if average 24 visits a quarter.

## **Worker's Compensation**

The City provides worker's compensation insurance for all employees for job related injuries. If an employee is injured on the job or develops an illness that is directly related to the employee's employment with the City, the employee may be eligible for worker's compensation insurance coverage. When an employee suffers an on-the-job injury (no matter how slight), the employee *must* report the injury to his or her supervisor immediately if the employee is able to do so. If a non-emergency accident the supervisor and injured worker will sit down together and call the 24/7 Workplace Injury Triage Hotline at 855-660-5200 and be directed how to proceed. In the event of a life or limb threatening injury, go directly to the nearest Emergency Room, do not call the Triage Hotline. The supervisor will ensure that the employee obtains proper medical attention by delegating another employee or supervisor to accompany the injured employee to the proper medical facility. An accident report form available from the Human Resources offices must be completed and submitted to the Human Resources Officer within twenty-four (24) hours of the illness or injury. If the Triage Hotline is called a first report of injury will be completed for you. This enables the City to complete the necessary reporting and claims procedures for worker's compensation insurance coverage.

If an injured employee is eligible for worker's compensation, worker's compensation insurance generally covers all medical expenses for necessary treatment for covered injuries and provides compensation benefits during the time the employee is unable to work as a result of the injury. The amount and duration of compensation benefits is established under worker's compensation law. Worker's compensation insurance may not be available if the injury is caused by the employee's willful misconduct, by the employee's willful failure or refusal to use a safety device provided by the City, or by the employee's intoxication or impairment by alcohol or drugs. Any falsification or misrepresentation of information concerning an accident, injury or illness also may cause a loss of worker's compensation insurance coverage and could result in disciplinary action, up to and including termination. A workers compensation accident may be investigated to determine cause of accident.

A return to work slip is required if an employee is off work due to a worker's compensation injury from the treating physician showing the employee may return to full duty or listing any restrictions if any. If an employee suffers an on the job injury or illness that requires three (3) or more days

away from work, the injured employee may be eligible to receive compensation equal to 66-2/3% of their normal salary. If an employee has elected to participate in the City's LTD (Long Term Disability) program, he can supplement his income with this benefit after sixty (60) days of disability. If the employee has not elected to participate in the City's LTD program and the employee has accumulated sick leave, the employee may elect to supplement his or her income with the use of paid sick leave on an hour for hour basis, Employees must sign an acknowledgement form to confirm this election. An injured worker released to return to work will be required to use accumulated sick leave for any follow up physician visits or physical therapy. Workers Compensation hours are not used in the calculation of overtime. Employees who are unable to work as a result of a serious health condition (including an injury or illness covered by worker's compensation) will be placed on Family and Medical Leave for up to 12 weeks, if the employee is eligible for FMLA leave. At the discretion of the Mayor, up to 6 total months of medical leave may be granted for on-the-job injuries or illness. The additional 12 weeks of discretionary medical leave will be unpaid except as provided by workers compensation law. If the employee is unable to return to work following Family and Medical Leave or the discretionary leave granted by the Mayor, the employee's employment with the City will be terminated. The employee will remain eligible for re-hire and, when released to return to work, should contact the Human Resources Director to apply for open positions

### **Continuation of Benefits**

#### **Worker's Compensation Leave:**

An employee receiving worker's compensation benefits will be paid 66 2/3% of the employee's average salary based on the 52 weeks prior to the accident. Employees absent for more than the 12 weeks allowed by FMLA will cease to accrue annual leave until return to work from an on-the-job injury. After return to work, an employee will begin to accrue annual leave on a month-by-month basis in accordance with time in service. The City also will continue to pay its portion of health insurance premiums, provided the employee continues to pay his or her share of those premiums, if any.

#### **Vacation Leave**

Classified and unclassified employees with one to nine years of service earn one (1) day of vacation leave per month, with ten to fourteen years of service earn one and one-quarter (1 1/4) days of vacation leave per month, and with 15 years or more of service earn one and two-thirds (1 2/3) days of vacation leave per month. After completing 90 days of service, part-time employees who work at least 20 hours per week on a regular basis earn four (4) hours of vacation leave per month. Employees may use up to one (1) week of vacation leave after successful completion of a satisfactory 6-month performance evaluation. For purposes of vacation leave one (1) week of vacation leave equals forty (40) hours of vacation leave. Employees may use the remaining of their vacation leave after their completion of the one-year probationary period. Part-time employees may



carry over up to 12 days (48 hours) of vacation leave at the end of the calendar year. Classified and unclassified employees with less than ten years of service may carry over up to 15 days of vacation leave at the end of the calendar year, with more than ten but less than 15 years of service may carry over up to 20 days of vacation leave at the end of the calendar year, and with 15 or more years of service may carry over up to 25 days of vacation leave at the end of the calendar year. Accrued vacation leave is paid at termination if the employee has completed their probationary period.

Fire/Rescue Department employees who work a 204 hour 27 day hour work period will accrue vacation leave at the following rate:

1 – 9 years of service - 10.6 hours per month

10-14 years of service - 13.25 hours per month

15+ years of service - 17.66 hours per month

The Fire/Rescue Department employees who work a 204 hour 27-day work period, with less than ten (10) years of service may carry over up to 159 hours of vacation leave at the end of the calendar year, with more than ten (10) but less than fifteen (15) years of service may carry over up to 212 hours of vacation leave at the end of the calendar year, and with fifteen (15) or more years of service may carry over up to 265 hours of vacation leave at the end of the calendar year.

Vacation leave must be requested on the city's Employee Self Service website. The use of vacation leave will be approved at the discretion of an employee's Department Head or the Department Head's designated representative. Normally, vacation leave will be approved in advance of each absence, except in unusual circumstances. All requests for vacation leave should be made as far in advance as possible of the time the employee desires the leave. The City expects each employee to take earned vacation, except as permitted by these guidelines. Working in lieu of taking time off defeats the purpose of providing paid time away from the job; therefore, the City strongly discourages employee from working in lieu of taking vacation time, unless the employee presence is necessary to meet emergency situations and/or usual work demands. Vacation leave may be taken in quarter hour increments, as approved by the employee's Department Head. When an official holiday occurs while an employee is on vacation leave, his or her absence will be charged as a paid holiday and not as vacation leave. Public Safety workers who are on vacation during a paid holiday will be paid for 8 hours holiday and may use vacation hours to adjust their time according to their regular scheduled work time. However, at no time can the combination of these exceed normal earnings. Vacation leave will not be advanced to any employee for any reason. Vacation hours are not used in the calculation of overtime.

For purposes of vacation leave, one day of vacation leave equals 8 hours of vacation leave. For part-time employees, one (1) day of vacation leave equals four (4) hours of vacation leave.

## **Holidays**

The City observes twelve holidays annually. The City is officially closed on:

New Year's Day	Labor Day	Christmas Day
Martin Luther King Day	Veteran's Day	New Year's Eve
Mardi Gras Day	Thanksgiving Day	Memorial Day
Thanksgiving Friday	Independence Day	Christmas Eve

Holidays that fall on Saturday will be observed on Friday and those that fall on Sunday will be observed on Monday, exceptions may be made for a holiday that falls consecutively.

## **Sick Leave**

Classified and unclassified employees earn eight hours of sick leave per month. Part-time employees who are classified as part time 20 plus are eligible to earn 4 hours of sick leave per month. Sick leave may be used as it is earned without regard to completion of a probationary period. An employee may accumulate up to one hundred twenty (120) days of sick leave.

Fire Rescue Department employees who work a 204-hour 27-day work period will accrue sick leave at the rate of 10.6 hours per month.

Employees are encouraged to make doctor, dentist and any other personal appointments before arriving for work or after leaving work, if possible. If time off is required for such appointments, arrangements must be made in advance with the employee's supervisor. Employees who know they need sick leave in advance must submit request on the City's Employee Self Service website. If you are absent for three (3) or more consecutive days due to illness or injury, you must provide a doctor's statement that states you are ill or injured, when it began and when you should be able to return to work. The City may require a similar statement for other sick leave absences of less than three (3) days. Before you can return to work after a sick leave absence of ten (10) business days or more, you must provide a doctor's statement that you may safely return to work. The employee can use accumulated sick leave in conjunction with other sources of disability income to achieve full pay for up to 12 weeks under FMLA guidelines if out due to a workers compensation injury. However, at no time can the combination of these exceed normal earnings. Sick leave may be taken in quarter hour increments, as approved by the employee's Department Head. For purposes of sick leave, one day of sick leave equals eight (8) hours of sick leave. Sick leave hours are not used in the calculation of overtime.

## **Unused Sick Leave**

Accrued sick leave is not paid at termination. However, employees who are eligible for retirement (see Termination Processing Procedure, Retirement) may use their accumulated sick leave balance up to 960 hours at the time of retirement to extend their effective retirement date beyond their last

actual day at work or be paid a lump sum payment. At the discretion of the Mayor, a deceased employee's designated beneficiary may be paid for up to sixty days of unused accrued sick leave.

### **Educational Assistance Program**

The City of Gulf Shores recognizes the value of additional education and training to the City and its employees that is related to the employees' jobs and improves their skills and capabilities. The City may provide financial assistance to all classified and unclassified employees, who have successfully completed their probationary period who voluntarily participate in approved educational courses. Financial assistance and approval for courses are subject to budgeted available funds. All financial educational assistance must be approved by Department Head, the City Administrator and the Mayor in advance of an employee's beginning the educational assistance program. Tuition reimbursement forms are available from the Human Resources department. Requests should be submitted to the appropriate Department Head for approval. If approved by the Department Head, the application shall be forwarded to the Human Resources Director, City Administrator, and Mayor for final approval. Requests for approval shall contain sufficient information about the course content and the employee's job to justify that it is job related. The appropriate Department Head shall also provide comments as to the job relatedness of the course. Classroom schedules must not conflict with the employee's work schedule. The employee's job shall always take precedence over schooling, which is considered a fringe benefit.

Grants, scholarships, or other financial assistance covering the cost of tuition will be deducted from the total charged for tuition and the balances may be submitted for reimbursement. Annual reimbursements exceeding \$5250, or the amount otherwise established under Internal Revenue Code Section 127, will be subject to taxation in accordance with Internal Revenue Service requirements. This will be verified by the employee's award letter given by the school. All course work must be completed during the fiscal year in which reimbursement is made. All courses must be completed with a "C" or better to be considered successfully completed.

Upon successful completion of the course, the employee shall submit their final grade along with confirmation of payment to the Human Resources Director for reimbursement of expenses based on the following:

Letter grade "D" or below	0%
Letter grade "C"	50%
Letter grade "B"	75%
Letter grade "A"	100%

Reimbursement for courses in which letter grades are not issued will be in the following manner:

Satisfactory	100%
Unsatisfactory	0%

The City will reimburse employees the cost of tuition, fees, and similar payments associated with academic coursework in the opinion of the City Administrator and in compliance with the Internal Revenue Service, are eligible for reimbursement.

Employees who receive educational assistance from the City are required to continue employment with the City for two years after completion of the course. Employees who do not meet this requirement will be required to reimburse the City for any financial assistance received. Payment may be taken from the employee's final pay check and/or benefit pay out, if any, accrued at the time of his/her termination. Any amount due the City over and above said checks shall be repaid in monthly installments within six months of termination, subject to prior arrangements with the City Administrator.

**Required Certifications**

The City may pay the cost or a portion of the cost of tuition, registration fees, books, meals, travel, and lodging of courses, seminars, and other training activities that are required by an employee's job. However, the City will require a refund from an employee for any professional educational programs, workshops, and specialized training attended by employee if said employee leaves employment of the City within 2 years of completing these programs. Such programs include, but not limited to Police Officers, Firefighters, Court Magistrates, Network/IT Technicians, Building Inspectors, Landscape Certifications, Revenue and City Clerk Municipal Officers, Payroll Certifications.

**AUTHORIZED LEAVES OF ABSENCES**

**Family Medical Leave**

Eligible employees, who meet the guidelines established by FMLA shall be entitled to use up to, but not exceeding, twelve (12) weeks of family medical leave during a twelve month period for the following events and/or conditions:

- 1) For incapacity due to pregnancy, prenatal medical care or child birth;
- 2) To care for the employee's child after birth, or the placement of a child in the employee's home for adoption or foster care;
- 3) To care for a spouse, child or parent with a serious health condition;
- 4) For a serious health condition that makes the employee unable to perform the functions of

his/her position.

5) Other circumstances as may be implemented through enacted revisions to the FMLA.

### **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12 - week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

***Eligibility.*** To be eligible for family and medical leave under this policy, an employee must meet both of the following conditions: (1) the employee must have worked for the City for at least 12 months (52 weeks), which need not be 12 consecutive months; and (2) the employee must have worked at least 1,250 hours during the 12 months immediately preceding the family and medical leave. In determining whether an eligible employee has taken his or her full entitlement to 12 weeks of unpaid leave of absence (FMLA) during a 12-month period, the city uses a “rolling” 12-month period measured backward from the date an employee uses FMLA Leave. For example, if an employee requests FMLA leave beginning September 1st, the City would measure backward to September 1st of the previous year to determine whether the employee has already used 12 weeks of FMLA leave during that 12-month period.

***Employment Following FMLA Leave.*** When an employee returns to work following a family and medical leave, the employee will be assigned to the employee’s former job or to an equivalent job with the same pay, benefits and working conditions. If the employee does not return to work following a family and medical leave, the employee’s employment may be terminated and the employee may be required to reimburse the City for any insurance premiums the City paid during the leave *unless* the failure to return to work is due to circumstances beyond the employee’s control, such as a serious health condition continuing or a new serious health condition arising.

***Employment Benefits during FMLA Leave.*** During an approved family and medical leave, an employee’s health insurance, *if any*, will continue just as if the employee had not taken leave. We

will continue to pay any portion of the premium that we would pay if the employee was working, and the employee must make arrangements to pay on time any portion of the premium the employee would pay if he/she were working if in an unpaid status. If employee is in a paid status the premiums will be deducted from their payroll check. If the employee fails to pay on time any portion of the premium the employee is required to pay, the insurance coverage may terminate. Employees who are **in a paid status or who are absent due to an on-the-job injury** under workers compensation guidelines, **will accrue paid leave** up to the 12 weeks FMLA period, while on family and medical leave. An employee on FMLA leave will be **paid holiday pay if in a paid status**. Employees utilizing the donated sick leave Bank policy **will not accrue leave or be paid holiday pay** while on family and medical leave. Employees may continue other benefits, if any, as permitted by the particular benefit plan by making arrangements in advance to make any required contributions or premium payments.

***Use of Paid Leave.*** Employees must use any accumulated paid leave, including any paid vacation, at the beginning of family and medical leave. After the employee exhausts paid leave, the rest of the family and medical leave, if any, will be unpaid.

***Intermittent Leave or a Reduced Work Schedule.*** Intermittent or reduced-schedule leave may be granted, if medically necessary, for a serious health condition. Intermittent leave or a reduced-schedule will not be granted for the birth of a child or for child care. Employees should consult with their treating physician to schedule any necessary medical treatment to avoid unnecessary disruption of business operations (for example, scheduling periodic medical treatment for a serious health condition at or near the end of the workday). Leave due to qualifying exigencies may also be taken on an intermittent basis. In all cases, the total family and medical leave will not exceed a total of 12 weeks over a 12-month period.

***Procedure for Requesting FMLA Leave.*** Except where leave is unforeseeable, employees must request family and medical leave by submitting a completed *Request for Leave* form to the employee's Department Head, who will provide a copy to the Human Resources Director. If possible, employees must give at least 30 days' notice before the date they want the leave to begin. If this is not possible, employees must provide as much notice as is practicable under the circumstances. While on an approved family and medical leave, employees will be required to report semi-monthly to your supervisor regarding the status of the medical condition and the employee's intent to return to work. If the City determines that a leave of absence qualifies for Family and Medical Leave, including a leave for serious health condition covered by workers' compensation, the leave may be designated as Family and Medical Leave by the City. If so, the leave will count toward the employee's annual 12-weeks of unpaid leave.

***Certification of a Serious Health Condition.*** If an employee requests leave for a serious health condition, the employee may be required to provide a medical certification of the condition, and, if the leave is requested to care for an immediate family member with a serious health condition, to

certify the need for the employee to provide care. The City may require recertification on a reasonable basis during the leave. The certification must be provided on the *Certification of Health Care Provider* form, which is available from the Human Resources Department. The City may require you to obtain a second medical opinion from a health care provider chosen by the City at our expense to verify any such certification. If the second opinion differs from the certification provided by the employee, the City may require, at its expense, the opinion of a third provider chosen jointly by the City and the employee. The third opinion will be final and binding. When an employee seeks to return to work following an approved family and medical leave for a serious health condition, the employee must provide a medical certification saying that the employee is able to perform the essential job duties. If not, the medical certification must describe any limitation on the employee's ability to perform the essential job duties so a determination can be made whether a reasonable accommodation can be made that will enable the employee to perform the duties.

***Failure to Return from FMLA Leave.*** Employees will be considered to have voluntarily quit their jobs (1) if they do not return to work on or before the fifth (5<sup>th</sup>) day after an approved leave of absence expires; or (2) if they apply for or engage in other employment while they are on a family and medical leave. Employees will be discharged if they give a false reason for a requested leave or provide fraudulent or altered documents in connection with leave. Employee may be required to reimburse the City for any benefits paid on their behalf should any of these circumstances apply.

## **Donated Sick Leave Bank**

### **A. GENERAL PURPOSE**

This document establishes the following:

- A Sick Leave Bank Board
- The policy and procedures (by-laws) for the administration of the Sick Leave Bank.

### **B. BANK BOARD COMPOSITION AND MEETINGS**

- The Sick Leave Bank Board will be comprised of the Human Resources Director, City Administrator, and the Department Head or his designee of the employee requesting the leave. The Mayor shall appoint new members to fill vacancies.
- The Sick Leave Bank Board will meet as needed.
- The City Administrator will be responsible for presiding over meetings and for signing the Board's recommendations concerning requests for leave.

- The Human Resources Director for the City will serve as staff advisor and secretary to the Board. The HR Director shall be responsible for coordinating meeting dates and times and preparing meeting minutes. The Staff Advisor shall maintain accurate leave records which shall include the names of Bank members, number of days donated to the Bank, names of members requesting leave days, the number of days requested, number of days used, and the disposition of all leave. The HR Director will review the Board's recommendations to assure consistency with the City of Gulf Shores sick leave policies, FMLA requirements, and all other applicable statutes and regulations.

### **C. OBJECTIVES OF THE BANK**

- The objectives of the Sick Leave Bank is to provide a mechanism to assist employees with special needs once regular paid leave is exhausted.
- Paid sick leave awarded by the Bank is intended to be used for catastrophic illnesses, major injuries, and impairments of the employee or his/her immediate family member (s). Immediate family members are defined as: spouse, child, or parents. Paid sick leave from the Bank is not intended for routine illnesses. Leave granted by the Board is intended to relieve the financial burden of receiving only a partial paycheck for a pay period or no paycheck at all.
- The sick leave granted by the Board can be used for situations which qualify for protection under the Family Medical Leave Act (FMLA). However, sick leave granted by the Bank does not extend the twelve (12) weeks of protection per calendar year under the FMLA regulations and will generally be used within the twelve (12) week FMLA period.

### **D. MEMBERSHIP IN THE BANK**

- Membership in the Sick Leave Bank is strictly voluntary and is limited to those employees who accrue sick leave; full time regular 40 hour employees and part time employees working 20 or more hours per week.
- Employees may join the Bank as follows:
- New hires may join in the month immediately following the satisfactory completion of their initial probationary period, which is generally 12 months.
- Regular status employees may join the Bank during the annual open enrollment period, which shall be the entire month of January each year.
- To join the Bank, each employee (other than firefighters) must contribute 8 hours of accrued sick leave initially, and contribute an additional 8 hours of sick leave each subsequent year



in January. Firefighters may join the Bank by contributing 10.6 hours of accrued sick leave initially and an additional 10.6 hours of sick leave each subsequent year in January. Regular part time employees 20-29 hours may join the Bank by contributing 4 hours of accrued sick leave initially and an additional 4 hours each subsequent year in January.

- Annual donations to the Bank in January will be automatic unless the Board is notified in writing of the member's wish to cancel membership.
- Membership in the Bank shall begin as of the initial donation date and the receipt of a completed membership form.

#### **E. CANCELLATION OF MEMBERSHIP**

- Members may voluntarily drop membership, but must do so in writing. Members who voluntarily cancel membership may re-apply for membership by submitting a written application to re-join the Bank but will have to wait until an open enrollment period. The Board will approve or disapprove applications to rejoin the Bank on a case-by-case basis.
- Membership in the Sick Leave Bank will also cease immediately for any of the following reasons:
  - a. Separation from employment.
  - b. Voluntary cancellation of membership.
  - c. Use of maximum sick leave Bank days.
  - d. Falsification of absence or leave records to obtain leave.
  - e. Misrepresentation of need or the misuse of Sick Leave Bank days granted.

#### **F. DEPOSITS TO THE BANK**

- Sick leave donations are irrevocable and will not be returned if the employee cancels his/her membership in the Bank.
- The Sick Leave Bank will accept donations from non-members. Any member or non-member may donate additional leave for a specific member in need if the request has been approved by the Board for a maximum of 40 hours per calendar year.
- The Board may make a request to the City as a whole for donations if there is a Bank balance of ten (10) or fewer days.

- Sick leave donations cannot be donated by an employee terminating employment less than 30 days prior to termination date.

## **G. WITHDRAWALS FROM THE BANK**

- Only Bank members are eligible to make requests for leave from the Bank. A member must have exhausted all of his/her own paid sick leave, vacation leave, and compensatory time in order to request sick leave.
- An employee's request for leave must be for an accident or illness that requires an employee to be absent from work for ten (10) or more consecutive days.
- The maximum withdrawal for any one illness or individual situation is (60) days.
- The calendar year maximum withdrawal by a member is seventy-five (75) days.
- The lifetime maximum withdrawal by a member is one hundred fifty (150) days.
- Membership does not guarantee approval of an employee's request to withdraw leave from the Bank.
- No sick leave benefits will be granted while a member is detained in any type of jail or correctional institution.
- Days withdrawn from the Bank, but unused for any reason will be returned to the Bank.
- An employee who is approved for disability retirement or social security disability is ineligible to withdraw from the Bank.

### **Injuries or medical conditions resulting from the following are ineligible for Sick Leave Bank benefits:**

- Any work related injury or illness for which worker's compensation benefits are payable
- Horseplay.
- Being under the influence of alcohol and/or drugs.
- Intentional Self-inflicted injuries.
- Acts of war or insurrection or participation in a riot.
- Injury occurring in the course of committing a felony, misdemeanor or assault.

- Cosmetic or elective surgery or treatment which is not medically necessary.

## **H. PROCEDURE TO REQUEST LEAVE**

- The member shall complete a Request for Sick Leave Bank Days, which can be obtained from the Human Resources Department.
- The request form shall include a doctor's statement showing the reasons and the need for the leave. The doctor's statement must attest to the condition of the member or the condition of the member's immediate family member and the approximate time that the employee will be out of work. Failure to submit a physician's certification or other relevant information as requested may result in the denial of the request for leave.
- The member shall submit the request form to the Sick Leave Bank Board via Human Resources.

## **I. BOARD'S ROLE AND REVIEW OF REQUESTS**

- Rules and regulations for the operation of the Sick Leave Bank shall be developed and revised periodically by the Board and submitted to the Mayor for review. The Mayor shall have final approval or disapproval of the rules and regulations.
- The Board will meet as needed to review requests for leave.
- The Board shall determine whether an illness or injury or a particular situation merits sick leave assistance from the Bank or if there has been an abuse of leave.
- The Board will have the right to examine the employee's leave history and pertinent medical information to determine the extent of the specific need and if there has been an abuse of leave.
- In addition, the Board shall determine, in its sole discretion, whether to grant all or any part of the leave requested.
- The Board may request an AMA physician's certification at any time. Additional certifications shall be at the Board's discretion.
- To the extent possible, the Board and its members shall maintain the confidentiality of all medical information related to a member's request for leave.
- The Board will review and discuss each completed request application and make its recommendations in writing on the request form. The City Administrator or his/her designee will sign the Board's recommendation.

- If the request is granted or denied, the HR Director will send a notice of approval or denial to the requesting employee. The HR Director will notify payroll if the request is approved. The HR Director will report to the Board on the number of days used by the member and when the member returns to work.
- The Board reserves the right to rescind the balance of any leave granted if the Board determines that the employee has obtained the leave under false pretenses or is using the leave in a fraudulent or inappropriate manner.

## **J. INDEMNIFICATION**

- By signing the membership enrollment form, the member acknowledges that he/she has received a copy of the Sick Leave Bank Policy and Procedures. The participating employee understands, agrees and acknowledges that any entitlement to benefits will be limited by and determined in accordance with the provisions of the Sick Leave Bank policy and procedures and the Bank Board in its sole discretion.
- Each member agrees to indemnify and hold harmless the Sick Leave Bank Board, Bank members, the City of Gulf Shores, and all its employees for any claim or cause of action arising out of and related to any claim for income under the Sick Leave Bank Policy and Procedures.

## **K. APPEAL**

- If the Board has rejected an employee's application, the employee will have the right to make an appeal to the Board. Notice of Appeal must be in writing and must be submitted to the Human Resources Director before the appeals hearing is scheduled.

## **Return To Work After Medical Leave of Absence**

Any classified, unclassified, or part-time city employee who is absent from work for more than ten consecutive work days due to injury or illness, or for any length of time for any injury or illness that prevents the employee from being able to perform the essential functions of his/her job, shall notify the Human Resources Department during its regular business hours of the employee's ability and intent to return to work. If after regular business hours, notification shall be made at the beginning of the next business day. In all cases, the following steps shall be taken prior to the employee returning to work:

- The employee shall obtain from the Human Resources Department a copy of the essential job functions and requirements and the return-to-work forms;

- The employee shall have the evaluating physician complete the return-to-work forms and return them to the Human Resources Department;
- The Human Resources Department will review the return to work forms and notify the employee and the appropriate supervisor of the employee's status and the date that he/she is expected to return to work;
- The employee shall certify prior to returning to work that he/she is able to perform the essential functions of the job.

If the illness or injury is non-work related, the evaluating physician may be the physician that treated the employee. However, the City reserves the right to require the employee to be evaluated by the City's occupational physician.

For worker's compensation injuries and for absences exceeding 30 work days, the evaluating physician shall be the City's occupational physician.

In cooperation with the employee and healthcare providers, the City will determine whether an employee with restrictions is able to return to work with or without reasonable accommodation. If an employee on medical leave is offered the opportunity to return to work by the City and the employee fails to do so, the employee's failure to return to work will be treated as a voluntary termination of employment.

The City seeks to reinstate employees in the same or a similar employment position following a medical leave of absence. However, employees are not guaranteed reemployment following an occupational or non-occupational medical leave, except as stated in our *Family and Medical Leave Policy*.

### **Military Leave of Absence**

The City of Gulf Shores, in compliance with USERRA will provide the following benefits for its employees on Military leave of absence, and any other revisions implemented through enacted revisions to the Uniformed Services Employment and Re-employment Rights Act (USERRA). The City does not want its employees to suffer any loss of employment status, compensation or benefits if they perform military training or service in the U. S. Armed Forces in the war on terror, or as a member of the U.S. Reserves or National Guard. An employee will be granted a leave of absence without pay for required active military service or training as required by law for up to five years. Upon completion of active military service, the employee will be reinstated to his or her former position or to a substantially equivalent position without loss of employment status if the employee makes a timely application for reinstatement after the date he or she is discharged from military duty.

An employee who returns from military leave will be eligible for any paid sick leave or paid vacation accumulated *before* entering military service. Alternatively, the employee may request to be paid for accumulated vacation when the employee leaves employment to enter into active military service. If the employee will be on active military duty for longer than 30 days, the City will not continue group health insurance coverage. However, the employee may continue the coverage at group rates, at his or her expense, as provided by law.

An employee who is a member of the National Guard or the United States Reserves will be granted a leave of absence *with pay* for up to 168 working hours each calendar year to attend mandatory training with his or her unit, or if the employee's unit is activated for U.S. military service. If the active duty exceeds 168 working hours, the remainder of the leave will be unpaid and is subject to the military leave policy for active military service described above.

An employee must provide to the Division of Human Resources formal documentation of military assignment(s) and any military compensation pay vouchers prior to the City approving employee compensation during military leave.

If an employee needs time off for military service, the employee should notify his/her supervisor, give the inclusive dates of the military training or service, and provide a copy of the orders or other written confirmation to the Human Resources Director as soon as possible.

Time spent on eligible military leave counts as time served on the job for any calculation, determination or other decision that is dependent upon length of employment.

### **Jury Duty/Legal Leave**

The City will grant employees time off for mandatory jury duty or court appearance as a witness when the employee is required to appear as a result of a court order or subpoena. A copy of the court order or subpoena must be supplied to the employee's supervisor when requesting time off. However, time off for court appearance as a party to any civil or criminal litigation will not be compensated. The employee must arrange for time off without pay or use accrued vacation or comp time for such appearance.

Attendance in court by law enforcement officers, or other employees, in an official capacity shall not be considered as Legal Leave but as regular work time.

### **Bereavement Leave of Absences**

Employees may be granted up to 3 days (24 hours) leave with pay in the case of a death in the immediate family. For purposes of bereavement leave, immediate family is defined as husband, wife, child, sister, brother, parents, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, step-child, step-parent and grandchildren. . For purposes of bereavement leave 3 days

equals twenty four hours (24) of paid leave. An employee may use their available accrued leave for any additional time needed with supervisor's approval.

### **Other Leaves of Absence/Leave Without Pay**

In addition to leaves of absence for occupational illnesses, disabilities, military duty or training, bereavement, jury duty and those covered under the City's Family and Medical Leave Policy, the Mayor *may* grant an *unpaid* leave of absence of up to three months for other good reasons including additional medical leave as an accommodation under the ADA guidelines. Granting a leave of absence for other reasons is within the discretion of the City.

To request a leave of absence, the employee must submit a written request to the employee's Department Head stating the reason for the leave of absence and the anticipated duration of the leave of absence. The request should be submitted at least thirty days in advance. Each request will be considered by the Department Head and the City Administrator on its own merits in light of the employee's stated reason for a leave of absence, the employee's performance and attendance record, the likelihood that the employee will return upon the completion of the leave of absence, and the number of requests the employee has previously submitted.

Except for the specific paid leaves of absences discussed in the Employee Handbook, any other leave of absence is without pay and without employee benefits except those available to the employee if he/she elects to continue to pay for them. Generally, an employee will be required to use any accumulated vacation, comp-time, and sick (if applicable) before beginning an approved leave of absence.

The City will try to re-employ an individual in his or her job or to a substantially equivalent job upon completion of an approved leave of absence. However, the City does not guarantee reinstatement and, even if a job is available, the job may not be the same job or have the same pay and benefits as the job the employee previously held. If a job is not available when an employee seeks to return from an approved leave of absence, the City generally will give reemployment preference to the employee when a job does become available. An individual will not be given any consideration for reinstatement if he or she fails to notify the City that he or she is ready to return to work upon completion of an approved leave of absence. Employees should notify their supervisor at least two-weeks prior to the expiration of the approved leave to discuss returning to work.

Employees may not accept employment with another employer and may not actively engage in self-employment while on an approved leave of absence. If the employee accepts other employment or engages in self-employment, the employee will be considered to have voluntarily terminated his or her employment with the City.

### **Alternate Duty Policy for Worker's Compensation Injuries**

The City of Gulf Shores shall attempt, but is not required, to provide suitable alternate duty work for city employees who, as a result of a job-related injury covered under the Alabama Worker's Compensation Act or qualifying medically related event, are temporarily disabled from performing all the essential functions of their regular job classification.

***Alternate duty coordinator.*** The Human Resources Director or his/her designee.

***Alternate duty assignment supervisor.*** Any supervisor under whose supervision an employee with a worker's compensation injury is assigned to work.

***Alternate duty.*** Temporary work within medical restrictions for employees with worker's compensation injuries or qualifying medically related events. Such duties shall be consistent with employee's physical and mental abilities and may be performed as soon as is medically feasible. Alternate duty may not be within the employee's existing job classification. Sworn police officers on alternate duty will not be required or permitted to affect a forceful arrest, operate an emergency vehicle, or carry a duty weapon. Firefighters on alternate duty shall not actively engage in fighting fires and shall not operate an emergency vehicle

***Full duty.*** Employee is performing or is able to perform all of the essential functions of his or her job classification with or without reasonable accommodations.

***Maximum medical improvement (MMI).*** The date after which further recovery from, or lasting improvement to, an injury can no longer reasonably be anticipated, based upon a reasonable degree of medical probability by the City's physician.

***Qualifying medically related event.*** An employee with an illness or injury that prevents the employee from performing the essential functions of his or her job for more than forty (40) regularly scheduled working hours.

***Temporary total disability (TTD).*** The recovery period following a worker's compensation accident when an employee cannot perform all the essential functions of his/her job until the employee is released to work full duty or reaches MMI.

***Temporary total disability benefits:*** Defined by section 25-5-57(a)(1), Code of Alabama, 1975, as compensation of sixty-six and two-thirds ( $66 \frac{2}{3}$ ) per cent of average weekly earnings at the time of the injury subject to the maximums (cap) set out in section 25-5-68, Code of Alabama, 1975. Employees assigned to alternate duty are not eligible for TTD benefits.

***Worker's compensation injury.*** Physical injury by accident arising out of and in the course of employment with the City of Gulf Shores.

The City may place employees on alternate duty who have qualifying medically related events or who, as a result of a worker's compensation injury, are receiving TTD benefits or are eligible to



receive TTD benefits until such time as employee is released to work full duty or the employee reaches MMI. Employees reaching MMI as determined by the City's physician shall no longer be eligible for new alternate duty assignments and must either return to work full duty if released by the City's physician or if the employee is not released to work full duty after reaching MMI, the employee must comply with the City's essential functions policy. Employees working on alternate duty when placed at MMI remain eligible to continue working the alternate duty assignment up to sixty (60) days after reaching MMI. Alternate duty is not a reasonable accommodation pursuant to the Americans with Disabilities Act. Generally alternate duty assignments shall not exceed one hundred eighty (180) calendar days. If the employee has not been released to full duty within one hundred eighty (180) calendar days of the worker's compensation injury or qualifying medically related event, the alternate duty coordinator shall consult with the treating physician and the employee's Department Head to determine whether alternate duty remains appropriate for the employee.

Alternate duty is assigned at the discretion of the alternate duty coordinator upon receiving a request from a Department Head to assign an employee with a qualifying medically related event or a worker's compensation injury to alternate duty.

Alternate duty is not an employee right nor does it guarantee permanent continuing employment in the event the employee cannot return to work full duty and perform all the essential functions of his or her job classification with or without reasonable accommodations. Assignments of alternate duty may be postponed for a reasonable period of time while assessment of availability and compatibility for alternate duty positions is explored. In the event that an alternate duty assignment compatible to employee's abilities and temporary disability cannot be found, the employee may be denied alternate duty.

Employees on alternate duty shall receive their regular rate of pay and benefits and are not eligible for TTD. Employee work schedules shall be arranged to permit injured employees to attend physician appointments and any prescribed physical therapy and work hardening sessions.

Employees shall keep the alternate duty coordinator and their alternate duty assignment supervisor apprised of any changes in medical condition which affect his or her work abilities. The employee shall work within any medical restrictions and notify the supervisor and/or the alternate duty coordinator of any request to perform work that is not within the employee's medical restrictions.

It shall be the duty of a supervisor of any employee on alternate duty to insure that the employee complies with all medical restrictions while working an alternate duty assignment. The supervisor shall report any work or activity outside of medical restrictions to the Department Head and the alternate duty coordinator. Any employee who refuses to accept and work an alternate duty assignment pursuant to this policy shall be subject to discipline.

The City does not recognize any category of work as "light duty" with the exception of employees' assigned alternate duty pursuant to the City's alternate duty policy for worker compensation injuries and qualifying medically related events. An employee who has been ill or injured and returns to work is expected to fully perform all the essential functions of his or her job.

## **SAFETY AND SECURITY**

It is the policy of the City of Gulf Shores to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment as free as feasible from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by management or by federal, state, or local law. The City will provide special training programs for safety and health matters when deemed necessary, or as required by government regulations.

There shall be a Safety Committee comprised of members of each department. *See the City of Gulf Shores Safety manual* for duties and requirements of each member

Employees are encouraged to submit suggestions to their supervisor and/or a member of the safety committee if they have an idea that may improve on-the-job safety.

Supervisors shall not discharge or discriminate in any manner against an employee because the employee has instituted a safety related proceeding, such as testified in such a proceeding, or has otherwise exercised any right afforded by law.

### **Safety Rules**

A safe environment for employees is the goal and concern of everyone at the City of Gulf Shores. If you recognize any unsafe condition, regardless of the area, you are encouraged to report that unsafe condition immediately to your supervisor, Department Head, Human Resources Director, or a member of the safety committee.

### **Safety Equipment**

Employees who are subject to potential hazards in the performance of their duties are required to utilize appropriate safety equipment or clothing. All Department Heads or their supervisors are to train employees in appropriate safety procedures, ensure employees are issued appropriate safety equipment or clothing, and require employees to utilize that equipment. Employees who fail to use safety equipment or clothing or comply with safety procedures will be subject to appropriate discipline up to and including termination.

### **Seat Belts**

All employees operating any City vehicle, riding as passengers, transporting passengers, etc., are required to wear seat belts at all times. Employees who fail to follow this policy are subject to disciplinary action up to and including termination.

### **Accident Reporting**

Should an injury occur while on-the-job, the injured employee must report his/her injury to his/her supervisor immediately. The supervisor must immediately call the 24/7 Workplace Injury Triage Hotline, if not an immediate emergency, and notify the Human Resources Director, or in his or her absence the Human Resources department via email or telephone. An Accident/Injury Investigation Report ***must*** be submitted within 24 hours to the Human Resources Department to comply with Workers' Compensation requirements. It is the employee's responsibility to ensure that the accident report is promptly completed. Failure to report or file an Accident/Injury Report will be considered a violation of the City's policy and could result in appropriate discipline up to and including termination and could affect worker's compensation coverage. All accident/injury report forms and workers compensation first report of injury forms are available from your Supervisor or the Human Resources office. The "First Report of Injury Report" must be filled out by the employee's supervisor and **not** the injured employee who was involved in the accident. In addition post-accident drug testing will also be conducted.

Any accident involving a motor vehicle should also be reported to the Supervisor as quickly as possible and the local police department should be called immediately. An accident investigation report must be completed by the employee and supervisor and submitted to the Purchasing Officer, Human Resources Director and the City Clerk within 24 hours. The City Clerk and Purchasing Officer should be contacted immediately (via email or telephone) to notify them of accident. Additionally, in the event of an employee injury, the Human Resources Director should also be notified.

As provided in the Drug and Alcohol Testing Program Procedures, post-accident testing of employees may be required in certain circumstances. An accident investigation will be conducted by the Supervisor and reported to the Human Resources Director immediately to determine if a post-accident alcohol and controlled substance test of the employee is required.

Should an on-the-job injury result in medical treatment, the employee's supervisor, or appointed representative if present at the time, should accompany the employee for treatment. Day shift workers should seek treatment from the City's approved medical provider. Night shift workers should seek treatment at the South Baldwin Regional Medical Center Urgent Care or Emergency Room.

Should the injury occur on a weekend or at some time that the approved medical provider is not available, you may report to the South Baldwin Regional Medical Center Urgent Care or Emergency Room.

Failure to report to the approved medical providers may jeopardize your worker's compensation benefits.

### **Drug Free Workplace Policies**

The City of Gulf Shores is concerned about the adverse dangers posed by employees' abuse of drugs and alcohol. Employee substance abuse, on or off duty, can cause increased accidents, injuries, illnesses and medical claims. Substance abuse also can lead to the deterioration of employees' health and family lives. Employees who abuse controlled substances or alcohol endanger the safety of themselves, their fellow employees and the public. Medical costs related to substance abuse also place an undue financial burden on the health and benefit programs to the detriment of other employees. Additionally, substance abuse can adversely affect productivity and employee morale, and can cause increased absenteeism and turnover, all of which adversely affects the City's ability to provide services to the public. In light of these concerns, the City's goal is to maintain a safe, healthy and productive workplace free of substance abuse. To achieve this goal, the City has adopted and implemented a comprehensive *Substance Abuse Policy and Program* ("Program") that includes (i) alcohol and controlled substance testing; (ii) educational training programs, and (iii) appropriate discipline for violations of the City's policy.

### **Substance Abuse Policy**

The possession, use, distribution, dispensing, manufacture or sale of alcohol or any controlled substance on City property, while on-the-job, or during an employee's work hours (including meal and rest periods) is prohibited. Reporting for duty or performing work while affected by alcohol or with any controlled substance present in the body (unless the employee has a current legal prescription and a valid medical reason for using the controlled substance) is also prohibited. Employees who violate this policy are subject to discipline including dismissal.

### **Drug and Alcohol Testing Program Procedures**

To implement this policy, the City has established program procedures that include alcohol and controlled substance testing of City employees. Alcohol and controlled substance testing of all employees will include reasonable suspicion testing, post-accident testing under certain circumstances, and random testing. In addition to the employee testing requirements, a potential applicant for hire will undergo a pre-employment test for controlled substances if considered for hire. An employee or applicant who tests positive, or who refuses to submit to a test if requested to do so, is subject to discipline, including dismissal or ineligibility for employment with the City. Each employee will receive a copy of the City of Gulf Shores' *Substance Abuse Policy and Program*.

Upon request, the City will make available information concerning the availability of alcohol or drug abuse counseling, rehabilitation and employee assistance programs in the Gulf Shores and

South Baldwin County areas. Participation in such program is at the employee's own expense, but the City will allow a leave of absence without pay for that purpose. Each year, the City will sponsor a program to inform all employees of (i) the dangers of drug abuse in the workplace, (ii) the City's intent to maintain a drug free workplace including penalties that may be imposed upon employees who violate this policy, and (iii) the availability of any alcohol or drug abuse counseling, rehabilitation and employee assistance programs that are available in our area.

If an employee observes a violation of the Substance Abuse Policy, the employee is required to report the violation to the Human Resources Director or to the applicable Supervisor or Department Head. If an employee is convicted of a criminal offense that is related in any way to the unlawful manufacture, distribution, dispensing, possession or use of illegal drugs or other controlled substances, the employee must notify his or her supervisor of the conviction within five days after the date of the conviction. Within ten days after receipt of the conviction, the City is required to notify the federal agency that approves federal grants to the City. A "conviction" includes a guilty plea or a plea of no contest. The City will require the employee to provide satisfactory proof of participation in a drug abuse or rehabilitation program in *lieu* of dismissal.

If an employee must use an over-the-counter or prescriptive drug, or taking a medication that if not monitored properly would cause or have adverse side effects (such as drowsiness or impaired reflexes or reaction time) that prevents the employee from performing his or her job duties safely, or that pose a risk to the safety of others, the employee must inform his or her supervisor. Upon request, the employee may be required to provide a copy of any prescription and may be required to produce the medication in its original container. If the prescription causes performance or safety problems, the employee may be placed on unpaid leave of absence (unless the employee has accumulated vacation or sick leave time) while the employee is taking medication. Employees affected by such medications may be required to provide a fitness-for-duty certification before being allowed to resume their job duties.

Any employee who violates this policy in any way shall be immediately removed from his or her job duties and shall be subject to discipline, up to and including immediate termination.

### **Consent to Testing**

Adherence to City policy on drugs and alcohol is a condition of employment for all employees. All employees will be required to sign an acknowledgement form consenting to the *Substance Abuse Policy and Program*. Failure to consent to drug or alcohol screening is grounds for termination.

### **Violations**

If screening reveals a controlled substance or alcohol is in the employee's system, the employee will be relieved of his duty and will be disciplined, terminated or retained subject to completion of a treatment program and other conditions as required by the Department Head, the

Human Resources Director\_ and the City Administrator. The City reserves the right not to pay expenses directly or indirectly related to injuries when an employee is found under the influence of a controlled substance, alcohol, or other mood-altering drugs. Any payment made at the discretion of the City does not waive the City's rights to discontinue subsequent payments after new information is available which supports the discontinuing of payments. Any employee who tests positive for substance or alcohol abuse shall not be considered for promotions, merit raises, or other incentives until one (1) year from the date of the negative test which is required upon completion of the counseling or rehabilitation program. Any employee who has subsequent positive test after referral to counseling or rehabilitation shall be discharged.

### **Employee Assistance Program**

Problems such as marital or family stress, alcoholism, and drug abuse, financial or other physical, mental, or emotional concerns are among many problems that may be resolved by timely and appropriate care. The Employee Assistance Program (EAP) is available to assist employees whose personal problems may interfere with their ability to perform their job. EAP services are provided on a strictly voluntary and confidential basis (except where the referral is on a mandatory basis for alcohol or drug related purposes). Employees are encouraged to seek help through the EAP through the self-referral process. The City may also refer employees to the EAP when the City believes the counseling services may help an employee's performance.

The City will make available information concerning the availability of alcohol or drug abuse counseling, rehabilitation and employee assistance programs in the Gulf Shores or Baldwin County areas. Participation in such program is at the employee's own expense, but the City will allow a leave of absence without pay for that purpose. Each year, the City will sponsor a program to inform all employees of (i) the dangers of drug abuse in the workplace, (ii) the City's intent to maintain a drug free workplace including penalties that may be imposed upon employees who violate this policy, and (iii) the availability of any alcohol or drug abuse counseling, rehabilitation and employee assistance programs that are available in our area.

### **Inclement Weather/Force Majeure**

In the event of a storm, hurricane, tornado, natural disaster, flood, war, riot, or other major upheaval that may endanger the employee's ability to report to work, the Mayor will make the final decision regarding the official closing of the City's offices and operations. Nevertheless, during emergencies, the City must continue to provide services to the City of Gulf Shores and its residents. Accordingly, employees must report to work if instructed to do so, unless reporting to work as instructed would endanger an employee's personal safety, employees who fail to report to work during or following an emergency are subject to disciplinary action up to and including termination. If an employee is unable to report to work when instructed to do so due to circumstances beyond their control, the Department Head will determine if employee can use vacation or comp. time if available for absence with approval by Mayor and City Administrator.

## **Smoking/Tobacco**

For the health and safety of our employees and customers, the City prohibits the use of smoking or tobacco use of any kind including vaping and chewing tobacco products in City vehicles and in all areas of its facilities, except in designated locations outside of the buildings. The City Ordinance prohibits smoking within a reasonable distance of twenty (20) feet outside an enclosed area where smoking is prohibited, so as to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems or other means. Smoking areas are designated by each City facility

## **Uniforms/I.D. Cards/Keys**

Employees who are required to wear uniforms must report to work in their assigned uniforms. Identification Cards are issued to new employees upon employment. All full time and regular part time employees, temporary/seasonal employees, volunteers, and interns will be issued a city identification card within the first couple of weeks of employment. Some of the City issued ID cards serve a dual purpose of readily identifying City employees and other authorized personnel, while providing measured protection against unauthorized personnel and intruders from entering designated work areas. The system is effective only if there is active cooperation and compliance by all employees at all times. Because the policy and procedures described herein are intended to provide for the safety and security of City staff, any employee who violates such policy may be subject to disciplinary action. Requests for replacement identification cards can be made through the Human Resources Department.

If an employee is required to have a key issued to him/her to a City facility it is to be issued by the Human Resources department. The Supervisor will need to contact the Human Resource department in writing requesting the employee to be issued keys and to what facility the key is needed. **ALL** keys are to be issued by the Human Resources department **only**. The employee is required to sign the Key Custody Form acknowledging receipt of the key and a copy of such receipt will be placed in the employee's personnel file. When an employee is transferred from department to department, promoted to a new position, resigns, is dismissed, retires, or otherwise has cause to receive, transfer or return keys; the Human Resources Director, or designee shall witness the issue/transfer/return of the keys and ensure the issuance of keys form is completed and signed. The Human Resources Director, or designee shall maintain a master key locker of all grand masters, master, and other original keys for all City buildings and facilities. Each key shall be stamped "do not duplicate". No employee, supervisory, or non-supervisory shall have any keys duplicated by anyone other than the Human Resources department. Any employee, supervisory and/or non-supervisory, desiring to duplicate a key shall contact the Human Resources Director requesting such duplication. The Human Resources Director or designee shall have the key duplicated and contact the employee who will report to the Human Resources offices to pick up and sign for the duplicated key. If an employee loses the key issued to them they are to contact their Supervisor immediately and Human Resources.

## **Lock Repair/Change**

The Public Works Maintenance Supervisor shall be responsible for repair and changing of all locks throughout the City. All employees, supervisory and/or non-supervisory, desiring to change a lock shall first obtain written permission from the Department Head. The written permission documentation shall be attached to a *Work Request Form*, signed by the requesting employee and Department Head or Supervisor, *and* submitted to the Maintenance Supervisor. The Maintenance Supervisor shall accomplish all lock repair and changing. Employees shall not independently contact a locksmith or other lock repairman.

The ID cards, keys, and uniforms are and shall remain the property of the City. Individuals whose employment with the City terminates for any reason shall be required to return his or her ID card, keys, and uniforms to the Human Resources Department as directed. An employee's final paycheck may be withheld pending the return of the employee's ID card, keys, or any uniforms issued to him or her.

## **ADDITIONAL INFORMATION**

### **Dress Code Policy**

All employees are required to promote a professional image throughout all locations of the organization. All employees are expected to maintain high standards of neatness and personal hygiene regardless of where they work. Employees often have contact with the public and therefore represent the City in their appearance as well as by their actions. The properly attired employee helps to create a favorable image for the City.

Employees are expected to dress in a manner that is normally acceptable in business establishments. Where necessary the City may make a reasonable accommodation to this policy for a person with a disability. The following examples should help the employee understand the City's personal appearance guidelines:

- Tank tops, tube or halter tops may not be worn under any circumstances;
- Offensive body odor and poor personal hygiene is not professionally acceptable;
- Perfume, cologne and aftershave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances.
- Facial jewelry and body piercings, such as eyebrow rings, nose rings, lip rings and tongue studs, is not professionally appropriate and must not be worn at work;



- Torso body piercings with visible jewelry or jewelry that can be seen through or under clothing must not be worn at work;
- Footwear should be fastened and secured to feet for safety and shall be appropriate for job duties; and
- Appropriate dress and short lengths must be adhered to and determined by department head.

Employees in designated departments may be required to wear uniforms or specialized clothing that provides a standardized appearance, (Police-Fire-Recreation-Public Works).

If an employee reports to work improperly dressed or groomed, the supervisor should instruct the employee to return home to change clothes or take other appropriate corrective action. The employee will not be compensated during such time away from work, and repeated violations of this policy will be cause of disciplinary action.

### **Confidential Information**

As an employee of the City of Gulf Shores, you may have access to confidential business information about our customers and business operations. You may not discuss our business or our customers outside of the workplace. Any unauthorized disclosure of any information about the City, its customers or its business operations is strictly prohibited, and is a ground for discipline, including discharge.

Information designated as confidential is to be discussed with no one outside the municipality and only discussed within the organization on a “need to know” basis. The imposition of this responsibility is not intended to impede normal business communications and relationships, but is intended to alert employees to their obligation to use discretion to safeguard internal City affairs.

### **Media Inquiries**

Whenever any City employee receives any inquiry from any newspaper, television station, or other print or electronic media, the employee must immediately contact the Public Information Officer, Mayor or the City Administrator to secure permission before speaking to such media on any matter of policy or opinion. For inquiries regarding Police and Fire matters the media should be directed to the appointed person for that department. The purpose of this policy is not to stifle the voices of the City's representatives or employees, but merely to make certain the public receives a unified, coordinated response on technical information from the City. We believe this procedure will eliminate any misstatements, which tend to reflect badly on the City, Mayor, City Council, and City employees and will portray the best image possible in creating good will with citizens, business contacts and tourists.

### **Social Media/Technology Use Policy**

The City has established a policy regarding the proper use of information systems such as computer systems, laptops, printers, cell phones, etc., and the use of social networking sites. Employees should refer to the Information Technology Policy for detailed authorized and unauthorized uses, and remember the following (Exhibit A-Administrative Policy No. 14):

- If incidental violations of the policy are discovered, the City will take appropriate actions to resolve the issue and violators may be subject to disciplinary measures.
- If violations of the policy initiated by careless or deliberate acts are discovered, the City will take appropriate actions to resolve the issue which may include disciplinary measures up to and including separation of employment.
- If violations of the policy are discovered that are illegal activities, the City will notify appropriate authorities and impose the appropriate discipline.
- The City reserves the right to pursue appropriate legal actions to recover any financial losses suffered as the result of violations of the policy.

### **Personal Possessions**

The City furnishes desks, closets and/or lockers for employees to use for coats, purses, and other personal possessions. The City does not assume responsibility for any theft or damage to the personal belongings of employees. Employees have no expectation that City offices, desks, closets, lockers or vehicles are private. The City reserves the right to search desks, lockers and personal belongings brought onto City property, if the City has reasonable cause to believe the employee is in possession of a prohibited weapon, controlled substance, alcohol, or misappropriated City property or funds.

### **Telephone Courtesy**

When answering the phone, please remember that the customer comes first. Employees should be prepared to listen carefully and patiently, and deal with complaints in a responsive, professional, manner. If the customer should become unreasonable or abusive and the employee cannot resolve the problem, the customer should be referred to the employee's supervisor. A positive telephone contact with a customer can enhance goodwill while a negative experience can destroy a valuable relationship. The following procedures should be observed whenever possible:

- When answering the telephone, use a pleasant tone of voice, give the name of the department, and identify yourself.

- If the person with whom the caller wishes to speak is on another line, ask the caller if he/she wants to be placed on hold or leave a message on voice mail.
- If a caller is placed on hold, carefully monitor the holding period and offer to have the call returned if the person to whom he wishes to speak is not available within a reasonable time.
- When a caller leaves a name, number, or message, make sure it is recorded correctly and given promptly to the appropriate individual.

### **Personal Telephone Calls**

A large percentage of the City's business is transacted by telephone. The telephone equipment of the City is provided for the purpose of providing service to the customers. Therefore, it is necessary to limit your personal calls to an absolute minimum. Telephones that are issued to employees for work purposes should be used for that purpose only. Telephones should be returned to the employee's supervisor upon termination. Cell phone use in any vehicle will be in compliance with state law.

If employees bring personal cell phones to work, personal calls are to be made only during break or meal periods. Incoming personal phone calls should be terminated promptly. Abuse of cell phone usage will lead to disciplinary measures.

### **Conflict of Interest**

Employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisors. It is impossible to describe all of the situations, which may cause or give the appearance of a conflict of interest. Therefore, the prohibitions included in these comments are not exhaustive and only include some of the more clear-cut examples:

- Employees must disclose to their applicable Department Head any other employment relationship to avoid a conflict of interest.
- Employees should not engage in, directly or indirectly, any conduct which is disloyal, disruptive, competitive, or damaging to the City.
- No employee shall maintain an outside business or financial interest, or engage in any outside business that furnishes products, materials, or services to the City in any related transaction;
- Unless exempt pursuant to Alabama competitive bid laws or otherwise permitted by law, no public official or public employee, or a member of the household of the public employee

or the public official, and no business with which the person is associated shall enter into any contract to provide goods or services which is to be paid in whole or in part out of state, county, or municipal funds unless the contract has been awarded through a process of competitive bidding and a copy of the contract is filed with the City. All such contract awards shall be made as a result of original bid takings, and no awards from negotiations after bidding shall be allowed. A copy of each contract, regardless of the amount, entered into by a public official, public employee, a member of the household of the public employee or the public official, and any business with which the person is associated shall be filed with the City within 10 days after the contract has been entered into.

- Employees are not to accept gifts, except those of “De Minimis” value, from a person or firm doing, or seeking to do, business with the City. **Definition of De Minimis.** A value twenty-five dollars (\$25) or less per occasion and an aggregate of Fifty dollars (\$50) or less in a calendar year from any single provider. Any gift given for the purpose of influencing an employee to provide a benefit to the gift-giver is strictly prohibited in any amount.

### **Political Activities**

The City of Gulf Shores encourages its employees to accept personal responsibility of good citizenship, including participation in the civic and political activities in accordance with their interest and abilities. The City accepts without reservation the basic democratic principle that all employees are free to make their own individual decisions in civic and political matters.

Therefore, no employee’s status with the City will be affected, in any way whatsoever, because of participation or non-participation in lawful civic and political activities. Participation in civic and political activities is considered to be a personal matter and, as such, is to be carried on outside of normal working hours. No political activities or solicitations will be carried on/or within the City’s properties. Political activities are defined for purposes of this policy as activities in support of any partisan political issue or activities in support of, or in concert with, any individual candidate for political office, or political party, which seek to influence the election of candidate to federal, state, or local offices. This policy applies to employees who are or may be candidates for political office, as well as employees supporting a candidate in a federal, state or local election.

### **Personnel Files**

The City maintains a personnel file on each employee, which includes documents such as your employment application, references, tax withholding information, performance appraisals, disciplinary memoranda, etc. It is important that the City maintain accurate information concerning each employee’s name, address, telephone number, marital status, dependents, withholding status and emergency contacts. If an employee has any changes in this information, the employee should contact the Human Resources department in writing promptly.

Personnel files are kept in a central location in the Human Resources department to keep information safe from improper disclosure. Employee information not kept in the central personnel file in the Human Resources department is not deemed part of his or her file. All medical information on the employee is kept in a separate file detached from other files. At no time should an employee's medical information be kept any place other than in the employee's medical file located in the Human Resources department. Personal information will be disclosed according to the requirements of the Alabama Public Records law and it is the intent of the Human Resources department to inform affected employees of requests for information or access to personnel files.

Any unauthorized disclosure of information from an employee's personnel file is a ground for discipline, including discharge. The collection of employee information will be limited to that needed by the City for business and legal purposes. The confidentiality of all personal information in our records will be protected. Internal access to employee records will be limited to those authorized personnel with a legitimate business-related need for the information, such as the Administrative Assistant and Payroll/Benefits Specialist for the Human Resources department, the employee's Department Head, Human Resources Director, City Administrator, and Mayor. Employees are permitted to view personal information maintained about them in their personnel records during regular business hours. Employees must contact the Human Resources department to schedule this request. The employee will be required to login with the date and time reviewed of said folder. An employee of the Human Resources department will remain in the room while the file is being reviewed. Because personnel file documents are confidential business records, copies of personnel file materials generally are not provided. If an employee wishes to obtain a copy of materials in their personnel file, they must complete the form "Request for copy of Public Record" obtained from the Records clerk. If an employee feels that inaccurate information is in his/her personnel file, he/she may submit a written statement regarding the disagreement to the Human Resources Director. There is, however, restricted access to certain types of employee information. The following records of government employees will not be open for inspection by members of the public:

- Unpublished telephone numbers;
- Bank account information;
- Social security numbers;
- Driver's license information - unless driving a vehicle is part of the employee's duties or;
- Incidental to the performance of the job

The same information about an employee's immediate family members. Representatives of the Human Resources department are the only persons authorized to disclose information, and any

phone calls or written inquiries seeking such information shall be directed to the Human Resources department. The City will provide employee information to outside agencies as requested in writing and only when accompanied by the original employee signed authorization for release of information. Information is limited to confirming the dates of employment and job title.

### **Travel and Expenses**

Employee travel performed in the course of conducting City business must be approved *in advance* by the employee's supervisor, the Department Head, the City Administrator, and the Mayor. A Training Request form must be completed for any training utilizing City funds. The completed form must be submitted to the Supervisor and be approved by the Department Head, Mayor, and City Administrator prior to any training or travel. Only expenses related to approved activity shall be reimbursed. If employee travel is not approved *in advance* by the City Administrator and Mayor, any expenses incurred for such travel may not be reimbursed. Conferences and training reimbursement is considered a privilege and not a requirement. These will be approved on a case by case basis and based on available City funds. Employees holding jobs that are designated as requiring extensive travel will be expected to travel as a condition of employment. For all other jobs, travel is considered only an incidental function of the position but may be required. The City may issue periodic memoranda specifying or restricting travel booking requirements. Under normal circumstances, employees are to use the most cost-effective and efficient mode of transportation available, to book the cheapest fares utilizing coach class and advance booking when available, and to stay in and eat at moderately priced establishments, using government rates when possible. To be reimbursed for lodging, the lodging must be at least fifty miles from Gulf Shores unless approved in advance by the Mayor.

Employees should provide their supervisor with a copy of their itinerary before leaving on business travel. Employee expenses for approved travel will be paid or reimbursed when approved by the Supervisor, Department Head, City Administrator, and the Mayor. Individual expenses over \$25.00 must have a receipt. Expenses under \$25.00 must be noted as to use. Employees are expected to exercise discretion in incurring expenses while traveling on business. Any travel expenses deemed unreasonable relative to the circumstances will not be paid or reimbursed and are the employee's personal responsibility.

An Employee may obtain a cash advance for approved business travel by submitting a written request to the Department Head or City Administrator. *A cash advance of \$5000 or more will require a Resolution of the City Council authorizing such.* Employees whose jobs are designated by the City Administrator as requiring extensive travel will be issued City credit cards for payment of business and travel expenses. Cash advances and City credit cards are City property, and their use is not to be abused and must be properly documented to ensure approval of any expenses incurred.

An Employee will be reimbursed for the travel expenses of his/her spouse only if the presence of the spouse is deemed by the City Administrator to have a bona fide business purpose. An Employee who intends to request reimbursement for special travel expense should seek approval for the expense from his/her supervisor before the expense is incurred. Time spent by nonexempt employees in traveling away from home on City business during normal working hours is considered hours worked for pay purposes. (Actual travel time). An Employee must substantiate the expenses incurred no later than five days after he/she returns to work after the travel by filing a travel expense report. An Employee must certify that the expenditures represent cash spent for legitimate City business only and include no items of a personal nature.

### **Automobile Usage**

The City of Gulf Shores provides City-owned vehicles to allow employees over the age of eighteen to drive on City business. As a last alternative, when a City-owned vehicle is not available, the City will reimburse employees for business use of personal vehicles according to prescribed guidelines. Employees may not drive any City-owned *or* private vehicle for City business without the prior approval of their supervisor. *See the City of Gulf Shores Driver's Safety Policy for further guidance.*

### **City Assigned Vehicles**

Employees issued city-owned take home vehicles must be approved by the Department Head, City Administrator, and Mayor. City-owned vehicles are to be used only in connection with an employee's work for the City and should not be utilized for personal purposes, such as trips to the grocery store, church, a movie, a restaurant, etc. Some employees who are on 24-hour duty status, however, will be allowed use of their assigned vehicle for personal purposes when it is deemed in the City's best interest to do so.

- Employees should inspect the City-owned vehicle on a daily basis (i.e. oil, tires, transmission fluid, etc.). Any problems with the vehicle should be notated, as well as reported to the immediate supervisor as soon as possible. It is the responsibility of the City employee to keep his or her assigned vehicle clean (inside and outside);
- It is the responsibility of the driver to make sure that the City-owned vehicle is equipped with proof of insurance, current registration, and gas card. These items are issued to the vehicle, not the driver and must not be removed under any circumstances;
- Consistent with applicable City of Gulf Shores policy, a City-owned vehicle may be assigned to an employee who regularly requires vehicular transportation in the performance of his or her work duties and requires the use of the vehicle during off duty time for frequent on-call or call-in for emergency purposes. The assignment

may be regular and on-going or for a specific period of time such as weekly on-call duty;

- If the employee is going on vacation or will be off work for any length of time, the employee's supervisor may require the employee to park the City-owned vehicle at the workplace;
- Employees issued City-owned vehicles will be required to report personal mileage usage (see IRS guidelines) to the Payroll/Benefits Specialist on a quarterly basis. This mileage is taxed according to the IRS guidelines regarding fringe benefits.
- The City of Gulf Shores prohibits smoking or any other tobacco products such as vaping in a City-owned vehicle. Smoking in a City owned vehicle may result in disciplinary action.

### **Vehicle Accident Procedures**

Regardless of the situation, the following procedures must be followed in the event of an accident or incident with any City-owned vehicle or property;

- a. Immediate notification of proper law enforcement agency for accident investigation and report as applicable prior to moving the vehicle; Accidents involving Police Department vehicles shall be investigated by the Alabama Highway Patrol whenever possible.
- b. Immediate notification of the employee's supervisor, and/or Department Head;
- c. Notification of the Purchasing Officer and City Clerk immediately (via email or telephone); if employee involved is injured notification of the Human Resources Director is required. An accident investigation report must be completed by the employee's supervisor and submitted to the Purchasing Officer, City Clerk and Human Resources Director within twenty-four (24) hours of the accident/incident or the next business day.
- d. The employee involved in the accident shall prepare a City of Gulf Shores Vehicle Accident Report. This, along with a copy of the law enforcement report as applicable, should be turned in to the Purchasing Officer within twenty-four (24) hours of the accident/incident; If the employee is unable to complete the form, it will be completed by the Supervisor or Department Head with a copy given to the employee, and the reason for non-completion by the employee noted.
- e. If an injury is sustained by an employee, a first report of injury must be submitted to the Human Resources Director within twenty-four (24) hours of the accident/incident;



- f. Securing accident repair estimates and approval of actual repairs is the responsibility of the, Supervisor and/or Department Head; and
- g. In the event of an accident in a City-owned vehicle or while on official City business in your own personal vehicle:
  - i. Do not admit negligence or liability;
  - ii. Do not discuss the accident with anyone except appropriate law enforcement personnel and/or official City representative;
  - iii. Do not attempt settlement regardless of how minor;
  - iv. Get name, address and phone number of any injured person and any witness if possible;
  - v. Exchange vehicle identification, City insurance name and policy numbers with other drivers or law enforcement personnel, if applicable;
  - vi. Take a photograph of the scene of the accident, if possible;
  - vii. If needed, notify 911 for requested ambulance, fire department and law enforcement personnel;
  - viii. Law enforcement should be notified if the accident involves another vehicle or a pedestrian;
  - ix. Complete the City of Gulf Shores Accident Report in regards to this accident/incident; and
  - x. Turn all information over to the supervisor within twenty-four (24) hours of the accident/incident.

### **Private Use of City Assets**

While on duty, employees may *not* perform work on private property unless the work is performed pursuant to a written contract with the City. City equipment (including computers) and materials may not be used on private property at any time, unless the work is performed pursuant to a written contract with the City. Violations of this policy will result in immediate dismissal of the employee or employees involved. In addition, employees may be reported to appropriate federal and/or state authorities.

### **Tips and Gratuities**

City employees are not permitted to accept or solicit gratuities from customers. Employees who are offered a tip by a customer should politely, but firmly, refuse. Employees may accept meals if the meal is provided as part of a seminar, convention, or business meeting. Plaques

and other monetary symbols of appreciation given to employees in connection with officially sanctioned gratitude for civic or public service are also excluded from this policy. Seasonal gifts of an insignificant economic value of less than one hundred dollars if the aggregate value of such gifts from any single donor is less than two hundred fifty dollars during any one calendar year is excluded from this policy.

### **Solicitations**

To help maintain a pleasant business-like workplace and to prevent unnecessary interruptions of inconvenience for our employees and customers, the City prohibits solicitation and distribution on working time and in working areas.

Non-employees are not permitted to solicit for any purpose or to distribute literature of any kind within any work area (i.e., all areas where City employees perform job assignments, except those areas generally accessible to the public).

Working time is for work and should be spent performing job assignments. Therefore, City employees may not solicit co-employees or distribute literature of any kind during working time. Similarly, employees may not solicit or distribute materials to another employee who is on his or her working time. Working time does not include meal breaks and rest periods.

To help keep the workplace clean and safe, employees may not distribute literature of any kind in any work area even during non-working time. Examples of non-work areas include areas that are generally accessible to the general public, break rooms and parking lots.

### **City Bulletin Boards**

The City maintains several bulletin boards to communicate City information to employees and to post notices required by the law. The bulletin boards are for posting of the City's business information and notices only. Only Department Heads may place authorized notices on or take down material from bulletin boards, with the exception of the main bulletin board located in the hallway of City Hall. Only the City Clerk, or their designee, and the Human Resources Director may place authorized notices on or take down materials from the main bulletin board. Personal solicitations, advertising or other communications of any kind are *not* permitted on the bulletin board.

### **Changes in Personal Status**

To maintain complete and up-to date records, all employees are required to notify the Human Resources Department of any changes in name, address, phone number, number of dependents, and/or beneficiaries for insurance, pension, and other plans. Employees are required to notify the Human Resources department immediately of any changes to insurance coverage for their dependents regarding additions or deletions to the policy. In addition, up-to- date

information is also needed for federal and state withholding purposes. Change forms are available in the Human Resources Department.

### **Visitors**

Sometimes, family, friends or past employees wish to visit you at work. We ask you to be considerate of other employees by meeting visitors in the break area or outside the building, not in work areas. You will have a regular lunch break. These are the times when you may have visitors. We ask you to discourage people from stopping by to see you at other times. Remind visitors that work needs to be conducted during work hours and that any visit should be brief.

### **Final Reminder**

The spirit of cooperation among our employees has been a prime factor in our success. We will do everything within our power to ensure a continuation of that spirit.

Changing conditions may require future changes in our policies and benefits. Indeed, we hope to improve benefits and pay, which are continually under review. We will try to let you know promptly about new policies and benefits or changes in existing policies and benefits.

If you have a question concerning any policy in this handbook, discuss it with your supervisor. If your supervisor cannot satisfactorily answer your questions, feel free to use our open door policy to get an answer.

### **ACKNOWLEDGMENT**

**I ACKNOWLEDGE THAT I HAVE BEEN PROVIDED WITH A COPY OF THE CITY OF GULF SHORES' EMPLOYEE HANDBOOK. I UNDERSTAND THAT IT IS MY RESPONSIBILITY TO READ AND COMPLY WITH THE CITY'S PERSONNEL POLICIES. I UNDERSTAND THAT MY EMPLOYMENT IS "AT-WILL", WHICH MEANS THAT EITHER THE CITY OR I CAN TERMINATE MY EMPLOYMENT AT ANY TIME AND FOR ANY REASON, WITH OR WITHOUT PRIOR NOTICE. I ALSO UNDERSTAND THAT NO MANAGER, SUPERVISOR, EMPLOYEE OR OTHER CITY REPRESENTATIVE HAS ANY AUTHORITY TO PROMISE ME EMPLOYMENT FOR A PARTICULAR LENGTH OF TIME OR TO MAKE ANY OTHER PROMISES OR REPRESENTATIONS ABOUT MY CONTINUED EMPLOYMENT WITH THE CITY.**

Employee Signature

Date

Witness Signature

Date

**Section 2.** That all prior adoptions, resolutions, rules, regulations, or policies in conflict with this resolution are hereby repealed.

**Section 3.** That this Resolution shall become effective upon its adoption.

ADOPTED this 13th day of June, 2022.

\_\_\_\_\_  
Robert Craft, Mayor

ATTEST:

\_\_\_\_\_  
Wanda Parris, MMC  
City Clerk

C E R T I F I C A T E

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. - 22 (prepared by City Clerk), which Resolution was duly and legally adopted at a regular meeting of the City Council on June 13, 2022.

\_\_\_\_\_  
City Clerk