

CITY OF EASLEY

EMPLOYEE POLICY MANUAL



NOT A CONTRACT

DISCLAIMER

ALL EMPLOYEES OF THE CITY OF EASLEY ARE EMPLOYED AT-WILL AND MAY QUIT OR BE TERMINATED AT ANY TIME AND FOR ANY OR NO REASON. NOTHING IN ANY OF THE CITY OF EASLEY’S RULES, POLICIES, HANDBOOKS, PROCEDURES OR OTHER DOCUMENTS RELATING TO EMPLOYMENT CREATES ANY EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT. THIS HANDBOOK REPLACES ANY PREVIOUSLY ISSUED POLICIES, PRACTICES AND UNDER- STANDINGS, WRITTEN OR ORAL, GOVERNING EMPLOYMENT. NOTHING CONTRARY TO OR INCONSISTENT WITH THE LIMITATIONS IN THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE IN WRITING; 2) THE DOCUMENT IS LABELED “CONTRACT”; 3) THE DOCUMENT STATES THE TERM OF EMPLOYMENT; AND 4) THE DOCUMENT IS SIGNED BY THE CITY ADMINISTRATOR.

Adopted on: October 10, 2016

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ACKNOWLEDGEMENT:

Signature

Date

Printed Name

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GENERAL POLICIES

EQUAL EMPLOYMENT OPPORTUNITY

The City of Easley provides equal opportunity to all applicants for employment and administers hiring, conditions and privileges of employment, compensation, training, promotions, transfer and discipline without discrimination because of race, color, religion, gender, disability, genetic information, age, sexual orientation or national origin. The City of Easley also prohibits retaliation against employees who have reported discrimination. Any employee who believes that he has been discriminated against in violation of this policy should report the matter to the City Administrator.

AFFIRMATIVE ACTION POLICY

The City of Easley continues its efforts and commitment to fully utilize and treat equally minority groups, women, veterans and disabled employees at all levels and in all segments of the workforce through an affirmative action policy and plan. The goals of this affirmative action policy and plan are to eliminate institutional barriers in employment that tend to perpetuate the status quo and to eliminate the effects of any past discrimination.

ANTI-HARASSMENT

Various laws and regulations generally prohibit employment decisions from being made on the basis of race, sex, religion, national origin, color, age, genetic information, disability or similar distinctions. In addition, it is our desire to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, threats and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being.

The City of Easley does not tolerate harassment of any kind and forbids retaliation against anyone who has reported harassment in good faith.

SEXUAL HARASSMENT

Sexual harassment warrants special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitute sexual harassment when:

1. Submission to the conduct is an explicit or implicit term or condition of employment; or
2. Submission to or rejection of the conduct is used as the basis for an employment decision; or
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, "put-downs" or condescending or derisive

comments or terms based on gender, and physical conduct, such as patting, pinching or brushing against another person. This policy prohibits such conduct regardless of the gender of the perpetrator or victim.

Disputes sometimes arise as to whether conduct was “welcome” or “unwelcome.” Conduct that would violate this policy if it were unwelcome violates the policy if anyone complains of it. However, not all conduct prohibited by this policy constitutes a violation of the law.

COMPLAINT PROCEDURE AND INVESTIGATION

If you believe this policy has been violated by anyone with whom you come in contact on the job, regardless of whether it is by a fellow worker, a supervisor or a member of the general public, you should report the incident(s). You may do this by:

1. Reporting to your supervisor or to a higher level in your “chain of command” if the complaint is against your direct supervisor. The chain of command should be followed when at all possible. Complaints against the City Administrator should be made to the Mayor.
2. Reporting to the City Administrator if the complaint is against a Department Head.
3. Reporting to the City Attorney if the complaint is against the Mayor or a Councilmember.

Supervisors and managers who receive complaints of or become aware of harassment should coordinate with the City Administrator.

Harassment allegations will be investigated, and the investigatory process may vary from case to case. The investigation is conducted as confidentially as possible consistent with the effective handling of the complaint and the goals of this policy. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential, whether the employee is the accused person, the complaining one or merely a potential witness. Persons who are interviewed should not discuss the matter with co-workers, friends or management. This does not mean, however, that employees may not complain to civil rights agencies. Forms for filing a harassment claim are available with the Asst. Treasurer and Department Heads.

Employees may be asked to submit to a polygraph (lie detector) examination.

-- Important --

To avoid misunderstandings, complaints made to members of management require the completion of a complaint report, either by you or by the person, to whom the complaint is made, summarizing the allegations and listing any witnesses to the alleged harassment. You should be sure to get a copy of this initial complaint report to confirm you have complied with this procedure.

These procedures have been established to enable you to get relief if you feel that you are the victim of harassment. The U.S. Supreme Court has said that as a general rule you may not sue the City of Easley for a violation of your rights unless you first give us notice and an opportunity to end the harassment. The reporting procedures we have adopted are intended to establish a clear record of what has been reported.

EMPLOYMENT POLICIES

HIRING/RECRUITING

The City of Easley endeavors to hire the most suitable candidate for open positions and encourages current employees to apply for positions for which they are qualified. The City of Easley may also solicit and consider applications from external applicants. Decisions to fill an open position that are made by lower levels of management require prior approval by the City Administrator.

NEPOTISM/EMPLOYMENT OF RELATIVES

People in the same immediate family may not be employed or continue to be employed if one directly or indirectly supervises another or interacts with another in the handling of money or compensation. For purposes of this policy, immediate family is defined as spouse, parent, child, grandparent, grandchild, brother or sister, parent-in-law, grandparent-in-law, brother-in-law and sister-in-law. The immediate family is also considered to include stepparents, stepchildren, stepbrothers and stepsisters when the employee and the step-relative have lived together regularly in the same household. Unrelated employees residing together or otherwise engaged in a close personal relationship (such as domestic partner, co-habitant or significant other) are treated as being within the immediate family of each other for the purposes of this nepotism policy. The City also prohibits the employment of any person into a permanent position who is an immediate family member of individuals holding the following positions: Mayor, City Council, City Administrator, Department Head, City Clerk, City Attorney, Assistant Treasurer, or anyone that handles payroll with the City.

If employees become related by marriage and create a situation prohibited by this policy, one of the employees may be asked to give up his position. If the employees cannot choose which of them it will be, the employee having the lower budgeted annual compensation may be removed. The removed employee may be considered for other positions within the City of Easley for which he/she is qualified.

Situations not specifically addressed in this policy that, in the City of Easley' opinion, create a conflict of interest or give the appearance of a conflict of interest, will be handled at the City Administrator's for the City of Easley' discretion.

This clause shall not be retroactive concerning any relative currently working for the City at the time of adoption, and any conflicts shall be allowed to correct themselves through elections, attrition, or other steps.

EMPLOYMENT STATUS

Regular full-time employees are those who have completed their probationary periods and fill a full-time position with the City of Easley. Employees in this status are normally scheduled to work at least 37.5 hours per week. However, the City of Easley does not guarantee any minimum number of hours of work per week. Regular full-time employees are generally eligible for fringe benefits.

Regular part-time employees are those who have completed their probationary periods and fill a part-time position with the City of Easley. Employees in this status are normally scheduled to work less than thirty (30) hours per week but may be called upon to work above their normally scheduled hours of work when workloads require. Regular part-time employees are generally eligible for fringe benefits.

Probationary employees are part-time and full-time employees who have not yet successfully completed their probationary period.

Temporary employees are those hired for a limited period of time or until completion of a particular project or projects. Such employees may work part-time or full-time hours depending on the needs of the City of Easley. Temporary employees are generally not eligible for fringe benefits.

PROBATIONARY PERIOD

All new employees, including former employees who have been rehired, are considered to be on probation for the first six months. This period is a continuation of the selection process and is a time in which the new employee should demonstrate that he/she is suited for his job. This period is not a guarantee of employment for six months. If the department head concludes at any time that the employee is not suited for his position, the employee may be terminated or may be placed on extended probation if approved by the City Administrator.

The probation period ends successfully when the department head, not sooner than six months after the employee was hired, evaluates the new employee in writing and recommends to the City Administrator who authorizes his/her classification as a “regular” employee.

All newly promoted employees are considered to be on probation in their new jobs for three months. This period is a continuation of the selection process and is a time in which the newly promoted employee should demonstrate that he/she is well suited for the promotion. It is not a guarantee of employment for three months.

If the department head concludes at any time during the promotion probationary period that the newly promoted employee is not suited for his new position, the employee may be removed from that position with approval by the City Administrator. If there is a vacancy in his/her former position that is to be filled, he/she may be returned to it. If there is no such vacancy, he/she may be considered for the filling of other vacancies for which he/she is qualified. If no other position is found for him/her, the employee may be placed on personal leave of absence and/or terminated. This action does not prohibit an employee from applying for future vacancies with the City of Easley.

OUTSIDE EMPLOYMENT

The City of Easley expects an employee’s work for the City of Easley to take precedence over any outside employment engaged in by an employee. Employees must get prior written approval from their Department Head and City Administrator before engaging in other employment. Should the City of Easley, in its sole discretion, determine that the outside employment interferes with or is otherwise incompatible with employment for the City of Easley, the employee may be asked to choose between the jobs.

Employees may not engage in any private business or activity while on City of Easley work time or at City of Easley workplaces.

CONFLICT OF INTEREST

City of Easley employees are covered by state ethics laws that prohibit public employees from using their public position for their own personal gain or to benefit a family member or business associate. State law also prohibits employees from making governmental decisions on matters in which they, their family or business

associates have an economic interest. Employees must notify their supervisors in writing of any matter in which they, their family or business associates have an economic interest and in which they must act on behalf of the City of Easley. The supervisor must send the notification to the City Administrator for review. If the City Administrator for the City of Easley determines a potential conflict or appearance of conflict of interest exists, the matter will be reassigned to another employee.

GIFTS AND GRATUITIES

No employee may directly or indirectly solicit, accept or receive a gift under circumstances in which it could be inferred that the gift was intended to influence him in the performance of his official duties or was intended as a reward for an official act on his/her part. A gift is defined as any benefit, favor, service, privilege or thing of value that could be interpreted as influencing an employee's impartiality. A gift includes, but is not limited to, meals, trips, money, loans, rewards, merchandise, foodstuffs, tickets to sporting or cultural events, entertainment, and personal services or work provided by City of Easley suppliers or contractors. This policy is not intended to prohibit the acceptance of items of nominal value that are distributed generally to all employees.

A determination as to whether this policy has been violated is in the City Administrator's sole discretion.

POLITICAL ACTIVITY

Employees may fully and freely associate themselves in organizations of their own choosing, except those organizations whose purpose is the violent overthrow of the government of the United States, the State of South Carolina or any of its political subdivisions. In addition, supervisory employees may not join or support labor organizations that accept to membership subordinates of such supervisors.

In certain circumstances involving real or potential conflicts, employees who run for public office may be placed on an unpaid leave of absence until after the election. If an employee is placed on leave of absence, his employment will terminate upon his election to a partisan public office.

For purposes of this policy, an employee is considered a "candidate for public office" as soon as he/she begins actively campaigning for nomination or election, or when he/she files for candidacy, whichever comes sooner.

WORKPLACE PRIVACY/COMPUTER AND INTERNET USE

The workplace is intended to be a place of work. An important part of work is communications and recordkeeping. No employee is at work 24 hours a day, seven days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces. Personal items and personal communications received or stored on City of Easley property are not entitled to a guarantee of privacy.

Management may search City of Easley property and documents in City of Easley-owned vehicles, employee desks, lockers, file cabinets, electronic devices, etc.

Electronic media raise similar issues. The City of Easley provides electronic and telephonic communication and, when necessary, computers and mobile devices to employees. Although assigned to the

employee, these items still belong to the City of Easley. Similarly, any electronic files created on or software downloaded on, a City of Easley computer or mobile device belong to the City of Easley. Unauthorized programs and files may not be used or installed on City of Easley computers without the written permission of the City of Easley. Additionally, employees may not encrypt work and may not use passwords other than those assigned to them by the City of Easley. Employees may not destroy or delete files from City of Easley computers or mobile devices except pursuant to the City of Easley's record retention policy.

The City of Easley reserves the right to review voice mail, electronic mail, computer and mobile device files, text messaging, and other electronic information generated by or stored in the City of Easley' electronic systems. The City of Easley also reserves the right to report the finding of such reviews to appropriate agencies. The City of Easley consents to the reasonable personal use of its computers and mobile devices: Although the City of Easley consents to the "reasonable" use of its computers and mobile devices for personal business, what is "reasonable" is determined in the sole discretion of the City Administrator. The only sure way to avoid violating the City of Easley' policy on personal computer and mobile device use is to not use the City of Easley' computers for **any** personal purpose.

The following uses are absolutely forbidden:

1. to access any material the City of Easley considers to be pornographic; to transmit or knowingly accept receipt of any communication that is pornographic, obscene, or in the City of Easley' opinion might contribute to a hostile work environment in that it demeans individuals on the basis of race, sex, age, national origin, disability or some similar distinction
2. to conduct business for outside employment or a side-business
3. to solicit others for non-work related reasons

City of Easley employees may not use personal electronic equipment (including but not limited to personal laptop computers, mobile devices and cellular phones) on City of Easley property or at City of Easley work sites to engage in conduct that would be prohibited if using City of Easley equipment.

Important Notice: The City of Easley has the capability to examine the computer and mobile device usage of individual employees in detail. Even though an item has been "deleted" and the employee cannot retrieve it, this does not mean that the City of Easley cannot do so. It is also possible to generate a report of every Internet connection made by each user and of how much time was spent in each connection.

Social Networks, Personal Websites and Blogs

Social networking, personal websites, and blogs have become common methods of self-expression. The City of Easley respects the right of employees to use these media during their personal time. The City of Easley consents to reasonable limited access to social media sites during working hours or using City of Easley equipment. What is "reasonable" is determined in the sole discretion of the City Administrator. The only sure way to avoid violating the City of Easley' policy on personal social media site access is to not to access such sites at all during working hours or using City of Easley equipment.

Employees must understand that material posted on these media may be read by persons other than those for whom it is intended. Employees are cautioned that they are responsible for the contents of social media posts they make. Posts that contain obscene or harassing material, that are unlawful, that contain personal attacks on coworkers, that reasonably call into question the employee's judgment, or that reasonably cause concern among the public may result in discipline, up to and including termination from employment. Similarly, conduct that

would violate City of Easley policies if done in person also violates City of Easley policy if done through social media. Employees may not disclose confidential information over social media or similar sites.

Employees who post on media sites and who have identified themselves as a member or employee of the City of Easley on those sites must make it clear that they are expressing their own views and not those of the City of Easley.

WAGES AND HOURS OF WORK

CLASSIFICATION SYSTEM

The City Administrator, with Council's approval, may develop a system for classifying positions within the City of Easley, including pay ranges for those positions. Classification systems and pay ranges are subject to change at any time, pending a majority vote of Council. The establishment of pay ranges or grades for any position does not guarantee the occupant of that position any particular rate of pay.

HOURS OF WORK

Department heads shall establish work schedules, with the approval of the City Administrator, which meet the operational needs of the department in the most cost effective manner possible.

A workday starts at 12:01 a.m. and ends at midnight. The workweek consists of seven (7) days, beginning at 12:01 a.m. on Monday and ending at midnight on the following Sunday.

PAY PERIOD AND METHOD OF PAYMENT

Employees are paid on the Thursday following the end of the two week work cycle. Employees are encouraged to enroll in direct deposit. Either a pay check or direct deposit statement will be made available to the employee on the date of payment. City Council is second pay period of the month.

OVERTIME AND COMPENSATORY TIME

Employees of the City can be requested and may be required to work overtime hours as necessitated by the needs of the City and determined by the supervisor or Department Head. Employees must accurately record all hours worked and must have worked all hours recorded.

Non-exempt employees receive overtime premiums at 1.5 times their regular hourly rate for all hours worked in excess of 40. In lieu of cash payment, the City of Easley may credit employees with compensatory time at the rate of 1.5 hours for each overtime hour worked. It is strongly encouraged that any hours worked beyond a normal work day be taken during the course of the current work period to avoid any overtime or compensatory time.

Employees may not work "off the clock," and employees may not work overtime without the permission of the Department Head. In an emergency situation the employee may work overtime, but must immediately let his supervisor know of the work in excess of forty (40) hours. The supervisor must immediately let Department Head know when this incident occurs.

Employees who are exempt from overtime receive a salary that compensates them for all hours worked in the workweek. Such employees do not receive overtime pay or compensatory time off; however, the City Administrator may, in his sole discretion, grant additional paid time off to exempt employees who have worked unusual amounts of time in excess of the normal schedule. No exempt employee has a right to such additional paid time off. There is no payment for such additional time upon termination.

PAYMENT OF WAGES

Employees are paid bi-weekly by direct deposit. Employees should examine their paychecks/pay stubs immediately to ensure they have been properly paid for all hours and that no improper deductions have been made. Any payment errors must be reported to payroll within 14 days.

The City of Easley deducts from employees' gross pay taxes and withholding required by the taxing authorities. The City of Easley may also deduct from employees' pay the employees' share of any premiums or plan contributions for insurance, retirement and similar plans that are elected by the employee. The City of Easley may make other deductions as required by law or court order. **The City of Easley does not make unauthorized deductions and will reimburse employees if such deductions are made inadvertently and reported to payroll.**

Cash, debts owed the City of Easley, fringe benefits, uniforms, tools, equipment, vehicles, instruction manuals, keys, City of Easley identification cards and other items belonging to the City of Easley that are advanced or issued to an employee but not repaid or returned by him/her at the time of his/her termination are considered advances of wages, the value of which may be deducted from the employee's pay.

RETIREMENT

All regular employees of the City of Easley participate in the South Carolina Retirement System or the South Carolina Police Office's Retirement System. Both the employee and the city contribute to the system in accordance with current state requirements. Information on current contribution levels is available through the City Treasurer or Administrator. All guidelines and requirements are set by the South Carolina Public Employee Benefit Agency (SC PEBA).

In recognition of an employee's service the City of Easley currently provides continued participation in the City's health insurance program after retirement. This benefit is available only to those employees in good standing whose last five (5) years of employment have been with the City of Easley. Eligible employees may enroll to continue to purchase his/her individual health insurance at a discount of 4 % for each full year of service to the City of Easley (up to 25 years). The retiree may also purchase spouse and dependent health insurance coverage at prevailing rates of the city's plan.

These benefits will cease at the end of the month of the employee's 65th birthday, or when an employee becomes employed with another employer who offers health insurance. Premiums must be paid in advance for each month. Failure to pay timely will result in being dropped by the plan with no re-entry.

PERFORMANCE EVALUATIONS

The City of Easley may periodically conduct oral or written evaluations of employees' performance. Employees must sign written evaluations. The employee's signature does not necessarily indicate agreement with the contents of the evaluation, only that he/she has been made aware of it. Employees may attach comments to their evaluations. While favorable performance evaluations may be a factor in determining wage increases, no employee is entitled to a wage increase because he/she receives a favorable evaluation.

HOLIDAYS

The City of Easley observes the following holidays:

The following days are observed as paid holidays: Holidays occurring on Saturday are observed on the preceding Friday, and holidays occurring on Sunday are observed on the following Monday.

<u>HOLIDAY</u>	<u>WHEN OBSERVED</u>
New Year's Day	January 1 st
Martin Luther King, Jr. Day	3 rd Monday in January
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	4 th Friday in November
Christmas Eve	December 24 th
Christmas Day	December 25 th

All regular full-time employees are entitled to paid holidays at a rate of 8.0 hours per day.

Regular holidays that occur during a PTO leave or other leave period of any employee shall not be considered as PTO or other leave.

INCLEMENT WEATHER

When a decision is made by the City Administrator to close city offices due to inclement weather:

1. Employees whose departments are closed are paid their regular straight time earnings if scheduled to work the days of the closure.
2. Employees whose departments are not closed due to inclement weather (essential employees) must come to work or take PTO time for the hours absent.
3. Essential employees who fail to report to work during inclement weather are subject to disciplinary action at the discretion of the City Administrator.

PAID TIME OFF POLICY

Overview and Eligibility

The Paid Time Off Policy is being established to provide employees with greater flexibility in the use of time off with pay. City of Easley recognizes that employees need time away from work for a variety of reasons such as vacation, personal or family illness or injury, or other personal or family needs. For this reason, all regular full-time employees and all part-time employees, who are regularly scheduled to work a minimum of thirty (30) hours per week (1560 hours per year), will be eligible to earn an allotted number of hours per year based on employment status and length of service. Salaried and hourly employees are covered under this policy.

The PTO policy does not cover scheduled City holidays, bereavement leave, military leave, or jury duty leave.

PTO and Unpaid Leave

In the event an employee is granted a personal leave of absence or a family leave of absence under FMLA, he/she will be required to exhaust all PTO accrued time in conjunction with that leave.

Accrual and Carry Over Amounts

During the six-month introductory period, an employee does not accrue PTO time. An employee who is terminated during that introductory period will not receive payment for PTO time. However, upon successful completion of the introductory period, the employee will be credited a PTO accrual retroactively to the initial date of employment. **The City Administrator realizes that circumstances may arise during the first six (6) months of employment when an employee may not be able to attend work (sickness, family matters, etc.) He/She therefore reserves the right to authorize an employee still on the six-month probationary period to utilize PTO in an amount not to exceed the amount potentially accrued during the six-month period. This will be done on a case by case basis and is at the sole discretion of the City Administrator. Council realizes that it may prove difficult to hire employees at the introductory amount of leave based on years of experience by the potential employee. Council therefore reserves the right to deviate from the minimum entry leave amount in order to recruit new employees. The decision to deviate shall be based upon recommendations from the Department Head and City Administrator for all subordinate positions and approval by City Council, and a recommendation from the City Administrator and approval by Council for Department Heads.**

Accrual amounts are credited bi-weekly according to the payroll schedule except as indicated in the paragraph above. PTO time does not accrue on overtime hours (not regularly scheduled), unpaid leaves, or after an absence of four consecutive weeks.

PTO time may only be used as it is earned. There shall be no borrowing or advance of PTO time. Except in the initial probationary period outlined above.

Accrual Rates and Maximum Carry-Over Amounts for employees on a 40-hour work week schedule are determined by length of service according to the following:

Completed Years of Service	Bi-Weekly Accrual Rate	Annual Accrual Amount	Maximum Carry-Over Amount
0-5 years	4.62 hours	120 hours/15 days	120 hours/15 days
5- 10 years	6.77 hours	176 hours/22 days	176 hours/22 days
10-20 years	8.30 hours	216 hours/27 days	216 hours/27 days
20+ years	9.23 hours	240 hours/30 days	240 hours/30 days

Accrual Rates and Maximum Carry-Over Amounts for employees on twenty-four (24) hour shift schedules are determined by length of service according to the following:

Completed Years of Service	Bi-Weekly Accrual Rate	Annual Accrual Amount	Maximum Carry-Over Amount
0-5 years	6.46 hours	168 hours/7 shifts	168 hours/7 shifts
5-10 years	9.23 hours	240 hours/10 shifts	240 hours/10 shifts
10-20 years	11 hours	288 hours/12 shifts	288 hours/12 shifts
20+ years	12.92 hours	336 hours/14 shifts	336 hours/14 shifts

Accrual Rates and Maximum Carry-Over Amounts for employees on twelve (12) hour shift schedules are determined by length of service according to the following:

Completed Years of Service	Bi-Weekly Accrual Rate	Annual Accrual Amount	Maximum Carry-Over Amount
0-5 years	5.08 hours	132 hours/11 days	132 hours/11 days
5-10 years	7.85 hours	204 hours/17 days	204 hours/17 days
10-20 years	9.23 hours	240 hours/20 days	240 hours/20 days
20+ years	10.62 hours	276 hours/23 days	276 hours/23 days

Accrual Rates and Maximum Carry-Over Amounts for employees on a 43-hour work week schedule are determined by length of service according to the following:

Completed Years of Service	Bi-Weekly Accrual Rate	Annual Accrual Amount	Maximum Carry-Over Amount
0-5 years	5.08 hours	132 hours/15 days	132 hours/15 days
5-10 years	7.85 hours	204 hours/23 days	204 hours/23 days
10-20 years	9.23 hours	240 hours/27 days	240 hours/27 days
20+ years	10.62 hours	276 hours/31 days	276 hours/31 days

The City will maintain a PTO account for each eligible employee and track the beginning balance, current balance, accruals, and usage on a fiscal year basis. Limits are imposed on the amount of PTO that can be maintained as a balance, as well as on the amount of PTO that can be carried forward from one fiscal year to the next. At the end of each fiscal year, unused account balances up to the employee's annual maximum carry-over rate will be carried forward to the next fiscal year. At the end of the fiscal year, employees whose PTO account balances exceed their maximum carry-over amounts will forfeit all hours in excess of those maximums.

For employees working less than forty (40), but more than thirty (30) hours per week, PTO time accruals and maximum carry-overs are pro-rated based on the employee's regular work schedule.

PTO Reporting

Employees are required to report PTO hours taken by recording the PTO hours on their time sheets. PTO hours taken will be charged against the employee's PTO account. Employees taking time off in excess of their available PTO balance shall have such time deducted from their pay. Time taken beyond the accrued PTO hours (except those covered by FMLA or some other leave) or an inappropriate attendance pattern, will be considered excessive and may be treated as a performance issue subject to disciplinary action.

PTO Scheduling

To the extent possible, PTO is to be requested and approved by the supervisor in advance. In most cases, one (1) week of advance notice will be sufficient. However, the amount of advance notice may vary by department depending on operational and staffing needs. In those departments where the amount of advance notice needed exceeds one (1) week, the supervisors are responsible for communicating such notice requirements to their employees. Supervisors may approve requests for PTO with less than one (1) week of advance notice at their discretion.

Supervisors are responsible for scheduling PTO in a manner, which balances the operational and service delivery needs of the department with the time off preferences of their employees. The City reserves the right to deny PTO requests which may adversely impact operations or to cancel previously approved PTO requests if unexpected circumstances arise which require the employee's attendance at work.

In the event of illness or emergency which prevents the employee from requesting PTO in advance, the employee must notify his/her supervisor no later than the start of the shift and explain the need for unscheduled time

off. In such cases the supervisor will assess the need and urgency for unscheduled time off in relation to staffing needs and either approve the time off or direct the employee to report for work. In the event of illness or emergency preventing the employee from reporting to work for periods exceeding one (1) day, the employee must contact the supervisor each subsequent day no later than the start of the shift unless the supervisor indicates that there is no need to do so. Those employees, who do not adhere to these reporting requirements or who are directed to report to work and fail to do so, will not be paid and may be subject to disciplinary action up to and including termination.

Regardless of the reason, an employee, whose unscheduled absences occur with such frequency as to adversely impact department operations and to prevent the employee from meeting his/her employment obligation of regular and reasonable attendance, may be subject to disciplinary action up to and including termination.

If an employee’s approved request for PTO must be cancelled because of unforeseen departmental needs, the employee may make a written request to the Department Head to “roll over” accumulated time above the carry over limit to the new fiscal year. The Department Head and City Administrator will consider the request and advise the employee in writing of their decision. If the request is approved, the employee must use the hours rolled over within 90 days of the approval or the hours above the carry over limit will be forfeited.

The minimum time increment of PTO that an employee may use is one half (.5) hour. PTO must be taken in one half (.5) hour increments.

Excused Absence Without Pay in Lieu of PTO

Employees with PTO account balances may not opt to take excused absences-without-pay in lieu of using PTO time.

Separation

Upon termination in good standing, an employee who has successfully completed the introductory period, shall be paid for any PTO time accrued, but not taken, up to the PTO payout limits noted below. In cases where the employee is not terminating in good standing or with status, there shall be no pay out of PTO time accrued, but not taken.

Employees may not use PTO time in lieu of notice of resignation. The last day actually worked shall be considered the date of separation.

At the time of separation, employees will receive PTO payouts, if applicable, according to the following payout limits:

PTO PAYOUT LIMITS			
Years of Service	40 – Hours Per Week	24 – Hour Shift	43 – Hours Per Week
0-?	176	240	204

The above payout limits are pro-rated for part-time employees.

Program Inception

Effective with the approval of this policy by City Council, the PTO Program supersedes annual leave and sick leave policies previously in effect, and PTO time will begin accruing at the rates provided in Section 3 above.

At the time of conversion, any employee, who is carrying any accrued, unused vacation balance, shall have that balance credited as his/her opening PTO balance. Any unused vacation balance must be used within the next two fiscal years. Any additional unused vacation leave after the two year period will be forfeited

Grandfather Clause – Sick Leave

At the time of conversion, those employees carrying accrued sick leave balances are permitted to carry forward those hours as follows:

- a) Up to 24 hours shall be credited to the employee’s opening PTO balance for those working 8 hour shifts. For those working 24 hour shifts up to 48 hours may be credited. For those working 12 hour shifts up to 36 hours may be credited to the opening PTO balance.
- b) Any remaining accrued sick leave shall be placed in a separate sick leave account, called Sick Leave Reserve (SLR), to be used only in the event of a continuous absence due to the employee’s personal illness or injury lasting five consecutive days or longer. It may also be used for Family Medical Leave Act allowed uses. Once Sick Leave Reserve hours are exhausted, they will not be replenished. Under no circumstances shall Sick Leave Reserve be paid out upon termination of employment.

Buy Back Provision

- a) Prior to the end of a fiscal year a City Employee having unused PTO may request that the City “Buy back” a portion of the unused time. The City of Easley will buy back up to one-half of the allowable time that may be accrued.
- b) If the employee requests that the City “buy back” unused PTO, it will be paid out at 50% of value. (For example – If your hourly wage is \$16/hour, you will be reimbursed at \$8/hour for the buy back.)
- c) The payout will be processed through payroll with all taxes and other withholdings withheld and the next scheduled regular payday. An exception may be made with approval of the Department Head and City Administrator.
- d) A minimum of 20 hours must be requested for buy back, and the employee must maintain 20 hours of leave after the buy back is complete.
- e) An employee is not allowed to participate in PTO buy back during their probationary period when hired.

Accumulation

The value of an employee’s accumulated but unused vacation will be paid to the employee at termination only if:

- a) The employee gives and satisfactorily completes a notice of two weeks for employees and four weeks for department directors **and**
- b) The employee is **not** dismissed for disciplinary reasons.

Granting of Leave to Employees

Paid time off is a benefit provided by the City of Easley to its employees and should be treated by employees as a benefit. A request for use of earned PTO will be submitted by the employee as far **in advance (if possible)** to his/her Department Director. In an emergency or when circumstances make a written/advance request impractical, a verbal request and approval may be made. Documentation will be accomplished at the earliest practical time.

Department Directors are the approving authority for a subordinate's requests, and will designate a reasonable time frame for submission of requests, taking into account work requirements, scheduling, etc. The City Administrator is the PTO approving authority for Department Directors. Approved request forms will be forwarded with the appropriate time card.

Department Directors are responsible for coordinating requests among their professional staff to ensure that the department can continue to meet its operational needs. All planned uses should be requested as far in advance as possible to allow the Department Director to coordinate department activities in the staff member's absence.

When more employees request particular days off than can be accommodated, supervisors will make PTO assignments taking into account the date the requests were made, special needs for particular annual leave dates and the employees' lengths of service.

Annual leave balances may be reduced for disciplinary reasons.

Physician's Certification

A physician's certificate verifying that an employee was incapacitated due to illness or injury may be required if absence exceeds three consecutive working days or at the discretion of the Department Head or City Administrator.

Notification of Illness

Employees are required to notify their immediate supervisor before leaving work or as soon as possible. In an emergency, notification should be made as soon as it is practical and may be made by someone other than the employee. Employees are required to keep their supervisor apprised of their situation and anticipated date of return.

Emergency Treatment of Employees Injured During Work Hours.

Initial emergency medical treatment provided to employees who are injured while on the job shall be considered as hours worked (up to one regular duty day).

MILITARY LEAVE

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted ten workdays per year for military leave without pay. On rare occasions due to vacation training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For only this purpose, an employee shall be granted an additional ten days of military leave during the same calendar year.

If the compensation received while on military leave is less than the salary that would have been earned during this same period as a City employee, the employee shall receive partial compensation equal to the difference in the base salary earned during this same period as a City employee. The effect will be to maintain the employee's salary at the normal level during this period. If such duty is required beyond this ten workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking military leave without pay or with partial pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the City during this period.

JURY DUTY

An employee will be paid for wages lost from scheduled straight time work due to jury service.

To qualify for this payment, an employee called for jury service must

1. give his supervisor notice of such service within two work days of the time the employee is called for such service,
2. report for work when released by the court on any day of jury service,
3. submit a written statement from the court indicating the days of jury service and the time released each day, and

BEREAVEMENT LEAVE

An employee will be paid for time actually lost from straight time scheduled work up to three days due to attendance at the funeral of a member of his immediate family, which is defined as spouse, parent, child, grandparent, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, and significant other. The immediate family will be considered to include stepparents, stepchildren, and stepbrothers and stepsisters only when the employee and the deceased had lived together regularly in the same household at or prior to the time of death. The City of Easley may require proof of relationship and attendance at the funeral.

Employees may be excused from work to attend the funerals of other family members and, upon request, may be paid for such absences from accrued annual leave balances.

FAMILY AND MEDICAL LEAVE ACT

This Leave Applies Only to Employees Employed 12 Months Or Longer And Who Have Worked 1250 Hours or More in the Preceding 12 Months, Both Prior to Commencement of Leave.

General: As long as an employer is covered by the Family and Medical Leave Act, employees who meet the length of service and hours worked requirement described above have rights under the Act. As a general rule, employees must request leaves of absence under this law and policy, but in appropriate situations, employees may be placed on leave status without application.

The City uses a rolling 12-month period in order to determine your eligibility for leave on any given date. The 12-month period is measured backward from the date you want to use your FMLA leave. Each time you want to use FMLA leave, we will look backward to determine how much FMLA leave you have used during the preceding 12 months.

Reason for Leave of Absence

1. **Medical and Family Leave.** An eligible employee may be entitled to a leave of absence under this law and policy if a serious health condition, including disability resulting from an on-the-job injury, prevents the employee from being able to perform his job, if the employee's spouse, child or parent has a serious health condition and the employee must be absent from work in order to care for that relative, or to care for a natural child, adopted child, or formally placed foster child, provided that entitlement to leave to care for a child who is newly born or newly received in the employee's household shall end 12 months after a natural child is born or 12 months after an adopted or foster child is received in the employee's household.

2. **Military Caregiver Leave.** An eligible employee whose spouse, parent, child or next-of-kin is a covered service member of the Armed Forces of the United States may be entitled to leave of absence to care for the service member if he is injured while on active duty.

3. **Qualifying Military Exigency Leave.** An eligible employee whose spouse, parent or child is a member of the National Guard or Reserves of the U.S. Armed Forces and is on active duty or called to active duty

in federal service may be entitled to a leave of absence due to one or more qualifying exigencies arising out of the active duty or call to active duty. Qualifying exigencies are: (1) Short-notice deployment (i.e., notice of 7 days or less); (2) Military events and related activities; (3) Childcare and school activities (regular or routine childcare by the employee does not count); (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

Proof of need for leave of absence may be required regardless of the type of leave taken.

Length of Leave

1. **Medical and Family Leave.** An eligible employee may take the equivalent of a total of 12 work weeks of leave during any 12 consecutive months for his own serious health condition, that of a parent, spouse or child, or to care for a newly born or newly received child. Leave to care for a newly born or newly received child must be taken consecutively. Leave required because of the employee's own serious health condition or that of a spouse, child, or parent, may be taken intermittently or by means of a modified work schedule when necessary.

2. **Military Caregiver Leave.** Leave to care for an injured service member may be taken for up to 26 workweeks in a single 12-month period. Any leave taken by the employee for any other FMLA-qualifying reason will count against the 26 weeks of leave permitted to care for an injured service member.

3. **Qualifying Military Exigency Leave.** Leave taken because of a qualifying exigency is available for up to 12 workweeks in any 12 consecutive months. Leave taken because of a short notice deployment is limited to 7 days from the date of notice, and leave taken to be with the service member during periods of rest and recuperation are limited to 5 days per period of rest and recuperation. Leave taken to attend post-deployment activities must be taken within 90 days of the end of active duty service.

Coordination of Leave and Paid Time Off

An employee who must be absent due to his own serious health condition will be paid for time lost from work from accrued sick and annual leave balances, if any. An employee who must be absent for any other FMLA-qualifying reason will be paid for time lost from work from accrued annual leave balances, if any. Leave taken under this policy counts towards the employee's 12 weeks of leave (or 26 weeks, where appropriate) regardless of whether all or part of the employee's leave is paid.

Effect of Leave on Accrual of Fringe Benefits

1. **Health benefit plan.** Employees taking leave under this policy must continue to pay their portion of health benefit plan premiums on the same date that such portion of premiums would be deducted from the employee's wages.

2. **Accrual of paid leave.** Unpaid time lost from work due to leave granted under this policy is not considered time worked for the purpose of accrual of paid time off.

Employee Responsibility

Employees who request leave under this policy must give 30 days advance notice or such lesser amount of notice as is possible in the particular circumstances. When the need for leave is unforeseeable, the employee must follow the normal procedure for reporting an absence.

Termination of Leave of Absence

A leave of absence under this policy will end when the need for the leave of absence ends, or when the maximum leave described above has been taken, whichever occurs sooner.

Reinstatement

At or before the conclusion of the FMLA leave of absence the employee is entitled to reinstatement to his former position or to a position equivalent to his former position. The employee must demonstrate that he is fit for duty and must give reasonable notice of intent to return to work.

Extension of Leave Without Benefits

An employee who is unable to perform the duties of his position due to his own disability and who has exhausted his entitlement to leave under the Family and Medical Leave Act by taking 12 weeks of leave may, in the discretion of the department head upon recommendation of the employee's supervisor, upon written application, be granted up to an additional 14 weeks of leave. This additional leave of absence does not entitle the employee to reinstatement or to payment of any portion of his health benefit plan premiums. If the employee is able to return to work prior to the exhaustion of his extended leave, he may be returned to his previous position if it is vacant and is to be filled, or to some other position of equal or lesser compensation for which he is qualified and where there is a vacancy to be filled. If the employee is not returned to active employment, he may be continued on extended leave of absence status until he is returned to active duty status or his extended leave of absence expires, whichever occurs sooner.

Employees who have exhausted their FMLA leave under other circumstances, but who continue to require leave which would qualify for FMLA leave if such leave had not been exhausted, may apply for an extended leave of absence for personal reasons. Such extended leaves are granted only in the discretion of the department head upon recommendation of the employee's supervisor.

Automatic Termination of Employment

An employee's employment will automatically terminate if he does not return to full active employment status at the conclusion of his leave of absence or extended leave of absence.

Special Situations

1. Spouses. When both a husband and a wife are employed, their combined right to a leave of absence because of the birth or placement of a child, or to care for a newly born or placed child or to care for a parent with a serious health condition is 12 weeks in a 12-month period, or 26 weeks in a single 12-month period to care for an injured service member.

2. Key Employees (salaried employee in highest paid 10% of all employees). Such employees may be denied reinstatement rights if reinstatement would cause substantial and grievous economic injury to operations.

Notice of Rights

Federal law requires that we provide you with the notice of your rights that is posted in a common area in all City buildings.

BENEFITS

The City of Easley currently offers a competitive benefits package. The terms of the City of Easley's benefits plans are subject to change, and the City of Easley is not responsible for any changes in or elimination of benefits or benefit plans. Please see the Treasurer, Assistant Treasurer/HR Coordinator, or City Administrator for specific information on the City of Easley's benefit plans. Said benefits may include but are not required to include health insurance, retirement, life insurance, etc.

City of Easley employees are covered by workers' compensation for on-the-job injuries. Benefits are governed by state law and not set by the City of Easley. Employees must report immediately **any** on-the-job injury, regardless of severity, to their supervisor.

RETURN TO WORK / MODIFIED DUTY ASSIGNMENT

Employees who are temporarily and partially physically disabled as a result of an on-the-job injury and who, as a result of such disability, are not able to safely perform the full range of their normally assigned duties, are eligible for temporary Modified duty assignment.

For the purpose of this policy "Modified Duty" means services to the City which are normally performed by employees. Modified duty availability will be considered if there are meaningful tasks available. Modified duty assignments can be located in other City departments or divisions if the employee's department cannot accommodate an adequate assignment as prescribed by a physician.

All modified duty must be approved by the department head in coordination with the City Administrator or their representative. Modified duty will be available for a period of up-to ninety (90) days per incident. An employee may request an extension of modified duty. The extension shall be approved at the discretion of the department head.

An employee assigned to modified duty may wear clothing modified to accommodate the disability, as long as the clothing does not interfere with the employee's ability to carry out assigned modified duty safely.

Prior to modified duty assignments (and at such intervals as the City may thereafter require) a medical physician, satisfactory to the City, must certify that the employee is unable to perform the full range of his duties; that the inability to perform and the condition causing it are temporary; and that they not pose risk to themselves or fellow employees. The medical physician must also certify that the employee can perform, without risk to himself or others, the modified duty assignment. No employee will be permitted to work on modified duty if the physician advises that the performance of the modified duty might slow the employee's recovery or aggravate the disability.

The City may require a review by the approved physician at any time.

DISCIPLINE

DISCIPLINE POLICY

Employees are subject to disciplinary action up to and including discharge when the Department Head determines that such action is necessary for the good of the City of Easley. Any action will be discussed with the City Administrator as soon as possible.

Employees must sign disciplinary notices, counseling memoranda, performance appraisals and similar documents. The employee's signature indicates only that the employee is aware of the action taken and does **not** indicate that the employee agrees with such action.

An employee who refuses to sign such a document will be relieved of all duty until the document is signed. If the document has not been signed and returned by the end of the employee's next scheduled work day, the City of Easley will consider the employee to have resigned.

EXAMPLES OF CONDUCT WARRANTING DISCIPLINARY ACTION

It is not possible to list all acts and omissions that may result in disciplinary action. The disciplinary action that is appropriate for any particular misconduct is at the sole discretion of the City of Easley. The following are merely examples of some of the more obvious types of misconduct that may result in disciplinary action, up to and including discharge. **The City of Easley reserves the right to treat each employee individually without regard for the way it has treated other employees and without regard to the way it has handled similar situations.**

- a) conviction of or plea of guilt or no contest to a charge of theft, violation of drug laws, sexual misconduct, offense involving moral turpitude or offense that affects the City of Easley's reputation or that reasonably could create concern on the part of fellow employees or the community. Employees who are arrested may be relieved of duty (with or without pay) pending the City of Easley's determination on continued employment.
- b) incompetence
- c) unauthorized absence or tardiness or a pattern of absenteeism or tardiness
- d) insubordination, including disrespect for authority, or other conduct that tends to undermine authority
- e) failure or refusal to carry out instructions
- f) unauthorized possession or removal, misappropriation, misuse, destruction, theft or conversion of City of Easley property or the property of others
- g) violation of safety rules; neglect; engaging in unsafe practices
- h) interference with the work of others
- i) threatening, coercing or intimidating fellow employees, including "joking" threats

- j) dishonesty
- k) failure to provide information; falsifying City of Easley records; providing falsified records to the City of Easley for any purpose
- l) failure to report personal injury or property damage
- m) neglect or carelessness
- n) introduction, possession or use of illegal or unauthorized prescription drugs or intoxicating beverages on City of Easley property or while on duty anywhere; working while under the influence of illegal drugs or intoxicating beverages; off-the-job illegal use or possession of drugs. For purposes of this policy, an employee is “under the influence” if he has any detectable amount of any such substance in his system.
- o) unsatisfactory performance
- p) violation of City of Easley policies
- q) lack of good judgment
- r) any other reason that, in the City of Easley’s sole determination, warrants discipline.

DRUG AND ALCOHOL TESTING POLICY

Purpose

The City of Easley is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that the abuse of alcohol and drugs pose a significant threat to our goals. In light of these concerns, and in compliance with the Drug Free Workplace Act, the City of Easley intends to maintain a workplace free of the problems associated with the abuse of alcohol and drugs.

Scope

This policy applies to all employees of the City of Easley.

Policy

It is the policy of the City of Easley to provide a work environment which is free of alcohol and illegal drugs. This policy prohibits the possession, use, distribution or sale of illegal drugs, non-prescribed drugs and alcoholic beverages. This prohibition against illegal drugs applies to use at any time, both on the job and off the job. Additionally, employees are prohibited from reporting to work or being at work with a detectable level of alcohol in their systems.

Procedures

Employees subject to Drug & Alcohol Testing:

There are three categories of employees subject to drug and alcohol testing as indicated below:

1. *CDL (Commercial Drivers License) Drivers* – employees who, at any time or for any reason, whether part of, or in addition to, their regular job, drive or may be asked to drive City-owned vehicles requiring a Commercial Driver’s License (CDL). All employees holding a current and valid CDL are subject to being called upon to drive commercial vehicles, whether in their own department or others; therefore, they are considered CDL drivers under this policy. These employees are subject to testing according to DOT regulations and these tests include Pre-Employment testing, Reasonable Suspicion testing, Post-Accident testing, Return to Duty testing, Follow-up testing, and Random testing.
2. *Safety Sensitive* – The City has defined the following positions as Safety Sensitive:
 - i. Police Department
 - a) All Sworn Officers
 - b) All Full-Time and Part-Time Dispatchers
 - ii. Fire Department
 - a) All full-time employees engaged in fire suppression activities
 - b) All volunteer fire fighters
 - iii. DOT Regulated
 - Public Works Department**
 - a) Equipment Operator
 - b) Crew Chiefs
 - c) Drivers I and II

This category of employee is subject to Pre-Employment testing, Reasonable Suspicion Testing, Post-Accident testing, Return to Duty testing, Follow-up testing, and Random testing.

3. *Employees in positions of Leadership or Responsibility for Workplace Safety.* This group includes members of the Leadership Team and all supervisors. Employees in this group are subject to Pre-employment testing, Reasonable Suspicion testing, Random testing, Post Accident testing, Return to Duty testing and Follow-up testing.
4. *All Employees* – subject to Pre-employment, Reasonable Suspicion, Post Accident, Return to Duty and Follow-up testing.

Types of Testing

This substance abuse testing policy covers all City of Easley employees, whether full-time, part-time, or temporary, for the purpose of testing under the following conditions:

1. *Pre-employment* – pre-employment drug screens will be conducted as part of the hiring process for all new employees of the City of Easley. Offers of employment will be made contingent upon the applicant’s satisfactorily passing the drug screen. If test results indicate the presence of illegal drugs and/or non-prescribed prescription drugs, the offer of employment will be rescinded.
2. *Post-Accident* – post accident testing is required in all on-duty accidents that require medical attention beyond first aid. Testing shall include a urine screen and/or hair test for drugs and a blood test or chemical/mechanical test for alcohol. Neither the employee nor the employee’s supervisor needs to take further action for testing compliance if the alcohol test is completed within (2) hours of the occurrence and the drug test is completed within eight (8) hours of the occurrence.

If tests are not administered within the prescribed times, employees and their supervisor are subject to disciplinary action, absent a written statement which establishes a clear and convincing reason for non-compliance with testing procedures.

Tests are also required when employees, engaged in City business, are involved in a very serious accident while driving or performing other safety sensitive duties. For purposes of this section, “very serious accident” means any accident in which

1. It is immediately clear that there has been a fatality, or
2. There has been bodily injury so severe that a reasonable person would anticipate the injured person is likely to be admitted as an inpatient to the hospital after receipt of emergency treatment.

For CDL Drivers

Per DOT regulations, tests are required when involved in any motor vehicle accident, regardless of severity, when the employee is issued a citation for the violation of a traffic law and in all accidents which require medical attention to one of the parties.

3. *Random* – all CDL drivers, in addition to any other drug or alcohol screens, shall be subject to Random Drug and Alcohol tests as prescribed by DOT regulations. A list of names and corresponding numbers will be maintained by the third party administrator of the City’s drug testing program which will, at random, select the employees for testing.

Additionally, CDL drivers will be subject to both random drug and alcohol testing according to DOT regulations. The annual percentage rate of random testing shall be 50% of the number of CDL drivers for both alcohol Breathalyzer and drug urine testing.

Reasonable Suspicion

If there is a reasonable suspicion that an employee is a user of an illegal substance or appears to be under the influence of drugs or alcohol, the employee may be subject to alcohol/drug testing. An employee is reasonably suspected of using a prohibited drug/alcohol when at least one Supervisor and one other member of management can substantiate specific behavioral and/or performance indicators of probable alcohol/drug use. The appropriate Department Head must be notified. Typical examples of factors which could lead to reasonable cause alcohol/drug testing include, but are not limited to:

1. Excessive absenteeism or tardiness
2. Unexplained deterioration of job performance
3. Significant change in personality, abusive behavior, insubordination
4. Reliable reports from other persons
5. Unexplained absences from work sites
6. Unusual behavior which cannot be readily explained, i.e., changes in appearance and demeanor
7. Difficulty in motor coordination
8. Discovery of evidence of drug use (paraphernalia or odor) in the employee’s immediate vicinity
9. Repeated errors on the job

10. Arrest or conviction of an alcohol/drug related offense

Return-to-duty

All employees who are tested for alcohol under the provisions of this policy and are found to have an alcohol concentration level of 0.02 grams per 210 liters of breath, or greater, but less than 0.04 grams per 210 liters of breath, shall be immediately suspended from work, without pay, for a period of not less than twenty-four (24) hours. Before they return to work, the employees must pass a "Return to Duty" alcohol screen with a resulting concentration less than 0.02 grams per 210 liters of breath. Employees who fail to pass a "Return to Duty" alcohol test within seventy-two (72) hours of being suspended may be terminated or may be referred to the EAP for assessment and/or evaluation.

Follow-up Testing

All employees returning to duty after self-disclosure of a drug or alcohol dependency or after violating this policy, after being cleared to return to work by the SAP (Substance Abuse Professional), and after passing the Return-to-duty drug/alcohol screen, shall thereafter be subject to periodic, unannounced follow-up testing for a period up to one year following reinstatement. The frequency and timing of such testing shall be at the sole discretion of the City; an employee's refusal to submit to such testing shall be grounds for termination. Any employee who tests positive for drugs or alcohol on a follow-up test will be terminated.

Test Results

Pending Tests – When the initial drug screen test result is positive, or when the initial alcohol Breathalyzer screen shows an alcohol concentration level of 0.04 grams per 210 liters of breath or higher, it will be considered a "pending" positive test until a second drug screen taken from the same sample (i.e. a "confirming test") is completed, or a second Breathalyzer alcohol test is taken.

Confirmed Positive Tests – A second drug screen performed on the same hair/urine sample from which the pending positive test was taken which tests positive for illegal drugs shall be a confirmed positive drug test. A second Breathalyzer screen, performed at least 15 minutes after a pending positive first test, which shows an alcohol concentration level of 0.02 grams per 210 liters of breath shall constitute a confirmed positive test for alcohol.

Penalties

Any employee who violates this policy is subject to termination of employment. However, notwithstanding all of the above, it is the City's genuine desire to assist any employee who sincerely wants help in overcoming an alcohol or drug dependency/addiction, to get drug-free and stay "clean". Therefore, the City reserves the right to refer an employee who violates this policy, and any employee who voluntarily discloses an addiction or dependency problem to a member of management, to the City's EAP for assessment and evaluation. The cost of any treatment or rehabilitation is the sole responsibility of the employee except where coverage for these expenses may be provided for eligible employees under the provisions of the City's benefit plan.

An employee's refusal to submit to a legitimately mandated drug/alcohol test, including failure to report within the designated time frame to the laboratory for testing (including "forgetting"), will result in immediate termination, absent a written statement which establishes a clear and convincing reason for non-compliance with testing procedures.

Possession/Use on the Job

The possession and use of alcoholic beverages, illegal drugs, or non-prescribed prescription drugs on the City premises at any time is in violation of City policy and will subject the employee to termination of

employment. With respect to prescribed drugs, and over-the-counter medications, it shall be the responsibility of employees in Safety Sensitive positions, who are under the influence of, or using any such drugs that could impair one's ability to safely perform the duties of the position without endangering themselves, the general public or fellow employees, to notify their supervisors of such medications and restrictions, and to refrain from knowingly violating the physician's or manufacturer's instructions. (Willful violation of such physician or manufacturer's advice by the employee or supervisor will subject the employee and/or supervisor to disciplinary action.

TAPE RECORDING

The City of Easley believes that problems between and among employees are best resolved through open communication. Employees are encouraged to bring their concerns to their supervisor or to use the grievance procedure.

Employees are prohibited from tape recording or video-taping other employees or City officials unless the employee/official to be taped/recorded has given his express permission or unless authorized by the City Administrator, the Police Chief, or an outside law enforcement agency.

Violations of this policy are subject to disciplinary action up to and including discharge.

USE OF CITY VEHICLES AND PROPERTY

Proper use and maintenance of City property is of the utmost importance. The tools and equipment you use on your job are costly and should be cared for accordingly. Defective equipment should be reported to your supervisor and if the defect endangers you, it should never be used. It is a policy that City owned property cannot be used by an employee while off duty. City vehicles, like other equipment, are important and necessary in performing many services. Employees entitled to or required to use City vehicles should treat them like their own. Abuse and carelessness shorten the life of a vehicle and adds unnecessary cost for maintenance. If you suspect any malfunction with a vehicle, report it at once. Department policy will dictate use of vehicles, subject to the following citywide policies:

1. All vehicles except under-cover police shall be numbered and have the official city seal permanently affixed within 30 days of purchase.
2. No equipment or other markings may be added to any vehicle without authorization by the Mayor or City Administrator.
3. Vehicles may be assigned to individuals based on their requirement to perform official duties at any or all hours or days of the week.
4. Assigned vehicles may be driven to and from home/meals, provided that home/meals is within 5 miles of the Easley City limits. Mileage over this limit must be paid at the prevailing federal rate.
5. Use of vehicles shall be for official business only, allowing for #4 and #6 herein, and occasional stops at points in-route.
6. No passengers shall be allowed except those on official city business and immediate family members.
7. A driver's license record review shall be performed annually.
8. Use of the vehicles for any trip more than 50 miles from the city must be approved by the Mayor or City Administrator.
9. Any ticket, fine, or fee from use of a City vehicle is the responsibility of the employee to handle.

LOSS OF POSITION THROUGH REORGANIZATION OR REDUCTION IN FORCE

Separation resulting from a reduction in the work force, either permanent or indefinite. Notice is provided to the employee as soon as possible and will be at least two weeks.

If it becomes necessary to reduce the number of personnel in the organization, consideration for retention will be based on the following priorities:

1. Those employees with the best records of performance and who possess essential skills and abilities.
2. Those employees with the best records of performance but whose skills and abilities may not be essential to operations.
3. Those employees with the greatest seniority.

The City Administrator and affected Department Heads will review the impact of the reduction in force on the organization and make recommendation to Council for approval.

Written Notification

The City Administrator is responsible for preparing written notification of separation. If the employee is not available at the work place, the notification will be forwarded to the last known address by certified mail.

If funds are available, the City Administrator shall have the discretionary authority to provide a person whose employment is terminated as the result of a reorganization or reduction in force with a severance package. The decision as to the employees who are separated during a Reduction in Force is determined by the City Administrator with the guidelines contained above. This decision shall be based on value to the organization and not seniority within the organization. A severance package is not guaranteed.

TRAVEL AND SUBSISTENCE PAY

When employees of the City of Easley are required to travel on official business, the City will pay reasonable amounts for transportation, meals, and lodging. The City may purchase tickets in advance for employees traveling by common carrier. Employees who, with proper authorization, use their personal vehicle for official business may be reimbursed at prevailing federal rates per mile. Employees may be reimbursed for actual meal expenses incurred while traveling. Travel advances may be made to cover anticipated travel expenses with proper approval. All travel must be authorized in advance. All expenses must be supported by an expense report.

The City will use the United States General Service Administration's (GSA) rates for travel and per diem.

DRUG FREE WORKPLACE POLICY

All employees of the City of Easley are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using, illegal drugs and substances (such as marijuana, cocaine, LSD, heroin, meth, etc.). Further, this prohibition applies to the misuse, abuse or any unlawful use or possession of otherwise legal drugs. These

prohibitions apply to use at any time, both on the job and off the job. City of Easley employees are, of course, permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

Similarly, employees are prohibited from reporting to work, using or being anywhere on City of Easley property while under the influence of alcohol, illegal drugs or improperly used controlled substances. For purposes of this policy, "under the influence" means having any detectable amount of any such substance in the employee's system. Employees who are informed by their healthcare provider or pharmacist that a drug they are using may impair their ability to safely perform work must report that to their supervisors. The City of Easley will determine whether an employee may continue to work.

The City of Easley may test employees for drug or alcohol use in violation of this policy any time the City of Easley has reasonable suspicion of a violation of the policy.

Notice to Employer, State and Federal Grantor/Contracting Agencies and Law Enforcement Authorities

As a condition of employment, employees agree to notify the City of Easley within five calendar days after any criminal conviction for the workplace manufacture, distribution, dispensation, possession or use of illegal drugs and prescription drugs not prescribed for the individual employee's use. As required by the state and federal drug free workplace acts, the City of Easley will notify within ten days all state and federal grantors/contracting agencies of such employee convictions. "Conviction" means a finding of guilt, imposition of a sentence, a plea of no contest or a plea of guilty.

The City of Easley will notify law enforcement authorities whenever illegal drugs are found in the workplace.

GRIEVANCE PROCEDURE

It is hoped that most routine problems concerning your work can be resolved through a discussion with your supervisor. However, it is the policy of the City of Easley to enhance the quality of employee-employer relations and to safeguard the rights of the employees. If a problem or grievance does arise and such disagreements or misunderstanding about personnel rules or departmental work policies cannot be remedied between an employee and the supervisor, the employee's grievance procedure provides an administrative procedure which should be followed in seeking an appeal or determining an equitable solution.

General

This procedure is adopted in accordance with the "County and Municipal Employees Grievance Procedure Act," Section 8-17-110, et seq., Code of Laws of South Carolina, 1976, as amended.

A grievance is defined as any complaint by an employee that he has been treated unfairly, unlawfully, or in violation of his rights under city policies, with regard to any matter pertaining to his employment by the city. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion, and demotion. If an employee believes that he has not received or been credited with or has otherwise lost wages or benefits to which he is entitled, he must present his grievance in accordance with this procedure or such wages or benefits may be forfeited.

Grievance Steps

An employee who feels that he has a grievance must follow the following procedure:

Step 1. He must discuss the grievance with his immediate supervisor. If his supervisor is unable or unwilling to adjust the grievance to the satisfaction of the employee, the employee must take Step 2.

Step 2. The employee must follow the chain of command in his department, appealing to each successive level of supervision. All Step 1 and Step 2 appeals may be oral. At each level each supervisor shall have two (2) work days (Saturdays and Sundays excluded) to render a decision. If no decision is made within this time, the grievance shall be considered denied. If a supervisor at a particular level is unavailable to consider this grievance, it shall be considered denied and the employee shall appeal to the next level of supervision.

Step 3. If the head of the department in which the employee is employed denies the grievance, this decision shall be final as to any grievance brought by a probationary employee. A new employee shall be considered probationary until his probationary evaluation is completed and approved by his department head.

Other employees may appeal to the Employee Grievance Committee the denial of their grievances by department heads by filing a written request for appeal at the city's personnel department. This must be done within 14 calendar days of the time at which the facts on which the grievance is based became available to the employee. The written request for appeal must include the following information:

- (a) The purpose of the appeal and what recommendation is requested of the Grievance Committee; and
- (b) A statement that the chain-of-command has been followed in the appeal as is required by the grievance procedure.

The personnel department staff will assist in preparing the appeal, if requested.

Within ten (10) days of receipt of the employee's request, the chairman of the Grievance Committee shall schedule the requested hearing and notify the Grievance Committee, the employee requesting the hearing, the affected department, and the personnel department.

The Employee Grievance Committee

The Mayor and City Council shall appoint a committee composed of eight (8) employees to serve for terms of three (3) years, except that the members appointed initially shall be appointed so that their terms will be staggered, and approximately one- third (1/3) of the terms shall expire each year. A member shall continue to serve after the expiration of his term until a successor is appointed. Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term shall be for the existing term. Any member may be re-appointed for succeeding terms at the discretion of City Council. All members shall be selected on a broadly representative basis from among city employees. Members employed in the same department as the grieving employee and members having formed an opinion on the issues prior to the hearing, shall not participate in that employee's hearing.

The Committee annually shall select its own chairman from among its members. The chairman shall serve as the presiding officer at all hearings which he attends but may designate some other member to serve as presiding officer in his absence. The chairman shall have authority to schedule and to re-schedule all hearings.

A quorum shall consist of at least 6 (two-thirds of Committee) members, and no hearings may be held without a quorum.

The presiding officer will have control of the proceedings. He shall take whatever action is necessary to ensure all equitable, orderly, and expeditious hearing. Parties shall abide by his decisions, except when a Committee member objects to a decision to accept or reject evidence, in which case the majority vote of the Committee will govern.

The Committee shall have the authority to call for files, records, and papers which are pertinent to any investigation and which are subject to the control of the City Council; to call for or consider affidavits of witnesses; to request and hear the testimony of witnesses, to consider the results of polygraph examinations; and to secure the services of a recording secretary in its discretion. The Committee shall have no authority to subpoena witnesses, documents or other evidence, nor shall any city employee be compelled to attend any hearing. All proceedings shall be tape-recorded. Witnesses, other than the grieving employee and the department representative, shall be sequestered when not testifying. All witnesses shall testify under oath.

All hearings shall be held in executive session unless the grieving employee requests at the beginning of the hearing that it be held in open session. The official tape recording and the official minutes of all hearings shall be subject to the control and disposition of City Council.

Neither the grieving employee nor the department may be assisted by advisors or by attorneys during the hearing. However, the Committee shall have an attorney available to it at any and all times it considers necessary and the personnel department shall provide assistance in reading written materials to the Committee at the request of a grieving employee.

In disciplinary actions by department heads and their subordinate supervisors, the employee must receive in reasonable detail written notice of the nature of the acts or omissions that are the basis for the disciplinary action. This notice may be amended at any time 24 hours or more before the commencement of the hearing. The department must demonstrate that the disciplinary action is for the good of the city. The department shall make the first presentation. The Committee may base its finding and recommendations (and City Council its decisions) on any additional or different grounds developed from the employee's presentation.

In non-disciplinary grievances the employee must establish that a right existed and that it was denied him unfairly, illegally, or in violation of a city policy. The employee shall make the first presentation.

In all grievances, the grieving employee and the department shall each be limited to one (1) hour of initial presentation. The party required to make the first presentation shall be entitled to a ten (10) minute rebuttal of the other party's presentation. The chairman shall appoint himself or another member of the Committee as timekeeper.

In all grievances, presentations may be oral or in writing or both and may be supported by affidavits or unsworn signed statements from witnesses, by records, other documentary evidence, photographs, and other physical evidence. Presentations shall be made by the grieving employee (with reading assistance from a member of the personnel department if the employee desires) and by a managerial employee of the affected department. Neither party may call witnesses or question the other party, or question any witness called by the Committee.

The Committee shall, within twenty (20) days after hearing an appeal, make its finding and recommendation and report such findings and recommendations to the City Administrator for transmittal to City Council. If Council approves, the recommendation of the Committee shall be its decision and copies of the decision shall be transmitted by the Committee to the employee and to the head of the particular department involved. If, however, City Council rejects the decision of the Committee, Council shall make its own decision without further hearing, and that decision shall be final. Copies of the decision shall be transmitted to the employee and to the head of the particular department involved.

Nothing in this grievance procedure creates a property interest in employment or a contract of employment, nor does this procedure limit the authority of the city to terminate any employee when the city considers such action to be necessary for the good of the city.

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