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ORDINANCE NO. 2026 – 51
TO REPLACE *SECTION 181 - ADOPTION OF PERSONNEL POLICIES* AND *SECTION 182 - ELECTION OF OFFICERS* OF *CHAPTER 2 - ADMINISTRATION* OF THE CODE OF ORDINANCES OF CULLMAN, ALABAMA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

SECTION I.
The purpose of this Ordinance is to modify, amend, or delete sections of the ***Code of Ordinances*** of Cullman, Alabama.

SECTION II.
Section 181 Adoption of Personnel Policies of ***Chapter 2 Administration*** of the Code of Ordinances of Cullman, Alabama, is hereby deleted in its entirety and replaced with following:

Section 181 Adoption of Personnel Policies.

The Cullman City Council adopts the official Personnel Handbook, dated October 1st, 2026, for the City of Cullman, Alabama, that provides rules, regulations, and policies including but not limited to:

1) Equal employment opportunities;

2) The organization and function of personnel administration;

3) The methods of employee selection;

4) The probationary period for employees;

5) The process for changing of an employee's status;

6) The employee incentives plan;

7) The nepotism policy;

8) The administration of an employee classification plan;

9) The administration of the employee pay plan;

10) The attendance and leave policies for employees;

11) The employee conduct policies;

12) The employee disciplinary procedures;

13) The employee safety policies;

14) The city owned vehicle and equipment policies;

15) The travel policies for employees;

16) The work policies for off-duty employees;

17) The political activity regulations for employees;

18) The ethics policies for employees;

19) The employee dress code and hygiene policies;

20) The uniform policies for employees;

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21) The information technology policy for employees;

22) Such other personnel policies, regulations, provisions, or notices as were and may be necessary to provide for the adequate and systematic handling of personnel matters.

A copy of the personnel handbook, dated October 1st 2026, for the City of Cullman, Alabama, is available for inspection in the office of the city clerk.

Section 182 Election of Officers of ***Chapter 2 Administration*** of the Code of Ordinances of Cullman, Alabama, is hereby deleted in its entirety and replaced with following:

Section 182 Election of Officers.

The following officers, *all which have some level of authority over employees of the city, exercise some discretionary policy making authority, or a portion of their duties is the ability to discharge some portion of the sovereign power of the city*, shall be appointed by majority vote of the city council whose terms are coextensive with that of the appointing council and shall continue to serve until their successors are elected and qualified:

1) City clerk.

2) City treasurer.

The positions of city clerk and treasurer may be combined by a two-thirds vote of the city council elected to serve. Once the offices of city clerk and treasurer have been combined, a two-thirds vote of the city council elected to serve is necessary to separate those positions.

3) Police chief.

4) Fire chief.

The city clerk, city treasurer, police chief, and fire chief may only be removed by a two-thirds vote of the city council elected to serve. All officers listed above must report to their designated committee chair, at least once per month, to keep the city council informed of the operations of their department. In addition to the normal duties of their respective departments, these officers shall set formal procedures for personal conduct of the employees within their departments not inconsistent with the policies set by the city council.

The following officers shall be appointed by majority vote of the city council shall continue to serve until their successors are elected and qualified:

1) City attorney.

The city attorney shall be appointed by a majority vote of the city council. The appointment of the city attorney shall be subject to the approval of a contract. The term of the contract shall not exceed one year. The city attorney shall continue to serve until a successor is appointed by the city council.

2) City prosecutor.

The city prosecutor shall be appointed by a majority vote of the city council. The appointment of the city prosecutor shall be subject to the approval of a contract. The term of the contract shall not exceed one year. The city prosecutor shall continue to serve until a successor is appointed by the city council. The positions of city attorney and city prosecutor may be combined by a two-thirds vote of the council elected to serve. Once the offices of city attorney and city prosecutor have been combined, a two-thirds vote of the council elected to serve is necessary to separate those positions.

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3) City judge.

The city judge shall be appointed by a majority vote of the city council. The appointment of the city judge shall be subject to the approval of a contract. The term of the contract shall not exceed two years. The city judge shall continue to serve until a successor is appointed by the city council. The mayor may appoint a special judge to any case before the city court which the city judge has a conflict or recuses himself. The city judge, or his designee, may appoint a special prosecutor to prosecute any case in which the city prosecutor has a conflict or recuses himself. The city attorney may be appointed by the court to act as city prosecutor if the court so orders.

All appointees in this section, who by statute require a bond(s) for their performance, shall have said bond(s) approved by the mayor and such premiums for bond(s) shall be paid out of the city treasury.

SECTION III. Severability Clause.
Each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

SECTION IV. Effective Date.
This Ordinance shall be effective following its passage, approval, and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 28th day of September, 2026.

_____
President of the City Council

ATTEST:

_____
City Clerk

APPROVED BY THE MAYOR this the 28th day of September, 2026.

_____
Mayor

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COUNCIL AGENDA REQUEST

Date: 09/11/2026

Department: Administration **Name:** Pam Leslie

Phone: 256-775-7104 **Email:** pleslie@cullmanal.gov

Type of request (select all that apply):

___ Alcohol License ___ Annexation ___ Bid Award
___ Budget Amendment ___ Change Order ___ Codification Change
___ Contract Approval ___ Petition ___ Proclamations
___ Public Comment ___ Resolution ___ Rezoning
___ Special Event ___ Tax Abatement ___ Variance
_x_ Other ordinance

Reason for Request:

To replace Sections 181 and 182 of Chapter 2 Administration.

Supporting Documentation:

_x_ Attach supporting documentation.

Signature: Signed by: Pam Leslie 81CF6D64BCC34A3...

Approval Sequence:

1. **Administration – City Clerk's Office**
   Verifies form is completed and proper documentation is attached.
   _x_ Approved to Move Forward ___ Rejected ___ Return to Requestor
   Comments:
   Signature: Signed by: Pam Leslie 6F02210223EC457... **Date:** September 11, 2026 | 2:59 PM CDT

2. **Council Committee Chairperson** - Kim Hall
   Ensures necessity of the request.
   _x_ Approved to Move Forward ___ Rejected ___ Return to Admin
   Comments:
   Signature: Signed by: Kim Hall 373F5C72C0C944B... **Date:** September 11, 2026 | 3:56 PM CDT

3. **Council President**
   _x_ Approved for Council Agenda ___ Rejected ___ Return to Committee
   Comments:
   Signature: Signed by: Kim Hall 373F5C72C0C944B... **Date:** September 11, 2026 | 3:57 PM CDT

4. **Administration – City Clerk's Office**
   _x_ Added to Council Agenda Date of Meeting: 09/14/2026
   Comments:
   Signature: Signed by: Wes Moore 6F02210223EC457... **Date:** 09/11/2026

EST. 1873

CULLMAN

ALABAMA

204 2nd Avenue NE
Cullman, Alabama 35055

(256) 775-7109
mbates@cullmanAL.gov

P.O. Box 278
Cullman, Alabama 35056

September 11, 2026

Cullman City Council
City of Cullman
PO Box 278
Cullman, AL 35056

RE: Recommendation to the City Council

Dear Honorable Council Members:

The Personnel Board recommends that the City Council approve and adopt the proposed updates to the City of Cullman Employee Handbook, dated October 1, 2026, as presented.

The updates are intended to ensure the handbook remains current, clear, and consistent with applicable law, as well as the City's policies, and personnel practices.

Respectfully submitted,

Wade Bently, Chairman
City of Cullman Personnel Board

CITY OF CULLMAN, ALABAMA

PERSONNEL POLICIES AND PROCEDURES HANDBOOK

DATED October 1, 2026

To City of Cullman Employees:

The City of Cullman (hereafter referred to as "the City") considers you, the employee, its most valuable asset and will always strive to provide the best possible working environment and conditions.

Equal Employment Opportunity

In order to provide equal employment and advancement opportunities to all individuals, employment decisions for the City of Cullman will be based on merit qualifications and abilities. Equal opportunities are provided to all applicants and employees regardless of race, color, religion, sex, national origin, age, disability or any other characteristic protected by law. The City of Cullman will make reasonable accommodation for qualified individuals with known disabilities. This handbook governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to training and benefits. Employees with questions or concerns regarding discrimination in the workplace are encouraged to bring these to the attention of the Human Resources Department. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action up to and including termination.

Objectives and Applicability of this Handbook

The purpose of this handbook is to provide you with information and bring about a high level of understanding, cooperation, unity, and efficiency, with the systematic application of sound personnel administration policies administered uniformly for all employees.

The policies as stated herein provide guidelines for all personnel of the City of Cullman, however, they do not include all policies, procedures and rules or regulations that may be necessary at the operational level. Therefore, when necessary to enhance efficiency and effectiveness at the operational level, departmental policies and procedures may be supplemented. However, no such departmental policy, procedure, rule or regulation shall be in conflict with these basic policies.

If any part of this policy is determined to be void or unenforceable under state or federal law, the remainder of the policy, to the extent possible, will remain in full force and effect. No part of the policy or any procedures herein are intended to affect the City's right to manage its workplace or to discipline its employees, nor is it a guarantee of employment, continued employment, or of any terms or conditions of employment.

The Cullman City Council reserves the right to interpret, change, modify, amend or rescind this policy as a whole or in part. Exceptions to personnel policies may be granted in unusual or extenuating circumstances, but only with the approval of the Mayor.

The information contained in this handbook does not in any way constitute an employment contract, either expressed or implied between the City and the employee. This handbook is not intended to create or imply any contract rights nor is it an invitation to contract.

The Mayor shall have final administrative authority to resolve questions or disputes regarding the application of the policies in this handbook to ensure its implementation is consistent and aligned with applicable law and ordinances.

Effective Dates and Amendments to Handbook

This handbook becomes effective when adopted by the City Council and supersedes all such prior handbooks and/or policies upon its adoption. It will have the force and effect of law. Occasionally, changes are required due to federal, state and/or local legislature, operational changes within the local government, or by other prevailing influences. Therefore, the City Council reserves the right to modify, alter, revoke, suspend, terminate, discontinue, or change any language in this handbook in whole or in part as necessary. Any amendments to this handbook shall be effective upon adoption by the City Council or as otherwise specified therein. If any amendments to this handbook are adopted by the City Council, each employee will be given an updated copy. Where any portion of this handbook, or amendment, shall conflict with a federal or state law, such law shall apply.

Applicability of Policies:

The policies within this handbook shall apply to all employees of the City of Cullman, unless otherwise provided for by exception and shall serve as a guide for the administration of the personnel system of the City of Cullman.

Organization and Administration of Personnel

City Council:

The City Council, as the governing body, shall by ordinance declare the personnel policies of the City of Cullman.

Mayor:

The Mayor, as the Chief Executive Officer of the City of Cullman, shall see that all personnel policies are impartially and equitably administered by establishing administrative procedures necessary to implement, administer, and enforce all authorized personnel policies.

Director of Human Resources:

The Director of Human Resources shall be delegated the responsibility of establishing and administering all approved personnel policies and procedures for the overall administration of the personnel system and shall have the responsibility of informing employees of any and all adopted changes to personnel policies.

Department Heads:

Department Heads shall have the following responsibilities:

- Recommending the selection, retention, transfer, promotion and separation of employees within the department (subject to review by the Human Resources Director and final approval by the Mayor)
- Ensuring that the employees of the department are knowledgeable of the provisions of these policies and adhere to such
- Ensuring that the employees of the department are informed when any provision of these rules affects the terms and conditions of their employment
- Carrying out the duties and responsibilities provided within the personnel policies and procedures and related departmental rules, regulations and procedures

Supervisory Personnel:

It shall be the responsibility of all supervisory personnel to be knowledgeable of and to properly support and administer, fairly and equitably, to all employees under their supervision, the policies of the City of Cullman stated herein and hereafter adopted. Furthermore, it is the responsibility of supervisory personnel to keep all employees cognizant of all policies, rules, and regulations and to assist employees in understanding the policies, rules and regulations, thereby ensuring that the objectives of the policies are achieved.

Employees:

Regardless of any superior's responsibility for making an employee aware of applicable policies, it is ultimately the employee's responsibility to acquaint themselves thoroughly with all personnel policies and procedures, departmental rules and regulations and any subsequent revisions. An employee will be held accountable for his/her lack of awareness, knowledge, or understanding regarding these rules, and a lack of awareness, knowledge, or understanding shall not be an excuse for violation or nonconforming conduct. If any employee has a question about any personnel policy or procedure, departmental rule or procedure, it is his/her responsibility to seek guidance and obtain a definitive answer from supervisory personnel or Human Resources.

Personnel Board:

The function of the Personnel Board, as provided by law and rules, shall be to hear and decide appeals and protests of disciplinary action taken against a permanent employee and to decide appeals of employee grievances. In any investigation or hearing conducted by the Board, they shall have the power to examine witnesses under oath and to compel their attendance or the production of evidence before it by subpoena issued in the name of the Board. Any employee refusing to appear or testify shall be subject to disciplinary action up to and including termination.

The Board shall consist of three members appointed by the City Council. The members shall serve staggered six-year terms so that the term of one member of the Board will expire at the end of every two years. Vacancies occurring during a term of office shall be filled for the balance of the term by the City Council. The Board shall elect from its own members a chairman, a vice-chairman and a secretary-treasurer. A majority of the Board shall constitute a quorum for the transaction of business.

Qualifications:

- No person shall be appointed to the Board who is not a resident and qualified elector of the City of Cullman and over the age of twenty-one years.
- No member shall be employed by or be an official of the City, Cullman County or State of Alabama, nor hold any public office.
- Members of the Board shall take the Constitutional Oath of Office, which shall be filed in the office of the Probate Judge.

Employment, Probation, Employee Status, and Incentives

Offers of Employment:

Department Heads shall recommend qualified applicants to the Mayor for hiring consideration. The Mayor shall review all recommendations for job offers, consult with Human Resources as necessary, and make all final hiring decisions, except for those positions appointed by the City Council. All full-time offers of employment shall be made in writing and issued by the Mayor on behalf of the City, except those positions appointed by the City Council. Employment occurs when the applicant accepts a written offer of employment and a date of hire is agreed upon.

No applicant, except applicants for certain temporary or seasonal positions, shall be employed in a position without certification by the proper medical examining authority that the applicant meets the minimum standards of physical and mental fitness required for the position. For some safety sensitive job classifications, drug testing and psychological examinations shall be required. All physical and mental evaluations shall be scheduled and paid for by the City of Cullman. The Director of Human Resources shall review any medical certification with restrictions for determination of acceptable standards. In the event such restrictions cast doubt upon suitability for employment, the applicant may at his/her own expense, produce medical evidence to support the applicant's contention of suitability. Such medical evidence submitted shall be considered but shall not be binding on the City to offer employment.

Employment of Appointed City Officials (Exempt Service):

Officers of the City as appointed by a majority vote of the City Council, and designated as such by ordinance or resolution, shall serve for one year, or other term as determined by the City Council, or until their successors are appointed.

Any person appointed to office in the City may be removed for cause, after a hearing, by their appointing authority. Those officers appointed or elected by the Council may be removed only by a two-thirds vote of the Council for incompetency, malfeasance, misfeasance, or nonfeasance. The Mayor may place the officers appointed or elected by the Council on administrative leave with pay for "just cause" pending investigation and due process. The Mayor or his/her designee must notify the Council of this action as soon as possible. The Mayor may temporarily assign the duties of an officer on administrative leave to an existing employee until the permanent replacement is appointed by the City Council.

The Mayor may, after the required hearing, temporarily suspend or remove any officer, superintendent, chief, or department head appointed by the Mayor for incompetency, malfeasance, misfeasance, or nonfeasance. The Mayor may temporarily fill the vacancy of any officer appointed by the Mayor until a permanent replacement is appointed.

Employee Residency Requirement:

There is no residency requirement for employees of the City of Cullman.

Employment of Relatives:

The City of Cullman is committed to a policy of employment and advancement based on qualifications and merit and does not discriminate in favor of or in opposition to the employment of relatives. This policy applies to all current employees and candidates for employment.

Relative is defined as one of the following:

- Spouse (or significant other)
- Parent or Stepparent or Parent in-law
- Child or Stepchild, Son or Daughter in law
- Grandparent or Grandchild
- Brother or Brother-in-law
- Sister or Sister-in-law
- Uncle or Aunt
- Nephew or Niece

Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment, which can be carried into the daily working relationship, the City of Cullman will hire relatives of persons currently employed only if:

- Candidates for employment will not be working directly for or supervising a relative
- Candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative, such as hiring, retention, transfer, promotion, wages and leave requests.

Employees and applicants are responsible for reporting any relationship covered by this policy to the appropriate parties (supervisor, department head, Human Resources Director, and/or Mayor). Department Heads are responsible for monitoring and reporting changes in employee relations after initial hire to ensure compliance with this policy. Employees are responsible for immediately reporting any changes to their supervisor. If any employee, after employment or change in employment, enters one of the above stated relationships, one of the affected individuals must seek a transfer or change in the reporting relationship. Such changes must be approved by the Human Resources Director and the Mayor. Employees must also disclose the existence of a romantic or sexual relationship with another co-worker which is not included under the definition of "relative". Disclosure may be made to the individual's Department Head or supervisor and the Director of Human Resources. The Human Resources Director will review the circumstances to determine whether any conflict of interest between the two exists. The Mayor is responsible for ensuring compliance with this policy.

Lateral Hire Policy for Police:

A lateral hire policy has been established by the City Council. To be eligible for hire under this policy, individuals must have current APOSTC certification, have met prescribed years of certified law enforcement experience in good standing, or other state certified law enforcement experience in good standing, have satisfactorily met all standard City of Cullman hiring requirements, and the standard selection requirements of the Cullman Police Department, such as but not limited to, physical agility minimum standards and a background investigation.

- Individuals who have from five (5) to six (6) years of certified law enforcement experience may be hired one (1) step above the minimum range.
- Individuals who have seven (7) or more years of certified law enforcement experience may be hired two (2) steps above the minimum range.

Lateral Hire Policy for Fire:

A lateral transfer policy has been established by the City Council. To be eligible for hire under this policy, individuals must be certified as a professional firefighter, I and II, by the Alabama State Personnel and Standards Commission and be a current State of Alabama licensed Emergency Medical Technician (EMT) that has met and surpassed three (3) years of paid professional firefighter experience. In addition, candidates must have satisfactorily met all standard City of Cullman hiring requirements and Cullman Fire Rescue Firefighter selection requirements.

- Individuals certified as professional Firefighter level I and II who have current State of Alabama licensed Advanced EMT who have three (3) or more years of paid professional firefighter experience may be hired at one (1) step above minimum range.
- Individuals certified as professional Firefighter level I and II who have current State of Alabama licensed Paramedic who have three (3) or more years of paid professional firefighter experience may be hired at two (2) steps above minimum range.

Changes in Employment Status

The term "rate of pay" as used in this section refers to an employee's base rate of pay, exclusive of any educational, military, shift differential or other incentive.

Voluntary Transfers:

Any employee who has demonstrated satisfactory performance within his own department may apply for vacant positions in another department. Transfers will be made without the loss of benefits, retirement, insurance, sick leave and vacation leave credit. Transfers are subject to the approval of both Department Heads and the Mayor.

Involuntary Transfers:

The Mayor may initiate the transfer of an employee from one department to another (if the position that the employee is being transferred to is available, budgeted, and funded by the Council) for any of the following reasons:

- Filling gaps and vacancies
- Employee development
- Workplace dynamics (resolving conflicts, balancing workloads)
- Organizational restructuring
- Budgetary necessity

Pay changes due to transfer are as follows:

- If the employee's rate of pay in his/her current position is less than the minimum pay rate for the new position, his/her pay shall be adjusted to the minimum rate for the new position.
- If the employee's present rate of pay is more than the maximum for the new position his/her rate of pay shall be reduced to a point within the range for the new position, as determined by the Human Resources Director and approved by the Mayor.
- If the employee's current rate of pay falls within the pay range for the new position, his/her pay may remain unchanged or may be changed upon the recommendation of the Department Head with approval of the Mayor.

New Hire Probationary Period:

- Purpose: The probationary period is an integral part of the selection procedure allowing Department Heads and supervisors to train, observe, and evaluate an employee's skills, work performance, and conduct to determine fitness for regular status in the position.
- Duration**:** Each new employee hired to fill an authorized regular, full-time position shall be required to serve a one-year probationary period. Any person employed as a Police Officer or Firefighter who has not completed the minimum training required by law, as well as any training and/or certifications as set forth by the department within the twelve (12) months probationary period shall not become a permanent employee until the training and/or certification is completed. At any time during the probationary period, by written notice, the Mayor may notify the probationary employee that their employment is terminated with or without cause.
- Any person who during any portion of their probationary period takes leave due to worker's compensation, lay off, sick leave, military leave, leave without pay, personal leave, or any other leave of absence, may have their probationary extended past the first 12 months of employment for the length of time that the employee was on leave, if requested by their Department Head, and approved by the Mayor.

Promotion:

Vacancies in positions above the entry level may be filled so far as practical by the promotion of qualified full-time employees of the City of Cullman. When promoted to a higher position, employees are required to serve a one-year probationary period. At any time during the probationary period, the Mayor may notify the employee in writing that they have failed to satisfactorily complete the probationary period (which is not eligible for appeal) and may elect to reassign the employee their former position, or another open position within the City.

The Mayor is authorized to promote an employee, upon the recommendation of the Department Head, when such promotion is warranted for the retention or upon the employee's attainment of an advanced certification, or the employee's advanced qualifications.

A promotion may include a reclassification of an existing position when the employee's duties, responsibilities, qualifications, or certifications justify such action. A reclassification shall not be considered the creation of a new position, provided it does not result in an increase to the total number of positions authorized in the Council approved position control.

Any action that adds an additional position or employee to the Council approved position control or otherwise increases the total number of authorized positions shall require prior authorization by the Council.

Pay increases due to promotion are as follows:

- If the employee's current rate of pay is less than the minimum rate established for the new position, then his/her pay shall be set at the minimum rate for the new position but not less than 3% above his/her payrate before promotion.
- If the employee's current rate of pay falls within the established pay range for the new position, the employee shall receive a 3% pay increase, unless the Appointing Authority authorizes a greater increase.

Pay Incentives:

Educational Incentives:

- Any hourly, non-exempt employee who earns an associate's degree from an accredited institution will be entitled to 5% over the employee's current base pay.
- Any hourly, non-exempt employee who earns a bachelor's degree from an accredited institution will be entitled to 10% over the employee's current base pay.
- Education incentive is not stackable with military incentive.

Military:

- Any hourly, non-exempt employee who is an active member of or has received an honorable discharge from any branch of the United States Military will be entitled to an additional 5% over the employee's current base pay.
- The military incentive may not be combined with or applied concurrently with an education incentive. However, if, during employment, an employee becomes eligible for an education incentive that is greater in value than the applicable military incentive, the education incentive of greater value will apply.

Shift Differential:

- Employees permanently assigned to an overnight shift shall receive 5% above their current base pay as shift differential. (This does not include employees working 48-hour shifts.)

Demotion:

An employee may be demoted to a position of lower grade for which they are qualified for any of the following reasons:

- The employee's current position is being abolished, and they would otherwise be laid off due to a lack of funds or a lack of work.
- The employee's performance in the position is not considered satisfactory.
- The employee's conduct is not satisfactory.
- Failure to satisfactorily complete a probationary period associated with a promotion, which is not eligible for appeal.
- The employee voluntarily requests such demotion.
- Loss of, or failure to obtain certification required for existing position

Pay changes due to demotion are as follows:

- If the employee's present rate of pay is more than the maximum for the lower position, his rate of pay shall be reduced to a point within the range for the lower position, to be determined by the Human Resources Director, with approval by the Mayor.
- If the employee's present rate of pay is within the range for the lower position, the employee's salary may remain the same or may be changed on the recommendation of the Department Head with the approval of the Mayor.
- If the demotion is the result of the employee's failure to successfully complete a probationary period associated with the promotion, the employee's rate of pay shall be returned to the rate of pay before promotion as adjusted by any cost of living or across the board increases that may apply.

Resignation:

Any employee wishing to leave employment in good standing shall file with his supervisor a written resignation at least two weeks before leaving. Such notice shall promptly be reported to the Human Resources office. Failure to comply with this procedure may be cause for denying future employment. An unauthorized or unreported absence for three days or more may be considered a resignation, unless designated an unforeseen and emergency exception by the Mayor.

Layoffs:

Employees in the classified service may be laid off when it is necessary because of a shortage of funds or work or changes in organization. Within a class in which such a reduction of employees is necessary, the order of layoffs shall be as follows:

- Temporary employees
- Probationary employees
- Employees with permanent classified status
    - Seniority will be considered, but not determinative, in the order of layoff

Return of City Property Upon Separation:

Employees separating from employment with the City, due to resignation, retirement, termination, layoff, or any other reason are required to return all City-owned property prior to their last day of employment, unless another deadline is established by the City in writing.

City property includes, but is not limited to:

- Identification badges and access cards
- Keys and key fobs
- Computers, laptops, tablets and other electronic devices
- Cell phones and other devices
- Passwords, PINs, encryption keys, authentication methods, and access credentials necessary for the City to access its information and systems
- Documents, files, manuals, and records (paper or electronic)
- Credit cards, fuel cards and uniforms
- Vehicles
- Equipment and tools
- Any other City owned property

Employees may not retain, destroy, alter, or refuse to provide access to any City records or information after employment ends.

All electronic records, emails, files, and information created, maintained, or stored in the course of employment are property of the City of Cullman.

Failure to return City property or provide access credentials may result in the City pursuing any civil or criminal remedies available under applicable law.

The Classification Plan

Classified Service: The classified service comprises all offices and positions within the City of Cullman, now existing, or hereafter created that are paid for by City funds, except for those offices and positions that are listed as exempt.

Exempt Service: The exempt service is not part of the classified service and consists of the following offices and positions:

- All elected or appointed City of Cullman officials
- Positions of voluntary personnel and personnel appointed to serve without pay
- Consultants rendering temporary professional services
- Positions involving seasonal, part-time or temporary employment
- Such positions involving unskilled or semi-skilled work as may be determined by the City Council
- All heads of departments and superintendents, as appointed by the City Council or Mayor, who report to the City Council and/or Mayor
- Non staff (outside) attorneys offering legal service

The classification plan provides for the grouping into a single class, positions which involve substantially the same kind of work, work of equal difficulty or responsibility, and/or comparable qualification for work performance. The classification plan consists of:

- A schedule of class titles appropriately descriptive of the nature of the work of several classes
- Written specifications describing the nature and requirements of work in each class
- Materials regarding the interpretation and application of the class specifications.

Class titles shall be used in all personnel records. No person may be appointed to or employed in a position in the classified service under a title not included in the classification plan. In determining the class to which any position should be allocated, the specifications of each class shall be considered. Consideration shall be given to the duties, specific tasks, responsibilities, qualification requirements, and relationships with other classes. The Human Resources department is responsible for continuous administration of the classification plan and shall recommend amendments to the classification plan to the City Council as necessary.

When the duties and/or responsibilities of a position change significantly, the department head may make a written request for a study of said position. Such a request shall contain the reasons for the review and carry the approval of the Mayor. If after a study is completed, it is found that the position is not in the most appropriate class, and with the approval of the Mayor, Human Resources shall request the City Council approve a resolution to reallocate the position to the proper class if the budgeted funds are available.

The Pay Plan:

The City Clerk, in cooperation with the Human Resources Director, is responsible for recommending a pay plan for all classified positions, which is subject to the approval of the City Council. The Pay Plan shall consist of:

- A schedule of an incremental range of rates of pay which reflects the minimum and maximum rates for each range
- A schedule showing the pay range to which each class is assigned and the job titles contained in each class.
- Policies showing the interpretation and application of the scheduled ranges of pay

The Clerk, in cooperation with the Human Resources Director, shall prepare and recommend a revised pay plan for each class of employment in the classified service based on economic factors. The City Council may or may not adopt the revised plan. The City Council may incorporate any modifications or amendments to the revised pay plan. When the Council adopts a revised pay plan, it shall be implemented and shall supersede any previous plan.

As part of the budget process each year, the City Council will determine increases or decreases in salaries and the pay plan based on the financial condition of the City. Annual pay adjustments may take the form of a flat amount and/or percentage increase.

Appointment Rate:

General Employees:

Upon initial appointment to a regular, full-time position, the entrance rate of new hires shall normally be the minimum rate of the salary grade for the position classification involved. However, when an applicant for a position possesses qualifications or experience level distinctly above the minimum qualifications required for the position, the Mayor may authorize an initial entrance rate above the minimum rate up to step 2 for said position, if the budgeted funds are available and have been approved by the City Council.

Work Cycles and Overtime Pay

Employees are paid biweekly on every other Friday for all work performed through the end of the previous period. If a regularly scheduled pay day falls on a holiday, employees will be paid on the last working day before the holiday. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. Supervisors will advise employees of the times their shift will normally begin and end.

Any employee who works more than the number of hours for which they may legally be paid straight time will be compensated for overtime hours at one and one-half his normal hourly rate of pay or the compensation due pursuant to federal and state law. All overtime will be paid to the employee according to the pay cycle or period of their job. Employees who work overtime that has not been approved by their Department Head may be subject to discipline. Department heads and other persons determined to be exempt from overtime pay under the provisions of the Fair Labor Standards Act shall be exempt from this section. Paid time off for a holiday, vacation leave, sick leave, personal leave, administrative leave, and military time taken will not count as hours worked for the purpose of calculating overtime.

Employees may not take paid leave time which causes their pay period total time calculation to exceed their standard pay cycle hours.

General Employees:

The standard work week is a forty (40) hour week beginning at 12:01 a.m. Wednesday and ending at 12:00 midnight on the following Tuesday.

All general employees, except those deemed exempt under the provisions of the Fair Labor Standards Act, shall receive time and one half pay for all hours of unscheduled work performed in excess of their regular work schedule each week of the bi-weekly pay period, provided the employee actually works all regularly scheduled hours in the week in which the unscheduled work is performed; otherwise, hours for premium pay (time and one half) will be reduced by the number of hours not worked in the week and payment shall then be made on a straight time basis for these hours. In calculating overtime, hours off on paid leave or holidays will not be counted as time worked. In the event federal or state law requires otherwise, federal and/or state law will be followed.

Police:

A 14-day work period has been established for law enforcement officers in accordance with the Fair Labor Standards Act (FLSA). The number of scheduled work hours established for this work period is 86.

All law enforcement officers shall be paid an overtime rate for all unscheduled hours of work performed in excess of 86 hours in the 14-day work period, provided the employee actually works all regularly scheduled hours in the pay period in which the unscheduled work is performed; otherwise, hours for premium pay (time and one half) will be reduced by the number of hours not worked in the pay period, and payment shall be made on a straight time basis for these hours. In calculating overtime, hours off on paid leave or holidays will not be counted as time worked. In the event federal or state law requires otherwise, federal and/or state law will be followed.

Fire:

A 24-day cycle has been established for firefighting employees working 48-hour shifts in accordance with the Fair Labor Standards Act (FLSA). The number of scheduled work hours established for this work period is 168.

Work cycle defined: Cullman Fire Rescue works a 24-day cycle under the 7K exemption defined for fire departments within the FLSA. Under this cycle, shift personnel are due overtime for all hours worked over 168. The policy is to pay overtime when it is earned as opposed to waiting until the end of the cycle. Annual scheduled hours for firefighting employees total 2,556 divided by 26 pay periods establishing 98.31 hours in a 12-day work period. All firefighters shall be paid an overtime rate for all unscheduled hours of work performed in excess of 98.31 hours in a 12-day work period, provided the employee actually works all regularly scheduled hours in the work period in which the unscheduled work is performed; otherwise, hours for premium pay (time and one half) will be reduced by the number of hours not worked in the pay period, and payment shall be made on a straight time basis for these hours. In calculating overtime, hours off on paid leave or holidays will not be counted as time worked. In the event federal or state law requires otherwise, federal and/or state law will be followed.

Working out of Classification:

If a full-time employee, through the direction of the Department Head, is temporarily assigned the responsibility of performing all duties normally performed by another employee in a significantly higher classification, that employee shall, after a reasonable period of training and development, equivalent to two consecutive pay periods within such classification, be entitled to receive additional compensation equivalent to the entry pay of the higher classification but not less five percent (5%). In the event that the temporary vacancy or absence becomes permanent, the Department head shall consider all qualified and eligible applicants or candidates regardless of any previous assignment.

<u>Provisions for Temporary Appointment and Compensation:</u>

- A temporary vacancy must exist within the department
- As determined by the Department Head, a temporary out-of-class appointment is necessary for the efficient operation of the department.
- The Department Head, subject to approval from the Mayor, shall have the discretion to designate which full-time employee, if any, shall be assigned and for what duration the employee may serve
- An employee must first have served a reasonable amount of time equal to all scheduled working days within two consecutive pay periods in the new classification, in order to be eligible for compensation under this policy

<u>Method of Compensation:</u>
A full-time employee who is temporarily assigned to a higher classification, and who, either continuously or intermittently, serves within that new classification for a period of time in excess of the equivalent of two consecutive pay periods, shall thereafter receive compensation equal to the established minimum salary rate of the new higher grade, or the salary rate (step) which provides at least a 5% increase for each higher grade above the employee's current rate of pay in the lower grade, whichever is greater.

Call Out Provisions:

A "call out" is considered to have occurred whenever the employee must leave their residence in response to a work call outside of normal scheduled working hours. Accepting or initiating a phone call does not qualify as a "call out" under this policy. Non-exempt employees who are called to return to duty outside of normal working hours to perform emergency or necessary services on behalf of the City, as directed by their supervisor, will be paid a minimum of two (2) hours' work at the employee's current regular rate of pay. The determination of whether the

hours are paid at a straight time rate or overtime rate will be determined by the number of hours worked during the period, and balanced against any paid leave, holiday pay, etc.

- If the actual work exceeds two hours, the employee will be compensated for actual time worked.
- If the actual time worked is less than two hours, the employee will be compensated for two hours.

Employees on call will only be compensated when time is actually worked in compliance with the Federal Labor Standards Act. Employees on call shall maintain a reasonable distance per job requirements in order to produce reasonable response times when job related situations arise. Employees who are on call are expected to maintain a fitness for duty while on call. Employees who are "on call" are expected to respond when required, or they may be considered AWOL.

On Call Phone Calls:

Employees whose "on call" duties require them to receive phone calls outside of normal scheduled working hours shall be compensated for time worked, with a minimum compensation of 15 minutes paid for each occurrence. Employees are expected to keep accurate records of time worked while on call and submit this information to their supervisor for entry into the payroll system. In the event of an audit, employees should be prepared to submit call logs or other records for review upon request.

Off Duty Work by Police Officers:

Police Officers of the City of Cullman may accept off-duty employment subject to the Police Department's written directives, along with the following restrictions and guidelines: Any officer seeking to accept outside employment must file with the office of the Chief of Police a request for approval of outside employment. This request shall include:

- The location and nature of the outside employment
- Whether the job is a one-time event or is continuous
- Whether the job is to be worked in uniform
- A list of any public equipment that may be used during the job
- Any other information required by the Chief of Police

The Chief of Police or his designee shall approve or disapprove of any outside employment in writing and may place conditions not inconsistent with City policy upon the acceptance of outside employment. Public equipment may be used only as approved by the Chief of Police.

Off Duty Work by Firefighters:

Firefighters of the City of Cullman may accept off-duty employment subject to the Fire Department's written directives, along with the following restrictions and guidelines.

- Outside employment shall not interfere with proper performance of an employee's duties with Cullman Fire Rescue
- Any firefighter seeking to accept outside employment using City of Cullman equipment or uniforms must file with the office of the Fire Chief, a request of approval for the outside employment.
- Outside employment involving emergency medical services is subject to Alabama Department of Public Health Emergency Medical Services Rules, Protocols, and Guidelines.

The Fire Chief or his designee may decline to approve of any outside employment and may place conditions not inconsistent with the City's policy upon the acceptance of any outside employment.

Attendance and Leave Policies

To ensure proper administration of these rules, each Department Head is responsible for designating the supervisory personnel to whom employees in their department are to report absences or lateness, and the sequence in which these people shall be contacted by the employee.

Time Reporting:

Timecard Approval Procedures. At the end of each pay period, both the employee and their supervisor are required to review for accuracy and enter an approval for time worked and leave hours recorded in the City's electronic time keeping system. By approving the timecard in the system, the supervisor and the employee, respectively, are attesting that to the best of his/her knowledge that the information submitted on the timecard is complete and accurate. By the deadline, a time and date set forth by the payroll division of the Human Resources Department, all employee timecards are expected to be approved and ready for processing each bi-weekly payroll period.

Attendance:

Employees shall be at their designated places of work at the beginning of the scheduled work time and location as determined by their supervisor. If an employee fails to report, is tardy, leaves the workplace without proper authorization, or misuses leave privileges, such employee is subject to disciplinary action.

Employees shall be responsible for ensuring that notification of any unscheduled absence is reported to their immediate supervisor or other designated individual in accordance with the department policy; or in the absence of departmental policy, no later than 30 minutes after the beginning of the scheduled workday on which the absence occurs. Unauthorized absences without proper notification may result in disciplinary action, including termination.

Requesting paid leave in the electronic timekeeping system does not qualify as proper notification of an absence to a supervisor. Employees submitting a time off request without direct communication with their supervisor may be considered AWOL (Absent Without Leave) and may be subject to progressive discipline.

Public Safety departments may require standard operating guide (SOG) procedures regarding attendance that may vary slightly from the policy outlined below due to minimum staffing requirements, and the nature of their work as emergency responders. Employees in those departments should familiarize themselves with their SOG in its entirety. If no provision is made in the SOG for a specific issue, the guidelines in this handbook will govern as they do in other departments.

Authorized Leave:

Authorized leave is any absence during regularly scheduled work hours that is approved by the proper authority. Authorized leave will be granted in accordance with these rules and on the basis of work and departmental requirements.

The department head, or other proper authority, may cancel any scheduled leave at any time in the event of emergency situations and/or the necessity for certain manpower requirements. Should such cancellation of leave occur, the employee shall report to work as directed. Failure to report shall be grounds for disciplinary action.

Employees are responsible for requesting paid leave for supervisor approval electronically through the electronic time keeping system.

If leave is not requested by the employee and approved by an appropriate supervisor, the request will not be considered for payroll.

Vacation Leave:

Eligible employees will be credited with vacation leave as it is earned. Probationary employees do not earn vacation leave for the first year of employment; however, after successfully completing the probationary period, the employee will be credited with the vacation which they would normally have earned. No vacation benefits are provided for temporary, seasonal, or part-time employees. Leave time shall not accrue while in a non-pay status. Pay periods in which an employee does not work a full schedule and does not have enough accrued leave to cover the full schedule or is not approved for paid leave to cover the full schedule shall result in accruals earned for the period being prorated based on hours paid for the period.

Permanent full-time employees shall accrue vacation leave at the following rates:

- Less than five years of continuous service: 6 2/3 hours per month
    - 48-hour employees: 10 hours per month
- 5-10 years of continuous service: 8 2/3 hours per month
    - 48-hour employees: 13 hours per month
- 10-15 years of continuous service: 12 hours per month
    - 48-hour employees: 18 hours per month
- 15+ years of continuous service: 13 1/3 hours per month
    - 48- hour employees: 20 hours per month

Vacation leave will be scheduled at the mutual convenience of the employee and the Department Head or supervisor. The proper authority may cancel any scheduled leave at any time in the event of emergency situations and /or the necessity for manpower requirements. Should cancellation of leave occur, the employee shall report to work as directed. Failure to report shall be grounds for disciplinary action. If vacation leave must be denied or previously approved leave cancelled, an alternative period of time should be scheduled, if possible.

The employee is responsible for submitting requests for vacation leave in the current electronic time keeping system. Supervisors should review and respond to requests in the electronic system as promptly as possible.

In charging vacation leave, each hour absent shall be counted as one hour of vacation leave. Regular days off and holidays occurring during vacation leave will not be charged as vacation.

Vacation hours may not be used in excess of an employee's normal work schedule. An employee who is on scheduled vacation leave and becomes sick as supported by proper medical documentation may request to have that portion of their vacation leave converted to sick leave with the approval of their supervisor. Vacation leave may be used as sick leave if sick leave benefits are exhausted, subject to the approval of the Department Head; however medical documentation certifying the need for leave may be required.

Upon separation of employment, employees who have successfully completed their one-year probationary period shall be paid any unused portion of earned vacation leave. Unused vacation leave may be carried over from one calendar year to the next up to a maximum of 240 hours (360 for 48-hour employees). Any vacation leave in excess of 240 hours (360 for 48-hour employees) must be taken prior to December 31 or it will be forfeited. In the event of the employee's death, payment of all accrued vacation leave credited to the employee's leave balance at the time of death shall be made to the beneficiary on file or to the estate of the employee.

Sick Leave:

Sick leave with pay is not a right for which employees may make a demand, but it is a privilege granted in accordance with the prescribed rules and regulations, to which the Mayor may make exceptions as the best interest of the City demands. Sick leave benefits are to provide some measure of financial assistance to employees in the event of illness of the employee or the employee's immediate family.

Each employee shall earn sick leave at the rate of four (4) hours for each full bi-weekly pay period, except for employees working 48-hour shifts who earn sick leave at a rate of six (6) hours bi-weekly. Sick leave shall be credited as earned. Leave time does not accrue while in non-pay status. Pay periods in which an employee does not work a full schedule and does not have enough accrued leave or is not approved for paid leave to cover the full schedule shall result in accruals earned for the period being prorated based on hours paid for the period.

Sick leave may be granted for absences due to personal illness, including pregnancy, or childbirth, or illness or death in the immediate family. Absences for appointments with physicians, dentists, optometrists, therapists and other medical personnel for examination or treatment shall be charged to sick leave. Sick leave is not available for any other purpose; however, the Mayor may approve alternative uses of sick leave under extenuating circumstances.

Immediate family with respect to illness is defined to include:

- Husband or Wife
- Children of each
- Parents of each

Immediate family with respect to death is defined to include:

- Husband or Wife
- Children of each
- Parents of each
- Grandparents of each
- Brothers and sisters of each
- Grandchildren of each
- Sons or Daughters-in-Law
- Brothers or Sisters-in-Law of each

Where close personal ties exist, the Mayor may approve exceptions with respect to illness and/or death.

If sick leave is exhausted, available vacation leave may be used with the approval of the employee's supervisor. Absences of three (3) consecutive shifts or more will require a doctor's excuse to be paid sick leave. A total of five (5) absences within a 30-day period, (three (3) for 48-hour employees) consecutive or non-consecutive, will require a doctor's excuse for paid sick leave. Doctor excuses issued by a telehealth provider for non FMLA protected leave may require Human Resources approval.

Unexpected Sick Leave:

A request for unexpected sick leave should be made prior to the time that the employee is scheduled to start work. Submitting a sick leave request electronically without direct communication with a supervisor may not be approved.

Proper Use of Sick Leave:

The Department Head or designated representative, and if necessary, the Human Resources Director shall determine if the employee is making proper use of sick leave benefits. Appropriate medical certification or documentation in accordance with privacy rules and regulations may be required by the department of the employee to determine proper use of sick leave benefits. Also, appropriate work excuses in accordance with privacy rules and regulations may be required by the department for an immediate family member to determine proper use of the employee's sick leave benefit. A misuse of sick leave shall be considered insubordination and will be dealt with according to the extent of the offense. An employee may be subject to disciplinary action if he/she engages in outside employment at any time within a calendar day during which sick leave is claimed. Employees are expected to manage their sick leave responsibly and ensure they have sufficient sick leave available when needed. Calling in sick without available sick leave is not permitted, except in special circumstances such as approved FMLA leave or ADA accommodation or other circumstances approved by the Mayor.

Vacation leave may be used as sick leave when the following conditions are met:

- The sick leave of the employee is exhausted
- The employee has vacation time available to use
- The employee's supervisor approves of said use

An employee who has exhausted both sick and vacation leave may be granted leave without pay by the Mayor. The request for this leave should be made in writing to their supervisor, who will forward the request to Human Resources for review by the Mayor.

Employees may also request that donations of leave time be allowed to cover emergency sick leave when they do not have a sufficient sick or vacation leave balance, subject to the approval of both the department head and the Mayor. See: **Leave Transfer Donations.** Employees who have exhausted sick leave and are not approved for the opportunities above, who do not report to work, will be treated as Absent Without Leave (AWOL) and will be subject to discipline.

Sick leave may not be carried over to the next calendar year in excess of 960 hours, except those employees working 48-hour shifts may carry over up to 1440 hours. Effective in 1993, and every calendar year thereafter, any employee who has accumulated the maximum hours of sick leave which may be carried over to the next year, will be paid one half of the excess sick leave earned during the year and not taken, which the employee would otherwise lose. Such pay is to be calculated at the employee's regular hourly rate. Sick leave may not be used during or to complete a notice of resignation, unless a valid doctor's excuse certifying the need for medical leave is provided and approved.

Change in Schedule:

If a firefighting employee working 48-hour shifts transfers or is promoted to another position within the fire department or in another City department where they will no longer work 48-hour shifts, the employee's accumulated sick leave shall be converted to an equivalent number of hours to provide equivalent benefits under the employee's new shift schedule.

Separation:

Upon separation from the service of the City, no employee shall receive pay for accumulated sick leave except:

- Those employees who retire through the Retirement Systems of Alabama
- Those that terminate employment due to death, who at the time of death were vested with at least ten years of service in the Retirement Systems of Alabama
- Those employees who voluntarily separate from the City in good standing and are vested with at least ten years of service in the Retirement Systems of Alabama.

Employees who qualify shall be compensated for one half of their accumulated sick leave. Pay will be based on the employee's regular hourly pay at separation.

Personal Leave:

Employees may use up to twenty-four (24) hours of sick leave earned any one year as Personal Leave; however, employees working 48-hour shifts may use up to thirty-six (36) hours of sick leave during any year as Personal Leave. Personal leave is given for the purpose of conducting personal business and personal leave days may not be taken in secession without the approval of the Mayor. Personal leave may not be used during or to complete a notice of resignation.

Wellness Leave:

The City of Cullman recognizes that employee well-being is an important part of a healthy, engaged, and productive workforce. To support employees in taking time to attend to their personal well-being, the City will provide each full-time, permanent employee with a paid Wellness Day each fiscal year.

To request a Wellness Day, employees should follow the guidelines and procedures set forth in their department for requesting and scheduling vacation leave.

Wellness Day benefits are their own category of leave, and will not be charged to vacation, sick leave, personal leave or other earned accruals. Wellness days cannot be banked and do not carry over from year to year or pay out upon separation.

Emergency Closings:

At times, emergencies such as severe weather, fire, power failure, or other disasters may disrupt City operations. In extreme cases, these emergencies may require the closing of City facilities. If such an emergency occurs during non-working hours, closing will be announced on the City's mass communications notification system. When operations are officially closed due to emergency conditions, the time off from scheduled work will be unpaid. However, with supervisory approval, employees may use available paid leave time, such as vacation or personal leave. Employees in essential operations who work on a day when facilities are officially closed will receive regular pay for the time worked.

Leave With Pay:

Leave with pay may be authorized by the Mayor as a required witness for job related matters or jury duty provided that such leave is reported to the Human Resources Director.

Administrative Leave:

Administrative leave is leave with pay granted to employees and not requiring the employee to use accrued paid leave. The Mayor may grant Administrative Leave with pay at his/her discretion, for reasons including, but not limited to:

- Short term circumstances involving an unforeseeable catastrophic event that is beyond the control of the employee, such as hazardous weather events or emergency conditions which necessitate the closing of the workplace or other safety concerns.
- As part of the Fit for Duty process.
- As a non-disciplinary measure when disciplinary action is being considered by the Department Head.
- During an investigation into misconduct.

Leave of Absence:

An employee may be granted leave of absence without pay for a period, not to exceed one year, unless a request for an extension is approved by the Mayor for sickness, disability, education, seeking nomination or election to public office, or for other good and sufficient reason not detrimental to the best interest of the City.

Where the employee qualifies for leave pursuant to the Family Medical Leave Act, the leave of absence, up to the first twelve weeks, shall be considered to be family and medical leave and shall run concurrent with any leave of absence granted under this section.

Employees who apply for and receive approval for a leave of absence shall not be entitled to any accrued benefits during the period of absence. Employees will be required to pay all premiums for group insurance during the period

of absence to maintain eligibility for such benefits. Failure to return to work from a leave of absence at the prescribed time may be considered a resignation.

Leave Transfer Donations:

The purpose of the Leave Transfer Program is to allow a regular, full-time employee of the City to transfer portions of their unused accrued vacation or sick leave to another regular, full-time employee of the City, who is absent from work without available paid leave due to a medical emergency for a period of time. Any regular, full-time employee entitled to use and accrue leave benefits, encountering a medical emergency, may make a request for such a donation by submitting a written request to his/her Department Head. Application for a potential leave recipient shall be reviewed by the Department Head, and a recommendation for approval/disapproval will be forwarded to the Director of Human Resources. The Director of Human Resources will review the recommendation of the Department Head with the Mayor, who shall have final authority to approve the application. In evaluating an application for leave donations, the authorizing officials may take into account for purposes of approving or disapproving the application, the manner in which the employee has utilized previous leave benefits, whether or not the emergency was foreseeable, whether there are reasonable alternatives to being absent available, or any other circumstances unique to the medical emergency.

Upon final approval, the Human Resources department will distribute a leave donation form to each City department. Employees may voluntarily sign up to donate sick or vacation time in the amount of their choosing, not to exceed their current accrued balance at the time of donation. The decision to donate leave must be completely voluntary. An employee may not directly or indirectly intimidate or coerce any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using leave.

Use of Transferred Leave:

The leave recipient must first exhaust any paid leave they have accrued before accessing donated leave time. Probationary employees approved for leave donations may receive vacation donations with the approval of the Department Head and Mayor. These donations will be converted to sick leave when crediting them to the probationary recipient to make them available for use. Leave donation privileges shall stop when the medical emergency terminates or when the recipient returns to work on a full-time basis. Any donated leave unused by the leave recipient when the medical emergency terminates will be restored to the donor.

Military Leave:

Military leave shall be granted in accordance with the laws of the State of Alabama governing military leave.

Workers' Compensation:

Employees are covered by Workers' Compensation Insurance which compensates employees absent from duty because of bodily injury or occupational illness incurred in the line of duty. Employees will receive their usual compensation from the City for regularly scheduled hours of work for the day on which an injury or illness occurs and up to the next three scheduled workdays. Employees do not accrue vacation or sick leave while receiving workers' compensation benefits. The City will continue to pay its share of medical and life insurance premiums. Filing or participating in a false or misleading workers' compensation claim will be cause for disciplinary action, up to and including termination. As provided by section 25-5-51, Code of Alabama 1975, as amended, a worker injured in the workplace or in the course of employment will not be paid benefits under the Alabama Workers' Compensation Law if the injury is a result of an accident caused by the employee's impairment by drugs and/or

alcohol. Further, a positive drug test conducted and evaluated pursuant to Section 25-5-51 shall be a conclusive presumption of impairment resulting from use of illegal drugs.

Light Duty:

Requests for light duty will be evaluated on a case-by-case basis, and approval will be contingent upon departmental needs. Approval from the Mayor will be required for light duty assignments. Light duty for work-related illness and injury will be provided based upon departmental needs and the department's ability to accommodate any medical restrictions associated with the request.

Holiday Leave:

Classified full-time employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving (Thursday and Friday)
- Christmas Eve
- Christmas Day

Classified full-time employees having a Monday through Friday work schedule:

- Holidays falling on Sunday may be observed on the following Monday.
- Holidays falling on Saturday may be observed on the preceding Friday.

The Mayor may alter the observation dates of holidays as deemed appropriate for serving the public.

If an employee is scheduled to work on a City observed holiday, that employee will be paid holiday time in addition to hours worked. If an employee is scheduled to work on a City observed holiday but does not work his shift, that employee will receive holiday pay but may not use any paid leave in addition to holiday pay. Employees who do not report when scheduled to work on a City observed holiday due to unexpected illness may be required to present a doctor's excuse to be eligible to receive holiday pay.

To be eligible for holiday pay, an employee must be in active employment status and not be on leave without pay, disciplinary suspension, or unpaid leave of absence on the previous scheduled workday or the next scheduled workday. An employee on scheduled or authorized and compensable leave (including paid leave pursuant to the Family Medical Leave Act) when the holiday is recognized shall be compensated for the holiday in lieu of use of accrued leave. No employee will be eligible for holiday pay if he/she has an unapproved absence on the last scheduled workday before the holiday or the next scheduled workday after the holiday. A doctor's excuse may be required to excuse unexpected illness in these circumstances.

Family Medical Leave Act (FMLA)

This policy is meant to provide employees with a basic framework concerning when FMLA leave can be taken, how much leave may be taken, and how the leave may be requested. This policy is not intended to be all-inclusive. Each case is unique. Employees should contact Human Resources with specific questions about FMLA. Qualified employees of the City of Cullman are entitled to take up to twelve (12) weeks of unpaid, job protected leave, in a 12-month rolling period, as provided by the Family Medical Leave Act (FMLA) for:

- The employee's own qualifying serious health condition
- To care for his/her spouse, child, or parent with a qualifying serious health condition
- Birth of the employee's child or placement of a child with the employee for adoption or foster care
- To bond with a child (leave must be taken within one year of the child's birth or placement)
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent

An eligible employee who is a covered service member's spouse, child, parent or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

Eligibility:

Employees are eligible for FMLA leave once they have worked for the City for at least one year and have performed at least 1250 hours of work during the previous twelve months, subject to other legal requirements.

Leave Usage:

Except for employees taking leave to care for a newly born or newly placed child, employees are not required to use their leave entitlement in one block. Leave may be taken intermittently, or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for medical treatment so as not to unduly disrupt the employer's operation. Leave due to qualifying exigencies may also be taken intermittently.

Employee Responsibilities When Requesting FMLA Leave:

Notice:

Employees must provide a 30 day advance written notice of the need to take FMLA when the need is foreseeable. (FMLA request forms are available in Human Resources.) When a 30-day advance notice is not possible, employees must provide written notice two (2) workdays before leave is to begin, or as soon as practicable, considering the individual facts and circumstances. Employees requesting leave should comply with the City's absentee reporting requirements. Excessive delay could lead to a delay in designation of absences as FMLA protected leave.

Medical Certification Requirement:

Employees may be required to provide a medical certification and periodic recertification supporting a need for leave. Medical certifications must be issued by the health care provider of the eligible employee or the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate, and be returned to Human Resources within 15 days of receipt. Employees must provide sufficient information for the City to determine if the leave requested qualifies for FMLA protection. Sufficient information may include that the employee is unable to perform job functions, the employee's family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. The employee is not required to provide a medical diagnosis as long as sufficient information is given. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously

taken or certified. If the City determines that a written certification is incomplete, it will provide a written notice indicating what information is required. Qualified employees and the City will and must comply with FMLA requirements. At the conclusion of the employee's leave pursuant to the Family Medical Leave Act where the leave was for the purpose of the employee's own serious health condition, the employee shall provide to the Human Resources department, upon return to duty, a medical certification that the employee is fit to resume the functions of his/her job. The employee may be subject to a Fitness for Duty before he/she is able to return to duty.

Employer Responsibilities in Responding to Requests for Leave:

The City will inform an employee requesting leave if they are eligible under FMLA. If the employee is eligible, the City will also specify any additional required information, as well as provide a description of the employee's rights and responsibilities. If the employee is not eligible, the City will provide a reason for ineligibility. The City will inform the employee if leave will be designated as FMLA protected and the amount of leave counted against the employee's leave entitlement.

Substitution of Paid Leave or Unpaid Leave:

Employees shall be required to use any accrued paid leave while taking FMLA leave. Employees must comply with the City's normal paid leave policies.

Benefits:

Subject to limitations under the law, while employees are on FMLA leave, the City will continue health insurance coverage as if the employee were not on leave. Employees on unpaid leave must make arrangements with the City to pay their share of the premium. On return from FMLA leave, most employees will be restored to his or her original or equivalent position with equivalent pay, benefits, and other employment terms as if he or she had remained in the workplace.

The FMLA does not affect federal or state law prohibiting discrimination, nor does it supersede greater family or medical leave rights that are granted by State or local law or collective bargaining agreement. An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to FMLA. An employee may file a complaint with the U.S. Department of Labor, Wage and Hour Division 866-487-9243; www.dol.gov/whd or may bring a private lawsuit against an employer if his/her FMLA rights are abridged.

Alabama Living Donor Protection Act

The City of Cullman recognizes the importance of living organ and bone marrow donation and provides eligible employees with paid Living Donor Leave (LDL) in accordance with the Alabama Living Donor Protection Act (ALDPA).

Living Donor Leave (LDL) is intended to provide eligible employees with paid time away from work to undergo a medical procedure to donate an organ or bone marrow and recover from the procedure.

Living Donor Leave is a separate classification of leave. Time designated as living donor leave shall not be charged against or reduce an employee's available sick leave, vacation leave, personal leave, or any other leave provided by the City. Unused LDL shall not be accrued, carried forward, or paid out upon separation of employment.

Eligibility:

A permanent employee of the City who has completed at least one (1) year of continuous service with the City is eligible to request Living Donor Leave.

Qualifying Leave:

Eligible employees may be granted paid Living Donor Leave for:

- Donation of all or part of an organ to another individual
- Bone marrow donation

LDL may be granted for a period up to:

- Thirty (30) calendar days for an organ donation
- Seven (7) calendar days for a bone marrow donation

The amount of leave granted will be based on the employee's circumstances and the medical documentation provided, subject to the applicable statutory maximum.

Duration and Scheduling of Leave:

Living Donor Leave is measured in calendar days, not hours or workdays. During an approved LDL period, the employee shall be relieved from all regularly scheduled work shifts that fall within the approved leave period, regardless of the employee's assigned work schedule or shift length. The number of shifts or work hours occurring in the approved leave period may differ based upon the employee's regular schedule.

For employees assigned schedules other than a traditional Monday-Friday schedule, including employees who are assigned to extended non-standard shifts, LDL shall not be converted to an equivalent number of workdays or hours.

A regularly scheduled shift that begins during the employee's approved LDL period shall be covered in its entirety, even if the shift extends beyond the final calendar day of the approved leave period.

Request and Approval of Leave:

An employee requesting Living Donor Leave shall submit a written request to their Department Head. The request must be accompanied by written verification from the physician who will perform the medical procedure. The documentation should verify the anticipated procedure and the anticipated period of absence necessary for the donation and recovery.

Upon receipt of the request and required documentation, the Department Head shall review the request and make a recommendation regarding the leave. The request and recommendation shall be forwarded to Human Resources and will receive final approval by the Mayor.

Employees should provide as much advance notice as reasonably practicable.

Confidentiality:

The City will request only documentation that is reasonably necessary to establish eligibility for Living Donor Leave and the anticipated period of absence.

Employees are not required to disclose the identity or medical information of the organ recipient or provide medical information unrelated to the employee's eligibility for Living Donor Leave.

Medical documentation received in connection with LDL shall be maintained confidentially. Access to such information shall be limited to individuals with a legitimate business need to know.

Relationship to Other Leave:

Living Donor Leave is a separate statutory leave benefit and shall not be used in place of or deducted from an employee's accrued leave under another City leave classification.

Nothing in this policy is intended to limit an employee's rights under the federal Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA) or any other applicable federal or state law.

When an absence related to ALDPA also qualifies for protection under another applicable law, Human Resources will coordinate the employee's leave and benefits in accordance with all applicable legal requirements.

Return to Work:

The City may require reasonable documentation concerning an employee's ability to return to work when permitted by applicable law.

The City shall not threaten, discipline, discharge, retaliate against, or otherwise discriminate against an employee because they request or use Living Donor Leave in accordance with this policy. Employees who believe they have experienced retaliation or discrimination related to LDL should report the concern to Human Resources.

Harassment Policy

It is the policy of the City of Cullman that all employees have the right to work in an environment free from discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. The City of Cullman does not authorize and will not tolerate any form of harassment of or by any employee (supervisory or non-supervisory) in any form. This policy extends to the behavior of fellow employees, superiors, subordinates, customers, vendors, contractors and visitors to the premises.

Employees are expected to:

- Comply with this policy
- Report violations on the standard written form available through Human Resources
- Cooperate with any investigation by providing complete and truthful responses to questions

Discriminatory Harassment:

Actions, words, jokes, comments, or other inappropriate behavior based on or related to an individual's gender, race, color, national origin, age, religion, disability, or any other legally protected characteristic will not be tolerated. Such conduct may make a reasonable person uncomfortable in the work environment or could interfere with an employee's ability to perform their job. Comments or actions of this type, even if intended in a joking manner, are always inappropriate in the workplace and will not be tolerated. This conduct is forbidden by this policy and specifically includes, but is not limited to:

- Use of derogatory terms, or descriptions of an individual or group based on gender, race, color, national origin, age, religion, disability or other legally protected characteristics
- Epithets, slurs, negative stereotyping
- Intimidating acts that are based upon a person's protected status
- Written or graphic material circulated in the workplace that shows hostility toward a person or group due to their protected status or characteristics
- Display of signs, pictures, cartoons, videos, or objects that discriminate against any employee based upon one's gender, race, color, religion, national origin, age, disability, or any other legally protected class
- General harassment, pushing, shoving, threatening, or any other intentional act that is perpetrated because of the employee's gender, race, color, religion, national origin, age, disability or any other legally protected characteristic

Employees who violate this policy are subject to discipline, including termination of employment. No supervisor or manager should participate in any such behavior and must take immediate action to stop those who are known to be or suspected to be involved in such conduct. Supervisors must report such behavior to Human Resources immediately.

General Harassment:

Harassment is a course of conduct directed at a specific person or specific group of people that causes substantial emotional distress in such a person or group and serves no legitimate purpose; unwanted, uninvited and unwelcome behavior that threatens, intimidates or demeans a person. Harassment as defined above includes, but is not limited to:

- Offensive or vulgar language
- Derogatory slurs or negative stereotyping
- Inappropriate or unwanted jokes
- Other harassing: verbal, graphic, or physical conduct
- Name calling and insults
- Intimidating, threatening, hostile, or offensive behavior

- Any such harassing conduct that would cause a reasonable person to feel uncomfortable in the workplace or could interfere with an employee's ability to perform their job
- Cyberbullying
- Discriminatory remarks based on protected characteristics
- Retaliation
- Unwelcome comments about one's personal life or appearance
- Unwanted touching
- Statements, behavior, use of words, objects or pictures that a reasonable person could interpret as being insulting
- Abusive, taunting, or demeaning behavior

Sexual Harassment:

Sexual harassment is defined as unwanted sexual advances, requests for sexual favors or visual, verbal, or physical conduct of a sexual nature. Sexual harassment can be overt or subtle. Sexual harassment may take the form of an unwelcome act of a sexual nature by individuals of the same sex or opposite sex.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, offensive, inappropriate, and affects an individual's employment or work conditions.

No supervisor or any other employee may threaten or insinuate, either explicitly or implicitly, that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's evaluation, wages, advancement, assigned duties, work hours or any other condition of employment or work conditions.

Prohibited examples of sexual harassment may include but are not limited to:

- Sexual innuendoes (this includes sexually oriented 'kidding', teasing, or practical jokes)
- Sexual flirtations, advances, or requests
- Sexual propositions (subtle or direct pressure for sexual activities)
- Jokes of a sexual nature
- Displaying sexually suggestive objects, pictures, cartoons, or videos
- Suggestive or insulting sounds
- Obscene gestures or language
- Unwanted harassment based on the gender of the individual
- Offering employment benefits for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Leering
- Verbal abuse of a sexual nature, including derogatory comments, slurs, or jokes
- Comments referring to an individual's body, or sexually degrading words used to describe an individual
- Sexual or suggestive letters, texts, emails, notes or invitations
- Physical conduct that includes unnecessary touching, such as pinching, patting or brushing against another's body
- Physical assault or impeding or blocking movements.
- Describing an individual using sexually degrading words
- Reading, viewing, or displaying in the workplace, sexually suggestive or revealing words, objects, pictures, videos, or sexually explicit or offensive jokes
- Any other explicit or implied conduct of a sexual nature in the workplace

Reporting Instances of Harassment:

The City of Cullman takes very seriously its prohibition against harassment. An employee who has a complaint or concern relating to any form of harassment, including concerns about such conduct from non-employees, should report the conduct directly to Human Resources. Employees who witness such conduct should immediately report the incident directly to Human Resources on the standard written form available through Human Resources. An employee should report the behavior or concern even if the behavior complained of is not directed toward the employee who reports it. If an employee reports the matter to a supervisor or management representative, this person should immediately forward the complaint to Human Resources.

Investigation of Complaints**:**

Complaints of discrimination or harassment will be promptly investigated by the City under the direction of the Human Resources Director. The investigation will be conducted impartially and as confidentially as possible. If it is determined that a complaint is valid, the City will take appropriate disciplinary action against the offender based upon the severity of the harassment and the individual's employment history.

Retaliation:

Retaliation against individuals who report harassment is strictly forbidden. It is a violation of this policy for anyone to retaliate, threaten, intimidate, or seek any reprisal against any individual acting in good faith who reports harassment or who participates or cooperates in an investigation regarding harassment or other misconduct.

Any Department Head, supervisor or other employee who is found to have taken any adverse action against an individual because of the individual's good-faith report or complaint of harassment is subject to severe discipline, including termination of employment. This may apply even if it is determined that the harassment report or complaint is not substantiated. If an employee believes that reprisal, intimidation or retaliation has occurred, he/she should immediately make a report to Human Resources. Anyone who feels that the City is not meeting its obligations under this policy should contact Human Resources.

Grievance Policy

General Provisions:

All employees have the right to discuss all matters relating to their employment with their supervisor. When an agreement regarding the solution to a problem cannot be reached, all employees shall have access to successively higher levels of management. Supervisory personnel will make reasonable efforts to achieve rapid and satisfactory resolutions to problems and shall ensure every employee's right to due process.

Employees are expected to:

- Comply with this policy
- Report violations on the standard written form available through Human Resources
- Cooperate with any investigation by providing complete and truthful responses to questions

Grievance Policy Defined:

A grievance policy is a formal process for permanent employees to raise complaints about their work environment, issues with management, workplace conflict, or policy violations.

Purpose:

The grievance procedure permits every employee equal access to those individuals who make management decisions. In addition, the grievance procedure provides a standardized process for proper investigation and resolution of employee complaints.

Employee Rights:

No employee shall be penalized for filing a grievance unless the employee knowingly makes false statements in the grievance. No employee or official for the City of Cullman shall threaten or in fact retaliate in any way against an employee for exercising any right the employee may have under this grievance policy. Likewise, no employee or official of the City of Cullman shall threaten or in fact retaliate in any way against an employee who testifies on behalf of an employee in this process or cooperates in an investigation.

Any retaliation against or interference with the employment of an employee who has availed oneself of the grievance procedure, cooperated in an investigation, or has testified in a hearing, shall be grounds for disciplinary action, including termination of employment, when appropriate.

Any employee who suffers any retaliation as a result of availing oneself of the grievance procedure, cooperating in an investigation, or testifying in a procedure may file a separate grievance based thereon.

If the subject of the grievance involves the person responsible for receiving the grievance or reviewing a requested appeal at any step of the process, the employee is authorized to advance to the next higher step.

Withdrawal of Grievance:

A grievance may be withdrawn by the employee at any step of the process by submitting a written request for withdrawal to the Human Resources Director. Resignation of employment by an employee shall constitute an automatic withdrawal of any pending grievance.

Acceptable Reasons for Grievance include, but are not limited to:

- Unsafe working conditions
- Retaliation by a supervisor against an employee for exercising a right protected by law; complying with any law; reporting a violation of any law to the proper government authority; or reporting fraud, waste or abuse to the proper government authority
- Misapplication of law, ordinance, or policy affecting matters or conditions of employment
- Promotional bypassing where there is evidence of arbitrariness and capriciousness
    - Arbitrariness and capriciousness are defined as unreasonable action in disregard to the facts or without a determining principle.
- Discrimination, harassment, or other unlawful treatment as defined in this handbook
- Retaliation as defined in this handbook
- Negligence that results in injury or property damage
- Hostile work environment
- Loss of pay not due to disciplinary action
- Unauthorized or inappropriate use or disclosure of protected health information, as defined by HIPPA Privacy Regulations

Unacceptable Reasons for Grievance:

- To contest the validity of an adopted ordinance or a properly enacted resolution of the City Council
- To contest the validity of a rule or policy promulgated by the Mayor
- To contest any disciplinary action
- To contest any matter falling within management rights or management discretion
- To contest non-selection for advancement or promotion, except as provided above
- A general feeling of dissatisfaction with City employment
- To contest any action that does not pertain directly, personally, and solely to the employee's own employment

The Grievance Process shall not be used for Harassment:

No employee shall use the grievance process with the intent or purpose of harassment or impeding departmental or City of Cullman operations. A Department Head may offer evidence of harassment at any stage in the grievance process. If it is determined that the employee's use of the grievance procedure is based, in whole or in part, upon an intent purpose of harassment or impeding departmental or City operations, the grievance or any portion thereof will be dismissed with no right of appeal and the filing party may be subject to disciplinary action, if appropriate.

Grievance Procedure:

First Step Grievance

Supervisors and employees are expected to make every effort to resolve problems as they arise, address grievances informally, and to encourage discussion and seek solutions among employees, supervisors and Department Heads. If an employee has a complaint, the employee should first discuss the complaint with his/her immediate supervisor to try to resolve the problem informally. If a resolution cannot be reached on an informal level, the employee should initiate an official grievance. Grievances crossing departmental lines shall advance directly to a Step Three grievance and be submitted to the Human Resources Director.

Second Step Grievance: (Department Head)
Within seven (7) working days after the employee knows or should have known of the alleged violation or misapplication of a City of Cullman personnel rule, regulation, policy, or procedure, the employee shall prepare a written grievance on a form provided by the Human Resources office and discuss the grievance with his/her Department Head. The grievance shall state with specificity the facts upon which the employee is relying for the grievance and shall state with specificity the remedy sought. The Department Head shall provide the employee with a written response to the grievance within seven (7) working days of the initial meeting. Both the grievance and the Department Head response, along with any supporting documentation, shall be filed immediately upon receipt with the Human Resources office.

Third Step Grievance: (Human Resources Director)
Within seven (7) working days of the Department Head's written response, or non-response to a grievance, the employee shall have the right to appeal the decision of the Department Head to the Human Resources Director. The Human Resources Director will thoroughly investigate the matter and shall provide the employee with a written response within fourteen (14) working days of this meeting.

Fourth Step Grievance: (Mayor)
Within seven (7) working days of receipt of a Third Step written response, or non-response, the employee shall have the right to elevate his/her grievance to the Mayor (if dissatisfied with the determination of the Human Resources Director). The employee shall prepare a written request for appeal and file it with the Mayor's office.
The employee's written grievance appeal request must contain the following information:

- A request to appeal the grievance to the Mayor
- A statement of the specific personnel rules, regulations, policies or procedures that have been violated or misapplied, with dates and descriptions of violations or misapplications
- The specific remedy being sought
- The Department Head's written response to the grievance
- The Human Resources Director's written response to the grievance
- Any supporting documentation

The Mayor's secretary will submit the employee's written request for appeal and all related documentation to the Mayor. The secretary will coordinate the date and time for the Mayor to hear the employee's appeal with a hearing date set for a time no later than fifteen (15) days of receiving the appeal. The secretary will notify all parties in writing of the hearing date, including the grievant, Department Head, and the Human Resources Director, and any other parties concerned.

Appeal Hearing before the Mayor:
The burden of proof shall be on the employee filing the grievance. In order to grant the employee's grievance, the Mayor must be satisfied that the employee has shown by substantial evidence that the employee has been aggrieved as alleged in the grievance as filed and that the employee is entitled to the remedy sought. Substantial evidence, the burden of proof standard for grievance procedures, is defined as relevant evidence that a reasonable mind would view as sufficient to support a determination that the employee is entitled to the remedy sought for the reason(s) stated. The format for the appeal hearing allows both parties adequate time to present their case without interruption and time for the Mayor to ask questions. The employee's presence shall be required at a mayoral hearing. Failure of the employee to attend shall be grounds for an immediate dismissal of the grievance appeal.

Order of Presentation:

- Opening statement of the employee
- Opening statement of the Department Head
- Evidence and testimony presented on behalf of the employee
- Evidence and testimony presented on behalf of the supervisor and/or Department Head

- Closing remarks of the employee
- Closing remarks of the supervisor and/or Department Head
- Questions or remarks from the Mayor

In reaching a determination following the hearing, the Mayor shall be guided by the burden of proof standard as provided above. In the written decision, the Mayor shall expressly state whether the grievance is granted or denied, (if granted or denied in part, the Mayor should state clearly which portions are granted or denied), stating the reasons upon which the decision is based. The Mayor shall provide, if appropriate, a recommendation as to suitable corrective action or appropriate cure to the situation.

In making a decision, the Mayor may determine that grounds do not exist for granting the grievance and therefore may deny the grievance. Said determination may be premised upon:

- The employee's failure to carry his/her burden of proof
- His/her failure to satisfy the procedural requirements of the grievance process
- His/her failure to rely upon acceptable reasons for filing a grievance
- The harassing nature (in whole or in part) of a grievance
- Any other appropriate reason

The Mayor will deliver a written decision within seven (7) working days of the conclusion of the grievance hearing, which shall be delivered to all parties.

Fifth Step Grievance: Civil Service Commission (Personnel Board)

The fifth and final appeals step of the grievance process shall be an appeal to the Personnel Board. Within seven (7) working days of receipt of a Fourth Step written response or non-response, the employee shall have the right to elevate his/her grievance to the Personnel Board. The employee shall prepare a written appeal request addressed to the Board and file it with the Mayor's office.

The employee's written grievance appeal request must contain the following information:

- A request to appeal the grievance to the Personnel Board
- A statement of the specific personnel rules, regulations, policies or procedures that have been violated or misapplied, with dates and descriptions of violations or misapplications
- The specific remedy being sought
- The Department Head's written response to the grievance
- The Human Resources Director's written response to the grievance
- The Mayor's written response to the grievance
- Any supporting documentation

The Mayor's secretary will submit the employee's written request for appeal and all related documentation to the Personnel Board. The secretary will coordinate the date and time for the Personnel Board to hear the employee's appeal with a hearing date set for a time not to exceed thirty (30) days of receiving the appeal. The secretary will notify all parties in writing of the hearing date, including the grievant, Department Head, the Human Resources Director, Mayor, and any other parties concerned.

Appeal Hearing before the Personnel Board:

The members of the Board shall have power to administer oaths, take depositions, certify official acts and to subpoena and compel attendance of witnesses and the production of books, documents, accounts and records pertaining to the matter under investigation. Subpoenas issued as provided herein shall be served and the service fee shall be the same as that provided by law for the service of subpoenas issued by a court. Payment of fees for

witnesses summoned at the request of the City or the Board shall be considered expenses of the Board and shall be paid from the treasury of the City. The Board shall have the right to invoke the aid of a court of law in the event a person who is duly summoned to appear and testify or produce evidence refuses to attend or testify or produce evidence in obedience to such a summons. Any employee of the City who fails to obey a subpoena may be dismissed by the Board or receive other such disciplinary action that the Board deems proper. The City Attorney may be called upon to appear in proceedings before the Board to represent the interests of the City. The employee shall have the right to be represented by counsel. The Chairman of the Personnel Board will preside over the hearing. The Board shall adopt its own rules of practice and procedures and shall not be bound by technical rules of evidence; however, the presiding officer of the Board may, in his/her discretion, exclude any evidence which he/she deems to be irrelevant to the issue before the Board. Proceedings before the Personnel Board shall be taken down by a qualified court reporter. The court reporter shall certify a transcript of the proceedings at the request of the City Attorney. The certified transcript shall be the official record of the proceedings before the Board. The court reporter shall administer oaths. In addition, the court reporter shall mark any exhibits entered at the hearing and take such exhibits into custody and include them as part of any transcript of the hearing. The burden of proof shall be on the employee filing the grievance. In order to grant the employee's grievance, the Board must be satisfied that the employee has shown by substantial evidence that the employee has been aggrieved as alleged in the grievance as filed, and that the employee is entitled to the remedy sought. Substantial evidence, the burden of proof standard for grievance procedures, is defined as relevant evidence that a reasonable mind would view as sufficient to support a determination that the employee is entitled to the remedy sought for the reason(s) stated. The format for the appeal hearing allows both parties adequate time to present their case without interruption and time for the Board to ask questions. The employee's presence shall be required at a Personnel Board hearing. Failure of the employee to attend shall be grounds for an immediate dismissal of the grievance appeal.

Order of Presentation:

- Opening statement of the employee
- Opening statement of the Department Head
- Evidence and testimony presented on behalf of the employee
- Cross examination by the Department Head or representative
- Evidence and testimony presented on behalf of the supervisor and/or Department Head
- Cross examination by the employee or representative
- Opportunity for rebuttal evidence or testimony to be presented by the employee
- Closing remarks of the employee or representative
- Closing remarks of the supervisor and/or Department Head or representative
- Questions or remarks by members of the Board

In reaching a determination following the hearing, the Board shall be guided by the burden of proof standard as provided above. In the written decision, the Board shall expressly state whether the grievance is granted or denied (if granted or denied in part, the Board should state clearly which portions are granted or denied) stating the reasons upon which the decision is based. The Board shall provide, if appropriate, a recommendation as to suitable corrective action or appropriate cure to the situation. In making a decision, the Board may determine that grounds do not exist for granting the grievance and therefore may deny and dismiss the grievance. Said determination may be premised upon:

- The employee's failure to carry his/her burden of proof
- His/her failure to satisfy the procedural requirements of the grievance process
- His/her failure to rely upon acceptable reasons for filing a grievance
- The harassing nature (in whole or in part) of a grievance
- Any other appropriate reason

The Board will deliver a written decision within fourteen (14) working days of the conclusion of the grievance hearing, which shall be delivered to all parties. The decision of the Board shall be final.

Employee Conduct

Employees of the City of Cullman are expected to maintain high standards of cooperation and efficiency in their work. Each employee is expected to display conduct in such a manner as to reflect credit upon both himself/herself and the City. Maintaining high standards of honesty, integrity and conduct by City employees is essential to ensure proper performance of City business and to maintain the confidence of the citizens we serve.

Dress Code / Hygiene Policy:

Employees are expected to maintain good personal hygiene, and a clean, well-groomed appearance while on duty. Dress and appearance should be appropriate to the nature of the work performed and should not create safety concerns, violate departmental uniform policy, disrupt operations, or detract from a professional workplace environment. Department Heads shall have the right to determine the appropriateness, and definition of professional attire and appearance in their respective departments in accordance to operational needs and the duties of their employees.

Unauthorized Leave:

Absence Without Leave: (AWOL):

An absence without leave is defined as an unauthorized absence when scheduled to work. An employee arriving for duty after the designated shift time and not reporting to their supervisor before thirty (30) minutes of their scheduled shift having elapsed will be considered AWOL and is subject to progressive discipline.
Progressive discipline for AWOL violations shall be as follows:

- First AWOL in a 12-month period: Written Reprimand
- Second AWOL in a 12-month period: Suspension for (3) working days or equivalent of 24 hours.
- Third AWOL in a 12-month period: Dismissal
- Unauthorized or unreported absence from work for a period of three scheduled working days or more may be considered a resignation.

Tardiness:

An employee not arriving to work on time without prior authorization, who contacts his supervisor or arrives to work prior to thirty (30) minutes of their scheduled shift having elapsed will be considered “late”. Employees arriving after thirty (30) minutes have elapsed will be permitted to work only if authorized by their supervisor.

- An employee who is late but works the remainder of their shift will not be paid for the “late time”
- An employee not permitted to work, will be considered on “leave without pay” for the day.

Repeated lateness will be subject to the progressive discipline policy outlined in this handbook.

Absence from Job Site:

City employees are expected to report to their workplace on time when scheduled to work and to remain on the job unless authorized to leave by their supervisor. Unauthorized absences from the jobsite shall be subject to progressive disciplinary action.

Disciplinary Policy:

To ensure orderly operations and provide the best possible work environment, the City of Cullman expects employees to follow rules of conduct that will protect the interests and safety of all employees and citizens.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace; however, the following are examples of infractions of rules of conduct that may result in disciplinary action up to and including termination of employment, but in no way are restrictive as to the reasons which may form a valid basis for disciplinary action:

- Violation of any policy of this handbook or departmental rules and regulations
- Theft or inappropriate/unauthorized removal or possession of property not belonging to the employee
- Recording (audio or video) of any conversation without the written authorization of all parties
- Falsification, misrepresentation, or suppression of documents or information including, but not limited to, time keeping records, employment applications, employee reports, witness statements, accident reports, etc.
- Intentional omission or false statements made with the intent of distorting the results of an investigation, or defamatory conduct such as false statements or accusations made with the intention of defaming or harming another employee or citizen
- Refusal to fully and truthfully answer questions of a supervisor, Department Head, or City official during an inquiry, investigation, or hearing
- Working under the influence or being in possession of alcohol or illegal drugs
- Fighting or threatening violence in the workplace
- Violence outside of the workplace that arises out of workplace situations
- Use of inappropriate or disrespectful speech such as profanity, sexual innuendo, etc.
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employee owned or City or privately owned property, and/or injury to another human being
- Failure to report accidents or personal injury
- Insubordination and other disrespectful conduct, including but not limited to, refusal to obey legitimate orders, delaying or failure to carry out assigned work, disrespect, insolence, and like behavior
- Violation of safety or health rules as designated by departmental SOG
- Smoking, vaping, or using smokeless tobacco in prohibited areas
- All forms of unlawful or unwelcome harassment, to include, but not limited to, sexual harassment, discrimination, threatening, intimidating, coercing or otherwise interfering with other employees in the execution of their duties
- Possession of dangerous or unauthorized materials, such as explosives or firearms, while on duty
- Unauthorized absence from the worksite during scheduled work hours
- Absent from work without notification (AWOL)
- Unauthorized use of telephones, mail systems or other City owned equipment, or any portion of the Information Technology policy
- Unsatisfactory performance or conduct; negligence or inefficiency in the performance of duties.
- Use of paid time for personal or business reasons other than the purposes for which hired.
- Abuse of computer, City furnished phone, internet or internet access
- Abuse of City vehicle policy
- Covering, manipulating, or disabling, with the intent to elude or distort, any City of Cullman camera, including but not limited to, cameras mounted in City vehicles, building security cameras, law enforcement body worn cameras
- Intentionally disabling any safety device
- Intentionally disabling a GPS device on a City owned vehicle
- Sexual misconduct, of any type, including consensual encounters, on City premises or while on duty.

- Indictment for, conviction of, or the commission of an act which would constitute:
    - A felony
    - A crime involving moral turpitude
    - A conviction of or the commission of an act which would constitute a misdemeanor which reflects unfavorably upon the employee's character or ability to do their job
- Conduct unbecoming an employee, while on or off duty, which tends to bring discredit to the City of Cullman and its employees, which adversely affects the morale or efficiency of, or public respect for, the employee's assigned department, or which otherwise threatens order, safety or health
- Tardiness
- Political activities in violation of the legal regulations governing municipal employees
- Wrongful use of sick leave according to the policy contained in this handbook
- Submission of fraudulent claims, including grievances intended for harassment
- Sleeping during duty/work hours
- Failure to report DUI charges or conviction
- Failure to obtain or maintain a license or certificate that is required as a condition of employment

Formal Coaching:
When work habits, attitude, productivity or personal conduct of an employee falls below an acceptable standard, supervisors should point out the deficiency at the time that it is observed. This creates an opportunity for the supervisor to discuss with the employee the problem or violation of company policy and procedures. When possible, this warning should be given in sufficient time for improvement and should precede formal disciplinary action, but nothing in this section shall prevent formal disciplinary action whenever the best interest of the City of Cullman requires it.

Verbal coaching should be documented in detail on the standardized form which details the issue being discussed, the expected action, as well as a time frame for improvement. The form should be signed by both the employee and the supervisor who administers the coaching. A copy should be given to the employee, and a copy must be forwarded to the Human Resources office to be retained in the employee's file.

It is the duty of each employee to correct any deficiency in performance, conduct, or attitude on their own initiative or when called to the employee's attention and to make every effort to avoid conflict with the personnel rules and procedures. It is the responsibility of every supervisor to discuss improper or inadequate performance with the employee to correct deficiencies and to avoid the need to exercise disciplinary action. However, failure of a supervisor to carry out this responsibility shall not preclude the discipline of an employee. Additionally, the supervisor who fails in this duty may also be subject to disciplinary action.

Progressive Discipline:
The City of Cullman's progressive discipline policy and procedures are designed to provide a structured corrective action process to improve and prevent the recurrence of undesirable employee behavior and performance issues. Outlined below are the steps of the City of Cullman's progressive discipline policy and procedures.

The City of Cullman reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action.

Some factors that will be considered are whether the offense is repeated despite coaching, counseling or training, the employee's work record, the severity of the offense, and the impact the conduct and performance issues have on the organization, and other employees. Behavior that is illegal is not subject to progressive discipline and may result in immediate termination. Such behavior may be reported to local law enforcement authorities. Similarly, theft,

substance abuse, intoxication, falsification of documents, fighting and other acts of violence and sexual harassment are not subject to progressive discipline and may be grounds for immediate termination.

Probationary employees are not subject to progressive discipline. During the probationary period, an employee may be terminated by the Mayor, with or without cause, with appropriate documentation.

Nothing in this policy provides any contractual rights regarding discipline or counselling, nor should anything in this policy be construed as modifying or altering the employment-at-will relationship between the City of Cullman and its employees.

Documentation:
The employee will be provided with copies of progressive discipline documentation and performance improvement plans. The employee will be asked to sign copies of this documentation attesting to their understanding of the corrective action outlined in these documents. Copies of these documents will be placed in the employee's official personnel file.

Step 1: Verbal Reprimand
Whenever grounds for disciplinary action exist and the Department Head determines that more severe action is not necessary, the Department Head, or other designated official, may verbally reprimand an employee when the employee fails to maintain desirable standards, or violates the policies, rules, or procedures of the department, or the City of Cullman. The official should discuss the nature of the problem or violation with the employee and clearly describe the actions the employee must take to improve their performance or resolve the problem. Within five business days, the supervisor will prepare written documentation of the verbal reprimand. The employee will be asked to sign the document to demonstrate their understanding of the issues, the notice of violation, and the corrective action. A copy of the document will be provided to the employee, and a copy must be forwarded to Human Resources to be maintained in the employee's personnel file.

Step 2: Written Reprimand with Performance Improvement Plan (PIP)
The Department Head may issue an official written reprimand to an employee, if the seriousness of the offense calls for action greater than a verbal reprimand, or if previous coaching discussions or verbal reprimands have been administered. The Department Head will meet with the employee to review the incidents regarding performance, conduct, or attendance issues, as well as any prior relevant corrective action plans. The Department Head will outline the consequences to the employee of their continued failure to meet performance or conduct expectations. The written warning may also include a statement indicating that the employee may be subject to additional discipline, up to and including termination, if immediate and sustained corrective action is not taken. The employee will be asked to sign the written document to demonstrate their understanding of the issues, the notice of violation, and the corrective action. A copy of the document will be provided to the employee, and a copy must be forwarded to Human Resources to be maintained in the employee's personnel file. A formal Performance Improvement Plan (PIP) outlining the employee's immediate and sustained corrective action will be issued within five business days of a Written Reprimand meeting.

Step 3: Suspension/or Demotion

Suspension during investigation or pending hearing:
Some performance, conduct or safety incidents are so problematic or harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, or the efficient operations of the City, the Mayor may suspend the employee pending the results of an investigation or the outcome of a pre-disciplinary hearing. This suspension may be paid or

unpaid depending on the circumstances of the individual case. If unpaid, pay may be restored to the employee if an investigation of the incident absolves the employee of wrongdoing.

Suspension as Recommended Discipline or Demotion:
Suspensions or demotions that are recommended by the Department Head as part of the normal sequence of the progressive disciplinary policy and procedures are subject to the approval of the Human Resources Director and final approval shall be given by the Mayor.

Suspensions can be recommended in increments of 3, 5, 10 or 15 working days, or the equivalent thereof for those not working eight-hour shifts.

Any Department Head who wishes to demote or suspend an employee must notify the Human Resources Director of the allegations against the employee, and an investigation will be conducted by Human Resources. During the investigation phase, depending on the seriousness of the infraction, the employee may be placed on administrative leave with or without pay in full day increments consistent with federal, state and local wage and hour employment laws. Non-exempt/hourly employees may not substitute for or use an accrued paid vacation or sick day in lieu of unpaid suspension.

If the investigation concludes that there is merit to the allegations made against the employee and that City rules and policies have been violated, the employee will be notified in writing that the Department Head has recommended disciplinary action against them. A hearing with the Mayor will be scheduled, and the date and time of the hearing will be provided to the employee as part of the notification. (see Rights of Appeal listed below)

In compliance with the Fair Labor Standards Act (FLSA), unpaid suspension of salaried employees is reserved for serious workplace safety or conduct issues. Human Resources will provide guidance to ensure that the discipline is administered without jeopardizing the FLSA exemption status.

Step 4: Termination
The last and most serious step in the progressive discipline process is a recommendation to terminate employment. Generally, the City of Cullman will try to exercise the progressive nature of this policy by first providing coaching, warnings and suspending the employee from the workplace before proceeding to a recommendation to terminate employment. However, the City of Cullman reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action. Management's recommendation to terminate employment must be approved by the Human Resources Director, and final approval shall be required from the Mayor, or designee.

Rights of Appeal:
Verbal reprimands and written reprimands are not subject to appeal. The appeal process applies to all full-time employees in the Classified Service. The appeal process for suspensions, demotions, or terminations is outlined as follows:

Mayor as Appointing Authority Hearing:
When a recommendation has been received for disciplinary action against a full-time, permanent employee that includes suspension, demotion or termination, the Mayor will provide the employee with at least seven (7) working days written notice. A pre-disciplinary hearing with the Mayor or designee, is required, and will be scheduled with the date and time provided to the employee as part of the written notification. The employee may choose to waive the hearing and accept the recommended discipline, or they may choose to have their case heard before the Mayor. Employees will have the opportunity to present information to dispute information that management has used to recommend disciplinary action. The purpose of this process is to provide insight into extenuating circumstances that

may have contributed to the employee's performance or conduct issues while allowing for an equitable solution. Employees will be given a period of three business days after the hearing with the Mayor to present any supporting documentation that was not available during the meeting. The Mayor shall have the power to:

- Affirm the disciplinary action recommended by the Department Head
- Dismiss the disciplinary action recommended
- Modify (by either lessening or increasing) proposed disciplinary action taken and prescribe the proper penalty if satisfied the employee should receive some disciplinary action

Following the hearing, the employee will be informed in writing of the decision regarding the proposed action. If the Mayor elects to affirm or modify the recommendation for disciplinary action, the date on which this decision is issued will become the effective date of the action.

Appeal to the Personnel Board:

An employee with permanent status shall have the right to appeal any disciplinary action taken against him which affects his classification or pay.

- If the employee wishes to appeal the action against him, he must file a written request for appeal with the Mayor's office within seven (7) working days after the disciplinary decision is issued.
- Within seven (7) working days of the receipt of the appeal request, the Mayor shall file with the Chairman of the Personnel Board notice of the hearing request and a complete set of charges and complaints against the employee.
- After specific complaints and charges have been filed, the Chairman of the Board shall call a meeting of the Board to be held within thirty (30) days after the receipt of the charges for the purpose of hearing the protest or appeal.
- The employee and the Mayor shall be notified by certified mail, at least ten (10) days prior to the meeting date, of the time and place of such a meeting.

The Board shall have the power to continue the hearing from time to time as may be necessary. The members of the Board shall have power to administer oaths, take depositions, certify official acts and to subpoena and compel attendance of witnesses and the production of books, documents, accounts and records pertaining to the matter under investigation. Subpoenas issued as provided herein shall be served and the service fee shall be the same as that provided by law for the service of subpoenas issued by a court. Payment of fees for witnesses summoned at the request of the City or the Board shall be considered expenses of the Board and shall be paid from the treasury of the City. The Board shall have the right to invoke the aid of a court of law in the event a person who is duly summoned to appear and testify or produce evidence refuses to attend or testify or produce evidence in obedience to such a summons. Any employee of the City who fails to obey a subpoena may be dismissed by the Board or receive other such disciplinary action that the Board deems proper. The City Attorney may be called upon to appear in proceedings before the Board to represent the interests of the City. The employee and the Mayor shall have the right to be represented by counsel. Proceedings before the Personnel Board shall be taken down by a qualified court reporter. The court reporter shall certify a transcript of the proceedings at the request of the City Attorney. The certified transcript shall be the official record of the proceedings before the Board. The court reporter shall administer oaths. In addition, the court reporter shall mark any exhibits entered at the hearing and take such exhibits into custody and include them as part of any transcript of the hearing. The Board shall adopt its own rules of practice and procedures and shall not be bound by technical rules of evidence; however, the presiding officer of the Board may at his/her discretion, exclude any evidence which he/she deems to be irrelevant to the issue before the Board. The Board shall have the power to:

- Affirm the disciplinary action
- Reverse the disciplinary action of the Mayor
- Modify the disciplinary action taken and prescribe the proper penalty if it is satisfied that the employee should receive some disciplinary action
- If the Board decides the employee be should reinstated, they may order them reinstated with or without backpay.

- If they order the employee to be reinstated with backpay, such pay shall not exceed the amount the employee earned during the 30-day period preceding the disciplinary action taken against him.

A copy of the Board's decision shall be filed with the City Clerk, and a copy filed with the employee or his/her attorney. The decision shall become effective immediately upon filing with the Clerk. The decision of the Board shall become final within ten (10) days of being filed with the Clerk unless the employee, the governing body, or the Administrative Officer files a notice of appeal with the Court. The Board's decision may be enforced through appropriate court proceedings if necessary.

Appeal to the Court:
The employee, Mayor, or the governing body may, within ten (10) working days after the decision of the Board is filed with the City Clerk, appeal to the Circuit Court any decision of the Board by filing notice of such appeal with the Court and causing a copy of such notice to be served on the other affected parties or officials. The Board shall furnish the court with a certified transcript of the proceedings which was heard before it with respect to the appeal and its decision in the matter. No bond shall be required for such an appeal and the cost of such an appeal shall be taxed against the unsuccessful party or as the judge may direct. Review by the Court shall be without jury and be confined to the record presented and to a determination of the questions of law present. The Judge's findings of facts shall be final and conclusive. Appeal may be taken from the judgment of the Circuit Court as provided by law.

Uniform Policy:
When an employee is issued a uniform, it shall be worn in its entirety during working hours. Uniforms shall be worn in a manner which reflects an impression of neatness, cleanliness, and professionalism, as these employees may have frequent, direct contact with the public. Each department will be responsible for establishing processes and guidelines for uniforms for their employees. Deviations from the department's uniform policy must be approved by the Department Head.

"Uniform allowance" means those monies paid by the City for the purchase of work uniforms for employees required to wear uniforms in the performance of their assigned duties. Misuse of uniform allowance funds will result in disciplinary action. Examples of misuse include, but are not limited to:

- Purchasing items for the employee's personal use
- Purchasing items for a person other than the employee
- "Transferring" unused uniform balances to another employee
- Receiving money, or other consideration, from another person in return for goods purchased with uniform allowance funds

Political Activity Regulations:
No person employed by the City of Cullman, whether classified or unclassified, shall be denied the right to participate in or denied the right to refrain from engaging in, City, county, or state activities to the same extent as any other citizen of the State of Alabama, including endorsing candidates and contributing to campaigns of their choosing. All persons employed by the City of Cullman shall have the right to join local political clubs or organizations and state or national political organizations. All persons employed by the City of Cullman shall have the right to publicly support issues of public welfare, circulate petitions calling for or in support of referendums, and to contribute freely to those of his/her choosing. No person employed by the City shall attempt to use their official authority or position for the purpose of influencing the vote or political action of any person. No person employed by the City, whether classified or unclassified, shall use any City funds, property, or time for any political activities, including but not limited to:

- Conducting politically oriented speeches or other such verbal activities of a political nature, soliciting votes, distributing badges, pamphlets, stickers, handbills, social media posts of any kind favoring or opposing any issue for vote or referendum or candidate for election or nomination to public office on the property of or during the normal workday of the City of Cullman
- Use the property, facilities or the funds of the City of Cullman in any way to create, promote, or distribute politically related materials

- Use or promise to use, directly or indirectly, any official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office
- Directly or indirectly coerce, attempt to coerce, command or advise an officer or employee to pay, lend, contribute anything of value to a political party, committee, organization, agency, or person for a political purpose
- Willfully or recklessly causing a violation of these rules and regulations through culpable negligence. Such violations shall be sufficient grounds for termination.

No person shall be appointed, promoted, demoted, or dismissed or in any way favored or discriminated against with respect to employment with the City of Cullman for political reasons. Any person who is employed by the City shall be on approved leave to engage in political action, or the person shall be on personal time before or after work or on holidays. It shall be unlawful for any officer or employee to coerce or attempt to coerce any subordinate employee to work in any capacity in any political campaign or cause. Any person who violates this section shall be subject to fine or imprisonment as provided by law. Any employee of the City, whether in classified or unclassified service, who qualifies to seek a political office with the City of Cullman shall be required to take unpaid leave of absence from their employment or use accrued leave. This extends from the date he or she qualifies to run for office until the date on which the election results are certified, or the employee is no longer a candidate, or there are no other candidates on the ballot. In no event shall this section apply to elected officials. When off duty, out of uniform, and acting as a private citizen, no employee shall be prohibited from engaging in City, County or State political activity or denied the right to refrain from engaging in political activity so long as there is compliance with this rule. Any person who violates this policy shall be subject to discipline.

State Ethics Requirements:

The City of Cullman and its employees must comply with Alabama Ethics Law. Employees are required to be familiar with and to abide by the State ethics laws applicable to municipal employees. All employees who are required to file a "Statement of Economic Interests" form in accordance with Section 36-25-14, Code of Alabama (1975), as amended, must complete all required training and comply with all requirements specified on the form. No employee shall, other than in the ordinary course of business, solicit a thing of value from a subordinate or person or business with whom he or she directly inspects, regulates, or supervises in his or her official capacity. No employee shall use, or cause to be used, equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the employee. No employee shall accept or solicit any money or other consideration or favor from anyone other than the City for the performance of an act which the officer or employee would be required or expected to perform in the regular course of employment; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be an attempt to influence the individual's actions with respect to City business.

Smoking and Smokeless Tobacco Policy:

In keeping with the City of Cullman's intent to provide a safe and healthy work environment and as provided by City ordinance prohibiting smoking in public buildings, there shall also be no smoking or smokeless tobacco, electronic cigarettes, e-cigars, vape pens or other electronic nicotine delivery systems used in City owned vehicles or buildings. This policy applies equally to all employees.

Substance Abuse Policy:

The City intends to provide a safe and efficient working environment for all employees and as a result will not tolerate drug or alcohol use, which imperils the health, safety, and well-being of its employees, citizens, or any aspect of the City's operation. It is the intention of this policy to eliminate substance abuse and its effects in the workplace. For the purpose of this policy, "substance" or "drugs" is defined in the broadest sense to mean any

mood-altering drug or chemical, including alcohol, that may result in physical, mental, emotional or other impairment to normal function and performance. Any employee who thinks they may have a drug or alcohol problem is encouraged to seek assistance. The City of Cullman will work with those employees who are seeking professional help. The City will also be firm in enforcing this policy against those identified as substance abusers who are not seeking help.

Prohibited Conduct and Removal from Duties:

The following conduct is expressly prohibited and violations shall result in disciplinary action, which may include termination.

- Use, consumption, possession, manufacture, growth, distribution, dispensation or sale of controlled substances, or illegal drug paraphernalia on City of Cullman premises, in City supplied vehicles, in any City work area, or while on duty as a City employee, including during break periods
- Unauthorized use of City owned vehicles, equipment, computers, facilities, phones, electronic devices, or any other asset of the City of Cullman to facilitate the use, purchase, sale, consumption, or manufacture of illegal or controlled substances.
- Unauthorized use, consumption, possession, manufacture, distribution or sale of alcohol, while on duty, or during break periods, on City premises, in City supplied vehicles or in any City work areas.
- Any employee who arrives for work under the influence of alcohol or illegal drugs will be subject to discipline or immediate discharge.
- Employees shall not report to work while taking any prescribed medication with known side effects may affect the employee's ability to perform his/her job duties, unless the employee has a written statement from his/her physician that such medication will not impair the employee's judgement or ability to safely perform job tasks.
- The unlawful involvement with drugs or narcotics off City property during non-working hours will constitute grounds for discipline or termination if this involvement adversely affects the City of Cullman's interests or reputation.
- It is a violation of the City's substance abuse policy for any employee to use prescription drugs in an unlawful manner.
- It is a violation of City's substance abuse policy to alter, attempt to alter, adulterate, or dilute a urine specimen during a drug screening.
- It is a violation of City's substance abuse policy to attempt to substitute a urine specimen during a drug screening.
- It shall be a violation of City's substance abuse policy for any employee to refuse to take or complete any drug or alcohol test as required by this policy.
- It is a violation of City's substance abuse policy for a supervisor to allow an employee known to be in violation of these rules to perform or continue to perform safety-sensitive functions.

An employee who knows or believes that there is unlawful involvement with drugs or narcotics or involvement with alcohol that is contrary to this policy should refer the information promptly to the Risk Management Director. The City will utilize all legal investigative techniques available, including testing and analysis which are required to detect policy violations. Any employee who refuses to submit to the requested tests will be subject to discipline, including termination. Employees who are charged or convicted of a criminal drug offense, including DUI, must inform the Risk Management Director within five days of the arrest or conviction. Such an occurrence may constitute grounds for discipline or dismissal.

Types of testing:

Compliance with the alcohol and drug testing policy is a condition of full-time employment with the City of Cullman. Compliance with the reasonable suspicion or post-accident testing policy shall include all employees regardless of status. Failure or refusal of an employee to fully cooperate including failure to submit to inspections or tests called for by the policy or to fulfill agreements will be grounds for disciplinary action, including termination.

Pre-employment Testing:

A negative pre-employment drug test is required before an employee can perform safety-sensitive functions and any conditional offer of employment is contingent upon the applicant successfully completing the drug screening. Employment will be denied to any applicant whose drug screen reveals the presence of any illegal substances. Safety sensitive is defined as: positions that involve health, safety, functions that require a high degree of trust and confidence, operation of company vehicles, machinery or equipment (the mishandling of which may place fellow employees or the general public at risk of serious injury or create a security risk in the workplace) and the handling of hazardous material. Examples of safety sensitive positions (not an exhaustive list)

- Law enforcement officers
- Firefighters
- Dispatchers
- Machinery operators
- Drivers
- Water, sewer and street laborers
- Jail officers
- Lifeguards
- General laborers

Reasonable Suspicion Testing:

Whenever a City of Cullman Department Head or other supervisor has reasonable suspicion to believe that an employee on duty is intoxicated or under the influence of alcohol or drugs, the employee will be ordered to submit to a drug and/or alcohol test. Refusal of an employee to submit to the test will be cause for discipline, including termination. Reasonable suspicion exists when an employer has a good faith belief, based on specific articulable facts, that an employee may be under the influence of drugs or alcohol. This belief is more than hunch or feeling but must be supported by observable evidence of potential impairment that would cause a reasonable person to suspect that the employee is or has been using drugs and/or alcohol. Reasonable suspicion behavior includes, but is not limited to:

- Slurred speech
- Unsteady gait
- Smell of alcohol
- Lapse in cognitive abilities
- Erratic or unusual disruptive behavior
- Excessive drowsiness
- Unusual excitability
- Disorientation
- Unexplained changes in personality
- Direct observation of drug or alcohol use
- A report of prohibited drug or alcohol use by a credible source
- Evidence that a drug or alcohol test of the employee has been tampered with
- Evidence that the employee is involved in the use, possession, sale, solicitation or transfer of prohibited drugs
- Changes in appearance and demeanor
- Unexplained, significant deterioration of job performance

It is the duty of the Department Head and/or supervisor to take immediate action when reasonable suspicion exists. The employee must immediately be removed from duty and must remain on City premises while an appointment for reasonable suspicion testing can be arranged. Risk Management and/or Human Resources must be notified immediately to facilitate the testing appointment. Department Heads will have access to the Risk Management

and/or Human Resources Directors' after-hours contact information for situations occurring after City Hall business hours.

The employee should be transported to the testing facility by a supervisor, and under no circumstances should he/she be allowed to operate a vehicle.

The observed conduct that arouses suspicion of drug or alcohol abuse shall be documented in writing by witness(s) as soon as possible following observation. A copy of this documentation shall be provided to the Director of Risk Management and/or Human Resources. Following testing for reasonable suspicion, a City representative will transport the employee back to City premises, where in the event of a positive test, a spouse, family member or other individual will be contacted to transport the employee to his/her home. Under no circumstance should an employee who tests positive be allowed to operate a vehicle. If the employee refuses to assent to any of these procedures and attempts to operate his own vehicle, the City will make appropriate efforts to discourage them from doing so, up to and including contacting local law enforcement.

Any employee failing to cooperate with any of the procedures described above will be subject to discipline, up to and including termination.

Post Accident or Incident Testing:

When an employee is involved in an accident or incident which causes or could have caused personal injury or property damage, that employee will be considered for testing if the employee's performance caused, contributed to or cannot be reasonably discounted as a contributing factor for the accident.

For testing following an accident, the Department Head or supervisor making the decision shall be guided by the seriousness of the accident event such as whether the accident produced significant damages or injuries or death to any person; the degree of negligence or fault of the employee in the accident, as related by witnesses, circumstances and best information; any direct or circumstantial evidence indicating recent drug or alcohol use by the employee involved in the accident.

Safety sensitive employees will be tested after any work-related injury or accident where:

- An employee is injured beyond the need for simple first aid
- Property or vehicles are damaged
- An employee has caused or contributed to an on-the-job injury which results in loss of work time
- An injury which is a workers' compensation injury or accident where a supervisor has the belief that an employee's acts or omissions contributed to the occurrence or the severity of the accident.

All cases involving post-accident testing must be immediately reported by the supervising employee, in writing, to the Risk Management Director. Department Heads will have access to the Risk Management Director's after-hours contact information for accidents requiring immediate attention after City Hall business hours. Such reports shall detail the specific facts or observations which formed the basis for the determination to require testing.

The facts underlying the determination to require testing shall be disclosed to the employee at the time the order is given. Reporting failure on the part of a supervisor will result in disciplinary action.

Employees are prohibited from using alcohol within eight hours following an accident or until testing or initial screening is completed. Any screen test for alcohol should be completed within two hours of a work-related accident or as soon thereafter as practicable.

All employees are put on notice that a positive, confirmed drug or alcohol test following on-the-job accident is evidence of "willful misconduct" under this policy and disqualifies the employee from receiving workers' compensation benefits or use of paid leave. An employee who is so seriously injured as to be unable to provide a

specimen at the time of the accident will afterwards be required to authorize the release of hospital or medical facility records that would reveal the presence of controlled substances and/or alcohol.

An employee directed to submit to a urine drug test for any of the above listed reasons shall remain at the collection site until the process is complete. If the employee is unable to provide a sufficient urine specimen, the testing facility will offer up to forty (40) ounces of water and shall allow the employee up to three (3) hours to provide a specimen. An employee who leaves the collection site before the collection process is complete, refuses to make a good-faith effort to provide a specimen, or otherwise obstructs the collection process may be considered to have refused the test. If the employee is unable to provide a specimen within the allotted time, the City may require a medical evaluation to determine whether a legitimate medical condition prevented the employee from providing the specimen.

Refusal to submit to a drug/alcohol test or to allow access to medical records that would reveal the presence of controlled substances will result in removal from duty and possible disciplinary action, including termination.

Substance Abuse Employee Assistance Policy:

It is the City's policy to encourage any employee with an alcohol or drug dependency or concern to seek professional assistance before the problem leads to an incident that may result in discipline or termination. An employee who voluntarily reveals an alcohol or drug problem to the Risk Management Director may enter the Employee Substance Abuse Assistance Program and voluntarily enroll in a drug or alcohol rehabilitation program if:

- Disclosure is made before being notified of selection for an alcohol or drug screen
- Disclosure is made before testing positive for alcohol or drugs
- Disclosure is made before other discovery of an alcohol or drug problem

An employee's request to submit to an alcohol or drug rehabilitation program or participation in the Employee Substance Abuse Assistance Program does not waive the application of the Substance Abuse Policy to the employee. An employee who has a positive test for drugs or alcohol; however, will not be permitted to perform his/her duties until he/she successfully completes a rehabilitation program evaluation, and will be required to sign a "last chance agreement."

The employee's return to work following the successful completion of a rehabilitation program and a negative drug screen will be determined by the Risk Management Director in consultation with the employee's counselor and the independent, licensed health care professional (Independent Medical Evaluator) chosen by the City. Employees who have been referred to counselling or rehabilitation under this policy shall be required to fully cooperate with and participate in their rehabilitation and with the recommendations of the program administrator. Failure to cooperate with the rehabilitation efforts may result in termination.

Work time lost for counselling or rehabilitation will be paid based on the availability of sick or vacation leave. Medical benefits will be available as provided under the employee's medical insurance depending on the medical diagnosis by the counselor or physician.

Unscheduled and observed testing of employees who have previously tested positive may continue for up to sixty months as recommended by the City's independent medical evaluator. Failure to cooperate with these unscheduled tests will result in discharge. Employees entering a last chance agreement will be subject to random testing by a listed facility. Throughout their sixty (60) month commitment the cost of testing will be the employee's responsibility. This cost shall in no way reduce the employee's effective wage below minimum wage. The frequency of testing shall be determined by the Risk Management Director.

A positive drug screen test result following an opportunity for rehabilitation will result in termination of employment

All information involving medical examinations, counseling, rehabilitation or treatment of an individual employee or applicant shall be treated as confidential medical information. All such information will be accessible only to the

Mayor, Risk Management Director, Human Resources Director, and legal team, on a valid, need-to-know basis. It will not be provided to any other party without the written consent of the applicant or employee, except pursuant to the administrative or legal procedure or process. In response to subsequent inquiries regarding an employee's discharge for any violation to this substance abuse policy, the Human Resources Department shall state that the employee was terminated for violation of City policy unless the City can legally provide additional information.

Employee Travel Policy:

This policy establishes guidelines and procedures for approval, reimbursement, and accountability of travel expenses incurred by employees and officials while conducting official business of the City of Cullman, Alabama.

Pre-travel Authorization:

- All travel must be pre-approved by the Department Head in writing on the official Travel Request Form, available from the Accounting Department, prior to any reservations or travel occurring.
- All travel must then be approved by the Mayor and budgeted by the City Council.
- Failure to obtain prior authorization may result in denial of reimbursement.

Allowable Travel Expenses:

Reimbursement is limited to reasonable and necessary expenses directly related to the official business of the City of Cullman, including:

- Transportation
    - Economy airfare should be used whenever practical. However, upgraded airfare (premium economy or business class) may be approved when it is determined to be in the City's best interest due to factors such as:
        - Lower overall trip cost
        - Refundable or changeable fares that reduce financial risk
        - Scheduling flexibility required for official business
        - Extended travel duration or documented medical accommodation

    Any upgraded airfare must receive prior written approval from the Mayor. Employees are expected to select travel arrangements that provide the best overall value to the City, considering total trip cost, flexibility, cancellation policies, required travel time and operational needs.
    - Standard mileage reimbursement at the current IRS rate
    - Rental vehicles when necessary
    - Parking fees, tolls, ride share service, cab fare, and public transportation
- Lodging
    - Standard hotel room accommodation at conference rates. If an employee books a hotel accommodation that is more than the standard conference rate, the employee will be responsible for the additional cost of the alternative accommodation.
    - When there is no standard hotel room accommodation, employees are expected to choose reasonably priced lodging.
- Meals
    - Meals will be reimbursed up to $75.00 per day.
    - Employees will not be reimbursed for tips in excess of twenty percent (20%).
    - Alcoholic beverages are not reimbursable.
    - Travel-related food cannot be purchased in Cullman County.
    - Meals with legislators may exceed the limit of $75.00 per day.

- Registration Fees
    - Conferences, training sessions, seminars, or meetings directly related to job duties.

Non-Reimbursable Expenses:
The following expenses will **not** be reimbursed:

- Expenses incurred by family members, guests, or companions.
- Entertainment or personal activities not related to official business.
- Alcoholic beverages.
- Upgrades: first-class airfare, luxury accommodation, etc.
- Personal items (toiletries, clothing, etc.).

Documentation and Reimbursement Requirements:

- An itemized statement of all expenses must be submitted to the Accounting Department within thirty (30) days after travel completion.
- Required documentation includes:
    - Itemized receipts for all expenses.
    - Proof of payment.
    - Approved Travel Request Form.
- All reimbursement requests must be:
    - Completed and submitted by the employee.
    - Reviewed and approved by the Department Head.
    - Verified for compliance with this policy by the Accounting Department.
- Incomplete or inaccurate submissions may delay or result in denial of reimbursement by the Accounting Department.

Summary:
All travel expenses must be prudent, necessary and cost-conscious. Employees are expected to exercise the same care in incurring expenses as a prudent person would while spending personal funds. Travel decisions should balance fiscal responsibility, operational efficiency, employee safety, scheduling requirements, and the protection of public resources. Excessive or unjustified expenses may be reduced or denied. Departments are responsible for ensuring adherence to this policy and maintaining proper records. Failure to comply with this policy may result in denial of reimbursement or disciplinary action, if applicable.

The Mayor, or designee, may approve exceptions to this travel policy when doing so is determined to be fiscally prudent and in the best interest of the City. Any exception shall be documented on the travel request form, or reimbursement documentation and include the business justification.

Employee Safety

The City of Cullman employees are a valuable resource, and their health and safety are therefore a serious concern. The City intends to provide a safe and efficient working environment free of recognized hazards that could potentially cause occupational injury or illness. The Risk Management Director and/or designated representative, in coordination with the Department Head or their designee, shall be responsible for effectively implementing and enforcing the policies of the City's safety programs, including but not limited to, safety inspections, accident investigations, and the establishment of safety standards for employees, equipment, and facilities. Department Heads shall be responsible for ensuring compliance with all safety policies and procedures. All employees must cooperate with and assist the Risk Management Director or designated representative in safety administration. Supervisors must aggressively pursue the promotion of safety to ensure that goals and objectives are accomplished. Violations of safety standards, rules and regulations or accidents resulting due to negligence of an employee shall subject the employee to disciplinary measures. Each employee must comply with the City and departmental accident prevention rules and requirements. Unsafe conditions and/or acts should be promptly reported to his/her immediate supervisor.

Occupational Illness, Accident and Injury Reporting Policy:

It is mandatory that all workplace injuries, accidents, and illnesses are reported to the Risk Management Director as soon as reasonably possible after they occur. Prompt reporting allows for prompt identification and correction of hazards and prompt medical attention for injuries. In some instances, the employee may not immediately realize that they have been injured or made ill. In such circumstances, the employee must report the injury or illness as soon as reasonably possible after becoming aware of the injury or illness. Failure to report such injury or property damage, or otherwise not adhering to the safety rules and requirements, may result in disciplinary action, up to and including termination. The following policy applies to work-related accidents, illness or injuries:

- An employee who is at work when they become aware of any injury, accident or illness must report it as soon as reasonably possible to their supervisor but in no event later than leaving the workplace, or 8 hours after becoming aware of the accident, illness, or injury, whichever is earlier.
- Supervisors must report such accidents, illnesses, and injuries immediately, if possible, but not later than eight hours, to the Risk Management Director. Failure to do so may result in disciplinary action against the supervisor for failure to report.
- An employee who is not at work when they become aware of an injury or illness must report it as soon as reasonably possible, but in no event later than 8 hours after becoming aware of the injury or illness. The employee must contact their supervisor and explain that they are reporting a work-related illness or injury.
- Supervisors must not interfere with or attempt to discourage reporting under this policy.

Fitness for Duty Policy:

The City of Cullman is committed to maintaining a safe work environment for all employees; therefore, every employee must be able to perform his or her job duties in a safe, secure and effective manner in order to ensure that the health and safety of those around them is not jeopardized. This policy does not limit the City's right to take employment action under its normal disciplinary policies and procedures. Employees who fail to perform his/her job functions and/or engage in misconduct may face disciplinary action up to and including termination notwithstanding a referral for a fitness for duty evaluation. Employees who refuse to undergo a fitness for duty evaluation or refuse to cooperate with any aspect of the process, may face disciplinary action, including suspension or termination. Additionally, the employee's participation in a recommended treatment or rehabilitation program does not guarantee continued employment and may not necessarily prevent disciplinary action for violation of City policies.

Purpose:
The purpose of a fitness for duty evaluation is to address whether an employee has a medical or psychological condition that may pose a potential threat to the employee or others in the workplace. An employee may be required to undergo a fitness for duty evaluation (either medical or psychological) when an employer has objective evidence that an employee either is unable to perform the essential functions of their job due to a medical or psychological condition, with or without reasonable accommodation or poses a direct threat to themselves or others. The basis for seeking a fitness for duty evaluation may come from a supervisor's own observations and/or receipt of a reliable report of the employee's possible lack of fitness for duty from a third party. Examples of the types of impairments that may warrant the request for a fitness for duty evaluation include, but are not limited to:

- Use, possession or influence of alcohol or illegal drugs
- Use of legal drugs that adversely affect the employee's ability to perform their job functions safely
- Slurred or incoherent speech
- Observed problems with vision, awareness, coordination or dexterity
- Aggressive or threatening behavior
- Unpredictable mood or behavioral changes
- Drowsiness, sleepiness or other signs of fatigue
- Any other physical or psychological condition or behavior that affects the employee's ability to perform their job functions successfully and safely.

Independent Medical Evaluator:
The fitness for duty evaluation, if required by the City, will be referred to and conducted by an independent, licensed health care professional (Independent Medical Evaluator) chosen by the City. The Independent Medical Evaluator will not be a treating physician of the employee. The City is responsible for paying for any fitness for duty evaluation required by the City. If the employee wishes to get a second opinion or an additional evaluation from another provider, the employee is responsible for paying the cost of any additional evaluations.

Use of Leave Time:
An employee undergoing a fit for duty evaluation who is taken out of service may use accrued sick leave that is available to them. If sick leave is exhausted, the employee may use vacation leave to cover absences. Administrative leave may be granted in lieu of sick or vacation leave at the discretion of the Mayor. An employee who is deemed fit for duty, who used accrued leave while undergoing a fitness for duty evaluation, may have the leave time restored to them with approval from the Mayor. An employee who is deemed fit for duty, who was on unpaid leave while undergoing a fitness for duty evaluation, may have lost pay restored to them with approval from the Mayor.

Results of Fitness for Duty Evaluation:
The Independent Medical Evaluator will perform the evaluation of the employee and any necessary testing and will provide the City with their medical opinion as to the employee's fitness to perform their job functions. The City may use the fitness for duty evaluation results to make decisions regarding the employee's employment status, including without limitation, as applicable, whether they can continue in their current position, and whether a reasonable accommodation, if requested by the employee, can be provided.

Confidentiality:
To the extent allowed by law, the City shall protect the confidentiality of the evaluation and the results. Employee medical information provided by the employee to the City is maintained on a confidential basis in accordance with applicable law. When conducting a mandated fitness for duty evaluation, the City may ask the employee to sign consent forms that permit productions of medical health information to the Independent Medical Evaluator. If the employee releases medical health information to the Independent Medical Evaluator, the employee may opt to not have the medical health information released to the City.

City Vehicle Policy:

City owned vehicles shall not be used by officers or employees of the City for personal purposes, except as authorized. The Mayor of the City of Cullman may authorize, in the interests of the City, the use of City vehicles by certain officers or employees for commuting to and from work with the understanding that this use of non-exempt vehicles shall be taxable to the officer or employee in accordance with the IRS regulations. City vehicles shall only be operated by City of Cullman employees. Employees operating City-owned vehicles have no expectation of privacy in the use of such vehicles and are subject to monitoring through both GPS tracking and onboard camera systems. Monitoring may occur at any time for reasons of safety, security, compliance, and operational oversight. Internal Revenue Service rules will be complied with for those driving vehicles not exempted from the fringe benefits guidelines. Exemptions include emergency vehicles or service vehicles driven by employees on call. Employees, except for department heads, approved for take home vehicles who live more than thirty (30) miles from their workplace will reimburse the City for the milage in excess of thirty (30) miles at the prevailing rate paid to employees driving a private vehicle on City business with reimbursement to be deducted from the employee's salary. All employees appointed to a position that requires the operation of a motor vehicle must have a valid State of Alabama driver's license. Employees are required to notify their supervisor if their driver's license has been revoked or suspended for any reason. Employees who are charged with a DUI must report the arrest to their supervisor immediately and the supervisor should report to the Risk Management Director immediately. Any employee convicted of a DUI charge will not be eligible to drive a City of Cullman vehicle for a period of five years following conviction. Failure to report a suspended/revoked license or an arrest for DUI may result in disciplinary action. Please refer to the Driver Acceptability Matrix located at the back of this handbook for information regarding moving violations and accidents.

Use of Cell Phones and Mobile Devices in Motorized Vehicles Policy:

Using cell phones or other electronic devices while driving leads to increased risk of accidents. Distracted driving is a serious safety risk not only to the driver but also to other occupants in the vehicle, other vehicles on the road and pedestrians. In order to reduce these risks, certain conduct is prohibited while driving a City of Cullman vehicle or while driving a personal vehicle while on duty. All employees are expected to follow applicable local, state and federal laws and regulations regarding the use of cell phones at all times. All employees must refrain from using cell phones, mobile devices, laptops and tablet devices, or participating in any other activity that may distract them from safely operating a motor vehicle. This policy also applies to the use of all other electronic devices including but not limited to PDA's, MP3 players, smart watches or other wearable electronics. GPS devices are permitted so long as the navigation is set prior to driving and the GPS is secured in a safe location that does not obstruct the driver's view of the road. This policy applies to both personal and City provided devices. In 2023, the State of Alabama passed the "Steve Hatcher Act" prohibiting holding or using a wireless device while driving, including while stopped at red lights. Drivers must pull over safely to the side of the road or another safe location before checking messages, returning calls, text messaging, emailing, reading maps for directions or programming/resetting GPS devices. Employees are not permitted to read or respond to emails or text messages while operating a motor vehicle (in motion or stopped in traffic) while on duty or operating a City of Cullman owned motor vehicle. Employees are not permitted to use the internet (including mobile applications and social media) while operating a motor vehicle (in motion or stopped in traffic) on duty or operating a City of Cullman owned motor vehicle. Employees are not permitted to read maps or any type of document, printed or electronic, while operating a motor vehicle (in motion or stopped in traffic) while on duty or operating a City of Cullman owned motor vehicle. Employees are never permitted to use headphones or earbuds while operating a motor vehicle (in motion or stopped in traffic) while on duty or operating a City of Cullman owned motor vehicle. Employees are permitted to use a hands-free device to talk on their cell phone. Hands free calls must be completely hands free, meaning that your phone cannot be touched in order to place, alter or end the phone call.

First Responders:

The City of Cullman recognizes authorized emergency public safety personnel, while performing official duties, have access to in-vehicle mobile devices. Personnel are expected to stop in a safe spot when using their phones, laptops, and tablets, except in emergency instances when they have no choice but to use the devices on the move. Outside of emergency situations all City cell phone and mobile device policies apply and are encouraged for both the safety of the public and the City's personnel.

Sanitation Truck Operations:

Sanitation trucks equipped with mounted tablets may be used only for the purpose of routing and GPS navigation and only when:

- The tablet is mounted securely at dashboard level or cowling on the doghouse of the truck and equipment.
- The device does not obstruct the driver's forward view.
- All destinations are entered **before** the vehicle begins moving.
- No manual adjustments are made while driving; drivers must pull over to adjust any settings
- Use is confined to route work for servicing customers and not while actively driving the vehicle

Employees violating this policy will be subject to discipline, up to and including termination of employment.

Seat Belt Usage Policy:

The City of Cullman requires seat belt use by all employees driving City owned vehicles, passengers in City owned vehicles, all employees operating a personal vehicle while engaged in City business, and employees riding as a passenger in a personal vehicle while on City business.

Information Technology Policy

Purpose:

The purpose of this Information Technology Policy is to establish clear guidelines and standards for the use of information technology resources within the City of Cullman. It aims to protect the integrity, confidentiality, and availability of the municipality's Information Technology assets, data, and systems while promoting the efficient use of technology for municipal operations and services.

Scope:

This policy applies to all employees, contractors, volunteers, and third-party service providers who use the City of Cullman's (referred to as "City") Information Technology (referred to as "IT") department and resources, including but not limited to, facility access, computers, wired and wireless networks, internet access, email systems, hosted environments, software, mobile devices (including cell phones, smartphones, tablets, and laptops, etc...), VoIP phones, and any other device issued for official use. This policy applies to all information, in whatever form, relating to City business activities. All data, documents, communications, and/or other information maintained on the City's IT resources are owned by the City and employees have no right to privacy related to said resources.

Acceptable Use:

- The City's IT resources are to be used for official City of Cullman business only.
- Personal use of the City's IT resources should be minimal, incidental, and must not interfere with the performance of duties or violate any policies.
- Users must not access or use the City's IT resources to conduct illegal activities, including but not limited to fraud, harassment, or unauthorized access to data.

- Non-City employees, including family members, friends, and the public are not permitted to use the City's IT resources.
- Users are not to connect or attempt to connect outside or personally owned computer equipment to the City of Cullman's network.
- Users should avoid any actions that could damage the security or integrity of the City's IT resources.
- Users must not make official statements or commitments on behalf of the City using the City's IT resources, whether by email, text message, social media, or any other platform, unless officially authorized to do so.
- Files of a personal nature, whether documents, photos, music, or otherwise, that are unrelated to official business of the City of Cullman or any employee's job tasks shall not reside on the City of Cullman's IT resources.
- The City of Cullman reserves the right to all content and information generated on the City's IT resources (including but not limited to email, messaging, browser history, documents, and similar sources) stored, created, sent, retrieved, or viewed.
- Any issues or requests related to IT equipment such as computers, printers, phones, software, two-way radios, or other related items shall be routed through the IT department for evaluation and approval to ensure that it does not interfere with IT operations or violate other City policies.
- Users must not access, view or store unlawful and/or inappropriate information.
- Users must not use profane, vulgar, threatening, defamatory, abusive, discriminatory, harassing or objectionable or criminal language.
- Users must not conduct any activity which would cause congestion of the network or interfere with the work of others. This can include, but is not limited to, downloading files which are not related to City business and streaming of audio or video which are not directly related to City assigned functions.
- Users must not access or transmit materials that are obscene, sexually explicit, or sexually suggestive.
- Use of the City's IT resources for outside or private business endeavors is forbidden.
- Users must not exhibit any other action using the City's IT resources which would in any way subject the user or the City of Cullman to any civil or criminal action.
- Users must not access streaming media such as videos or audio which are not directly related to the employee's job function and approved by the Department Head and IT Department.
- Playing online games or locally installed games is forbidden.

Data Security and Confidentiality:

- All data stored on the City's IT resources must be protected by passwords and other appropriate security measures to ensure confidentiality.
- Computers must be logged off or have their screen locked by a password when unattended.
- Sensitive and confidential information, including personal data of citizens, should only be accessed by authorized personnel and for specific work-related purposes.
- Users must not access confidential data on the City's IT resources outside of direct necessity to perform their defined job responsibilities and duties.
- Work products such as documents or other digital information shall reside on City equipment and storage devices only, not on personally owned equipment or storage devices.
- Users must report any suspected data breaches, unauthorized access, viruses, or security incidents immediately to the IT Department.
- Any personally identifiable information (PII) such as social security numbers, driver's licenses, banking or credit card information, etc., sent via email must be encrypted prior to sending them within or outside of our organization.
- Users must not electronically store PII without prior authorization from Information Technology.
- Users must not attempt to gain unauthorized access to the City's IT resources, data, websites, or other infrastructure including attempts to override or bypass any firewalls or filters on the computer network.

- Users must not attempt to harm, modify or destroy data of another user or maliciously damage or destroy any data which resides on the City's IT resources.
- All records shall be maintained and stored for a period of time in accordance with state and federal laws.
- Users must not download files which are not related to City business.

Software and Licensing:

- All software must be approved by the Department Head and IT department prior to installation.
- Installation of unapproved software programs, games, or unapproved files is forbidden.
- All software installed on the City's IT resources must be licensed, legal, and properly authorized. Unauthorized software installation or use of pirated software is prohibited.
- All software license information must be submitted to the IT department for compliance and record keeping.
- Any software changes, additions, or removals must be approved by the IT Department.
- Users must not download or install unapproved software or applications that may harm or compromise the security of the City's IT systems or networks.

Network and System Security:

- Access to the City's IT resources and wired or wireless networks must be secured using strong passwords, encryption, and other access controls.
- Identities will only be created for individuals who are authorized by HR and the relevant Department Head to access City IT resources.
- A formal request for creating new user accounts must be submitted by the new employee's supervisor to the IT service management system, or by emailing helpdesk@cullmanal.gov, or be included in the new hire paperwork provided by HR. The request must include a justification for access, role assignment, and specific systems or data to be accessed.
- Each user will receive a unique username and be assigned a temporary password. Users must change their password upon initial login to ensure security.
- Usernames and passwords are to be used only by the user to which they are issued and not shared with any other employee.
- Should access be needed by another employee, the request must come from a supervisor and be directed to the IT department; Such access shall be accomplished through the issuance of a new password.
- Shared terminal login may be configured by the IT department in cases as a matter of practicality of operations. In all other instances, sharing one's password or the use of a username and password issued to another employee shall be grounds for disciplinary action, up to and including termination.
- Users should not connect personal devices (such as USB drives, laptops or tablets) to the City's IT systems or network.
- Antivirus and anti-malware software must be installed, regularly updated, and actively run on all devices connected to the City's IT systems and network as authorized and installed by the IT department.
- Personal devices are allowed to connect to the City of Cullman's public Wi-Fi network. Such devices still must comply with the City of Cullman's IT policies.
- All employees with access to City IT assets shall be enrolled in security awareness training.
- Regular system maintenance, updates, and security patches must be applied to all IT resources to ensure their proper functionality and security.
- Users should not attempt to modify or bypass system configurations or security settings without authorization.
- Users are forbidden from connecting City IT assets to remote sites, hosted cloudspaces, home networks, etc. (business or personal) via any method such as VPN, IPsec, etc. without explicit permission from their Department Head and the IT department.

Email and Communication Systems:

- City of Cullman email addresses shall only be used to conduct official City business.
- Official City of Cullman email accounts must be used for work-related communication.
    - Personal email accounts should not be used to conduct official City of Cullman business.
    - City email accounts shall not be forwarded or redirected to personal email accounts.
- Email communications should be professional, respectful, and in compliance with all policies concerning conduct set forth in this handbook.
- Users must not use email systems to send unsolicited or spam messages, including chain emails, or to access inappropriate content.
- Attachments and links in emails should be opened with caution and users should verify the legitimacy of the sender and content to avoid phishing or malware threats.
- Personal email use is permitted where such use does not affect the individual's business performance and is not detrimental to the City of Cullman in any way.

Internet Use:

- Internet access is provided to employees for official City of Cullman business. Excessive personal use or use that negatively impacts work performance is not permitted.
- Use of City IT resources for personal online purchases is forbidden.
- Users shall not access websites or services that violate state or federal law, are harmful or inappropriate, such as sites containing malware, pornography, or offensive content.
- Users shall not download copyrighted material such as software or music content from "peer to peer" or other file sharing programs.
- The City of Cullman reserves the right to monitor and restrict internet use to ensure compliance with this policy.
- The City of Cullman shall have a single primary domain which is the main portal for citizens and employees. That website shall be primarily maintained by the designee of the Mayor with assistance of the IT department as required.
- Departments shall not be permitted to create additional internet domains without authorization from the Mayor and the IT department.

Artificial Intelligence (AI) Acceptable Use and Risk Management Policy:

The City of Cullman recognizes that the use of AI assistants can provide substantial gains in operational efficiency. However, these potential benefits must be balanced with responsible use, including the protection of confidential and sensitive information, compliance with applicable laws, and regulations, preservation of individual privacy, and the City's obligations as a public entity.

The purpose of this section is to establish responsible, secure, lawful, and transparent use of artificial intelligence technologies in City operations while protecting City information, employees, applicants, members of the public and the City's legal and operational interests.

This policy applies to all employees, elected or appointed officials, temporary employees, interns, contractors, and other individuals, when acting on behalf of the City, or using City resources or AI in connection with City business.

There are risks in using generative chatbots (Microsoft Co-Pilot, OpenAI's ChatGPT, Google Gemini, etc.), including uncertainty about who owns the AI-created content and security/privacy concerns with inputting confidential, PII or sensitive information about an employee, citizen, business, etc., when interacting with the chatbot. Additionally, the accuracy of the content created by these technologies cannot be relied upon, as the

information may be outdated, misleading or—in some cases—fabricated. The use of AI tools must ensure the protection of citizen and employee privacy and uphold compliance with all applicable data privacy regulations, including local laws, state laws, and federal regulations.

Permitted uses:

AI may be used for appropriate administrative and productivity purposes such as:

- Drafting non-confidential communications or documents
- Brainstorming
- Summarizing publicly available information
- Formatting or improving documents
- Generating general ideas
- Assisting with research, subject to independent verification
- Developing non-sensitive training or educational materials

Prohibited uses:

Employees may not enter into an AI system:

- Confidential City information
- Personnel or disciplinary information
- Personal Identifiable Information (PII)
- Full name
- Address
- Phone number
- Email address
- Date of birth
- Health insurance details
- Medical or ADA accommodation information
- Social security numbers, financial information, passwords, or other sensitive information
- Protected criminal justice, law enforcement, or public safety information
- Information that is subject to attorney-client privilege or work product
- Information concerning current, pending, or anticipated litigation
- Confidential investigations or complaints
- Non-public information obtained through employee's official position
- Information that would otherwise be restricted from disclosure under law or City policy.

Employment Decisions:

AI shall not independently be relied upon to make or determine employment decisions. AI generated information or recommendations shall not be used as the sole basis for:

- Hiring or selection
- Promotion or demotion
- Compensation
- Discipline
- Termination
- Performance Evaluation
- Leave decisions
- Reasonable accommodation decisions
- Eligibility determinations
- Any other decision affecting an employee or applicant

Any AI-assisted employment recommendations must be reviewed and independently determined by an authorized City employee or official, to ensure legal compliance, non-discrimination, and adherence to City policy and procedure.

Anti-Discrimination:

Employees shall not use AI in a manner that discriminates against another employee, applicant, contractor, or member of the public based on a legally protected characteristic. AI-generated content shall be reviewed for inappropriate bias, discriminatory assumptions, stereotypes, or disparate impact before being used for City business.

Accuracy and Verification:

Employees are responsible for reviewing and verifying AI-generated content before relying upon, distributing, publishing or incorporating it into City work.

AI-generated content shall not be presumed to be accurate, legally appropriate, factually correct, or compliant with City policy or applicable law. Employees shall independently verify legal authorities, citations, facts, calculations and other information.

Public Record and Discovery:

Use of AI does not alter the City's obligations concerning public records, records retention, litigation discovery and other legal requirements.

Employees should understand that information entered into or generated by an AI system may be retained by the system provider and may potentially become relevant to litigation, investigation, audit, or public records obligations. Employees should have no expectation that prompts, inputs, outputs, conversations, or other information entered into or generated by an AI system in connection with City business are private, confidential, privileged or exempt from disclosure.

AI is an assistive technology and does not replace employee judgement and professional responsibility. AI should be treated as a tool, and should be subject to human oversight, validation, and accountability rather than treated as inherently trustworthy.

Employees remain responsible for work product created with AI assistance and for complying with all applicable laws, City policies, procedures and directives.

Employees shall not use an AI system for City business in a manner that circumvents City cybersecurity, privacy, records-retention or information security requirements.

Use of AI in matters involving employment law, discipline, hiring, compensation, investigations, accommodations, litigation, public records, or other legally sensitive matters may require review by Human Resources, the City Attorney, or another designated City official before the AI-generated material is relied upon or implemented.

Other requirements:

- AI systems must maintain an audit trail of all interactions, especially those involving sensitive data. These logs should be regularly reviewed to ensure compliance with privacy and security standards.
- The AI tool must comply with industry-standard encryption practices for data in transit and at rest.
- Data transfer protocols must be secure and comply with municipal security requirements.
- The AI system must provide clear documentation regarding how data is used, processed, and stored.
- Municipal staff must ensure that AI tools are used to complement human decision-making, not replace it, especially when decisions have significant impacts on citizens or employees.
- Citizens must be informed when AI tools are being used in services they interact with. This can be done via notices on websites, apps, or physical locations.

- Citizens should have the option to opt-out of AI-assisted services where possible and choose a traditional service route**.**
- When municipal AI systems integrate with third-party platforms (e.g., customer service platforms, chatbots), additional contracts and security agreements should be in place to ensure that privacy standards are maintained.
- All use of generative AI chatbots while performing work for City of Cullman is prohibited without prior approval of the Information Technology (IT) Director.
- All AI-generated content must be reviewed for accuracy before relying on it for work purposes.
- Users must properly cite an AI chatbot when used as a resource.

Improper use of AI may result in corrective or disciplinary action, up to and including termination.

Mobile Devices:

- Mobile devices, including cell phones, smartphones, tablets, and laptops, etc., must be secured using passwords or biometric authentication.
- Mobile devices and removable media must not be left unattended in public places.
- The City of Cullman retains the right to encrypt, access, manage and remotely wipe any issued mobile device when necessary to maintain the integrity and security of the City's assets and data.
- Lost or stolen mobile devices must be reported immediately to the IT department for remote wipe or other security measures.
- Remote access to City network assets must be authorized by the Department Head and the Mayor's office in writing prior to any access being granted.
- Remote access to the City of Cullman's systems shall only be via officially sanctioned secure VPN connections with multi factor authentication (MFA) and must be authorized by the IT Department.
- Employees are responsible for notifying the IT department prior to international travel to ensure security of accounts and devices and prevent any international service fees.
- Any other attempt to connect City devices to the internet using non-standard connections is forbidden.
- Personal devices (smartphones, laptops, tablets, etc.) used for official City of Cullman business are not permitted. (BYOD - Bring Your Own Device is not permitted)

Use of Cell Phones:

- Each User of a City provided cell phone must be classified as either:
    - A field worker, who predominantly works outside the office, or is otherwise frequently mobile as part of his or her regular duties
    - On-call personnel who need to be contacted outside of business hours for City business
    - Other persons designated by the Mayor and Council
- A employee may, upon occasion, work outside of the office. This does not automatically justify a City cell phone.
- A single departmental cell phone may be issued to a department for use of employees when it is necessary for them to be outside the office and in contact with the office, but it may only be carried outside business hours by an office point-of-contact with permission of the supervising Department Head and Mayor.
- In an office with several clerical employees, the departmental office cell phone will be shared for that Department or division.
- To request a cell phone for an employee, a written request from the Department Head should be submitted to the IT department.

- City owned cell phones are to be used for official business only. Personal use is to be de minimis in nature (defined as: small, minor, or insignificant; negligible) De minimis use of a City-owned cell phone is not taxable to the employee.
- Any fees, included by not limited to international travel fees, incurred by the employee that cannot be plainly justified as official use are to be reimbursed by the user to the City of Cullman as soon as possible but no later than the following paycheck.
- Cell phone ring tones, voicemail greetings, background logos, or similar multimedia shall be basic and professional.
- Users are not to download, at cost or at no charge ringtones, multimedia, or applications to the City's cell phones which are not part of official business and approved by the Department Head.
- All content associated with a City of Cullman owned cell phone is considered accessible by the City and its employees and is not to be considered private by the user of the device.
- All cell phones provided by the City of Cullman must be password/PIN protected and have a screen lock.

Social Networking - Official Sanctioned Use:

- Official use of a social network account shall be in the name of the City of Cullman and its department and not be a personal account.
- The account will be registered, associated with, and maintained with an official City email account.
- Official use of social networking sites must be approved by the Mayor, must be requested by the Department Head, and must receive technical clearance from the IT department.
- The Department Head or the designee of the Department Head will be required to maintain the site on a regular basis to avoid misinformation to the public, and to avoid stagnant information or incorrect assumptions based upon the lack of information posted. Failure to maintain the site or profile will result in revocation of authorization.
- The Department Head and department designee shall be responsible for all postings or social sites maintained by the department.
- Account information and passwords for all City of Cullman social media sites will be required and maintained by the designee of the Mayor in addition to the department designee.
- Sanctioned sites will clearly and visibly display an official seal or logo of the department or the City and shall also contain website and phone contact information for the City of Cullman.
- Sites will not be allowed to display solicitations of commerce when avoidable.
- The City reserves the right to remove any comments or posts placed on the site by any party or prevent external posting entirely.
- Content posted, linked, displayed, or used on the approved social network or blog page must comply with all laws and all existing regulations, including the City of Cullman IT policy.
- Posts on official websites shall not contain information, which is law enforcement sensitive, related to the medical treatments of patients, related to confidential information provided to a City Department during its operations, or regarding internal agency happenings that might be a breach of privacy and confidentiality of another City employee or any other individual or entity.
- Employees of the Police Department may operate outside of the City’s IT policy regarding social networking when, for specific Department Head sanctioned official operations or investigations. All other use of social networking sites by Police Department employees must comply with all requirements and limitations of the IT policy.
- The Mayor may revoke the authorization of any website at any time.

Social Networking - Personal Use:

- City equipment shall not be used for personal social network purposes, except as noted below.
- Employees should not post to personal social media during working hours.
- It is the choice of the employee whether to, in any way, reference or list the City of Cullman or its Departments as employer on the employee's personal site, blog, profile, or account. If the employee identifies themselves as a City employee on social media platforms, then they must indicate that the views are not the official view of the City of Cullman.
- If the employee publishes content on any website that relates to their work or subjects associated with the City, then they should use a disclaimer such as, "The views expressed are my own and do not necessarily represent the City of Cullman's positions or opinions."
- Personal accounts shall not display official logos, seals, badges, equipment, buildings, uniforms, or any property of the City of Cullman so as to endorse any cause or product.
- Posts shall not contain information which is law enforcement sensitive, related to the medical treatments of patients, related to confidential information provided to a City Department in the course of its operations, or regarding internal agency happenings that might be considered to be a breach of privacy and confidentiality of another City employee or any other individual or entity.

Employee Identification and Controlled Access Cards:

- All permanent employees of the City of Cullman, regardless of Department, shall be issued an employee ID card.
- Employees who frequent City facilities which require proximity access may be issued a card which is programmed to open certain facility doors.
- All City employees who have been issued an ID card are expected to wear that ID card while on duty for the City of Cullman in cases where they will interact with the public, whenever other standard uniform may not clearly reflect official duties.
- Employees are not to share or loan any proximity access device, to include but not limited to their ID card, to anyone else for any reason.
- Misplaced, stolen, or damaged proximity devices shall be immediately reported to the IT Department so that access can be suspended in the computer system.
- Per the request of a Department Head, limited temporary access may be granted to contract employees.
- Upon employee termination or administrative leave with the City of Cullman for any reason, the IT Department shall be immediately notified so that access to IT resources and facilities can be revoked.

Incident Reporting and Response:

- Any suspected security breaches, data loss, system malfunctions, or misuse of IT resources must be reported immediately to the IT Department or designated security personnel.
- The IT Department will investigate reported incidents and take necessary corrective actions, including notifying relevant authorities if required.
- Employees must cooperate with the IT Department during any investigation.

Disciplinary Actions:

- Violation of this IT policy may result in disciplinary actions, including but not limited to warnings, suspension, or termination of employment or contracts, depending on the severity of the violation.
- Serious violations may result in legal actions or reporting to law enforcement agencies.