CITY OF SOUTHAVEN
MISSISSIPPI

EMPLOYEE POLICIES AND PROCEDURES MANUAL

CHARLES G. (GREG) DAVIS, MAYOR

LORINE CADY, ALDERMAN WARD 1
RONNIE HALE, ALDERMAN WARD 2
GEORGE PAYNE, ALDERMAN WARD 3
WILLIAM BROOKS, ALDERMAN WARD 4
RICKY JOBES, ALDERMAN WARD 5
DR. RANDALL HULING, ALDERMAN WARD 6
GREG GUY, ALDERMAN-AT-LARGE

CHRIS WILSON, CITY ADMINISTRATOR/CAO
MARK SORRELL, CITY ATTORNEY

Table of Contents

Equal Opportunity Statement…….. 4

USERRA Notice Statement……. 4

COBRA Notice……. 5

Section 1 Employment…… 8

- **A. Introduction**
- **B. Recruitment**
- **C. Eligibility**
- **D. Nepotism**
- **E. Promotions**
- **F. Probationary Employment**
- **G. Reserved**
- **H. Seniority**
- **I. Outside Employment**
- **J. Grievance/Appeals**
- **K. Reserved**
- **L. Physical Examinations**
- **M. Tardiness**
- **N. Discipline**
- **O. Travel Policy**
- **P. Time Cards**
- **Q. Longevity**
- **R. Bulletin Boards/Email**
- **S. Internet/Computer Policy**
- **T. Cell Phone Policy**
- **U. Employee Dress Code**
- **V. Safety Policy**

Section 2 Employee Leave, Regulations and Benefits…… 20

- **A. Holidays**
- **B. Work Schedule**
- **C. Transfer of Leave**
- **D. Personal Leave**
- **E. Medical Leave**
- **F. FMLA**
- **G. Funeral Leave**
- **H. Donated Leave**
- **I. Administrative Leave**
- **J. Maternity Leave**
- **K. Military leave**
- **L. Part-time Employee Leave**
- **M. Unemployment Compensation**
- **N. Deferred Compensation**
- **O. Worker's Compensation**
- **P. Social Security**
- **Q. Cafeteria Plan**
- **R. Retirement**
- **S. Insurance**

T. Jury Duty/Witness Leave
U. Employee Educational Assistance
V. Light Duty
W. Employee Assistance Program (EAP)
X. Employee Leave Buy-Back

Section 3 Employee Conduct…….. 49
A. Attendance
B. Employee Diligence
C. Work Performance
D. Demotion
E. Resignation
F. Open Door Policy
G. Sexual Harassment
H. Workplace Harassment
I. Conflicts of Interest
J. Political Activity
K. Drug-Free Workplace Policy
L. Reduction in Force
M. Workplace Violence Policy
N. Searches of City Property
O. Drug and Alcohol Policy
P. Procedures for the Drug and Alcohol Policy
Q. Notice of Arrest/Conviction

Section 4 Disciplinary Action/Grievances and Appeals…….. 74
A. Disciplinary Action
B. Grievance Filing
C. Grievable Issues
D. Non-Grievable Issues
E. General Information
F. Grievance Procedural Steps
G. Sexual Harassment/Workplace Violence Grievances
H. ADA Grievance Procedures

FORMS…….

STATEMENT OF EQUAL OPPORTUNITY EMPLOYMENT

Equal employment opportunity for all individuals regardless of race, color, creed, sex, religion, national origin, age, mental or physical handicap, disability, veteran status, uniformed service status, political affiliation, or any other prohibited basis under applicable federal, state or local law is the policy of the Mayor and Board of Alderman. In order to assure non-discriminatory personnel administration, the Mayor and Board of Alderman promotes non-discriminatory practices and procedures in all phases of city personnel administration. The Mayor and Board of Alderman's equal opportunity policy, therefore, prohibits any form of unlawful discrimination based on the foregoing and other considerations made unlawful by federal, state or local laws.

It is the view of the Mayor and Board of Alderman that equal employment opportunity can only be attained through the City's commitment to comply with all applicable laws affording equal employment opportunities to individuals including, among others, persons with disabilities. Accordingly, it is imperative that City employees make all personnel decisions in accordance with Mayor and Board of Alderman policies, practices, and procedures. The selection process and criteria must assure fair and equitable treatment of all qualified applicants and employees, including qualified applicants and employees with disabilities who can perform the essential functions of the position.

The Americans With Disabilities Act of 1990 requires city departments to make reasonable accommodations for the known physical and mental limitations of otherwise qualified individuals with disabilities who are applicants or employees, provided such accommodations do not cause undue hardships to City operations. Qualified individuals with disabilities are persons with disabilities who meet the job-related requirements of an employment position and who can perform the essential functions of the position with or without reasonable accommodations. For an individual to be considered to have a disability that individual must have a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or be regarded as having such impairment.

STATEMENT OF USERRA NOTICE

The Uniformed Services Employment and Reemployment Rights Act (USERRA), prohibits discrimination against persons because of their service in the Armed Forces Reserve, the National Guard, or other uniformed services. USERRA prohibits an employer from denying any benefit of employment on the basis of an individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. USERRA also protects the right of veterans, reservists, National Guard members, and certain other members of the uniformed services to reclaim their civilian employment after being absent due to military service or training. Ref: 38 U.S.C. § 4301, et. seq.

NOTICE OF COBRA CONTINUATION COVERAGE RIGHTS

You are receiving this notice because you have recently become covered under a group health plan (the Plan). This notice contains important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the Plan. This notice generally explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect the right to receive it.

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you when you would otherwise lose your group health coverage. It can also become available to other members of your family who are covered under the Plan when they would otherwise lose their group health coverage. For additional information about your rights and obligations under the Plan and under federal law, you should review the Plan's Summary Plan Description or contact the Plan Administrator.

What is COBRA Continuation Coverage?

COBRA continuation coverage is a continuation of Plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." Specific qualifying events are listed later in this notice. After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the Plan is lost because of the qualifying event. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

If you are an employee, you will become a qualified beneficiary if you lose your coverage under the Plan because either one of the following qualifying events happens:

- Your hours of employment are reduced, or
- Your employment ends for any reason other than your gross misconduct.

If you are the spouse of an employee, you will become a qualified beneficiary if you lose your coverage under the Plan because any of the following qualifying events happens:

- Your spouse dies;
- Your spouse's hours of employment are reduced;
- Your spouse's employment ends for any reason other than his or her gross misconduct;
- Your spouse becomes entitled to Medicare benefits (under Part A, Part B, or both); or
- You become divorced or legally separated from your spouse.

Your dependent children will become qualified beneficiaries if they lose coverage under the Plan because any of the following qualifying events happens:

- The parent-employee dies;
- The parent-employee's hours of employment are reduced;
- The parent-employee's employment ends for any reason other than his or her gross misconduct;
- The parent-employee becomes entitled to Medicare benefits (Part A, Part B, or both);
- The parents become divorced or legally separated; or
- The child stops being eligible for coverage under the plan as a "dependent child."

When is COBRA Coverage Available?

The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, death of the employee, or the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), the employer must notify the Plan Administrator of the qualifying event.

You Must Give Notice of Some Qualifying Events

For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the Plan Administrator within 60 days after the qualifying event occurs.

How is COBRA Coverage Provided?

Once the Plan Administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children.

COBRA continuation coverage is a temporary continuation of coverage. When the qualifying event is the death of the employee, the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), your divorce or legal separation, or a dependent child's losing eligibility as a dependent child, COBRA continuation coverage lasts for up to a total of 36 months. When the qualifying event is the end of employment or reduction of the employee's hours of employment, and the employee became entitled to Medicare benefits less than 18 months before the qualifying event, COBRA continuation coverage for qualified beneficiaries other than the employee lasts until 36 months after the date of Medicare entitlement. For example, if a covered employee becomes entitled to Medicare 8 months before the date on which his employment terminates, COBRA continuation coverage for his spouse and children can last up to 36 months after the date of Medicare entitlement, which is equal to 28 months after the date of the qualifying event (36 months minus 8 months). Otherwise, when the qualifying event is the end of employment or reduction of the employee's hours of employment, COBRA continuation

coverage generally lasts for only up to a total of 18 months. There are two ways in which this 18-month period of COBRA continuation coverage can be extended.

Disability extension of 18-month period of continuation coverage

If you or anyone in your family covered under the Plan is determined by the Social Security Administration to be disabled and you notify the Plan Administrator in a timely fashion, you and your entire family may be entitled to receive up to an additional 11 months of COBRA continuation coverage, for a total maximum of 29 months. The disability would have to have started at some time before the 60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of continuation coverage.

Second qualifying event extension of 18-month period of continuation coverage

If your family experiences another qualifying event while receiving 18 months of COBRA continuation coverage, the spouse and dependent children in your family can get up to 18 additional months of COBRA continuation coverage, for a maximum of 36 months, if notice of the second qualifying event is properly given to the Plan. This extension may be available to the spouse and any dependent children receiving continuation coverage if the employee or former employee dies, becomes entitled to Medicare benefits (under Part A, Part B, or both), or gets divorced or legally separated, or if the dependent child stops being eligible under the Plan as a dependent child, but only if the event would have caused the spouse or dependent child to lose coverage under the Plan had the first qualifying event not occurred.

If You Have Questions

Questions concerning your Plan or your COBRA continuation coverage rights should be addressed to the contact or contacts identified below. For more information about your rights under ERISA, including COBRA, the Health Insurance Portability and Accountability Act (HIPAA), and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit the EBSA website at www.dol.gov/ebsa.

Keep Your Plan Informed of Address Changes

In order to protect your family's rights, you should keep the Plan Administrator informed of any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator.

SECTION 1 EMPLOYMENT

A. INTRODUCTION TO EMPLOYMENT

This handbook applies to all City of Southaven employees. This handbook is prepared to inform you about the city's policies and to summarize the benefits that are available to the employee. Refer to this handbook whenever you have a question regarding your duties and job requirements. If you have a question that is not answered by this handbook, please consult your Department Head. For the purposes of this handbook, the term "governing authority/authorities" refers to the Southaven Mayor and Board of Alderman. This handbook may be altered and amended as necessary by the City Administrator/CAO and/or the governing authorities. Amendments and or other alterations to this handbook will be delivered, either hard copy or electronically, to each employee, and their department, by the Department of Finance and Administration. It is the employees responsibility to maintain the most current version of this handbook and any and all amendments.

This handbook is not a contract, express or implied, and it does not alter your employment "at will" status. Nothing in this handbook should be construed as a guarantee of continued employment. Your employment may be terminated at any time, for any reason, with or without cause, with no advance prior notice. Likewise, you may terminate your employment at any time for any reason without prior notice.

B. ANNOUNCEMENT OF RECRUITMENT

The Mayor and Board of Alderman and/or City Departments (through the Chief Administrative Officer) announces city job opportunities, places those job classes on recruitment, and accepts applications for those open positions. Job announcements are made in response to indicated manpower needs and, in some instances, to build lists of eligible applicants for anticipated future needs. Job announcements are posted on city bulletin boards located throughout City of Southaven facilities and on the City web site, www.southaven.com. The City accepts applications for open/posted positions only. However, in some instances, the City may accept applications in order to build an applicant pool for potential future openings.

Job announcements may include the following:

- the job title
- the beginning salary
- the minimum education and experience requirements
- the department where the vacancy exists
- requirements for examination, if any
- the recruitment period and closing date, when applicable.

Current City of Southaven employees who have completed at least six (6) months of continuous employment with the City of Southaven may submit applications for any job classification at any

time. Applications of individuals who are not City of Southaven employees, or who have not completed at least six (6) months of continuous employment with the City are accepted only for jobs that are posted as open for recruitment.

C. ELIGIBILITY DETERMINATION

An applicant's eligibility for a particular job class is evaluated by established standards to determine if he/she meets the minimum qualifications. If the applicant meets the minimum qualifications, the application is then rated based according to the related education, training, and experience listed on the applicant's application form, unless the job applied for requires either a written or a proficiency test. In that case, the application will be scored on the basis of the test score. Applicants will be notified of the date and site of the proficiency test or written examination, if one is required.

D. NEPOTISM

No employee may work in the same department with a member of his/her immediate family. For the purpose of this handbook, immediate family shall include spouse, children, siblings, and parents.

E. PROMOTIONS

A promotion is the movement of an employee from a position in one job class to a vacant position in a job class with more responsible duties and a higher salary range.

The City may consider filling vacancies by promoting qualified employees. The Department Head will post position openings on employee bulletin boards throughout the City of Southaven. An employee wishing to apply for a posted position should tell his/her immediate supervisor who may then arrange an appointment for the employee with the appropriate Department Head.

Promotions are made on a trial basis of six (6) months. A promoted employee will be entitled to all rights and benefits of the new position immediately upon assuming the position. After a promotion is made, however, there is no guarantee the employee will be able to return to the previous position if the promotion is unsuccessful.

F. PROBATIONARY PERIOD AND TERMINATION AT WILL

Every employee, upon original entry into a city status position, must successfully serve a 6-month probationary period before that employee is granted city employee status. During the probationary period, the employee's work and conduct are carefully observed. Through close supervision, the employer determines if the individual is progressing toward successful performance of the major duties of the job. During the 6-month probationary period the employee may be terminated with or without cause or notice by the governing authority. Likewise, upon completing the probationary period, an employee may be terminated with or without cause. Upon approval by the Governing Authorities, the 6-month probationary period may be extended up to a twelve (12) month period.

Nothing in this handbook should be construed as a guarantee of continued employment. Your employment may be terminated at any time, for any reason, with or without cause, with no advance prior notice. Likewise, you may terminate your employment at any time for any reason without prior notice.

G. RESERVED

H. SENIORITY

Each employee will accrue seniority as of his/her official date of hire. However, seniority is recognized only for full-time employees who have completed their probationary period. Employees automatically lose their seniority upon termination of continuous employment with the city. When and if an employee is rehired, the most recent date of rehire will become the date of hire for the purpose of seniority. Continuous employment is defined as a period of employment that has not been interrupted by a voluntary or involuntary relief from employment other than a separation from which an employee is eligible for reinstatement.

Seniority may be used as follows:

1. to determine the number of vacation days due an employee

2. to determine vacation scheduling when all other factors are equal

3. to determine shift bids and/or when job assignments in departments having such a system when all other factors are equal and the Department Head determines that use of seniority does not compromise the function of the department or endanger the safety of any employee.

I. OUTSIDE EMPLOYMENT

All outside employment must have the prior written approval of the Mayor. No employee may engage in outside employment that may cause a conflict of interest, or use the city employment for the advancement of such outside employment. No city employee shall use his/her city employment for personal gain. Outside employment must not interfere with performance of regularly assigned city duties. No employee will be permitted to conduct any other work during the hours he/she is on duty with the City of Southaven.

J. GRIEVANCE AND APPEAL RIGHTS

A city employee, not on their probationary period, may file a grievance or an appeal on any grievable issue.

A probationary city employee may grieve or appeal only alleged acts of discrimination based on race, color, creed, religion, national origin, sex, age, disability, veteran status, uniformed service status or political affiliation in any personnel action or employment practice.
Grievances and appeals are discussed in further detail in Section 4 of this Handbook.

K. RESERVED

L. PHYSICAL EXAMINATIONS

All city employees must submit to a physical examination that is job related and consistent with business necessity. The examination will be conducted at the city's expense and the results will be maintained in strict confidentiality as provided by law. As a condition of employment, the city may require additional medical examinations at the expense of the city whenever, in the opinion of the city, such needs arise.

M. TARDINESS

If you are unavoidably delayed in getting to work, you should call the Department Head and tell them when you expect to arrive. All employees are expected to maintain punctual arrival times, however, there may be times when circumstances prohibit an employee from being on time. While allowances are made for such occasions when tardiness is beyond the control of the employee, habitual tardiness may result in further disciplinary action up to and including termination.

N. DISCIPLINE

The City of Southaven believes in progressive discipline, whereby the employee is given notice, either written or verbal, that their behavior is not consistent with policies and procedures. The City also believes in offering employee(s) the opportunity to correct their behavior. However, not all behavior may be deemed correctable and certain behavior may be deemed to severe for corrective measures, and as such, other disciplinary actions shall be deemed appropriate. Such actions may include termination of employment.

O. TRAVEL AND EXPENSES

If an employee is required to travel in the performance of an official duty, reasonable expenses may be paid by the city.

In order to be reimbursed from the General Fund for any expenses a detailed receipt must be provided stating the purpose of the expense.

Any hotel and or transportation expenses in excess of $10.00 shall also require a detailed receipt.

The city shall pay the allowed per diem as determined by State of Mississippi for each day or half day of travel. Mileage if using a personal car shall also be reimbursed at the current State approved rate. These allowances may be paid in advance but no more than 20 days in advance of travel date.

In order to be reimbursed from the Tourism Fund, an original receipt indicating total amount paid along with the purpose must be presented. This does not include events which have both revenue and expenditure line items. (i.e. Springfest) These funds shall be spent in accordance with promoting and encouraging the progress growth and acceptance of the City as well as any advertising and publicity. Amended April 5, 2011

P. TIME CARDS

Time cards must be filled in each day you report to work, not at the end of the pay period. Each employee is responsible for the completion of his/her own time card. No one other than the employee may complete a time card for that particular employee without the prior approval of the appropriate department head. Each department head, or their designee, is responsible for submitting their department's time cards to the Department of Finance and Administration (payroll department) for processing.

Failure to complete a time card properly or failure to submit time card(s) in a timely manner for payroll processing may result in a loss of pay for that pay period or other disciplinary action.

Q. LONGEVITY

Longevity pay will be reviewed on an annual basis and determined by the Mayor and Board of Alderman; such pay may be modified annually or at the discretion of the Mayor and Board of Alderman may be eliminated. Longevity pay is computed by using the employee's time of service as of September 30 of each year. Only full time employees shall be eligible for longevity

pay. For the purposes of this section, the Mayor qualifies as a full-time employee and is eligible for longevity pay. Longevity pay currently is computed as follows:

Years of Service	Amount of Pay
5	$200.00
6	$400.00
7	$600.00
8	$800.00
9	$1,200.00
10	$1,500.00
11	$1,800.00
12	$2,100.00
13	$2,400.00
14	$2,700.00
15	$3,000.00
16	$3,350.00
17	$3,550.00
18	$3,750.00
19	$3,950.00
20	$4,150.00
21	$4,350.00
22	$4,550.00
23	$4,750.00
24	$4,950.00
25	$5,150.00
26+	$200 additional for each year over 25

R. BULLETIN BOARDS, E-MAIL, COMPUTERS AND VOICE MAIL

Any material or communications including but not limited to those on bulletin boards, e-mail, computers and voice mail are the property of the City and may be viewed, erased or otherwise used or destroyed by the City at any time. Employees are expected to use the City's bulletin boards, e-mail, computers, and voice mail in manners consistent with Section 1.0 Part S of this handbook. Any violation of this policy may result in disciplinary action, up to and including termination. Employees have no expectation of privacy in any materials or communications utilizing the City's bulletin boards, e-mail, computers or voice mail. Any such materials or communications may be monitored to ensure compliance with this policy or other policies of the City.

Amended Tuesday, October 16, 2007
Amended October 2010

S. INTERNET AND COMPUTER POLICY

The City expects and requires that its employees use City computers and Internet access through City computers in a reasonable fashion. To that end, the City strictly prohibits employees from accessing, storing, or communicating any inappropriate material on City computers or through the Internet. Usage of City computers and the Internet must be consistent with City policies.

Any violation of this policy may result in disciplinary action, up to and including termination. Employees have no expectation of privacy in any materials or communications or content via the Internet. Inappropriate material includes, but is not limited to, any pornographic or other sexually explicit material, violent material, derogatory, racial or ethnic material, or any other material the possession of which in the workplace would be contrary to the policies prohibiting harassment in the workplace. Any such materials or communications may be accessed and monitored by the City to ensure compliance with this policy.

The City of Southaven recognizes the growing importance of online social media networks as a communication tool. This policy addresses employees' use of such networks including: personal websites, web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other kind of social media. The City of Southaven respects the right of employees to use these mediums during their personal time. Use of these mediums during City time or on City equipment, however, is prohibited.

The City of Southaven takes no position on employees' decision to participate in the use of social media networks. In general, employees who participate in social media are free to publish personal information without censorship by the City of Southaven. Employees must avoid, however, posting information that could harm the City of Southaven using the guidelines set forth below.

All employees are responsible for maintaining the organization's positive reputation and under no circumstances should employees present the City to the public in a manner that diminishes its standing within the community. Instead, employees are responsible for presenting the organization in a manner that safeguards the positive reputation of themselves, as well as the organization's employees.

If an employee chooses to identify him or herself as a City of Southaven employee on any social media network, he or she must adhere to the following:

- Employees are required to state in clear terms that the views expressed on any social media network are the employee's alone and that they do not necessarily reflect the views of The City of Southaven.
- Employees are prohibited from disclosing information on any social media network that is confidential or proprietary to the City of Southaven or to a third party that has disclosed information to the organization. For example, information about or identifying the organization's customers, co-workers, incidents that occur at the City of Southaven.
- Employees are prohibited from displaying the City of Southaven logo on any social media network without permission from the City of Southaven. Also, they should not post images of co-workers without the written consent of their co-workers'. Finally, employees are prohibited from posting any nonpublic images of The City of Southaven premises and property.
- Employees are prohibited from making statements about the City of Southaven, their coworkers, our customers, agents, or partners that could be considered as harassing, threatening, libelous, or defamatory in any way.

- Employees are prohibited from acting as a spokesperson for the City of Southaven or posting comments as a representative of the organization.
- Employees are prohibited from sharing any communication that engages in personal or sexual harassment, unfounded accusations, or remarks that would contribute to a hostile work environment (racial, sexual, religious, etc.), as well as any behavior not in agreement with the general municipal policies.

Employees may be required to disclose annually to the City of Southaven whether or not they have a personal web site or blog.

Employees who participate in social media may still decide to include information about their work at the City of Southaven as part of their personal profile, as it would relate to a typical social conversation. This may include:

- Work information included in a personal profile, to include organization name, job title, and job duties.
- Status updates regarding an employee's own job promotion.
- Personal participation in the City of Southaven sponsored events, including volunteer activities.

An employee who is responsible for a social media posting that fails to comply with the guidelines set forth in this policy or that otherwise causes harm to the City of Southaven may be subject to discipline, up to and including termination. Employees will be held responsible for the disclosure, whether purposeful or inadvertent, of confidential or proprietary organization information, information that violates the privacy rights or other rights of a third party, or the content of anything posted on any social media.

Anything posted on an employee's Web site or blog or other Internet content for which the employee is responsible will be subject to all the City of Southaven policies, rules, regulations, and guidelines. The City of Southaven is free to view and monitor an employee's website or web log at any time without consent or previous approval.

Finally, employees should let the Information Technology (IT) Department know if they encounter incorrect information about the City of Southaven that might randomly appear online. Employees themselves should not attempt to correct any such information that appears online.

T. CELL PHONE POLICY

Employees whose work necessitates a cell phone and a cell phone plan purchased by the City should restrict use to City business only. If personal use is required, reimbursement to the City for personal calls shall be reimbursed at actual costs. Timely reimbursements should be made upon receipt of telephone statements.

Personal cell phone use for City business should be limited to only necessary and immediate City related business needs. It is the responsibility of the employee's department to monitor cell phone use and reimbursements for appropriateness. Departmental offices have the right to review, question, and limit reimbursement requests of employees' personal cell phone bills.

The employee should retain documentation supporting the request for reimbursement but does not need to attach such documentation to request under $25 per month. Reimbursement requests for more than $25 will require either a log that identifies individual calls by number of minutes, area code, and phone number or a copy of the cell phone bill which identifies the calls for which reimbursement is requested.

To keep processing and administering costs to a minimum, employees are encouraged to accumulate at least $25 in business cell phone charges before submitting requests for reimbursement unless requests are combined with other reimbursement requests that exceed the $25 minimum. Abuse of this policy may result in disciplinary actions. Employees shall not use their city issued or personal cell phone while operating a city vehicle. An employee in violation of this is subject to disciplinary actions up to and including termination.

U. EMPLOYEE DRESS CODE

Each employee of the City of Southaven is expected to present a clean and professional appearance when representing the city. Municipal employees come into contact with the public on a daily basis and are expected to dress in appropriate business attire.

Updated July 24, 2006

Monday through Thursday, the dress of the administrative offices of the City of Southaven should be business dress. In particular, employees are required to dress in a professional manner. This is accomplished by observing the following rules for business dress:

a. No halter tops
b. No revealing or provocative clothing
c. No shorts, tee-shirts, short skirts or low-cut necklines
d. No tight, clinging or see-through items
e. No clothing or accessories that would in any way be a distraction to either the public or other employees

On Fridays, the acceptable attire will be the City-issued shirt (or similar) and slacks. If an individual does not wish to dress casually and wear the City issued shirt (or similar) with business casual khakis or slacks, they should end the week with the type of dress clothing worn Monday through Thursday. Business dress is always acceptable.

While wearing the acceptable Friday City issued shirt with slacks, it is wise to keep a jacket in the office that can be worn over casual attire in order to be prepared for any unexpected situations that may require a more professional look (visits by dignitaries, impromptu press conferences, etc).

In addition to “distracting” clothing or accessories, all excessive forms of body-piercing (any piercing not confined to earlobes and/or multiple piercing in earlobes) as well as visible tattoos are considered inappropriate for employees of the City of Southaven while on duty.

All legitimate requests to alter the dress code policy will be considered on a case-by-case basis or when an employee has a particular disability or religious belief that is contrary to this City dress code policy.

This dress code policy is adopted in order to provide a guide for employees who wish to maintain the proper business attire while in the employ of the City of Southaven. Employees who are required to wear a City issued uniform (fire fighters, police officers, etc) shall wear the appropriate dress in accordance with the specific department.

V. SAFETY POLICY

The City of Southaven has as its objective for all employees that any operation performed as part of an employee’s duties be conducted in the safest and most efficient manner possible.

To that end, Department Heads and Divisional Directors are charged with the responsibility and authority to direct safety training and deal with safety issues within their respective area of operation. Department Heads will be given direction and support by the Safety Committee as to how such training will be achieved. In addition, policies and procedures will be reviewed by the Safety Committee for adoption, amendment and/or implementation if warranted; complaints and corrective measures (if warranted) shall be addressed by the Safety Committee.

Updated, January 23 2007

Furthermore, all employees are responsible to be aware of their work conditions, equipment and environment and shall report unsafe conditions, accidents / incidents or any other safety matter to their supervisor immediately.

A Safety Committee shall be formed in order to make recommendations to the Administration regarding establishing initial policy and procedures, making assignments for training and aiding in setting up initial meetings which are to become part of all offices’ routine. Subsequently, this body will evaluate policy, complaints, accidents / incidents, etc. in order to make ongoing recommendations for improvement and amendment of the overall safety procedures for the City. This group shall meet initially as required to establish policy and procedures and to evaluate initial training sessions; after that, this body shall meet quarterly to address standing agenda items as well as any other issues relevant to its cause and attendance and meeting minutes shall be kept for review purposes and record. Special meetings shall be called as required. This group shall have the following general goals:

- Promote safety in all scopes of work throughout City operations
- Review accidents / incidents and use information to gauge effectiveness of program and recommend revision as required
- Monitor overall program for needed improvements regardless of accidents / incidents and make recommendations as required
- Address matters regarding safety equipment in the workplace

- Address general training sessions and seek new resources when needed as well as addressing any special training issue that may arise from a particular Department / Division
- Perform and/or monitor routine self-inspections for all Departments / Divisions

It is recommended that the City of Southaven adopt as a standard guideline for Safety Policy and Procedures the following: *Risk Control Manual* from the Mississippi Public Entities Workers' Compensation Trust.

Regular safety meetings shall be held in all offices, Departments and Divisions throughout the City to address basic safety issues relevant to each area of operation and to address any questions or special concerns that have emerged from the previous period. These meetings shall keep attendance records and minutes for review and record documentation. Special meetings may be called as warranted. These meetings shall generally be presided over by Supervisors, Department Heads or Divisional Directors.

Regular safety inspections shall be performed and/or monitored by Supervisors, Department Heads or Divisional Directors to evaluate the condition of equipment, vehicles, etc. as well as working conditions and operations performed by employees. These are intended to discover safety problems before they become an accident / incident report. Periodic safety inspections shall be performed by Safety Committee representatives to evaluate the overall working conditions within the City.

In addition to appropriate emergency personnel involved with any accident / incident resulting in serious injury or death – the Department Head and Divisional Director shall evaluate emergency personnel reports, interview witness employees, etc. as required to prepare a report to be presented to the Safety Committee. For accidents / incidents that result only in minor injury and/or damage to property – Department Head and Divisional Director shall gather information necessary to prepare a report to be presented to the Safety Committee.

Basic Safety Policy *(to be updated as required)*:

- Report any injury to Supervisor immediately.
- Inspect machinery, equipment or vehicle daily prior to any use in performance of duties.
- Report any unsafe equipment or working conditions to Supervisor immediately.
- Do not operate any machinery, equipment or vehicle without appropriate safety equipment.
- Do not operate any machinery, equipment or vehicle without training provided by Supervisor unless Supervisor has given prior approval for such operation based on employee's knowledge and experience.
- Do not modify standard operation procedures for any machinery, equipment or vehicle whether for time efficiency or any other reason.

- Do not misuse any machinery, equipment or vehicle for purposes other than it was intended nor for any “practical jokes” or other horseplay.
- Ask Supervisor if there are any doubts about the safe use of any machinery, equipment or vehicle.
- All substance abuse policies and prohibitions included in Employee Handbook apply to this Safety Policy.
- Notify Supervisor if any legal prescription or over-the-counter medications are being taken that could impair ability to operate machinery, equipment or vehicle used in the performance of duties.
- Use all safety devices and equipment available in order to perform duties safely – included proper dress for duties performed.
- Obey all safety warnings posted either by the City or by product manufacturer when performing duties.
- Avoid unsafe conditions like standing under suspended loads, jumping from heights without using steps, etc. or any other such condition that may result in unnecessary injury.

SECTION 2 EMPLOYEE LEAVE, REGULATIONS AND BENEFITS

A. HOLIDAYS

City employees receive regular pay for ten (10) legal holidays and for any other day proclaimed as a holiday by the Governor or the President of the United States (Section 3-3-7, Mississippi Code of 1972, as amended).

The legal holidays are as follows:

January 1	News Year's Day
The Third Monday of January	Martin Luther King, Jr. and Robert E. Lee's Birthday
The Third Monday of February	Washington's Birthday
The Friday before Easter Sunday	Good Friday
The Last Monday of May	Memorial Day and Jefferson Davis' Birthday
July 4	Independence Day
The First Monday of September	Labor Day
November 11	Veterans Day
A day fixed by proclamation of the Governor of Mississippi as a day Of Thanksgiving, which shall be Fixed to correspond to the date Proclaimed by the President of the United States	Thanksgiving Day
December 25	Christmas

Provided, however, that in the event any holiday hereinbefore declared legal shall fall on Saturday, then the preceding Friday shall be a legal holiday. If the holiday shall fall on a Sunday, then the following Monday shall be a legal holiday.

When, in the opinion of the governing authority, it is essential that a city employee work during an official city holiday, the employee shall receive credit for the day. (Refer to Section 25-3-92(1), Mississippi Code of 1972, as amended .)

The governing authority may require employees in specific job classes to work on an official city holiday and be paid call-back pay in lieu of receiving compensatory time credit.

No employee may receive holiday pay for a holiday in which sick leave was taken either the day prior or following the holiday.

This section shall not apply to employees receiving a shift differential stipend

B. EMPLOYEE WORK SCHEDULES

All city offices shall be open and staffed for the normal conduct of business from 8:00 a.m. until 5:00 p.m., Monday through Friday, unless altered by the Mayor and Board of Alderman.

The City of Southaven defines a normal work schedule as eight hours per day, 40 hours per week, 173.929 hours per month and/or 2,087 hours per year.

Each part-time employee shall be provided a schedule of working hours.

To provide for maximum flexibility in scheduling employees, each department may develop modified work schedules providing for flextime or compressed work schedules. "Flextime" is a schedule that offers departmental management a choice, within limits, to vary employee arrival and departure times from work. A "compressed work schedule" allows departmental management to schedule the basic work requirement in less than the usual five workdays a week. All “flextime” and compressed time work schedules must be approved by the Mayor and Board of Alderman.

C. TRANSFER OF LEAVE BETWEEN AGENCIES

All accrued leave, both medical and personal leave, shall be transferable between departments

D. PERSONAL LEAVE

All full-time and exempt employees, other than fire fighters, hired *after* January 1, 1991 will accrue paid personal leave at the following annual rate based on total continuous service, as of September 30 of each year:

Service	Leave accrual rate
1 Month—23 Months	40 hours
24 Months—72 Months	80 hours
73 Months—120 Months	120 hours
121 Months—Over	160 hours

All full-time firefighters hired *after* January 1, 1991 will accrue paid personal leave at the following annual rate based on total continuous service:

Service	Leave accrual rate
1 Month—23 Months	120 hours
24 Months—72 Months	144 hours
73 Months---120 Months	168 hours
121 Months—Over	240 hours

All full-time and exempt employees, other than fire fighters, hired *prior* to January 1, 1991 will accrue paid personal leave at the following annual rate based on total continuous service:

Service	Leave accrual rate
1 Month—23 Months	40 hours
24 Months—72 Months	80 hours
73 Months—120 Months	120 hours
121 Months—240 Months	160 hours
240 Months---360 Months	200 hours
Over 360	240 hours

All full-time firefighters hired *prior* to January 1, 1991 will accrue paid personal leave at the following annual rate based on total continuous service:

Service	Leave accrual rate
1 Month—23 Months	120 hours
24 Months—72 Months	144 hours
73 Months---120 Months	168 hours
121 Months—240 Months	240 hours
241 Months---360 Months	300 hours
Over 360 Months	360 hours

Personal leave may only be granted to full-time employees with over 2080 hours of service. Part-time and temporary employees shall not earn personal leave. Personal leave shall begin accruing on the date the employee begins work, not the date of initial hire.

For the purpose of computing credit for personal leave, each employee shall be considered to work not more than forty hours each week. The provisions of this section shall not apply to military leaves of absence. The time for taking personal leave shall be determined by the governing authority of which such employees are employed.

The earned personal leave of each employee shall be credited the first full pay period after January 1 each year. It shall be unlawful for a department to grant personal leave in an amount greater than was earned and accumulated by the employee.

Employees are encouraged to use earned personal leave. Personal leave may be used for vacations and personal business as scheduled by the governing authority. Accrued personal or compensatory leave may also be used for an illness in the employee's immediate family. There shall be a limit to the accumulation of personal leave. Only upon voluntary termination of employment or retirement may an employee be paid for not more than one hundred and sixty (160) hours; two-hundred and forty (240) for firefighters, of accumulated, unused personal leave.

Personal leave pay will be based on the rate of pay you receive when your personal leave time begins. You can use earned personal leave time for injury leave or in conjunction with holiday pay. Except as provided by the Family and Medical Leave Act, personal leave may not be used in conjunction with major medical leave.

Up to 80 hours of leave without pay per employee per year may be approved by each department head. Salaried employees (exempt employees) shall use personal leave whenever they are not at work. The beneficiary of an employee who dies with unused personal leave shall receive payment for all personal leave accumulated but not used by the employee up to one hundred sixty (160) hours of accumulated leave.

After January 1, 2012, paid leave will be used by drawing down on any existing leave balance. Should an employee not use and/or otherwise take their accrued leave within a 12-month period, such leave shall not carry over into a following 12-month period. Any personal leave earned but not used in a 12-month period shall be designated as follows: 100% of time shall be counted as major medical leave.

In accordance with Mississippi Code Section 25-11-103(i), the Governing Authority of the City of Southaven may offer an employee leave buy-back program. When funding is available and accounted/budgeted for within the municipal budget, an employee may “cash-out” his or her unused vacation balance in an amount not to exceed 160 hours. The Governing Authority will establish the date such buy-back will take place and the maximum amount of time/leave to “buy back”. Prior to any employee leave balance buy back, the funding shall be adopted by the Governing Authority.

Revised August 30, 2011, September 20,2011

E. MAJOR MEDICAL LEAVE

Major medical (sick) leave may be used for illness of the employee, for illness of a member of his/her immediate family and for physician appointments when it is not possible to schedule them during non-working hours. For purposes of this section, "immediate family" shall be deemed to include: (1) spouse; (2) children, step-children: (3) parents, step-parents, foster parents and parents-in-law; (4) sibling; and (5) other members of the family who reside within the home of the employee. ”Physician" means a doctor of medicine, osteopathy, dental medicine, podiatry or chiropractic. For each absence due to illness more than two (2) working

days/shift days, paid Major medical leave shall be authorized only when certified by the attending physician.

Major medical leave is provided for the reasons stated in this policy and may not be used for other purposes and may not be advanced. Abuse of sick leave by an employee will result in the withholding of payment of the sick leave and possible disciplinary action up to and including termination. A supervisor, or his designee, may perform a routine wellness check by going to the employees place of residence to check on their well-being.

You will begin to earn major medical leave on the day you begin work, but may not use it until you have completed six months of continuous employment. However, if you have less than six-months of service and have filed a Workman's Comp claim and are set to miss work due to an on the job injury sustained during your first six-months of employment, you may use the Major medical leave you have in order to compensate for any gaps in compensation by Workman's Comp.

Major medical leave will be based on an employees workweek, and overtime will not be used to add extra time to accumulate sick leave. Employees accrue Major medical leave at the following rate(s): all hourly and salaried employees (excluding employees on a 24-hour shift) earn major medical leave at a rate of four (4) hours per pay period of major medical leave. Major medical leave shall not be accrued for an hourly or salaried employee that does not work at least 76 hours in any given pay period. Employees on a twenty-four hour shift earn major medical leave at the rate of six (6) hours per pay period. Employees on a 24-hour shift shall not accrue major medical leave until that employee has worked at least 80 hours in a pay period.

No payment will be made for unused major medical leave upon termination of employment.

All sick leave and prime leave earned prior to January 1, 2012 shall be transferred to and classified as major medical leave.

Amended December 20, 2005, January 20, 2009, August 30, 2011, Sept 20, 2011

F. FAMILY AND MEDICAL LEAVE ACT (FMLA)

General Provisions

The Family and Medical Leave Act (FMLA) was enacted into law on February 5, 1993 and took effect August 5, 1993. All departments of the City of Southaven are considered covered employers under the Act, and any and all future amendments/revisions to said Act.

The FMLA entitles eligible employees to take up to twelve (12) weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons and makes it unlawful for any department to discharge or discriminate against any person for opposing any practice made unlawful by the Act or for involvement in any proceeding under or relating to the Act. Further, the governing authority shall not interfere with, restrain, or deny the exercise of, or the attempt to exercise any right provided under the Act.

The FMLA does not affect any other federal law that prohibits discrimination and does not supersede any local law that provides greater and more generous leave rights.

Notice to Employees

Each department shall post and keep posted, in conspicuous places where notices to employees and applicants are customarily posted, a notice summarizing the entitlement to family leave and providing information concerning the procedures for filing complaints of violations of the Act.

Definitions for Purposes of FMLA

Health Care Provider:

A. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the jurisdiction in which the doctor practices; or

B. Any other person determined by the Governing Authority to be capable of providing health care services, including only:

1. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the jurisdiction and performing within the scope of their practice as defined under applicable law;

2. Nurse practitioners, nurse-midwives and clinical social workers who are authorized to practice under applicable law and who are performing within the scope of their practice as defined under applicable law;

3. Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Mass. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employer that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner, except as otherwise provided under applicable law;

4. Any health care provider from whom the City or the City's group health plan's benefit manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

5. A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

Authorized to practice under applicable law: Means that the provider must be authorized under state law to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider.

Incapacity: Inability to work, attend school or perform other regular daily activities due to 1) a serious health condition, 2) treatment for a serious health condition, or 3) recovery from a serious health condition.

Parent: The biological parent of an employee or an individual who stands or stood in loco parentis to an employee when such employee was a son or daughter, as defined below. This term does not include parents-in-law.

Son or Daughter: A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.

Incapable of Self-care: Means that the individual requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living including grooming and hygiene, bathing, dressing and eating or instrumental activities of daily living including cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Physical or Mental Disability: A physical or mental impairment that substantially limits one or more of the major life activities of an individual.

In Loco Parentis: Persons having day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Reduced Leave Schedule: A leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves:

A. Inpatient care (an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity, or any subsequent treatment in connection with such inpatient care; or

B. Continuing treatment by a health care provider to include any one or more of the following:

> 1. A period of incapacity of more than three consecutive calendar days and any other subsequent treatment or period of incapacity relating to the same condition that also involves:

a. Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; OR

b. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

2. Any period of incapacity due to pregnancy, or for prenatal care.

3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition.

4. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of a health care provider, but need not be receiving active treatment by a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

5. Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), kidney disease (dialysis).

Chronic Serious Health Condition: A condition which (a) requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; (b) continues over an extended period of time (including recurring episodes of a single underlying condition); and (c) may cause episodic rather than a continuing period of incapacity (asthma, diabetes, epilepsy, etc.)

Equivalent Position: A position that is virtually identical to the employee's former position in terms of pay, benefits and working condition, including privileges, prerequisites and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility and authority.

Intermittent Leave: FMLA leave taken in separate blocks of time due to a single qualifying reason.

Unable to Work: Where the health care provider has found that the employee is either unable to work at all, or is unable to perform any one of the essential functions of the job.

Spouse: A husband or wife, as defined or recognized under state law for purposes of marriage.

Immediate Family Member: An employee's spouse, son or daughter or parent.

Eligibility: An eligible employee is one who has been employed by the City for at least a total of twelve (12) months, and has worked for at least 1,250 hours over the prior 12 months.

Entitlement: FMLA entitles eligible City employees to take up to twelve (12) weeks of unpaid, job-protected leave during any 12-month period for any one or more of the following family and medical reasons:

A. for the birth of the employee's son or daughter, and to care for the newborn child;

B. the placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child;

C. to care for an immediate family member with a serious health condition;

D. because of the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job.

Entitlement to leave under (A) and (B) above shall expire at the end of the 12-month period beginning on the date of such birth or placement. The 12-month period under (C) and (D) above will begin on the date of the employee's first FMLA leave. Leave entitlement shall be determined on a rolling 12-month basis so that the amount of available leave remaining to be taken is measured based on leave previously taken during the 12 months preceding the first date of the current requested leave.

Spouses employed by the same employer are jointly entitled to a combined total of twelve (12) workweeks during any 12-month period of family leave for the birth or placement of a child for adoption or foster care, or the care of such a child after birth or placement, and to care for a sick parent (but not a parent "in-law") who has a serious health condition. However, if the leave is to care for a sick child or the serious health conditions of each other or for the employee's own serious illness, this limitation does not apply.

Substitution of Paid Leave

Generally, FMLA leave is unpaid. However, eligible employees may choose to substitute certain accrued paid leave for FMLA leave as follows:

A. Medical leave up to 480 hours.

B. Personal leave

If an employee does not choose to substitute accrued paid leave, the City may require them to do so.

A serious health condition may result from injury to the employee "on or off" the job. Either the employee or the department may choose to have the employee's FMLA 12-week leave entitlement run concurrently with a workers' compensation absence when the injury is one that meets the criteria for a serious health condition. Since the workers' compensation absence is not unpaid leave, the provision for substitution of the employee's accrued paid leave is not applicable.

However, if the health care provider treating the employee for the workers' compensation injury certifies that the employee is able to return to a "light duty job", but is unable to return to the same or equivalent job, the employee may decline the department's offer of a "light duty job". As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the 12-week entitlement is exhausted. As of the date workers' compensation benefits cease, the substitution provision becomes applicable and either the employee may elect, or the department may require, the use of accrued paid leave.

However, if an employee is receiving workers compensation benefits they may elect to use a portion of their accrued leave to offset the difference between their regular pay and the compensation received from workers compensation.

Compensatory time off is not a form of accrued paid leave that a department may require the employee to substitute for unpaid FMLA leave. The employee may request to use his/her compensatory time for an FMLA reason; however, if the department allows the compensatory time to be used, it may not be counted against the employee's FMLA leave entitlement.

An employee who elects to use paid leave should make a written request of his/her intent to use accrued paid leave. The employee should explain the reasons for the request to substitute medical and/or personal leave and provide sufficient information for the department to determine that the leave qualifies under the Act and to designate the paid leave as substitution for all or some portion of the employee's FMLA leave entitlement.

Notice to Department

The Department may require that the employee provide written notice setting forth the reasons for the requested leave, the anticipated duration of the leave, and the anticipated start of the leave in accordance with the Department's established policy. Failure to follow established Department policy may result in disciplinary action, but will not permit the Department to disallow or delay an employee's taking of FMLA leave, if the employee gives timely verbal or other notice.

In any case in which the necessity for leave is foreseeable based on an expected birth or placement, the employee shall provide the Department with no less than thirty (30) days notice, before the date the leave is to begin, and of the employee's intention to take such leave, except that if the date of the birth or placement requires leave to begin in less than (thirty) 30 days, the employee shall provide such notice as is practicable

In any case in which the necessity for leave is foreseeable based on planned medical treatment, the employee:

1. shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the Department, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate; and

2. shall provide the Department with no less than thirty (30) days notice, before the date the leave is to begin, of the employee's intention to take leave, under FMLA, except if the treatment is to begin in less than thirty (30) days, the employee is to provide such notice as is practicable.

If the employee had actual notice of the FMLA leave requirements and he/she fails to give 30 days notice for foreseeable leave with no reasonable excuse for the delay, the Department may deny taking FMLA leave until at least 30 days after the date the employee provides notice to the Department Head of the need for FMLA leave.

A Department Head may require periodic reports from an employee on FMLA leave regarding the employee's status and intent to return to work. If the employee provides a statement of intent to return to work, even if the statement is qualified, entitlement to leave and maintenance of health benefits continue. However, if the employee gives an unequivocal notice of intent not to return to work, the Department's obligations to provide health benefits (except pursuant to COBRA requirements) and to restore the employee end.

Should the employee discover after beginning leave that the circumstances have changed and the amount of leave needed is shorter than originally anticipated, the employee may not be required to take more FMLA leave than necessary. If the employee desires to return to work earlier than anticipated, the Department Head may require the employee to provide notice of at least two (2) business days.

Designation of Leave as FMLA Leave and Notification to Employee

The Department Head is responsible for designating leave that is FMLA qualifying and for giving notice of the designation to the employee.

A. If the Department Head knows the reason for leave is an FMLA reason at the time leave begins, the leave must be designated by the Department Head in writing at that time. If the Department Head knows the leave is for an FMLA reason at the time leave begins and fails to designate, the leave may not be counted against the employee's FMLA entitlement and the employee continues to be subject to FMLA protection. Once the Department Head designates, the leave may be counted against the FMLA entitlement only from that time forward, and not retroactively.

B. When the Department Head learns that leave is for an FMLA purpose after leave has begun, but before the employee returns to work, the entire or some part of the leave period may be retroactively counted as FMLA leave.

C. Leave may be designated as FMLA after the employee has returned to work in only two (2) circumstances:

1. The Department Head knew the reason for the leave, but was not able to confirm that the leave qualified as FMLA leave; or the Department Head requested and was awaiting medical certification; or the parties were in the process of obtaining a second or third medical opinion; and the Department Head accordingly made a preliminary FMLA leave designation and so notified the employee at the beginning of the leave or as soon as the reason was known. Upon receipt of the requisite information from the employee or of the medical certificate confirming the FMLA reason, the Department Head shall make the preliminary designation final, unless the medical certifications fail to confirm an FMLA reason, in which case the Department Head shall withdraw the designation and give written notice to the employee; or

2. The Department Head did not know the reason for the leave, but learns upon the employee's return to work. The designation must be made by the Department Head within two (2) business days of the employee's return to work and appropriate notice then given to the employee. If the Department Head was not aware of the FMLA reason, but the employee wants the absence to be treated as FMLA leave, the employee must notify the Department Head within two (2) business days of his/her return to work. If such notification is not made, the employee may not subsequently assert FMLA protection.

If an employee takes paid or unpaid leave and the Department Head does not designate the leave as FMLA leave, it may not be counted against the employee's FMLA entitlement.

The Department Head must provide written notice detailing the specific expectations and obligations of the employee and explaining any consequence of failure to meet these obligations. Such specific notice must be provided to the employee no less often than the first time in each six-month period that an employee gives notice of the need for FMLA leave (if FMLA leave is taken during the six-month period), within a reasonable time after notice of the need for leave is given, and must include, as appropriate:

A. That the leave will be counted against the employee's annual FMLA leave entitlement;

B. Any requirements for the employee to furnish medical certification of a serious health condition and the consequences of failing to do so;

C. The employee's right to substitute paid leave and whether the Department Head will require the substitution of paid leave, and the conditions related to any substitution;

D. Any requirement for the employee to make any premium payments to maintain health benefits, the arrangements for making such payments, and the possible consequences of failure to make such payments on a timely basis;

E. Any requirement for the employee to present a fitness-for-duty certificate to be restored to employment;

F. The employee's status as a "key employee", the potential consequence that restoration may be denied following FMLA leave, and the conditions required for such denial;

G. The employee's right to restoration to the same or an equivalent job upon return from leave; and

H. The employee's potential liability for payment of health insurance premiums paid by the Employer during the employee's unpaid FMLA leave if the employee fails to return to work after taking FMLA leave.

Intermittent Leave or Leave on a Reduced Leave Schedule

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. When leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the Department Head approves. The Department Head's approval is not required, however, for leave during which the mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition.

Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider, or for recovery from treatment or recovery from a serious health condition. It may also be taken to provide care or psychological comfort to an immediate family member with a serious health condition.

Only the time actually taken as FMLA leave may be charged against the employee's leave entitlement when leave is taken intermittently or on a reduced schedule. For part-time employees and those who work variable hours, the FMLA leave entitlement is calculated on a pro-rated basis by comparing the new schedule with the employee's normal schedule (i.e., if an employee who normally works 30 hours per week works only 20 hours a week under a reduced leave schedule the employee's 10 hours of leave would constitute 1/3 of a week of FMLA Leave for each week the employee works the reduced schedule).

Medical Certification

The Department Head may require that an employee's leave to care for his/her seriously-ill immediate family member, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his/her position, be supported by a certification issued by the health care provider of the employee or the employee's ill family member.

When the leave is foreseeable and at least thirty (30) days notice has been provided, the employee should provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested verification to the Department Head within the time frame requested (which must allow at least fifteen (15) calendar days after the

Department Head's request) unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts.

The Department of Labor has developed an optional form (Form WH-380, as revised) for employees' or their family members' use in obtaining medical certification from health care providers that meet FMLA's certification requirements. This form or another form containing the same basic information may be used by the Department; however, no additional information may be required. The form contains required entries for:

A. A certification as to which part of the definition of serious health condition, if any, applies to the patient's condition and the medical facts which support the certification, including a brief statement as to how the medical facts meet the criteria or definition.

B. The approximate date the serious health condition commenced, and its probable duration, including the probable duration of the patient’s present incapacity, if different.

C. Whether it will be necessary for the employee to take leave intermittently or to work on a reduced leave schedule basis as a result of the serious health condition and if so, the probable duration of such schedule.

D. If the condition is pregnancy or a chronic condition, whether the employee is presently incapacitated, and the likely duration and frequency of episodes of incapacity.

E. If additional treatments will be required for the condition, an estimate of the probable number of such treatments.

F. If the patient's incapacity will be intermittent, or will require a reduced leave schedule, an estimate of the probable number and interval between such treatments, actual or estimated dates of treatment if known, and the period required for recovery, if any.

G. If medical leave is required for the employee's absence from work because of the employee's own condition, whether the employee:

1. is unable to perform work of any kind;

2. is unable to perform any one or more of the essential functions of the employee's position, including a statement of the essential functions that the employee is unable to perform based on either information provided on a statement from the Department of the essential functions of the position, or if not provided, discussion with the employee about the employee's job functions; or

3. must be absent from work for treatment.

H. If leave is required to care for a family member of the employee with a serious health condition, whether the patient requires assistance for basic medical or personal needs or safety or for transportation; or if not, whether the employee's presence to provide psychological comfort

would be beneficial to the patient or assist in the patient's recovery. The employee is required to indicate on the form the care he or she will provide and an estimate of the time period. If the employee's family member will need care only intermittently or on a reduced leave schedule basis (i.e. part-time), the employee must also indicate the probable duration of the need.

If an employee submits a complete certification signed by the health care provider, the Department Head may not request additional information from the employee's health care provider other than for purposes of clarification and authentication.

If the Department Head has reason to doubt the validity of the certification, it may require, at City's expense, that the employee obtain the opinion of a second health care provider designated or approved by the City. Any such health care provider designated or approved shall not be employed on a regular basis by the City.

If the second opinion differs from the original certification, the City may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the City and the employee concerning the information previously certified. The opinion of the third health care provider concerning the information previously certified shall be considered to be final and shall be binding on the City and the employee.

The City may require, at the employee's expense, that the employee obtain subsequent recertification on a reasonable basis, depending on the employee's condition. No second or third opinion on recertification may be required.

Restoration

A. Employees, with the exception of certain highly paid "key employees," are entitled to be restored to their positions after returning to work:

1. The employee will be entitled to be restored by the City to the position held by the employee when the leave commenced, OR the employee will be entitled to be restored to an equivalent position with equivalent benefits, pay status, and other terms and conditions of employment.

2. The employee will not lose any employment benefit accrued prior to the date on which leave commenced,

3. The employee will not accrue any employment benefits other than group health benefits which would have been provided to the employee had the employee been continuously employed during the entire leave period, as discussed below, during any period of unpaid leave, and

4. the employee will not be entitled to any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled to had the employee not taken the leave.

The employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave

period. The City must be able to show that the employee would not otherwise have been employed at the time reinstatement is requested in order to deny restoration to employment.

B. An employee who qualifies as a "key employee" may be denied restoration to employment. A key employee is one who is salaried and is "among the highest paid 10 percent" of the employees. The Governing Authorities may deny restoration to a "key" employee only as necessary to prevent substantive and grievous economic injury to Department operations. The Department may refuse to reinstate certain highly paid "key" employees after using FMLA leave during which health benefits are maintained. However, in order to do so, the Department must:

1. Notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take FMLA leave;

2. Notify the employee as soon as the Governing Authorities decides it will deny job restoration and explain the reasons for this decision;

3. Offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and,

4. Make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.

An Department that will not deny restoration is not required to determine which employees are "key" employees or to notify them of that status when leave is requested.

Maintenance of Benefits

At the end of an employee's FMLA leave, benefits must be resumed in the same manner and at the same levels as provided when the leave began, and subject to any changes in benefit levels that may have taken place during the period of FMLA leave affecting the entire Department, unless otherwise elected by the employee. Upon return from FMLA leave, an employee cannot be required to re-qualify for any benefits the employee enjoyed before FMLA leave began.

Health Insurance

The city maintains group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken, and on the same terms as if the employee had continued work.

For purposes of FMLA, the term Group Health Plan does not include an insurance program providing health coverage under which employees purchase individual policies directly from insurers provided that: (1) no contributions are made by the Department; (2) participation in the program is completely voluntary for employees; (3) the sole functions of the Department with respect to the program are, without endorsing the program to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the

insurer; (4) the Department receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit for administrative services actually rendered in connection with payroll deduction; and (5) the premium charged with respect to such coverage does not increase in the event the employment relationship terminates.

A Department may recover premiums it paid for maintaining group health plan coverage during any period of unpaid FMLA leave if the employee fails to return to work after the employee's FMLA leave entitlement has expired, unless the reason the employee does not return to work is due to:

A. The continuation, recurrence, or onset of a serious health condition that would entitle the employee to FMLA leave (either affecting the employee or an immediate family member), or

B. Other circumstances beyond the control of the employee.

If an employee fails to return to work at the end of the leave period because of a serious health condition, the Department Head may request that the employee furnish a medical certification from the health care provider of the employee, or the employee's family member to support the employee's claim. If the employee fails to furnish the requested certification within thirty (30) days of the Department Head's request, or the reason for not returning to work does not meet the test of other circumstances beyond the employee’s control, the City may recover the health insurance premiums it paid during the period of unpaid leave.

The Department Head and the employee are encouraged to work out arrangements that accommodate both administrative convenience for the Department and the financial situation of the employee who would not be receiving a paycheck during the leave period. There is a 30-day grace period after the agreed upon date for payment within which the employee may make payment of the premium without affecting health benefit coverage. If the employee does not make the payment within the 30-day grace period, the City may cease to maintain health coverage on the date the grace period ends, or the City may continue health coverage by making both the City's and employee's premium payments.

In order to drop the coverage for an employee whose premium payment is late, the City must provide written notice to the employee that the payment has not been received. Such notice must be mailed to the employee at least fifteen (15) days before coverage is to cease, advising that coverage will be dropped on a specified date at least fifteen (15) days after the date of the letter unless the payment has been received by that date.

If an employee fails to pay his or her share of health benefit premiums and the City elects to continue health coverage for the employee (in order to be able to restore the employee on return to work) by paying the employee's share, and the employee fails to return to work at the end of the FMLA leave period in circumstances where recovery is allowed, the City may recover all of the health benefit premiums it paid for the employee's share during the period of unpaid FMLA leave. An employee who does not return to work for at least thirty (30) calendar days is considered to have failed to "return" to work for this purpose, unless the employee retires during

the first thirty (30) days after the FMLA leave ends. If the City chooses to continue coverage in this manner, the City is entitled to recover the additional payments made on behalf of the employee while on leave after the employee returns to work.

Seniority, Medical and Personal Leave

Employees shall continue to accrue seniority during unpaid FMLA leave. Benefits accrued at the time leave began, (e.g., paid medical or personal leave to the extent not substituted for FMLA leave) must be available to an employee upon return from leave.

Life Insurance

If an employee desires to continue life insurance, disability insurance, or other types of benefits for which he or she typically pays during unpaid FMLA leave, the City is required to follow established policies or practices for continuing such benefits for other instances of leave without pay. If the City has no established policy, the employee and the City are encouraged to agree upon arrangements before FMLA leave begins.

Retirement

With respect to pension and other retirement plans, any period of FMLA leave will be treated as continued service (i.e., no break in service) for purposes of vesting and eligibility to participate.

Return to Duty from Family Leave

As a condition to return to duty, the employee may be required to provide certification from the employee's health care provider that the employee is able to resume work. A Department requiring any fitness for duty certifications must have a uniformly applied policy that is based on the nature of the illness or duration of the absence. The Department may seek fitness-for duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave. Department requirements must be job-related and consistent with business necessity.

Amended January 20, 2009

Military Family Leave

An eligible employee who is the spouse, son, daughter, or parent of a member of the Armed Forces may take FMLA leave for "any qualifying exigency" if the service member is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation. 29 U.S.C. § 2612(a)(1)(E).

“Qualifying exigencies” generally include:

(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 agreed to by the City and eligible employees

Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered military member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

For purposes of Qualifying Exigency Leave and Military Caregiver Leave a "covered military member" means the employee's spouse, son, daughter or parent on active duty or call to active duty status.

Enforcement

The U.S. Department of Labor (DOL) is responsible for the enforcement of the FMLA and may investigate and resolve complaints and violations under the Act in the same manner as under the Fair Labor Standards Act (FLSA). For assistance in complying with the FMLA, department employers may contact the area office of the Wage and Hour Division of the DOL.

G. FUNERAL LEAVE

An employee may use up to 24 hours per funeral of paid leave in addition to personal leave for each occurrence of death in the immediate family requiring the employee's absence from work. No qualifying time or use of personal leave will be required prior to use of leave for this purpose. The immediate family is defined as spouse, parent, step-parent, sibling, child, step-child, grandchild, grandparent, great-grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, grandparent-in-law, brother-in-law, or sister-in-law. Child means a biological, adopted or foster child, or a child for whom the individual stands or stood in *loco parentis*.

H. DONATED LEAVE

A City employee shall be eligible to receive donated leave if the employee:

1. Has completed at least one year of continuous City service;
2. Has exhausted all accrued sick, vacation, compensatory and holiday time;
3. Has not, in the two-year period immediately preceding the employee's need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness or abuse of time; and
4. Either:
    a. Suffers from a catastrophic health condition or injury;

b. Is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury; or
c. Requires absence from work due to the donation of an organ

With respect to an employee, a "catastrophic health condition or injury" is a life-threatening condition or combination of conditions or a period of disability required by his or her mental or physical health or the health of the employee's fetus and requiring the care of a physician or licensed health care provider who provides a medical verification of the need for the employee's absence from work for 60 or more workdays.

With respect to an employee's immediate family member, a "catastrophic health condition or injury" is a life-threatening condition or combination of conditions or a period of disability required by his or her mental or physical health and requiring the care of a physician or licensed health provider who provides a medical verification of the need for the family member's care by the employee for 60 or more work days.

A leave donor shall have remaining at least 480 hours of accrued sick leave if donating sick leave and (720 hours of accrued sick leave for firefighters) at least 80 hours of accrued vacation leave if donating vacation leave.

A leave donor shall not revoke the leave donation.

If a leave donor is not in the same department as the leave recipient, appropriate arrangements shall be made between the affected departments Amended February 2011

A leave recipient must receive at least five (5) days from one or more leave donors to participate in the Donated Leave Program. A leave donor shall donate only whole days and may not donate more than ten (10) such days to any one recipient to verify donor eligibility and adjust leave records. However, the posting requirement set forth above is limited to the appointing authority.

Any unused donated leave shall be returned to the leave donors on a prorated basis upon the leave recipient's return to work, except that if the proration of leave days results in less than one day per donor to be returned, that leave time shall not be returned.

Upon retirement, the leave recipient shall not be granted supplemental compensation on retirement for any unused sick days that he or she had received through the Donated Leave Program.

While using donated leave time, the leave recipient shall accrue sick leave and vacation leave and be entitled to retain such leave upon his or her return to work.

An employee shall be prohibited from threatening or coercing or attempting to threaten or coerce another employee for the purpose of interfering with rights involving donating, receiving or using donated leave time. Such prohibited acts shall include, but not be limited to, promising to confer or conferring a benefit such as an appointment or promotion or making a threat to engage in, or engaging in, an act of retaliation against an employee.

All donations shall remain confidential and employees shall refrain from discussing who donated or the amount of time donated.

All Donations must be approved by the employees Department Head and the Mayor.

All leave will be donated/exchanged based on hourly rates.

I. ADMINISTRATIVE LEAVE

City employees may be granted administrative leave with or without pay. For the purposes of this section, "administrative leave" means discretionary leave with or without pay, other than personal leave or medical leave.

The Mayor may grant administrative leave to any employee serving as a witness or juror or party litigant, as verified by the clerk of the court, in addition to any fees paid for such services, and such services or necessary appearance in any court shall not be counted as personal leave. If released from such obligation prior to noon, you must report to work within one hour after being released. If no verification of service as a witness, juror, or party litigant is provided, the Department may require the employee to take personal leave, compensatory leave, or leave without pay.

The Mayor may grant administrative leave with or without pay to department employees in the event of extreme weather conditions or in the event of a manmade, technological or natural disaster or emergency.

The Mayor may grant administrative leave with or without pay to any employee, who is a certified disaster service volunteer of the American Red Cross, who participates in specialized disaster relief services for the American Red Cross in this state and in states contiguous to this state when the American Red Cross requests the employee's participation. This leave shall not exceed twenty (20) days in any twelve-month period.

To be considered for administrative leave, the employee shall make the request in writing. All administrative leave must be approved by the Mayor prior to becoming effective. Administrative leave without pay may be granted by the Mayor in certain situations.

J. MATERNITY LEAVE

Federal law requires that women affected by pregnancy, child-birth or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work. (42 U.S. Code Section 2000e (k))

1. All types of leave shall be granted to pregnant women on the same terms as leave is granted to other disabled employees in accordance with these rules.

2. The governing authority shall not terminate the employment of any employee in the department because of pregnancy or require that such employee take a mandatory leave.

3. When certified in advance by a medical doctor, pregnant women shall be allowed to use medical leave for regularly scheduled prenatal care by a medical doctor.

K. MILITARY LEAVE

Unpaid military leaves of absence will be granted to members of the uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 an all amendments thereto. Appropriate documentation is required to be turned in to the Department head prior to the necessary leave. Anyone who completes a military leave of absence will be reinstated to his/her previous or similar job in accordance with federal and state law. An additional 120 hours of leave shall be available for mandatory pre-deployment training pending appropriate documentation. For more information regarding status, compensation, benefits and reinstatement upon return from military leave, please contact the City Administrator/CAO.

Amended September 2, 2008

L. ACCRUAL AND USE OF LEAVE BY PART-TIME EMPLOYEES

Part-time employees shall not accrue leave at any time.

M. UNEMPLOYMENT COMPENSATION

If an employee becomes separated from a job with the City, for reasons beyond the employee's control, that employee may be eligible for unemployment compensation. Inquiries may be directed to the Mississippi Employment Security Commission.

N. DEFERRED COMPENSATION PLAN

Deferred Compensation is a supplemental, voluntary savings plan administered by the Public Employees' Retirement System (PERS) Board of Trustees offering tax advantages to participants. Employees who choose this plan may set aside part of their salary each year. Income tax liability is postponed on that part of the salary until the year in which the employee actually receives the deferred amount. Interest and/or earnings also are tax deferred until withdrawal. Interested employees may contact their Department personnel officer or PERS.

O. WORKER'S COMPENSATION

The basic purpose of Worker's Compensation is to provide fixed benefits to employees in the event an employee is injured in the course of employment. These benefits may include:

Compensation for medical expenses;

Partial compensation for income lost because of the injury or illness;

Retraining for new skills when necessary; and

Certain other related benefits.

Worker's Compensation may also provide benefits to an employee's dependents and compensation for funeral expenses in case of death due to a job-connected accident or illness.

If an employee is injured, no matter how minor the injury, the employee should report this to the supervisor immediately.

P. SOCIAL SECURITY

Every employee of the City of Southaven is required to participate in the federal Social Security program.

Q. CAFETERIA PLAN

The city offer’s this tax savings mechanism that is permitted by Section 125 of the Internal Revenue Code and Sections 25-17-1 to 25-17-11, Mississippi Code of 1972, as amended. Additional information may be obtained from the Department of Finance and Administration. Any monies owed to the cafeteria plan shall be collected before issuance of a final check for an employee who has resigned or has been terminated, as allowed by law.

R. RETIREMENT

Employees and officials of the City of Southaven become members of the Public Employees' Retirement System as a condition of employment.

Retirement System participation and coverage is provided to employees in positions requiring employees to work and receive compensation for not less than 20 hours per week OR not less than 80 hours per month. Participation is restricted to employees whose wages are subject to payroll taxes and are reported on Form W-2.

When an employee is first employed, the City of Southaven will furnish that employee with a member information form to establish a membership account. The employee's social security number will serve as a membership number. A fiscal year membership statement will be sent to the employee each year containing data pertinent to contributions paid into the Public Employees' Retirement System. Additional information may be obtained by contacting the Public Employees' Retirement System.

S. INSURANCE

Full time employees are eligible to participate in the health and life insurance program offered by the city, which may be at no cost to the employee. Dependent care coverage is available to the employee for appropriate charges.

Any employee making contributions to the State of Mississippi retirement plan is eligible for hospitalization insurance as a benefit of employment. Employees may select coverage for

dependents at reduced group rates under this policy. Employees on leave without pay must pay the hospitalization insurance premiums themselves in order to keep insurance coverage.

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), eligible employees may be able to temporarily continue their major medical insurance coverage after termination or other "qualifying event."

Additional information on current insurance benefits is available from the insurance or payroll clerk/Department of Finance and Administration.

T. JURY/WITNESS DUTY LEAVE

Leave shall be granted to all employees when they are summoned for jury or witness service. An employee summoned for jury duty or to serve as a witness, upon receiving a summons shall, on the next day the employee is working, show the summons to the employee's immediate supervisor. When not accepted for jury duty, or not required to serve as a witness, the employee should inform his/her supervisor and return to work according to his/her work schedule.

Employees are expected to report to work on scheduled work day's that the court is not in session or if the court recesses or excuses the employee, unless the employee's jury/witness duty exceeds 3 hours for the day in question. Following the completion of the jury/witness duty, employees are required to work on their first regularly scheduled workday.

Salaried employees who perform jury/witness duty on scheduled workdays shall receive their regular pay for the week during which they perform jury/witness duty, so long as they perform any work during the week they perform jury/witness duty.

Hourly employees who perform jury/witness duty on scheduled workdays are required to use accrued personal or compensatory leave if it is available, or to make up the hours lost if feasible; however, making up hours may not always be feasible. Hourly employees who do not make up lost hours or use accrued personal or compensatory leave will not be paid for the time spent performing jury/witness duty.

Upon returning from jury/witness duty, all employees must submit the hours served for jury/witness duty, including travel to and from jury/witness duty, to the administrator before a payroll check is issued.

U. EMPLOYEE EDUCATIONAL REIMBURSEMENT

The City of Southaven encourages its employees to receive as much formal education as possible. To this end, the City may provide tuition assistance for work/job related coursework only. The City shall not offer reimbursement for coursework that is not directly related to the day-to-day job duties of the employee seeking such assistance/reimbursement.

To be eligible for tuition reimbursement, an employee must earn a minimum of a 3.0 grade point average (GPA) in all coursework. The employee must attach a copy of their official grade report

and a detailed explanation of the coursework taken prior to receiving any reimbursement. Such requests must be approved by the appropriate department head, the CAO and the Mayor prior to becoming effective. If approved, the City shall assist the employee for actual tuition costs only. The City shall not reimburse the employee for other costs (fines, fees, books, supplies etc) associated with their continuing education. Any and all reimbursement/assistance is contingent upon the availability of departmental budgetary funds and such reimbursement request may be denied as such. Nothing in this policy shall be deemed to constitute a continual reimbursement/assistance program. The City reserves the right to amend or otherwise revoke this policy with or without notice pending available funding.

V. **LIGHT DUTY POLICY**

The purpose of this order is to establish the authority for granting temporary light-duty assignments and to establish procedures for granting temporary light duty to eligible personnel within city departments.

Temporary light-duty assignments, when available, are for officers and other eligible personnel in the department who, because of injury or illness, are temporarily unable to perform their regular assignments but are capable of performing alternative duty assignments. Use of temporary light duty can provide employees with an opportunity to remain productive while convalescing as well as provide a work option for employees who may otherwise risk their health and safety or the safety of others by remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of the City of Southaven that eligible personnel be given a reasonable opportunity to work in temporary light-duty assignments when available and consistent with this policy.

Eligible Personnel: For purposes of this policy, a sworn or civilian member, suffering from medically certified illness, injury, or condition, who is temporarily unable to perform their regular assignment but is capable of performing alternative assignments.
Family Medical Leave Act (FMLA): Federal law providing for up to twelve (12) weeks of leave for eligible workers, for their own serious health condition or other situations as outlined in the law and the City's FMLA policy.

GENERAL PROVISIONS

1. Temporary light-duty positions are limited in number, task, variety, and availability. Therefore:

a. personnel injured or otherwise disabled in the line of duty may be given preference in initial assignment to light duty; and

b. assignments may be changed at any time, with concurrence of the treating physician, if deemed in the best interest of the employee or the agency.

2. This policy in no way affects the privileges of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with

Disabilities Act, or other federal or state law.

3. Assignment to temporary light duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits or other employee benefits.

4. No specific position within a department shall be established for the use as a temporary light-duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary light duty.

5. Light-duty assignments are strictly temporary and will not exceed six (6)-weeks.
(Light duty may be provided for a total six(6)-week allotment in a one year period, with a year being defined as beginning on the first light duty day and ending 12 calendar months after the first light-duty day.) After the six-week period, personnel on temporary light duty who are not capable of returning to their original duty assignment may pursue other options as provided by employment provisions under federal or state statute.

6. Officers of the Southaven Police department on temporary light duty are strictly prohibited from engaging in outside employment in which that officer may reasonably be expected to perform law enforcement functions which they have been determined physically or mentally unable to perform on behalf of the department.

7. Officers/employees who are medically prohibited from performing their regularly assigned duties may not engage in outside or "off-duty" employment until approved by the Chief of Police and/or Department Head. Officers/employees shall provide the Chief of Police documentation from their attending physician stating that the outside / off-duty employment is medically permitted.

8. Depending upon the nature and extent of the injury or illness, an employee on temporary light duty may be prohibited or restricted from wearing Southaven Police and/or Southaven Fire departmental uniform, carrying a weapon or otherwise limited in employing police powers as determined by the Chief of Police so long as such limitations are consistent with this policy.

9. Light-duty assignments shall not be made for disciplinary purposes.

10. Officers/employees who incur a duty-related injury and refuse a temporary light- duty assignment may be subject to loss of Worker's Compensation benefits. However, such officers/employees may be covered by FMLA provisions with respect to obtaining leave, whether paid or unpaid, per FMLA.

B. TEMPORARY LIGHT-DUTY ASSIGNMENTS

1. Temporary light-duty assignments may be drawn from a range of technical and administrative areas that include but are not limited to the following:

a. administrative functions (e.g. report review, special projects)
b. clerical functions (e.g. filing)
c. report taking (e.g. telephone reports)

d. communications

2. Decisions on temporary light-duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's skills, knowledge and abilities; availability of light duty assignments; and the physical limitations imposed on the officer.

a. When available, the work hours of a Light Duty assignment are subject to need and the availability of necessary equipment or work space.

3. Every effort shall be made to assign officers/employees to positions consistent with their rank and pay classification. However, where deemed appropriate, personnel may be assigned to positions designated for personnel of lower rank or pay classification. Officers/employees thus assigned shall:

a. Retain the privileges of their rank but shall answer to the supervisory personnel of the unit to which they are assigned with regard to work responsibilities and performance; and

b. Retain the pay classification and related benefits of the position held prior to their assignment to temporary light-duty.

C. REQUESTS FOR AND ASSIGNMENT TO TEMPORARY LIGHT DUTY

1. Requests for temporary light-duty assignments shall be submitted to the officer's / employee's immediate supervisor. Requests shall be accompanied by a statement of medical certification to support a requested reassignment, which must be signed by the treating physician. The certificate must include an assessment of the nature and probable duration of the injury or illness, prognosis for recovery, nature of work restrictions and an acknowledgement by the health-care provider of familiarity with the light-duty assignment and a statement that the employee can physically assume the duties involved.

2. The request for temporary light duty and the physician's statement shall be forwarded to the appropriate department head. Department head or designee may consult with the City's Human Resources and/or other City Department prior to making a determination regarding the assignment to temporary light-duty.

a. The Department may require the employee to submit to an independent medical examination by a health provider of the Department's choosing.
In the event the opinion of this second health care provider differs from the foregoing health provider, the employee may request a third opinion at the employer's expense.

b. The employee and representative of the Department shall cooperate and act in good faith in selecting any third health-care provider, and both parties shall be bound by that medical decision.

3. Employees not eligible for FMLA leave, may be offered a temporary light duty assignment upon submission of a request from the officer's/employee's immediate supervisor or department head.

4. As a condition of assignment to temporary light-duty, employee’s may be required to submit to monthly physical assessments of their condition.

W. Employee Assistance Program (EAP)

The City of Southaven offers an Employee Assistance Program (EAP) benefit for employees and their dependents through Concern EAP. The EAP provides confidential assessment, referral and solution-focused counseling for employees who need or request it. If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by the employee's medical insurance; but the cost of such outside services are the employees' responsibilities.

Confidentiality is assured. No information regarding the nature of the personal problem will be made available to supervisors, nor will it be included in the employee's permanent personnel file.

The EAP can be accessed by an employee through self-referral or through referral by a supervisor. When the EAP referral is mandatory, this step is part of the progressive disciplinary procedure. If management and HR agree, the employee may be referred to the EAP as a remedial step to assist the employee with appropriate workplace behavior and productivity. This formal management referral (FMR) requires a written agreement between the employee and HR/management to assure that the employee understands his/her responsibilities to make and keep the EAP appointment and to follow through with any recommendations by the EAP counselor. He/she also needs to be advised that failure to do so will result in automatic termination. The FMR process is also a limited release of information when signed by the employee. This gives the counselor and the City representative the right and ability to share information about the employee's workplace behavior and for the counselor to share with the City whether the employee made and kept the appointment and whether they are willing to follow through on any treatment recommendations.

See Drug-Free Workplace Policy for additional information.

Amended June 21, 2011

SECTION 3 EMPLOYEE CONDUCT

For the purposes of Section 3 Employee Conduct, “Working Day” shall mean any day the City Clerk’s office is open for and conducting business or as otherwise defined by a Department Head/Governing Authority.

The following guidelines should be followed by all city employees:

A. ATTENDANCE

All employees shall report to and leave work at the time designated by the City/Governing Authority.

B. DILIGENCE DURING WORK PERIOD

All employees shall apply themselves to their assigned duties during the full schedule for which compensation is being received.

C. WORK PERFORMANCE

All employees shall meet established performance standards. Any conditions or circumstances in the work environment that prevents an employee from performing effectively are to be reported to the supervisor.

Many departments maintain more specific rules for employees. The employee's supervisor or the Department Head may provide additional information.

D. DEMOTION

A city employee may be demoted because of inadequate performance, disciplinary reasons, a reduction in force, or voluntarily. Written notice of intent to effect any demotion and the reason for such action shall be given to the employee. All actions adversely affecting compensation or employment status require that the employee be given an opportunity for a hearing with the Mayor and Board of Alderman. Such hearing must be requested by the employee within three (3) working days after such demotion. The request must be in writing, and in accordance with Section 4 of this Handbook. The decision by the Board of Alderman is final.

E. RESIGNATION

An employee who desires to terminate service with the City should submit a written resignation to the governing authority.

A resignation should provide a two-week notice at the time of the notice of intent to resign. If a two-week notice is not given, absent some extraordinary justification, the employee may not be

eligible for rehire. All city property shall be turned over to the appropriate official prior to an employee receiving final paycheck upon termination of employment with the City.

F. OPEN DOOR POLICY

The City is concerned about the wellbeing and morale of its employees and encourages all employees to voice any questions or concerns. Employees should use the proper chain of command in addressing all questions or concerns. Employees should first bring an issue or concern to the attention of their immediate supervisor. If you have addressed a matter with your supervisor and it has not been handled to your satisfaction, please bring the issue to the attention of the Department Head or the City Administrator/CAO.

G. SEXUAL HARASSMENT

The City has a strict policy against sexual harassment. Each department shall provide a work place free from sexual harassment. Sexual harassment will not be tolerated, regardless of whether the harasser is an employee, visitor, customer, etc.

Sexual harassment may consist of requests for sexual favors, unwelcome sexual advances, threats, actual bodily contact, or other deliberate verbal or physical conduct of a sexual nature, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or

2. Submission to or rejection of such conduct is used as the basis for making employment decisions; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile, intimidating, or offensive work environment.

Sexual harassment is prohibited between all employees and is prohibited by both supervisors and employees. In all cases, the governing authority shall take appropriate corrective action. This rule applies equally to sexual harassment of men and women.

Any employee, supervisor, manager or other person who believes that he or she has been subjected to sexual harassment at work by anyone should report such harassment immediately to his or her supervisor, the Department director, the City Administrator/CAO, or the Mayor. Any employee, supervisor, manager or other person, including any department employee, probationary department employee, non-department employee in, or applicant for employment in a Department that employs department employees, may file a grievance in accordance with the Special Grievance Procedure for Sexual and Workplace Harassment contained in this handbook.

The City will handle sexual harassment complaints with as much confidentiality as possible. There will be no retaliation against anyone who reports a claim or incident of sexual harassment

in good faith or against any employee who provides information as a witness to sexual harassment. The City will conduct an immediate investigation to attempt to determine all of the facts concerning the alleged harassment. To assist the investigation, any harassment complaint should be reported immediately and should be put in writing and specifically state the details of the offending behavior.

If the City determines that sexual harassment has occurred, corrective action will be taken. Depending upon the circumstances, such action may include a reprimand, discharge, or other appropriate action. The City will also monitor any incidents in which sexual harassment has occurred to ensure the harassing behavior has stopped.

If it is determined that no sexual harassment has occurred or that there is not sufficient evidence to conclude that sexual harassment has occurred, this determination will be communicated to the person who made the complaint.

All persons on City property, at work for the City, or on City business must avoid engaging in any action or conduct that might be viewed as sexual harassment. Approval of, participation in, or supporting conduct constituting sexual harassment will be considered a violation of this policy. The City's goal is to prevent and eliminate sexual harassment completely. Each employee, supervisor, manager or other person employed in any capacity by the City is responsible for helping the City accomplish this goal.

H. WORKPLACE HARASSMENT

The City has a strict policy prohibiting harassment against any individual on the basis of race, color, religion, gender, national origin, immigrant or non-immigrant status, age, disability, veteran status or uniformed service status. Each governing authority shall provide a work place free from any such workplace harassment. Workplace harassment will not be tolerated, regardless of whether the harasser is an employee, visitor, customer, etc.

Harassment is verbal or physical conduct that insults or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, immigrant or non-immigrant status, age, disability, veteran status or uniformed service and that:

1. contributes to or has the effect of creating an intimidating, hostile, or offensive working environment; or

2. unreasonably interferes with an individual's work performance; or

3. otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following:

1. The use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color,

religion, gender, national origin, immigrant or non-immigrant status, age, disability, veteran status or uniformed service status.

2. Written or graphic material that insults, stereotypes, or shows aversion or hostility toward an individual or group because of race, color, religion, gender, national origin, immigrant or non-immigrant status, age, disability, veteran status or uniformed service status and that is placed on walls, bulletin boards, e-mail, voice mail, or elsewhere on the City's premises, or is circulated in the workplace.

Any employee, supervisor, manager or other person who believes that he or she has been subjected to harassment at work as outlined above should report such harassment immediately to his or her supervisor, the Department Head, the City Administrator/CAO, or the Mayor. Any employee, supervisor, manager or other person, including any department employee, probationary department employee, non-department employee in, or applicant for employment in a Department that employs department employees, may file a grievance in accordance with the Special Grievance Procedure for Sexual and Workplace Harassment contained in this handbook.

The City will handle harassment complaints with as much confidentiality as possible. There will be no retaliation against anyone who reports a claim or incident of workplace harassment in good faith or against any employee who provides information as a witness to workplace harassment. The City will conduct an immediate investigation to attempt to determine all of the facts concerning the alleged harassment. To assist the investigation, any harassment complaint should be reported immediately and should be put in writing and specifically state the details of the offending behavior.

If the City determines that workplace harassment has occurred, corrective action will be taken. Depending upon the circumstances, such action may include a reprimand, discharge, or other appropriate action. The City will also monitor any incidents in which workplace harassment has occurred to ensure the harassing behavior has stopped.

If it is determined that no workplace harassment has occurred or that there is not sufficient evidence to conclude that workplace harassment has occurred, this determination will be communicated to the person who made the complaint.

All persons on City property, at work for the City, or on City business must avoid engaging in any action or conduct that might be viewed as workplace harassment. Approval of, participation in, or supporting conduct constituting workplace harassment will be considered a violation of this policy. The City's goal is to prevent and eliminate workplace harassment completely. Each employee, supervisor, manager or other person employed in any capacity by the City is responsible for helping the City accomplish this goal.

I. CONFLICTS OF INTEREST

City employees should be especially careful to avoid using, or appearing to use, an official position for personal gain, giving unjustified preferences, or losing sight of the need for efficient

and impartial decision making in the City of Southaven's method of operation. No act should be committed which could result in questioning the integrity of City government.

Employees are not to engage in any activity in either a private or official capacity where a conflict of interest may exist. An employee's first loyalty should be to the public's interest. Associations, dealings or interests that could affect an employee's objectivity in performing the employee's job or in making the decisions required of the employee's position should be avoided. However, employees are encouraged to participate in professional and civic organizations if such participation does not adversely affect the employee's role as a public employee.

J. POLITICAL ACTIVITY

It is the policy of the Mayor and Board of Alderman that personnel administration be conducted in an atmosphere free from political influence or coercion.

Political Contributions and Services

No city employee shall be obliged, by reason of his or her employment, to contribute to a political fund or to render political service, and he or she may not be removed or otherwise prejudiced for refusal to do so. [Refer, Section 25-9-115 (k), Mississippi Code of 1972, as amended .]

Use of Official Authority or Influence to Coerce Political Action

No city employee shall use his or her official authority or influence to coerce the political action of a person or body. [Refer, Section 25-9-115 (l) and Section 25-9-145, Mississippi Code of 1972, as amended.]

Fair Treatment of Applicants and Employees

The city shall assure fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation.

Freedom from Political Coercion

The city shall assure that employees are free from coercion for partisan or political purposes.

Informing Employees of Political Activities Laws

The city shall inform all employees which political activities are permitted or prohibited by law.

Violation of Provisions

Any employee who violates any of the provisions of this section may be subject to appropriate disciplinary action.

Grievance and Appeals

Any applicant or employee who believes he or she has been discriminated against on the basis of political affiliation or unlawful political activity affecting department employment may grieve and appeal in accordance with Section 4 of this handbook.

Political Activity Prohibited

Agencies receiving federal loans or grants:

The federal "Hatch Act," 5 U.S.C. § 1501 and following, covers individuals employed by department or local agencies whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a federal Department, but does not include (a) an individual who exercises no function in connection with that activity; or (b) an individual employed by an educational or research institution, establishment, Department, or system which is supported in whole or in part by the State, the City or another political subdivision of the State, or by a recognized religious, philanthropic, or cultural organization.

K. DRUG-FREE WORK PLACE

The Drug-Free Workplace Act of 1988, found at Title 5, Subtitle D, Anti-Drug Abuse Act of 1988, Public Law No. 100-690 (DFWA), requires grantees of federal agencies to certify that they will provide a drug-free workplace. Making the required certification is a precondition of receiving a federal grant beginning March 18, 1989.

The certification statement which grantees are required to make under the DFWA includes several provisions which grantees must comply with in order to provide a drug-free workplace, including

A. publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition; and

B. establishing a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the grantee's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

The DFWA also provides that sanctions may be imposed against grantees for non-compliance with the law. In order to comply with the DFWA, departments that are federal grantees should refer to the federal regulations governing this law. A copy of the regulations may be found in the Federal Register, Vol. 54, No. 19, Tuesday, January 31, 1989.

Law governing drug and alcohol testing of employees and job applicants is set forth at Section 71-7-1, et. seq., Mississippi Code of 1972, as amended. This statute provides procedures and guidelines for governing authorities that wish to formulate a drug and alcohol testing policy. Except as provided by federal law, departments are not required to administer drug or alcohol tests. This statute must be complied with if such tests are given. However, the statute does not apply to agencies subject to any federal law or regulations that govern the administering of drug and alcohol tests. Departments are also required to be cognizant of the proscriptions of the Americans With Disabilities Act regarding pre-employment medical tests.

The City's drug and alcohol policy is contained in Part O of this Section.

L. REDUCTION IN FORCE

Except as otherwise provided in these rules, the tenure of an employee with permanent department status shall be continued during good behavior and the satisfactory performance of assigned duties. However, an employee's employment may be terminated without regard to behavior or performance by a reduction in force. No provision of this Employee Handbook shall be read or construed to limit the City's discretion in implementing a reduction in force and in terminating an employee's employment as part of a reduction in force.

1. Reduction in force - a governing authority may reduce the number of employees in a department whenever deemed necessary for the following reasons:

a. shortage of funds or work,

b. material change in duties or organization, or

c. a merger of agencies.

d. as ordered by the Mayor and Board of Aldermen

M. PROHIBITION AGAINST VIOLENCE IN THE WORKPLACE

It is the policy of the City to provide all employees with a safe, violence-free workplace. Therefore, the City prohibits all forms of workplace violence, and it prohibits all conduct that could lead to workplace violence. This applies to violence by any individual, including employees, customers, vendors, and visitors. The following conduct is strictly prohibited under this policy:

1. Physical Assaults. Any physical assault such as hitting, pushing, kicking, holding, or other unwelcome touching.
2. Threatening behavior. Any threats, including direct verbal threats, veiled threats, menacing gestures, harassing phone calls and stalking.
3. Possession of Weapons. Any possession of weapons (other than weapons authorized for use in law enforcement or security activities for the City), including firearms,

knives, chains, dangerous chemicals, explosives, or other objects carried for the purpose of inuring or intimidating others.

Any employee who violates this policy shall be subject to discipline up to, and including, termination.

Employees are encouraged to report violations of this policy to a manager, or call 9-1-1 for outside assistance. Employees are encouraged to err on the side of safety when determining whether to report anything that may constitute a violation of this policy. Retaliation against individuals who report violations of this policy is strictly prohibited.

N. SEARCHES OF CITY PROPERTY

Employees have no expectation of privacy in any City property, including, but not limited to, City lockers and desks. Any such City property may be monitored to ensure compliance with this and other City policies, if the City has a reasonable belief some prohibited item is being kept in such City property, or if something is being kept in such City property to aid in the violation of the law or any policy of the City. Further, City property may be searched if the City has a reasonable belief that something is being maintained in City property that would adversely affect the health or safety of City employees, customers, or visitors, or adversely affect the job performance of City employees.

O. DRUG AND ALCOHOL FREE WORKPLACE POLICY

General Statement of the City's Policy on Drug and Alcohol Use

It is the policy of the City to provide a safe work environment and to foster the well being and health of its members. Compliance with the City's Drug and Alcohol Free Workplace Policy is a condition of employment. The City strictly prohibits the unlawful manufacture, possession, use, abuse, sale, transfer, distribution, solicitation or possession, including possession with the intent to sell or distribute any controlled substances, including illegal drugs, alcohol, prescription drugs (used contrary to a legitimate prescription), nonprescription drugs (used in a manner contrary to the directions or for a purpose other than that for which the drugs are offered by the manufacturer) or any other controlled substances or drug paraphernalia at any time, whether on City or personal time, including but not limited to any time on the City's premises, in the City's vehicles, when performing City business or when otherwise acting as an employee of the City.

An applicant for employment may be required to submit to a drug and alcohol test as a condition of the job applicant's employment application. An employee may be required to submit to a drug and alcohol test as a condition of employment when the City has a reasonable suspicion that an employee is in violation of the City's Drug and Alcohol Free Workplace Policy or as part of neutral selection drug and alcohol testing of employees engaged in public health, law enforcement and/or safety sensitive positions with one or more of the following duties or responsibilities:

a. engage in law enforcement;

b. have national or state security responsibilities;
c. engage in drug interdiction responsibilities;
d. have authorization to carry firearms;
e. have access to sensitive information;
f. as a condition of employment are required to obtain a security clearance; or
g. engage in activities affecting public health or safety.

The City may refuse to hire a job applicant or may discipline any employee, up to and including discharge, on the basis of a positive confirmed drug and alcohol test result, a refusal to submit to a drug or alcohol test, or any other violation of the City's Drug and Alcohol Free Workplace Policy. Further, conviction for a drug-related offense may result in discipline up to and including discharge.

Statement of Mississippi Law

You are hereby advised that the City has implemented a drug and alcohol policy and conducts a testing program, pursuant to House Bill No. 84 of 1994, codified at Miss. Code Ann. § 71-7-1, et seq. (hereinafter "the Act"), and you are hereby advised of the existence of said Act.

You are hereby advised that the City has also implemented a drug and alcohol policy and conducts a testing program pursuant to the Drug-Free Workplace Workers' Compensation Premium Reduction Act, codified at Miss. Code Ann. §§71-3-201 to 71-3-225, and you are hereby advised of the existence of said law.

Confidentiality

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the City through its drug and alcohol testing program are confidential communications, except under certain circumstances as allowed by the Act.

Procedures for Confidentially Reporting Prescription or Nonprescription Medication

An employee or job applicant shall be allowed to provide notice to the City of currently or recently used prescription or nonprescription drugs at the time of the taking of the specimen to be tested, and such information shall be placed in writing upon the City's drug and alcohol testing custody and control form prior to initial testing.

When Drug and Alcohol Testing May Occur

Drug and alcohol testing may occur under the following circumstances:

1. Job applicants may be required to submit to a drug and alcohol test as a condition of employment. Job applicants will not be required to submit to an alcohol test prior to a conditional offer of employment.

2. All employees may be required to submit to reasonable suspicion drug and alcohol testing. Reasonable suspicion means a belief that an employee is using or has used drugs in violation of the City's Drug and Alcohol Free Workplace Policy when such belief is drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion may be based on, but is not limited to, the following: (1) observable phenomena such as direct observation of drug use and/or the physical symptoms or manifestations of being under the influence of a drug or alcohol; (2) abnormal conduct or erratic behavior while at work, absenteeism, tardiness, or deterioration in work performance; (3) a report of drug or alcohol use provided by reliable and credible sources and which has been independently corroborated; (4) evidence that an individual has tampered with a drug or alcohol test during his employment with the City; (5) information that an employee has caused or contributed to an accident while at work; or (6) evidence that an employee is involved in the use, possession, sale, solicitation or transfer of drugs while working or while on the City's premises or operating the City's vehicle, machinery or equipment.

3. Only employees engaged in law enforcement activities, in safety sensitive positions or in positions involving the public safety with duties as set out above in the General Statement of the City's Policy on Drug and Alcohol Use may be required to submit to neutral selection drug and alcohol testing.

4. An employee may be required to submit to a drug and alcohol test if the test is conducted as part of a routinely scheduled employee fitness for duty medical examination that is part of the City's established policy and/or which is scheduled routinely for all members of the same classification or group.

5. An employee may be required to submit to neutral selection or routine drug and alcohol tests if the employee in the course of his/her employment enters a drug abuse rehabilitation program, and as a follow-up to such rehabilitation program, or if previous drug and alcohol testing of the employee within a twelve-month period resulted in a positive confirmed test result.

6. An employee, who is participating in drug abuse rehabilitation, may be required to submit to drug and alcohol testing conducted by the rehabilitation provider as deemed appropriate by the provider.

Consequences of Refusing to Submit to a Drug and Alcohol Test

The City may refuse to hire any job applicant who refuses to submit to a drug and alcohol test. The City may discipline any employee for refusing to submit to a drug and alcohol test authorized under the City's Drug and Alcohol Free Workplace Policy, and such discipline may include discharge.

Opportunities for Assessment and Rehabilitation

If an employee has a positive confirmed test result and the City determines that neither discipline nor discharge is necessary or appropriate, the employee will be afforded an opportunity for assessment and rehabilitation. Information on counselors, treatment providers or other methods of assessment, assistance or rehabilitation is available from the City's benefits coordinator and the City Administrator's office. The City has also posted a summary of the resource file, including the identification and contact information for multiple employee assistance providers in the area.

Contesting the Accuracy of a Positive Confirmed Drug and Alcohol Test Result

An employee who has received a positive confirmed drug and alcohol test result may contest the accuracy of that result or explain it to the City.

List of Drugs For Which the City May Test

The City may test for marijuana, cocaine, opiates, amphetamines, phencyclidine, and alcohol.

No Applicable Contracts

There are no applicable contracts or collective bargaining agreements which apply to limit this policy.

Exception to the City's Provisions Regarding Drug and Alcohol Testing

The provisions of the City's Drug and Alcohol Free Workplace Policy do not apply to employees subject to drug and alcohol testing procedures pursuant to any federal law or regulations.

Federal Drug-Free Workplace Notice

The City provides a drug-free workplace under the provisions of the Federal Drug-Free Workplace Act.

The City also has established a drug-free awareness program to inform employees about the dangers of abuse in the workplace, the City's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation and employee assistance programs, and the penalties which may be imposed upon employees for drug abuse violations.

Further, the City has made it a requirement that each employee as a condition of employment will be given a copy of the City's Drug and Alcohol Free Workplace Policy, setting out the items identified above as required by the Federal Drug-Free Workplace Act.

The City has further notified each employee that as a condition of employment the employee must:

(a) abide by the terms of the City's Drug and Alcohol Free Workplace Policy and the Federal Drug Free Workplace Act, including those requirements set out above; and

(b) notify the City of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) calendar days after such conviction.

P. PROCEDURES FOR THE DRUG AND ALCOHOL FREE WORKPLACE POLICY

I. Definitions for the City's Drug and Alcohol Free Workplace Policy

1. "Drug" means an illegal drug or a prescription or non-prescription medication.

2. "Prescription or non-prescription medication" means a drug prescribed for use by a duly licensed physician, dentist, or other medical practitioner licensed to issue prescriptions or a drug that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments or injuries.

3. "Illegal drug" means any substance, other than alcohol, having psychological or/and physiological effects on a human being and that is not a prescription or non-prescription medication, including controlled dangerous substances and controlled substance analogs or volatile substances which produce the psychological and/or physiological effects of a controlled dangerous substance through deliberate inhalation.

4. "Alcohol" means ethyl alcohol.

5. "Neutral Selection Basis" means a mechanism for selecting employees for drug tests that (1) results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and (2) does not give an employer discretion to waive the selection of any employee selected under the mechanism.

6. "Specimen" means a tissue or product of the human body chemically capable of revealing the presence of drugs or their metabolites in the human body.

7. "Chain of custody" refers to procedures to account for the integrity of each urine specimen and each blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

8. "Drug and alcohol test" means a chemical test administered for the purpose of determining the presence or absence of a drug or metabolites in a person's body fluids.

9. "Initial test" means an initial drug test to determine the presence or absence of drugs or their metabolites in a specimen.

10. “Confirmation test” means a drug and alcohol test on a specimen to substantiate the results of a prior drug and alcohol test on the specimen. The confirmation test must use an alternative method of equal or greater sensitivity than that used in the previous drug and alcohol test.

11. “Medical review officer” is a licensed physician responsible for receiving laboratory results generated by the City’s drug and alcohol testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s positive test result together with his or her medical history and any other relevant bio-medical information.

12. “Employee assistance program” means a program provided by an employer offering assessment, short term counseling and referral services to employees, including drug, alcohol and mental health programs.

II. Drugs for Testing

The City may include in its drug and alcohol testing protocols marijuana, cocaine, opiates, amphetamines, phencyclidine, and alcohol. No testing for a controlled substance other than those specifically named above will occur unless the United States Department of Health and Human Services has established an approved protocol and positive threshold for each such substance and this approved protocol has been adopted by the Mississippi State Department of Health.

III. Specimens

Body specimens for drug and alcohol testing are as follows:

1. For tests for drugs, urine will be used for initial and confirmation tests.

2. For tests for alcohol, breath and/or saliva will be used for initial tests; and blood will be used for confirmation tests.

IV. Certified Laboratory

1. No laboratory will conduct an initial or confirmation drug or alcohol test unless the director of the laboratory and the laboratory are certified by the Mississippi State Department of Health. The laboratory will warrant that its certification or license by the State of Mississippi Department of Health has not been suspended or revoked. The laboratory must also warrant that its certification or license has not been revoked by the Substance Abuse and Mental Health Services Administration or the College of American Pathologists Forensic Urine Drug Testing and that there has been no suspension or revocation of a license or certification by an agency of another state, as such suspension or revocation also operates as a suspension or revocation of certification by the Mississippi State Department of Health. The laboratory utilized will also warrant that it has not been notified of any action taken by the Mississippi State Department of

Health to suspend or revoke its certification and has not been notified of any actions by any of the other above-named certifying bodies to suspend or revoke its certification.

2. Prior to conducting any initial or confirmation drug or alcohol tests, any laboratory contracted with the City to perform initial or confirmation drug and alcohol tests will certify that to the City as follows:

a. The director of the laboratory and the laboratory are certified by the Mississippi State Department of Health to conduct such tests;

b. The laboratory has methods of analysis and procedures to insure reliable drug and alcohol testing results, including standards for initial tests and confirmation tests;

c. The laboratory has chain of custody procedures to insure proper identification, labeling and handling of specimens being tested;

d. The laboratory has retention and storage procedures to insure reliable results on confirmation tests and results;

e. The laboratory demonstrates satisfactory performance in the proficiency testing program of the National Institute on Drug Abuse, the College of American Pathology or the American Association for Clinical Chemistry, or the equivalent;

f. The laboratory follows proper quality control procedures, including but not limited to:

(1) The use of internal quality controls, including the use of samples of known concentrations which are used to check the performance and calibration of testing equipment, and periodic use of blind samples for overall accuracy.

(2) An internal review and certification process for test results conducted by a person qualified to perform that function in the testing laboratory.

(3) Security measures implemented by the testing laboratory to preclude adulteration of specimens and test results.

(4) Other necessary and proper actions are taken to insure reliable and accurate test results.

3. The laboratory will also certify that it will disclose to the employer a written test report result within five (5) working days after the test. The laboratory will also certify to the City that laboratory reports of a test result will at a minimum state:

a. The name and address of the laboratory that performed the test and the positive identification of the person tested;

b. Any positive confirmed drug and alcohol test results on a specimen which tested positive on an initial test or a negative drug and alcohol test result on a specimen; provided, however, that reports should not make reference to initial or confirmatory tests when reporting positive or negative results;

c. A list of the drugs tested for;

d. The type of test conducted for both initial and confirmation tests and the cut-off levels of the test; and

e. The report shall not disclose the presence or absence of any physical or mental condition or of any drug other than the specific drug and its metabolites that the City requested to be identified.

4. The lab will also certify that it meets and will abide by the rules promulgated by the Mississippi State Department of Health concerning drug and alcohol testing.

V. Collection and Testing

1. The City will contract with manufacturers, vendors, or other providers of drug and alcohol testing devices, or with a certified laboratory, for initial, on-site drug and alcohol testing of employees to:

a. Train and certify City employees implementing the drug and alcohol testing program with regard to collection of specimens and administration of initial tests; or

b. Provide the City with certified personnel to collect specimens and administer the initial tests.

2. The City may designate employees for training and certification by the Mississippi State Department of Health to qualify them to collect specimens and conduct on-site drug and alcohol tests.

3. The following individuals may collect specimens for a drug and alcohol test:

a. A physician, a registered nurse or a licensed practical nurse;

b. A qualified person employed by a certified laboratory; or

c. An employee or an independent contractor of the City who has been trained and certified as indicated above.

4. Collection of specimens will be done in a sanitary environment and under reasonable conditions to preserve the dignity of the employee or job applicant being tested.

5. Specimens will be collected in a manner to prevent specimen substitution and interference with the collection or testing of the specimens.

6. If the City performs on-site drug and alcohol tests or specimen collection, the City will establish chain-of-custody procedures to ensure proper record keeping, handling, labeling and identification of all specimens to be tested.

7. If the City performs specimen collection, the City will document the specimen collection, including the following steps:

a. Label the specimen container clearly to prevent erroneous identification of test results; and

b. Allow the employee or job applicant an opportunity to provide information which he or she considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs or other relevant medical information. This information will be taken into account when interpreting any positive confirmed results but will not prevent the test from being given.

8. Specimen collection, storage, and transportation to the testing site will be conducted to prevent contamination or adulteration.

9. If the City performs specimen collection, the person who collects or takes a specimen will collect enough for two (2) drug and alcohol tests.

10. When the City requires current employees to submit to a drug and alcohol test, the testing will occur during or immediately after the regular work period of the employees, and the time utilized will be considered work time for purposes of determining compensation and benefits for the current employees.

11. Specimen testing for drugs will conform to scientifically accepted analytical methods and procedures as outlined below.

12. Even if the City conducts on-site initial drug and alcohol tests, the City will contract with a certified laboratory to conduct confirmation tests on specimens which produce a positive result in the initial on-site test.

13. The City will pay for the costs of all drug and alcohol tests and accompanying results which the City requests or requires an employee or job applicant to take.

VI. Initial Tests

1. Unless the Mississippi State Department of Health subsequently provides otherwise, the initial test for drugs shall use an immunoassay that meets the requirement of the United States Food and Drug Administration for commercial distribution. The following cut-off levels will be used for screening specimens to determine whether they are negative for the five (5) identified drugs or classes of drugs:

Drugs	Initial Test Cut-Off Levels (NG/ML)
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	300*
Phencyclidine	25
Amphetamine	1000

* 25 NG/ML if aminoassay specific for free morphine

2. These cut-off levels for the initial drug test are subject to change by the Mississippi State Department of Health as advances in technology or other considerations warrant.

Initial Test - Alcohol

3.Any detectible level of alcohol found the breath or saliva specimen of an individual shall be deemed a positive result.

VII. Confirmation Test

1. Any initial drug or alcohol test yielding a positive result may be followed by an appropriate confirmation test. If the initial drug and alcohol test is negative, there will be no confirmation drug or alcohol test performed.

2. While the City may choose to utilize appropriately trained or certified personnel to conduct the initial drug and/or alcohol test on-site, the confirmation test will be performed by a certified laboratory; and the laboratory will perform confirmation tests only on specimens which produced a positive result in the initial test for drugs and/or alcohol.

3. All confirmation tests must use an alternative method of equal or greater sensitivity than that used on the initial drug and alcohol test. All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cut-off levels for each drug as listed below. All confirmations shall be by quantitative analysis. Concentrations that exceed the linear region of the standard curve will be documented in the laboratory records as “greater than highest standard curve value.”

Drugs	Confirmation Test Cut-Off Levels (NG/ML)
Marijuana Metabolite[1]	15
Cocaine Metabolite[2]	150
Opiates:	
Morphine	300
Codeine	300
Phencyclidine	25
Amphetamines:	
Amphetamine	500
Methamphetamine	500

4. These cut-off levels are subject to change by the Mississippi State Department of Health as advances in technology or other considerations warrant.

Confirmation Test - Alcohol

5. An ethyl alcohol level of 10mg/dl found in the blood specimen of an individual shall be deemed a positive result.

VIII. Reporting Results of Test

1. The laboratory will report as negative all specimens that are negative on the initial test or negative on the confirmation test. Only specimens confirmed positive will be reported positive for a specific drug or alcohol.

2. The laboratory will report confirmation test results to the City's Medical Review Officer within an average of five (5) working days after receipt of the specimen by the laboratory. Before a test result is reported (the results of confirmation tests or quality control data) it shall be reviewed and the test certified as an accurate report by the responsible individual. The laboratory will send only to the Medical Review Officer the drug or alcohol testing results which, in the case of a report positive for drug or alcohol use, shall be signed by the individual responsible for day-to-day management of the drug testing laboratory or the individual responsible for attesting to the validity of the test reports. The report shall identify the drugs/metabolites tested for, whether positive or negative, the specimen number assigned by the employer and the drug testing laboratory specimen identification number (accession number).

---

[1] Delta-9-Tetrahydrocannabinol-9-Carboxylic Acid

[2] Benzoylecgonine

IX. Reporting to Medical Review Officer

1. A Medical Review Officer will be responsible for receiving and interpreting laboratory results of drug and alcohol tests. The Medical Review Officer will be the sole person authorized to review the results of such tests.

X. Notification to Applicants or Employees and Objections to Positive Results

1. An employee will be provided written notification of a positive confirmed test result report from the testing laboratory, the consequences of the report, and the options available to the employee within five (5) working days after the City receives the positive confirmation.

2. If an employee requests a copy of the test result report, the City will provide a copy.

3. An employee has ten (10) working days after receiving notice of a positive confirmed test result to submit information to the City explaining the test results and why the results do not violate the City's Drug and Alcohol Free Workplace Policy. If the explanation is not satisfactory, the City will place a written statement of why the explanation was unsatisfactory, along with the report of positive results, in the employee's medical and personnel records. If any information is included in or otherwise accompanies the report, such information will be placed in the employee's medical records but will not be placed in the personnel file.

4. During the ninety (90) day period following the date the results of the positive confirmed test are mailed or otherwise delivered to the City, the employee who submitted the specimen will be permitted to have a portion of the specimen retested, at the employee's expense, at a certified laboratory selected by the employee.

5. Any additional testing requested by the employee or job applicant will be paid by the employee or job applicant.

XI. Release or Disclosure of Test Results

1. Information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the City through its Drug and Alcohol Free Workplace Policy are confidential communications. Any information obtained by the City pursuant to its Drug and Alcohol Free Workplace Policy is the property of the City. The confidentiality provisions contained in this Drug and Alcohol Free Workplace Policy do not apply to other information or parts of an employee's or job applicant's personnel or medical files.

2. Information related to drug and alcohol test results will not be released to any individual, other than the employee or job applicant, or City medical, supervisory or other personnel, as designated by the City on a need to know basis, unless:

a. The employee or job applicant has expressly, in writing, granted permission for the City to release such information;

b. It is necessary to introduce a positive confirmed test result into an arbitration proceeding, provided that the information is relevant to the hearing or proceeding, or the information must be disclosed to a federal or state agency or other unit of a state or the United States government as required under law, regulation or order, or disclosed in accordance with compliance requirements of a state or federal government contract, or disclosed to a drug abuse rehabilitation program for the purpose of evaluation or treatment of an employee; or

c. There is a risk to public health or safety that can be minimized or prevented by the release of such information; provided, however, that unless such a risk is immediate, a court order permitting the release shall be obtained prior to the release of the information.

3. If an employee refuses to sign a written consent form for release of information to persons as permitted under the Drug and Alcohol Free Workplace Policy or any other applicable law, the City may discipline or discharge the employee.

XII. Specimen and Records Retention by the Laboratory and Retesting

1. The laboratory will preserve positive specimens in such a manner as to insure that the specimens will be available for any necessary re-test as required by law.

2. Every specimen that produces a positive confirmed result will be preserved in a frozen state by the certified laboratory that conducts the confirmation test for a period of ninety (90) days from the time the results of the positive confirmed test are mailed or otherwise delivered to the City. During this period, the employee who has provided the specimen will be permitted by the City to have a portion of the specimen retested, at the employee's expense, at a certified laboratory chosen by the employee. The certified laboratory that has performed the test for the City shall be responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain of custody during the transfer.

3. Because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a retest is not subject to a specific cut-off requirement but must provide data sufficient to confirm the presence of the drug, alcohol or their metabolites.

4. Unless otherwise instructed by the City in writing, all records pertaining to the given urine or blood specimen or other specimen will be retained by the drug testing laboratory for a minimum of two (2) years.

5. The employee or job applicant is responsible for the payment of costs of any additional drug and alcohol tests requested by the employee or job applicant.

XIII. Employee Assistance

1. If the City maintains an employee assistance program, the City will inform employees of the benefits and services of the employee assistance program. The City will also post notice of the employee assistance program throughout its workplace and will explore other alternatives to publicize such services. The City will also provide employees with notice of the policies and procedures regarding access to and utilization of any available employee assistance program.

2. If at any time the City does not have an employee assistance program, the City will also maintain a resource file of employee assistance service providers, alcohol and other drug abuse programs, mental health providers and other persons, entities or organizations available to assist employees with personal or behavioral problems. The City will provide all employees information about the existence of the resource file and a summary of the information contained within the resource file. The City will post this information.

3. The summary may contain but is not limited to all information necessary to access the services listed in the resource file. Further, the City will also post in conspicuous places a listing of multiple employee assistance providers in the area.

XIV. Supervisor and Employee Training

1. The City will provide all employees with an education program on alcohol and other drug abuse prior to instituting its Drug and Alcohol Free Workplace Policy. Also the City will provide employees with an annual education program on alcohol and other drug abuse, in general, and its effects on the workplace, specifically. The education program will last at least one (1) hour and will include but is not limited to information on:

a. the explanation of the disease of addiction for alcohol and other drugs;

b. the effects and dangers of the commonly abused substances in the workplace;

c. the dangers of drug abuse in the workplace;

d. the City's policies and procedures regarding alcohol and other drug use or abuse in the workplace and how employees who wish to obtain substance abuse treatment can do so;

e. the City's policy of maintaining a drug-free workplace;

f. any available drug counseling, rehabilitation, and employee assistance programs; and

g. the penalties that may be imposed on employees for drug abuse violations.

2. In addition to the educational program referenced above, the City will also provide all supervisory personnel a minimum of two (2) additional hours of training prior to the institution of its Drug and Alcohol Free Workplace Policy and each year thereafter which will include but is not limited to the following:

a. recognition of evidence of employee alcohol and other drug abuse;

b. documentation and corroboration of employee alcohol and other drug abuse;

c. referral of alcohol and other drug abusing employees to the proper treatment provider;

d. recognition of the benefits of referring alcohol and other drug abusing employees to treatment programs, in terms of employee health and safety and City savings; and

e. explanation of any employee health insurance or HMO coverage for drug, alcohol or other problems.

XV. Action by the City Based on Positive Test Results or Refusal to Submit to Drug and Alcohol Testing

1. The City may not discharge, discipline, or request or require rehabilitation of an employee on the basis of a positive test result that has not been verified by a confirmatory test, except the City may temporarily suspend or transfer an employee to another position after an initial positive on-site test while awaiting confirmation.

2. The City will not discharge, discipline, discriminate against or request or require rehabilitation of an employee on the basis of any medical history information revealed to the City as a result of a drug and alcohol test, except if the employee had an affirmative obligation to provide such information before, upon, or after hire.

3. The City may discipline, up to and including discharge, an employee who has had a confirmed positive test result.

4. The City in its discretion may refer any employee who has violated the City's Drug and Alcohol Free Workplace Policy to an employee assistance program or other similar program for assessment, counseling and referral for treatment or rehabilitation as appropriate. Such treatment or rehabilitation shall be at a site certified by the Mississippi State Department of Mental Health. This option does not in any way limit the City's ability to discipline any employee for a positive confirmed test result.

5. If a job applicant refuses to submit to drug and alcohol testing, the City may refuse to hire the job applicant.

6. If an employee refuses to submit to drug and alcohol testing, the City may discipline the employee, up to and including discharge, or refer the employee to a drug abuse assessment, treatment and rehabilitation program at a site certified by the State of Mississippi Department of Mental Health.

7. **Nothing in this Drug and Alcohol Free Workplace Policy affects any right of the City to terminate the employment of any person for reasons not related to the Drug and Alcohol Free Workplace Policy.**

XVI. Federal Drug Free Workplace Program

1. The City provides a drug-free workplace under the provisions of the Federal Drug-Free Workplace Act. Accordingly, the City has implemented a policy prohibiting the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace and indicating that actions which may be taken for such violations may include discipline up to and including termination from employment.

Awareness

2. The City also has established a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the City's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation and employee assistance programs, and the penalties which may be imposed upon employees for drug abuse violations.

Notice to Employees

3. Further, the City has made it a requirement that each employee as a condition of employment will be given a copy of the City's Drug and Alcohol Free Workplace Policy, setting out the items identified above as required by the Federal Drug-Free Workplace Act.

Additional Employee Obligations

4. The City has further notified each employee that as a condition of employment the employee must:

a. abide by the terms of the City's Drug and Alcohol Free Workplace Policy and the Federal Drug-Free Workplace Act provisions, including those requirements set out above; and

b. notify the City in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) calendar days after such conviction.

Notice to Federal Government

5. The City will provide notice, including position title, to any federal government contracting agency or federal government granting agency and to every grant officer or other designee on whose grant activity the convicted employee was working, unless the federal agency has designated a central point for the receipt of such notices, within ten (10) calendar days after receiving notice by an employee or otherwise of a criminal drug statute conviction for a violation occurring in the workplace. The notice will include the identification number(s) of each affected grant.

Termination/Discipline/Assistance

6. Within thirty (30) calendar days of receiving notice of an employee's conviction for a violation of a criminal drug statute occurring in the workplace, the City will either:

a. take appropriate personnel action against such employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

b require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

7. If an employee is terminated for such conviction, no further participation in drug abuse assistance or rehabilitation will be required.

8. The City will make a good faith effort to maintain a drug-free workplace program through the implementation of the terms set forth above.

Q. NOTIFICATION OF ARREST AND/OR CONVICTION

Any employee who is arrested for a misdemeanor or felony must notify his or her supervisor of such arrest no later than seventy-two (72) hours after the arrest. If an employee is convicted of a misdemeanor or felony while employed with the City of Southaven, he or she must inform a supervisor of such conviction (including pleas of guilty and nolo contendre) no later than seventy-two (72) hours after the conviction.

The arrest of an employee - whether on or off duty - may result in corrective action. Corrective action depends upon a review of all factors involved - including whether or not the employees action was work-related, the nature and severity of the act, or any resultant circumstances that adversely affect the employees attendance and/or eroding of public confidence. Such corrective actions may include termination.

If an employee is convicted of a criminal offense while employed with the City of Southaven, he or she may be terminated and, if terminated, may be ineligible for rehire. The ultimate disposition of the issue will depend upon the nature of the offense and the employee's work duties. Any corrective action taken must be supported by available information coming from witnesses, police, or court records.

Any employee who is arrested for a misdemeanor or felony shall notify his or her supervisor of such arrest no later than seventy-two (72) hours after the arrest. Any employee on a leave of absence must report any arrest (for a misdemeanor or felony) and any subsequent disposition(s) - including conviction(s) - to his/her supervisor prior to returning to work.

If an employee is convicted of a misdemeanor or felony while employed with the City of Southaven, he or she must inform a supervisor of such conviction (including pleas of guilty and nolo contendre) no later than seventy-two (72) hours after the conviction. Failure to inform the supervisor within the designated time period subjects the employee to corrective actions up to and including termination.

An employee's failure to report an arrest or a conviction (for a misdemeanor or felony) within the specified time period may result in immediate termination.

Updated August 2, 2011

SECTION 4 DISCIPLINARY ACTION/ GRIEVANCES AND APPEALS

The Mayor and Board of Alderman require that all forms of discipline and corrective action adhere with due process. Supervisory employees and/or Department Heads shall exercise corrective action when an employee violates established rules of appropriate conduct or is in violation of this handbook. Such corrective action shall be in accordance with the policies and procedures established herein. Distinguishes may be made by supervisory personnel and/or Department head employees between more serious and less serious actions of misconduct and provide corrective action accordingly.

Nothing in this handbook should be construed as a guarantee of continued employment. Your employment may be terminated at any time, for any reason, with or without cause, with no advance prior notice. Likewise, you may terminate your employment at any time for any reason without prior notice.

A. DISCIPLINARY ACTION

The Department head or designated representative shall take action to formally discipline an employee who is guilty of an offense. The Mayor and City Administrator/CAO may also issue disciplinary actions and/or take other corrective measures as necessary without prior action by the department head or designee.

In extraordinary circumstances, the employee may be placed on immediate suspension with or without pay pending a hearing on the matter. Any employee placed on suspension without pay may be eligible for restitution pending the outcome of said hearing.

The Department head, or supervisory employee, shall maintain a written record of the disciplinary action he or she takes. Such written documentation shall be turned into the Department of Finance and Administration prior to corrective action being enforced.

The governing authority or a designated representative may attempt to correct unacceptable behavior by issuing a verbal warning and/or counseling and/or other appropriate informal means, whenever practical, prior to taking formal action against an employee. The governing authority or a designated employee shall maintain a written record of such verbal warning or other informal action taken.

B. WHO MAY FILE A GRIEVANCE

A City of Southaven employee not on probation may file a grievance on those issues listed in Part C of this Section through the grievance procedure.

A probationary department employee or a non-department employee in, or applicant for, an authorized employment position in a Department which employs department employees may grieve only alleged acts of discrimination or harassment based on race, color, creed, religion, national origin, sex, age, disability, immigrant or non-immigrant status, veteran status, uniformed military service status or political affiliation in any personnel action or employment practice.

There will be no retaliation for filing a grievance. If you believe you have been threatened with retaliation or have actually been retaliated against, report this to the City Administrator/CAO immediately.

C. GRIEVABLE ISSUES

The following issues are grievable under the department grievance procedure:

1. disciplinary actions, including reprimands, demotions, terminations and suspensions;

2. acts of reprisal against an employee for using the grievance procedure;

3. complaints of discrimination or harassment on the basis of race, color, sex, creed, religion, national origin, immigrant or non-immigrant status, age, disability, uniformed military service status, veteran status or political affiliation;

4. performance appraisal ratings to the extent they affect an employee's employment status or compensation;

5. permanent relocation of employees as a disciplinary measure, for political reasons and/or where the employee can present substantive evidence that the management decision to relocate the employee was arbitrary or capricious.

D. NON-GRIEVABLE ISSUES

The following are non-grievable issues under the department grievance procedure:

1. issues that are pending or have been concluded by direct appeal through administrative or judicial procedures;

2. temporary work assignments that do not exceed ninety (90) calendar days;

3. budget and organizational structure, including the number or assignment of employees or positions in any organizational unit;

4. performance standards and performance elements established as criteria for performance appraisal;

5. the selection of an individual by the governing authority, department head, or designee to fill a position through promotion, transfer, demotion, or appointment unless it is alleged that selection is in violation of a written Department policy or of a Mayor and Board of Alderman rule on filling vacancies;

6. internal security practices established by the city, department head, or designee;

7. termination, layoff or transfer from duties because of shortage of funds or work, material change in duties or organization, or a merger of agencies or order of the Mayor and Board of Alderman;

8. any matter which is not within the jurisdiction or control of the city;

9. the content of published Department policy;

10. an action by an Department pursuant to federal law or directives from the Governor's office or court order;

11. establishment and revision of the compensation plan, and the policies, procedures, rules and regulations pertaining thereto;

12. position classifications;

13. employee benefits

14. application of personnel policies, procedures, rules, regulations;

15. any matter of concern or dissatisfaction to an employee if the matter is subject to the control of Department management, except those listed in the preceding section as grievable

E. GENERAL INFORMATION

If the employee does not present the grievance within the specified time frame, it is considered waived.

If the employee does not advance the grievance to the next step within the specified time frame, the last management decision stands.

If management does not react within the specified time frame, the employee may advance the grievance to the next level unless an extension of time is granted to management to respond by written mutual agreement.

All time limits may be extended by mutual written agreement.

It is the responsibility of the aggrieved employee's supervisor and/or Department Head to make certain that all grievances are handled as quickly as possible and without prejudice.

F. GRIEVANCE PROCEDURAL STEPS

Step I

A. An employee who has a grievable complaint arising from an action or inaction subject to the control of management must identify the grievance in writing with his or her department head

within three (3) working days of becoming aware of the cause of the complaint. The written statement of the grievance should contain the name, address, and telephone number of the individual or authorized representative filing the grievance; the name of the employee, identity of the Department; the date; a brief and specific description of the situation, incident, or condition being grieved and reasons therefore; identity of witnesses, if any; the remedy or relief the individual is seeking and the signature of the individual filing the grievance and properly dated by this individual.

B. The department head will have three (3) working days from the date of receiving the grievance statement to inform the employee, in writing, of his or her answer. The department head shall write a memorandum for record and have the aggrieved employee sign it.

Step II

A. If not satisfied with the Step I written decision, the employee may indicate the desire to have the grievance advanced to the next step. The grievance must be submitted to the City Administrator/CAO within three (3) working days following receipt of the Step I department head's response.

B. The City Administrator/CAO or his designee and or the Human Resource staff is required to conduct an investigation of the grievance and may meet with the aggrieved employee within three (3) working days after receipt of the grievance form. The meeting, if necessary, will be informal.

C. City Administrator/CAO or his designee is required to give the employee a written response within three (3) working days after this informal interview detailing his decision.

Step III

A. If the second step written response is not acceptable to the employee, the employee may specify in writing the desire to advance the grievance to the third step. To do so the employee must forward the grievance to the Office of the Mayor within three (3) working days after receipt of the City Administrator/CAO response in Step II.

B. The Mayor and Board of Alderman may conduct a hearing into the grievance and shall make a decision as to such cause. No alternative disciplinary actions shall be considered upon the convening of the hearing of the Mayor and Board of Alderman. The Board's decision shall be final.

Certain steps may be waived at the Mayors discretion in order to proceed to Step III of the grievance procedure.

G. SPECIAL GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT AND WORKPLACE HARASSMENT

Any applicant, probationary department employee, permanent department employee, or non-department employee alleging sexual workplace harassment, including harassment based upon sex, color, creed, religion, national origin, immigrant or non-immigrant status, age, disability, uniformed service status or veteran status, may:

1. File a grievance with their supervisor in accordance with the standard Grievance Procedural Steps.

2. If the source of the harassment is the employee's supervisor, the employee may skip a level of management by proceeding to Step Two and filing the grievance directly with the City Administrator/CAO; OR

3. File the grievance with the Mayor and Board of Alderman.

Regardless of outcome, all grievances alleging sexual harassment shall be forwarded to the governing authority. There will be no retaliation for filing a grievance for workplace harassment. Any grievance will be investigated. While the City will attempt to maintain the confidentiality of the grievant to the extent possible, some disclosure will have to be made as part of the investigation. If any sexual or workplace harassment is determined to have occurred, prompt remedial action will be taken to remedy such conduct.

H. SPECIAL AMERICANS WITH DISABILITIES ACT (ADA) GRIEVANCE PROCEDURE

1. Any applicant for an employment position or employee who has reason to believe that they have been unlawfully discriminated against by a Department on the basis of disability may file a grievance in accordance with this Grievance Procedure. Implementation of this Grievance Procedure is not intended to prohibit an applicant or Department employee from utilizing the existing grievance procedures. Grievants are not required to exhaust this Special ADA Grievance Procedure prior to filing a complaint with an applicable federal Department.

2. The Grievance Procedure begins with the individual who is filing the grievance, by preparing and submitting a written statement. The statement should contain the name, address, and telephone number of the individual or authorized representative filing the complaint; a brief and specific description of the situation, incident, or condition being grieved and reasons therefore; identity of the grievant; identity of witnesses, if any; the remedy the individual is seeking; and the signature of the individual filing the grievance properly dated by this individual.

3. The grievance should be submitted to the City Administrator/CAO within seven (7) workdays after the alleged violation occurred.

4. The City Administrator/CAO will have three (3) workdays to provide to the grievant a written acknowledgement of the grievance.

5. The City Administrator/CAO will promptly conduct a review of the issues involved in the grievance to ascertain whether or not an informal resolution of the grievance can be achieved. If

an informal resolution is possible and mutually agreeable by the parties involved, the City Administrator/CAO will facilitate arrangement of the resolution and make a record of this agreement. If no informal resolution is possible, the City Administrator/CAO will conduct an investigation of the grievance and provide a written response to the grievant outlining possible accommodations, if any, for resolution of the grievance. This response shall be approved by the Mayor and must be completed no later than fifteen (15) workdays from the Department's receipt of the grievance.

6. If a grievance is not presented within the time lines as set forth hereinabove, it will be considered waived absent an extension by written mutual consent. If the City Administrator/CAO does not answer or acknowledge receipt of the grievance within the specified time lines, the grievant may elect to treat the grievance as denied at that point and immediately appeal the grievance to the Board of Alderman unless an extension of time is granted to the City Administrator/CAO to respond by written mutual agreement.

GRIEVANCE FORM

This Form is to be used by the grievant if grievant is not satisfied with the oral decision of his or her department head. If grievance is settled orally with the immediate supervisor, this form shall not be necessary. This form shall also be used for additional steps (i.e. submittal to the City Administrator/CAO, to the Board of Alderman).

Date:_____

Name of Grievant:_____Signature of Grievant:_____

Mailing Address:_____

Telephone Number:_____

Submitted to:_____ Signature of Recievant:_____

Grievance Statement (use additional pages if necessary):

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Relief Sought (use additional pages if necessary):

_____
_____
_____
_____
_____
_____

GRIEVANCE DECISION

This form is to be used by the Department Head and/or City Administrator/CAO

Date:_____

Name of Dept Head_____ Signature of Dept Head:_____

Dept Location:_____

Telephone Number:_____

Management Statement and Decision (use additional pages if necessary):

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Submitted to:_____ Signature of Recievant:_____

CITY OF SOUTHAVEN

This form is to be used by all supervisory employees conducting disciplinary actions

RECORD OF CONVERSATION

DATE:_____ REASON FOR CONFERENCE:
( ) Attendance
( ) Report of Conference
( ) Work Performance
( ) First Written Notice
( ) Final Written Notice
( ) Termination
( ) Other

EMPLOYEE:_____

FACTS LEADING UP TO THE CONFERENCE:
_____
_____
_____
_____
_____
_____

EMPLOYEE COMMENTS: (Use back or attach additional pages if necessary)

_____
_____
_____
_____
_____
_____

ACTION TAKEN:
_____
_____
_____
_____
_____

_____ _____

Employee's Signature
(This signature simply acknowledges the employee has seen this document)

Supervisor's Signature

CC: Human Resources Department

The City of Southaven
Tuition Assistance Request Form

Date:_____

Name:_____

School/University:_____

Area of Study:_____

Please attach the following in order to be considered for tuition reimbursement:

__Tuition receipt

__ Official grade report

Department head signature of approval_____

Employee signature_____