
Employee Policy and Procedure Manual Southport, IN

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WELCOME

TO A PROUD “TEAM” DEDICATED TO “CITIZEN SERVICE”

The Mayor and fellow employees of the City of Southport welcome you to the team. You have been chosen to receive an opportunity to become part of a proud working tradition. Your co-workers and their predecessors have established an outstanding reputation serving the citizens and customers of Southport. Indeed, our motto is “Citizen Service”. Simply put, this means our mission is to provide quality service on a consistent basis with economy and efficiency in mind.

Please understand you will be in the public's eye. Greater scrutiny and expectations from our citizenry is your heritage. We are confident you will serve with honor.

The City policies and procedures have been adopted to provide guidance for all concerned. It is your responsibility to know and practice them. As you study this manual, please list any questions for review with your supervisor. A thorough understanding of these procedures will make all our working lives better.

When problems or concerns arise, employees should attempt to resolve them with his/her supervisor. Perhaps the matter can be taken care of before it becomes necessary to file a formal grievance.

We ask that you do not let little problems become big ones through neglect. If it is work related and is bothering you, discuss the matter with your supervisor.

Southport is an outstanding community. One of the biggest reasons we are that way is the pride and dedication of our municipal work force. It is a pleasure to welcome you to an organization that is dedicated to “Citizen Service”. We are confident you will soon be contributing to make Southport an even better place to work and live.

Policy Administration

I. Introduction and Purpose

- A. The purpose of this Personnel Policy and Procedure Manual is to provide a consistent, systematic and organized approach to the establishment, implementation and administration of the personnel policies of the City of Southport (**hereinafter referred to as the City**). This manual was adopted and is to be interpreted exclusively by the City Council and is not subject to modification, change or contrary interpretation by any employee or employee representative organization except as may otherwise be specifically authorized and recognized by the laws and/or Constitutions of the State of Indiana and United States.
- B. This manual will be used to assist and guide personnel in the day-to-day direction and performance of the general workforce, the result being that a number of important and responsible goals may be achieved:
1. First, by implementing uniform personnel policies that are applied in as consistent and impartial a manner as is practicable, the goal is to promote the best possible working relationships and highest morale among all City employees. Furthermore, it is not the intent or purpose of this personnel policy and procedure manual to supersede or overrule any state or federal laws. It is, however, the intent of this personnel policy and procedure manual to provide support, direction and procedures that will enable the City to practice fair and consistent daily personnel administration.
 2. Second, by providing employees with fair and equal opportunities in their recruitment and advancement, by evaluating their services on the basis of merit and fitness, and by giving consideration to their needs and desires. The goal is to provide an employment atmosphere that increases the cooperation and productivity of the employees together with the prospects for career opportunities within the City and each office or department of the City's government.
 3. Third, by providing dependable and courteous services to the residents of the City, the goal is to enhance the reputation and stature of the City's departments and offices within the community.
- C. This manual is not a contract of employment and does not guarantee employment for any specified duration.
- D. Any further questions relating to the purpose, goals and/or interpretation of the policies contained herein should be directed to the City Council, or Elected Official.

II. Organization and Responsibility

A. The City of Southport is governed by the Mayor, Clerk-Treasurer and City Council. The Mayor is responsible for the general administration of City business as defined in State Code IC 36-4-5 and the Clerk-Treasurer is responsible for the responsibilities as defined in State Code IC 36-4-10.

(Any further reference to Elected Official in this document refers to their responsibilities to their respective departments and their responsibilities as defined by these State Codes will be designated Elected Official.

B. The City is organized into various departments, to ensure adequate expertise, specialization and efficient functioning. These departments function under the administrative guidance and control of the Elected Officials who are responsible for the day-to-day management and operation of the City in their respective departments.

C. Each employee's particular duties, obligations and areas of responsibility are defined in his/her position description and/or by assignment or directive of any supervisor. Employees are primarily responsible to their immediate supervisor for completion of specific work assignments and the quality, quantity and timeliness of the work performed.

D. The rights, authorities, powers and responsibilities of City employees at all levels, with respect to the policies in this manual, are more clearly delineated in the specific subject areas. However, in general, the City Council is charged with the development, promulgation and adoption of the provisions of this manual. The various management and supervisory personnel are charged with applying, interpreting, enforcing and generally ensuring compliance with the provisions of this manual. It is the obligation and a requirement as a condition of employment for each individual person employed by the City to comply in every respect with the provisions of this manual and any related procedures and work rules and to perform their assigned duties in a responsible manner creditable to the City. As such, all City employees are expected to become knowledgeable about this manual's contents and abide by the policies set forth herein. Any questions, concerns or lack of understanding about a particular provision of this manual should be promptly discussed with their supervisor.

III. Policy Manual Administration

To implement this Personnel Policy and Procedure Manual and to oversee its administration on a day-to-day basis, the following procedures will be taken:

- A. A copy of this manual will be given to all current employees of the City of Southport and to all new employees, to include part-time employees subsequent to its adoption.
- B. The contents of this manual are subject to change without notice at the sole discretion of the Elected Official. Only the Elected Official will have the authority to make revisions of policies contained herein.
- C. Any changes in the Employee Policy and Procedure Manual shall in no way alter the Employment-At-Will policy or create a binding contract between the City and any employee.
- D. Employees are encouraged to make suggestions for improvements in personnel policies and practices. Suggestions should be directed to the Elected Official in writing, together with an explanation as to how such a change could benefit the City, department, utility customers and/or the public.
- E. The policies of this manual supersede all previous policies of the City of Southport or any department jurisdiction of the City, written or unwritten, on subject matters covered or referred to herein. **The Police Department's Standard Operating Procedure Manual will supersede this manual in situations where that manual is written with stricter requirements or in accordance with State and Federal Laws. In policy areas in which the Police Department (SOP) manual is silent on a topic, the City Policy and Procedure Manual will be in effect.**
- F. The Elected Official shall maintain the ultimate right to manage their respective employees, consistent with the policies set forth in this manual and all applicable State and Federal laws. The Council's rights for employees include, but are not limited to, the number of employees, hours of employment, compensation, hiring, promotions, and laying off employees for lack of funds or due to job abolishment.
- G. In the event that any section of this manual, or amendment or revisions, is held to be unenforceable, contrary to law or otherwise restrained from its full force and effect by a court or other tribunal of competent jurisdiction, the remaining section(s) of the manual, to the extent that they remain unaffected by such declaration or restraint, shall continue in full force and effect.
- H. Any change to this policy manual will be effective only if set forth in writing, by ordinance and approved by the City Council.

IV. Equal Employment Opportunity

It is the policy of the City of Southport that all personnel actions such as: hiring, rate of compensation, benefits, promotions, transfers, layoffs, recalls, City-supported training and social or recreational programs shall be administered without regard to race, color, religion, national origin, sex, age, marital status, sexual orientation or non-job related handicap. Therefore, all such personnel actions should be consistently administered for all employees without compromise and thus should be based on the results achieved on the job, as well as objective job relatedness in both job qualifications and performance standards.

V. Discrimination/Sexual Harassment

- A. The City believes that all our employees should be able to work in an atmosphere free from all forms of employment discrimination, including sexual harassment. The City's policy is to forbid sexual harassment and any type of discrimination. This policy extends to every level of our operations. Accordingly, discrimination and sexual harassment, whether by a fellow employee, supervisor or council member, will not be tolerated. Activities of this nature serve no legitimate purpose; they have a disruptive effect on the employee's ability to perform and they undermine the integrity of the employment relationship.
- B. The City takes allegations of discrimination and sexual harassment very seriously. Any employee who believes that he/she is a victim of discrimination or sexual harassment should immediately bring the matter to the attention of his/her supervisor or in the case where the supervisor is the problem, contact the Elected Official. All such matters will be treated confidentially and with the utmost discretion. The City will actively investigate all discrimination and sexual harassment complaints and if determined that discrimination or sexual harassment has occurred, the Elected Official will take appropriate disciplinary action against the offending party, up to and including termination.
- C. Acts considered to constitute sexual harassment include, but are not limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where:
 1. Submission to such conduct is either an express or implied term or condition of employment;
 2. Submissions to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person;

3. The purpose or the effect of such conduct is to interfere with the affected individual's job performance or to create an intimidating, hostile or offensive work environment.

D. Acts considered to constitute discrimination include, but are not limited to:

1. Hiring based upon race, color, religion, national origin, sex, age, marital status, sexual orientation or non-job related handicaps.
2. Promotions based upon race, color, religion, national origin, sex, age, marital status, sexual orientation or non-job related handicaps.
3. Pay increases based upon race, color, religion, national origin, sex, age, marital status, sexual orientation or non-job related handicaps.

VI. Verbal Harassment

- A. Verbal abuse, as used in this policy, means to disturb or persistently irritate through repeated attacks on fellow employees and/or supervisors as to disrupt their work or reputations.
- B. The President of the Council, or his/her designee, will actively investigate all verbal harassment complaints and if determined that harassment has occurred, the Elected Official will take appropriate disciplinary action against the offending party, up to and including termination.

VII. Physical Harassment

- A. Physical harassment means to knowingly and intentionally cause or inflict physical pain to a fellow employee. The President of the City Council or their designee will actively investigate all physical harassment complaints and if determined that physical harassment has occurred, the Appropriate Elected Official will take appropriate disciplinary action against the offending party, up to and including termination as decided only by the Appropriate Elected Official.

VIII. Harassment/Discrimination Grievance Procedures

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop.

If an employee desires to file a harassment or discrimination complaint against anyone in the City, the following procedures shall be followed:

- A. Any employee who believes that he/she has been harassed or discriminated against must report this information to the supervisor or President of the Council as soon as possible.
 1. If the charge is against the supervisor, the employee must report this information to the City Council President as soon as possible.
- B. Upon notification, the Council will conduct a thorough investigation of the alleged incident. The investigation will consist of the following:
 1. A written statement from the victim, along with an interview
 2. Investigative interviews will be conducted with all who witnessed the alleged violation.
 3. The same interviewer or interviewers will interview the alleged violator and obtain a written statement from alleged violator.
 4. Interviews will be conducted using the following format:
 - i. There will be no more than two interviewers involved in the interviewing process.
 - ii. When interviewing someone of the opposite sex there will be at least one interviewer of that same sex in the interview. Two men will never interview a female; two females will never interview a male.
 - iii. The interview process should not involve anyone who will be a part of the final decision process.
 - iv. All information gathered in the interviews should be confidential and only a final report is to be turned over to the Council for the decision.
- C. A written analysis of the investigation will be provided to the victim, alleged violator and the Elected Official.
- D. A Hearing will be conducted to render a final decision.
 1. The City Council will meet within two weeks of the initial claim.
 2. The victim and the alleged violator will have the opportunity to make a statement and provide the Council with additional information if necessary.

3. The City Council will render a final disposition at the close of the executive session hearing.

IX. Americans with Disability Act (ADA)

- A. It is the policy of City of Southport that qualified individuals with disabilities are not to be excluded from participation in or benefit from the services, programs or activities of the City. It is the policy of the City not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement or discharge of employees; employee compensation, job training and other terms, conditions and privileges of employment. It is the intent of the City to comply with all applicable requirements of the Americans with Disabilities Act (ADA).
- B. The City will reasonably accommodate persons with a disability on a case-by-case basis, which may include making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules and/or equipment or similar accommodations.
- C. Employees should contact the Elected Official for assistance when an accommodation is necessary. Such employees are required to provide pertinent medical information.
- D. Accommodations may not create an undue hardship for the City or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position.
- E. All employees are required to comply with the City's safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace and where the threat cannot be eliminated by reasonable accommodation will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on the appropriate leave.
- F. Further, disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation. Benefits provided to disabled individuals who are qualified to perform the work must be consistent with the benefits provided to other employees. Any individual who believes he/she has received treatment inconsistent with the policies set forth above or any other requirement of ADA, may file a complaint with Elected Official.

X. Nepotism

- A. The City of Southport selects employees based on their job qualifications. To make sure this standard is always followed and to protect the integrity of business operations, the City has certain restrictions on when and where relatives of employees can be hired and how related employees can work together.
1. Members of an employee's immediate family for this section of the policy include parent, spouse or stepparent, child or stepchild, brother, sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in-law.
- B. Unless otherwise specified by State law, relatives will not be hired, promoted or transferred to positions that:
1. Place them in direct or indirect supervisory or managerial capacity over a relative.
 2. Allows them to directly or indirectly influence salary adjustments, career progress or other managerial activities involving a relative.
 3. Require them to audit or review the work of another relative.
- C. If a council member has a relative working for the City, that council member shall abstain from any vote affecting that employee's pay wage, benefits, promotion, demotion, etc.
- D. There is a "Grandfathering clause" for current elected officials or employees with family relationships that would otherwise be in violation of the nepotism policy unless there is a break in the office holding or in employment. Grandfathered employees may remain in their positions and they may be promoted as long as they do not report directly to the family member. Employees hired after July 1, 2012, who in later years have relatives elected that are in the direct line of supervision, will have no promotion possibilities unless the promotion is within the merit ranks for police and fire departments.

State statute requires that each elected officer of the unit must annually certify in writing, subject to the penalties for perjury, that the officer has not violated the nepotism law and submit the certification to the Clerk-Treasurer no later than December 31 of each year.

XI. Employer-Employee Relations

- A. The City is committed to a mutual rewarding and direct relationship with its employees. Thus, the City attempts to be receptive to constructive suggestions, criticisms and questions. Supervisors will conduct regularly scheduled departmental meetings to keep employees informed about items of interest and discuss issues of

concern to employees. The City, as part of its commitment to delivering the highest level of services to our residents and guests, expects all employees:

1. To treat all residents, guests and suppliers as customers of all City services
 2. To represent the City in a positive and ethical manner
 3. To perform assigned tasks in a safe and efficient manner
 4. To attend work as required and to be punctual
 5. To demonstrate a considerate, friendly and constructive attitude toward fellow employees, supervisors and elected officials
 6. To follow the City and departmental policies and practices
- B. The Elected Official retains the sole discretion to exercise all managerial functions, including the following rights for their respective departments:
1. To dismiss, assign, supervise and discipline employees.
 2. To determine and change employee work schedules to meet the needs of our residents and guests of the City of Southport.
 3. To assign employees to other jobs within departments or into other departments.
 4. To determine and adjust the employee number and specific qualifications of the workforce
 5. To assign duties to employees in accordance with the City's needs and requirements and to carry out all ordinary administrative and management functions
 6. To establish, change, abolish policies, practices, roles and regulations as the City works to meet the needs of its residents.

XII. Alcohol and Drug Free Workplace

- A. It is the intent and obligation of the City of Southport to provide employees with an Alcohol and Drug Free Workplace.
- B. Employees of the City are expected and required to report to work on time and in appropriate mental and physical condition. It is unlawful to manufacture, consume, possess, control, distribute or sell alcohol or illegal drugs, in any amount, at any time during working hours or at any time while on City premises. Alternatively, when the employee is performing his/her job functions while off City premises a commission of the above unlawful acts will also constitute a violation of this policy. Violation of this policy is strictly prohibited. Violation of this policy may result in disciplinary procedures up to and including termination.

- C. The City recognizes alcoholic or drug dependency as an illness and a major health problem. Additionally, the City also recognizes alcohol or drug abuse as a potential health, safety and security problem. The City understands that some employees are hesitant or afraid to ask for help even when they are aware that they may have a drug and/or alcohol problem. Employees needing help in dealing with such problems will have one opportunity to ask for help without repercussion. The employee should contact the Elected Official for guidance and direction. Seeking rehabilitation will not necessarily prevent the employee from receiving disciplinary action.
- D. Any employee who requests help and thereby takes time off from work will be required to pass an alcohol/drug test before he/she can return to their job.
- E. Employee may also be required to submit to an alcohol or drug test when unsatisfactory job performance or other employee behavior is reasonably indicative of substance abuse.
- F. Employee may be required to submit to an alcohol or drug test by the police department after an accident while driving a City vehicle. The City will pay for the test.
- G. Any employee who is convicted of a criminal drug statute in the work place must inform the City within five days of such a conviction. When the City learns of the conviction, appropriate discipline action will be taken by the City against the employee.

XIII. Management Rights

- A. The Mayor reserves all rights, which are afforded to him by virtue of being a manager of a City and all authority under the Indiana Code, together with all such other rights of management, which are inherent by custom to such positions.
- B. The City Council is responsible for determining compensation and benefits.
- C. Specifically, management, by the Mayor, includes, but is not limited to, the following:
 - 1. The right to manage through the implementation, enforcement, any changes or revision of policies, procedures, rules, regulations and directives will be requested in writing to the City Council
 - 2. The right to control the efficiency of operations through organization or reorganization of work methods or procedures, layoff or recall of employees due to operational or financial needs and improvement in work methods, equipment, machinery and facilities.

3. The right to direct the workforce through the determination of its size and number, including the right to determine the number of shifts required, work schedules and hours of employment, including the need for overtime or compensatory time.
 4. The right to select, retain, and assign employees based upon qualifications and duties.
 5. The right to discipline employees, including suspension, termination or reduction in pay or position and the right to promote and transfer employees as needed pursuant to established policy.
 6. The right to effectively, efficiently and economically manage the departments and functional areas by determining acceptable standards of conduct and performances.
 7. The right to determine the methods, means, equipment, materials and processes needed for the accomplishment of work.
 8. The right to establish the department's goals, objectives, programs, services and work to be performed and to utilize personnel in a manner designed to meet these purposes and improve productivity.
 9. The right to determine when an emergency exists and implement actions and assignments deemed advisable and necessary to effectively respond to such emergencies.
 10. The right and authority of each supervisor to promulgate and enforce any reasonable work rules, operational policies and procedures necessary to carry out the mission, goals, objectives and functions of the departments and other functional areas consistent with City policy.
- D. The Elected Official shall further have the right to promulgate and enforce any rules, regulations and procedures necessary to implement the personnel policies contained in this manual as it relates to their departments.
- E. Such rules, regulations and procedures shall not conflict in any manner with the policies of this manual and are only applicable to the particular department or office.

Employment

I. Employment Status

All employees of City of Southport shall be categorized as full-time, part-time and seasonal/temporary.

- A. Full-Time Employee: An employee who works at least 2080 hours per year, on a regularly scheduled basis or the standard full time workweek as designated by the elected official.
- B. Part-Time Employee: An employee who works less than 29 hours on a weekly basis. Part-time employees are not eligible for benefits.
- C. Temporary/Seasonal Employee: An employee hired for a specific and limited amount of time of less than ten months in any calendar year. Temporary/Seasonal employees are not eligible for benefits.
- D. Exempt: An employee classified as Executive, Administrative or Professional according to provisions of the Fair Labor Standards Act (FLSA), plus any elected official.
- E. Non-Exempt: An employee that does not meet the Fair Labor Standards Act (FLSA) exempt provision

All employees must provide the Clerk-Treasurer with their current address, phone number and emergency contact information. Changes in this information must be reported within five (5) business days of an employee changing their address or phone number.

II. Position Classification Plan

- A. A classification plan based upon the duties and responsibilities of positions shall be maintained by the City. The plan shall include job descriptions, consisting of job titles, position summaries, job requirements, exemption status and responsibilities.
- B. The Elected Official shall, as needed, review the duties and responsibilities of positions and recommends to the City Council, adjustments or revisions to the classification plan.
- C. Any employee may request that his/her position be audited for proper classification by requesting a review through the grievance procedure. Unless duties are substantially altered on a permanent basis, the employee may not request such a review for a year from the date of the disposition of the last review.

III. Minimum Job Qualifications

- A. It is the responsibility of employees to maintain the minimum qualifications of their classifications as established by the Elected Official and/or mandated by State or Federal law. The Elected Official shall determine the qualifications and requirements for each classification in the City for their respective departments after conferring with the City Council.
- B. Employees failing to maintain the minimum qualifications of their classification, or who do not comply with State and Federal requirements, may be subject to either termination of employment or a reduction of position.
- C. If a vacancy exists in a classification for which the employee is qualified, the employee may be recommended for the position by the supervisor, with final approval granted by the Elected Official.
- D. An employee who is terminated pursuant to this section may reapply for employment upon meeting the minimum requirements of the classification. An employee who is reduced in position shall receive the rate of pay of the new classification, unless the City Council approves otherwise and may apply for his/her former position when a vacancy becomes available and the requirements of the position have been met. All employees are expected to make reasonable and diligent efforts to maintain the qualifications of their current classification.

IV. Vacancies and Appointments

- A. In the event that the Elected Official determines a vacancy exists, a notice of such position opening shall be conspicuously posted for a period of (5) five working days on employee bulletin boards throughout the City's facilities. The notice shall include the date of posting, as well as the date the notice expires.
- B. All announcements will specify the job title, nature of the job, required qualifications and essential functions of the position, compensation range, application deadline and the place to file such applications.
- C. Any employee may apply for a posted vacancy provided he/she possesses the requisite minimum qualifications and is not a probationary employee. Criteria used in evaluating an applicant's qualifications may include such considerations as evaluations, aptitude, attendance records, education, training, prior work experience history, physical and mental fitness for the position, length of service with the City and the particular City department or office.
- D. In the event that no qualified employees apply or the Elected Official determines that, such position(s) should be filled from outside, the Elected Official at his/her discretion, may do so.

- E. An applicant for employment with the City must complete an employment application, including acknowledgement that he/she is a citizen of the United States, is a legal alien or has filed a declaration of intent to become one and a declaration that all information provided is truthful. Falsification of any statements by the applicant shall be cause for denial of employment or termination from employment if discovered after the applicant has been hired.
- F. All applicants will be subject to a background investigation from the Southport Police Department or IMPD or State Police.
- G. Upon determination of which applicants meet the minimum job-related qualifications, the applicant's knowledge, skill and ability to perform the essential functions of the position may be considered. Applicants shall be required to provide any information and undergo any job-related performance tests, reference checks, background checks or other job-related procedures necessary to demonstrate qualifications for the position sought.
- H. Applicants selected for employment will be required to submit to drug and alcohol testing to determine their ability to perform the duties of the position for which they have been selected. Such examinations shall be conducted prior to commencement of employment and shall be a condition for acceptance as an employee of the City. The applicant will be required to pay for such testing.
- I. In the event that an applicant has a disability which affects his/her abilities to complete employment testing, a request for reasonable accommodation, made by the applicant prior to the administration of the testing, (including accessible testing sites, modified testing conditions and accessible testing formats) will be evaluated to ensure that the application process is available to all qualified applicants.
- J. Requests for reasonable accommodations will be evaluated for applicants and employees with a handicap as required by law. Health and medical conditions shall only be a bar to employment if the employee or applicant's condition is still such that after making reasonable accommodation, he/she could not perform the substantial and material aspects of the job. In addition, the Elected Official, at the City's expense, may require an employee, at any time, to take a medical examination conducted by a licensed physician, who shall be selected by the Elected Official, if they have reason to believe that the employee is no longer capable of performing the substantial and material portions of the duties and responsibilities of his/her position.

- K. In the event that the minimum requirements and qualifications of a classification are changed by external law or technological advancement, it shall be the sole responsibility of the employee to meet such new requirements within a reasonable period and maintain such qualifications. Employees failing to maintain the minimum requirements and qualifications of their classification in a reasonable amount of time may be subject to reduction in position and pay, provided a vacancy exists in a classification for which the employee is qualified or termination if no such vacancy exists. The City has no obligation to create a vacancy for an employee failing to maintain the qualifications of his/her job.
- L. The Elected Official may eliminate a prospective employee from consideration if he/she:
1. Does not possess the knowledge, skill and abilities necessary to effectively perform the duties of the vacant position.
 2. Has made a false statement of material fact on the application form or supplements.
 3. Has committed or attempted to commit a fraudulent act at any stage of the selection process.
 4. Is an illegal alien.
- M. An applicant may be eliminated from consideration upon other reasonable grounds relating to job requirements (i.e. inability to perform essential functions even though reasonable accommodations have been met). If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the City Council may terminate the employee for dishonesty, incompetence, nonfeasance or malfeasance. The City, through the Clerk-Treasurer's Office, shall maintain a record keeping system reflecting the disposition of all job applicants and the reasons for hiring or not hiring an applicant. Such records shall be kept on file for at least two (2) years and shall include a completed job application, medical examination data, test results and/or any job-related information.
- N. Continued employment by the City is conditioned upon the employee maintaining the physical, mental and emotional ability to perform the substantial and material portions of his/her duties and a satisfactory record of performance and discipline as determined solely and exclusively by the City Council and/or designees.
- O. If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the City Council may terminate the employee.

V. Employment Orientation

- A. An orientation program will be conducted for all newly hired employees of the City. The primary purpose of the orientation program is to acquaint new employees with City policies and departmental rules and procedures, the organization's structure, their position description and to familiarize such new employees with facilities equipment, introduce them to department personnel and supervisors.
- B. The Elected Official is responsible for establishing an orientation program for new employees.
- C. This orientation program may include but is not limited to such areas as:

Clerk-Treasurer 's Responsibilities

Details to take care of before your first day on job:

- _____ Application
- _____ I-9 Employment Eligibility Verification
- _____ W-4 Federal form & WH-4 State form
- _____ Direct Deposit form
- _____ Overview of Insurance benefits packet/Enrollment form
- _____ Review City Personnel Policy and Procedure Manual
- _____ Emergency contact sheet
- _____ Pre-employment drug screen
- _____ Who to see if there is a question/mistake on your check

Mayor's Responsibilities (Clerk-Treasurer's for his/her staff)

- _____ Introduction to immediate supervisor
- _____ City philosophy
- _____ Importance of attitude
- _____ Employee dress code
- _____ Reporting to work (time, place and work hours)
- _____ Employee parking area
- _____ Where to store your personal belongings while working
- _____ Personal calls
- _____ Job description and training
- _____ Probationary period
- _____ Overtime
- _____ Who to call if absent
- _____ Safety in the workplace
- _____ What you do in case of fire or other disasters
- _____ First aid procedures in case of emergency

- _____ Use of City equipment and/or vehicles
- _____ City grievance procedure
- _____ Job and employee information postings
- _____ Introduction to employees within the department
- _____ Others as Determined by the Elected Official
- _____ Verify employees compliance with the City's nepotism policy

D. It is the responsibility of the Elected Official to establish an orientation "check- off" list covering the above areas. The individual conducting the orientation will be required to check off each area after they have acquainted the new employee with this area. The employee shall sign and date the list indicating they have completed the orientation program and understand all information provided in each of the above areas. This checklist will be completed and sent to the Clerk-Treasurer within seven (7) days from the employee's first day of work. The signed and dated check-off list will be filed in the employee's personnel file in the Clerk-Treasurer's Office.

VI. Probationary Period

- A. All employees hired for regular part-time or full-time employment must complete a 90-day probation period. During the probation period, you may decide that your new job is not what you thought it would be or your supervisor may conclude that he/she has misjudged your qualifications for that job. The supervisor may also conclude that the job and your skills and qualifications are not a good fit. The 90-day probationary period provides you a chance to demonstrate your ability, skills and interest and to determine for yourself whether you are satisfied in the position you have taken.
- B. Note police officers probationary period is set at one (1) year by state statute.

VII. Performance Evaluation

- A. During the first year of employment with the City, the employee's job performance may be reviewed before the end of probationary period.
- B. The elected official/supervisor may give annual performance reviews for each of their employees.
- C. All evaluations shall be properly documented and kept in the employee's permanent personnel file in the Clerk-Treasurer's Office.

VIII. Employee File

- A. The Clerk-Treasurers office maintains a confidential file for each employee in the Clerk-Treasurer's office, including (but not limited to) employment application, reference responses, attendance records and evaluation reports. A copy of any written disciplinary action shall be given to the affected employee and shall be placed in the affected employee's personnel file.
- B. Any disciplinary action shall cease to have force and effect and will not be considered in future disciplinary action if for twelve (12) months after its effective date the affected employee has not engaged in the same or similar conduct or offense.
- C. Upon written request, an employee may review their personnel file. This request must be signed, dated and given to the Clerk-Treasurer.
- D. Employee medical records will be maintained in the Clerk-Treasurer's office in accordance with HIPPA requirement.

IX. Resignation

- A. In the event that an employee intends to resign, he/she should notify the Elected Official, in writing, at least two (2) weeks in advance of the effective date in order to assure continuity of operations.
- B. Voluntary Resignation: An absence of three or more consecutive days without appropriate notice and/or documentation will be considered voluntary resignation.

X. On the Job Training, Conferences, Professional Development

- A. It is the employee's responsibility for maintaining and upgrading job skills. Each individual administrator, supervisor and employee bears primary responsibility for maintaining individual knowledge, skills and abilities necessary to perform the job and for upgrading skills necessary to meet technological change or seek promotion. The City will facilitate those efforts and provide training from time to time.
- B. On-the-Job Training (OJT): On-the-job training prepares an employee to perform the responsibilities required of his/her position. It allows the employee to learn his/her job duties, proper procedures and expected performance levels.

- C. Training Program Evaluation: The Elected Official may periodically examine current and proposed training programs in order to insure the program's relevance to both the individual employee and organizational training needs.
- D. The Elected Official shall manage their respective departments. City employees may obtain training/schooling leave without loss of pay for the purpose of participating in training/schooling that will increase the knowledge and efficiency in their position with the municipality so long as it has been determined by the Council that this training/schooling is needed and will benefit the City. The straight eight (8) hours per day will be paid while attending seminars, conferences or training classes.
 - 1. If training/schooling is for one day only with travel to and from on the same day, the hours over eight (8) will be considered when calculating overtime.
- E. If possible, any reasonable expenses involved in attending such training shall be paid for in advance.

Employee Behavior/Conduct

I. Ethics/Conflict of Interest

A. The proper operation of the City of Southport requires that all official representatives be effective, independent, objective and accountable to the people they serve. To ensure these qualities are upheld, the City has adopted this Code of Ethics and Values to promote and maintain the highest standards of personal and professional conduct in our community. All elected and appointed officials, employees, volunteers and others who participate in our government are required to subscribe to this Code, understand how it applies to their specific responsibilities and practice these core values in their work. Because we value the public's confidence and trust in our services and its decision-makers, our character and behaviors must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

Honesty/Integrity

1. To act with moral courage.
2. To make decisions for the public's best interests, even when they may not be popular.
3. To not engage in any business that would be, directly or indirectly, inconsistent with the conscientious performance of our public duties.
4. To make no private promises of any kind that may unduly influence our public duties.
5. To accept the responsibility to: (1) expose corrupt practices and/or behaviors and, (2) where empowered to do so, protect any public employee from retaliation who has exposed corrupt practices and/or behaviors.

Respect/Civility

1. To treat others as you would wish to be treated.
2. To accomplish the goals and responsibilities of our individual positions, while respecting our role as a member of a team and the community at large.
3. To act in a professional and responsive manner.
4. To work together in a spirit of tolerance and understanding.
5. To work to build consensus and accommodate diverse opinions.
6. To communicate effectively by listening carefully, asking questions and responding in a way that adds value to conversations.

Accountability/Responsibility

1. To not participate in any decision where we have a conflict of interest or from which our family, business or professional associates may personally benefit.
2. To not use our positions, public property or public resources for the personal benefits of ourselves, our family or our business or professional associates.
3. To never solicit or accept any favor, gift or benefit for our family, our business, professional associates or ourselves that might be construed or appear as influencing the performance or decisions of our public duties and to report any gifts, favors or special treatment to the City Officials.
4. To make full public disclosure of the nature of any conflict of interest prior to any action taken.
5. To avoid disclosing or abusing the information that we gain by virtue of our position for the personal benefit of ourselves, our family or businesses or professional associates.
6. To not engage in direct competition with our respective City while we are an employee, an appointed official or an elected official.
7. To support the public's right to know the truth and encourage diverse and civil public debate in the decision-making process.

Fairness/Justice

1. To promote non-discrimination in our decision-making for our respective City and to make decisions based upon the merits of the issue at hand.
 2. To recognize the function of government to serve the best interests of the citizens.
 3. To use our authority to promote the efficient and effective delivery of public services.
 4. To refrain from proposing services where adequate resources are not available.
 5. To work to remedy the imbalance where inadequate resources adversely affect the best interest of the citizens.
- B. Behavior inconsistent with the values set forth in this code may be redressed by the traditional instruments of governance including state law, ordinances and work rules.
- C. No employee shall use his/her position with the City for personal gain, nor shall he/she engage in any business or transaction, which is in conflict with the proper discharge of his/her duties.

- D. No employee shall engage in, accept private employment or render services for private interests, when such employment or service is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independent judgment or action in the performance of his/her official duties.

II. Appearance/Grooming

- A. When conducting City business, appropriate, clean and neat appearance is required. (It is understood that some employees may become dirty during their work schedule. Every effort should be made to provide the community with a neat and clean appearance when possible.)
- B. The City of Southport is a place of business and all staff conducting City business should dress accordingly in or outside of the office at all times. Clothing that is too revealing is not appropriate for a place of business.
1. When and if an employee is asked to perform a task outside of the normal job duties such as cleaning or painting, appropriate clothing for the task may be worn, including overalls, hats, etc. as needed.

III. Employee Fitness for Duty

The City has a strong commitment to provide a safe and healthy environment for its employees. All employees must be able to perform his/her job duties. Any employee deemed unfit to perform such duties will be subject to a written reprimand up to and including being sent home for the day. Enforcement of the Fitness for Duty Policy will be by the Progressive Discipline Policy.

- A. Fitness for duty will be determined when reasonable suspicion exists that the employee is unfit to continue working. When an employee's appearance, behavior, speech or body odors indicates he/she may have an illness, drug or alcohol use or other health related issues which could affect the entire staff or the employees ability to perform his/her duties he/she will be disciplined or sent home according to this policy. Such observations must be personally observed and documented by at least one supervisor. This supervisor will use his/her best judgment to determine whether disciplinary action or merely sending the employee home is required.
- B. An employee is obligated to notify his/her immediate supervisor when reporting for duty or in the course of work, if the use of any substance, even if medically required which may adversely affect his/her ability to satisfactorily perform his/her normal job.

IV. Behavior

- A. Always treat the public with respect. Employees are expected to adopt a friendly, courteous and service oriented attitude towards the citizens and customers of Southport.
- B. The possession and/or use of a firearm, ammunition or other deadly weapons on City property or while on duty by City employees who are not police officers is strictly prohibited. Employees must keep firearms locked in their vehicle out of sight while on public property.
- C. Profane or vulgar language is not permitted while on duty or on City property.
- D. Improper (i.e. immoral, unethical and unprofessional) or unproductive use of the City's computers and the City's email system will not be tolerated including any social media such as Facebook and Twitter.
- E. Fighting, immoral acts, threats, intimidation or similar behavior aimed at the public or other employees will not be tolerated.
- F. Visits from family and friends while on duty should be limited and only allowed on an employee's breaks. Bringing children to work is expressly prohibited, but allowed during break periods if a responsible adult accompanies them and approved by the supervisor.
- G. While not everything can be listed, you should remember that your behavior should reflect the fact that you work for the public and that your behavior could negatively affect the people you meet. It is up to you personally to act in a responsible, moral and ethical manner at all times.
- H. Excessive complaints from the public against any employee will be investigated and may result in disciplinary action.
- I. Violation of federal, state or local laws and/or ordinances may result in disciplinary action up to and including termination.
- J. Enforcement of the Behavior Policy will be by the Progressive Discipline Policy located in Section IX.

V. Attendance/Late Arrival

- A. Each employee is expected to be available to work as scheduled, to be at work at the beginning of his/her assigned shift and to work until the end of the assigned shift unless prior approval to do otherwise has been received.
- B. If an employee is unable to report to work as scheduled, will be late or will need to leave early, he/she must report this information to their supervisor as soon as possible.

- C. Any employee not notifying the supervisor or not reporting to work at his/her scheduled start time will be considered to be on unauthorized leave.
- D. Late arrival on a regular basis is inexcusable and will not be tolerated. Late arrival is defined as any situation where an employee reports to work after his/her scheduled starting time.
- E. Excessive late arrivals or absenteeism defined as three (3) times in a month, will result in disciplinary action.
- F. If an employee is excused, in advance, from scheduled work, such absences will not count as an absence occurrence.
- G. An employee absent for three (3) consecutive workdays without notifying his/her supervisor will be considered voluntary resignation.

VI. Outside Employment

- A. Employment “conflicts,” as set forth in this policy, are when a second job impairs the employee's ability to perform the duties of his/her position. If an employee has outside employment, they need to inform their supervisor of the situation.
- B. Full-time employment by the City shall be considered the employee's primary occupation, taking precedence over all other occupations. “Outside” employment or moonlighting, shall be a concern to the City Council only if it adversely affects the job performance of the employee's City job.
- C. Should the Elected Official feel that an employee's outside employment or hobbies is adversely affecting the employee's job performance, the Elected Official may recommend, but may not demand, that the employee refrain from such activity. However, any conflict, policy infractions, or other specific offense, which is the direct result of an employee's participation in outside employment, will subject the employee to discipline or discharge in a manner that is otherwise consistent with the policies set forth in this manual.

VII. Progressive Disciplinary Policy

All employees are expected to perform their duties in a competent, efficient and professional manner. Furthermore, employees are required to act courteously and cooperatively with their fellow employees, supervisors and the public. When employee conduct falls below these standards, disciplinary action may be warranted.

In order to promote the common good and welfare of the City and its employees, the City has established rules of conduct. The commission of any of the acts listed below will result in disciplinary action ranging from verbal or written warnings to suspension or to immediate discharge depending on the act and the circumstances.

A. Group I Rules

The following is a list of Group I violations. (This is not intended to be an exhaustive list.):

1. Excessive tardiness, absence or forgotten time clock punches (defined as three (3) times within one month).
2. Leaving City premises during working hours without permission
3. Failing to report absence within one (1) hour before start time
4. Neglect of duty and/or failure to perform assigned duties
5. Failure to follow established work procedure and policies
6. Horseplay or use of machinery, equipment or tools in a hazardous manner
7. Creating or contributing to any unsanitary condition
8. Unauthorized use of web based bulletin boards or spending time on the computer doing non-employment related browsing or tasks
9. Unauthorized or excessive personal use of City computers
10. Restricting one's own production or interfering with the production of other employees
11. Conducting personal business on City time
12. Violating safety regulations
13. Failing to make an immediate report of an occupational injury
14. Fighting or committing an assault
15. Failure to report an accident while on City time
16. Failure to wear provided City uniforms for departments that are required to wear them
17. Violation of the smoking policy
18. Failure to report a traffic ticket while driving a City vehicle

If a violation of a Group I rule occurs, the supervisor/assistant will use the following procedures:

- Step 1.* Corrective interview with the employee and his supervisor, confirmed in writing.
- Step 2.* Violation of any Group I rule, three (3) times or more within the calendar year, may subject the employee to up to three (3) days suspension without pay.
- Step 3.* Violations of any Group I rule, following a disciplinary suspension, will be subject to discharge. (Pending review by the City Council and Elected Official for their respective employees.)
- Step 4.* The employee may request to have any written documentation removed from his/her file at the end of a year if no additional violations have occurred.

B. Group II Rules

Examples of Group II disciplinary actions include, but are not limited to the following:

1. Improper use of accident leaves or extended disability leave benefits.
2. Insubordination
3. Possessing firearms, weapons, explosives and so forth, on the premises
4. Disclosure of confidential City information to outsiders without proper authorization
5. Completing another employee's time record or allowing another to complete one's time record.
6. Loafing, loitering or sleeping on the job.
7. Mistreatment of members of the public, fellow employees or supervisory personnel or blatant disrespect of fellow employees, supervisor or citizens
8. Using abusive or threatening language
9. Using, selling or being under the influence of illegal substance or controlled substances not prescribed by a physician
10. Disorderly, offensive or illegal conduct
11. Falsifying any City records or employment application
12. Stealing or committing any criminal offense on City property
13. Damage to or improper use of City property either willfully or through gross negligence
14. Employee testing positive for drug and/or alcohol test.
15. Unauthorized use or possession of City property
16. Stealing of City property

Any violation of a Group II rule will result in the employee being relieved from duty with pay from 3 to 5 days and may be subject to discharge pending an Elected Official hearing.

VIII. Employee Appeal

- A. In the event that disciplinary action must be taken against an employee, it will be for just cause and normally in a progressive manner. This will be done as an attempt to correct an employee's behavior, except in those cases of gross or serious misconduct where an employee may be subject to suspension, reduction or removal from employment for violation of Group II rules.
- B. In cases of possible suspension without pay, reductions in pay or position, or termination, an employee shall be notified of the charges in advance and be afforded the opportunity to present evidence and witnesses on his/her behalf

before disciplinary action. Said hearing will be before the City Council. A Third party, if so requested, may also represent the employee.

IX. Grievance Procedure

A. It is inevitable that misunderstandings and differences will arise when employees of the City are working together on a day-to-day basis. In order for employees to have a formal process in which to have their problems and questions heard and appropriately resolved in a timely manner, the following grievance procedure is hereby established:

Step 1- The employee will submit a written grievance to the Elected Official and the President of the Council within five (5) working days of the action's occurrence. The Elected Official or City Council President shall meet with the employee and make every effort to resolve the grievance within five (5) working days of the date of the presentation of the grievance.

- a. If the grievance is against the Elected Official, the employee should contact the Council President.

Step 2- If the grievance has not been settled through Step 1, the written appeal, along with all pertinent correspondence to date, shall be presented to the City Council within five (5) working days of the receipt of the reply from Step 1.

Step 3- After the written appeal, the City Council shall conduct a detailed hearing and they shall issue a final decision within ten (10) working days of the date of presentation of the written grievance.

- B. Failure of the employee to submit his/her appeal within the time limits specified will result in the City considering the matter settled and closed and shall constitute a legal defense in any legal action involving the employee.
- C. The time limits in the grievance procedure may be extended only by mutual written agreement of the parties due to extenuating circumstances.
- D. A grievance shall be considered resolved if, at any point, the grievant withdraws his/her grievance in writing or fails to process the grievance within the specified time limits.

General Policies

I. Travel and Expense Reimbursement

- A. An employee may be reimbursed for mileage at the federal government mileage rate for the use of privately owned automobiles for official business. However, such reimbursement may be made only if the employee carries motor vehicle liability insurance as required by law and demonstrates proof.
- B. An employee must file all receipts on a City claim form. Employee must state origin and destination of each trip in sufficient detail to account for the mileage claimed. No reimbursements are payable for travel between home and office. Claims, with original itemized receipts, must be turned into the Clerk-Treasurer's Office within seven (7) days of the trip or event. Charges for parking are reimbursable on any day when an employee is entitled to claim reimbursement for mileage.
- C. Travel by commercial airlines, rail service or bus will be reimbursed for the prevailing 'tourist' or 'coach' rate when authorized and supported by original receipts.
- D. Reasonable meals will be reimbursed when supported by original receipts. Gratuity should be reasonable and not exceed twenty percent (20%).
 - 1. When separate checks are not available, an employee may claim reimbursement for other employees, provided that each employee is identified by name and that an original receipt is provided.
 - 2. Payment for meals will only be made to the individual submitting the claim.
 - 3. No meals will be reimbursed for meals which are already provided for in a registration fee and no exceptions will be permitted.
- E. Reasonable lodging shall be reimbursed when supported by original receipts in the following manner.
 - 1. Single occupancy will be reimbursed at actual cost.
 - 2. Reimbursement for lodging costs shall include room costs, associated local taxes and necessary business related charges.
 - 3. Room service will not be reimbursed.
- F. Personal expenses incurred in traveling are not reimbursable, including but not limited to: personal telephone calls, laundry, entertainment, in room movies and alcoholic beverages.

II. Health/Safety

- A. In accordance with the Occupational Safety and Health Act of 1970, Southport has established that, as a matter of policy, a safe and healthful workplace shall be provided for all employees. The elected official has the ultimate responsibility and authority for compliance with the federal and state laws pertaining to Occupational Safety and Health.
- B. Each employee is to work in a safe manner and observe the safety procedures as instructed by his/her supervisor.
- C. Any employee who has a valid prescription for a narcotic and is required to take the medication during work hours is required to inform his/her supervisor of the prescription. This employee will not be allowed to operate a City owned vehicle or heavy equipment.
- D. Any accident hazards or unsafe conditions of equipment are to be corrected or reported to the employee's department head immediately, who will then notify the designated safety officer. The designated safety officer will be the central point of contact for OSHA/IOSHA issues. Nothing in this appointment shall reduce the responsibility or authority of department heads and/or supervisors from the effective and ongoing performance of OSHA/IOSHA.
- E. If an employee has an accident involving a City vehicle that causes an injury requiring medical attention or property damage, the employee will be subject to an alcohol and drug test.
- F. Workers' Compensation forms will be filed for all injuries by the Clerk-Treasurer's office. All department heads, or their designee, will file their report on behalf of the employee, within twenty-four (24) hours of the accident. The degree of injury does not matter. If the employee has complications later, a properly completed form will allow the treatment to be covered by Workers' Compensation.
- G. If an employee is injured and is physically unable to complete the balance of the workday, he/she shall be paid for the remainder of that day. Further absence may require the employee to apply for benefits pursuant to Workers' Compensation.
- H. The City's compliance with applicable OSHA/IOSHA laws, standards, policies, etc., shall be monitored and documented by the Elected Official.

III. Safety Data Sheet

- A. The City will maintain and utilize appropriate safety data sheets on any products, chemicals or substances used in each facility that is required by federal law. One set will be maintained by the Maintenance Supervisor and the second set will be maintained in the Clerk-Treasurer's office.
- B. In case where an employee may encounter said substance and medical treatment is necessary, a copy of the safety data sheet will accompany the employee to the medical facility.
- C. As of December 1, 2013, all employees are to be trained under the new guidelines known as GHS or Global Harmonized System (aka Right-To-Understand).

IV. Blood Borne Pathogens

Several departments within the City may have occupational exposure to blood or other potentially infectious material.

- A. Universal precautions will be observed at the City in order to prevent contact with blood or infectious materials. All blood and potentially infectious material will be considered infectious regardless of the perceived status of the source.
- B. Employees should not compress trash in waste cans, as it would be easy to be stuck by a needle or other sharp object. Employees should also not place their hand on the bottom of trash bags for support as they could be stuck by sharp objects in the bag. Employees should examine the bags before picking them up to be sure there are no sharp objects sticking out of the bag.
- C. Hand washing facilities are also available to employees who incur exposure to potentially infectious materials. Employees should wash as soon as possible.
- D. Protective gloves should be worn whenever possible.
- E. Do not reuse gloves, or other protective equipment.
- F. All employees will be provided annual training on blood borne pathogens. Training will be provided by the Southport police department
- G. The City will offer and pay for any employee who wishes to receive a Hepatitis shot.

V. HIPAA Privacy

- A. The HIPAA Privacy Rule (Standards for Privacy of Individually Identifiable Health Information) provides national standards for protecting the privacy of health information. The Privacy Rule regulates how certain entities, called covered entities, use and disclose certain individually identifiable health information, called protected health information (PHI). PHI is individually identifiable health information that is transmitted or maintained in any form or medium (e.g., electronic, paper or oral), but excludes certain educational records and employment records.
- B. Protected Health Information Privacy Rule protects certain information that covered entities use and disclose. This information is called protected health information (PHI), which is generally individually identifiable health information that is transmitted by or maintained in, electronic media or any other form or medium. This information must relate to 1) the past, present or future physical or mental health or condition of an individual; 2) provision of health care to an individual; or 3) payment for the provision of health care to an individual. If the information identifies or provides a reasonable basis to believe it can be used to identify an individual, it is considered individually identifiable health information.
- C. The City of Southport will maintain the employee's health and medical records in accordance with the requirements of HIPAA.

VI. Tobacco Policy

- A. By State Statute, the use of tobacco product by an employee or non-employee shall be prohibited in all City owned buildings.
- B. Declared tobacco use areas may be provided, will be marked accordingly and must be at least eight (8) feet from any public entrance.

VII. Use of Tools and/or Equipment

- A. Employees are not permitted to use City vehicles, materials, tools, equipment for personal use.
- B. Employees may not expend labor during scheduled work hours for work not related to City business. This prohibits any employee from performing private work for himself, another employee or a non-employee.
- C. Use of personal tools and equipment is prohibited. If an employee uses personal tools or equipment, the City will not be liable if breakage occurs.

VIII. Use of City Vehicles

- A. Any employee of the City who is required to operate a City vehicle in the course of his/her employment will be subject to the following conditions and restrictions:
1. Use of seat belts by driver and all passengers at all times.
 2. Reassignment or other appropriate personnel action in the event of license revocation, suspension or arrest for a DUI.
- B. Employees who are required to operate City vehicles during the course of their employment must immediately report any condition that adversely affects their ability to operate such vehicle(s) and/or equipment.
1. Must be able to meet insurability standards and requirements of the City liability insurance provider.
 2. Maintain a valid driver's license.
- C. Employees must not permit unauthorized drivers or passengers in the City vehicles, unless on official business or approved by the Elected Official.
- D. Notify the Mayor or his designee of any needed repairs or any conditions that the employee notices while driving the City vehicle.
- E. Reimbursement for necessary emergency road service and repairs, parking and highway-related tolls require appropriate receipts for reimbursement.
- F. In the event of an accident, employees must do the following:
1. Assist any injured party, if possible, and call 911.
 2. Do not move any vehicles unless instructed to do so by proper police authority.
 3. Write down all pertinent facts such as the other driver's name, address, telephone number, license plate number, driver's license number, social security number and name of insurance, policy number, name, address and telephone number of any injured party or witnesses.
 4. Do not admit any fault or make any oral or written statements but give your name, address, telephone number, etc. and;
 5. Notify the Mayor and submit a written report as soon as possible.
- G. If an employee has an accident, involving a City vehicle, that causes an injury requiring medical attention or property damage, the employee will be subject to an alcohol and drug test immediately following the accident.

H. It is the City employee's responsibility to operate and maintain all City & Utility vehicles and equipment in a safe, clean and professional manner. Any abuse of such equipment and vehicles shall be grounds to be considered for dismissal.

IX. Solicitation and Distribution

The following policy on solicitation and distribution is hereby adopted by the City Council as to all City premises including but not limited to the various administrative offices, locations and work sites:

- A. Non-employees of the City who intend a solicitation and distribution visit to the interior premises of the City's facility shall give advanced notice to the elected official not less than twenty-four (24) hours prior to the visit. Such notice shall be accompanied by a list of persons intending access and a designated time. All solicitation and distribution activity by non-employees shall be confined to non-work time and in non-work areas designated by the City and must not jeopardize health and safety. Such solicitation shall be posted on the front door of the City Hall. Exceptions to this are at the sole discretion of the elected official and may include such persons as suppliers, vendors and manufacturer's representatives who make regular visits with the continuing knowledge of the elected official.
- C. The Elected Official may regulate any solicitation and distribution activity by any employee or non-employee, which disrupts or interferes with the normal work of the City on its premises or in areas under the operational control of the City.

X. Confidential Information

- A. In the course of employment with the City of Southport, the employee may have access to information, which is confidential, including, but not limited to, information about any new City projects, accounting records, personnel records, insurance records, the community and their families. The employee shall not use, disclose or divulge the confidential information, to any third party, without prior written authorization.

XI. Hours of Work

- A. The elected official shall establish the standard workday, workweek and starting and quitting times for each department, taking into account current and anticipated workloads, public service needs and other factors. No established schedule shall be construed as a guarantee of work hours or as a restriction of the City's right to restructure the workday or workweek.

- B. The City is open for business Monday through Friday, 52 weeks a year unless there is a scheduled holiday approved by the City Council. Employees should contact the elected official for the hours of operation for their respective department. Employees of the Clerk-Treasurer's Office shall contact that department for hours of operation.
- C. Office hours are set by each department. The elected official shall approve alternative or flex time working hours as needed for their respected departments.
- D. Subject to the discretion of the department head, employees may be allowed to take one fifteen (15) minute rest break during any four-hour work period. Such breaks shall not interfere with the proper performance of the employee's work responsibilities, will be set by the department head and are subject to change.
- E. Employees shall receive a thirty (30) minute unpaid lunch break during an 8 hour shift
- F. Operational needs and/or emergencies, however, may necessitate the establishment of other work hours, days or weeks.

XII. Weather/Civil Emergencies

It is the policy of the City of Southport to provide normal services during the event of a weather emergency to the maximum extent possible, while ensuring the greatest possible safety to employees and citizens and to provide the fullest obtainable staffing levels during such an emergency.

- A. Weather/Civil Emergency: A weather condition, which causes the Mayor or his/her designee, to declare a state of emergency, such as snow, flood, tornado, etc.
- B. Critical Service Employee: Those employees who are employees of any public safety department, (i.e. Police) and those employees of departments that render services to the public, ensuring its safety, directly contributes to the City's emergency operations designed to combat the specific emergency situation at hand and/or ensures continued essential public service.
 - 1. Critical Service Employees are expected to report for their regular shift assignment during a weather/civil emergency, without exception, unless the department head has contacted employees personally, with alternate instructions.

2. Critical Service Employees may use personal time leave. However, the request may be denied with no recourse available to the employee except to report to work for his/her regular shift.
- C. All employees are subject to report to duty at reasonable times and must respond to the emergency call, unless physically unable to do so.
 - D. Any employee who reports to work and the facility/department is later closed due to an emergency after his/her arrival, the employee shall be paid for a full workday without being penalized by using vacation, personal days, compensatory time or by making up this time within the pay period. However, if a full-time employee does not report to work on a day in which the facility/department is later closed, time missed will be charged to vacation, personal days, compensatory time without pay or under certain circumstances, the department head may allow the employee to make up time missed, provided that the time is documented. If a part-time employee cannot report to work, time missed shall be without pay.

XIII. Social Media

- A. The purpose of this policy is to direct the City employee with respect to their use of social media and social networking and the direct affect such use has upon the reputation and perception of the City.
- B. Social Media: a variety of online sources that allow people to communicate, share information, share photographs, share videos, share audio and exchange text and other multimedia files with others via some form of online or cellular network platform.
- C. Social Networking: Using such internet or mobile formats as Facebook, Twitter, My-Space, Usenet groups, online forums, message boards or bulletin boards, blogs or other similarly developed formats, to communicate with others using the same group while also networking with other users based upon similar interest, geographical location, skills, occupations, ideology, belief, etc.
- D. Mobile Social Networking: Social networking is using a mobile phone or other cellular based device.
- E. Definitions:
 1. Internet: A computer network consisting of a worldwide network of computer networks that use the TCP/IP network protocols to facilitate data transmission and exchange.

2. World Wide Web: Computer network consisting of a collection of Internet sites that offer text and graphics and sound and animation resources through the hypertext transfer protocol.
 3. Blog: A series of entries, written by either one person or a group of people, in an online journal, usually posted in chronological order, like a diary, blogs can allow comments on entries or not.
 4. Blogging: To read, write or edit a shared online journal. Blogging can also encompass the act of commenting and engaging with other commenters on any blog, including one operated by a third party.
 5. Post: An item inserted to a blog or an entry to any type of computerized bulletin board or forum.
 6. Posting: Posting is the act of creating, uploading, editing or adding to any social media outlet. This includes text, photographs, audio, video or any other multimedia file.
 7. Forum: An online discussion site.
 8. Comments: Responses to a blog post, new article, social media entry or other social networking post.
 9. Commenting: Is the act of creating and posting a response to a blog post, new article, social media entry or other social networking post. Commenting can also entail the act of posting an original composition to an unrelated post or article.
 10. Avatar: A computer user's representation of himself/herself; or an alter ego.
 11. Identity: An online identity, Internet identity or Internet persona that a social networking user establishes. This can be a real name, an alias, a pseudonym or a creative description.
 12. Handle: The name of one's online identity that is used most frequently. It can also be the name of one's twitter identity.
 13. User Name: The name provided by the participant during the registration process associated with a Web site that will be displayed publicly on the site.
- F. Employees are prohibited from posting any of the following on any social media networking platform either on their own sites, the sites of others known to them, the sites of others unknown to them, news media pages or other information exchange forums.
1. Any text, photograph, audio, video or any other multimedia file related to any action and or investigation, both current and past of the City.
 2. Any text, photograph, audio, video or any other multimedia file related to any action both current and past of the City either in homage or critique.

3. Any text, photograph, audio, video or any other multimedia file related to any occurrence of within the City, including but not limited to:
 - a) Fellow Employees
 - b) Work performed on behalf of the City
 - G. Pictures of employees in uniforms or other forms of City Identification are not to be used in any form of Social Media.
 - H. Employees who choose to maintain or participate in social media or networking platforms while off duty shall always conduct themselves with professionalism and in such a manner that will not reflect negatively upon himself or herself or the City. The following rules shall apply:
 1. Employees will be held responsible for content that appears on their maintained social media/networking sites and will be obligated to remove any posting or material contributed by others that is detrimental to the reputation of this City or is not in accordance with this policy and all other policies.
 2. Employees shall not post sexually graphic or explicit material of any kind on any form of social media/networking and shall immediately remove any material of this nature posted on their site by another individual.
 3. Weaponry of any kind shall not be displayed or referenced to in any multimedia format on sites, which might depict promote or glorify violence or terrorism of any type.
 4. Any text, photograph, audio, video or any other multimedia file included on a site that infers, implies, state, opines or otherwise expresses the employee's view on the public, legal, judicial, criminal systems or other department shall not be detrimental to the department's mission, values or vision statement or violate any policies.
 5. Any text, photographs, audio, video or any other multimedia file that contains obscene or explicit language including, but not limited to cursing, racist, sexist or religious slanderous comments.
 - I. Employees should be aware that they may be subject to civil litigation along with formal discipline for publishing or posting false information that harms the reputation of another person, group or organization otherwise known as defamation.
 - J. Employee should be aware that privacy settings and social media sites are constantly in flux and they should never assume that personal information posted on such sites is protected.
 - K. Employees should expect that any information created, transmitted, downloaded, exchanged or discussed in public online forum or social media networking sites, may be accessed by the City at any time without prior notice.
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XIV. Computers, Internet & E-Mail

- A. The use of City of Southport automation systems, including computers, fax machines and all forms of Internet access, is for City business and for authorized purposes only. Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate and does not result in expense to the City. Use is defined as "excessive" if it interferes with normal job functions, responsiveness or the ability to perform daily job activities or ceasing to engage in such activities when instructed by one's supervisor. Electronic communication shall not be used to solicit or sell products or services that are unrelated to the City's business; distract, intimidate or harass coworkers or third parties; or disrupt the workplace.
- B. Prohibited Use: Use of City computers, networks and internet access is a privilege granted by the City and may be limited and/or revoked at any time for inappropriate conduct carried out on such systems, including, but not limited to:
- Sending chain letters or participating in any way in the creation or transmission of unsolicited commercial e-mail ("spam") that is unrelated to legitimate City purposes;
 - Engaging in private or personal business activities, including excessive use of electronic mail, instant messaging and chat rooms;
 - Misrepresenting oneself or the City;
 - Using a computer account that you are not authorized to use;
 - Masking the identity of a computer or network;
 - Obtaining a password for a computer account without the consent of the account owner;
 - Using the City's computers or networks to gain unauthorized access to any computer systems;
 - Violating the laws and regulations of the United States or any other nation or any state, city, province or other local jurisdiction in any way;
 - Violating terms of applicable software licensing agreements or copyright laws;
 - Deliberately propagating any virus, worm, Trojan horse, trap-door program code or other code or file designed to disrupt, disable, impair or otherwise harm either the City's networks or systems or those of any other individual or entity;
 - Circumvent data protection schemes or attempting to uncover security loopholes;
 - Installing software on City computers which is not authorized by the employee's immediate supervisor, the Elected Official.;

- Using abusive, profane, threatening, racist, sexist or otherwise objectionable language in either public or private messages;
 - Sending, receiving or accessing pornographic materials;
 - Using computers for partisan politics;
 - Causing congestion, disruption, disablement, alteration or impairment of the City's networks or systems;
 - Interfering with the normal operation of computers, terminals, peripherals or networks or running or installing on any computer system or network or giving to another user, a program intended to damage or to place excessive load on a computer system or network;
 - Maintaining, organizing or participating in non-work-related Web logs ("blogs"), Web journals, "chat rooms" or private/personal/instant messaging;
 - Failing to log off any secure, controlled-access computer or other form of electronic data system to which you are assigned, if you leave such computer or system unattended;
 - Using recreational games; and/or,
 - Defeating or attempting to defeat security restrictions on City systems and applications.
- C. Using City automation systems to access, create, view, transmit or receive racist, sexist, threatening or otherwise objectionable or illegal material is strictly prohibited. "Material" is defined as any visual, textual or auditory entity. Such material violates the City's anti-harassment policies and is subject to disciplinary action. Use of City resources for illegal activity can lead to disciplinary action, up to and including dismissal and criminal prosecution. The City will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives or files on individual Internet activities, e-mail use and/or computer use.
- D. Ownership and Access of Electronic Mail, Internet Access and Computer Files. The City owns the rights to all data and files in any computer, network or other information system owned by the City. The City also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems) and their content, as well as any and all use of the Internet and computer equipment used to create, view or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using City equipment are not private and are subject to viewing, downloading, inspection, release and archiving by City officials at any and all times. The City has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files or electronic mail messages without prior authorization from either

the employee's supervisor or City Council. The City has licensed the use of certain commercial software application programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use or distribute copies of such software that are not in compliance with the license agreements for the software.

- E. Confidentiality of Electronic Mail. As noted above, electronic mail is subject at all times to monitoring and the release of specific information is subject to applicable state and federal laws and City rules, policies and procedures on confidentiality. Existing rules, policies and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software. Since there is the possibility that any message could be shared with or without your permission or knowledge, the best rule to follow in the use of electronic mail for non-work-related information is to decide if you would post the information on the office bulletin board with your signature.
- F. It is a violation of City policy for any employee, including system administrators and supervisors, to access electronic mail and computer systems files to satisfy curiosity about the affairs of others.
- G. Electronic Mail Tampering. Electronic mail messages received should not be altered without the sender's permission; nor should electronic mail be altered and forwarded to another user and/ or unauthorized attachments be placed on another's electronic mail message.
- H. Personal Electronic Equipment. Employees should not bring personal computers, cameras or other electronic devices to the workplace or connect them to City electronic systems unless expressly permitted to do so by the City. Any employee bringing a personal computing device or other electronic device onto City premises thereby gives permission to the City to inspect the personal computer at any time with personnel of the City's choosing and to analyze any files, other data or data storage media that may be within or connectable to the personal computer in question. Employees who do not wish such inspections to be done on their personal computers should not bring such items to work. Violation of this policy or failure to permit an inspection of any device covered by this policy, shall result in disciplinary action, up to and possibly including immediate termination of employment.
- I. Violations of any of the policies, limitations and/or prohibitions contained herein may result in discipline, up to and including termination of employment and criminal and civil legal action against the employee.

XV. Cell Phones

- A. Employees who are provided with a City cell phone will have de-minimis use for personal calls.

XVI. Handling Citizens Questions and Complaints

- A. All citizens should be treated with respect and courtesy as outlined in Section VI of this manual. Employees should not engage in arguments, debates or lengthy discussions with private citizens regarding the City's policies, procedures or services.
- B. Any employee who receives a complaint from a private citizen should refer that individual to his/her supervisor, who will then communicate this to the elected official.

XVII. Political Activity

- A. Employees may not participate in any partisan or non-partisan political activity while on-duty or off-duty in a uniform required by, used by or identified with any department of City government.
- B. Employees may not use municipal vehicles for any political activities.
- C. Any municipal employee found violating any provisions of this policy is subject to reprimand, suspension or dismissal from City employment.

XVIII. Lactation

- A. Employees who are nursing are provided with reasonable, unpaid break time to express breast milk after the birth of a child, as long as providing such break time does not disrupt operations. The City will make reasonable efforts to provide a private location for such activity. Employees will not be retaliated against for exercising their rights under this policy.

City of Southport

Employee

Benefits Section

Wage and Hour Section

I. Payroll

- A. Payroll is paid two times a month for City employees and one time a month for elected officials. All required deductions will be made according to the law.
- B. All non-exempt personnel will be required to maintain a time record, which will be approved by the supervisor. All exempt personnel will be required to keep a time record of days worked for State Board of Accounts requirements.
- C. Straight time will be paid to hourly employees working forty (40) hours or less per workweek. Work performed by hourly employees in excess of forty (40) hours in a week, will be considered overtime and will be paid at the rate of time and one-half the employee's regular rate of pay. Benefit hours (vacation, holidays, personal leave, compensatory time used, etc.) are NOT considered time worked for computing overtime.

II. Direct Deposit

- A. All employees of the City of Southport are required to have their payroll checks direct deposited.

III. Over Time

- A. Any employee may be required to work in excess of the normal workday or workweek to meet operational demands. Overtime for non-exempt employees will be addressed under the guidelines set out by the FLSA (Fair Labor Standards Act) and treated accordingly. Benefit hours (vacation, holidays, sick day, comp time and personal days) are not considered time worked for computing overtime.
- B. Overtime is generally discouraged and is usually performed only when the supervisor determines it is necessary. All overtime must be approved by the employee's supervisor in advance, except in unusual or emergency situations.
- C. Exempt employees are not subject to the overtime payment requirements of the FLSA due to the nature of their work. These employees are expected to have flexible working hours, which may exceed forty (40) hours in a week. These individuals do not expect to receive overtime pay.

IV. Flex Time

- A. The City may utilize “time-off” or flexible hours in order to avoid having non-exempt employees work in excess of forty (40) hours in a work week. (Or in the case of police officers, after working 86 hours in a 14-day work period.)
- B. The elected official or Police Chief must approve flextime scheduling.
- C. The supervisor should make every effort to ensure that employees utilize flex time so as to best manage the work load of their department.
- D. Flex time must be taken within a forty (40) hour pay period. (Or in the case of police officers, within a 14 day work period within a pay period.)
- E. Flex time is paid as time for time.
 - 1. Example: If an employee works 4 hours overtime in a day, then the employee may be required to take off four (4) hours on another day within that workweek, thus keeping his/her hours worked at forty (40) hours for that week.

V. Emergency Call In

- A. If a non-exempt employee is called in to work during an emergency, he/she shall be compensated for a minimum of one (1) hour.
- B. Emergency call outs during approved scheduled vacation or personal days by the department supervisor or designee shall be paid to non-exempt (hourly) employees at straight time rate.

VI. Pension Plan

- A. The Police Chief will be covered under the Police Pension program. (Effective 7-1-2015)

VII. Garnishments

- A. A court ordered legal claim against the wages of an employee by legal authority is a garnishment and shall be recognized and executed by the City. When a garnishment is received for an employee, the Clerk-Treasurer 's office will notify the employee.

Holidays/ Vacations/Leaves

I. Holidays

After the ninety (90) day probationary period, full time employees are entitled to the following paid holidays: (Subject to change yearly)

1. New Year's Day	January 1st
2. Presidents Day	Third Monday in February
3. Good Friday	Friday before Easter
4. Memorial Day	Last Monday in May
5. Independence Day	July 4th
6. Labor Day	First Monday in September
7. Thanksgiving	4 th Thursday in November
8. Friday after Thanksgiving	4th Friday in November
9. Christmas Eve	December 24th
10. Christmas Day	December 25 th
11. Election Day (only if City offices are used as a polling site)	

- A. The City Council approves all holidays.
- B. If the holiday falls on Sunday, it will be observed on the following Monday; if it falls on Saturday, it will be observed on the preceding Friday.
- C. Due to the emergency areas covered by the City, some employees are required to work holidays.
- D. If a holiday occurs while an employee is on vacation, such vacation day will not be charged against his/her vacation leave. Employees must be in a paid status the day before and the day after a holiday in order to be paid for the holiday.
- E. An employee scheduled to return from a non-paid leave on the day after a holiday will not be paid for the holiday. An employee whose leave without pay is approved through the end of the last business day preceding a holiday is also presumed to be on leave during the holiday and will not receive compensation for the holiday.
- F. The holiday schedule may be amended by the City Council, with written notice and distributed to all departments within City government.

II. Vacation-PTO

- A. A full time employee shall be entitled to earn PTO (Paid Time OFF) annual vacation leave with pay according to the following:
1. Full time employees ~~will receive ten (10) days of vacation on their one-year anniversary date of employment.~~ can earn PTO at the following rates:
 2. a. Following the employee's one-year anniversary, he/she will receive ten (10) days of vacation on January 1 of each year thereafter until the fifth (5th) year 12 days per 12 month period during their first 2 years of employment.
 3. b. On January 1 of the employee's fifth (5th) year anniversary of employment, the employee will receive fifteen (15) days of vacation. He/she will receive fifteen (15) days of vacation each year thereafter thru fifteen (15) years of employment. 17 days per 12 month period from 3 through 6 years of employment.
 4. c. On January 1 of the employee's sixteenth (16th) year anniversary of employment, he/she will receive twenty (20) days of vacation. He/she will receive twenty (20) days of vacation each January 1 thereafter of employment. 22 days per 12 month period beginning their 7th year of employment.
- ~~B. A vacation day is equal to an eight (8) hour day.~~
- ~~C.B. Vacation time~~PTO shall be taken in a minimum of four (4) hour increments.
- ~~D.C. Vacations are~~PTO is scheduled in accordance with workload requirements of the individual department or office. For this reason, it is essential that full week vacation requests be made, in writing, at least thirty (30) days in advance of the proposed starting date. The supervisor has the authority to approve or deny vacation requests.
- ~~E.D. An employee's termination date may not be extended to include unused vacation time.~~
- ~~F.E. Employees leaving in good standing will be paid out for unused vacation time upon termination of employment.~~
- ~~G.F. The City Council reserves the right to allow carry- over 5 days~~40 hours of unused vacation time into the following year for employees, but must be used within the first quarter of the New Year
- ~~G. The Mayor reserves the right to grant in writing the department heads additional vacation days.~~
- H. The Elected Official (or Police Chief) may request a physician's written certification of illness when three (3) consecutive days or more are claimed.

- I. To be eligible for PTO leave benefits, all employees must have reported for work or called in reporting the leave. Employees shall call his/her supervisor. In the absence of the supervisor, calls shall be directed to the Mayor or Clerk-Treasurer 's office..
- J. The employee or someone on his/her behalf shall notify in the above order the absence of the employee as soon as possible prior to the scheduled hours of work. It is preferred that the call be made at least thirty (30) minutes prior to the employees starting time to the employee's supervisor.
- K. The Clerk/Treasurer will maintain all PTO time records.

H.

III. Bereavement Leave

- A. Bereavement Leave must be arranged with the appropriate supervisor through a written request. This must be done as soon as possible. The request must be executed by the employee. It must state the relationship between the deceased and the employee and the length of time needed for the requested absence.
- B. All regular, full-time employees will be granted a paid leave of up to five (5) consecutive workdays in the event of the death in the employee's immediate family. "Employee's immediate family" for purposes of this section, shall mean an employee's spouse, child, parent, sibling, grandchild and other residents of the household of an employee.
- C. All regular, full time employees will be granted three (3) days of leave in the event of the death of an grandparent, brother in law, sister in law, father in law, mother in law and other residents of the household of an employee.
- D. All regular, full time employees will be granted two (2) days of leave in the event of the death of cousin, niece or nephew.
- E. In the event of the death of a family member not in the immediate family, an employee may use personal time.
- F. In extenuating circumstances, the Elected Official. may approve extended bereavement leave.

~~IV. Personal & Sick Leave (PTO)~~

- ~~A. New full-time hires shall receive one half (1/2) day (PTO) for each month of service thru December 31, of that year not to exceed five (5) days. Upon successful completion of a ninety (90) day probationary period, new hires may begin using PTO days accumulated.~~

- ~~B.A. All regular full time employees, will receive five (5) personal days on January 1 of each year following their date of hire.~~
- ~~C. The Elected Official may request a physician's written certification of illness when three (3) consecutive days or more are claimed.~~
- ~~D. To be eligible for PTO leave benefits, all employees must have reported for work or called in reporting the leave. Employees shall call his/her supervisor. In the absence of the supervisor, calls shall be directed to the Mayor or Clerk-Treasurer's office.~~
- ~~E. The employee or someone on his/her behalf shall notify in the above order the absence of the employee as soon as possible prior to the scheduled hours of work. It is preferred that the call be made at least thirty (30) minutes prior to the employees starting time to the employee's supervisor.~~
- ~~F. Personal leave may be taken in half (1/2) day increments.~~
- ~~G. The Clerk/Treasurer will maintain all PTO time records.~~
- ~~H. Unused PTO days will be lost at the end of the calendar year.~~
- ~~I. Unused personal days will not be paid out upon termination of employment.~~

V.IV. Court Leave

- A. If an employee is called for court jury duty or subpoenaed to testify in a court of law during any portion of the employee's regular scheduled working day, that employee shall be compensated for such time.
- B. The employee shall turn in to the Clerk-Treasurer's Office, any compensation received by the court for jury duty.
1. If you are a non-exempt employee and are called for jury duty, you will receive the difference between your average straight time hourly rate up to eight hours per day and the payment you receive for jury service for time you would otherwise have been regularly scheduled to work for up to a maximum of 1 week. You must present proof of the amount of jury pay received. Non-exempt employees will not be compensated for time spent as witnesses. If you are an exempt employee and are called for jury duty or witness duty, you will receive your normal salary for partial workweeks in which you perform jury service or witness duty, offset by any amount received as jury or witness fees. You must present proof of the amount of jury pay received. If an exempt employee misses up to one (1) full workweek for jury service, that employee will be paid his/her normal salary, less any jury fees received, but additional full weeks of jury service will be without pay.

- C. The employee will be expected to report for work following jury duty, if a reasonable amount of time (two (2) hours or more) remains during his/her scheduled workday.
- D. The City will not reimburse employees when appearing in court for criminal or civil cases, when the case is being heard in connection with the employee's personal matters unless the employee utilizes unused vacation, personal or compensatory time.

V.V. Military or Reserve Service

- A. Reserve Training: I.C. Sections 10-5-8-1, 10-5-8-2 and 36-8-5-8 require that Indiana National Guard, Defense Corps, Naval Militia and all U.S. Armed Forces reserve component members be authorized up to fifteen (15) working days leave per calendar year for training purposes.
- B. The employee may be compensated his 'pay differential', which is the military pay for a period of one week. The pay differential may be paid for a period of no more than fifteen (15) days per calendar year. And only for periods when the Southport employee is absent from his Southport employment because of mandatory military training or deployment.
 - 1. The pay differential will not be paid based on estimates and will not be paid until after the mandatory military training or deployment has occurred.
 - 2. The employee will not be required to use personal days or vacation time before being able to request pay differential.
- C. Along with requests for such leave, employees are required to submit the published order authorizing the military duty or a written statement from the appropriate military commander authorizing such duty. Employees requesting such leave will also be required to complete the necessary leave papers.
- D. Active Duty: A full time employee who is drafted or is called for active duty in the Armed Forces of the United States, the Coast Guard, Public Health Service, Civil Defense or is drafted in the Merchant Marine Service, shall (in accordance with existing law) be entitled to reemployment after honorable discharge or discharge under honorable conditions from such services, provided the employee is physically and mentally able to do the work required and reports for work within ninety (90) days of such discharge or within ninety (90) days after he/she is released from hospitalization continuing after discharge for a period of not more than one (1) year. He/she shall be employed in the position or a similar position to the one held at the time of entry into the Armed Forces. All salary adjustments or position upgrades shall be granted to the employee upon reinstatement. In the event his/her former job no longer exists, he/she shall be employed in a position for which he/she is qualified at a salary comparable with the one he/she formerly received.

VII.VI. Family Medical Leave Act (FMLA)

- A. The Family and Medical Leave Act of 1993(FMLA), enacted February 5, 1993, allows for "eligible" employees to request and, if approved, receive up to a total of twelve (12) weeks of unpaid leave during any twelve (12) month period for four (4) circumstances:
1. Because of the birth of a child of the employee and in order to care for the child;
 2. Because of the placement of a child with an employee for adoption or foster care;
 3. Because a spouse, parent or child (including biological, adopted, foster and step-children) of the employee has a "serious health condition" which requires care by the employee; or
 4. Because the employee suffers from a "serious health condition" which prevents the employee from being able to perform the functions of his/her, position.
- B. An "eligible" employee is an employee that has been on the City payroll for at least twelve (12) months and has worked at least 1250 work hours during the twelve (12) months preceding the request for leave.
- C. Requests are to be made in writing to the employee's supervisor with approvals as required.
- D. In the case of a leave for the birth of a child or adoption, an employee is required to provide not less than thirty (30) days advance notice or as much advance notice as possible of the intent to take leave.
- E. Employees seeking leave for a foreseeable medical treatment for himself or herself or a family member must also give thirty (30) days' notice or as much notice as possible and, attempt to schedule the treatment so that the leave does not unduly disrupt City operations.
- F. The City has the right to request that the medical leave be properly certified by the health care provider and the employee is to provide such certification in a timely manner. If an employee requests a leave to care for a family member, the certification must confirm that this is necessary and contain an estimate of the amount of time involved. When intermittent medical leave is sought, the certification must recite the anticipated dates and duration of treatment.
- G. Failure to return to work on the determined return to work day will be considered as a resignation by the employee.
- H. Approval/Denial of FMLA
- The City Clerk-Treasurer shall notify the employee orally or in writing within two (2) business days as to the approval or denial of their FMLA request and that any sick,

personal or vacation leave will be set off against the leave pursuant to the department head's policy regarding it (See "Utilization of Paid Leave"). Oral notice will be followed by written confirmation by payday following. If the department head is late complying with these notice requirements, paid leave may only be set off against FMLA leave prospectively, once notice is given (See "Utilization of Paid Leave" below.) The department head shall note the starting and ending dates of leave, reinstatement procedures and utilization of paid leave. The department head shall send a copy of this written notice to the Clerk-Treasurer's Office. The Clerk-Treasurer's Office shall notify the employee as to the status of insurance coverage and the employee's contribution, if applicable.

I. Utilization of Paid Leave

Employees are required to utilize paid leave for all or part of the FMLA twelve (12) week period. Unpaid FMLA shall be authorized when all eligible paid leaves have been exhausted (PTO, vacation). Family and Medical Leave and paid leave, for conditions that qualify under FMLA, run concurrently. The entire twelve (12) week FMLA is not in addition to the paid leave, just any remaining portion after the paid leave time is subtracted.

J. Leave Period

An eligible employee may take up to twelve (12) workweeks of FMLA during a twelve (12) month period. The twelve (12) month period shall be measured forward from the date the employee's first FMLA begins (e.g., an employee who is eligible may request intermittent or reduced leave schedules to accommodate medically necessary treatment in connection with a serious health condition.) Intermittent or reduced leave may not exceed the total hours an employee would have worked during their regular twelve (12) week schedule. If intermittent or reduced leave is approved, the department head may require the employee to schedule the leave so as not to unduly disrupt the department operation or the employee may be placed in an alternate position, which better accommodates the intermittent leave schedule.

K. Working While on Family and Medical Leave

An employee, who is self-employed, accepts other employment or works for any other employer during a Family and Medical Leave, must report such work immediately to the City Clerk-Treasurer.

An employee who is self-employed or accepts other employment or works for any other current employer, performing work of a like or similar character or exertion which the employee performed for the City, during Family Medical shall be considered to have terminated employment with the City as of the date of such employment began.

Employees described in the immediately preceding paragraph may be required to reimburse the City for the employer-paid portion of group health insurance premium contributions made while the employee was on leave.

L. Job Restoration

During Family and Medical Leave, every effort will be made by the City to hold an employee's position open until he/she returns to work.

However, based upon the necessity of continuing operations during an employee's absence, the City may choose to fill any non-elected position. If the position is filled while an employee is on the FMLA, the City will make every effort to place the employee in an equivalent position, with equivalent pay, benefits and other terms and conditions of employment. In addition, the position into which the employee is placed will have substantially similar duties.

NOTE: If an employee's position is eliminated during the time of Family and Medical Leave, through layoff or restructuring, the employee will not be entitled to return to his or her former or an equivalent position.

The City does not have "light duty" positions. However, if a health care provider indicates in writing that an employee is not able to perform all the essential functions of the position, but the employee may perform his or her job with restrictions, the City will make every effort to cooperate with a doctor's written orders for restrictions placed on an employee in order for the employee to perform meaningful and necessary work for the City. Arrangements for restricted work must be made in writing and approved by the department head in advance of an employee's return.

Employees whose FMLA was for their own personal medical conditions must, prior to reinstatement, submit a medical certification to the City Clerk-Treasurer as to their ability to return to work, subject to a second medical opinion as deemed necessary by the department head or a third medical opinion as provided in the Family and Medical Leave Act.

Employees on FMLA who do not return to work immediately following release from the health care provider as fully restored to perform all the essential functions of his or her positions, shall be considered to have voluntarily terminated employment as the date of the release.

Employment will be terminated if an employee is not able to return to work at the end of the FMLA. There may be exceptions to termination required under the ADA and the City will comply with ADA.

M. Definitions under Family and Medical Leave Act

1. Spouse: A husband or wife: Unmarried domestic partners do not qualify for FMLA to care for their partner.
 2. Child: A son or daughter, including a child eighteen (18) years or over who is incapable of self-care because of a mental or physical disability.
 3. Parent: A biological parent or an individual who stands in the place of a parent to the employee (in loco parentis). "In-laws" are not included in the definition of parent.
 4. Foster Care: Placement of a child with the employee through a formal agreement for substitute care requiring state action, rather than an informal arrangement to take care of another person's child.
 5. Serious Health Condition: An illness, injury, impairment or physical/mental condition that involves a period of treatment that requires absence from employment for more than three (3) calendar days and involves care by a health care provider. Serious health condition also includes continuing treatment of chronic or long-termed incurable conditions and prenatal care.
- N. The Clerk-Treasurer's Office will assist you with any questions in determining a "serious health condition" under the Family and Medical Leave Act.
- O. An Absence Resulting From A Work-related Injury or Illness (Workers' Compensation) will be considered as FMLA leave time if the employee has worked for City of Southport for at least twelve (12) months and for a minimum of 1,250 hours in the immediately preceding calendar year. (Not including holidays).
- P. The employee will be mailed the notification that they are being placed on FMLA during their absence from work while on Workers' Compensation.
- Q. On January 28, 2008, President Bush signed into law H.R. 4986, the National Defense Authorization Act for FY 2008, which amends the Family and Medical Leave Act of 1993 (FMLA) to permit a "spouse, son, daughter, parent or next of kin" to take up to 26 workweeks of leave to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list, for a serious injury or illness." Under the first of these new military family leave entitlements, eligible employees who are family members of covered service members will be able to take up to 26 workweeks of leave in a "single twelve (12) month period" to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty.
- R. Qualifying Exigency Leave: The second new military leave entitlement helps families of members of the National Guard and Reserves manage their affairs while the member is on active duty in support of a contingency operation. This provision makes the normal twelve (12) workweeks of FMLA job-protected leave available to

eligible employees with a covered military member serving in the National Guard or Reserves to use for “any qualifying exigency” arising out of the fact that a covered military member is on active duty or called to active duty status in support of a contingency operation. The Department’s final rule defines qualifying exigency by referring to a number of broad categories for which employees can use FMLA leave: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

1. **ACTIVE DUTY:** The term "active duty" means duty under a call or order to active duty under a provision of law referred to in section 101(a) (13) (B) of title 10, United States Code.
 2. **COVERED SERVICE MEMBER:** The term “covered service member” means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list, for a serious injury or illness.
 3. **OUTPATIENT STATUS:** The term “outpatient status” with respect to a covered service member, means the status of a member of the Armed Forces assigned to:
 - a. a military medical treatment facility as an outpatient; or
 - b. A unit established for providing command and control of members of the Armed Forces receiving medical care as outpatients.
 4. **NEXT OF KIN:** The term ”next of kin” is used with respect to an individual, means the nearest blood relative of that individual.
 5. **SERIOUS INJURY OR ILLNESS:** The term “serious injury or illness” in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating.
 6. **COMBINED LEAVE TOTAL:** During the single twelve (12) month period described in paragraph (3), an eligible employee shall be entitled to a combined twenty six (26) workweeks of leave.
- S. The aggregate number of workweeks of leave to which both a husband and wife (if they are employed by the City) under this leave may be limited to twenty six (26) workweeks during the single twelve (12) month period.
- T. **Military Caregiver Leave (also known as Covered Service member Leave):** Eligible employees who are family members of covered service members will be able to take

up to twenty six (26) workweeks of leave in a “single twelve (12) month period” to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty. This twenty six (26) work week entitlement is a special provision that extends FMLA job-protected leave beyond the normal twelve (12) weeks of FMLA leave. This provision also extends FMLA protection to additional family members (i.e., next of kin) beyond those who may take FMLA leave for other qualifying reasons.

- U. Qualifying Exigency Leave: The second new military leave entitlement helps families of members of the National Guard and Reserves manage their affairs while the member is on active duty in support of a contingency operation. This provision makes the normal twelve (12) workweeks of FMLA job-protected leave available to eligible employees with a covered military member serving in the National Guard or Reserves to use for “any qualifying exigency” arising out of the fact that a covered military member is on active duty or called to active duty status in support of a contingency operation. The rule defines qualifying exigency by referring to a number of broad categories for which employees can use FMLA leave: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.
- V. One of the definitions of serious health condition involves more than three consecutive, full calendar days of incapacity plus “two (2) visits to a health care provider.” Because the current rule is open-ended, the Tenth Circuit has held that the “two (2) visits to a health care provider” must occur within the more-than-three (3) days period of incapacity.
- W. Under the rule, the two (2) visits must occur within thirty (30) days of the beginning of the period of incapacity and the first visit to the health care provider must take place within seven (7) days of the first day of incapacity. A second way to satisfy the definition of serious health condition under the current regulations involves more than three (3) consecutive, full calendar days of incapacity plus a regimen of continuing treatment. The final rule clarifies here also that the first visit to the health care provider must take place within seven (7) days of the first day of incapacity. Thirdly, the final rule defines “periodic visits” for chronic serious health conditions as at least two (2) visits to a health care provider per year since that provision is also open-ended in the current regulations and potentially subjects employees to more stringent requirements by employers.
- X. Substitution of Paid Leave: FMLA leave is unpaid. However, the statute provides that employees may take or employers may require employees to take, any unused paid vacation, personal, family or medical or sick leave as offered by their employer, concurrently with any FMLA leave. This is called the “substitution of paid leave.”

Under the rule, all forms of paid leave offered by an employer will be treated the same, regardless of the type of leave substituted (including generic “paid time off”). An employee electing to use any type of paid leave concurrently with FMLA leave must follow the same terms and conditions of the employer’s policy that apply to other employees for the use of such leave. The employee is always entitled to unpaid FMLA leave if he or she does not meet the employer’s conditions for taking paid leave and the employer may waive any procedural requirements for the taking of any type of paid leave.

- Y. **Employer Notice Obligations:** Employers are required to provide employees with a general notice about the FMLA (either through a poster or an employee handbook or upon hire); an eligibility notice; a rights and responsibilities notice; and a designation notice. In order to ensure employers are able to better inform employees under the new notice provisions, the final rule extends the time for employers to provide various notices from two (2) business days to five (5) business days.
- Z. **Employee Notice:** The final rule modifies the current provision that has been interpreted to allow some employees to provide notice to an employer of the need for FMLA leave up to two (2) full business days after an absence, even if they could have provided notice more quickly. Lack of advance notice (e.g., before the employee’s shift starts) for unscheduled absences is one of the biggest disruptions employers point to as an unintended consequence of the current regulations. The final rule provides that an employee needing FMLA leave must follow the employer’s usual and customary call-in procedures for reporting an absence, absent unusual circumstances. The final rule also highlights (without changing) the existing consequences if an employee does not provide proper notice of his or her need for FMLA leave.
- AA. **Medical Certification Process (Content and Clarification):** The final rule, which is the result of significant stakeholder feedback (including a Fall 2007 meeting at the Department on medical certifications) recognizes the advent of the Health Insurance Portability and Accountability Act (HIPAA) and the applicability of the HIPAA privacy rule. The employer’s representative contacting the health care provider must be a health care provider, human resource professional, a leave administrator or a management official, but in no case may it be the employee’s direct supervisor. Further, employers may not ask health care providers for additional information beyond that required by the certification form. In addition, the rule specifies that if an employer deems a medical certification to be incomplete or insufficient, the employer must specify in writing what information is lacking and give the employee seven (7) calendar days to cure the deficiency. These changes will improve FMLA communications, protect the privacy of workers and help ensure that the employees who need leave will get it and not be subject to repeated requests for additional information or be denied FMLA leave on a technicality.

BB. Medical Certification Process (Timing): Employers may request a new medical certification each leave year for medical conditions that last longer than one year. Employers may generally request a recertification no more often than every thirty (30) days and only in conjunction with an FMLA absence unless a minimum duration of incapacity has been specified in the certification, in which case recertification generally may not be required until the duration specified has passed. An employer may request recertification of an ongoing condition every six (6) months in conjunction with an absence.

CC. Fitness-For-Duty Certifications: The FMLA regulations allow employers to enforce uniformly applied policies or practices that require all similarly situated employees who take leave to provide a certification that they are able to resume work. This is called a “fitness-for-duty” certification. The final rule makes two changes to the fitness-for-duty certification process. First, an employer may require that the certification specifically address the employee’s ability to perform the essential functions of the employee’s job. Second, where reasonable job safety concerns exist, an employer may require a fitness-for-duty certification before an employee may return to work when the employee takes intermittent leave.

Insurance Coverage

I. Group Health Insurance

A. Full time employees are eligible for Group Health Insurance

II. Workers’ Compensation

Workers' Compensation Insurance provides coverage for work-related injuries and illnesses as required under the Workers' Compensation laws of the State of Indiana. Workers' Compensation Insurance covers all authorized expenses related to the treatment of a work-related illness or injury and provides "lost time benefits" when an employee must be absent from work on a Workers' Compensation Disability Leave.

A. Reporting A Work Related Injury Or Illness

1. Any illness or injury related to an employee’s work assignment must be reported to the Clerk-Treasurer (within twenty four (24) hours of incident) so that the necessary forms can be completed and sent with the employee prior to evaluation

and treatment, if possible. The City will inform an injured employee of its approved medical facility at the time of injury.

- B. Compensation and Benefits for an absence resulting from a work-related injury or illness and a Workers' Compensation Disability Leave
 - 1. Lost time benefits due to a work-related injury or illness begin on the eighth (8th) calendar day following an employee's absence because of a work-related injury or illness. If an employee wishes to be paid for work missed during the first seven (7) calendar days, he/she must use any unused paid time.
 - 2. If the absence from work extends longer than twenty one (21) calendar days, the initial seven (7) day waiting period will be retroactively paid by the Workers' Compensation Insurance Carrier.
- C. Insurance Coverage: Group health insurance coverage and other insurance benefits will continue on the same basis, as coverage would have been provided had the employee been continuously employed during the period of a Workers' Compensation Disability Leave as long as the employee pays his/her regular portion of the premium on a timely basis. Employees must arrange with the Clerk-Treasurer's Office to pay their portion of this insurance coverage.

III. Definitions:

- A. **At-Will Employee:** An employee may voluntarily leave employment or may be terminated by the City at any time with or without cause.
- B. **City:** The City of Southport.
- C. **Distribution:** As used in this policy includes the passing out of any type of literature, advertising, handbills, circulars, forms or any other memorabilia.
- D. **Employee:** Any person in the employ of the City in any status.
- E. **Exempt:** Employee classified as executive, administrative or professional according to provisions of the Fair Labor Standards Act (FLSA), plus any elected official.
- F. **Flex Time:** Working a forty (40) hour workweek between the hours of business established by the City Council.
- G. **Holiday Pay:** As used in this policy, pay based on eight (8) hours of straight base pay
- H. **Hourly:** Employee paid an hourly rate of pay.

- I. **On Call Hours:** Employees may be required to "stand watch" or be on call for certain periods of time as designated by their supervisor. They will receive on call pay as determined by the Council.
- J. **Non-Exempt:** All employees that do not meet the Fair Labor Standards Act (FLSA) exempt provision.
- K. **Non-Work Area:** Is any area on or off the City's premises not designed as a work area.
- L. **Non-Work Time:** As used in this manual includes, any time during an employee's workday where the employee is completely relieved of work duties, such as break time and lunchtime. Whether an employee is in paid or unpaid status during these times is immaterial to the designation of non-work time.
- M. **Salaried:** Employee paid a predetermined amount of compensation for their work efforts during a seven (7) day week.
- N. **Solicitation:** As used in this policy includes, but is not limited to; an act which requests, urges or seeks to induce an employee to give or obligate him/her to pay money for any cause, any reason or to sign any document indicating membership in any obligation, association, group or indicating support for or a pledge to any such organization, association or group.
- O. **Work Area:** As used in this policy includes, but is not limited to; offices, work sites, locations, conference rooms, common areas and corridors leading directly thereto and such other areas, which are essential to the performance of an employee's duties.
- P. **Work Week:** As used in this policy means the scheduled starting and quitting time each week, for each position, as determined by the City Council and managed by the Elected Official for their respective departments.
- Q. **Work Time:** As used in this policy includes, all of the time when an employee's duties require that he/she be engaged in work tasks, but does not include the employee's own time such as meal periods, scheduled breaks and time before or after a work shift.

Acknowledgment of Receipt

I have received a copy of the City of Southport's Employee Policy and Procedure Manual and understand that it is my responsibility to become familiar with the contents as it outlines my benefits and the City's policies and procedures.

I understand that the policies, rules and benefits described in it are subject to change at the discretion of the City of Southport at any time.

I understand that this manual supersedes all other previous manuals for the City of Southport.

Should I have any questions regarding these policies and procedures, I understand that I shall contact my department head first, then the Elected Official..

Employee Printed Name: _____

Employee Signature: _____

Witness: _____

Date: _____