



CIVIL SERVICE LAW HANDBOOK

PELHAM, ALABAMA

FORWARD

It is the objective of the Personnel Rules and Regulations to set forth provisions with respect to appointment, career development, removal, discipline, and related conditions of employment in the classified service.

It is also the objective of these rules to assure all citizens of capacity and ability regardless of sex, age, race, creed, color or national origin, an opportunity to compete for and hold positions in the public service.

These rules, based on merit principles shall be the primary instrument of respect and confidence between the citizens and public employees; and through this system the City of Pelham, Alabama shall seek to recruit, retain, and develop those persons best qualified to perform service in the public interest.

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City of Pelham, Alabama

This act shall apply only to the City of Pelham in Shelby County and shall be known as “The City of Pelham, Shelby County, Alabama Civil Service System Act”.

The words terms and phrases defined below shall have the following meaning:

Appointing Authority-

Person, officer, board, council, or other body whose jurisdiction or powers are confined wholly or primarily within the territorial limits of such city and who or which possess final power to appoint persons to services, jobs, offices or positions, the compensation of which is paid in whole or in part from public funds of such city subject to this act. The Mayor and city Department Heads are appointing authorities within the meaning of this definition.

Board –

Personnel board created by this act.

Certification-

A submission of names of eligibles from a re-employment list, a promotion list, or an eligible register to an appointing authority for the purpose of filling a position in the classified service.

City- The City of Pelham, Shelby County, Alabama

City Council or Council-

Those individuals, elected to the official positions of City Council Members.

Class or Class of Positions-

A group of positions in the classified service sufficiently similar in respect to the duties, responsibilities and authority that the same descriptive title may be used to identify all positions allocated to the class, that the same requirements as to education, experience, capacity, knowledge, proficiency, ability and other qualifications should be required of the employees, that the same tests of fitness may be used to choose qualified employees and that the same schedule of compensation can be made to apply with equity.

Classification-

The assigning of a position to the appropriate class in accordance with its duties, responsibilities, and authority.

Department Head-

The top management individual in each of the city's operations divisions, including but not limited to, the Chief of Police, the Fire Chief, the Director of Public Works, the City Clerk and the Library Director. Each Department Head is considered an Appointing Authority in their respective divisions. Department Heads are members of the Classified Service as defined in this act.

Director-

The Human Resources Director appointed by the Mayor with the Council's approval.

Discovery-

The process apart from the hearing whereby a party may obtain relevant information from another person, including a party, which has not otherwise been provided.

Eligible-

A person whose name is on a re-employment, or promotion list, or on an eligible register.

Eligible Register-

A record containing the names of those persons who have successfully completed prescribed tests, listed and ranked in order of their final earned average from the highest to the lowest and are considered qualified for original appointment to positions in the class for which the test was held.

Employee or Appointee-

Persons in the classified service herein set up and appointed by an appointing authority, unless herein specifically expected.

Mayor-

That individual, elected to the official position of Mayor of the City of Pelham, Alabama.

Pay Grade-

The specific pay range as set forth in the Pay Plan for a classification.

Pay Step-

The specific pay rate within a pay range as set forth in the Pay Plan.

Permanent Position-

Any position in the Classified Service which has required or which is likely to require the full-time services of an employee without interruption for a period of more than six months.

Personnel Board-

The board created by this act.

Policy, Rule, or Regulation-

Policies, rules and regulations, adopted by the Board in accordance with this act, which are considered necessary to carry out the provisions of this Act and to develop a comprehensive civil service system, so long as the policies, rules and regulations adopted by the Board do not modify or change the intent of this act.

Position-

Any job or set of duties in the Classified Service requiring the full-time or part-time employment of one person in the performance and exercise thereof.

Probationary Employee-

An employee appointed to a permanent position from a re-employment list, promotion list, or eligible register, who has not completed his or her probationary period.

Promotion-

An advancement from one class to another related occupational class with increased duties and/or responsibilities, and for which a higher rate of pay is prescribed.

Public Hearings-

A meeting of the Board, open to the public, whereas any citizen, taxpayer or party at interest may appear and be heard.

Public Notice-

A written notice placed upon the bulletin board maintained at or near the entrance to the offices of the City Clerk in a place accessible to the public during business hours.

Public Records-

A record which the public shall have the right to inspect in a reasonable manner during ordinary business hours.

Qualifications-

The minimum experience, educational, physical, and personal requirements determining the eligibility of an applicant for examination.

Re-employment List-

A list containing the names of persons who have occupied, and have been separated from, permanent positions in the Classified Service, and who are entitled to preference in appointment to vacancies in positions.

Regular Employee-

An employee who was appointed under the provisions of this Act to a permanent position and who has completed his or her probationary period.

Seasonal Position-

Any position in the classified service which requires or is likely to require the services of an employee during certain parts of each year, only at recurring annual or other periods.

Series-

A sub-division of a group consisting of two or more classes of positions, similar as to line of work but differing in responsibility and/or difficulty, which constitute steps in a normal line of promotion.

Specifications-

A formal statement descriptive of a position, and shall contain:

- a. the title and class
- b. a description of the duties and responsibilities thereof.
- c. The minimum qualifications required of applicants as to education, experience, physical ability, and other attributes.

Temporary Position-

Any position in the Classified Service which is not permanent, but which requires or is likely to require the services of an employee for a period of six months or less.

Tests-

Written and/or oral examinations or other methods established as herein provided, to determine the merit, efficiency, and general fitness of applicants for positions.

Title-

The term used to designate all employment by class and grade and shall be descriptive of the duties of the position.

Rule 1 General Provisions

1.1 Purpose—

The purpose of this act is to provide for the orderly administration of City government and shall provide, for the following:

- a. The preparation and maintenance of a position classification plan for all positions in the classified service, based upon a similarity of duties performed and responsibilities assumed, so that the same schedule of pay may be applied to all positions in the same class. Each position in the classified service shall be allocated to one of the classes in the plan.
- b. A pay plan for all employees in the classified service. The plan shall be composed of salary grades and ranges of pay with minimum and maximum rates of compensation, and such intermittent steps or rates as may be deemed necessary for proper recruitment and retention of personnel. The pay plan shall be fully integrated with the classification plan.
- c. The open competitive and promotional examinations to determine the relative fitness of individuals meeting announced requirements to perform the duties of the positions in the classified service. Such examinations shall be announced publicly and in advance of the date fixed for closing the filing of applications.
- d. The establishment of eligible lists for appointment and promotion, upon which lists shall appear the names of successful candidates in order of their relative performance or ranking in the respective examinations. The duration of eligible lists shall normally be for one year.
- e. A rejection of candidates who fail to meet announced job requirements or who are found lacking in conduct or character; or who have attempted any deception or fraud with respect to an examination or candidacy for appointment, or for any other reason deemed just and applicable.
- f. A probationary period of one (1) year, before appointment is complete and regular status is conferred on the probationary employee.
- g. The provisional, emergency, temporary, seasonal, and part-time employment.

- h. The preparation and maintenance of records of performance of all employees in the classified service. Such records shall be considered in counseling employees regarding work improvements; in determining salary increases and decreases provided in the pay plan; and as a factor in promotion, demotion, layoff, transfers, and reinstatement.
- i. The development and operation of programs to improve the effectiveness and morale of employees in the public service, including training, leadership, safety, health, counseling, and employee relations.
- j. The imposition of disciplinary measures of dismissal, demotion, and suspension without pay; and for provisions for appeal from such actions.
- k. The establishment of procedures governing layoff, reinstatement, disciplinary actions, and grievances.
- l. The hours of work and holidays; vacation, sick, and special leave with or without pay.
- m. The examination and certification of public payrolls by the Director.
- n. The exemptions from the coverage.
- o. The prohibition of political activity on the part of any employee in the classified service.
- p. Other rules and regulations, not inconsistent with the provisions of this act, which shall aid in its effectiveness.

1.2A The Personnel Board-

The Personnel Board shall be composed as follows:

1. One (1) member elected by the classified employees of the City of Pelham.
2. One (1) member appointed by the Mayor and City Council of the City of Pelham., but not sooner than twelve (12) months after taking office.
3. The third member shall be mutually agreed upon by the first two members.

Such appointments shall be for terms of four (4) years. No member of the board, at the time of appointment, nor, for three (3) years prior to appointment, shall have held public office or political party office, nor have been a candidate for public office. Vacancies during unexpired terms shall be filled for the remainder of the term and shall be filled in the same manner as originally filled.

1.2B Duties of the Personnel Board-

- a. Meet in regular session at least quarterly and at other times as necessary to transact the business of the board.
- b. Promulgate such policies, rules and regulations as are necessary to carry out the provisions of this act and to develop a comprehensive civil service system.
- c. Review, approve, disapprove, or modify administrative actions and the administration of the program by the Director.
- d. Hear and render decisions relative to disciplinary and related matters as set forth in this act.
- e. Conduct inquiry and investigation as to the force and effect of this act, and the operation of the merit system program.
- f. Transact such other business within the purview of the Board and within the intent of this act.

1.3 Human Resources Director-

The Mayor, with the Council's approval, shall appoint a Human Resources Director. The Director shall be experienced in the field of personnel administration and shall administer an efficient and economical merit system in accordance with the rules arising therefrom and shall carry out the policies established by the Personnel Board.

Any act of the Director complained of shall be subject to review by the Board. In addition to the duties and responsibilities set forth elsewhere in this act, the director shall:

- a. Serve as Secretary to the Board,
- b. Prepare for approval of the Board, such policies, rules and regulations as are needed to carry out the provisions of this act, including, but not limited to, rules governing examinations, recruitment, appointments, suspensions, dismissals, certifications, layoffs, sick, vacation, and other types of leave, resignations reinstatements, promotions, demotions, transfers, salary, classification and other rules as deemed necessary in the interest of a sound personnel and merit system.
- c. Determine the effectiveness of the system and compliance with this act, by conduct of such studies and inquiries as deemed necessary, and to report such findings along with recommendations to the Board for improvements.

In connection with such investigations or inquiries, the Director shall have the power to administer oaths, subpoenas and require the attendance of witnesses, and the production of records, documents, and papers pertaining to the subject under consideration.

- d. Shall have the responsibility to work with the Mayor and applicable Department Heads to study the organization and operation, of the departments and to make recommendations for improvements to the Board.
- e. Shall maintain an official roster of all positions and employees in the classified service, wherein shall be recorded the various personnel transactions affecting the employee.

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- f. Establish and administer, subject to approval by the Board, plans for the classification of positions in the classified service.
- g. Promote and assist in the establishment of programs for general employee pension, welfare, health, and career development.

1.4 Status of Present and Future Employees-

At the time the City of Pelham, Shelby County, Alabama becomes subject to the provisions of this Act, all employees and appointees holding regular full-time positions in the service of the City of Pelham, Alabama shall be granted permanent status in the Classified Service as here-in-after defined.

The service shall be divided into two categories, as follows:

- a. A Classified Service comprised of all employees and appointees holding regular full-time positions in the service of the City of Pelham, Alabama. Employees occupying these positions shall be deemed to be in the Classified Service unless specifically exempted from the service in accordance with this act.
- b. The Unclassified Service shall include:

Officials elected by popular vote.

The Judge of any court.

The City Attorney.

The City Prosecutor.

Members and employees of all City Boards.

Attorneys, physicians, surgeons, and dentists who with permission of the appointing authority of the City, engage in outside similar employment.

1.5 Public Record-

Public records shall be those records as defined in Section 41-13-1 Code of Alabama 1975. Such records may be reviewed in a manner prescribed by the director, taking into account confidentiality, convenience and related factors.

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1.6 Preservation of Records-

Minutes of Board meetings, active employment rosters, and financial records shall be retained permanently. Applications and examination papers of successful candidates shall be retained for the duration of appropriate eligible registers.

1.7 Amendments to Rules-

From time to time, by public hearing, the Personnel Board may promulgate policies, rules and regulations as are necessary to carry out the provisions of this act and to develop a comprehensive civil service system, so long as such promulgated policies, rules and regulations do not modify or change the intent of the provisions of this act, except as specifically provided herein. No promulgated policy, rule or regulation shall be made, nor shall any promulgated policy, rule or regulation be adopted at the same meeting at which it is proposed. No final action to promulgate policies, rules or regulations shall be taken in less than seven (7) days after proposal and after a public hearing. Adequate notice of public hearings shall be sent to the appointing authorities concerned, and to representative employee associations, in order to facilitate wide distribution of the proposed rules. It shall be the responsibility of such associations to provide a current name and address for the Personnel Board for proper mailing.

The board may adopt, modify or change rules and regulations to conform to any applicable Federal and State law affecting the board.

RULE 2

Classification Pay Plan (Plan)

2.1 Purpose of the Classification and Pay Plan-

The classification and pay plan (Plan) shall provide a complete inventory of all positions in the classified service and an accurate description and specifications for each class of work, and the basis of compensation for employees in the classified service. The plan shall standardize titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the classified service.

2.2 Composition of the Plan-

The classifications shall consist of all of the following:

- a. A grouping in classes of positions which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions.
- b. Class titles which are descriptive of the work of the class, identify the class, and shall be used in all personnel, accounting, budget, and related records. No person shall be appointed to or employed in a position in the classified service under a title not included in the plan. Working titles used in the course of departmental routine to indicate authority, status in the organization, or administrative rank and may be continued in use for those purposes.
- c. Written specifications for each class of positions consisting of: A title which is descriptive and consistent with other titles in the plan; a brief overall description of the kind and level of work; examples of typical duties performed in positions in the class; qualification requirements setting forth the necessary experience, education, or other requirements; and the required knowledges, skills and abilities needed in order to perform the work. Specifications are interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Specifications are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.
- d. An allocation list showing the class title of each position in the classified service as identified by the name of the employee.

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The plan shall be constructed to provide fair compensation for all classes in the plan with due regard to such factors as:

- a. Varying degrees of difficulty and responsibility among the several classes of work
- b. Prevailing rates of pay and fringe benefits for similar employment in private establishments and other public jurisdictions in the area.
- c. Recruiting experience for the several classes of work.
- d. Financial conditions of the city.

The plan shall contain all of the following:

- a. A basic salary grade for each position class in the plan.
- b. A basic salary schedule containing the minimum rate, maximum rate and intermediate rates of pay for each salary and a conversion of rates for basis of payment.
- c. The basis of pay, indicating the number of weekly work hours in general application to the classified service or exception thereto.

2.3 Uses of the Plan-

The plan is used for all of the following:

- a. As a guide in recruiting and examining candidates for employment.
- b. To determine lines of promotion and in developing employee training programs.
- c. To determine in conjunction with wage surveys and job analysis, the salaries to be paid for various types of work.
- d. To determine personnel service items in departmental budgets.
- e. To provide uniform job terminology understandable by all officials, employees, and the general public.

2.4 Development of the Plan-

The Human Resources Director shall have the responsibility to work with the Mayor and department heads to develop or direct the development of the plan. Upon completion of the plan, the Director shall submit to each Department Head a copy of the tentative class specifications and pay for each position class and a list allocating the positions in the jurisdiction to the tentative position classes. The Department Head shall be responsible for notifying employees as to the allocation of their respective positions. A copy of the class specification and individual allocation shall be made available to the employee or his or her representative on request. The Human Resources Director shall furnish copies of the plan to all groups concerned and shall provide the opportunity for department heads, employees and the general public to present their views individually or collectively.

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The Human Resources Director shall, after consultation with the council and employee representatives complete the Plan for the various classes of work in the classified service. Upon completion, it shall be submitted to the Board, Mayor and council for approval.

2.5 Adoption of the Plan

Upon final approval by the Board, Mayor and council, the Plan shall be certified by the Director and delivered to the Department Heads. The plan shall become effective within thirty (30) days after adoption by the Council.

2.6 Maintenance of the Plan-

The Human Resources Director shall maintain the plan so that it will reflect the duties performed by each employee in the classified service and the class to which each position is allocated. It shall be the duty of the Director to do all of the following:

- a. Recommend, to the Board, the establishment of new position classes and the deletion or revision of existing classes.
- b. Review the duties and responsibilities of each new position established and, with the approval of the Board, allocate the position to the appropriate position class. It shall be the responsibility of the Department Head to submit to the Director, in writing, a comprehensive job description describing in detail the duties of each new position established.
- c. Make periodic studies of positions in order to determine changes in duties and responsibilities and on basis of finding recommend reallocation or re-classification of positions. Classification studies may be made at the request of the employee, Department Head or on the initiative of the Director. Changes in duty assignments must be more than temporary in nature and the incumbent must be performing the duties for a sufficient duration to warrant investigation.
- d. Review the plan at least once every five years.

2.7 Amendments to the Plan-

The Plan shall be amended:

- a. when the Mayor and Board add a new position class to the classification and pay plan. Prior to adoption of an amendment to the Classification and Pay Plan, the Mayor and Council shall provide the opportunity for department heads and employees to present their views.

2.8 Administration of the Plan-

Each employee in the classified service shall be paid at one of the rates set forth in the Plan in which he or she serves, in accordance with the following rules and the special provisions for administering the Plan.

- a. Minimum Rate – new appointments to the classified service shall be made at the beginning rate of the salary range for the classification to which the appointment is made.
- b. Salary Advancement – Salary advancement within established salary ranges shall be based on meritorious performance on the job and shall be in accordance with the special provisions for administering the Plan. An efficiency rating reflecting satisfactory performance shall be required for advancement. An employee with continued satisfactory service shall be eligible for future annual increases until such time as the maximum rate for the range is reached.

- c. Salary Rate in Promotion, Transfer, or Demotion – In the event a classified employee is promoted, transferred or demoted, his or her rate of pay for the new position shall be determined as follows:
 - 1. Promotion – Upon promotion, the incumbent’s regular base pay shall determine the new rate in the promotional class. The new rate shall be set to (a) allow one step increase above the former rate, or (b) the new rate shall be the entrance rate for the promotional class, and (c) whichever increase is greater shall be applied.
 - 2. Demotion – When an employee is demoted, compensation shall be reduced to the salary prescribed for the class and/or grade to which demoted. The particular rate shall be determined by the period of employment in the classified service. In no event shall the salary exceed the maximum rate of the new classification.
 - 3. Transfer – When an employee is transferred from one department to another, the step in the pay range remains unchanged. All transfers must be approved by the Department Head concerned, Human Resources Director and the Mayor.
- d. Reallocation of Positions
When a position is reallocated to a higher position class, or a lower position class, or another position class at the same level, the method of filling the position shall be determined in accordance with this act regarding transfers, demotions, or promotion as may be appropriate.
- e. Conflict of Pay/Supervisor-Subordinate-
In the event that the rate of pay of a supervisor shall be less or equal to the base rate of pay of subordinates directly supervised in lower related classes, the rate may be advanced in grade by the Mayor and Council. In no event shall the new rate be more than one pay step above the highest rate currently received by an employee in the lower class.

Rule 3 Recruitment and Examinations

3.1 Recruitment-

Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions. Employment, therefore, shall not necessarily be limited to residents of Shelby County, Alabama.

3.2 Announcements-

The Human Resources Director and Department Head shall prepare, or supervise the preparation of recruiting notices to publicize vacancies and to provide candidates for the public service positions. Announcements shall set forth the time, place, requirements and weights of various sections of tests and periods of application. The minimum periods of time between public notice and closing dates for applications shall be fourteen (14) days for entrance and open competitive examinations, and seven (7) days for promotional examinations.

3.3 Acceptance of Applications-

All applications for employment and examinations shall be made on forms prescribed by the Director during the periods of time stated in the announcement. However, for good cause and in the interests of service the Director and/or Department Head may recommend to the Mayor to extend the closing date for accepting applications up to a maximum of 28 days without re-announcement.

All persons who appear to meet the minimum requirements set forth in the public notice are eligible to apply for examination upon filing the prescribed forms within the time required; provided, however, the Director may refuse the application of any person who has taken the same or a similar examination within thirty (30) days prior to the scheduled examination. Application forms will be furnished from the office of the Human Resources Director.

3.4 References-

As part of the pre-employment procedure, former supervisors, employers, police and FBI files, plus references provided by candidates shall be checked as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contact shall be documented and made part of the applicant's file. These reference checks shall be completed prior to an offer of employment and the information shall be handled as privileged information.

3.5 Disqualification –

At the request of the Department Head, the Human Resources Director may remove from further consideration at any time the application of an applicant who: (a) does not possess the minimum qualifications; (b) has established an unsatisfactory employment or personnel record as evidenced by reference check of such a nature as to demonstrate unsuitability for employment; (c) has made false statement of any material fact or practiced deception or fraud in the application, examination, or medical history; (d) is afflicted with any mental, physical, or medically disqualifying disease or defect that would prevent satisfactory performance of his or her duties; (e) is believed to be addicted to or is a habitual user of drugs or intoxicants; (f) has been guilty of infamous or disgraceful conduct; (h) has an unsatisfactory driving record as evidence by a pattern, frequency, or severity of traffic violations; (i) has refused or failed to report for interview after certification to an appointing authority; (j) has failed to report for duty at the time and place designated after appointment; (k) has failed to respond to any official notice or phone call from the Director or appointing authority; (l) has failed to notify the Human Resources Department or postal authorities of a change in address; (m) has been certified and rejected for three (3) or more times; (n) and for any other good cause not inconsistent with the intent of this act.

All applicants disqualified shall be notified immediately. An applicant who is disqualified may appeal to the Board within ten (10) days after notice by filing a written request for a hearing.

3.6 Competitive Examinations-

All appointments in the classified service, either at entrance or promotional level, shall be made upon the basis of merit, efficiency and fitness of applicants for positions determined as far as practical and possible by competitive examinations. All announcements and examinations shall be prepared and weighted under the supervision of the Director and the Department Head.

Examinations shall be thorough and practical and shall relate to those matters which fairly test the relative capacity and fitness of those examined to discharge the duties of the classification.

3.7 Types of Examinations-

Examinations may be Assembled or Unassembled, and either Entrance and/or Open Competitive, Promotional Competitive, a combination of Promotional and Open Competitive, or Qualifying.

- a. Unassembled - Whenever the Director, with approval of the Personnel Board, determines that applicants are not available in sufficient numbers to justify holding assembled examinations, the director may authorize conducting unassembled examinations. Unassembled examinations shall be continuous until the Department Head and Director determine that enough qualified applicants have been examined to establish an eligible list.
- b. Entrance and/or Open Competitive – Any examination in which competition is open to all applicants meeting the announced requirements for admission to the examination.
- c. Promotional – Any examination in which competition is limited to present employees. Such examinations shall customarily be restricted to employees serving in lower, related classifications and possessing permanent status. However, additional training, education and/or experience beyond permanent status may be required as determined by the Department Head and Director in the best interests of the service.
- d. Qualifying – For certain classes of work, where competition is impractical and/or the needs of the service are such to render competition impractical, and the Human Resources Director, with recommendation from the Department Head, may provide for qualifying examinations. Such examinations may be limited to employees of the public service to fill existing positions. Such examinations may consist of an evaluation of the candidates' qualifications based upon efficiency rating by competent authority and physical fitness to perform the work or such other professional standards as may be determined by the Department Head and Director, not inconsistent with the needs of the public service.

3.8 Content of Examinations-

Examinations shall consist of any, all, or part of the following examinations, sections, parts and/or tests. However, no questions in any examination, form or application or any other proceedings shall be framed to elicit the political or religious beliefs of applicants; or shall in any way discriminate for or against an applicant because of sex, nationality, race or color.

- a. Written Test – This part when required shall include a written demonstration designed to show the familiarity of competitors with the knowledges involved in the class of positions to which they seek appointment, their ability in the use of English, the range of their general information, or their general educational attainments. A formal essay upon one or more subjects may be required if desirable.
- b. Mental Test – This part when required shall include any test or tests, whether written or oral, to determine mental alertness, general capacity of applicant to adjust their thinking to new problems, or to ascertain special aptitudes, character or personality traits.
- c. Performance Tests – This part when required shall include such tests of performance as would determine the ability and manual skills of competitors to perform the work involved.
- d. Physical Tests – This part when required shall consist of tests of bodily condition, muscular strength, coordination, agility, and physical fitness of competitors. This may be given a weight in the examination or may be used in excluding from further examination applicants who do not meet the required minimum standards.
- e. Oral Interview – This part when required shall include a personal interview as conducted by the Department Head or his or her representatives with competitors for classes of positions where ability to deal with others, to meet the public, or other qualifications are to be determined. An oral test may also be used in examinations where a written test is unnecessary or impractical.
- f. Training and Experience – This part when required shall be marked from the statements of the education and experience contained in the application form or from such supplemental data as may be required. Results of the reference checks may be a part of the evaluation of training and experience.

- g. Medical Examinations – This part is required to determine that applicants are physically capable of performing efficiently the duties of the position and are free from such defects or diseases that would constitute employment hazards to themselves, or endanger the safety, health, and welfare of fellow employees and/or others. Medical examinations may be performed by the City's designated physician or physicians in accordance with the City's duly adopted Medical Standards.

Medical re-evaluation on any classified employee shall be ordered by the Director at the Department Head's request, if at any time the employee's performance of duties becomes deficient, or if his or her health or physical condition constitutes employment hazards to the employee or endangers the safety, health, and welfare of fellow employees and/or others.

- h. Waiver of Physical or Medical Conditions – The Director and Department Head may, in cases of physical handicaps and/or medical conditions, permit the employment of handicapped eligible candidates who may not meet all of the physical and/or medical requirements of the classification. Provided that the eligible candidate is physically and medically capable of performing all of the duties of the specific position under consideration without risk to the health, safety, and welfare of others and/or the candidate, and that the physical and/or medical conditions are not progressively deteriorating conditions.
- i. Additional Promotional Examination Provisions – These parts of the examination process or content and are in addition to those cited above in items (a) through (h). They are applicable only to examinations on a promotional and/or promotional-open competitive examinations.
 - 1. Efficiency Ratings – In the event of the announcement of an examination on a promotional basis, the preceding employee efficiency rating and/or promotional potential rating form of employees who make application shall be used in addition to the other announced requirements to establish eligibility for examination. The minimum efficiency grade and/or rating for promotional eligibility shall be a superior rating or such numerical designation as may reflect superior performance and potential as determined by the Director and the Department Head.

2. Seniority Credit – Each promotional candidate who attains an overall passing grade of seventy (70) or more on the required announced and/or weighted tests, parts and/or portions of a promotional basis examination shall have added to his or her grade or score one (1) point for each year of full-time employment in the classified service up to and including twenty years. All absences from duty excepting vacations and sick leave allowances, plus military leaves shall be deducted to determine credit to be allowed for seniority credits.

3.9 Rating Examinations

Sound measurement techniques and procedure shall be used in rating the results of tests and determining the relative ranking of the candidates. In all examinations the minimum rating standards for each and/or all tests, parts, and/or sections shall be established under the supervision of the Director and the Department Head.

Candidates may be required to attain at least a minimum rating on each test in order to receive a passing grade or to be rated on the remaining parts of the examination and/or test. No subject shall be placed upon the employment register whose final earned average on the examination is less than seventy (70). The final earned rating of a competitor shall be determined by averaging the earned rating on each part of the examination in accordance with the weights established for each part prior to the date of the examination and announced in the public notice of the examination.

3.10 Tie Breaking of Ratings –

Whenever two or more applicants have a like final earned average, ties shall be resolved by the following order of methods:

- a. First, the order of ratings on the most heavily weighted part of the examination shall be used.
- b. If a tie still exists and the candidates are competing on a promotional basis, the candidate with the greatest seniority in the service shall be ranked first.
- c. If a tie still exists, then the date of application for examination shall be used.
- d. If a tie still exists, then the date of original application for employment shall be used.
- e. Finally, if a tie still exists, then the lowest application number of applicants shall be used.

3.11 Notification of Examination Results-

Each person who takes an examination shall be notified by mail of his or her standing in the group or his or her failure.

3.12 Examination Papers-

Each person who takes a promotional examination shall be entitled to inspect the examination rating with the appropriate scoring key for thirty (30) days after notices of results have been mailed. The questions used in promotional and other tests and examinations may be kept confidential and not subject to inspection at the discretion of the Director. All examination papers may be destroyed upon the expiration of the eligible register and exam papers of failing applicants may be discarded sixty (60) days after examination.

3.13 Review of Rating –

No request for a change of an examination rating shall be entertained by the Director and/or Department Head unless such request be made within thirty (30) days after notice to the applicant of his or her rating, and the applicant shall specify the matters to which he or she objects. No change in ratings shall be made unless some manifest error shall appear in the face of the paper; provided that no appointment previously made shall be changed or cancelled. Whenever a review of rating results in a change of position on a list or register, all persons so affected shall be notified by mail.

3.14 Supplemental Examinations-

The Director may, with the approval of the Board, order a special or supplementary examination and the reasons shall appear in writing. A classified employee with permanent status who is prevented from competing in a promotional examination for a valid reason beyond his or her control, or because of his or her absence on an authorized military leave, and who is reinstated to his or her position before the expiration of the eligible list, shall, upon his or her request, be given the opportunity to take the same and/or equally difficult examination. No request for supplemental examination will be entertained after twenty-four (24) hours from the date and time of the announced examination. The Director and Department Head shall determine if the same test or one of equal difficulty shall be entered on the original promotion list in accordance with his or her final earned average. If the final earned average of such employee is higher than that attained by the person who was last promoted from that list, and if the vacancy filled by such promotion was in the department, in which such employee is employed, the employee shall be entitled to be certified immediately. However, no applicant competing on an open basis shall be granted a special and/or supplementary test, unless the failure of an applicant to appear at the stated test was due to manifest error on the part of the Director, Department Head and/or staff.

3.15 Fraud –

If an applicant during an examination is found to be using, without permission, any extraneous information such as other candidates' papers, memoranda, crib notes, pamphlets, and/or books of any kind, the test papers shall be taken by the testing adjudicators and shall have them graded with a zero and note on the test papers the reason for such marking. Such applicant shall be barred from taking any future examinations.

No person shall willfully or corruptly make a false mark, grade, estimate or report on an examination with respect to the proper standing of any person examined; or willfully or corruptly make any false representation concerning any person examined; or furnish to anyone special or secret information for the purpose of improving or injuring the prospects or chances of the appointment, employment or promotion of any person examined or to be examined. Any person guilty of such acts shall be deemed guilty of a misdemeanor.

3.16 Cancellation of Examination –

The Director or Department Head may cancel, postpone, reschedule or re-announce any examination for any good and sufficient reason deemed in the best interest of the service. All such incidents shall be reported to the Board and appear in writing with the reason for such action.

Rule 4 Eligible List, Certification and Appointments

4.1 Eligible List -

The Director shall establish and maintain such eligible and/or employment registers for the various classes of positions, as the Director deems necessary to meet the needs of the service. Names of eligibles shall be placed on lists in the order of their examination grades ranked from highest or first to lowest or last.

- a. Open Competitive List – Such lists shall contain the names and final grades in order of rank for those applicants attaining a minimum passing score on the entrance and/or open competitive examination. Duration of such lists shall be for a period of one (1) year from the date of approval by the Board unless the list is depleted, or extended by action of the Board.
- b. Promotion Lists – Such lists shall contain the names and final ranked grades of employees attaining qualifying grades on promotional competitive examinations. Duration of such lists shall be for one (1) year from the date of approval by the board, unless the list is depleted, or extended by action of the Board. In the event that a combination open-promotional list is established, the promotional list shall take precedence over the open list.
- c. Layoff Lists – This eligible list which contains the names of former permanent status employees who were separated from various classes because of a lack of either work and/or funds, or whose positions were abolished as a result of departmental reorganization or for some other just reasons. The names of such former employees shall be placed on the list in the order of seniority. Duration of such lists shall be for a period of two (2) years. Employees in probationary status shall have their names reinstated at the top of the appropriate eligible list. When there are two (2) or more employees who are equal in seniority, they shall be placed on the layoff list in the order of their efficiency records.

The method of defining layoff procedure shall be determined by the Director in accordance with this act.

- d. Appropriate or Related Lists – In the absence of an eligible list for a particular class within which a vacancy exists, the Director may certify from a list of a related class, which the Director deems appropriate. Such appropriate or related list should be for a class having substantially the same requirements as the class in which the vacancy exists, and the pay range should be commensurate between the classes.

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4.2 Consolidation of Names on Lists –

Whenever there are fewer than three (3) names of available eligibles remaining on a list, or if a demand is anticipated for more candidates for employment than an existing list may satisfy, the Director and Department Head may order a new examination and shall consolidate the existing names on the list with the new names. All persons whose names appear on an existing list, which is to be merged after a new examination, shall be notified of the opportunity to compete in the second examination.

Should such persons elect not to appear or refuse re-examination, their names shall be certified first from the new consolidated list for a period of one (1) year from the date the original list was approved by the Board. Should they elect to be re-examined, the grade earned on the last examination shall be their official grade without regard to their previous grade.

The names of candidates who compete successfully on unassembled examinations shall have their names integrated on the eligible lists in the order dictated by their grades. However, notice to existing eligibles as to their relative positions on such lists shall be waived and an appropriate notice shall be placed on the announcement of this process.

4.3 Removal From List -

When an applicant is employed through certification, his or her name shall be removed from the appropriate eligible list. In addition to the reasons for disqualification cited in this act, eligible candidates shall have their names removed from eligible lists at the expiration date of the eligible list.

4.4 Reinstatement -

Any former employee with permanent status who has been separated from the classified service without fault or delinquency may, within two (2) years from the date of resignation or separation, request reinstatement to the appropriate eligible list for the class in which he or she served. Such requests shall be made in writing and subject to the recommendation of the Department Head to the Human Resources Director and the approval of the Board. Upon approval, the name of the former employee shall be placed at the bottom of the appropriate open competitive list for one (1) year's duration. A former employee, so appointed shall enter at the beginning rate, unless determined otherwise by the Board, for the class and shall serve a probationary period for one (1) year. In addition to the foregoing conditions, the applicant for reinstatement must meet the physical standard for the class for which reinstatement is applied. The medical examination shall be administered by a physician designated by the Board and the applicant shall bear the cost of the examination.

4.5 Certification-

Based on the receipt of an authorized requisition from an appointing authority, the Director shall certify and/or refer the name of eligibles from the appropriate eligible lists in the following priority and manner:

- a. First, the one (1) name of the ranking former employee of the department for each vacancy from the layoff list, if any, shall be appointed.
- b. Second, the five (5) ranking names of former employees of other departments for each vacancy from the layoff list, if any, shall be used.
- c. Third, the five (5) ranking names of the employees of a department for a vacancy, if and only if they are the ranking eligibles on the promotional list from the department in which the requisition originated, shall be used.
- d. Fourth, for each vacancy the five (5) ranking names of employees from other departments on the promotional list, if any, shall be used.
- e. Fifth, for each vacancy the five (5) ranking names of eligibles from the open competitive list, if any, shall be used.
- f. Sixth, in the absence of an eligible list for the class and at the discretion of the Director and Department Head, the names of eligibles from an appropriate or related list, if any, may be used. The five (5) ranking names of eligibles on related lists shall be certified for each vacancy.

In general all entry level positions to be filled from open competitive lists shall be filled by the rule of five (5) with one additional name for each vacancy past the first vacancy.

- g. In the event that the City accepts and utilizes federal funds for the creation of public employment opportunities, such positions when budgeted on a full time basis for twelve months, shall be treated as any other regular position in the classified service, being entitled to earn and use sick and vacation leave in the customary manner. Should the applicable Federal Regulations controlling the use of such funds prescribe unusual or exceptional prerequisites for employment in the program, the Director and Department Head, subject to approval of the Board, may prescribe the manner in which the position shall be filled and related conditions of employment.
- h. In filling promotional level positions from promotional lists, the rule of five (5) shall apply, and if more than one vacancy is to be filled, one additional eligible for each additional vacancy.

4.6 Bypassing of Names on Eligible Lists-

- a. No employee, whether permanent or probationary, who has been suspended or otherwise disciplined shall be certified as eligible for promotion or advancement to another class or position within one (1) year following the imposition of such penalty.
- b. Before being certified, an eligible may waive certification rights for a period not to exceed six (6) months. These waiver requests by eligibles shall be in writing stating the reasons for such request. All such requests must be approved by the Director and Department Head, taking into consideration the needs of the service and interest of the employee. During the period for which waiver is granted, such eligibles will not be certified or considered for appointment.
- c. Any department head may request waiver of certification of an employee from a promotional list and shall so state in writing to employee with copy to the Human Resources Director. The employee, to waive, shall reply to employer in writing with copy to the Director.

Under no circumstances other than those cited above, or those cited in this act regarding disqualification, or those cited regarding removal from list, shall any eligible be bypassed for certification.

4.7 Supplemental Certifications-

The Director shall certify the following additional eligibles: One (1) for each eligible who after certification either declines appointment at the time of interview or offer of employment, or who is subsequently disqualified.

An appointing authority may exercise his or her right of five (5) eligibles who are willing to accept appointment before making his or her final selection for employment. However, if an appointing authority exercises this prerogative, no provisional appointment shall be authorized if more than one (1) and less than five (5) eligibles are available who will accept employment. The re-announcement of the examination to establish a new list, shall be at the discretion of the Director and Department Head, but shall not be later than forty-five (45) days after receipt of the request.

4.8 Appointments -

Vacancies and newly created positions in the classified service shall be filled either by transfer, promotion, appointment, reappointment or demotion.

When a vacancy exists for a Department Head, the Mayor shall inform the City Council of such vacancy. The Mayor, with Council approval, shall then make the appointment as soon as possible.

Whenever a vacancy exists within a department of the City, the Department Head shall submit to the Director a statement of the title of the position, and if requested by the Director to do so, a statement of the duties and desired qualifications of the position. The Director shall then certify to the Department Head from the appropriate lists. The Department Head shall then make an appointment from the names certified to him or her within ten (10) days after the posting of the certification, or shall notify the Director, in writing, of the withdrawal of the requisition with the reasons for such withdrawal.

4.9 Types of Appointments -

Appointments to the classified service shall be one of the following types:

- a. Probational Appointment – An appointment to a full-time permanently budgeted position made from a certified eligible list, shall be a probationary period. The probationary period shall be regarded as an integral part of the examination process, and shall be utilized to evaluate the employee's performance on the job, and shall also be utilized for dismissing any employee who does not meet the required standards of performance. The duration of such probational period shall be for one (1) year from the date of appointment with no interruptions in service.
 1. Separation of Probational Employees – An employee in probationary status may be discharged without the right of appeal.
 2. Promotional Probationer – A promotional probationary who is demoted for unsatisfactory service shall have the option of returning to the position held prior to appointment, if still vacant. In the event the position is filled, the Director shall determine the manner in which the employee shall be retained in the service, being closely guided by the provisions governing layoffs and reductions in force. The demoted employee shall have the further option of electing to separate from the service and having his or her name retained on the layoff list for the classification of his or her former position, for a period not to exceed two (2) years.
- b. Permanent Appointment – Employment of an eligible from an eligible list, in a full-time permanently budgeted position, after the satisfactory completion of a probationary period, shall be considered a permanent appointment.
- c. Provisional Appointment – In the absence of an eligible list, the Department Head may request the Director, for urgent need, to authorize the filling of a vacancy by provisional appointment. Any such candidate for provisional appointment must meet education, experience and related requirements set by the Department Head and the Director. Provisional appointments shall be for a period of not more than four (4) months. No provisional appointment shall be continued for more than ten (10) days after the establishment of an eligible list for the class. Any provisional employee failing to qualify by examination shall be separated from the service after the appropriate eligible list is certified. The provisional appointment of an individual shall not confer on the appointee any rights of status, appeal, or related rights set forth under this act.

- d. Other Types of Appointments – To fill positions of a seasonal, part-time, temporary, student and/or intern nature, the following appointments shall be made. Such appointments will confer no rights of status, appeals or related rights.
1. Seasonal Appointments – These appointments may be granted for work, which is seasonal in nature. No such appointment shall extend beyond four (4) months or the work season in question. All candidates to be considered shall meet the requirements set by the Department Head and Director.
 2. Part-Time – These appointments may be granted for work, which requires the service of an employee for less than the number of hours of a full-time or typical work week. Candidates for appointment shall meet the requirements set by the Department Head and Director.
 3. Students and Interns – Student appointments have the purpose of affording students of public administration, and other professional areas, an opportunity to gain actual work experience in the public service. Such appointments are viewed as intermittent employment for a definite period of time; not to exceed six (6) months of full-time work in any twelve (12) month period. Candidates for appointment shall meet the requirements set by the Department Head and Director.
 4. Temporary Appointments – Temporary appointments may be granted for positions in departments in which work loads may fluctuate and require the services of some employees on a full-time basis up to, but not over six (6) months duration. Candidates for temporary appointments shall meet the requirements set by the Department Head and Director.
 5. Limited Tenure – During a war or nationally declared emergency period the Director, with Mayor approval may, in the absence of any appropriate eligible list, authorize a limited tenure appointment without examination. Such appointment shall be for not longer than the duration of the war emergency plus six (6) months, and shall give persons so appointed no status in the classified service by reason of such duration of appointment.

6. Emergency Appointments – An emergency as used herein means an unforeseen condition, which is likely to cause loss of life or loss or damage to property, the stoppage of service or serious inconvenience to the public. Upon receipt of request from a Department Head, citing such emergency condition(s), the Director, with Mayor approval, may authorize an emergency appointment not to exceed thirty (30) days. The manner of appointment and rate of compensation shall be set by the Department Head and Director.
7. Federally Funded Positions – Positions created in the classified service through federally financed public employment programs, and related programs shall terminate at cessation of such federal funding, conveying no rights of tenure or permanency to the employee.
8. Other Types of Appointments Made Permanent – An eligible who has been temporarily appointed or appointed to a seasonal, or part-time position from an eligible register and who at the time of the appointment was ranking eligible at the time of certification, willing to accept the appointment under the conditions and for the period stated, may be permanently appointed to the position irrespective of the number of higher ranking eligibles available only for permanent appointment. Such appointment can be made only when:
 - a. The fact that the position would become permanent was not known to the Department Head at the time the temporary, part-time or seasonal appointment was made.
 - b. The employee has worked the stipulated time period for which initial appointment was made.

All permanent appointments arising out of the foregoing provisions must be approved by the Director, Mayor and Council

RULE 5

Promotions, Demotions, Transfers and Assignments

5.1 Promotions

Vacancies in positions above the lowest rank in any category in the classified service shall be filled as far as practical by the promotion of employees in the service. The Director and Department Head shall in each case determine whether an open-competitive or promotional examination will serve the best interests of the service in attracting well qualified candidates. Promotions in every case must involve a definite increase in duties and responsibility. The change of an employee from a position in a class to a position in another related occupational class for which the maximum rate is higher shall be deemed promotion.

5.2 Demotions-

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

- a. When an employee would otherwise be laid off because the position is being abolished, reclassified to a higher grade or a lower grade, lack of work, lack of funds; or because of the return to work from an authorized leave of another employee to the position.
- b. When an employee does not possess the necessary qualifications to render satisfactory service in the position held.
- c. When an employee is removed during probation.
- d. When an employee voluntarily requests such demotion.
- e. When an employee is demoted for disciplinary reasons.

All demotions must receive the approval of the Department Head and the Appointing Authority. If the employee is demoted against his or her will other than probationers, the employee may appeal to the Board as provided in this act.

The change of an employee from a position in a class and/or job to another class and/or job for which the maximum rate is lower shall be deemed a demotion and shall be effected in accordance with this act.

Any demotion or termination of a probationary employee whose probationary status is due solely to a promotion from a permanent position shall be subject to review and approval by the council.

5.3 Transfers –

A Department Head may at any time assign a classified employee under his or her jurisdiction from one position to another in the same class regardless of the shift, location, hours of work, or other consideration as long as the work-week basis remains the same. Such transfers shall be made with the retention of all rights of seniority, vacation, sick leave, and overtime as the employee may have accrued.

5.4 Assignments –

A Department Head may assign any employee in the classified service under his or her jurisdiction to any duties so long as such duties are within the same classification. No employee in the classified service may be assigned duties of a different class for a period in excess of thirty (30) days unless approved by the Appointing Authority. Any and all such assignments outside the classification must be immediately reported to the Director.

5.5 Reduction in Force –

In the event that it becomes necessary because of lack of work, lack of funds, or advisable in the interest of economy to reduce staff, the following procedure shall govern the layoff:

- a. The reason of such layoff shall be reported in writing and shall stipulate the number and classifications to be effected.
- b. The Director shall determine in consultation, with the Appointing Authorities the organizational units to be affected by the layoff.
- c. If such reduction is departmental, then the layoff shall be made by laying off the employee(s) in the classification to be affected by the layoff who are provisional, temporary, seasonal, part-time and probationary, if any. From that point, layoff shall be of permanent employees in the classification on the basis of their relative seniority. In the event there are two or more employees who would be affected by the layoff, and have equal seniority, the employee who stands lowest on the efficiency or performance ratings, last regularly filed with the Director, shall be laid off first.
- d. If such reduction is of a general nature, and/or city-wide, the Director, after consultation with Appointing Authorities, shall determine the manner of layoff, taking into consideration the number and classification of positions to be reduced. In all instances, seniority shall govern except in the cases of two or more employees having equal seniority; in this event, efficiency or performance ratings shall be applied as provided in this act.

- e. When an employee is laid off in a department which has other classifications or grades lower than the classification or grade from which he or she is laid off, the employee shall have the option of working in any other lower classification or grade in the same department, provided the Department Head finds that the employee is qualified to perform the duties of such lower classification or grade, such option being subject, however, to subsections (f), (g), and (h) following.
- f. When an employee so laid off elects to drop to a lower classification or grade, and where the appointing authority reduces the number of employees in such lower classification or grade, the reduction shall be made in the manner in which it is herein provided layoffs shall be made, except that such reduction shall in no case cause the layoff of any permanent employee in such lower classification or grade who has more seniority in the department than the employee laid off from the higher classification or grade. A person laid off from a classification or grade shall have the right, so long as the person is in the service or on the layoff list to return to the position from which the person was laid off, in the event such position is refilled.
- g. The duties performed by the employee or employees so laid off may be assigned to any other permanent employee or employees in the department or office, who, in the opinion of the Department Head, are qualified to perform such duties regardless of the specific classification or grade to which such employees are allocated.
- h. Any employee to be affected by layoffs shall be given a minimum of fifteen (15) days notice.

Rule 6 Disciplinary Actions and Appeals

6.1 Disciplinary Action –

The tenure of every employee in the classified service shall be conditioned on the satisfactory conduct of the employee and continued, efficient performance of assigned duties and responsibilities. Employees serving in a probationary period may be disciplined or dismissed by an appointing authority without right of appeal. The reasons for such action shall be furnished in writing to the employee and the Human Resources Director. A permanent employee may be dismissed, demoted, or suspended, by an Appointing Authority for cause or for any reason deemed to be in the best interest of the public service and shall have the right of appeal as set forth in the following provisions.

6.2 Causes for Disciplinary Action –

The following are among the causes, which shall be sufficient for dismissal, demotion or suspension:

- a. Absent without leave.
- b. The commitment of any criminal act.
- c. Conduct unbecoming an employee in the public service.
- d. Conviction of a criminal offense or of a misdemeanor involving moral turpitude.
- e. Disorderly or immoral conduct.
- f. Failure to pay or make proper provision for the liquidation of just debts.
- g. Incapacity due to mental or physical disability of a permanent nature.
- h. Incompetence or inefficiency.
- i. Insubordination.
- j. Intoxication while on duty or public intoxication while off duty.
- k. Neglect of duty.
- l. Negligence or willful damage to public property or waste of public supplies or equipment.
- m. Violation of any regulations or orders published, made or given by a superior officer.
- n. Willful violation of any of the provisions of this act.

- o. Refusal of employee to testify or answer any questions before any board or any person authorized to conduct any hearing concerning the affairs of government or the conduct of any officer or employee, on the grounds his or her testimony would tend to incriminate him or her, or refusal to waive immunity from prosecution.
- p. Violation the Interpersonal Relationships and Fraternization Policy.
- q. For any other reason deemed to be in the best interest of the public service.

6.3 Dismissal and Demotion –

Notice of dismissal or demotion shall be in writing and shall set forth:

- a. The cause of action
- b. The date dismissal or demotion is to become effective
- c. Any other information deemed appropriate

A copy of such notice shall be delivered to the Director on the same day that notice is served on the employee. Notification shall be made prior or on the date such dismissal or demotion is to be effected.

6.4 Suspension –

A Department Head may suspend, for improper behavior and without pay, an employee in the classified service. In the event such suspension or suspensions do not exceed an aggregate of five (5) calendar days as a singular offense or ten (10) days cumulative in any year of service, the employee shall not have the right of a hearing. Should the suspension or suspensions exceed the five day limitation for a single offense or ten day cumulative limitation, a permanent employee shall have the right of appeal as provided in Section 6.5 of this rule. Such suspension shall be affected by service upon the employee by the Department Head, of a written statement of the reason or reasons for which the suspension was made, a copy of which must be delivered to the Human Resources Director. The suspended employee shall have a right to file an answer with the Board and the Department Head.

6.5 Appeal –

An employee with permanent status shall have the right to appeal disciplinary action of dismissal, demotion, or suspension. An employee desiring to appeal shall within ten (10) calendar days after notice thereof, file with the Director, a written answer to the charges and request a hearing. Such answer shall contain:

- a. The reason of dismissal, demotion, or suspension.
- b. An admission or denial of guilt.
- c. Reasons why the dismissal, demotion, or suspension should not take effect. Upon receipt of the appeal, the Director shall forward a copy thereof to all parties concerned.

6.6 Hearing –

The Board shall order a public hearing of such charges. The hearing shall be for the purpose of determining whether or not the employee, by reason of his or her act or acts as charged and his or her record of service, merits retention in the service or should be removed or otherwise disciplined; and to that end the Board shall not be bound by the technical rules of evidence but shall diligently seek all the information bearing on the merits of the case. Either party may be represented by counsel.

The hearing may be before the Board or a Hearing Officer appointed by the Board. If the matter is heard by a Hearing Officer appointed by the Board, the Hearing Officer shall be a practicing attorney licensed in the State of Alabama and shall take testimony offered in support and denial of such charges and from the same submit to the Board, within five days, a finding of facts involved and a recommended decision.

The Board at its next regular or special meeting shall consider the report and modify, alter, set aside or affirm the report and certify its findings to the appointing authority who shall forthwith put the same into effect.

If the Personnel Board hears the charges, it shall make its own opinion and decision.

6.7 Discovery –

Discovery may be obtained by one or more of the methods provided under the Alabama Rules of Civil Procedure, including; written interrogatories, depositions, requests for production of documents for inspection or copying, and request for admissions addressed to parties. The Alabama Rules of Civil Procedure may be used as a general guide for discovery practices and proceedings before the Board. However, the Alabama Rules of Civil Procedure shall be deemed to be instructive rather than controlling. A party seeking discovery from another party shall initiate the process by serving a request for discovery on the other party.

When a request for discovery is directed to an officer or employee of the City of Pelham, Shelby County, Alabama, the City shall make the officer or employee available on official time for the purpose of responding to the request, and shall assist the officer or employee as necessary in providing relevant information that is available to the City.

A party seeking discovery from a non-party officer or employee of the City shall initiate the process by serving a request for discovery on the non-party officer or employee. Discovery from other non-parties may be initiated by serving a request for discovery on the non-party directly. Absent such a request or upon failure to obtain voluntary cooperation, discovery from a non-party may be obtained by a written motion directed to the Board or a Hearing Officer appointed by the Board, showing the relevance, scope, and materiality of the particular information sought, and in addition in the case of a deposition, the date, time, and place of the proposed deposition.

A ruling on the motion shall be issued by the Board or a Hearing Officer appointed by the Board and shall be served on the moving party and the Director. If the motion is approved, it shall be the duty of the Director to subpoena the individual or entity from which discovery is sought, specifying the manner and time limit for compliance. Initial requests of motions for discovery shall be served within twenty (20) calendar days after an employee desiring to appeal disciplinary action of dismissal, demotion or suspension, files with the Director a written answer to the charges and requests a hearing. A party or non-party shall file a response to the discovery requests promptly, but not later than fifteen (15) calendar days after the date of service of the request or order of the Board.

6.8 Witnesses –

It shall be the duty of the Director to subpoena witnesses other than character witnesses, for or against the employee upon written request that their testimony is necessary. Employees in the classified service shall be required to attend and testify without subpoena.

6.9 Decision –

The Board shall render its decision within ten (10) calendar days after the conclusion of the hearing, which shall forthwith be certified to the appointing authority and enforced by him or her. Copies of the decision shall be delivered to all other parties at interest. The Board may rescind, modify or increase the penalty imposed by the appointing authority as warranted by the facts adduced at the hearing.

6.10 Record of Testimony –

The Board may require that testimony introduced at hearings be recorded but same shall not be transcribed except upon further order.

6.11 Citizens May File Charges –

Any person who desires to file charges against an employee shall file such charges in writing and shall recite therein the specific act or acts of the employee constituting such cause. The Director shall serve a copy of the charges on the accused employee and shall fix a day for the hearing.

The accused employee shall, within five (5) calendar days after service, file a written answer to the charges. Failure on the part of the accused employee to file such answer shall be deemed an admission of the truth of such charges without further investigation or hearing on the part of the Board. If the hearing is held before the Director, the testimony shall be recorded. A decision shall be rendered by the Board in accordance with this act.

6.12 Charges Filed By the Mayor–

An employee in the classified service may also be dismissed, demoted, or suspended upon charges made by the Mayor. Charges preferred by the Mayor shall be served on the employee and a public hearing shall be scheduled by the Board within the time and manner prescribed by this act.

6.13 Vacation Forfeited –

Any employee who is dismissed for cause shall forfeit all vacation allowances.

6.14 Judicial Review –

The decision of the Board based upon all proceedings before the Board shall be final subject to appeal by either party to the Circuit Court to review questions and whether or not the decision or order of the Board is supported by substantial evidence legally received by the Board. On such appeal the Circuit Court shall review the record and shall affirm, reverse, remand or render the cause.

The decision of the Board shall be controlling until reversed on appeal as provided for herein. The appeal shall be perfected by filing with the Human Resources Director a statement in writing, signed by the party appealing, to the effect that the party appeals from the decision or order of the Personnel Board to the Circuit Court, which statement shall be filed within ten (10) calendar days from the announcement of the decision or order of the Personnel Board.

6.15 Other Appeals – Suspension –

An employee suspended without right to a hearing before the Board may obtain a review of his or her suspension by the appointing authority by filing with the appointing authority not more than ten (10) days thereafter a written answer to such charges and a request for such review. A hearing shall be held thereon not more than twenty (20) days thereafter to determine whether such suspension should be rescinded.

At any such hearing such employee may be represented by counsel and present relevant testimony. The appointing authority may authorize a representative to conduct such hearing and submit within five (5) days thereafter a finding of facts together with recommendations to the appointing authority. Within a period of ten (10) days after such hearing, the appointing authority may rescind all or any part of such suspension. A suspended employee shall be entitled to full salary for any period of suspension rescinded hereunder.

Rule 7

Attendance and Leaves

- 7.1 Hours of Work –
The hours of work shall be established by the Department Head with approval by the council with due regard to the convenience of the public, and compliance with appropriate State and Federal Labor laws.
- 7.2 Types of Leave –
The following types of leave or off time are officially established; holidays, vacation leave, sick leave, injury with pay leave, shift trade time, overtime leave, military leave, jury leave, leave for special meetings, and examinations, and leave without pay.
- 7.3 Attendance and Leave Reporting –
The absence of an employee from duty shall be reported to the Human Resources Director by the Department Head. Absences shall be reported on the form prescribed by the Director and shall be forwarded immediately to the Human Resources Department when the employee returns to duty, or at the close of the payroll period if the employee has not returned to duty, or at the end of the month if the employee has not returned to duty. The Director shall maintain attendance and leave records on all classified employees.
- 7.4 Failure to Report Absences –
If a Department head fails to report the absence of an employee and the employee is paid in excess of the amount due him or her, the Department Head shall be liable for the overpayment and disciplinary action.
- 7.5 Seasonal, Temporary and Part-time Employees –
Under no circumstances shall seasonal, temporary, and part-time employees be allowed to earn leave.
- 7.6 No Advance Leave –
Vacation leave, sick leave, and overtime leave shall not be allowed in advance of being earned. If an employee has insufficient leave to cover a period of absence, no allowance shall be posted in advance or in anticipation of future leave credits. In such cases, payroll deductions for the time lost shall be made for the pay period in which the absence occurred.

City of Pelham, Alabama

7.7 Holidays –

The council shall establish by resolution, the holidays that their employees shall observe. Employees on non-pay status, such as a leave of absence, or on paid military leave, shall not earn additional time for holidays. All employees of the City shall receive the same number of holiday hours.

7.8 Vacation Leave –

All employees holding regular full-time positions in the classified service shall be allowed to earn and accrue vacation leave with pay.

7.9 Eligibility for Vacation Leave –

Upon completion of twelve (12) months' service at a regular position(s), an employee shall be eligible to use vacation leave. The scheduling of such vacation leave shall be determined by the department head with due consideration to seniority, length of service, and request of the employee; except that if a vacation has not been allowed an employee at any time during the calendar year, the employee may demand that he or she be given a vacation not exceeding twelve (12) work days.

7.10 Computation of Vacation Leave –

- a. Twenty-four (24) hour shift personnel holding a regular position shall earn vacation leave in accordance with longevity of service as follows:

- 0 to 12 years..... 10.6 hours per month of service
 - 12 to 25 years.....15.9 hours per month of service
 - Over 25 years.....21.2 hours per month of service

- b. An employee holding a regular position, other than 24-hour shift personnel, shall earn vacation leave in accordance with longevity of service as follows:

- 0 to 12 years..... 1 day per month of service
 - 12 to 25 years.....1 ½ days per month of service
 - Over 25 years.....2 days per month of service

7.11 Accumulation of Vacation Leave –

Vacation leave earned but not used during the calendar year may be accumulated up to a maximum of forty (40) days. Vacation leave earned in excess of the maximum accumulation stipulated must be used by December 31 or it shall be forfeited; unless extenuating circumstances indicate a different handling is desirable in the opinion of the Director and Mayor.

7.12 Restrictions of Vacation Leave –

Vacation leave shall be subject to the following restrictions:

- a. An employee shall not earn vacation leave during a leave of absence without pay, a suspension, or when the employee is otherwise in a non-pay status for more than fifteen (15) calendar days in a month. An employee currently using supplemental sick leave shall not earn additional vacation or sick leave during the period when the employee is on supplemental sick leave.
- b. An employee who is dismissed for cause or resigns with pending disciplinary action shall forfeit his or her earned vacation leave.
- c. A Department Head shall not require an employee to forfeit his or her earned vacation leave as punishment through the action of suspension.
- d. The maximum vacation leave that can be granted during a calendar year shall be five (5) weeks.

7.13 Sick Leave –

All employees holding regular positions shall be allowed to earn and accrue sick leave. Sick leave is not a right for which employees may make demand, but a privilege granted in accordance with this act which may be changed from time to time as the best interests of the service demand.

7.14 Eligibility for Sick Leave –

Upon completion of twelve (12) months' service an employee shall be eligible to use sick leave.

7.15 Computation of Sick Leave –

For the purpose of computing sick leave, each week of seven (7) days, excluding holidays, shall be considered as containing not less than five (5) work days. Employees whose basis of pay is other than the standard work week such as Fire personnel, shall earn and use sick time in a manner as set by executive order of the Mayor.

7.16 Earning and Accumulation of Sick Leave –

Sick leave shall be earned at the rate of one (1) work day for each month of service. Sick leave earned during the calendar year but not used may be accumulated up to a maximum of sixty days. Sick leave earned in excess of the maximum shall be held in a special reserve and may be granted as a supplementary sick leave in accordance with this act.

7.17 Use of Sick Leave –

An employee shall be granted sick leave for the following reasons:

- a. Personal illness of the employee.
- b. Personal physician and dental appointments.
- c. Illness in the employee's family, which necessitates the employee's absence from work.
- d. Death of the employee's family member
- e. For any other extenuating circumstances as approved by the Mayor.

(Total absences allowed under section (c) and (d) above combined shall not exceed six (6) days in any calendar year.

7.18 Proof of Illness –

An employee who is absent on sick leave continuously for a period of five (5) work days or more shall submit a Doctor's certificate or other written evidence to substantiate the sick leave usage. Such certification shall include (a) the diagnosis, (b) a confirmation that the diagnosed condition renders the employee incapacitated to perform position duties, and (c) the probable period of such incapacitation.

The appointing authority and Human Resources Director may require such certification to substantiate sick leave claims of less than five (5) work days.

7.19 Restrictions of Sick Leave –

Sick leave shall be subject to the following restrictions:

- a. An employee shall not earn sick leave during a leave of absence without pay, a suspension, or when the employee is otherwise in a non-pay status for more than fifteen (15) calendar days in a month. An employee currently using supplemental sick leave shall not earn additional vacation or sick leave during the period when the employee is on supplemental sick leave.
- b. Sick leave shall not be granted an employee whose absence from duty is a result of his or her own misconduct. Absence for such cause shall be reported as absence without leave, and shall subject the employee to disciplinary action.
- c. Sick leave shall not be granted an employee whose absence from duty is caused by injury or disability sustained as a result of the employee engaging in employment outside the classified service.

Sick leave accumulation shall be forfeited upon separation or retirement from the classified service except as allowed on retirement through the Retirement Systems of Alabama.

7.20 Supplemental Sick Leave –

Sick leave earned during the calendar year but not used may be accumulated up to a maximum of sixty days. Sick leave earned in excess of the maximum (60 days) shall be held in a special reserve as supplemental sick leave. An employee who by personal illness has exhausted accumulated sick leave, may be granted supplemental sick leave. Every application for such allowances shall be supported by the certificates of a licensed physician and by such other proof of disability and submitted to the appropriate appointing authority.

7.21 Injury with Pay –

An employee who sustains a disabling injury without fault or negligence on his or her part while performing the duties of his or her position, may be granted leave with pay. Each application for such leave shall contain a statement by the employee and affirmed by his or her supervisor setting forth the details of the accident on forms prescribed by the Director, and supported by a doctor's certificate setting forth the nature and extent of the injury and the probable period of disability. Injury with pay leave may be granted up to a maximum of six (6) calendar months.

If the employee is covered by worker's compensation benefits pursuant to the State of Alabama Worker's Compensation Law, the leave with pay benefit provided by this subsection shall be complementary to the worker's compensation benefit, subject to the following limitations:

- a. The amount of such complementary benefit shall equal the difference between the amount of worker's compensation and the amount to which the employee would have been entitled. In no case shall the total amount of benefits, taking into account the worker's compensation benefit and the benefits provided by this act, exceed the base salary amount established in the classified service pay plan for the period during which disability exists.

7.22 Employees may return to work as indicated by the physician's notes as follows:

Employee released to light duty: The restrictions will be very specific as noted on the work status form and should be followed. During the light duty phase of the employee's work restrictions, any appointments for doctor visits, physical therapy visits, or other medical treatment, are excused as worker's compensation and the employee is not charged with personal leave time, provided the employee brings proper documentation of the appointments.

Employee released to full duty: The employee shall provide documentation from the treating physician that he or she is being returned to full duty without restrictions or limitations. As of the date on the release form, any future appointments for doctor visits, physical therapy visits, or other medical treatment, are of the employee's own personal leave time. In order to minimize the personal leave time the employee may request that the appointments be made on their off time or as late in the day as possible.

Employee released to full duty, but with limitations: The employee shall provide documentation from the treating physician that he or she is being returned to full duty but with some limitations or specific accommodations. The limitations or specific accommodation of the department must be met. Usually these limitations or accommodations are for a small period of time and the employee shall be re-evaluated depending on the injury. As of the date on the release form, any future appointments for doctor visits, physical therapy visits, or other medical treatment, are of the employee's own personal time. In order to minimize the personal leave time the employee may request that the appointments be made on their off time or as late in the day as possible.

If an employee is unable to resume his or her duties after six (6) months' injury leave, absences shall be charged against accumulated sick leave, vacation leave, and overtime in that order. In the event an employee is unable to resume his or her duties at the expiration of his accumulated sick, vacation leave, and overtime leave, the employee may elect to retire from the service if eligible or request a leave of absence without pay in accordance with this act.

7.23 Overtime Leave –

Overtime shall be defined as any work performed by a classified employee exceeding the normal work week called for in the pay plan, when the work is assigned by an appointing authority.

In accordance with the pay plan for the classified service, the rates of compensation set forth in the plan as certified, are based on a forty-hour work week unless otherwise noted, i. e., fire personnel. Work being performed in the classified service in excess of the normal work week as set forth in the pay plan shall conform to the following:

b. Criteria for Authorizing Overtime Work – Overtime work shall be authorized only in the following cases:

1. In the event of fire, flood, catastrophe, or other unforeseeable emergency.
2. Where a work station must be manned and another employee is not available to work.
3. To provide essential services when such services cannot be provided by over-lapping work schedules.
4. To carry on short-range projects in which the utilization of present employees is more advantageous to the City than the hiring of additional personnel.
5. In general, no employee shall be regularly scheduled to work overtime. Exceptions, based on seasonal variations in work programs, shall be recognized when approved by the appointing authority.

c. Eligibility – All employees in the classified service shall be subject to these provisions except employees in those classes of work which are deemed by the Board to be on a job basis, whereby the number of hours in a work week are not considered a factor in establishing the pay grade. Positions of this type are viewed as administrative, managerial, or carry program management responsibility, or are of such an occupational nature reflecting community, private industry, and public employment practices which clearly place the occupation on a job basis. Positions so designated as “job basis” shall be identified and recommended by the department head subject to approval by the Board. Amendments to the established list may from time to time be made by the Director.

The "job basis" list shall be posted in the various departments and otherwise given wide circulation as to its existence. Employees in a job basis category shall not receive overtime credit. The department head shall, however, be permitted to develop a uniform working arrangement whereby adequate overtime records shall be kept and provision for reasonable time off granted in those cases which, by the excessive number of hours worked, create a hardship on the employee.

The federal overtime provisions are contained in the Fair Labor Standards Act (FLSA). Unless exempt, employees covered by the Act must receive overtime pay for hours worked over 40 in a workweek at a rate not less than time and one-half their regular rates of pay. Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional employees. To qualify for exemption, employees must meet certain tests regarding their job duties. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations.

d. Premium Conditions –

Standby Time Employee is required to remain at, or report to, a work premise or any other authorized location by appointing authority, to wait for a directive of duty which is imminent and assignable.

Standby time shall be compensated for the time at the employees' normal hourly rate subject to the provisions of this act.

On Call when an employee is required by the appointing authority to be available to return to work premise or other authorized location for responding to work emergencies or situations after normal duty hours.

On Call time shall be compensated at ONE hour for EACH full 8 hour DAY, not to exceed 3 hours. All work performed as a result of returning to the work location or other authorized location is compensable at the employees' hourly rate and subject to a minimum of two (2) hours or actual worked time, whichever is greater, and subject to the provisions as outlined in this act.

Methods of Awarding Overtime – Overtime may be awarded by either: (1) Payment on the basis of hourly equivalent as set forth in the pay plan for each classification, based on the current hourly pay step of the employee; or (2) Granting equivalent time off. The employee must be given a minimum notice of two days prior to being required to take time off except as provided in this act. (3) The Council shall determine whether overtime shall be awarded by payment or by granting equivalent time off, subject to the limitations imposed in this act. The Council may elect to pay or grant time off above the straight time rate but must uniformly do so within a classification.

- e. Maximum Limit for Overtime Accumulation – A maximum limitation of 80 hours overtime is hereby set. Any employee accrual of overtime in excess of this amount shall, within the following pay period, be disposed of by either
 - (a) payment at the currently hourly pay step of the employee
 - (b) or granting compensatory time off.

- f. Special Overtime Payment Provisions – Upon separation from the service, an employee shall be compensated at his or her regular hourly pay step for each hour of overtime, such compensation shall be made as pay. With the limitations engrossed in this act.

- g. Reporting and Payment –
 - 1. Prompt and accurate reports of overtime earned and used shall be maintained by the departments and shall be subject to periodic review by the Human Resources Director for conformance to this act.
 - 2. Each department shall, at regular monthly intervals, post a list at each work station recapping the current total balance of accrued overtime leave for each employee.

7.24 Military Service Leave and Reinstatement –

a. Permanent Employees –

An employee shall provide advance written or verbal notice to the department head of all military duty, unless giving notice is impossible, unreasonable, or precluded by military necessity. Notice may be provided by the employee or by an appropriate office of the branch of military service in which the employee will be serving.

A returning employee's notification of an intent to return to work must be made promptly following completion of military service. The job position to which a returning employee is entitled also depends upon the length of military service. Federal law mandates generally that returning employee is to be reemployed in the same or similar position the employee would have attained but for their military service, with the same seniority, status and pay, as well as other rights and benefits determined by seniority.

b. Probation Employees –

The provisions concerning permanent employees shall also apply to probationary employees, provided that the seniority credit shall not accrue to a veteran who was in probationary status at the time of entrance into military service of the United States Government until the veteran shall have satisfactorily completed his or her probationary period after return as an employee of the city.

7.25 Temporary Leave for National Guard and Armed Forces Reserve Training

- A. An employee occupying a regular full time position in the classified service who by reason of membership in the National Guard or Armed Forces Reserve of the United States is ordered by appropriate authority to attend a training period shall, upon presentation of official orders, be granted military leave with pay. In no case shall an employee granted military leave with pay be paid for more than 168 working hours per fiscal year.
- B. In the event an employee is ordered to temporary active military duty by the Governor of the State of Alabama or the President of the United States, such person shall be entitled to be paid for no more than 168 working hours for any one active duty period.
- C. Seniority, annual vacation, sick leave and other related benefits arising from employment with the City for employees ordered to attend training periods or who are called up to duty in the active service of the state or country by the Governor or the President of the United States shall be the same as those prescribed in this act.

7.26 Pre-Induction Physical Examination Leave –

An employee in the classified service shall be allowed up to one (1) full day for purpose of taking a pre-induction physical examination when such examination is ordered by the Selective Service Board.

7.27 Jury Leave –

An employee summoned for jury duty or as a witness in court, shall be granted leave with pay.

7.28 Leave for Special Meeting Examinations –

Whenever it is deemed for the best interest of the classified service, an employee may be granted leave with pay by the appointing authority to attend professional or technical institutes or conferences or such other meetings. Time off with pay shall be granted to an employee for the purpose of taking examinations administered by the Human Resources Director.

7.29 Leave of Absence Without Pay –

Upon approval of the Appointing Authority and Director, such leave shall be allowed in the following categories.

- a. An employee occupying a regular, full time position, who is temporarily incapacitated to perform duties, may be granted a leave of absence for not more than one (1) year. However, the employee shall submit a Doctor's certificate which shall include (a) the diagnosis, (b) a confirmation that the diagnosed condition renders the employee incapacitated to perform position duties, and (c) the probable period of such incapacitation.
- b. An employee with permanent status who desires to engage in a course of study which will increase his or her usefulness upon return to duty may be granted a leave of absence for not more than one (1) year.
- c. An employee with permanent status may be granted a leave of absence for not more than one (1) year for any reason considered good by the Appointing Authority subject to approval by the Director and Mayor.
- d. An employee with permanent status who holds a technical or professional position may be granted a leave of absence when his or her assistance is requested to adopt or implement changes in service of another governmental agency.

Leave requests must be submitted in writing and must state the purpose of the leave, and the date the leave is to begin and end. The Appointing Authority and Director shall at the time of approval of such leave of absence designate whether the employee shall be entitled to resume the position at the expiration of such leave, or whether the employee's name shall be placed on the re-employment list.

Under no circumstances shall a leave be granted to engage in other types of employment.

7.30 Resignation and Retirement –

An employee with permanent status who wishes to resign or retire from his or her position in the classified service in good standing shall submit notice in writing to the Appointing Authority not less than fifteen (15) days prior to the effective date. Under unusual conditions, the Appointing Authority may with the approval of the Director reduce the required number of days' notice. A permanent employee separating or retiring from the service in good standing shall receive pay for his or her accrued vacation leave not to exceed forty (40) days.

Rule 8

Employee Relations, Safety and Training

8.1 Efficiency Ratings –

The Human Resources Director shall be responsible for obtaining and preserving ratings on all personnel, such ratings to reflect the performance of employees of positions of the same class and/or grade, so that standards of performance may be established to determine the relative abilities of such employees; and to discover these employees who, measured by the performance of their assigned duties and demonstrated promotional potential shall be subject to:

- A. Promotion
- B. Merit Increase
- C. Transfer
- D. Reduction in Pay
- E. Demotion
- F. Dismissal

8.2 Efficiency Rating Plan –

The Department Head shall use a rating plan developed in conjunction with the Human Resources Director and approved by the Personnel Board. Such plan shall be based on accepted personnel administration practices in respect to the measurement of performance and promotional potential.

All employees who are responsible for preparing ratings shall do so in a careful and responsible manner, conforming with existing policies as established by the council.

8.3 Examination and Appeal of Efficiency Rating –

Every rated employee shall have the opportunity to discuss and review his or her rating with the person or persons rating him or her. The employee shall also have the opportunity in the event of a disagreement to discuss and review his or her rating with a reviewing officer and the department head; if unable to reconcile any differences, the employee shall further have the opportunity to have an appeal heard by the Human Resources Director. The employee shall make this request in a timely fashion and in writing.

8.4 Safety –

The Human Resources department shall be responsible for developing and maintaining programs for improving safety practices and conditions affecting the safety, health and morale of employees in the public service. The Promulgated Rule for adopting the Safety Manual shall serve as the guidelines for compliance and periodic updates. To this end the Human Resources department may require the submission of reports and the investigation of accidents and working conditions in the departments.

8.5 Employee Training and Development –

A. General Purpose –

The City is committed to the development of a career service in public employment through the provision of comprehensive in-service training and formalized academic programs that will provide the public with the highest quality services and maximum efficiency of operations. The Human Resources Director, in conjunction with the council, shall provide a coordinated system for the training and development of all personnel in the classified service in order to eliminate duplication of costs and efforts.

B. Appointing Authorities' Responsibility –

The council and appointing authority shall encourage the development and concept of training in the public service, taking into consideration the availability of funds, the priority of work to be performed, and the availability of personnel.

C. Department Responsibility –

Each department will organize its training in such a manner as to assure that adequate and necessary opportunities for training are provided and that unjustified training activities are not engaged in by departmental personnel. Each department is expected as a minimum requirement to follow the procedures set forth below.

1. Establish a written departmental training policy which includes:
 - a. A statement of purpose and objectives.
 - b. Provision for assigning centralized administrative responsibility for the total departmental employee training program.
 - c. Compilation of information to indicate individual training activities completed by employees and related data.
 - d. Provision for continuous appraisal of training needs.

2. Develop comprehensive organizational training plans. Such plans should be developed in accordance with the mission, structure and function of the organization. There should be long range and short range plans covering such areas as orientation, supervisory and technical skills.

City of Pelham, Alabama

8.6 Grievances –

The most effective accomplishment of the work of the various departments requires prompt consideration and equitable adjustment of employee grievances. It is the desire of all parties to adjust grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after a formal appeal and review.

A. Definition of Grievance –

A grievance is a wrong, real or perceived, considered by an employee as grounds for complaint. Matters dealing with classification, pay, compensation, examination, leave, discipline, and related actions specifically set forth shall not be considered under grievance procedures, but shall be addressed in accordance with the provisions of this act. Any question as to what constitutes a grievance or what should be processed, shall be determined by the Director, subject to the review of the Board.

B. Grievance Procedure –

Any employee may register a grievance. In the presentation of grievances, employees are assured of freedom from restraint, interference, discrimination or reprisal. All resolutions of grievances processed shall be retroactive to the time the grievance is first submitted in writing by the aggrieved employee. The aggrieved employee may be represented by counsel or other person of his or her choosing.

STEP I

1. The grievance must be submitted in writing to the immediate supervisor within five (5) days of the occurrence of the incident. All such complaints shall cite the reasons and nature of complaint and must be signed by the employee.
2. The immediate supervisor shall within three (3) days, reply in writing, with a copy furnished to the employee and Human Resources Director, the supervisor's answer to the complaint of grievance.

STEP II

If unresolved in five (5) days, the written grievance and the supervisor's answer shall be submitted to the department head. The department head, shall within five (5) days, reply in writing to all parties concerned and forward a copy to the Human Resources Director.

STEP III

If unresolved, the grievance shall be submitted to the Personnel Board.

RULE 9

Certification of Payrolls

9.1 Preparation and Submission of Payrolls –

All payrolls, both classified and unclassified, shall be prepared and submitted in sufficient copies and upon forms prescribed by the Director in sufficient time for certification by the Director prior to payment of any funds or salaries. All payrolls shall be signed by competent authority as authorized by the governing body.

9.2 Computation of Pay-

Employees working on a full-time basis shall be paid in accordance with the official salary schedule established by the governing body.

- A. In utilizing the official bi-weekly salary schedule, new employees entering after the first day of a pay period and employees terminated before the last day of a pay period shall be paid on a daily basis. Employees who are in a non-pay status for any part of a pay period, and employees who are authorized overtime pay during a pay period, shall be paid on a daily basis for each day worked. The daily rate shall be determined by the official salary schedule.
- B. When the basis of pay is other than bi-weekly, new appointees entering after the first day of a pay period and employees terminated before the last day of a pay period shall be paid the daily rate for each work day they are in employee status during the pay period, in accordance with the official salary schedule.
- C. Employees who receive pay for overtime worked shall be paid in accordance with the official salary schedule for each hour or day of overtime.
- D. Employees in employee status during an entire pay period but who are in non-pay status for any part of the period shall have deducted from their pay for the pay period each work day they are in non-pay status, in accordance with the official salary schedule.
- E. In no case shall a new appointee or an employee returning from an absence of more than three work days in non-pay status, be placed in pay status before the date of assumption or resumption of duties.

9.3 Certification of Payrolls –

A disbursing officer shall not make any payment to any person either directly or indirectly, in contravention of any provision of this act or to any exception noted by the Human Resources Director. All payrolls must bear the certification of the Human Resources Director prior to disbursement or payment of funds or salaries.

RULE 10

Prohibited Activity

10.1 Activities Prohibited –

No person shall be appointed or promoted to, or dismissed from any position, or in any way favored or discriminated against with respect to employment because of sex, political or religious opinions or affiliations, or race.

- a. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position.
- b. No person shall use, directly, or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.
- c. No person in the employment of this city, whether classified or unclassified, shall be denied the right to participate in city, county and state political activities to the same extent as any other citizen of the State of Alabama, including, endorsing candidates and contributing to campaigns of his or her choosing.
- d. All persons in the employment of this city shall have the right to join local political clubs and organizations and state or national political parties.

All persons in the employment of this city shall have the right to publicly support issues of public welfare, circulate petitions calling for or in support of referendums, and contribute freely to those causes of their choosing.

No person shall attempt to use political authority or position for the purpose of influencing the vote or political action of any person. Any person who violates this section of this act shall be guilty of a felony punishable by a fine not to exceed \$10,000.00 or imprisonment in the State penitentiary for a period not to exceed two (2) years, or both.

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10.2 Candidacy for Public Office –

In the event an employee resigns his or her position for the purpose of becoming a candidate for nominations or election to public office, the employee shall be eligible for a leave of absence without pay if the following conditions are met:

- a. A written resignation is submitted to the appointing authority stating the purpose of such resignation with a copy forwarded to the Human Resources Director.
- b. Within the six (6) month period next succeeding the day of resignation he or she is reinstated to the eligible list for the position.
- c. The position has not been filled between the day of his or her resignation and the day of appointment.
- d. The employee is reappointed to the position within the six (6) month period next succeeding the day of resignation.

If each of the foregoing conditions are met, the employee shall be considered for all purposes as having been on a leave of absence.

10.3 Conflict of Interest –

In order to avoid a conflict of interest, an appointing authority shall require that a classified employee who wishes to engage in any outside work or activity for personal profit, file a written request setting out the nature of such outside employment.

Reasons for rejection of the request shall be limited to whether or not such employment can cause a conflict of interest, or is incompatible with an employee's position in the classified service.

10.4 Duties of Municipal Officials –

All elected authorities and officials shall assist in the implementation and maintenance of the provisions of this act.

RULE 11
Promulgated Policies, Rules and Regulations

Rule 11 is specifically set aside to separately contain all promulgated policies, rules and regulations adopted under the conditions set forth in this act.