

**City of Horn Lake**

**“The Greenest City in Mississippi”**



**Employee Policies and Procedures Manual**

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**Employee Acknowledgement Form (Revision Approved 03/01/2022)**

This employee handbook contains important key policies, goals, benefits, and expectations of the City of Horn Lake as well as other information you will need. By signing below, you acknowledge the following:

I understand that this handbook cannot contemplate every possible situation that I may encounter at the City of Horn Lake. Accordingly, I will contact my direct supervisor and/or the Human Resources Department if I have any questions about the policies or procedures contained in this handbook.

I understand that this handbook is not a contract or legal document, nor is it an invitation to contract.

I also understand and acknowledge that my employment with the City of Horn Lake is at-will. I understand that employment-at-will means that I may terminate my employment at any time for any reason, with or without notice. Additionally, the City of Horn Lake may terminate my employment at any time, for any reason.

I understand and acknowledge that there may be changes to the policies, goals, benefits and expectations in this handbook. There may also be additions to and deletions of these policies. The only exception is that the City of Horn Lake policy on employment-at-will will never be changed as long as the state of Mississippi's employment at-will doctrine remains in place.

The Mayor and Board of Aldermen reserve the right to interpret the intention of any provision and the Mayor and Board of Aldermen's decision is final.

I understand that it is my responsibility to read this handbook. I acknowledge, understand, accept and agree to comply with the information contained in this handbook.

Employee's Name (printed) \_\_\_\_\_

Employee's Signature \_\_\_\_\_

Date \_\_\_\_\_

## **101 - Introduction – Nature of Employment**

Welcome to the City of Horn Lake. We are very happy to have you join our team.

This employee handbook contains important key policies, goals, benefits, and expectations of the City of Horn Lake as well as other information that you will need. It has been designed as a reference to many aspects of your employment. It is not a contract nor is it an invitation to contract. One of our objectives is to provide a work environment that is conducive to both personal and professional growth. This manual supersedes all previous manuals, policies and memos that have been issued on policies covered in this manual.

The policies in this handbook are subject to change and may change at any time at the sole discretion of the Mayor and Board of Aldermen. From time to time, you may receive updated information as to changes in policies. The provisions of this handbook have been developed at the discretion of the Mayor, Board of Aldermen and Department Directors and, except for its policy of employment-at-will, may be amended or canceled at any time, at the City's sole discretion. It is the employee's responsibility to maintain the most current version of this handbook and any and all amendments.

Employment-at-will means that either you or the City of Horn Lake may terminate your employment at any time for any reason, with or without cause or notice.

The information in this manual is confidential and may not be shared with anyone outside the employ of the City of Horn Lake.

If you have any questions on anything contained in this manual, please contact your direct supervisor and/or the Human Resources Department.

## **102 – Employee Relations/Employment Relationship/Introduction to Employment**

Your relationship with the City of Horn Lake is strictly a voluntary one. If you do not have a specific employment contract or collective bargaining agreement, employment is at-will. This means that you may terminate your employment at any time for any reason, with or without notice. Additionally, the City of Horn Lake may terminate your employment at any time, for any legal reason. It is the City's belief that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisor. We are committed to our employees and will address all employee concerns.

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

department, by the Human Resources Department. It is the employee's responsibility to maintain the most current version of this handbook and any and all amendments.

**This handbook is not a contract or legal document, nor is it an invitation to contract and it does not alter your employment "at will" status. Nothing in this handbook should be construed as a guarantee of continued employment. Your employment may be terminated at any time, for any reason, with or without cause, with no advance prior notice. Likewise, you may terminate your employment at any time for any reason without prior notice.**

### **103 - Equal Employment Opportunity/Anti-Harassment Notice**

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

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

The Americans with Disabilities Act of 1990 requires city departments to make reasonable accommodations for the known physical and mental limitations of otherwise qualified individuals with disabilities who are applicants or employees provided such accommodations do not cause undue hardships to City operations.

Qualified individuals with disabilities are persons with disabilities who meet the job-related requirements of an employment position and who can perform the essential functions of the position with or without reasonable accommodations. For an individual to be considered to have a disability that individual must have a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or be regarded as having such impairment.

All personnel are reminded that each employee is at all times to be treated courteously by fellow employees, so that he or she is free from harassment or interference based on factors such as those mentioned above. Any employee with questions or concerns about any type of discrimination in the workplace is encouraged to bring these issues to the attention of their immediate supervisor. Employees can raise concerns and make reports without fear of retaliation.

Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

### **Statement of USERRA Notice**

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

### **103.1- Harassment**

The City of Horn Lake is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the city expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice, and harassment.

Harassment is defined as unwelcome or unsolicited verbal, physical, or sexual conduct which interferes with an employee's job performance or which creates an intimidating, offensive, or hostile work environment.

Examples of what may be considered harassment, depending on the circumstances, are:

- Questions or comments that unnecessarily infringe on personal privacy.
- Offensive, sexist, off color or sexual remarks, jokes, slurs.
- Propositions or comments that disparage a person or group on the basis of race, color, age (40 and over), sex, pregnancy, gender, creed, disability, religion, national origin, ethnic background, military service or citizenship.
- Derogatory or suggestive posters, cartoons, photographs, calendars, graffiti, drawings, other materials, or gestures.
- Inappropriate touching, hitting, pushing or other aggressive physical contact or threats to take such action.
- Unsolicited sexual advances, requests, or demands, explicit or implicit, for sexual favors.
- Ethnic slurs, racial "jokes", offensive or derogatory comments or other verbal or physical conduct based on an individual's race/color or national origin or because an individual is affiliated with a particular religious or ethnic group or because of physical, cultural or linguistic characteristics.



- Comments based upon cultural traits, clothing or linguistic characteristics such as accent or dress associated with a particular ethnicity, country of origin or religion.
- Requirements or coercion to abandon, alter, or adopt a religious practice or objection to unwelcome statements or conduct that is based on religion.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, age, national origin, disability, or any other characteristic protected by law or that of his/her relatives, friends, or associates, and that:

- (1) Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- (2) Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- (3) Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

The City of Horn Lake has a strict policy against sexual harassment. Each department shall strive to provide a work place free from sexual harassment. Sexual harassment will not be tolerated, regardless of whether the harasser is an employee, visitor, customer, etc. Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- (1) Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, catcalls, or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal, or visual conduct of a sexual nature.

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

Any employee, supervisor, manager or other person who believes that he or she has been subjected to sexual harassment at work by anyone should report such harassment immediately to his or her supervisor, the Department Director, Human Resources, the City Administrator/City Clerk , or the Mayor.

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

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

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

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

### **Individuals and Conduct Covered**

These policies apply to all applicants and employees, and prohibit harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager, by an officer or official, or by someone not directly connected to the City of Horn Lake (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

### **Retaliation is Prohibited**

The City of Horn Lake prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for

reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment, or discrimination itself, will be subject to disciplinary action.

### **Reporting an Incident of Harassment, Discrimination, or Retaliation**

The City of Horn Lake strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to City policy or who have concerns about such matters should file their complaints with their immediate supervisor or the Director of Human Resources.

Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other City designated representatives.

#### **Important Notice to all Employees**

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City of Horn Lake strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

### **The Investigation**

Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

### **Responsive Action**

Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, demotion, reassignment, temporary suspension without pay, or termination, as the City believes appropriate under the circumstance.

If an employee making a complaint does not agree with its resolution, the employee may appeal to the Mayor and Board of Aldermen by submitting a written notice of appeal to the City Administrator/City Clerk within five (5) days of the resolution.

Individuals who have questions or concerns about these policies should talk to the Director of Human Resources.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protective characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and the policies of the City prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges, and perquisites of employment. The prohibitions against harassment, discrimination, and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

### **103.2 - Discrimination**

We will not discriminate in any aspect of employment including hiring and firing; compensation, assignment or classification of employees, transfer, promotion, layoff, or recall; job advertisements; recruitment; testing; training, fringe benefits; pay, retirement plans and disability leave; or other terms and conditions of employment.

We will not:

- Make employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, genetic profile, national origin, or an individual with a disability;
- Deny employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, genetic profile, national origin, or an individual with a disability. We will also not discriminate because of a participation in schools or places of worship associated with a particular racial, ethnic, or religious group.

### **103.3 - Retaliation**

We will not fire, demote, harass, or otherwise “retaliate” against an individual for filing a charge of harassment or discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination.

Anyone who feels that he or she has been harassed or discriminated against should report such incidents to your immediate supervisor and/or the Human Resources Department.

Employees are encouraged to report harassment before it becomes severe or pervasive. The City of Horn Lake will promptly investigate all charges of violation of this policy. The confidentiality of persons reporting violations will be respected so far as practicable in conducting an investigation of such claims. If it is determined that harassment has occurred, we will take immediate and appropriate corrective action.

### **103.4 – Open Door Policy**

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

### **103.5 – Whistleblower Protection Act of 1993**

The City of Horn Lake is committed to a culture of City compliance, good governance and ethical behavior. Furthermore, the City of Horn Lake supports a commitment to effective reporting of corrupt and illegal practices, and all behavior that is contrary to the Code of Conduct, by people at all levels within the organization. The Whistleblower Policy supports disclosure of maladministration, corrupt or illegal activity occurring so that appropriate remedy actions can be undertaken.

The City of Horn Lake will implement a Whistleblower Procedure to enable staff and members of the public to raise concerns regarding actual or suspected contravention of ethical and/or legal standards without fear of reprisal or feeling threatened by doing so. The City of Horn Lake is committed to investigating all information supplied in a confidential manner, taking appropriate action.

The Whistleblower Procedure enables the City of Horn Lake to fulfill its obligations under the Whistleblower Protection Act of 1993 and Mississippi Code Section 26-9-171, et seq.

### **Political Activity**

#### **POLITICAL ACTIVITY**

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

#### **POLITICAL CONTRIBUTIONS AND SERVICES**

No city employee shall be obliged, by reason of his or her employment, to contribute to a political fund or to render political service, and he or she may not be removed or otherwise prejudiced for refusal to do so.

#### **USE OF OFFICIAL AUTHORITY OR INFLUENCE TO COERCE POLITICAL ACTION**

No city employee shall use his or her official authority or influence to coerce the political action of a person or body.

#### FAIR TREATMENT OF APPLICANTS AND EMPLOYEES

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

#### FREEDOM FROM POLITICAL COERCION

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

#### VIOLATION OF PROVISIONS

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

#### GRIEVANCE AND APPEALS

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

#### POLITICAL ACTIVITY PROHIBITED

Agencies receiving federal loans or grants:

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

#### **104 - Hiring of Relatives/Nepotism**

Although the City has no prohibition against hiring relatives of existing employees, we are committed to monitoring situations in which relatives work in the same area. In case of actual or potential problems, the City will take prompt action. This can include reassignment or, if necessary, termination, of employment for one or both of the individuals involved.

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

Any department that wishes to hire an immediate family member of an existing City employee located in a separate department must disclose and have prior authorization of the City Administrator/City Clerk before advancing the application for hiring.

#### **104.1 – Promotions**

The City may consider filling vacancies by promoting qualified employees within their department. A promotion is the movement of an employee from a position in one job class to a vacant position in a job class with more responsibility and a higher salary range. An employee wishing to apply for an open or posted position should tell his/her immediate supervisor who may then arrange an appointment for the employee with the appropriate immediate supervisor. If the position is posted internally, he/she would follow the instructions to apply in that notice. A promoted employee will be entitled to all rights and benefits of the new position immediately upon assuming the position. After a promotion is made, however, there is no guarantee the employee will be able to return to the previous position if the promotion is unsuccessful. **In order to qualify for a promotion, you must have no disciplinary action in your personnel file for a minimum of one (1) year.**

#### **105 - Employee Medical Examinations**

To help ensure that employees are able to perform their duties safely, medical examinations may be required.

After an offer has been made to an applicant entering a designated job category, a medical examination will be performed, at the City's expense, by a health professional of the City's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

Current employees may be required to take medical examinations to determine fitness for duty. Such examinations will be scheduled at reasonable times and intervals and performed at the City's expense.

Information on an employee's medical condition or history will be kept in a file separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

Employees in the following categories will be required to take a pre-employment medical examination and may be subject to continuing fitness for duty medical examinations.

Police Officer  
EMT/Paramedic  
Firefighter  
Laborer

## **106 - Outside Employment**

All outside employment must have the prior written approval of the Mayor or City Administrator and the Department Head. Once an employee has procured written approval from the Mayor or City Administrator and the Department Head, in order to continue with the outside employment, he or she shall receive additional written approval of the Mayor after each new term of office begins, regardless of when such prior Mayoral written approval was granted. Employees may hold outside jobs as long as they meet the performance standards of their job with the City. All employees will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements. No employee will be permitted to conduct any outside work during the hours he/she is on duty with the City of Horn Lake.

If the City determines that an employee's outside work interferes with performance or the ability to meet the requirements of the City as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the City.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the City for materials produced or services rendered while performing their jobs.

Employees must submit an "**Outside Employment Form**" to their Department Head for approval.

## **107 - Americans with Disabilities Act**

It is the policy of the City of Horn Lake to comply with the Americans with Disabilities Act and the ADA Amendments Act of 2008.

We will make sure that all individuals with disabilities:

- Have an equal opportunity to apply for jobs and to work in jobs for which they are qualified.
- Have an equal opportunity to be promoted once they are working.
- Have equal access to benefits and privileges of employment that are offered to other employees; and
- Are not harassed because of their disability.

We will not ask questions about disabilities or require medical examinations until after we have made a conditional job offer. After making a job offer, we will only ask disability-related questions and conduct medical examinations for everyone in the same job category.

Once a person with a disability has started working, actual job performance, and not the employee's disability, will be used as an indicator of the employee's ability to do the job. Job standards for employees with or without disabilities are the same.



Any medical information about applicants or employees will be kept confidential. Information can be confidential even if it contains no medical diagnosis or treatment course and even if it is not generated by a health care professional.

We will provide reasonable accommodations if a person with a disability needs one in order to apply for a job, perform a job, or enjoy benefits equal to those we offer to other employees. We will not provide an accommodation that poses an undue hardship to the City of Horn Lake.

The City is committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability.

Once an accommodation is requested, we will discuss the employee's needs and identify the appropriate reasonable accommodation. We may ask for documentation as to why the requested accommodation is needed.

We will ask questions related to disability and may require a medical examination of an employee whose medical condition appears to be causing performance or safety problems.

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

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

The grievance should be submitted to the City Administrator/City Clerk and/or HR Director within seven (7) work days after the alleged violation occurred.

The City Administrator/City Clerk and/or HR Director will have three (3) workdays to provide to the grievant a written acknowledgement of the grievance.

The City Administrator/City Clerk and/or HR Director will promptly conduct a review of the issues involved in the grievance to ascertain whether or not an informal resolution of the grievance can be achieved. If an informal resolution is possible and mutually agreeable by the parties involved, the City Clerk and/or HR Director will facilitate arrangement of the resolution and make a record of this agreement.

If no formal resolution is possible, the City Administrator/City Clerk and/or HR Director will conduct an investigation of the grievance and provide a written response to the grievant outlining possible accommodations, if any, for resolution of the grievance. This response shall be

approved by the Mayor and must be completed no later than fifteen (15) workdays from the Department's receipt of the grievance.

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

This policy is neither exhaustive nor conclusive. The City is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

### **108 – Job Posting/Announcement of Recruitment**

The City provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experiences. In general, notices of all regular, full-time vacancies are posted although the City reserves its discretionary right to not post a particular opening.

Job announcements are made in response to indicated manpower needs and, in some instances, to build lists of eligible applicants for anticipated future needs. Job announcements are posted on city website at [www.hornlake.org](http://www.hornlake.org) and city facebook page. The City accepts applications for open/posted positions only. However, in rare instances, the City may accept applications in order to build an applicant pool for potential future openings. Applications for employment are kept on file for a period not to exceed six (6) months unless hired for employment

Transfers may be made within a department without posting the position for transfer from outside the department. Transfers from one department to another may be allowed if both department heads agree to the transfer and it's for the betterment of the City and there has been no discipline for a period of at least one (1) year.

Each job posting notice will include the dates of the posting period, job title, department, location, grade level, job summary, essential duties, and qualifications (required skills and abilities) or designate a point of contact for this information.

To be eligible to apply for a posted job, employees must have performed competently and satisfactorily in their current position. Eligible employees can only apply for those posted jobs which possess the required skills, competencies and qualifications. Employees, who are on suspension or probationary period extended, are not eligible to apply for posted jobs.

To apply for an open position, employees should submit a **job transfer form** to their Department Director and the Department Director who supervises the posted position. The application should describe how their current experience with the City and prior work experience and/or education qualifies them for the position.

The City recognizes the benefit of developmental experiences and encourages employees to talk with their supervisors about their career plans. Supervisors are encouraged to support employees' efforts to gain experience and advance within the organization.

An applicant's supervisor may be contacted to verify performance, skills and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer may also be discussed. Alternative recruiting sources may also be used to fill open positions in the best interest of the organization.

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

### Seniority

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

Seniority may be used as follows:

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

**Note: The Police and Fire Department are exempt from this procedure. Please check with your department for specific guidelines.**

### 201 – Employment Categories

It is the intent of the City to clarify the definitions of employment classifications so those employees understand their employment status, benefit eligibility and in compliance with the Fair Labor Standards Act. In the event that the city's personnel policy should differ from the FLSA, the FLSA controls and supersedes City policy.

NON-EXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. These employees are paid overtime. Non-Exempt employees fall under the overtime Federal Wage and Hour provisions.

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws.

EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws.

An employee's **EXEMPT** or **NONEXEMPT** classification may be changed only upon written notification and approval by the Board of Aldermen.

**Fire Protection Activities** – An employee, including a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker, who is trained in fire suppression, has the legal authority and responsibility to engage in fire suppression, and is employed by the fire department; and is engaged in the prevention, control and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk. Not included in the term are the so-called “civilian employees” of the (fire department or employees who engage in such support activities as those performed by dispatchers, alarm operators, apparatus and equipment repair and maintenance workers, clerks, etc.)

**Law Enforcement Activities** – Any employee who is a uniformed or plain clothed member of a body of officers and subordinates who are empowered by State statute or local ordinance to enforce laws designed to maintain public peace and order and to protect both life and property from accidental or willful injury, and to prevent and detect crimes, who has the power to arrest, and who is presently undergoing or has undergone or will undergo on-the-job training and/or a course of instruction and study which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid and ethics. Not included are the so-called “civilian employees” of law enforcement agencies who engage in such support activities as those performed by dispatcher, radio operators, janitors, clerks, etc.

In addition to the above categories, each employee will belong to one other employment category.

**REGULAR /INTRODUCTORY FULL-TIME EMPLOYEES:** Employees are those who are not in a temporary or part-time status and who are regularly scheduled to work the City's full-time schedule. Generally, they are eligible for the City's benefit package, subject to the terms, conditions, and limitations of each benefit program.

**PART-TIME EMPLOYEES:** Employees are those who are not assigned to a temporary or introductory status and who are working less than one hundred percent (100%) of the normal time specified for a regular appointment in the affected job. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for the entire City's other benefit programs unless they are a retiree that has been hired by the Board of Alderman and have been approved to receive benefits.

**INTRODUCTORY EMPLOYEES:** Employees who have worked less than one year. Typically they are eligible for City benefits, however, if they do not successfully complete one year of employment, they will be required to reimburse the City for any vacation and/or sick time utilized within their first year of employment.

**SEASONAL/TEMPORARY WORKERS:** These are not employees, but are contract workers hired in various departments and approved by the Board of Aldermen to be paid out of Accounts Payable to assist in the completion of a specific project such as Parks Ball Program. Work assignments in this category are of a limited duration. They are ineligible for all of the City's benefits programs and will receive a 1099 at the end of the year providing they earn more than \$600.00 annually. Seasonal workers may work longer than 90 days.

### **201.1 Salary Basis Policy – Exempt employees only**

Statement of Compliance: State and federal laws govern how employees must be paid and the minimum amounts of compensation allowed. It is the City of Horn Lake's intention to fully comply with these laws. Should you believe you are not being paid in compliance with any state or federal law, you should immediately notify your human resources department.

The Fair Labors Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime rate of one and one-half the regular rate of pay for all hours worked over 40 hours in a workweek. The State of Mississippi does not have a state based minimum wage and therefore defaults to the federal government standard and complies with such required minimums.

However, 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 and outside sales employees. Section 13 (a) (1) and Section 13 (a) (17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. 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.

### **Salary Basis Requirement – Exempt level Employees Only**

To qualify for exemption, employees generally must be paid not less than \$455 per week on a salary basis. These salary requirements do not apply to outside sales employees, teachers, and employees practicing law or medicine. Exempt computer employees must be paid at least \$455 on a salary basis or on an hourly basis at a rate not less than \$27.63 an hour.

Being paid as an exempt employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the

employer makes deductions from the employee's predetermined salary, i.e., because of the operating requirements of the business, that employee is not paid on a "salary basis." If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Note: that being paid on a salary basis does not result in an automatic designation of an exempt status. As previously stated, certain job responsibility tests must be a material part of the exempt employee's regular job duties. If you are unsure of your classification as an exempt or non-exempt employee, please contact your supervisor or the human resources department for clarification of your classification.

### **Circumstances in Which the Employer May Make Deductions from Pay**

Deductions from pay (other than an employee's voluntary deductions such as retirement contributions and health insurance, or non-voluntary deductions such as wage garnishments and tax withholdings) are permissible when an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. Also, an employer is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an employee takes unpaid leave under the Family and Medical Leave Act, including the use of intermittent FMLA. In these circumstances, either partial day or full day deductions may be made.

### **202 – Access to Personnel Files**

The City of Horn Lake maintains a master personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals, salary increases and other employment records. The Human Resources Director maintains these files.

Personnel files are the property of the City, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the City who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the Human Resources Director and their immediate supervisor. With reasonable advance notice, employees may review their own personnel files in the Human Resources Department in the presence of their immediate supervisor.

### **204 – Personnel Data Changes**

It is the responsibility of each employee to promptly notify the City of any changes in personnel data. Please make sure your Department Director and Human Resources is notified as to any changes. This will ensure that your department, HR and your PERS (Public Employee Retirement System) is updated accordingly with the most recent information regarding the following.

- Mailing Address
- Phone Numbers
- Marital Status
- Dependent Information
- Emergency Contacts
- Beneficiary Changes

Employees should complete a personnel data form updating his/her information.

### **205 – Introductory Period**

The first 365 days of employment for all employees (new and rehired) of the City of Horn Lake is an introductory period. This is a trial period designed to determine whether the employee is suited for the job and capable of performing the essential job functions and to determine whether the new positions meets their expectations. If the City determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period. Extended absences may also extend the introductory period.

Employment both during and after the introductory period is at-will. Employment-at-will means that either your or the City of Horn Lake may terminate your employment at any time for any reason, with or without cause or notice.

During this introductory period, employee benefits are as follows:

1. As required under state and federal law, all applicable social security payments, and the cost of workers compensation insurance will be paid by the City of Horn Lake during this introductory period.
2. Beginning on the 31<sup>st</sup> day of employment, employees will begin to accrue vacation and sick time benefits. For example, if you were hired on March 15<sup>th</sup>, you will begin to accrue this time on April 15<sup>th</sup>, which is the 31<sup>st</sup> day of your employment. You will not see this on your check until you work a full pay period after the date of your 31<sup>st</sup>.
3. Beginning 30 days after the first full month of employment, eligible employees may elect participation in health benefits including medical, dental and vision. For example, if you were hired January 5<sup>th</sup>, benefits would begin on March 1<sup>st</sup>, provided you elected to participate and completed the necessary documents.

## **206 – Employment Applications**

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentatives, falsifications, or material omissions in any of this information or data may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment. Applications for employment are kept on file for a period not to exceed six (6) months unless hired for employment.

## **301 - Employee Benefits**

Eligible employees at the City are provided a wide range of benefits. A number of the programs (such as Social Security, Workers' Compensation, State Retirement Public Employees Retirement System – PERS, health, vision, dental and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the program for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.

The following benefit programs are available to eligible full-time employees:

- Auto, Employer-Owned Car
- Funeral Leave (See Sick Leave)
- Cafeteria Pre Tax Insurance
- Flexible Spending Account (FSA)
- Supplemental Policies, such as: (Short Term Disability, Cancer, Life Insurance, Spouse Life Insurance, Child(ren) Life Insurance, etc.
- Major Medical Insurance
- Dental Insurance
- Vision Insurance
- Pet Insurance
- Direct Deposit
- Family Medical Leave (See FMLA)
- Holidays
- Jury Duty Leave
- Life Insurance
- Military Leave
- Annual Leave
- Sick Leave
- Travel Allowances
- Uniform and Uniform Maintenance
- Longevity Pay
- Stipend Pay
- Retirement (Public Employee Retirement System-PERS)
- Educational Assistance
- Hospital Wing Program



Some benefit programs require contributions from the employee; many are highly supplemented by the City. Employees are encouraged to review their benefits booklet thoroughly.

**302 - Annual Leave**

Vacation time off with pay is available to eligible full-time employees. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:

- Regular full-time employees
- Introductory employees

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule. Annual leave credits are accumulated 26 pay periods per year.

In rare instances when a calendar year has more than 26 pay periods, the Mayor and Board of Aldermen may approve accrual of annual leave credits for the additional pay periods.

**VACATION RIGHTS; ANNUAL LEAVE**

(1) (a) All employees of the City of Horn Lake, Mississippi, shall be allowed credit for personal leave, except part-time employees, seasonal employees or temporary employees, computed as follows beginning the 31<sup>st</sup> day of employment:

Continuous Services	Accrual Rate (Bi Weekly)	Accrual Rate (Annually)
1 month to 36 months	6.0 hours	156 hours
37 months to 8 Years	7.0 hours	182 hours
97 months to 15 years	8.0 hours	208 hours
over 15 years	9.0 hours	234 hours

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Once full-time employees enter the 31<sup>st</sup> day of employment, they begin to earn paid vacation time according to the schedule after they have worked a full pay period. They can request use of vacation time after it is earned. Employees may not use vacation time that has not been accrued.

Paid vacation time must be used in minimum increments of one hour. To take vacation, employees should request advance approval from their supervisors. If requesting an extended vacation, three days or more, the request must be given at least two weeks in advance (if at all possible) provided it is not an emergency. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. It is essential that each department maintain staffing levels at all times and may not be approved if unable to fulfil this requirement.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as shift differentials.

In the event that available vacation is not used by the end of the benefit year, employees may carry unused time forward to the next benefit year. There is no limit/maximum that can be carried forward annually.

Abuse of vacation/annual leave by an employee (e.g. continually requesting vacation time off immediately after it is earned) may result in vacation requests being denied and possible disciplinary action up to and including termination. The City of Horn Lake prides itself in providing gracious benefits to attract top talent. Although there is no time frame to utilize annual leave, employees are encouraged to use this time with advanced notice, not just because you accumulated those hours. These hours rollover from year to year, so it should become a practice for all staff to bank hours for future leave.

Upon termination of employment, employees who have completed ten (10) years of service will be paid for unused vacation time (not to exceed 240 hours) provided that they give 2-weeks written notice prior to last day of work. The two-week notice shall be time actually worked unless excused by the Department Head providing there is no staff shortage.

Exempt personnel, such as department heads who have completed at least 3 years of service will be paid for unused vacation time (not to exceed 80 hours) provided that they give 2-weeks written notice prior to last day of work. The two-week notice shall be time actually worked unless excused by the Department Head providing there is no staff shortage.

Employees who have completed at least 3-years of service will be paid for unused vacation time (not to exceed 80 hours) provided that they give 2-weeks written notice prior to last day of work. The two-week notice shall be time actually worked unless excused by the Department Head providing there is no staff shortage.

Unused annual leave shall be counted as creditable service for the purposes of the retirement system as provided in Section 25-11-103 and 25-13-5, Mississippi State Code Sections as long as he/she has a minimum of 120 hours or more of combined annual and sick leave which equates to a quarter of a year of time served for retirement credit.

### 303 - Holidays

The City will grant holiday time off to all full-time employees beginning day one of employment on the holidays listed below.

- New Year's Day (January 1<sup>st</sup>)
- Martin Luther King, Jr. Day (3<sup>rd</sup> Monday in January)
- Presidents' Day (3<sup>rd</sup> Monday in February)
- Good Friday (Friday before Easter)
- Memorial Day (last Monday in May)
- Independence Day (July 4<sup>th</sup>)
- Labor Day (1<sup>st</sup> Monday in September)
- Veterans' Day (November 11<sup>th</sup>)
- Thanksgiving (4<sup>th</sup> Thursday in November)
- Day before/after Thanksgiving as may be proclaimed by the Governor and approved by the Mayor and Board of Aldermen
- Day before/after Christmas as may be proclaimed by the Governor and approved by the Mayor and Board of Aldermen
- Christmas (December 25<sup>th</sup>)
- And any other day so proclaimed by the Governor and approved by the Mayor and Board of Aldermen

The City will grant paid holiday time off to all eligible full-time employees. Holiday pay of 8 hours will be calculated based on the employee's straight-time pay rate at the time of the holiday.

Eligible employee classification(s):

- Regular full-time employees
- Introductory employees

A recognized holiday that falls on a Saturday will be observed on the preceding Friday.

A recognized holiday that falls on a Sunday will be observed on the following Monday. The day observed by the City that will be used for holiday pay calculation.

Public Safety employees, employed full time, will receive 8 hours holiday pay for each holiday recognized by the City of Horn Lake, regardless of whether such employees' works on the recognized holiday and regardless of the number of hours worked on the recognized holiday.

If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the benefit that would otherwise have applied. When requesting the day off before or after the holiday, a two week notice must be

given unless there is an emergency or approved by the supervisor in order to get paid for the holiday (if at all possible). If an employee is on sick leave during a holiday, a doctor's excuse may be requested by the department director. If a recognized holiday falls during an eligible employee's unpaid absence (such as a suspension or leave without pay), the employee will not receive holiday pay.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

### **304 – Workers' Compensation Insurance**

The City provides comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized immediately.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

If any employee of the City is out due to a qualified on-duty job injury, he/she may not engage in outside or "off-duty" employment. If he/she is found to have engaged in "off-duty" employment while out on a work related injury, he/she will be subject to disciplinary action up to and including termination.

It is the employee's responsibility to initiate the worker's compensation report no matter how minor the injury; the employee should report this to the supervisor and failure to do so could result in the denial of the claim and the employee being responsible for the expenses incurred.

Neither the City nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.

Employees receiving worker's compensation benefits have the option of supplementing workers' compensation benefits by using their vacation and/or sick time to make up the difference that workers' compensation does not cover. It is the employee's responsibility to request this and to submit his/her time sheet to their respective departments. The combination of worker's compensation benefits and payments of vacation and/or sick leave benefits cannot exceed the normal weekly earnings.

All employees involved in any work-related accident and/or injury will be drug tested in accordance with our agreement with our insurance carrier and City policy #707.

### **304.1 Light Duty (As related to Worker's Compensation Injuries)**

To help reduce workers' compensation and other related costs, and to assist employees who are incapacitated in their return to work, the City of Horn Lake, may offer temporary light-duty job assignments for employees with temporary work-related restrictions due to an illness or injury.

Light-duty assignments under this policy are specially created temporary job assignments for employees injured or otherwise incapacitated. Such light-duty assignments are temporary assignments only, are not vacant or permanent positions within the Company's workforce, and are not available to employees on a permanent basis under any circumstances. The availability of such light-duty assignments depends on the employee's restrictions.

The existence of this light duty policy does not in any way guarantee that light duty will be available at any given time, or for any particular employee who requests it. Temporary light duty assignments may include, but are not limited to the administrative functions, clerical functions, report taking and communications. Every effort shall be made to assign employees to positions consistent with their rank and pay classification. However, where deemed appropriate, personnel may be assigned to positions designated for personnel of lower rank or pay classification. In this particular case, the employee will retain the privileges of their rank but shall answer to the supervisory personnel of the unit to which they are assigned. Additionally, they will retain the pay classification and related benefits of the position held prior to their assignment. **In other words, an employee working light duty will remain at their current salary and not the salary of the temporary light duty position.**

If at any point an employee is medically determined to have sustained permanent restrictions, the creation or continuation of a temporary light duty assignment will not be considered. In that event, the Human Resources Department will review the employee's situation separately, to determine the appropriate steps to be taken, if any, under the Americans with Disabilities Act, other applicable laws, and other relevant City policies.

If a light duty assignment is available, an employee will be permitted to work in a light duty assignment only after the City receives a written statement from employee's treating health care provider approving the assignment for the injured employee. In general, the City will review the status of the temporary light duty assignment with the affected employee every 30-60 days, in light of the Company's business needs and the employee's condition, to determine if continuation of the assignment is appropriate.

If a light-duty assignment is offered by the City and approved by the employee's physician, an employee's refusal to accept the offer of light-duty may affect the employee's right to workers' compensation benefits under the applicable law. In addition, any refusal may be subject to disciplinary action up to and including termination. If the employee's injury or illness qualifies as a serious health condition for purposes of the Family and Medical Leave Act, such refusal to accept light duty will not impact the employee's rights under the Act.

### **304.2 – Law Enforcement Appreciation Act of 2014**

In accordance with the Law Enforcement Appreciation Act of 2014, employees who are injured, in the line of duty, while performing any law enforcement, firefighting, emergency response or other on-the-job duties which protect the public interest may continue to have their regular compensation and related benefits paid for without using their leave accruals for a period of one (1) year from the date of injury. If the employee is still unable to return to work after one (1) year, any extension of benefits shall be authorized by the Board of Aldermen. The maximum portion of the injured employee's compensation that will be paid under this policy shall be the difference between the total amount that the injured employee is receiving from worker's compensation benefits, disability benefits from the trust fund created under 45-2-21 and the employee's regular compensation. Employee's receiving pay under this policy may be required to undergo a fitness for duty physical examination and be required to return to duty upon successful completion.

### **304.3 – Accident Reporting Procedures**

The City of Horn Lake requires that all accidents or incidents that result in injury to any person or damage to property shall be reported immediately, no later than the end of the regular work shift, to the Department Head. This includes all work-related injury and/or illness to any City employee, personal injury to non-City personnel while on or using City-owned property, and/or damage to city-owned property, or Citizen owned property.

Department Heads, Supervisors and/or Managers are responsible for ensuring that all accidents/incidents are properly reported and investigated in accordance with this policy and all paperwork forwarded to Human Resources to include Notice of Injury along with Supervisor's Report. If there is a witness to the incident, a statement must be included and forwarded to Human Resources along with any photographs if applicable.

The Office of Human Resources shall be notified of all incidents regardless of how minor they may seem at the time. Failure to properly report an incident can result in disciplinary action and/or denial of benefits.

If a work-related accident results in injury requiring professional treatment, the employee shall be referred to one of the below clinics if the occurrence falls within their hours of operation. In severe cases, the employee may be taken to Baptist Memorial Hospital. All employee(s) involved in any work-related accident and/or injury will be required to submit to a drug and alcohol test as described in the City's Drug Free Workplace Policy and Drug and Alcohol Policy.

**Superior Health & Wellness**

2085 Goodman Road , Suite 50, Horn Lake, MS 38637

Phone: 662-253-8459

Hours: Monday through Friday, 8 am – 5 pm (closed 12-1 pm for lunch daily)

**Urgent Team**

3040 Goodman Road West, Horn Lake, MS 38637

Hours: Monday through Friday, 7 am-7 pm, Saturday 9:00 am -5 pm , Sunday 1 pm -5pm

Phone: 662-280-1603

**305 – Sick Leave Benefits**

The City provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illness or injuries beginning on the 31<sup>st</sup> day of employment as follows:

Continuous Services	Accrual Rate (Bi-weekly)	Accrual Rate (Annually)
1 month to 3 years	2.0 hours	52 hours
37 months to 8 years	3.0 hours	78 hours
97 months to 15 years	4.0 hours	104 hours
15 years and over	5.0 hours	130 hours

Sick leave benefits are calculated on the basis of a “benefit year,” the 12-month period that begins when the employee starts to earn sick leave benefits. Sick leave benefits are accumulated 26 pay periods per year.

In rare instances when a calendar year has more than 26 pay periods, the Mayor and Board of Aldermen may approve accrual of sick leave benefits for the additional pay periods.

Paid sick leave can be used in minimum increments of one hour. Eligible employees may only use sick leave benefits for an absence due to their own illness or injury.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday if possible (**Each department may have a different notification procedure established. If your department has an established notification procedure, you are required to follow that procedure**). The direct supervisor must also be contacted on each additional day of absence. If an employee is absent for three or more consecutive days due to illness or injury, a physician’s statement may need to be provided verifying the disability and its beginning and expected ending dates. Such verification may be

requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits. Before returning to work from a sick leave absence of 7 calendar days or more; an employee must provide a physician's verification that he or she may safely return to work. At the discretion of each Department Supervisor a physician statement may be required for any absence.

Sick leave benefit will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, or shift differentials. As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as workers' compensation. Sick leave benefits may be used to supplement any payments that an employee is eligible to receive from workers' compensation. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings.

Unused sick leave benefits will be allowed to accumulate indefinitely.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury of the employee, and may not be used for any other absence. Unused sick leave benefits will not be paid to employees upon termination and/or resignation of employment.

Abuse of sick leave by an employee (e.g. use of sick leave when not ill or injured) will result in the withholding of payment of the sick leave and possible disciplinary action up to and including termination. The City of Horn Lake prides itself in providing gracious benefits to attract top talent. Although there is no time frame to utilize sick leave, employees are encouraged to use this time in severe cases, not just because you accumulated those hours. These hours rollover from year to year, so it should become a practice for all staff to bank hours in the event of a severe illness or accident. A supervisor, or his designee, may perform a routine wellness check by going to the employee's place of residence to check on their well-being.

An employee at his termination of employment with the City at pension time, or resignation, or termination for cause shall have no claim for accumulated major medical leave, except as provided in Section 25-11-103 and 25-13-5, Mississippi State Code Section, referencing Retirement System.

### **305.1 - Funeral Leave**

When a death occurs in an employee's immediate family, they will be allowed to use up to three (3) days sick leave per occurrence in any calendar year requiring the employee's absence from work. For the purpose of this policy, the immediate family is defined as:

- Spouse
- Parent
- Step Parent
- Sibling
- Child
- Stepchild



- Grandchild
- Grandparent
- Great Grandparent
- Son-or-Daughter-in law
- Mother-or-Father-in-law
- Brother-in-law
- Grandparents' in-law
- Aunt/Uncle
- Niece/Nephew

An employee may use up to one-day of annual leave in any calendar year because of a death in the family (excluding immediate family) for relatives or relatives in law within the third degree.

### **306 - Benefits Continuation (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility for a period of 18, 29, or 36 months depending upon the reason of lost coverage. The events that may cause a loss of coverage are referred to as "Qualifying Events."

Qualifying Events may include but are not limited to:

- Termination of the covered employee's employment for any reason other than "gross misconduct". (**The City of Horn Lake defines Gross Misconduct as misconduct that is intentional, wanton, willful, deliberate, or reckless and specifically includes theft of property**)
- Reduction in the covered employee's hours of employment.
- Covered employee becomes entitled to Medicare.
- Divorce or legal separation of the employee.
- Death of the covered employee.
- Loss of "dependent child" status under the plan rules.

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

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

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

- Your spouse dies;
- Your spouse's hours of employment are reduced;
- Your spouse's employment ends for any reason other than his or her gross misconduct;

- Your spouse becomes entitled to Medicare benefits (Under Part A, Part B, or both); or
- You become divorced or legally separated from your spouse.

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

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

### **When is COBRA Coverage Available?**

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

### **You Must Give Notice of Some Qualifying Events**

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

### **How is COBRA Coverage Provided?**

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

COBRA continuation coverage is a temporary continuation of coverage. When the qualifying event is the death of the employee, the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), your divorce or legal separation, or a dependent child's losing eligibility as a dependent child, COBRA continuation coverage lasts up to a total of 36 months. When the qualifying event is the end of employment or reduction of the employee's hours of employment, and the employee became entitled to Medicare benefits less than 18 months before the qualifying event, COBRA continuation coverage for qualified beneficiaries other than the employee lasts until 36 months after the date of the Medicare entitlement.

For example, if a covered employee becomes entitled to Medicare 8 months before the date on which his employment terminates, COBRA continuation coverage for his spouse and children can last up to 36 months after the date of Medicare entitlement, which is equal to 28 months after the date of the qualifying event (36 months minus 8 months). Otherwise, when the qualifying event is the end of employment or reduction of the employee's hours of employment, COBRA continuation coverage generally lasts for only up to a total of 18 months. There are two ways in which this 18-month period of COBRA continuation coverage can be extended.

### **Disability extension of 18-month period of continuation coverage**

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

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

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

The City of Horn Lake will provide a general notice of COBRA rights when you first become eligible with a "Qualifying Event". This notice contains important information regarding your rights and responsibilities under COBRA. It is your responsibility to read this notice.

In the event that you or your dependents experience a qualifying event, the Human Resources Department will go over your rights during the Exit Interview Process. If one is not completed due to unforeseen situations, the City of Horn Lake will send you a COBRA election notice which gives you the opportunity to elect continuation coverage. It is very important that you respond to these notices promptly as the City of Horn Lake is restricted to a limited election period in accordance with our insurance contract. The City of Horn Lake cannot extend the election period for COBRA coverage or the grace period for COBRA payments.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administration fee of 2% of the policy cost. The City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about the employee's rights and obligations.

## **If You Have Questions**

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

## **Keep Your Plan Informed of Address Changes**

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

## **307 – Educational Assistance**

The City recognizes that the skills and knowledge of its employees are critical to the success of the organization. The educational assistance program encourages personal development through formal education so that employees' can maintain and improve job-related skills or enhance their ability to compete for (reasonable attainable jobs) within the City.

The City may provide educational assistance to all eligible employees who have completed 2-years of service in an eligible employment classification. To maintain eligibility employees must remain on the active payroll and be performing their job satisfactorily through completion of each course. Employees who are full-time and have completed their introductory period are eligible for educational assistance.

Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or a foreseeable-future position in the organization in order to be eligible for educational assistance. The City has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable-future position. Employees should contact their department director for more information or questions about educational assistance.

While educational assistance is expected to enhance employee's performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

The City invests in educational assistance to employees with the expectation that the investment be returned through enhanced job performance. However, if an employee voluntarily separates from the City's employment within one year of the last educational assistance payment, the amount of the payment will be considered a debt. Accordingly, the employee will be required to repay up to 100 percent of the original educational assistance payment.

To be eligible for tuition reimbursement, an employee must earn a minimum of a 3.0 grade point average (GPA) in all coursework. The employee must attach a copy of their official grade report and a detailed explanation of the coursework taken prior to receiving any reimbursement. Such requests must be approved by the appropriate department head and the Mayor prior to becoming effective. If approved, the City shall assist the employee for actual tuition costs only. The City shall not reimburse the employee for other costs (fines, fees, books, supplies, etc.) associated with their continuing education. Any and all reimbursement/assistance is contingent upon the availability of departmental budgetary funds and such reimbursement request may be denied as such.

Nothing in this policy shall be deemed to constitute reimbursement/assistance program. The City reserves the right to amend or otherwise revoke this policy with or without notice pending available funding. Employees receiving or are otherwise eligible to receive outside educational assistance (i.e. Pell Grants, scholarships, etc.) shall not be eligible to receive City funded educational assistance.

### **308 – Health Insurance**

The City's health insurance plan provides employees and their dependents access to medical, dental, and vision care insurance benefits. Employees who are classified as full-time employees and/or have been approved by the Mayor and Board of Alderman to receive such benefits are eligible to participate subject to all terms and conditions of the agreement between the City and the insurance carrier.

A change in employment classification that would result in loss of eligibility to participate in this plan, may qualify for benefit continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

For questions, please contact your department director and/or Human Resources.

### **309 – Life Insurance**

Life insurance offers you and your family important financial protection. The City provides a basic life insurance plan for full-time employees. Additional supplemental and/or dependent life insurance coverage may also be purchased subject to all terms and conditions of the agreement between the City and the insurance carrier.

Details of the basic life insurance plan including benefit amounts are described in the Employee Benefits Booklet provided during your open enrollment. Contact your department director and/or Human Resources with any questions.

### **309.1 – Employee Assistance Program**

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

The EAP can be accessed by an employee through self-referral or through referral by a supervisor. When the EAP referral is mandatory, this step is part of the progressive disciplinary procedure. If management and HR agree, the employee may be referred to the EAP as a remedial step to assist the employee with appropriate workplace behavior and productivity.

### **309.2 – Deferred Compensation Plan**

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

### **310 – Jury Duty/Civic Leave**

All employees must provide the Department head with a copy of the summons you received requiring you to appear. Time off required for jury duty or civic leave is considered excused. You will continue on the City of Horn Lake payroll as an active employee and continue to receive and accrue benefits as if you were reporting to work. The following additional parameters are in effect when employees are required to serve on jury duty or civic leave: For non-exempt (hourly) employees:

- Your time spent on the aforementioned activities is considered as unpaid. You may retain any payment you receive from the issuing authority.
- You should contact your supervisor or Department Head if you are excused early to see if you should report to work for the remainder of the work day.
- You may use accrued paid time off during this absence requirement.

For exempt employees:

- You will be unpaid if the jury duty results in your performing no work for the City of Horn Lake during that work week. You may retain any payment you receive from the issuing authority.

- If you work any time during the work-week you will be paid for the entire work week. You should confirm your scheduled work week with your Department head or supervisor.
- You may use accrued paid time off during this absence requirement.

**311 – Longevity**

Longevity pay will be reviewed on an annual basis and determined by the Mayor and Board of Aldermen; such pay may be modified annually or at the discretion of the Mayor and Board of Aldermen may be eliminated. Longevity pay is computed by using employee’s **time of service as of June 1 of each year**, however, the pay increase will not go into effect until the **first full pay period of October**. Only full time employees shall be eligible for longevity pay. For the purpose of this section, the Mayor qualifies as a full time employee and is eligible for longevity pay. Longevity pay is computed as follows and will be paid over the 26 pay period time frame.

<b>Years of Service</b>					<b>Annual Amount</b>
4					\$200.00
5					\$400.00
6					\$600.00
7					\$800.00
8					\$1,000.00
9					\$1,200.00
10					\$1,400.00
11					\$1,600.00
12					\$1,800.00
13					\$2,000.00
14					\$2,200.00
15					\$2,400.00
16					\$2,600.00
17					\$2,800.00
18					\$3,000.00
19					\$3,200.00
20					\$3,400.00
21					\$3,600.00
22					\$3,800.00
23					\$4,000.00
24					\$4,200.00
25					\$4,400.00
26					\$4,600.00
27					\$4,800.00
28					\$5,000.00
29					\$5,200.00
30					\$5,400.00

First year to be qualified for longevity will be year 4 (if met by the month of June) and top out for longevity will be 30 years. Longevity pay will be paid over the 26 pay periods per year.

### **401 – Time Keeping**

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record. Vacation and/or sick leave requests should be submitted with all time cards and/or sheets for that pay period.

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

### **401.2 – Compensatory Time**

Exempt personnel are not entitled to overtime under the FLSA (Fair Labor Standards Act) and accordingly do not accrue comp time nor will be allowed to accrue comp time. The Fair Labor Standards Act (FLSA) does allow the city to use compensation time as opposed to paying overtime, such as time worked over 40 hours in a week for non-exempt employees. The time must be given at time and a half, the same as if it is being paid.

The FLSA requires us to pay an employee accrued compensation time upon termination of employment at a rate of 1) the average regular rate received by the employee over the last 3 years or 2) the final regular rate received by the employee; whichever is higher (which is typically #2).

A non-exempt/hourly employee may accrue a maximum of 120 hours of comp time at any given time. Any non-exempt hourly employees who accrue time over the maximum will not be logged as comp time and will be paid to the employee as overtime.



An employee must be permitted to use compensatory time on the date requested unless doing so would “unduly disrupt” the operations of the department. Comp time accrued shall be utilized (redeemed) at a time mutually agreeable to the employee and Department Head and within the 12-month period in which comp time was earned/logged. Any comp time not used by the employee within the 12-month period will be paid to the employee as overtime.

All comp time earned by an employee must be used before the employee uses any accrued annual leave unless this will result in accrued vacation being forfeited.

**This policy is for all departments outside of Public Safety, i.e., Police/Fire. Police and Fire Departments are not eligible for comp time.**

#### **402 - Pay Days**

Exempt and Non-exempt employees are paid biweekly on Thursday with 26 payroll periods annually (27 pay periods in rare years). Each paycheck will include earnings for all work performed through the end of the previous payroll period. Employees are encouraged to have their checks direct deposited into a banking institute or a money card. This allows for a more efficient payroll process and provides an advantage to the employee by getting their check in a more expedited fashion direct deposited to their bank in most cases twenty-four (24) hours earlier depending on the employee’s banking institution.

#### **403 – Employment Resignation, Retirements & Terminations**

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation – Voluntary employment termination initiated by employee
- Discharge – Involuntary employment termination initiated by employer
- Retirement – Voluntary employment termination initiated by employee meeting age, length of service and any other criteria for retirement from the organization.

Since employment with the City is based on mutual consent, both the employee and the City have the right to terminate employment at will, with or without cause, at any time. Employee benefits will be affected by employment termination. Time worked by the employee prior to the effective date of termination will be paid on the next payroll date. Vacation time will be paid out in accordance with 302 Annual Leave Policy. **These funds will be direct deposited and paid on your last check unless your exit interview has not been completed with Human Resources and all City equipment/property issued to you has not been returned to the City.** Some benefits may be continued at the employee’s expense if the employee so chooses. Employees that are within 3 months (90 days) of retirement, should fill out form 9A **Pre-Application Form** with the Human Resources Department.

#### **404 – Administrative Pay Corrections**

The City takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Department Director and/or Human Resources so that corrections can be made.

#### **405 – Pay Deductions and Setoffs**

The law requires that the City make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The City also must deduct State Retirement and Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security and State Retirement "wage base." The City matches the amount of Social Security taxes paid by each employee.

The City offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

To authorize a voluntary pay deduction, the employee must provide written authorization to his/her Department Director and/or complete the necessary paperwork through Human Resources.

Pay setoffs are pay deductions taken by the City, usually to help pay off a debt or obligation to the City or others.

Employees are responsible for ensuring that their paycheck deductions are accurate, such as Federal/State Taxes and all other withholdings. It is imperative that if any discrepancies are noted that you contact Human Resources immediately.

If you have questions concerning your deductions from your paycheck, discuss with your supervisor and/or Human Resources.

#### **501 – Work Schedules/Attendance**

All city offices shall be open and staffed for the normal conduct of business from 8:00 a.m. until 5:00 p.m., Monday through Friday, unless altered by your Department Head and approved by the Mayor. The City of Horn Lake defines a normal work schedule as eight (8) hours per day, forty (40) hours per week.

To provide for maximum flexibility in scheduling employees, each department may develop modified work schedules providing for flextime or compressed work schedules. "Flextime" is a schedule that offers departmental management a choice, within limits, to vary employee arrival and departure times from work.

A “compressed work schedule” allows departmental management to schedule the basic work requirement in less than the usual five workdays a week. All “flextime” and compressed time work schedules must be approved by your Department Head and the Mayor.

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

In order to maintain a safe and productive work environment, the City expects employees to be reliable and be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City. In instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence. Public Safety personnel should also refer to their Standard Operating Guides.

### **502 - Telephone & Mobile Phone Use**

The City of Horn Lake provides telephones to employees who are expected to communicate with our customers and suppliers by telephone. Other employees who do not regularly use their phone as part of their job may also have access to a telephone. Employees should utilize discretion when using their phone for personal business. The City of Horn Lake may monitor phone calls made or received and may access and review call logs and voice mail recordings to ensure compliance with this and other City of Horn Lake policies. You should have no expectation of privacy when using our phone system.

The City of Horn Lake may also provide employees with mobile phones and other communication devices. If you are provided with a mobile phone or other communication device, remember the device remains the property of the City of Horn Lake and must be returned to us when requested. Again, use discretion when using for personal business. If excessive charges occur due to personal use, it will be the responsibility of the individual to provide payment for those charges. The City of Horn Lake expects that any calls to employees during working hours that are not business related will be kept to a minimum.

### **502.1 – Mail Systems**

The use of the City-paid postage for personal correspondence is not permitted.

### **503 - Smoking/Vaping/E-Cigarettes Tobacco-free Workplace Policy**

A tobacco-free environment helps create a safe and healthy workplace. Smoking and secondhand smoke are known to cause serious lung diseases, heart disease and cancer. The City of Horn Lake recognizes the hazards caused by tobacco use and exposure to secondhand tobacco smoke. Our policy to provide a tobacco-free environment for all employees and visitors was established to keep a safe and healthy workplace environment. In accordance with the Mississippi Code Sections 29-5-160 through 29-5-163 “Mississippi Clean Indoor Air Act” and in keeping with the City’s intent to provide a safe and healthy work environment, this policy covers the smoking of any

tobacco product and the use of oral tobacco products, “spit” tobacco and e-cigarettes/vapes, and it applies to both employees and non-employee visitors of the City of Horn Lake.

No use of tobacco products including cigarettes, cigars, pipes, e-cigarettes/vapes and “spit tobacco” will be allowed within any government buildings owned/leased by the City of Horn Lake at any time.

Smoking/vape or tobacco use shall be permitted only in designated smoking areas located at least twenty five (25) feet outside the building entrance, operable windows, and ventilation systems of enclosed areas to prevent tobacco smoke/vapor from entering those areas. This includes, without limitation, smoking in any common work areas, conference and meeting rooms, private offices, elevators, hallways, cafeterias, employee lounges, stairs, restrooms, vehicles and all other enclosed facilities making up any part of Government Buildings. Smoking is prohibited (not allowed) in front of both public entrances to City Hall. All materials used for smoking in designated smoking areas, including cigarette butts and matches, will be extinguished and disposed of in appropriate containers.

### **Definitions**

1. “E-Cigarette” and/or Vaping means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, vape or under any other product name or descriptor.
2. “Employee” means any person who is employed by the city in consideration for direct or indirect monetary wages or profit, including those full time, part-time, temporary or contracted; employee also means any person who serves as a volunteer for the city.
3. “Government Building” means any building or structure owned or leased by City of Horn Lake, including those buildings and structure which may be occupied by an entity other than City of Horn Lake, as well as any building or structure occupied by any department of City of Horn Lake though owned by another entity.
4. “Smoke” or “Smoking” means the use of a cigarette, cigar, pipe or any other object or device of any form that contains tobacco and/or the use of an E-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking, or smoking simulation, device.

A study published in the International Journal of Hygiene and Environmental Health found that vaping worsened indoor air quality, specifically by increasing the concentration of nicotine, particulate matter, PAHs and aluminum, which have been linked to lung and heart disease, as well as cancer. Adults with asthma or other chronic breathing issues are also at risk from the vapors.

Medical literature reports e-cigarettes cause bronchiectasis, eosinophilic pneumonia, pleural effusion, and possible hypersensitivity pneumonia. Vaping is prohibited in our workplace as part of our health and safety policy. E-cigarettes are not regulated by the U.S. Food and Drug Administration and not approved as cessation aids. The FDA has, however, concluded that they pose health risks to adults and children and contain detectable levels of carcinogens and toxic chemicals.

### **Procedure**

Employees will be informed of the City of Horn Lake Smoking/Tobacco-free Policy by appropriate signs posted throughout properties owned and operated by the City of Horn Lake, as well as inclusion of this policy in the employee handbook.

Visitors will be informed of the City of Horn Lake Smoking/Tobacco-free workplace Policy by appropriate signs posted throughout the properties owned and operated by the City of Horn Lake.

The City of Horn Lake will help employees who want to quit smoking by helping them access recommended smoking cessation programs and materials. (Visit [www.lung.org/stop-smoking](http://www.lung.org/stop-smoking) for more information).

Any employee violations of this policy will be handled through the standard disciplinary procedure. Any visitor found violating this policy will be asked to cease the violation or leave the building or area of the violation.

### **504 – Overtime**

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization and the proper form filled out. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations. Exempt personnel are not eligible for overtime in accordance with the FLSA (Fair Labor Standards Act).

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action up to and including possible termination of employment.

## 505 – City/Vehicle Fleet Safety Policy

### DRIVER SELECTION AND RETENTION PROCEDURES:

The City of Horn Lake (“City”) by statutory authority may assign vehicles to employees when deemed necessary in order to discharge their daily job functions. It is imperative for all employees assigned a City vehicle to understand it is a privilege and not a mandatory requirement by the Board of Alderman or a City department and all are required to follow established policies set forth or to be subject to forfeiture of City vehicle. A vehicle assignment may be incidental, a routine assignment used to fulfill an employees’ job description, or authorized take-home vehicle assignment.

It is incumbent upon all operators of City vehicles to follow all motor vehicle laws and rules of the road, and to operate City vehicles in a safe and courteous manner. It is recognized that this policy may not cover all instances and examples of acceptable vehicle usage. It is also understood due to the variety and different applications of uses of city vehicles city Departments such as Public Safety (Police, Fire, EMS) have additional policies and Standard Operating Guidelines that apply to the operation of city vehicles. In cases not specifically covered in this policy, the employee is responsible to utilize common sense and seek clarification from their immediate supervisor or Department Head. Failure to adhere to this may result in disciplinary actions. The City reserves the right to deny any employee the use of a City vehicle. The City may also choose not to indemnify an employee failing to adhere to the policies and procedures contained in this policy.

#### Assignment

- A) A City vehicle may be assigned to an employee when deemed necessary and cost effective to carry out the daily functions and responsibilities of a particular job or position.
- B) A vehicle assignment will be a determination by the department head and/or the Mayor.
- C) Once a vehicle assignment has been made to an employee all applicable state and local laws, shall be followed.
- D) Must be at least eighteen years old.
- E) Before any employee can drive a City vehicle the Department Head and the employee must read and sign this policy and send the original to the Human Resources Department.
- F) Staff that have been assigned to a vehicle are to ensure that the vehicle is kept cleaned and serviced at all times.
- G) All City vehicles will be used for City business only. Take home vehicles may not be used for incidental personal use once employee has arrived at place of residence with vehicle after working hours, unless under extenuating circumstances and approved by the Department Head.**

The purpose of this Policy is to ensure the safety of those individuals who drive City vehicles. Vehicle accidents are costly to the City, but more importantly, they may result in injury to you or others. It is the driver’s responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage. As such, the City endorses all applicable state motor vehicle regulations relating to driver responsibility.

The City expects each driver to drive in a safe and courteous manner pursuant to the following safety rules. The attitude you take when behind the wheel is the single most important factor in driving safely.

Applicants must meet the following requirements:

1. Fully completed application with references. References will be checked to confirm data is accurate.
2. Valid Commercial Driver's License if required or a valid standard license.

**We will conduct the following:**

Physical with drug screen  
Check of Motor Vehicle Records (MVR)  
Confirm validity of CDL

All current drivers and applicants must comply with the following standards:

- A. Must be a minimum of (18) years of age or have a minimum of (2) years of verifiable driving experience with the type of vehicle to be driven on the job (CDL drivers). Drivers of standard City vehicles must be 18 years of age. This policy will vary depending on the class of vehicle being driven by the employee.
- B. Should have no more than (2) "Type B" violations, or chargeable accidents, or combination of either within a two year period. City drivers must immediately (within 24 hours) report any traffic citations received in a city vehicle (Refer to Type A/Type B Chart as listed in policy).
- C. Drivers must have a valid driver's license for the type of vehicle to be operated, and keep the license(s) with them at all times while driving.
- D. Motor Vehicle Records (MVR's) will be ordered periodically to assess driving records. An unfavorable record will result in the loss of City vehicle driving privileges and/or employment (See Type A/Type B Chart below).

If an employee has his or her driver's license suspended, cancelled or revoked for any reason (i.e., DUI, excessive traffic violations) he or she must report the loss of license immediately in writing to his or her department head. Driving privileges will be immediately revoked upon a license suspension or revocation.

Any employee charged with a "Type A" violation may be subject to disciplinary action up to and including dismissal.

#### Type A Violations

DWI / DUI / OUI / OWI  
Refusing a substance test  
Open container in vehicle  
Reckless driving  
Fleeing in order to elude law enforcement  
Racing / speeding contest  
Excessive speed (15+ MPH above posted limit)  
Driving while license suspended  
Manslaughter  
Any felony  
Having your license suspended

#### Type B Violations

Speeding  
Improper lane change  
Failure to yield  
Failure to obey traffic sign  
Careless driving  
Improper passing  
Any other moving violation not listed

- E. Must have a valid driver's license in the State of current residence, appropriate for the type of vehicle to be driven.
- F. Must be able to meet all physical health qualifications of the Federal Motor Carrier Safety Regulations. (CDL class drivers)
- G. Will be subject to random drug testing per City policy.
- H. Will be subject to additional testing at any time, including written test and over-the-road observations where driver is accompanied by a supervisor or member of City management.
- I. May be required to take a physical examination and/or drug test at the request of City management, within City guidelines.

### **VEHICLE MAINTENANCE AND INSPECTION PROCEDURES:**

A regular, systematic preventative maintenance program reduces the likelihood of unsafe vehicle conditions that may contribute to an accident. Drivers are responsible for ensuring the vehicles they drive are properly maintained. Do not depend upon City managers or maintenance personnel to detect problems with the vehicles you drive on a day-to-day basis.

Drivers of heavy and extra-heavy class vehicles should perform and document a pre-trip and post-trip inspection to ensure vehicles are properly maintained. Use City provided inspection procedures and report forms. This report will be turned in daily to the maintenance shop supervisor.

City employees who drive pick-up trucks and passenger vehicles should also perform routine inspections before operating those vehicles. Report all unsafe mechanical conditions immediately. If your vehicle is unsafe to drive, you should NOT drive it until repairs have been completed.



**Specific priority items include the following:**

- A. Brakes, suspension and steering mechanisms should be inspected every 18,000 miles unless otherwise noted in the owner's manual.
- B. Engine oil level should be checked weekly and oil should be changed every 4,000 miles. Other fluid levels (transmission, etc.) should be checked weekly.
- C. Belts and hoses should be checked every 6,000 miles
- D. Tire pressure should be checked weekly and tires should be rotated every 6,000 miles.
- E. Routinely check turn signals, taillights, headlights, mirrors, windshield and other safety related items. Although these items may be considered minor, any needed repairs should be completed as soon as possible. Don't ignore a badly cracked windshield, broken headlight, etc.
- F. Never drive on bald or worn tires.
- G. The interior of your vehicle must be kept clean and free of all bottles, cans, and other litter.

**USE OF ENTITY VEHICLES:**

- A. City vehicles should not be used for personal business unless previously approved by City management.
- B. Only authorized drivers are allowed to drive City vehicles. NO EXCEPTIONS. No employees, family members, or any other non-employees are allowed to drive City vehicles.
- C. No unauthorized passengers are allowed in City vehicles at any time. Unauthorized passengers may result in disciplinary action, up to and including dismissal. Non-employees are not allowed to ride in City vehicles unless previous approval is granted by City management.
- D. Never push or pull another vehicle with a City vehicle unless properly equipped to do so.
- E. Safety belts must be worn at all times. No exceptions, it's the law.

**USE OF PERSONAL VEHICLES**

- A. The City of Horn Lake is not responsible for any damage to employees' cars while on company business.
- B. The Employee will be reimbursed mileage at the state allotted rate provided that no City vehicle is available at the time of travel.
- C. If a City vehicle is available and a personal vehicle is used for travel, the Employee will be

reimbursed the reduced rate allocated by the state at the time of travel to compensate for gasoline mileage, wear and tear, and insurance costs associated with the business use of the vehicle.

### **EMERGENCY PROCEDURES:**

- A. In the event of a mechanical failure, all effort should be made to clear the road. Move the City vehicle off the roadway as far as possible.
- B. If the vehicle cannot be moved off the road, activate emergency flashers immediately.
- C. Under no circumstances should driver delay in reporting the accident/emergency.
- D. If vehicle must be towed to a service center, make sure to remove all valuable cargo and equipment from the disabled vehicle.

### **PROTECTING AGAINST VEHICLE THEFT:**

- A. Always lock your vehicle and take the keys with you. Make sure all windows are closed securely.
- B. Do not leave valuables visible in your vehicle. Put them where they cannot be observed, but do so before you park so you will not be observed storing the valuables.
- C. Park in well lighted and fenced areas when possible. (Cars) At home, park in the driveway or better yet in a locked garage (if possible).
- D. Do not leave anything in the vehicle with your address on it. It may invite home burglary.

### **DRIVER CONDUCT AT AN ACCIDENT SCENE & PROPER ACCIDENT INVESTIGATION:**

It is the policy of the City of Horn Lake that all accidents or incidents that result in either personal injury or illness, and/or damage to City property shall be properly reported and investigated. Although accident/incident investigation is a reactive process, a comprehensive accident reporting and investigation process is a proactive measure that can effectively prevent or minimize future accidents/incidents. This operating procedure establishes a systematic process to ensure that accidents are properly reported in a timely manner, that all causes (direct and contributory) are thoroughly identified and that the appropriate corrective actions are taken. Regardless of the situation, the following procedure **MUST** be followed in the event of an accident while in a City owned vehicle.

- 1) Stop immediately and investigate even when the accident appears to be minor.
- 2) IF someone is hurt or if there is a danger of fire, call 911 to request assistance.
- 3) It is very important to watch your attitude at the scene of an accident. Even if you think you were not at fault, do not be arrogant, show anger or resentment, place blame, or use threatening language. Choose your words carefully and cooperate with law enforcement.

- 4) Make no express or implied admission or liability or fault. Do not make an expression of apology or sorrow.
- 5) Make written notes of the details of the accident while at the scene. Do not wait until later.
- 6) Do not give information concerning the accident to anyone unless the party requesting is an authorized official.
- 7) If you have a camera, take photographs of the vehicles, write down persons involved in the accident, physical damage to vehicles, obstructions, witnesses, pavement conditions (wet, icy, etc.), and other items you think may be important.
- 8) Get important driver information including name, address, home and work phone numbers, and other similar information that would help the insurance carrier make immediate contact. When law enforcement officials arrive, get the name of the other person's insurance carrier, policy number, and coverage period. Also, get the names of all witnesses.
- 9) Notify your supervisor immediately.

#### **ENTITY ALCOHOL AND DRUG POLICY:**

- A. All drivers will be subject to random and unannounced drug testing. Any driver testing positive for any banned substance may be subject to disciplinary action, up to and including dismissal.
- B. Any driver receiving a DUI citation from state, federal, or local law enforcement officers may be subject to disciplinary action, up to and including dismissal. This includes citations received in personal vehicles during off duty hours.
- C. At no time will open containers or other un-prescribed controlled substances be allowed in City vehicles.
- D. **Prior to taking prescription medications, employees must make their physicians aware that driving a vehicle is part of their job tasks. In doing so, physicians can prescribe medications that will not cause drowsiness or other physical impairment. Employees must make their department heads aware of any medications that may adversely affect their position or alter a drug screening.**
- E. A Drug test will be conducted after all accidents. Report all accidents immediately. Delay in reporting may result in disciplinary action up to and including dismissal.

### 505.1 – Supervisor and Employee Training

The City of Horn Lake will provide all employees with an education program on alcohol and other drugs. Additionally, in partnership with our Liability carrier, the City will provide employees with an annual education program on alcohol and other drug abuse, in general, and its effects in the workplace, specifically will include but is not limited to information on;

- a. The explanation of the disease of addiction for alcohol and other drugs
- b. The effects and dangers of the commonly abused substances in the workplace
- c. The dangers of drug abuse in the workplace
- d. The City's policies and procedures regarding alcohol and other drug use or abuse in the workplace and how employees who wish to obtain substance abuse treatment, can obtain that treatment.
- e. The City's policy of maintaining a drug free workplace
- f. Any available drug counseling, rehabilitation and employee assistance programs; and
- g. The penalties that may be imposed on employees for drug abuse assistance

In addition to the educational program referenced above, the City will also provide all supervisory personnel additional hours of training and will include but is not limited to the following:

- a. Recognition of evidence of employee alcohol and other drug abuse
- b. Documentation and corroboration of employee alcohol and other drug abuse
- c. Referral of alcohol and other drug abusing employees to the proper treatment provider
- d. Recognition of the benefits of referring alcohol and other drug abusing employees to treatment programs, in terms of employee health and safety and City savings; and
- e. Explanation of any employee health insurance coverage for drug alcohol or other problems.

### **506- Emergency Closings/Administrative Leave**

At times, emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt operations. In extreme cases, these circumstances may require the closing of a work facility. City employees may be granted administrative leave with or without pay. For the purposes of this section, “administrative leave” means discretionary leave with or without pay, other than personal leave or medical leave.

The Mayor, Mayor Pro Tempore in the absence of the Mayor, and/or Board of Aldermen or majority thereof, may grant administrative leave with pay to City employees in the event of extreme weather conditions, or in the event of a manmade, technological or nature disaster or emergency, wherein it is deemed necessary to close City Hall. Under these circumstances, non-essential personnel will be paid administrative leave providing the Department Head authorizes their absence.

If the decision is made to close City Hall, it will be up to the Department Director to determine who is non-essential and who is essential for that work day.

The Mayor may grant administrative leave with or without pay to any employee, who is a certified disaster service volunteer of the American Red Cross, who participates in specialized disaster relief services for the American Red Cross in this state and in states contiguous to this state when the American Red Cross requests the employee’s participation. This leave shall not exceed twenty (20) days in any twelve-month period. To be considered for administrative leave, the employee shall make the request in writing. All administrative leave must be approved by the Mayor prior to becoming effective. Administrative leave without pay may be granted by the Mayor in certain situations.

Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay.

#### **506.1 – Maternity Leave**

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

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

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

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

## **507 – Business Travel Expenses**

The purpose of this policy is to provide rules and regulations to govern official business related travel for all employees of the City of Horn Lake.

### ***Persons authorized to approve travel requests and travel advances***

- A) The Mayor is authorized to approve travel requests and/or travel advances for any officer or employee of the City of Horn Lake and such funds have been included in the annual fiscal year budget approved by the Board of Aldermen.
- B) The director of any city department is authorized to approve travel requests and/or travel advances for any employee within his/her department when deemed necessary and beneficial to the City and such funds have been included in the department's annual fiscal year budget approved by the Board of Aldermen.
- C) The approving authority shall issue written authorization to any employee who is authorized for official business related travel which shall include a detailed description of expenses authorized for the specified travel.
- D) In order to be eligible for reimbursement, a travel request must be authorized, pursuant to the provisions of this policy, before expenses are incurred.
- E) The Mayor and department directors shall be responsible for ensuring compliance with Section 25-3-41, Mississippi Code of 1972, and the provisions of this policy. Directors shall provide adequate internal control over employee travel.
- F) Department directors shall monitor employee compliance in accordance with these rules and regulations and those promulgated by the State Department of Audit and the State Department of Finance and Administrations' daily limits on expenditures for meals.
- G) Department directors will provide assistance to employees concerning questions and problems with travel arrangements and reimbursement.

### ***Travel Expenses***

- A) Travel expenses that may be advanced or reimbursed, shall include, but not be limited to, mileage, taxi fares, rental care expense, public carrier fares, conference/seminar registration fees, and lodging expenses.
- B) Travel expenses that may be reimbursed include, but not limited to meal expenses and telephone charges.

### ***Meal Allowances***

- A) Officers and Employees of the City of Horn Lake shall be reimbursed the actual cost of meals incident to official travel, not to exceed the rate allowed for state employees as prescribed by the

Mississippi Department of Finance and Administration, Office of Purchasing and Travel. The most current rates may be obtained from their website <http://www.dfa.state.ms.us/Purchasing/Travel.htm>.

B) Conference Meals: Meals shall not be claimed as a separate item of expense on the travel voucher when included in the conference registration fee.

C) Meal Tips: Meal tips should be included in the actual meal expense unless the inclusion of the tips would cause the meals to exceed the maximum daily limitations placed on meals by this policy. If the daily limitation would be exceeded, the employee is allowed to record meal tips for each day under other authorized business expenses. Total meal tips shall not exceed 15% of the maximum daily meal reimbursement claimed.

### ***Other Allowable Expenses***

A) Taxi Fares: Fares for taxis or other airport transportation services in excess of \$10.00 require a receipt which must be attached to the expense voucher to receive reimbursement for that item. The City does not reimburse transportation expenses for optional travel while on official business. Optional travel shall include but not be limited to transportation for sightseeing trips, entertainment and other such non-business related events.

B) Hotel – Airport Parking: For charges over \$10.00, receipts must be attached to the expense voucher.

C) Travel – Advancement or reimbursement for the use of a personal automobile or other private motor vehicle for official travel will be as approved by the mayor or department director.

- 1) If private vehicle transportation's approved then only that travel for the employee or officer's official business will be reimbursed. Advancement or reimbursement will be made by calculating the most direct practicable route.
- 2) Advancement or reimbursement for the use of a personal automobile or other private motor vehicle for official city business will be at the same rate that the state employees are reimbursed for using private vehicles for official state business travel.
- 3) Lodging – Unless lodging accommodations are provided by the training / conference to be attended the following rules will apply. Government rates must always be requested and the rate confirmed both at the time reservations are made and at check in.
  - (i) Charges will not be reimbursed if the traveler has been negligent in canceling reservations, or if the change is due to a personal decision after the deadline for cancellations. Exceptions may be made for emergencies beyond the employee's control.
  - (ii) If a member of the employee or officer's family, or other non-employee or non-officer travels with the employee or officer, the employee or officer shall claim reimbursement at a single room rate only. The only exceptions will be if the blocked

room rate as provided by the conference is for double occupancy rooms. An itemized receipt must be submitted.

#### Reimbursement Request / Travel Advance Settlement

- (1) Receipts must be submitted in order to be reimbursed for all travel expenses, including meals. Receipts must also be submitted to account for advanced travel funds. Failure to submit appropriate receipts may result in disallowance of the expense. All receipts must be dated and have the business name printed on them.
  
- (2) All travel expenses must be submitted to the City of Horn Lake on the appropriate form within ten (10) working days from your return to work from your travel. Expenses must be itemized. The employee must submit a signed expense report to be eligible for reimbursement.

#### **508 – Visitors in the Workplace**

To provide for the safety and security of employees and the facilities at the City, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

Because of safety and security reasons, family and friends of employees are discouraged from visiting. In cases of emergency, employees will be called to meet any visitor outside their work area.

All visitors should enter at the main lobby area when at all possible. Authorized visitors will be escorted to their destination from the Lobby and/or Planning Department. Employees are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on the City's premises, employees should immediately notify their supervisor or, if necessary, direct the individual to the lobby area.

#### **509. City of Horn Lake Information Technology Acceptable Use Policy**

##### **A. Objective**

1. The City of Horn Lake recognizes that use of the internet, e-mail, various software products and city issued hardware has many benefits and can make workplace communication more efficient and effective. Therefore, employees are encouraged to use the internet, e-mail, and network resource systems appropriately. Unacceptable use of the internet, e-mail, and network can place the



City of Horn Lake and others at risk. This policy outlines the city's guidelines for acceptable use of the internet, e-mail, and network resources.

## **B. Purpose**

1. The purpose of this policy is to outline the correct usage and the correct chain of operations to be followed within the City of Horn Lake for the protection not only of the employees, but of the City.

## **C. Scope**

1. This policy must be followed in conjunction with other City of Horn Lake policies governing appropriate workplace conduct and behavior, issued by the city or a department director. The City of Horn Lake complies with all applicable federal, state and local laws as they concern the employer/employee relationship, and nothing contained herein should be construed to violate any of the rights or responsibilities contained in such laws.

## **D. Use Guidelines**

1. City of Horn Lake has established the following guidelines for employee use of the company's technology and communications networks, including the Internet, e-mail and City issued devices, in an appropriate, ethical and professional manner.
  - i. All technology provided by City of Horn Lake, including computer systems, communications networks, company-related work records and other information stored electronically, are the property of the City and not the employee. In general, use of the company's technology systems and electronic communications should be job-related and not for personal convenience.
  - ii. All hardware owned by the City of Horn Lake must be maintained in functional order. If there is an issue with any hardware system it must be reported to the IT department via email and no attempt to correct a hardware issue should be attempted by an employee unless directed to do so by a member of the IT staff. Simple system reboots (i.e. powering off computers, unplugging power, restarting user systems and printers) are exempt from this policy.

- iii.** All City owned hardware and equipment must be accounted for, therefore if any equipment or hardware is lost or stolen it must be reported to you manager and the IT department immediately. This includes, but is not limited to, laptops, PC's, cell phones, PDA's, tablets, facility access control devices, printers, memory cards (USB and SD), etc.
- iv.** Employees may not use the City of Horn Lake's internet, e-mail or other electronic communications to transmit, retrieve or store any communications or other content of a defamatory, discriminatory, harassing or pornographic nature. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference may be transmitted. Harassment of any kind is prohibited. Any such messages should be reported to the IT department.
- v.** Disparaging, abusive, profane or offensive language; materials that might adversely or negatively reflect on the City of Horn Lake or be contrary to its legitimate business interests; and any illegal activities—including piracy, cracking (i.e. utilizing software to bypass program authentication), extortion, blackmail, copyright infringement and unauthorized access to any computers on the Internet or e-mail are prohibited.
- vi.** Copyrighted materials belonging to entities other than the City of Horn Lake may not be transmitted by employees on the city's network without permission of the copyright holder. Employees must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy for reference only. Saving copyright-protected information to a network drive without permission is prohibited. Sharing the URL (uniform resource locator or "address") of an internet site with other interested persons for business reasons is permitted.
- vii.** Employees may not use the system in a way that disrupts its use by others. This includes sending or receiving excessive numbers of large files and "spamming" (sending e-mail to thousands of users.)
- viii.** To prevent contamination of the City of Horn Lake's technology and communications equipment and systems by harmful computer viruses, downloaded files should be checked for possible infection through the IT department. Also, given that many browser add-on packages (called "plug-ins") may not be compatible with other programs and may cause problems

for the systems, downloading plug-ins is prohibited without prior permission from the IT department.

- ix.** Every employee of the City of Horn Lake is responsible for the content of all text, audio or image files that he or she places or sends over the city's internet and e-mail systems. No e-mail or other electronic communications may be sent that hide the identity of the sender or represent the sender as someone else. The City of Horn Lake's identity is attached to all outgoing e-mail communications, which should reflect city values and appropriate workplace language and conduct.
- x.** E-mail and other electronic communications transmitted by City of Horn Lake equipment, systems and networks are not private or confidential, and they are the property of the city. Therefore, the City of Horn Lake reserves the right to examine, monitor and regulate e-mail and other electronic communications, directories, files and all other content, including internet use, transmitted by or stored in its technology systems, whether onsite or offsite.
- xi.** Incoming and Outgoing e-mail, voice mail, and text messages are considered public records and subject to release upon request. This type of request would fall under the Freedom of Information Act (FOIA) guidelines, as well as record retention policies and the Public Records request would be handled by the appropriate department from which the records fall under. IT will not release anything unless instructed to do so by proper authority. Employees must be aware of this possibility when communicating electronically within and outside the organization.
- xii.** All issues with system or network resources must be reported to the IT department via email for resolution. Failure to do so may result in delays in resources, system performance, security, and productivity.
- xiii.** The City of Horn Lake IT continually checks system and network health and security. Any circumvention of system or network security, or putting system or network resources and information at risk is a violation of this policy.

2. City of Horn Lake has established the following guidelines for user access accounts on the City of Horn Lake Domains
  - i. Guest user accounts shall not exist on the Domains of the City of Horn Lake.
  - ii. User accounts are proprietary to each user. Every user account will have a unique password that will be kept updated by each user. All passwords are required to meet certain standards which are enforced by the domain.
  - iii. No user may access another user account without express permission of the account holder. If a user requires access to another account it will be submitted in writing to their Supervisor, which will then bring the request to the IT Department for completion.
  - iv. Supervisors can only request access to accounts within their department. Any access requests made of outside departments will be brought to the Director of the department that the account access is requested for approval.

#### **E. City of Horn Lake's Right to Monitor and Consequences for Misuse**

1. All company-supplied technology, including computer systems, equipment and company-related work records, belong to the City of Horn Lake and not to the employee user. Employees understand the city routinely monitors use patterns, and employees should observe appropriate workplace discretion in their use and maintenance of such city property.
2. Because all the computer systems and software, as well as e-mail and internet connections, are the property of the City of Horn Lake, all city policies apply to their use and are in effect at all times. Any employee who abuses the city-provided access to e-mail, the internet, or other electronic communications or networks, including social media, may be denied future access, and, if appropriate, be subject to disciplinary action up to and including termination.

#### **F. Questions Regarding the Use and Reporting of the City of Horn Lake Technology**

1. If you have questions regarding the appropriate use of any City of Horn Lake electronic communications equipment or systems, including e-mail and the internet, contact your supervisor, manager or the IT department.

## **510 – Social Media**

**PURPOSE:** City of Horn Lake departments may utilize social media and social network sites to further enhance communications with various stakeholder organizations in support of City goals and objectives. City officials and City organizations have the ability to publish articles, facilitate discussions and communicate information through various media related to conducting City business. Social media facilitates further discussion of City issues, operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

### **POLICY:**

1. All City of Horn Lake social media sites shall be (1) approved by the Mayor and/or City Administrator and the requesting Department head; (2) published using approved City social networking platform and tools; and (3) administered by the Information Services Administrator.
2. All City of Horn Lake social networking sites shall adhere to applicable state, federal and local laws, regulations and policies including all Information Technology and Records Management City policies and other applicable City policies.
3. Freedom of Information Act and e-discovery laws and policies apply to social media content and therefore content must be able to be managed, stored and retried to comply with these laws.
4. City of Horn Lake social networking sites are subject to Mississippi public record laws. Relevant City of Horn Lake and Mississippi records retention schedules apply social networking content. Records required to be maintained pursuant to a relevant records retention schedule shall be maintained for the required retention period in a format that preserves the integrity of the original record and is easily accessible using the approved City platforms and tools.
5. All social network sites and entries shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.
6. Content submitted for posting that is deemed not suitable for posting by a City of Horn Lake social networking moderator because it is not topically related to the particular social networking site objective being commented upon, or is deemed prohibited content based on the criteria in Policy – Item 9 of this policy, shall be retained pursuant to the records retention schedule along with a description of the reason the specific content is deemed not suitable for posting.
7. The City of Horn Lake reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.

8. Each City of Horn Lake social networking site shall include an introductory statement which clearly specifies the purpose and scope of the blog and social networking site. Where possible, social networking sites should link back to the official City of Horn Lake Internet site for forms, documents, and other information.
9. City of Horn Lake social networking content and comments containing any of the following forms of content shall not be allowed for posting:
  - a. Comments not topically related to the particular site or blog article being commented upon;
  - b. Profane language or content;
  - c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
  - d. Sexual content or links to sexual content
  - e. Solicitations of commerce;
  - f. Conduct or encouragement of illegal activity;
  - g. Information that may tend to compromise the safety or security of the public or public systems; or
  - h. Content that violates a legal ownership interest of any other party
  - i. Content must be truthful, i.e., job title, job responsibilities etc. if posted on web.
10. All City of Horn Lake networking moderators shall clearly indicate that they are maintained by the City of Horn Lake and shall have City of Horn Lake information prominently displayed.
11. Where appropriate, City IT security policies shall apply to all social networking sites and articles.
12. Employees representing the City government via social media outlets must conduct themselves at all times as a representative of the City and in accordance with all human resource policies. See Attachment C – Employee Guidance for Participating in Social Networking.
13. Employees should not be using social media sites for personal use during working hours unless specifically work related.
14. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

**Attachment “A”**  
**Definitions**

For the purpose of the City of Horn Lake Media Policy, the following terms are defined as provided below.

1. Social Media: Social media is content created by individuals using accessible and scalable technologies through the Internet. Examples of social media include Face book, blogs, Myspace, RSS, U Tube, Second Life, Twitter, LinkedIn, Delicious, Flickr, etc.
2. Blog: (An abridgment of the term web log) is a City of Horn Lake website with regular entries of commentary, descriptions of events, or other material such as graphics or video.
3. City of Horn Lake Author: An authorized City of Horn Lake official that creates and is responsible for posted articles and information on social media sites.
4. Article: An original posting of content to a City of Horn Lake social media site by a City of Horn Lake author.
5. Commenter: A City of Horn Lake official or member of the public who submits a comment for posting in response to the content of a particular City of Horn Lake article or social media content.
6. Comment: A response to a City of Horn Lake article or social media content submitted by a commenter.
7. City of Horn Lake Moderator: An authorized City of Horn Lake official, who reviews, authorizes and allows content submitted by City of Horn Lake authors and public commentators to be posted to a City of Horn Lake social media sites.

**Attachment “B”**

**BLOG STANDARDS**

Comments submitted by members of the public must be directly related to the content of the articles. Submission of comments by members of the public constitutes participation in a limited public forum. City of Horn Lake blog moderators shall allow comments that are topically related to the particular article being commented and thus within the purpose of the limited public forum, with the exception of the prohibited content listed in Policy – General – Section 9.

### **Author and Commenter Identification**

1. All City of Horn Lake blog authors and public commentators shall be clearly identified.
2. Enrollment of public commentators shall be accompanied by valid contact information, including a name, address and email address.

### **Ownership and Moderation**

1. The content of each City of Horn Lake blog shall be owned by the sole responsibility of the department producing and using the blog.
2. Documents and articles submitted to a City of Horn Lake blog shall be moderated by an authorized and trained blog moderator.

### **Blog Comments & Responses**

1. All blog articles and comments shall be reviewed and approved by an authorized blog moderator before posting on a City of Horn Lake blog.
2. All blog articles and comments submitted for posting with attached content shall be scanned using antivirus technology prior to posting.
3. The linked content of embedded hyperlinks within any City of Horn Lake blog articles or blog comments submitted for posting shall be evaluated prior to posting. Any posted hyperlinks shall be accompanied by a disclaimer stating the City of Horn Lake guarantees neither the authenticity, accuracy, appropriateness nor security of the link, web site or content linked thereto.

## **Attachment “C”**

### **Employee Guidance for Participating in Social Networking**

The City of Horn Lake understands that social networking and Internet Services have become a common form of communication in the workplace and among stakeholders, citizens and employees. Social networks are online communities of people or organizations that share interests and/or activities and use a wide variety of Internet technology to make the interaction a rich and robust experience. Employees that choose to participate in social networks as a City employee should adhere to the following guidelines.



1. City policies, rules, regulations and standards of conduct apply to employees that engage in social networking activities while conducting City business. Use of your City e-mail address and communicating in your official capacity will constitute conducting City business.
2. City employees shall notify their supervisor and the IT department if they intend to create a social networking site or service to conduct City business.
3. Departments have the option of allowing employees to participate in existing social networking sites as part of their job duties. Department Heads may allow or disallow employee participation in any social networking activities in their departments.
4. Protect your privacy, the privacy of citizens, and the information the City holds. Follow all privacy protection laws, i.e., HIPPA, and protect sensitive and confidential City information.
5. Follow all copyright laws, public records laws, retention laws, fair use and financial disclosure laws and any others laws that might apply to the City or your functional area.
6. Do not cite vendors, suppliers, clients, citizens, co-workers or other stakeholders without their approval.
7. Make it clear that you are speaking for yourself and not on behalf of the City of Horn Lake. If you publish content on any website out of the City of Horn Lake and it has something to do with the work you do or subjects associated with the City, use a disclaimer such as this: “The postings on this site are my own and don’t necessarily represent the City’s positions or opinions.”
8. Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the City’s workplace. Avoid comments or topics that may be considered objectionable or inflammatory.
9. If you identify yourself as a City employee, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, citizens and other stakeholders.
10. Correct your mistakes, and don’t alter previous posts without indicating that you have done so. Frame any comments or opposing views in a positive manner.
11. Add value to the City of Horn Lake through your interaction. Provide worthwhile information and perspective.

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

A) all employees are responsible for maintaining the organization's positive reputation and under no circumstances should employees present the City to the public in a manner that diminishes its standing within the community. Instead, employees are responsible for presenting the organization in a manner that safeguards the positive reputation of themselves, as well as the organization's employees. If an employee chooses to identify him or herself as a City of Horn Lake employee on any social media network, he or she must adhere to the following:

- 1) Employees are required to state in clear terms that the views expressed on any social media network are the employee's alone and that they do not necessarily reflect the views of the City of Horn Lake.
- 2) Employees are prohibited from disclosing information on any social media network that is confidential or proprietary to the City of Horn Lake or to a third party that has disclosed information to the organization. For example, discussing an incident that occurs at the City of Horn Lake.
- 3) Employees are prohibited from displaying the City of Horn Lake logo on any social media network without the permission from City of Horn Lake. Also, they should not post images of co-workers without the written consent of their co-workers'.
- 4) Employees are prohibited from making statements about the City of Horn Lake, their coworkers, our customers, agents, or partners that could be considered as harassing, threatening, libelous, or defamatory in any way.
- 5) Employees are prohibited from acting as a spokesperson for the City of Horn Lake or posting comments as a representative of the City, unless approved as part of their position by the Mayor or their Department Head.
- 6) Employees are prohibited from sharing any communication that engages in personal or sexual harassment, unfounded accusations, or remarks that would contribute to a hostile work environment (racial, sexual, religious, etc.), as well as any behavior that can be seen as questionable.

Employees should let the Information Technology (IT) Department know if they encounter incorrect information about the City of Horn Lake that might randomly appear online.

Employees themselves should not attempt to correct any such information that appears online.

## **510.1 – City Sponsored Social Media Sites**

### **City of Horn Lake Policy Regarding City Sponsored Social Media Sites**

To address the ever changing landscape of the internet and the way citizens communicate and obtain information online, the City of Horn Lake will maintain the following social media accounts:

- **City of Horn Lake Facebook page**
- **City of Horn Lake Twitter**
- **Horn Lake Parks & Recreation Facebook Page**
- **Horn Lake Parks & Recreation Twitter**
- **Horn Lake Police Facebook Page**
- **Horn Lake Police Twitter**
- **Horn Lake Animal Shelter Facebook Page**
- **Horn Lake Fire Department Facebook Page**

#### **Administration**

Each site shall be set up with the assistance of the IT department to ensure consistent city branding and settings. Departments and their authorized social media administrators are expected to adhere to standard AP style in all posts and shall avoid jargon and abbreviations. Departments are responsible for monitoring material posted to their social media sites to ensure timely, relevant content; respond promptly to questions or replies; replacement of stale, outdated or incorrect information and removal of inappropriate content.

#### **Inventory & Security**

- A full inventory of the City's official social media accounts shall be maintained by the Information Technology department (webmaster) and the Mayor's Office.
- The IT department shall also maintain an up-to-date list of the login and password information for all official City of Horn Lake social media accounts.
- Department directors or their designees are responsible for providing updated information regarding any changes to login information or other administrative tools.
- The IT department shall establish guidelines for password security for all social media accounts. All City accounts not in compliance with these guidelines shall develop new, compliant passwords.
- The IT department reserve the right to immediately edit or remove content from any of the City's social media accounts if it is determined that the content represents a security risk (malware, etc.) or if it violates the policies in this document.
- If a designated administrator is removed from the role, the department director shall inform the IT department immediately in order to change all social media account passwords.
- All authorized account administrators must sign an acknowledgement form indicating that they agree to follow all of the terms, standards and guidelines set forth in this policy document.
- For the purposes of public record retention, account administrators shall not delete information from the application unless adequate retention steps have been taken to preserve the data, either electronically or in printed form.

## Social Media Standards

The following section outlines standards for the use, management and creation of social media channels for the City of Horn Lake.

- The City's official website (<http://www.hornlake.org>) is and will remain the primary online hub for all City information. Consequently, social media channels should be used in conjunction with the City's website whenever appropriate.
- Social media is not acceptable as a primary method of information dissemination during an emergency. In these cases, social media may be used to amplify the broadcast of this information, but only after standard emergency public information protocols have been followed.
- No department or City agency may establish or terminate a social media identity, account, profile, page or site without the approval of the Mayor and/or Board of Alderman.
- All new social media tools proposed for City use shall require the same approval.
- All official City social media outlets are considered an extension of the City's network and are subject to all related administrative policies, including but not limited to policies on computer use.
- All official social media profiles must clearly identify the pages as created and managed by the City of Horn Lake, identified as a department, agency or division of the city.
- Whenever possible, posts to social media accounts should include links directing users back to the City's official website for further information, online services or official statements from the City.
- Only authorized individuals chosen by respective department heads shall have permission to create, publish or comment on behalf of any official City of Horn Lake social media channel. A roster of approved content creators/moderators will be maintained by the IT Department. Department heads are responsible for maintaining the accuracy of this list.
- Official City social media channels are subject to the Mississippi Public Records Act. Any content posted to these channels is a public record. The department maintaining the channel – in conjunction with the City Attorney and City Clerk – is responsible for responding completely and accurately to any public records request for content posted to social media channels.
- Employees should be made aware that their use of social media will be perceived as representing the City and City government, and should tailor their use accordingly.
- Visitors to all City social media channels should immediately encounter links to the City's official website and – when appropriate – links to the specific City agency or department related to the social media channel.

## Mandatory Notices

On each social media site, visitors shall be informed that the City disclaims any and all responsibility and liability for any materials that the City deems inappropriate for posting, which cannot be immediately removed. Furthermore, visitors shall be informed that comments posted by members of the public are the opinion of the commentator or poster only, and the posting of a comment does not imply the City's endorsement or agreement, nor do public comments necessarily reflect the opinions or policies of the City. The City neither guarantees the authenticity, accuracy, appropriateness nor security of external links, websites, or content linked thereto. Any content generated by City staff or the public posted to an official City of Horn Lake social media site is subject to public disclosure.

## **Social Media Comment Policy**

The City of Horn Lake's use of social media is provided as a public service. The City of Horn Lake disclaims liability for ads, videos, promoted content or comments accessible from any external web page. The responsibility for external content or comments rests with the organizations or individuals providing them. Any inclusion of external content or comments on social media sites does not imply endorsement by the City of Horn Lake. Comments posted to this site will be monitored during regular City business hours only. The City disclaims any and all responsibility and liability for inappropriate content posted to its social media sites that cannot be removed in an expeditious or otherwise timely manner.

The following types of content are prohibited to both administrators and commenters on the site and the City reserves the right to remove any such content without notice:

- Comments not topically related to City programs, services, projects, issues, events and activities, or the particular post being commented upon.
- Posts and comments that promote or advertise commercial services, entities or products except as stipulated in City marketing plans and determined by the City to be essential to economic development.
- Political statements, including comments that endorse or oppose political candidates or ballot propositions.
- Religious statements, including comments that endorse or oppose any type of religious opinions or activities.
- Posts and comments that promote, foster or perpetuate discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation.
- Posts and comments that include vulgar, offensive, threatening or harassing language, personal attacks or unsupported accusations.
- Obscene or sexual content or links to obscene or sexual content illegal activity or encouragement of illegal activity.
- Information that may tend to compromise the safety or security of the public or public systems.
- Content that violates a legal ownership interest of any other party.
- Links to external sites that fall under one of the aforementioned categories. All comments and private messages received via City of Horn Lake social media sites are public records and subject to public disclosure.

## **Prohibited Use and Activities**

The following section pertains to both employee uses of City social media accounts as well as public generated content (posts to pages, comments, etc.). The following activities are unacceptable and are prohibited on any and all of the City's social media platforms and shall be removed as soon as possible:

- Any use of social media that does not comply with federal, state and local laws and regulations, or with the City's policies set forth in this document and elsewhere

- Profane language or content, including sexually explicit images, cartoons or jokes
- Any content that includes ethnic slurs, personal insults, language that is harassing, defamatory, fraudulent or discriminatory on the basis of race, creed, color, age, religion, gender marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation
- Content in support or opposition to political campaigns or ballot measures
- Solicitations of commerce
- Conduct or encouragement of illegal activity
- Comments not topically related to the content being commented on
- Anything that contains confidential information or information that compromises the security of City networks or information systems
- Content that violates a legal ownership interest of another party
- Content that violates the terms of use governing the social media account
- Hyperlinks to content that falls under one of the categories above

### **511 – Workplace Monitoring**

Workplace monitoring may be conducted by the City to ensure quality control, employee safety, security and citizen satisfaction.

Employees who regularly communicate with citizens may have their telephone conversations monitored or recorded. Telephone monitoring is used to identify and correct performance problems through targeted training. Improved job performance enhances our citizens' image of the City as well as their satisfaction with our service.

The City may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct and discourage or prevent acts of harassment and workplace violence.

Because the City is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

### **512 – Personal Appearance/Dress Code**

Employees of the City are expected to maintain good personal cleanliness, attire and hygiene. Employees should present a neat, professional appearance at all times and be groomed and dressed appropriately. Those in the Public Safety areas should refer to their Standard Operating Procedures and/or established Uniform Agreements.

If the employee's supervisor finds an employee's attire to be unacceptable, the employee will be asked to return home to change into acceptable attire. Monday through Thursday, the dress of municipal employees that come into contact with the public should be business dress.

In particular, employees are required to dress in a professional manner. This is accomplished by observing the following rules for business dress:

Examples of prohibited clothing include but are not limited to:

- Clothing items with rude or obscene gestures, graphics or language
- Clothing items which exhibit signs of excessive wear
- Shoes which do not provide adequate protection for your job classification
- No flip-flops
- Large jewelry that could potentially get caught in equipment and cause a safety hazard
- No halter tops
- No revealing or provocative clothing
- No shorts

Examples of personal appearance or hygiene issues which may violate our policy include, but are not limited to:

- Excessive odors (such as strong perfume) which cause disruption, distraction or trigger serious health reactions in individuals with asthma, allergies, migraines, or chemical sensitivities in the workplace.
- All excessive forms of body-piercing not confined to earlobes and/or multiple piercings in earlobes) are considered inappropriate for employees of the City of Horn Lake while on duty.
- Artificial hair color dyes

Tattoos and body alterations are prohibited from being visible when they:

- a) Infer sexual, racial, religious, ethnic or related intolerances.
- b) Portray derogatory or offensive characterizations contrary to the values of the City.
- c) Depict or represent criminally or historically oppressive organizations.
- d) Depict any advertisement or endorsement; unless specifically exempted by the City.
- e) Appear on the hands, neck, head, ears, face, mouth, tongue or teeth; with the exception of a single ring tattoo around the base of one finger

On Fridays, the acceptable attire will be business casual unless otherwise not allowed by your Department Director.

It is the policy of the City of Horn Lake to accommodate employees on the basis of disability, national origin and religion. If you feel that an aspect of this policy or its enforcement causes discrimination on the basis of disability, national origin or religion, please contact the Human Resources Department.

### **601 – Medical Leave (FMLA)**

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

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

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

#### **Covered employer**

An employer covered by FLMA is any person engaged in commerce or in any industry or activity affecting commerce, who employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year.

#### **Eligible Employees**

An eligible employee is one who has been employed for the City of Horn Lake for at least 12 months; worked at least 1250 hours of service during the last 12 month period. Previous period of employment with the City of Horn Lake will be counted to meet the 12-month service requirement.

Employment periods prior to break in employment of seven years or more are not counted; however, employment periods prior to a break in employment of more than seven years are counted if such leave is due to National Guard or Reserve military leave. Employees who return to work from National Guard or Reserve military duty are credited for the time that they are on military leave to meet the 1,250 hours of service.

#### **Reasons for FMLA Leave**

Employers covered by FMLA are required to grant leave to eligible employees; (1) For birth of a son or daughter, and to care for the newborn child, (2) For placement with the employee of a son or daughter for adoption or foster care, (3) To care for the employee’s spouse, son, daughter, or parent with a serious health condition, (4) Because of a serious health condition that makes the employee unable to perform the functions of the employee’s job, (5) Because of any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation, and (6) To care for a covered service member with a



serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member.

In addition, “eligible” employees of a covered employer may take job protected, unpaid leave, or substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 26 workweeks in a “single 12-month period” to care for a covered service member with a serious injury or illness.

FMLA leave for serious health conditions does not cover short-term illnesses that are covered normally by the City of Horn Lake’s sick leave program. Conditions such as the common cold, flu ear infections, upset stomach, minor ulcers, and headaches (other than migraines) are not considered to be serious health conditions. Restorative dental or plastic surgery after injuries or removal of cancerous growths, mental illness or allergies can be considered serious health conditions under certain circumstances.

If a dispute arises about whether leave qualifies as FMLA leave, a resolution will be discussed with you. Any discussions and the decision about the leave will be documented.

### **Requesting FMLA Leave**

Employees who request FMLA leave must give 30 days’ advance notice to their supervisors. If fail to provide such notice, employee may be required to explain to their supervisor why such notice was not provided. When employees request leave due to a FMLA – qualifying reason which was previously approved, they must specify the qualifying reason for leave or the need for FMLA leave. When employees are previously approved for leave due to more than one FMLA-qualifying reason, the City of Horn Lake can inquire further to determine which qualifying reason supports the leave. Employees who cannot provide at least 30 days advance notice of their need for leave, because of a change in circumstances or a medical emergency, must notify their supervisors as soon as practicable.

After submitting request(s) for leave, the Human Resources Department will provide the following notices within five (5) business days:

- FMLA Eligibility Notice that states whether employees are eligible for FMLA leave. Employees do not receive additional eligibility notices for subsequent FMLA leaves during a 12-month leave period if their eligibility status remains unchanged; if employees’ eligibility status changes, the Human Resources Department will notify them of their ineligibility for leave within five business days of the request.
- FMLA Rights and Responsibilities Notice that describes employees’ rights and responsibilities under FMLA and consequences for failing to comply. If specific information in the notice changes, the Human Resources Department will provide written notice to employees within five business days of receiving employee’s first notice of need for leave subsequent to any change; the notice will reference the prior notice and provide new information.

At any time, the City can be contacted about and will respond to any questions about employees' rights and responsibilities under FMLA.

- FMLA Leave Designation Notice that describes whether leave is designated and counted as FMLA leave. Employees will receive one designation notice for each FMLA-qualifying reason per 12-month leave period. Employees will also receive written notification if any information changes in designation notices for subsequent requests within five business days. Employees will be notified of the time counted against their 12 weeks of leave. If such information is known at the time leave is designated.

### **Medical Certification**

Employees must complete and submit medical certifications to Employer within 15 calendar days from the date certifications are provided. If employees provide incomplete or insufficient medical certifications, they will be advised that additional information is necessary to make certifications complete and sufficient. Employees must return revised medical certifications to the City of Horn Lake within seven business days.

Employer may contact employee's health care provider for clarification or authentication of medical certifications after employees have had the opportunity to revise insufficient or incomplete certifications; and can require employees to obtain a second medical certification from a health care provider that is selected and paid for by the Employer. If the Employer receives a medical opinion from the second health care provider that is different from employees' health care provider, Employer can require employees to obtain a third medical certification from a third health care provider. Employer and employee will discuss and agree upon the selection of the third health care provider, and Employer will pay for the third health care provider. The third health care provider's medical opinion is considered to be the final medical opinion. Employer will provide employees with copies of second and third medical certifications, if requested, within five business days.

If FMLA leave is requested for employees' or their family members' serious health condition that continues beyond a single leave year, employees must provide Employer with new medical certifications each leave year. Under certain circumstances, Employer can require certifications of employees' or their family members' medical conditions. For example, Employer can request certifications over 30 days for pregnancy or chronic conditions.

### **Serious Health Condition**

For purposes of FMLA "serious health condition" entitling an employee to FMLA leaves means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

### **Inpatient Care**

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

### **Continuing Treatment**

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

#### **(a) Incapacity and Treatment**

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

- (1) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct (e.g., physical therapist) under orders of, or on referral by, a health care provider, or
- (2) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.
- (3) The requirement in paragraphs (a) (1) and (2) of this section for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.
- (4) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

#### **(b) Pregnancy or Prenatal Care**

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

#### **(c) Chronic conditions**

Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which: (1) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; (2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and (3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

(d) **Permanent or long-term conditions**

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

**Leave for pregnancy or birth**

General rules.

Eligible employees are entitled to FMLA leave for pregnancy or birth of a child as follows:

- (1) Both the mother and father are entitled to FMLA leave for the birth of their child.
- (2) Both the mother and father are entitled to FMLA to be with the healthy newborn child (i.e., bonding time) during the 12-month period beginning on the date of birth. An employee's entitlement to FMLA leave for a birth expires at the end of the 12-month period beginning on the date of the birth.
- (3) A husband and wife who are eligible for FMLA leave and are employed by the City of Horn Lake will be limited to a combined total of 26 workweeks of leave during any 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care for the child after placement.

**Intermittent and reduced schedule leave**

An eligible employee may not use intermittent or reduced schedule leave after the birth to be with a healthy newborn child.

**Leave for adoption or foster care**

General rules. Eligible employees are entitled to FMLA leave for placement with the employee of a son or daughter for adoption or foster care as follows:

Employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required to attending counseling sessions, appear in court, consult with his or her attorney or the doctor(s) representing the birth parent, submit to a physical examination, or travel to another country to complete an adoption. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for leave for this purpose.

### **Unable to perform the functions of the position**

(a) Definition. An employee is “unable to perform the essential functions of the position” where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee’s position within the meaning of the Americans with Disabilities Act (ADA), as amended. An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

(b) Statement of functions. We require certification from a health care provider to specify what functions of the employee’s position the employee is unable to perform so that we can then determine whether the employee is unable to perform one or more essential functions of the employee’s position.

### **Leave because of a qualifying exigency**

Eligible employees may take FMLA leave while the employee’s spouse, son, daughter, or parent (the “covered military member”) is on active duty or call to active duty status for one or more of the following qualifying exigencies: (1) Short-notice deployment (2) Military events and related activities (3) Childcare and school activities (4) Financial and legal arrangements (5) Counseling: To attend counseling provided by someone other than a health care provider (6) Rest and recuperation (7) Post-deployment activities (8) Additional activities. To address other events which arise out of the covered military member’s active duty or call to active duty status provided that the employer and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

An employee whose family member is on active duty or call to active duty status in support of a contingency operation as a member of the Regular Armed Forces is not eligible to take leave because of a qualifying exigency.

### **Leave to care for a covered service member with a serious injury or illness**

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list.

(1) A “serious injury or illness” means an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

(2) “Outpatient status,” with respect to a covered service member, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed

Forces receiving medical care as outpatients. In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.

(3) An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the “single 12-month period” described in paragraph ( c ) of this section, provided that the employee is entitled to no more than 12 weeks of leave for one or more of the following: because of the birth of a son or daughter of the employee and in order to care for such son or daughter; because of the placement of a son or daughter with the employee for adoption or foster care; in order to care for the spouse, son, daughter, or parent with a serious health condition; because of the employee’s own serious health condition; or because of a qualifying exigency.

A husband and wife who are eligible for FMLA leave and are both employed by us will be limited to a combined total of 26 workweeks of leave during the “single 12-month period” if the leave is taken for birth of the employee’s son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee’s parent with a serious health condition where a portion of the combined 26 weeks of leave is to care for a covered service member with a serious injury or illness.

### **Return to Duty from Family Leave**

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

“Qualifying exigencies” generally include:

- 1) Short-notice deployment;
- 2) Military events and related activities;
- 3) Childcare and school activities;
- 4) Financial and legal arrangements;
- 5) Counseling;
- 6) Rest and recuperation;
- 7) Post-deployment activities, and;
- 8) Additional activities agreed to by the City and eligible employees

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

### **Enforcement**

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

### **Amount of Leave**

Except in the case of leave to care for a covered service member with a serious injury or illness, an eligible employee's FMLA leave entitlement is limited to a total of 12 workweeks of leave during any 12 month period. The 12-month period is calculated as follows: a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

### **Intermittent leave or reduced leave schedule**

FMLA leave may be taken "intermittently or on a reduced leave schedule" under certain circumstances. Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

### **Substitution of paid leave**

Our employees are required to substitute accrued paid leave for FMLA leave. FMLA leave runs concurrently with other types of leave.

### **Maintenance of employee benefits**

Group health plan benefits will be maintained on the same basis as coverage would have been provided if the employee had been continuously employed during the FMLA leave period. Therefore, any share of group health plan premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period.

If the FMLA leave is substituted paid leave, your share of premiums will be paid by the method normally used during any paid leave, such as payroll deduction.

If FMLA leave is unpaid, payment is due on the same schedule as payments are made under COBRA which is the first day of the month.

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

### **Key employee, general rule**

A “key employee” is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee’s worksite.

### **Substantial and grievous economic injury**

In order to deny restoration to a key employee, we must determine that the restoration of the employee to employment will cause “substantial and grievous economic injury” to our operations, not whether the absence of the employee will cause such substantial and grievous injury.

### **Rights of a key employee**

If we believe that reinstatement may be denied to a key employee, we will give written notice to the employee at the time the employee gives notice of the need for FMLA leave (or when FMLA leave commences, if earlier) that he or she qualifies as a key employee. At the same time, the employer must also fully inform the employee of the potential consequences with respect to reinstatement and maintenance of health benefits if the employer should determine that substantial and grievous economic injury to the employer’s operations will result if the employee is reinstated from FMLA leave.

### **Employee notice requirements for unforeseeable FMLA leave**

Calling in “sick” without providing more information will not be considered sufficient notice to trigger an employer’s obligations under the Act.

### **Certification, general rule**

We will require that an employee’s leave to care for the employee’s covered family member with a serious health condition, or due to the employee’s own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee’s position, be supported by a certification issued by the health care provider of the employee or the employee’s family member. We also require that an employee’s leave because of a qualifying exigency or to care for a covered service member with a serious injury or illness be supported by a certification.

### **Timing**

The employee must provide the requested certification to us within 15 calendar days after our request unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good faith efforts. The employee must provide a complete and sufficient certification to the employer. A certification is considered incomplete if we receive a certification, but one or more of the applicable entries have not been completed.



### **Unforeseeable leave**

When the need for FMLA leave is unforeseeable and an employee fails to give notice, the extent to which an employer may delay FMLA coverage for leave will be determined based upon the facts of the particular case.

### **Scheduling planned medical treatment**

When planning medical treatment, the employee must consult with us and make a reasonable effort to schedule the treatment so as not to unduly disrupt operations, subject to the approval of the health care provider.

Employees are ordinarily expected to consult with us prior to the scheduling of treatment in order to work out a treatment schedule which best suits our needs and the needs of the employee subject to the approval of the health care provider.

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee shall advise the employer, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and the employer shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting our operations, subject to the approval of the health care provider.

### **Pay and Benefits During FMLA Leave**

FMLA leave is both paid and unpaid. The City of Horn Lake requires employees to substitute all accrued vacation, sick and personal time for FMLA paid leave. FMLA leave taken after employees' accrued vacation, sick, and personal time is exhausted is unpaid. Holidays that occur during FMLA leave will be paid. Employees who choose to take paid FMLA leave, will accrue vacation and sick time during FMLA leave. For those on unpaid leave, vacation, sick and holiday time will not be paid.

### **Employee Benefits while on FMLA**

The City of Horn Lake will maintain your group health care plan benefits for employees on FMLA leave. Employees must pay their premium copayments (if applicable) while out on FMLA leave and are notified how to make the payments necessary during leave. If health care is terminated due to nonpayment of premium copayment, Employer will provide written notice to employee 15 days in advance of the termination date. Employees can be required to reimburse Employer for any group health insurance premiums paid during leave if employees do not return to work from leave. Employees who do not return to work from FMLA leave and those who lose coverage due to nonpayment of premium copayments can continue their group health insurance coverage under COBRA.

### **Return from FMLA Leave**

Employees who return from FMLA leave will be reinstated to their former positions or to positions with equivalent pay, benefits, and other employment terms and conditions. If employees are no longer qualified for their former positions because of their inability to attend certain work-related functions or classes as a result of leave, Employer will provide them with a reasonable opportunity to fulfill those conditions upon returning to work except those designated in “key” positions.

Employees who return from FMLA leave retain all benefits they accrued prior to the start of leave. They also will receive any unconditional pay increases that were distributed during their FMLA leave.

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

### **Interaction with Federal and State anti-discrimination laws**

We will not discriminate against employees as a result of the approved use of family care or medical leave or a proper request for such leave. Requests for family care and medical leave will be considered without regard to race, color, citizenship status, national origin, ancestry, gender, sexual orientation, age, religion, creed, physical or mental disability, marital status or veteran status.

### **602 - Breastfeeding Mothers**

It is the policy of the City of Horn Lake to support the health and wellbeing of working mothers and their children. As part of this policy, in compliance with the Patient Protection and Affordable Care Act of 2010 and the Mississippi Code Section 17-25-7, the City of Horn Lake will provide eligible employees with:

- Reasonable break periods to express milk during the first year following the birth of a child.
- A private area, other than a restroom, where the employee may express milk and be shielded from view and free from intrusion.
- Appropriate storage areas for pumps and other equipment as well as expressed milk.

Employee Responsibilities:

- Notify your supervisor before taking your break
- Clock out when taking a break period, if applicable

- Label your expressed milk. The label should identify it as expressed milk and include your name and the date it was expressed
- Keep the breastfeeding area clean and tidy

### **603 - Military Leave – Federal & State Laws**

#### Uniformed Services Employment and Reemployment Rights Act (USERRA)

If you are an Active employee and called to active military service in the Armed Forces of the United States, you are entitled to certain rights, including continued health care coverage for a up to a maximum of 24 months from the date that service commences.

The USERRA is the primary federal law that provides employment and benefit protection for Covered Employees who are absent from Covered Employment because of certain military service. An employer may not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to an individual on the basis of his or her membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

#### **Eligibility Rules for USERRA:**

To qualify for USERRA re-employment rights, including certain limited health care benefits (summarized below) you must be a Covered Employee and meet the following requirements:

- A. Purpose of Leave. Your departure from civilian employment is for the purpose of entering a “uniformed service.” Uniformed service includes the Army, Navy, Air Force, Marine Corp., Coast Guard, National Guard (full time duty only), Commissioned Corps of the Public Health Service and anyone else designated as covered by the President of the United States during the time of war or National Emergency.
- B. Employee Must Provide Prior Notice of Service. You must ensure that your employer receives advance written or verbal notice of your service requirement.
- C. Assert Military Rights for no More than Five Years (with certain exceptions). You may assert USERRA benefits for military absence not to exceed five years. There are limited exceptions to the five-year rule so if you are close to that period, you may contact the Plan Office to determine if your situation may meet an exception to the five-year rule.
- D. Employee Must be Honorably Discharged from Service. You must have been honorably discharged from the military service.
- E. Return to Covered Employment within a Specified Period. You must return to your same Employer or another Contributing Employer within a specified period of time, depending upon the length of time you are absent for military service. The rules for return to employment are:

- i. Service of Less than 31 Days. If your period of military service is less than 31 days, you must be available for Covered Employment on the next calendar day (so long as you had at least eight hours rest after returning home by normal transportation methods) following the end of service.
- ii. Service of More than 30 and Less than 181 Days. If your military service lasts longer than 30 days but less than 181 days, you must be available for Covered Employment no later than 14 days after completion of the military service.
- iii. Service of More than 180 Days. If your leave from Covered Employment for military service exceeds 180 days, you must be available for Covered Employment no later than 90 days after you have completed your military service.

**Right to Certain Health Care Benefits under the Plan:**

- A. Less than 31 Days of Service. If you are absent from Covered Employment for less than 31 days, you may elect to continue your coverage under the Plan on the same terms and conditions as if you remained actively at work.
- B. Absent for More than 30 Days. If you are absent from Covered Employment as a result of military service for more than 30 days, you may elect to purchase COBRA-like coverage for up to 24 months (the first 30 days of which is available to you as if you remained actively at work). After that first 30 days, you will be required to pay a premium which is 102% of the Plan's cost of the coverage. Typical rights under COBRA are for 18 months, rather than the longer 24 month period for veterans. USERRA's continuation requirements are similar to but are not identical to the coverage you would receive under COBRA.
- C. Vacation/Sick Leave Accrual – Neither USERRA (Federal Law) nor state law (Mississippi Code Section 33-1-21) provides for an employee to continue to accrue annual or sick leave while the employee is out on military leave without pay. Under USERRA accrued leave “must be provided by an employer to an employee on a military leave of absence only if the employer provides that benefit to similarly situated employees on comparable leaves of absence.” Since the City of Horn Lake does not provide accrual of annual or sick leave for other employees during unpaid leave of absences, USERRA does not require it for an employee on a military leave of absence.

## **Military Family Leave**

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

“Qualifying exigencies” generally include:

- (1) Short-notice deployment;
- (2) Military events and related activities;
- (3) Childcare and school activities;
- (4) Financial and legal arrangements;
- (5) Counseling;
- (6) Rest and recuperation;
- (7) Post-deployment activities, and;
- (8) Additional activities agreed to by the City and eligible employees

## **Military Caregiver Leave**

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

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

## **Military Leave**

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

### *Military Leave – Mississippi State Law*

Mississippi law on the subject of employees called to military service is covered in Mississippi Code 1972, §33-1-21. The law provides that state employees and employees of "any county, municipality or other political subdivision" are entitled to a leave of absence from their respective duties for periods not to exceed 15 days without loss of pay, time, annual leave or efficiency rating when ordered to military duty.

- Affected employers do not have to pay such employees after the 15-day absence, but all other benefits are to remain intact until the employee "is relieved from duty."
- Employees released from military service have 90 days to apply for reemployment and cannot be discharged "without cause" within one year after reinstatement to their position.
- Reemployment protection is not extended to employees dishonorably discharged from military service.
- The computation of the fifteen (15) days of military leave each calendar year includes only those days the employee would have been performing their duties had they not been ordered to active duty. Therefore, holidays and weekends, which are not scheduled workdays, will not be counted or computed against the fifteen (15) days of military leave for a given calendar year.
- Military leave is granted over and above an employee's personal and/or sick leave. An employee may take personal leave in addition to military leave when ordered to military duty. Medical leave may not be taken.

### *Conflict between USERRA and Mississippi Military Leave Laws*

This City shall comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA") which, among other things, removes the distinction between active service personnel and reserve personnel from the employer's perspective.

In the event there is a conflict between the aforementioned military leave laws, the law that provides the most generous benefit to the eligible employee shall prevail.

### *604 - Donation of Leave Time*

Any employee may request to donate a portion of his or her earned annual or sick leave to another employee who has exhausted all of their time earned due to medical or unforeseen circumstances. **Employees who are terminated, resign, or retire their employment with the City of Horn Lake and have a remaining balance of vacation and sick time are not eligible to donate.**

The leave donation can be made as in accordance with the following:

1. The employee donating the leave (the "donor employee") shall designate the employee who is to receive the leave (the "recipient employee") and the amount of earned annual or sick leave that is to be donated to the employee's Department Head.

The donor employee's department head shall then notify Human Resources with the Donation of Leave Form. Donation Leave must be in increments of no less than one hour.

2. The maximum amount of earned annual leave or sick that an employee may donate to any other employee may not exceed a number of days that would leave the donor employee with fewer than fifteen (15) days or one hundred and twenty (120) hours of combined annual and sick leave.
3. An employee must have exhausted all of his or her earned personal leave and major medical leave before he or she will be eligible to receive any leave donated by another employee.
4. Has not, in the two-year period immediately preceding the employee's need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness or abuse of time; and
5. Either:
  - a. Suffers from a catastrophic health condition or injury;
  - b. Is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury;  
or
  - c. Requires absence from work due to the donation of an organ.
6. The total amount of leave that is donated to any employee shall be done on a payroll-to-payroll basis. In other words, each pay period will determine how many hours that will be credited from the donor. This is to prevent the recipient from having too much time donated that may not be necessary for the allocated time period.
7. The Department Director will review each request for Donation of Leave on a case-by-case basis.

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

### **605 - Compliance with Immigration Law**

The City of Horn Lake will employ only United States citizens and those non-United States citizens who are authorized to work in the United States. We will comply with all aspects of the Immigration Reform and Control Act of 1986.

As a condition of employment, each new employee must complete the Employment Eligibility Verification Form (I-9) and present documentation establishing identity and substantiating employment eligibility.

Former employees who are rehired must also complete the form if they have not completed an I-9 with the City of Horn Lake within the past 3 years or if their previous I-9 is no longer retained or valid.

The City of Horn Lake will not discriminate on the basis of national origin or citizenship.

The Department of Homeland Security (DHS) and the Social Security Administration (SSA) have established an electronic system called E-Verify to assist employers further in verifying the employment eligibility of all newly-hired employees.

The City of Horn Lake has elected to utilize the E-Verify system to ensure compliance with Federal immigration laws.

Through E-Verify, employers send information about you from your Form I-9 to SSA and DHS to ensure that you are authorized to work in the United States and that your name, Social Security Number, date of birth, citizenship status, and any other non-citizen information you choose to provide us on the Form I-9 match government records. As an employee, you have certain rights and responsibilities.

- Employers must post a notice informing employees of their use of E-Verify
- E-Verify must be used for new hires only. It cannot be used to verify the employment eligibility of current employees.
- E-Verify must be used for all new hires regardless of national origin or citizenship status. It may not be used selectively.
- E-Verify must be used only after hire and after completion of the Form I-9. Employers may not pre-screen applicants through E-Verify.
- If an employee receives an information mismatch from their Form I-9 and SSA and DHS databases, the employers must promptly provide the employee with information about how to challenge the information mismatch, including a written notice generated by E-Verify.
- If an employee decides to challenge the information mismatch, the City will provide the person with a referral letter issued by E-Verify that contains specific instructions and contact information.
- Employers may not take any adverse action against an employee because he/she contests the information mismatch. This includes firing, suspending, withholding pay or training, or otherwise infringing upon his/her employment.
- The employee must be given 8 working days to contact the appropriate federal agency to contest the information mismatch.
- If an employee receives a SSA tentative non-confirmation (TNC), they have the option of visiting an SSA field office to update their record or if the employee is a naturalized citizen, the employee may choose to call USCIS directly to resolve the TNC. The phone number may be found on the SSA referral letter.



## 606 - HIPAA

The Health Insurance Portability and Accountability Act (HIPAA) limits exclusions for preexisting conditions, prohibits discrimination against employees and their dependents based on their health status and allows for individuals who have experienced certain events to “Special Enroll” into a Health Plan sponsored by the City of Horn Lake.

We have taken steps to ensure that the Health Plan(s) that we sponsor fully comply with the HIPAA exclusions or preexisting conditions and have also reviewed our internal policies and procedures to ensure that we do not discriminate against employees or their dependents based upon health status.

Special Enrollment rights apply under two broad sets of circumstances. The first set of circumstances relate to the loss of other health coverage. If you originally declined coverage because you already had other health coverage, you may have the opportunity to Special Enroll in the event that you lose that other coverage. The definition of a “loss of coverage” is quite complex. You may refer to your Employee Insurance Handbook or contact the Human Resources Department if you have additional questions.

The other circumstances which may trigger a special enrollment opportunity are changes in your family. In the event that you gain a new dependent as a result of marriage, birth, adoption or the placement for adoption, you may have the opportunity to Special Enroll yourself and/or the new dependent in the City Health Plan. As is the case with loss of coverage, there are special rules that regulate who may be added to the Health Plan as a result of special enrollment. You may refer to your Employee Handbook to learn more about covering a new dependent or you may contact the Human Resources Department.

Most Special Enrollments must be reported to us within 30 days of the event that triggered the Special Enrollment rights. The exception to the 30-day rule is when coverage is lost under the State Children’s Health Insurance Program (CHIPS) or Medicaid. A loss of coverage under SCHIP or Medicaid must be reported within 60 days of the event.

Coverage will generally be effective under our plan on the 1<sup>st</sup> day of the month following your notification to us. We are generally thirty (30) days ahead on insurance premiums, so changes may require catch-up payments. The exception to this rule relates to the birth or placement for adoption of a new child. Coverage for new children will be effective retroactive to the date of birth or date of adoption. It is very important that you notify us within 30 days of a birth or placement for adoption. Some employees incorrectly assume that because they are covered under a City health plan, their child will automatically be covered.

Your new child will only be covered retroactive to their birth or placement for adoption if you notify us within 30 days. Due to the restrictions of our insurance contract(s), we are unable to make exceptions to this policy.

If you decline enrollment under the City’s plan for yourself or dependents, we will ask you to complete a Declination of Enrollment form. This form will be kept on file to document the reason(s) why you declined coverage.

Our insurance contract(s) may require that we provide them with a copy of this form in the event that you request a Special Enrollment due to loss of other coverage. We may also need evidence of the date that your other coverage was lost. The most common form of evidence is a Certificate of Creditable Coverage. A Certificate of Creditable Coverage may be automatically mailed to you when your coverage is lost. Providing a copy of this certificate will help us ensure that your Special Enrollment is processed quickly and efficiently.

The City of Horn Lake offers an annual Open Enrollment period. If you have previously declined coverage for yourself and/or dependents but have not experienced a Special Enrollment event, you may have the opportunity to enroll during this Open Enrollment period.

### **607 – Leave without Pay**

Leave without pay may be approved on a case-by-case basis in rare circumstances subject to the below guidelines by the Department Director, City Administrator and Mayor. Verification may be required for submission.

1. The employee has no credited leave balances;
2. Time off due to illness or an immediate family member provided a doctor's excuse is provided specifying length of time needed and nature of illness and relationship to family member;
3. Funeral Leave provided verification is provided;
4. A family crisis provided a full explanation in writing is submitted;

The Public Employee Retirement System will be notified of your Leave of Absence which may affect your total years of service for the length of period you are off on a Leave of absence.

### **701 – Employee Conduct and Work Rules**

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

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or controlled substance
- Possession, distribution, sale, transfer, or use of alcohol or controlled substance in the workplace, while on duty, or while operating employer-owned vehicles or equipment.
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace

- Negligence or improper conduct leading to damage of employer-owned or citizen-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives
- Excessive absenteeism or any absence without notice
- Unauthorized use of telephones, mail system or other employer equipment
- Unauthorized disclosure of business “secrets” or confidential information
- Violation of personnel policies
- Unsatisfactory performance and/or conduct

Employment with the City is at the mutual consent of the City and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

**701.1- Discipline**

The following chart contains a representation, not an inclusive list, of various forms of misconduct that may result in disciplinary action. The listed penalties for delinquency or misconduct will be used as a general guide in imposing disciplinary action to insure like penalties for like offenses. The listed offenses and suggested penalties may not successfully meet the demands of all situations and therefore, are to be considered as suggestive in nature only. The final decision as to the appropriate course of action rest with the responsible governing authority and/or the City Administrator. When imposing progressive penalties for a second or third offense, consideration may be given to whether a reasonable time period has elapsed since the prior offense.

OFFENSES

PENALTIES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
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1. INSUBORDINATION

	REPRIMAND OR DISCHARGE	SUSPENSION OR DISCHARGE	SUSPENSION OR DISCHARGE
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2. FIGHTING OR CAUSING A DISTURBANCE AMONG FELLOW EMPLOYEES WHICH RESULTS IN AN ADVERSE EFFECT ON MORALE, PRODUCTION OR MAINTENANCE OF PROPER DISCIPLINE.

	SUSPENSION OR DISCHARGE	SUSPENSION OR DISCHARGE	DISCHARGE
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3. UNDER THE INFLUENCE OF INTOXICATING LIQUORS WHILE ON DUTY

	SUSPENSION OR DISCHARGE	SUSPENSION OR DISCHARGE	DISCHARGE
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4. REPORTING FOR DUTY UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR CONTROLLED SUBSTANCE.

SUSPENSION OR DISCHARGE	SUSPENSION OR DISCHARGE	DISCHARGE
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5. ABSENCE WITHOUT LEAVE

REPRIMAND OR SUSPENSION OR DISCHARGE	REPRIMAND OR SUSPENSION OR DISCHARGE	SUSPENSION OR DISCHARGE
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6. FALSE STATEMENTS, MISREPRESENTATION, OR FRAUD IN APPLICATIONS OR OFFICIAL RECORDS.  
APPARENT OVERSIGHT AND ERRORS WHERE SATISFACTORILY EXPLAINED MAY BE EXCUSED.

SUSPENSION OR DISCHARGE	SUSPENSION OR DISCHARGE	DISCHARGE
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7. GARNISHMENTS BASED ON MORE THAN A SINGLE INDEBTEDNESS OR DEBT COMPLAINTS (NEGLECTING OF AVOIDING  
PAYMENT THEREOF WITHOUT SUFFICIENT EXCUSE OR REASON).

REPRIMAND	SUSPENSION	SUSPENSION OR DISCHARGE
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8. LOAFING (WILLFUL IDLENESS OR DELIBERATE FAILURE TO WORK ON ASSIGNED DUTIES).

REPRIMAND OR DISCHARGE	SUSPENSION OR DISCHARGE	SUSPENSION OR DISCHARGE
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9. THEFT (PENALTY IMPOSED MAY BE AFFECTED BY VALUE OF ARTICLES STOLEN, WHETHER PROPERTY WAS RECOVERED AND  
EMPLOYEE'S EXPLANATION)

SUSPENSION OR DISCHARGE	DISCHARGE
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10. GAMBLING ON DUTY

REPRIMAND OR SUSPENSION OR DISCHARGE	SUSPENSION OR DISCHARGE	DISCHARGE
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11. MISCONDUCT ON OR OFF DUTY

SUSPENSION OR DISCHARGE	SUSPENSION OR DISCHARGE	SUSPENSION OR DISCHARGE
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12. DELIBERATE OR WILLFUL FAILURE TO OBSERVE ANY WRITTEN REGULATION OF ORDER PRESCRIBED BY COMPETENT AUTHORITY.

REPRIMAND  
OR SUSPENSION  
OR DISCHARGE

SUSPENSION  
OR DISCHARGE

DISCHARGE

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13. ILLEGAL, IMMORAL, OR INDECENT CONDUCT ON OR OFF DUTY.

SUSPENSION  
OR DISCHARGE

SUSPENSION  
OR DISCHARGE

SUSPENSION  
OR DISCHARGE

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14. KNOWINGLY MAKING FALSE OR MALICIOUS STATEMENTS AGAINST OTHER EMPLOYEES, SUPERVISORS, ELECTED OFFICIALS, OR THE PUBLIC WITH INTENT TO HARM OR DESTROY THE REPUTATION, AUTHORITY, OR OFFICIAL STANDING OF THOSE CONCERNED.

REPRIMAND  
OR SUSPENSION  
OR DISCHARGE

DISCHARGE

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15. BEING ON DUTY OR ON CITY PREMISES OR WORK SITES WHILE IMPAIRED BY DRUGS, INCLUDING ANY CONTROLLED SUBSTANCE.

SUSPENSION  
DISCHARGE

SUSPENSION  
OR DISCHARGE

16. POSSESSION, SALE, TRANSFER OR USE OF INTOXICANTS, NARCOTICS OR INCLUDING ANY ILLEGAL DRUGS ON CITY PREMISES, CITY WORK SITES, OR DURING DUTY HOURS.

DISCHARGE

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17. UNAUTHORIZED USE OF OR MISUSE OF CITY EQUIPMENT OR VEHICLES.

REPRIMAND  
OR SUSPENSION  
OR DISCHARGE

DISCHARGE

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18. ACCEPTANCE OF GRATUITIES IN VIOLATION OF CITY POLICY.

REPRIMAND  
OR SUSPENSION  
OR DISCHARGE

DISCHARGE

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19. CONVICTION OF CRIMINAL OFFENSE (MISDEMEANOR)

REPRIMAND  
OR SUSPENSION  
OR DISCHARGE

DISCHARGE

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20. CONVICTION OF CRIMINAL OFFENSE (FELONY)

DISCHARGE

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21. VIOLATION OF SAFETY RULES OR PRACTICES.

REPRIMAND  
OR SUSPENSION  
OR DISCHARGE

SUSPENSION

DISCHARGE

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22. FAILURE TO OBSERVE PARKING AND TRAFFIC REGULATIONS WHILE OPERATING CITY VEHICLES.

REPRIMAND  
OR SUSPENSION  
OR DISCHARGE

SUSPENSION  
OR DISCHARGE

DISCHARGE

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23. WILLFUL FAILURE TO REPORT DAMAGE TO CITY VEHICLES, PROPERTY, OR EQUIPMENT.

REPRIMAND  
OR SUSPENSION  
OR DISCHARGE

SUSPENSION  
OR DISCHARGE

DISCHARGE

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24. FAILURE TO REPORT INJURY ON CITY PROPERTY, WORK SITE, OR SUSTAINED WHILE ON DUTY.

REPRIMAND  
OR SUSPENSION  
OR DISCHARGE

SUSPENSION  
OR DISCHARGE

DISCHARGE

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25. POSSESSION, SALE, TRANSFER OR USE OF INTOXICANTS, NARCOTICS, OR CONTROLLED SUBSTANCE IN CITY VEHICLES OR EQUIPMENT.

DISCHARGE

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26. SMOKING IN VIOLATION OF CITY ORDINANCE DURING WORKING HOURS

REPRIMAND  
OR SUSPENSION

REPRIMAND  
OR SUSPENSION  
OR DISCHARGE

DISCHARGE

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27. SEXUAL HARRASSMENT

REPRIMAND  
OR SUSPENSION  
OR DISCHARGE

SUSPENSION  
OR DISCHARGE

DISCHARGE

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28. FAILURE TO NOTIFY DEPARTMENT HEAD OF CHANGE OF ADDRESS OR OTHER INFORMATION RELATIVE TO PERSONNEL FILE OR FAILURE TO NOTIFY DEPARTMENT HEAD OF TRAFFIC OFFENSES WHICH MAY RELATE TO JOB PERFORMANCE

REPRIMAND OR SUSPENSION OR DISCHARGE	SUSPENSION OR DISCHARGE	DISCHARGE
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29. FAILURE TO NOTIFY DEPARTMENT HEAD OF ARREST FOR FELONY OR MISDEMEANOR

REPRIMAND OR SUSPENSION OR DISCHARGE	DISCHARGE
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30. CONFIRMATION OF A CONTROLLED SUBSTANCE SUCH AS MARIJUANA, COCAINE AND/OR OTHER CONTROLLED SUBSTANCE THAT HAS BEEN VERIFIED BY A MEDICAL REVIEW OFFICER.

DISCHARGE

### **701.2 – Progressive Discipline**

The purpose of this policy is to state the City's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

The City's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment with the City is based on mutual consent and both the employee and the City have the right to terminate employment at will, with or without cause or advance notice, the City may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps – remedial training report, written warning, suspension with or without pay, demotion, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment.

The City recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the Employee Conduct and Work Rules policy includes examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and the City.

Any City employee who is issued any form of disciplinary action has the right to appeal said disciplinary action to the Mayor and Board of Aldermen if they feel the disciplinary action issued is unjustified. Said appeal request is to be submitted to the City Clerk in writing within 5-days of receipt of the disciplinary action.

Upon receipt of the request for an appeal hearing, the Mayor and Board of Aldermen will set a date for the appeal. Any decision of the Mayor and Board of Aldermen is final.

### **701.3 – Notification of Arrest and/or Conviction**

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

The arrest of an employee – whether on or off duty – may result in corrective action. Corrective action depends upon a review of all factors involved – including whether or not the employee’s action was work-related, the nature and severity of the act, or any resultant circumstances that adversely affect the employee’s attendance and/or eroding of public confidence. Failure to inform the supervisor within the designated time periods subjects the employee to corrective actions up to and including termination.

### **702 – Drug and Alcohol Use**

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

The certification statement which grantees are required to make under the DFWA (Drug Free Workplace Act of 1988) includes several provisions which grantees must comply with in order to provide a drug-free workplace, including

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee’s workplace



and specifying the actions that will be taken against employees for violation of such prohibition; and

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

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

### **Drug –Free Work Place**

#### Federal Drug-Free Workplace Notice

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

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

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

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

- a) Abide by the terms of the City's Drug and Alcohol Free Workplace Policy and the Federal Drug Free Workplace Act, including those requirements set out above; and
- b) Notify the City of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) calendar days after such conviction.

It is the policy of the City of Horn Lake to provide a safe work environment and to foster the well-being and health of its members. Compliance with the City's Drug and Alcohol Free Workplace Policy is a condition of employment. The City strictly prohibits the unlawful manufacture, possession with the intent to sell or distribute any controlled substances, including illegal drugs, alcohol, prescription drugs (used contrary to a legitimate prescription), nonprescription drugs (used in a manner contrary to the directions or for a purpose other than that for which the drugs are offered by the manufacturer) or any other controlled substances or

drug paraphernalia at any time, whether on City or personal time, including but not limited to any time on the City's premises, in the City's vehicles, when performing City business or when otherwise acting as an employee of the City.

**It is further the policy of the City of Horn Lake to have a ZERO TOLERANCE, such that anyone who tests positive for marijuana, cocaine and/or any other controlled substance that has been confirmed positive by our certified lab as well as a Medical Review Officer (MRO) will be TERMINATED/DISCHARGED.** However, a positive test for any drug (other than medical cannabis) prescribed to an employee which does not impair the employee's ability to perform the essential functions of the job effectively and in a safe manner and that does not endanger other individuals in the workplace will not result in termination/discharge.

It is the City's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on the City premises and while conducting business-related activities off the City premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or controlled substance. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their Department Director to receive assistance or referrals to appropriate resources in the community.

**Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program through the City's health insurance benefit coverage. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all City policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause the City any undue hardship.**

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the City of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their Department Director without fear of reprisal.

Law governing drug and alcohol testing of employees and job applicants is set forth at Section 71-7-1, et. seq., Mississippi Code of 1972, as amended. This statute provides procedures and guidelines for governing authorities that wish to formulate a drug and alcohol testing policy.

Except as provided by federal law, departments are not required to administer drug or alcohol tests. This statute must be complied with if such tests are given.

However, the statute does not apply to agencies subject to any federal law or regulations that govern the administering of drug and alcohol tests. Departments are also required to be cognizant of the proscriptions of the Americans With Disabilities Act regarding pre-employment medical tests.

#### **704 – Attendance and Punctuality**

To maintain a safe and productive work environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment

#### **705 – Return of Property**

Employees are responsible for all City property, materials or written information issued to them or in their possession or control. Employees must return all City property immediately upon request or upon termination of employment. Where permitted by applicable laws, the City may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The City may also take all action deemed appropriate to recover or protect its property.

If you do not return city issued property and/or equipment prior to last day of work, you will not be issued a direct deposit and will receive your final paycheck upon return of city issued property.

#### **706 – Resignation**

Resignation is a voluntary act initiated by the employee to terminate employment with the City. Although advance notice is not required, the City requests at least 2 weeks' written resignation notice from all employees.

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

All city property and equipment shall be turned over to the appropriate official upon termination of employment with the City. All City equipment includes but is not limited to computer(s), cell phone(s), desk, locker, and City vehicle. All City equipment shall be unlocked and available for inspection.

All vacation time will be paid out in accordance with 302 Annual Leave Policy. **These funds will be direct deposited and paid on your last check unless your exit interview has not been completed with Human Resources and all City equipment/property issued to you has not been returned to the City.** Some benefits may be continued at the employee's expense if the employee so chooses.

### **707 – Drug Testing**

The City is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, all job applicants will be required to submit to a drug screen, as a condition of employment, which will require body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol. All employees are subject to reasonable suspicion drug and alcohol testing which will require body substance samples. Employees in certain job classifications may be required to submit to neutral selection drug and alcohol testing which will require body substance samples. (Those job classifications subject to neutral selection testing will be specifically defined in this policy.)

**Refusal to submit to drug and alcohol testing or the return of a positive confirmed drug and alcohol test result may result in refusal to hire or disciplinary action, up to and including termination of employment.**

All employees and prospective applicants are hereby advised that the City of Horn Lake has implemented a drug and alcohol policy and conducts a testing program, pursuant to (Mississippi Code, annotated, 71-7-1 et seq.) and you are hereby advised of the existence of said act.

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

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

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

## **Statement of Mississippi Law**

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

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

## **Confidentiality**

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

## **Procedures for Confidentially Reporting Prescription or Nonprescription Medication**

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

Drug and alcohol testing may occur under the following circumstances and the following positions of employment may/will be tested:

- All applicants for positions with the City of Horn Lake are required to complete a drug and alcohol screen as part of a conditional offer of employment phase;
- All employees of the City of Horn Lake are subject to reasonable suspicion drug and alcohol testing. An employee must submit to reasonable suspicion drug and alcohol testing upon request by the Department Director and/or Mayor.
- Employees in employment classifications or engaged in activities as listed below are subject to neutral selection drug and alcohol testing: Neutral selection testing may occur throughout each employment year.

### **Law Enforcement**

**National or state security responsibilities**

**Drug interdiction responsibilities**

**Have authorization to carry firearms**

**Engage in activities affecting public health or safety**

## Drug interdiction responsibilities

Has a position which:

- Authorizes the employee to carry a firearm
- Gives the employee access to sensitive information
- Authorizes employees to engage in law enforcement
- Requires the employee as a condition of employment to obtain a security clearance
- Requires employees to engage in activities affecting public health/safety
- Employees who drive a motor vehicle or operate heavy equipment
- Firefighters and Emergency Medical Personnel
- Water sample inspectors

Employees may be required to submit to a drug and alcohol screen as part of a routine scheduled employee fitness for duty medical examination

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

Understanding that a positive confirmed test could have different implications depending on the nature of the positive test and the employment classification of the employee, therefore, the employee may be subject to disciplinary action or termination with final action reserved by the Mayor and Board of Aldermen. An employee who receives a positive confirmed alcohol test will be allowed time for assessment and rehabilitation without pay in the event the Mayor and Board of Aldermen decide against termination

An employee who receives a positive confirmed drug and alcohol test may contest the accuracy of the test or explain the positive test results.

Any employee involved in any work-related accident and/or injury will be drug/alcohol tested.

Employees are advised that the City of Horn Lake may test for the following drugs, but not limited to:

Amphetamines  
Cocaine  
Marijuana  
Opiates  
Phencyclidine

### **708 – Problem Resolution**

The City policies and procedures emphasize open-door practices in which employees are encouraged to deal directly with their supervisors and other members of management regarding complaints and problems. Under normal conditions, if an employee has a job-related problem, question or complaint, it should be discussed with his or her supervisor. The simplest, quickest, and most satisfactory solution often will be reached at this level.

If discussion with the employee's supervisor does not answer the question or resolve the matter satisfactorily, the complaint then may be presented, orally or in writing, to the next higher level of management.

If the matter still is not resolved satisfactorily, the employee may present the complaint to the Human Resources Department, which will render an objective analysis of the situation and options.

When the issue personally involves the supervisor or manager with whom the employee ordinarily would discuss a problem, the employee may bypass that individual and proceed to the next person in authority without fear of reprisal. At any time, an employee may seek the advice and guidance of the Human Resources Department.

### **801 – First Aid**

In the event of a life-threatening accident or condition, immediately dial 911. Do not assume that someone else has already called 911. If you are not personally aware of the call being made, call 911. Notify your supervisor immediately in the case of any accident or illness, even if it seems to be minor.

First aid kits are kept in various locations. It is your responsibility to familiarize yourself with the location of each of these. It is very important to protect yourself from the transfer of body fluids. Each first aid kit contains gloves and these should be used when assisting fellow employees. A strong disinfectant should be used to clean up.

Supplies in the first aid kits are the property of the company and are solely provided for treatment of workplace injuries. Removal of first aid supplies for personal use is a violation of City policy and may inhibit the proper treatment of a workplace injury.

On the job injuries and accidents may be covered under Workers Compensation. A Notice of Injury should be completed and submitted to Human Resources no later than 24 hours after the notification of injury.

If injured on the job or involved in an accident, employees will be drug/alcohol tested in accordance with our drug free policy.

## **802 – Workplace Violence**

Violence is strictly prohibited in the workplace. Workplace violence is defined as any physical assault, threatening behavior or verbal abuse occurring in the workplace by employees or third parties. It includes, but is not limited to, beating, stabbing, suicide or attempted suicide, shooting, rape and psychological trauma, such as threats and obscene phone calls.

Prohibited conduct includes, but is not limited to:

- Injuring another person physically;
- Engaging in behavior that creates a reasonable fear of injury to another person;
- Engaging in behavior that subjects another individual to extreme emotional distress;
- Possessing or using a weapon that is not required by the individual's position;
- Intentionally damaging property;
- Threatening to injure an individual or to damage property;
- Committing injurious acts motivated by, or related to, domestic violence or sexual harassment; and
- Retaliating against any employee who, in good faith, reports a violation of this policy.

Employees who violation this policy will be subject to disciplinary action, up to and including termination.

## **803 – Safety**

The City of Horn Lake strives to maintain a safe work environment which complies with federal and state safety requirements. Each employee is expected to obey all safety rules and to exercise caution and common sense in all work activities. Employees are expected to notify their supervisors immediately of any unsafe situation or equipment. No employee will knowingly be asked to work in unsafe conditions.

Department Heads and supervisors are charged with the responsibility and authority to direct safety training and deal with safety issues within their respective area of operation. Department Heads will be given direction and support by the Mayor/City Administrator as to how such training will be achieved. In addition, policies and procedures will be reviewed by each respective Department. Furthermore, all employees are responsible to be aware of their work conditions, equipment and environment and shall report unsafe conditions, accidents/incidents or any other safety matter to their supervisor immediately.

A Safety Committee may be formed in order to make recommendations to the Mayor and Board of Aldermen and Administration regarding establishing and setting up policy and procedures, making assignments for training, and aiding in setting up initial meetings which are to become part of all departments' routine. Subsequently, this group may evaluate policy, complaints, accidents/incidents, etc. in order to make ongoing recommendations for improvement and amendment of the overall safety procedures for the City.



This group shall have the following general goals:

- Promote safety in all scopes of work throughout City operations
- Review accidents/incidents and use information to gauge effectiveness of program and recommend revision as required
- Monitor overall program for needed improvements regardless of accidents/incidents and make recommendations as required
- Address matters regarding safety equipment in the workplace
- Address general training sessions and seek new resources when needed in respective departments
- Perform and/or monitor routine self-inspections for all Departments

The City of Horn Lake may utilize as a standard guideline for Safety Policies and Procedures the following: Risk Control Manual from the Mississippi Public Entities Workers' Compensation Trust.

Regular safety inspections shall be performed and/or monitored by Department Heads or Supervisors to evaluate the condition of equipment, vehicles, etc. as well as working conditions and operations performed by employees. These are intended to discover safety problems before they become an accident/incident. All Safety reports are due from Department Heads at the first staff meeting of each month to the Human Resources Department.

### **Basic Safety Policy**

- Report any injury to Supervisor immediately
- Inspect machinery, equipment or vehicle daily prior to any use in performance of duties
- Report any unsafe equipment or working conditions to Supervisor immediately
- Do not operate any machinery, equipment or vehicle without appropriate safety equipment
- Do not operate any machinery, equipment or vehicle without training provided by Supervisor unless Supervisor has given prior approval for such operation based on employee's knowledge and experience.
- Do not modify standard operating procedures
- Do not misuse any machinery, equipment or vehicle for purposes other than it was intended nor for any "practical jokes" or other horseplay
- Ask supervisor if there are any doubts about the safe use of any machinery, equipment or vehicle.
- All substance abuse policies and prohibitions included in Employee Handbook apply to this Safety Policy
- Notify Supervisor if any legal prescription or over-the-counter medications are being taken that could impair ability to operate machinery, equipment or vehicle in the performance of duties
- Use all safety devices and equipment available in order to perform duties safely – included proper dress for duties performed

- Obey all safety warnings posted either by the City or by the Product manufacturer when performing duties
- Avoid unsafe conditions like standing under suspended loads, jumping from heights without using steps, etc. or any other condition that may result in unnecessary injury.

### **804 – Personal Property**

All employees are provided with the tools, supplies and equipment necessary to perform his or her job. The City maintains the tools, supplies and equipment in a manner we believe will allow you to work efficiently and safely.

If you do not believe that you have the necessary tools, supplies or equipment to perform your job safely and efficiently, please discuss your concerns with your supervisor. If provided with a locker, be sure that it is properly locked prior to beginning your shift.

The City of Horn Lake is not responsible for any lost, stolen or damaged personal property. Your personal property is not covered under our business insurance policy. Your personal property away from home may be covered under your Homeowner’s Policy. You should check with your personal insurance agent to learn about the best way to protect your personal property.

Additionally, you may not bring any of the following items onto City premises.

- Intoxicating beverage or narcotics
- Sexually suggestive objects, pictures, cartoons or posters
- Items that are demeaning or offensive on the basis of race, color, age, sex, gender, disability, religion, national origin, ethnic background or citizenship.

The City of Horn Lake reserves the right to prohibit other items that we believe may be disruptive to the workplace or constitute an unacceptable risk of loss.

### **805 – Telecommuting Policy**

Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their workweek. The City of Horn Lake (“City”) considers telecommuting to be a viable, flexible work option when both the employee and the essential functions are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement; it is not a citywide option or benefit, and it in no way changes the terms and conditions of employment with the City as defined in the City’s Employee Policies and Procedures handbook or under applicable Mississippi law.

Every employee shall be available to attend regular and/or special City Board Meetings and participate in other required office activities at the designated location as needed and/or required. Except for extraordinary circumstances, City will attempt to provide reasonable notice for any such meeting when possible.

## **Procedure**

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement.

Any telecommuting arrangement made will be on a trial basis for a specified amount of time and may be discontinued at will and at any time at the request of either the telecommuter or the City.

Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Every effort will be made to provide 30 days' notice of such change to accommodate commuting, child care and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

## **Eligibility**

Individuals requesting formal telecommuting arrangements must be employed with the City of Horn Lake and have a satisfactory performance record. Accommodations may be made for telecommuting, at the sole discretion of the City, during times of local, state or national emergency.

Before entering into any telecommuting agreement, the employee and department head will evaluate the suitability and eligibility for telecommuting, reviewing employee suitability, job responsibilities and equipment needs.

## **806 – Volunteers**

The City of Horn Lake recognizes that having volunteers in certain non-certified positions can benefit our City, as well as, our community.

Our pledge is to provide a meaningful, mutually satisfying experience, and build community.

**Vision** - Building community by encouraging our neighbors to volunteer their time, talent, and resources to make the City of Horn Lake the hometown in which we all want to live, work, play and raise our children.

**Volunteerism** is the Spirit of the City of Horn Lake and our neighbors who give back in their community and to a cause that is important to them.

The goal is to find a meaningful volunteer opportunity in the City of Horn Lake.

## **Department Responsibility**

Volunteers will be assigned to work with staff members and/ or lead volunteers as designated by staff members once approved by the Mayor's Office and Human Resources. Please regard all supervisors as resources provided to enrich your volunteer experience and enhance the quality of volunteering in the City of Horn Lake. He or she will:

- Share the department's vision and function
- Provide a clean and safe work environment and an atmosphere of mutual respect, trust and courteous, fair treatment.
- Provide adequate orientation, training, and supervision.
- Clearly outline your duties and reporting/ supervisory structure.
- Review your work schedule, lunch period and breaks, restrooms, and parking
- Define the assignment expectations and maintain an open door policy.
- Engage and involve you as a valuable, active departmental team member and include you in department functions and training.
- Evaluate your work and provide periodic feedback.
- Hold you accountable to mutually agreed upon performance measures and milestones.
- Acknowledge and recognize you for your contributions.
- Write letters of recommendation at your request, based on your performance.
- Keep volunteer information collected by the City of Horn Lake confidential and not shared with and/ or sold to outside persons or entities.

## **Volunteer Definition**

A "volunteer" is anyone who without compensation or expectation of compensation performs a task at the direction of and on behalf of the City. They provide the goods or services of their own free will or assist in order to comply with community service requirements mandated by a court or institution of learning and are not considered employees of the City.

"Regular-service volunteer" means a person engaged in specific voluntary service activities on an ongoing or continual basis. "Occasional service or Event" volunteer means a person who provides a one time or occasional voluntary service.

## **Volunteer Role**

1. Local citizens, volunteering their time and talent to the City, provide public awareness and support to the City. They foster a quality of life and well-being in our community. The role of a volunteer is to augment, not replace, paid staff positions. The City welcomes the contribution of varied skills and talents of individuals and/or groups to expand services to the public. This type of volunteer must be officially accepted and enrolled by the City prior to performing any task, and shall not be considered an employee of the City.

2. The City aims to strengthen and enhance vibrant, growing networks of public/private partnerships made up by engaged business leaders, civic associations, and neighbors. Volunteers routinely work together in service to address pressing issues in our communities and on a series of priority initiatives.

3. The City proudly puts on dozens of events throughout the year and volunteers are serving in a variety of capacities.

## **Volunteer Responsibility**

Volunteering is a serious commitment. Remember that you represent the City of Horn Lake at all times. The impression and reputation of our City depends on you. We strive to provide services that consistently exceed the expectations of those we serve. Please give your best by using your skill, expertise, drive, determination, and dedication to improve our community. Here are some guidelines:

- Show up on time and to be available until the designated ending time. Although you are not an employee of the City of Horn Lake, many people count on you to carry out the duties you have agreed to perform. If you are unable to keep your volunteer schedule or might be late, please contact your supervisor as soon as possible.

- Look your best! While it is the intent of the City that all volunteers dress for their own comfort during work hours, all volunteers should practice common sense rules of neatness, cleanliness, and comfort. You are the “face” of the City to every neighbor.

- Wear your ID badge! In addition to identifying you as a City Volunteer, the identification also allows you access into certain designated areas.

- Schedule your time sensibly! Volunteers may serve as much time as they can responsibly handle. These hours will vary depending on department.

- Act appropriately! Set a good example. Others will be influenced by your attitude and behavior. Always treat fellow volunteers, citizens and other workers with respect, courtesy, care and integrity. Respect other’s space, privacy and belongings and help create an environment of support, understanding and dignity.

- Enthusiasm is very important! It's great to have a positive attitude. Recognize the importance of each individual. Take time to talk to others. Make every effort to be fair and not play favorites.

- Be smart! Be familiar with the programs and facility. Attend volunteer meetings and training if scheduled

- Respect personal confidentiality!

- On occasion volunteer may witness an incident, be entrusted with information, or have access to records or files deemed confidential in nature. It is the City's expectation that any volunteer privy to such information, material, or event will respect and safeguard the trust and privacy rights of affected individuals.

- Know the rules and laws. Support the City's fair employment policies; tobacco, alcohol and drug-free work environment policies; workplace harassment policy; workplace violence policy; conflict of interest policy. The City expects all volunteers to be aware of and support these workplace policies.

- Maintain calm! Volunteers are not expected to manage difficult visitors. If a visitor is disruptive or if a problem arises, be sure to inform a supervisor or person in charge.

- Be recognized! Keep a record of your volunteer hours and turn them in to the designated person in a timely manner at the end of the month. Accurate records allow us to write letters or recommendation, help secure grants and funding where a match is required. They also illustrate the success of the program, and allow us to formally acknowledge outstanding volunteers.

- Maintain open communication! Let your supervisor know your questions, concerns and limitations. Request feedback and report to your supervisor any on-the-job injuries or illnesses, no matter how minor.

- Volunteers must report any arrest (felony or misdemeanor) or report of domestic violence made against them within 24 hours of occurrence.

- Respect and take care of the property of other volunteers, coworkers and the City Horn Lake. All City property, computers, communication devices, tools, supplies, materials, etc. are provided to perform your job assignments, must remain on site and be used for business-related purposes only. At no time are volunteers authorized to remove equipment, artifacts, archives, images, etc., without express written approval.

- Be creative! Make suggestions - you're an important part of the team! Actively pursue new and creative solutions. Be advised that intellectual knowledge or any other property developed by volunteers for or in relation to any City of Horn Lake program, becomes the property of the City.

Please note that each department may have additional policies, procedures and guidelines to follow depending upon individual assignments. Your supervisor will be covering information specific to your particular assignment. If you have any questions in this area, be sure to ask your supervisor before starting the assignment

### **807 – Covid Preparation and Prevention Policy**

The City of Horn Lake is committed to providing a safe and healthy workplace for all our employees and guests. To ensure we have a safe and healthy workplace, we have developed the following COVID Preparedness Policies in response to the COVID pandemic.

All employees are responsible for adherence to this policy:

The goal is to mitigate the potential transmission of COVID in our workplace and community, and that requires full cooperation from our employees. These policies follow guidance developed by the Centers for Disease Control and Prevention (CDC) and the County Health Department.

a. Employees should familiarize themselves with the common symptoms of COVID-19 and monitor for those. If any symptoms should develop, employees should notify their supervisor, and contact their health care provider to seek testing. If they do not have a physician, they can call their immediate supervisor or Human Resources for testing options.

b. All employees will use the provided equipment to measure their temperature within their department when necessary. Anyone with a temperature greater than 100.4° F should inform their supervisor of their fever and contact their health care provider. If you would like a mask and do not have one, you are to notify your supervisor so that one may be provided to you.

c. The City of Horn Lake recommends all employees to stay at least six feet apart whenever possible, regardless of whether masks are being worn. If physical distancing is not possible, employees should limit the time of the contact and avoid any physical contact. Additionally, hand washing with soap and water for at least 20 seconds and/or using hand sanitizer with 60% alcohol should be utilized when coming into contact with an individual and/or surface.

If an employee is sick or exposed, it is recommended that you follow the CDC (Center for Disease Control) current guidelines as they change frequently.

The following process will be followed:

a. Phone call or in person notification to the department. If an employee is made aware of an exposure to COVID outside of the workplace (either by the positive individual or the Health Department), the employee must inform their supervisor.

c. The City of Horn Lake has implemented leave policies for those unable to work from home that promotes workers staying at home when they are sick or when required by a health

care provider or the Health Department to isolate or quarantine themselves or a member of their household. Upon proof of a test and/or notification from the physician, The City of Horn Lake will require the individual to utilize sick and/or vacation time unless there is a board order that provides other or additional leave.

Questions should be directed to your immediate supervisor and/or Human Resources Department.

**Due to the frequency that guidelines may change, a department memorandum may be issued with specific instructions from your department head. It is always recommended that you discuss with your immediate supervisor and check the local health department's website for the latest CDC guidelines.**





**The City of Horn Lake  
Outside Employment Form**

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Please read and adhere to section “106 – Outside Employment” in the Personnel Policy Manual.

I, \_\_\_\_\_ request approval for outside employment as follows:

Name of Outside Employer: \_\_\_\_\_

Address: \_\_\_\_\_

Job Responsibilities of Outside Employment: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Hours of Work: \_\_\_\_\_

Date of Employment: From: \_\_\_\_\_ To: \_\_\_\_\_



I certify that the above information is accurate. Additionally, I certify that the above request will not in any way interfere with my full-time duties and responsibilities and/or related assignments at The City of Horn Lake. I understand that any deviation from the above request must be re-evaluated by Supervisor and my Department Head.

\_\_\_\_\_

\_\_\_\_\_

Employee's Signature

Date



Approved:

\_\_\_\_\_

\_\_\_\_\_

Department Supervisor

Date

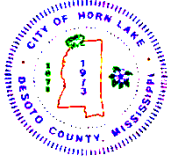
\_\_\_\_\_

\_\_\_\_\_

Department Head

Date

**Note: Please forward to Human Resources for a copy to be placed in the employee's personnel file.**



## GRIEVANCE FORM

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

Date: \_\_\_\_\_

Name of Grievant: \_\_\_\_\_ Signature of Grievant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Submitted to: \_\_\_\_\_ Signature of Receipt: \_\_\_\_\_

Grievance Statement (Use additional pages if necessary):

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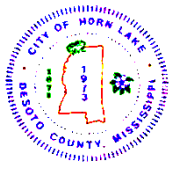
Relief Sought (use additional pages if necessary):

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GRIEVANCE DECISION

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

Date: \_\_\_\_\_

Name of Department Head: \_\_\_\_\_ Signature of Dept. Head: \_\_\_\_\_

Dept Location: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Management Statement and Decision (use additional pages if necessary)

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

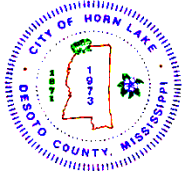
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Submitted to: \_\_\_\_\_ Signature of Receipt: \_\_\_\_\_



## Vehicle Fleet Safety Policy #505

Horn Lake, MS

To : All Employees Driving City Vehicles

From : Mayor and Board

The safety of our employees and the general public has always been a primary concern of city officials. Safety responsibilities are to be placed on the same level of importance as customer service, and other critical objectives. Safety is not to be considered a secondary issue.

In keeping with this philosophy, we are distributing a copy of our Vehicle Fleet Safety Policy to each employee who may drive a city vehicle. The purpose of this document is to help ensure the protection of our employees and the general public from injuries, which may result from our fleet operations. Safe driving is a top priority with the City of Horn Lake.

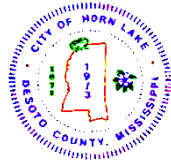
Please take time to read the program, then sign and date the Statement of Acknowledgment found at the bottom of this memo.

I have read the City of Horn Lake Vehicle Fleet Safety Policy and understand the information contained in the document. I acknowledge the fact I will be held accountable for complying with all rules and regulations listed in the program.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (please print) \_\_\_\_\_



## Job Transfer Form

Note: Filing of this form is not a guarantee of job transfer. The following must be met as follows: 1) Vacancy must be available; 2) Must meet qualifications of vacancy; 3) Approval by present and requesting department directors; and 4) Board of Aldermen approval.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Department: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Present Job: \_\_\_\_\_ Salary: \_\_\_\_\_

Requesting Transfer to: \_\_\_\_\_

Reason for requesting transfer:

Please explain why you feel you are qualified for this position (Attach any documentation you wish to be considered).

---

Current Department Director Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Transferring Department Director Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Board of Alderman Approval: \_\_\_\_\_ Date: \_\_\_\_\_



**City of Horn Lake**

**Authorization Agreement For Automatic Deposits**

I hereby authorize the City of Horn Lake to initiate credit entries and to initiate, if necessary, debit entries and adjustments for any credit entries in error to my:

\_\_\_\_\_ Checking Account Amount: \_\_\_\_\_  
\_\_\_\_\_ Savings Account Amount: \_\_\_\_\_  
\_\_\_\_\_ Checking Account Amount: \_\_\_\_\_  
\_\_\_\_\_ Savings Account Amount: \_\_\_\_\_

Please note: If your savings account has a different routing and bank name, please write it on this form and indicate that information.

**DEPOSITORY NAME:** \_\_\_\_\_

(Bank Name)

**ROUTING #** \_\_\_\_\_ **ACCOUNT** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

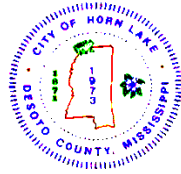
Print Name

Signature

**This authority is to remain in full force and effect until the City of Horn Lake has received a signed notification from me of its termination in such time and in such manner as to afford the City of Horn Lake and DEPOSITORY a reasonable opportunity to act on it.**

NOTE: Please return this authorization to:

**City of Horn Lake  
3101 Goodman Road West  
Horn Lake, MS 38637  
Attn: AJ Linville**



## **Direct Deposit Email Authorization Form**

I, \_\_\_\_\_, give my permission to the City of Horn Lake to email my  
(Please print)

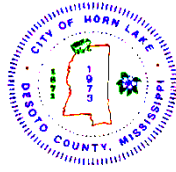
direct deposit form to the following email \_\_\_\_\_.  
(Please write legibly or type)

By filling out this form, you will no longer receive a hard copy of your direct deposit form.

**Thank you for doing your part in helping us reduce costs and keeping  
with our practice of being “The Greenest City in Mississippi”**

---

**Employee Signature**



**EMPLOYEE EMERGENCY CONTACT FORM**

Name \_\_\_\_\_

Department \_\_\_\_\_

**Emergency Contact Info:**

Name \_\_\_\_\_ Relationship: \_\_\_\_\_

Address \_\_\_\_\_

City, State, ZIP \_\_\_\_\_

Home Telephone # \_\_\_\_\_ Cell # \_\_\_\_\_

**I have voluntarily provided the above contact information and authorize the City of Horn Lake and its representatives to contact any of the above on my behalf in the event of an emergency.**

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_





## APPLICATION FOR LEAVE

**NAME:** \_\_\_\_\_ **DEPARTMENT:** \_\_\_\_\_

Date(s) Requested \_\_\_/\_\_\_/\_\_\_ through \_\_\_/\_\_\_/\_\_\_ for total hours of: \_\_\_\_\_

Type of Leave: Annual \_\_\_ Sick \_\_\_ Compensatory \_\_\_ Other: \_\_\_

ANNUAL LEAVE BALANCE: \_\_\_\_\_

SICK LEAVE BALANCE: \_\_\_\_\_

**REMARKS:**

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**EMPLOYEE'S SIGNATURE** \_\_\_\_\_ **DATE:** \_\_\_\_\_

### OFFICIAL ACTION ON REQUEST

APPROVED: \_\_\_\_\_

DISAPPROVED: \_\_\_\_\_  
(Please state reason for disapproval)

Note: The amount of annual leave approved may not exceed the amount available for use.

\_\_\_\_\_  
**Department Head**

\_\_\_\_\_  
**Mayor or City Clerk**

#### PRIVACY ACT STATEMENT

Section 6311 of Title 5 to the U.S. Code Authorizes collection of this information the primary use of this information is by management and your payroll office to approve and record your use of leave. Additional disclosure of the information may be used; to the Department of Labor when processing a claim for compensation regarding a job connected injury or illness; to a State unemployment compensation office regarding a claim; to Federal Life Insurance or Health benefits carries agency becomes aware of a violation or possible violation of a civil or criminal law; to a Federal Agency when conducting an investigation on you; for general accounting office when the information is required for evaluation of leave administration; and to the General Service Administration in connection with its responsibilities for records management.

If your agency used the information furnished on this form for purposes other than these indicated above, they may provide you with an additional statement reflecting those purposes.



**PERSONNEL DATA FORM**

**Employee Name (as reflected with government tax returns – no nicknames):**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_

Date Of Hire: \_\_\_\_\_ SS#: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: Home/Cell/Other: \_\_\_\_\_

**Marital Status (Circle One):**      Single      Divorced      Married

Emergency Contact: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

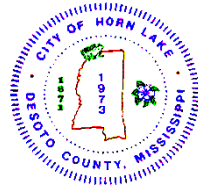
Relationship: \_\_\_\_\_

Phone: Home/Cell/Other: \_\_\_\_\_

Employee Comments: \_\_\_\_\_

\_\_\_\_\_

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_



**OVERTIME REQUEST  
FORM**

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**In accordance with our current Overtime policy, employees must receive supervisor's prior authorization. Overtime is paid to all nonexempt/hourly employees in accordance with federal and state wage and hour restrictions.**

**As a reminder, overtime should be distributed fairly and equally to all employees who meet this requirement. Overtime should be kept to a minimum and only authorized when the work cannot be done during normal working hours. This will assist in helping maintain control of our budget.**

**EMPLOYEE NAME:** \_\_\_\_\_ **DEPARTMENT:** \_\_\_\_\_

**PAYROLL PERIOD:** \_\_\_\_\_ **AUTHORIZED: YES OR NO**

**REASON FOR O/T:**

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**SUPERVISOR'S SIGNATURE:** \_\_\_\_\_



## Compensation Time Agreement Form

The following are the guidelines for the use of compensatory time (comp time):

1. Non-exempt employees may receive comp time in lieu of overtime pay for hours worked in excess of the maximum set for their work period.
2. Except in cases of emergency, the department head must approve any hours beyond an employee's normally scheduled hours.
3. Comp time is not intended for ongoing daily work. Time reports of the employee showing overtime hours accrued as comp time must be signed by both the employee and the department head as an agreement between the two that the employee will be taking comp time in lieu of overtime pay.
4. A non-exempt employee may accrue a maximum of 120 hours of comp time at any given time. Any hourly employees who accrue time over the maximum will not be logged as comp time and will be paid to the employees as overtime.
5. An employee will be permitted to use compensatory time on the date requested unless doing so would "unduly disrupt" the operations of the agency.
6. Comp time accrued shall be utilized (redeemed) at a time mutually agreeable to the employee and Department Head and within the 12-month period in which comp time was earned/logged. Any comp time not used by the employee within the 12-month period will be paid to the employee as overtime.

I, \_\_\_\_\_, have approximately \_\_\_\_\_ hours of compensation hours that I have acquired working. I understand that any false records could result in disciplinary action up to and including termination.

**Employee:** \_\_\_\_\_

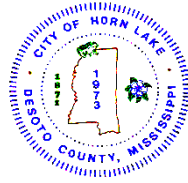
**Date:** \_\_\_\_\_

**Supervisor:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Director:** \_\_\_\_\_

**Date:** \_\_\_\_\_



The City of Horn Lake

Donation of Leave Time Form

Please read and adhere to section “604 Donation of Leave Time” in the Personnel Policy Manual. Do they meet the following criteria?

- 1) Has not, in the two-year period immediately preceding the employee’s need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness or abuse of time?
- 2) Suffers from a catastrophic health condition or injury?
- 3) Is needed to provide care to a member of the employee’s immediate family who is suffering from a catastrophic health condition or injury?
- 4) Requires absence from work due to the donation of an organ?

I, \_\_\_\_\_ request approval to donate \_\_\_\_\_ annual leave and/or \_\_\_\_\_ sick leave to the following employee:

Name of Employee: \_\_\_\_\_

Pay Period: \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_

**Note:**

**The maximum amount of earned annual leave or sick that an employee may donate to any other employee may not exceed a number of days that would leave the donor employee with fewer than fifteen (15) days or one hundred and twenty (120) hours of combined annual and sick leave.**

\*\*\*\*\*Approvals\*\*\*\*\*

Employee Signature: \_\_\_\_\_

Dept Head: \_\_\_\_\_

Human Resources: \_\_\_\_\_

Arianne (AJ) Linville

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