

DISCLAIMER

ALL EMPLOYEES OF THE TOWN OF SUMMERVILLE ARE EMPLOYED AT-WILL AND MAY QUIT OR BE TERMINATED AT ANY TIME AND FOR ANY REASON. NOTHING IN ANY OF THE TOWN OF SUMMERVILLE'S RULES, POLICIES, HANDBOOKS, PROCEDURES OR OTHER DOCUMENTS RELATING TO EMPLOYMENT CREATES ANY EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT. NO PAST PRACTICES OR PROCEDURES, WHETHER ORAL OR WRITTEN, FORM ANY EXPRESS OR IMPLIED AGREEMENT TO CONTINUE SUCH PRACTICES OR PROCEDURES. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE LIMITATIONS SET FORTH IN THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE PUT IN WRITING, 2) THE DOCUMENT IS LABELED "CONTRACT," 3) THE DOCUMENT STATES THE DURATION OF EMPLOYMENT, AND 4) THE DOCUMENT IS SIGNED BY THE MAYOR UPON APPROVAL BY COUNCIL.

I acknowledge receipt of the Town of Summerville Employee Handbook Disclaimer **AND UNDERSTAND THAT IT IS NOT A CONTRACT OF EMPLOYMENT.**

Signature

Printed Name

Date

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****NOTICE****

PLEASE READ THE DISCLAIMER AND THE TOWN OF SUMMERVILLE EMPLOYEE HANDBOOK CAREFULLY.

THE POLICIES AND PROCEDURES SET FORTH IN THIS HANDBOOK SUPERSEDE AND REPLACE ALL PRIOR POLICIES, WRITTEN AND ORAL. **IN ADDITION**, FROM TIME TO TIME IT MAY BE NECESSARY, WITH OR WITHOUT NOTICE, FOR THE TOWN TO CHANGE, DELETE OR ADD TO THE PROVISIONS OF THIS HANDBOOK.

THIS HANDBOOK IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO CREATE, AND IT DOES NOT CREATE, A CONTRACT OF EMPLOYMENT, EXPRESS, IMPLIED, UNILATERAL OR OTHERWISE, BETWEEN AN EMPLOYEE AND THE TOWN. NOTHING IN THIS MANUAL, OR IN ANY TOWN POLICY OR PRACTICE, BINDS THE TOWN TO ANY SPECIFIC PROCEDURES, POLICIES, WORKING CONDITIONS, BENEFITS, AND PRIVILEGES OF EMPLOYMENT OR DEFINITE PERIOD OF EMPLOYMENT. NOTHING IN THIS HANDBOOK GIVES THE EMPLOYEE A CONTRACTUAL RIGHT TO INSURANCE COVERAGE, VACATION PAY, OR OTHER BENEFITS WHICH MAY BE DISCUSSED IN THIS HANDBOOK, ANY OR ALL OF WHICH CAN BE UNILATERALLY AMENDED OR ABOLISHED BY THE TOWN AT ANY TIME.

EACH EMPLOYEE IS COMPLETELY FREE TO LEAVE THE TOWN AT ANY TIME HE OR SHE CHOOSES AND THE TOWN HAS THE SAME RIGHT TO END THE EMPLOYMENT RELATIONSHIP. **THE EMPLOYMENT RELATIONSHIP IS AT-WILL AND CAN BE TERMINATED BY EITHER THE EMPLOYEE OR THE TOWN AT ANY TIME FOR ANY REASON OR FOR NO REASON, WITH OR WITHOUT NOTICE.**

THIS DISCLAIMER EXPRESSES THE COMPLETE UNDERSTANDING CONCERNING THE EMPLOYEE'S EMPLOYMENT TERMS WITH THE TOWN. IT SUPERSEDES ANY AND ALL AGREEMENTS, ORAL OR WRITTEN, REGARDING TERMS OF EMPLOYMENT. NEITHER THIS HANDBOOK NOR ANY ORAL OR WRITTEN POLICY OR PROCEDURE, NOR ANY REPRESENTATION BY ANY EMPLOYEE, SUPERVISOR OR OFFICER CAN, OR MAY, CHANGES THE AT-WILL NATURE OF THE EMPLOYMENT RELATIONSHIP, UNLESS SPECIFICALLY STATED IN WRITING AND SIGNED BY THE TOWN COUNCIL.

TABLE OF CONTENTS

DISCLAIMER..... 1

EMPLOYMENT POLICIES

Definitions..... 8

 Employee Categories 8

 Introductory Employee 8

 Employee 8

 Regular Full-Time Employee 8

 Regular Part-Time Employee 8

 Temporary Employee 8

 Exempt Employee..... 8

 Nonexempt Employee 8

 Department Head 8

 Supervisor 8

 Change of Status 9

Equal Employment Opportunity 9

Harassment, Including Sexual Harassment..... 9

Fraternization..... 11

Open Door/Complaint Handling Process..... 11

Introductory Period of Employment..... 12

Workplace Violence 12

Safety 12

Workplace Searches and Privacy 12

Disaster Procedure 13

Drug Use and Drug Testing Policy 14

Alcohol Use and Alcohol Testing Policy 21

Computer and Telephone & Cell Phone Use and Access..... 27

Social Media Policy..... 28

Professional Ethics – Conflict of Interest..... 30

Courtesy 31

Personal Appearance and Demeanor..... 31

Confidentiality 31

Smoking 31

Department Specific Policies..... 31

Hiring 32

Work Hours and Schedules 32

Attendance 33

Recording Work Hours..... 33

Performance Evaluations..... 33

Job Duties 33

Resignation 34

COMPENSATION POLICIES

Compensation Policies 35

Pay Policies..... 36

Compensatory Time Policy	36
--------------------------------	----

BENEFITS, PRIVILIGES AND SERVICES

Medical and Life Insurance	38
Retirement and Continued Health Care.....	39
EAP Program	40
Annual Leave	40
Official Holidays.....	41
Leaves of Absence	41
Military Leave.....	41
Illness, Injury and Personal Leave.....	42
Family Medical Leave	42
Light Duty.....	44
Basic Leave Rights Notice.....	47
Leave for Jury Duty or Other Court Appearances.....	49
Sick Leave	49
Sick Leave Donations	50
Outside Employment	51

CORRECTIVE ACTION

Involuntary Termination.....	52
Disciplinary Actions	52
Grievance Procedure.....	54

ACKNOWLEDGEMENT	58
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TOWN OF SUMMERVILLE EMPLOYEE HANDBOOK

INTRODUCTION

This Handbook explains certain policies and procedures under which the Town of Summerville handles personnel-related matters. Although not every personnel matter can be reduced to writing, this Handbook serves as a guide to employees on policies, benefits, and general information. Employees of the Town of Summerville work for a very important group of people - the citizens and taxpayers of our community. **Many of the town's polices are derived from federal or state law as the Americans With Disabilities Act (ADA), the Civil Rights Act, The Fair Labor Standards Act or the SC Law Enforcement Retention Act, etc. The following resources may be useful for detailed information on these laws:**

- www.thomas.gov
- www.myscgov.com
- **The reference department of the Dorchester County Library**

Every employee contributes to the provision of essential services. Such services include—the protection of life, property and improvements to the quality of life. Therefore, it is important that you take your job seriously and perform assigned duties to the very best of your ability. Attitude is part of your job. Your attitude toward the public and fellow employees should be one of courtesy, efficiency, and willingness to serve. Your attitude toward your co-workers and supervisors should also be one of cooperation and responsibility. Your words and deeds should help to achieve harmony, efficiency, and pleasant working conditions.

Keep in mind that as a public employee, being paid with public funds and using publicly owned equipment, you work and live in the public's eye. Your behavior both on and off the job reflects directly on the Town of Summerville.

These policies follow customary English usage in referring to unknown persons as "he" or "she". This does not indicate a preference for males or females. Unless clearly indicated by the context, either term shall apply to all employees, regardless of gender. No one other than the Town Council is authorized to modify any of these policies and procedures.

EMPLOYMENT POLICIES

DEFINITIONS

Employee Categories:

Introductory Employee: Any full or part-time employee who has not completed a six (6) month introductory period of employment from date of hire.

Employee. A Town employee is anyone who receives wages or salaries from the Town and is not considered a contract, a leased or an agency worker.

Regular Full-Time Employee: An individual, who is not *an introductory or* temporary employee, is normally expected to work no less than the department's regularly scheduled work hours, and is eligible for all Town benefits.

Regular Part-Time Employee: An individual who is not *an introductory or* temporary employee, and is normally scheduled to work fewer hours per week than the departments regularly scheduled work hours. Eligibility for other Town benefits such as retirement and insurance coverage vary based on specific eligibility requirements for each benefit as outlined in various plan documents furnished to employees.

Temporary Employee. An individual who is employed full-time or part-time on a temporary basis, generally in situations where the employment is not expected to continue for more than six months. Temporary employees are not eligible for Town benefits.

Exempt Employees: Employees exempt from certain provisions of the Fair Labor Standards Act (wage/hour law). These executive, administrative, technical, professional, and supervisory employees do not receive overtime compensation.

Nonexempt Employees. Employees who are not exempt from minimum wage, overtime, and time card provisions of the Fair Labor Standards Act (wage/hour law) as amended. These employees receive premium overtime pay for hours actually worked over the maximum established by the Fair Labor Standards Act during that employee's specific pay period.

For overtime purposes, worked hours are defined as hours actually worked, **excluding** annual leave, holidays or sick leave. (There are special rules for calculating overtime that apply to the Fire and Police Departments.)

Department Head. An individual who is assigned management responsibility for an established department of Town government and whose position is designated as a Department Head on the official Organizational Chart of the Town.

Supervisor. Applies in general terms to any employee formally assigned supervisory responsibilities for personnel and operations of a work unit within a larger department of Town government. Department heads, including the Administrator, are "supervisors" of individuals who report directly to them.

Change of Status:

Promotion. Promotion involves the movement of an employee to a different position having a greater degree of responsibility and a higher job classification.

Transfer. Transfer involves the movement of an employee from one position to another having the same job classification.

Suspension. Suspension refers to the action taken to temporarily relieve an employee of prescribed duties.

Dismissal. Dismissal refers to the action taken against an employee to separate him or her from Town service.

Resignation. Resignation refers to separation from employment at the election of the employee.

EQUAL EMPLOYMENT OPPORTUNITY

Town of Summerville provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, amnesty, or status as a covered veteran in accordance with applicable federal, state and local laws. Town of Summerville complies with applicable state and local laws governing non-discrimination in employment in every location in which the Town has facilities. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

ANTI-HARASSMENT POLICY

The Town does not tolerate verbal, visual or physical conduct by any supervisor, employee or third party that harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive or hostile environment. The Town expressly prohibits any form of unlawful employee harassment or conduct that has the purpose or effect of interfering with an individual's work performance or creating an intimidating hostile or offensive work environment based on sex (with or without sexual conduct), gender, race, color, religion, national origin, age, or disability. Every employee is individually responsible to maintain the work place free of any form of discrimination or harassment.

Harassing or offensive conduct in the work place, whether committed by supervisors, non-supervisory employees, or non-employees, may include, but is not limited to:

1. Unwelcome sexual advances or requests for sexual favors or other favors based upon stereotypes of race, color, religion, gender, national origin or disability;
2. Unwanted physical contact, including touching, pinching or brushing the body;
3. Verbal harassment, such as sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions or threats; epithets; slurs; negative stereotyping (including “jokes”); or threatening, intimidating or hostile acts which relate to race, color, religion, gender, national origin, age or disability;
4. Non-verbal conduct, such as display of sexually suggestive objects or pictures, leering, whistling or obscene gestures; written or graphic material that defames or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age or disability and that is placed on walls, bulletin boards, or elsewhere on Town premises, or that is circulated in the workplace via-email or otherwise; and
5. Acts of physical aggression, intimidation, hostility, threats, or unequal treatment based on sex (*even if not sexual in nature*) or upon race, color, religion, gender, national origin or disability.

With respect to sexual harassment, the Town prohibits unwelcome sexual advances or requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:

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

Anyone who believes he or she has been discriminated against or suffered unwelcome harassment by a supervisor, employee or non-employee, should report the situation immediately to his or her supervisor, Mayor or the HR Manager. The employee must complete a complaint form. A copy of the completed complaint form will be given to the employee.

Upon receipt of a report of discrimination or harassment, an investigation will be conducted into any allegations of such misconduct. Employees are expected to cooperate in any investigation and any information produced by such an investigation will be kept as confidential as possible in keeping consistent with a thorough investigation. Employees involved in the case will be informed of action taken as a result of the investigation. Any employee, supervisor, or manager who is found to have engaged in harassment of another employee is subject to appropriate disciplinary action.

Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited. The Town does not tolerate adverse treatment or harassment of any employee who in good faith reports harassment or provides information related to the investigation of such complaints.

FRATERNIZATION

The Town encourages professional relationships among its employees. Furthermore, The Town encourages teamwork, camaraderie and mutual relationships, all of which foster a healthy and productive work environment. However, it should be noted that the Town discourages any form of inappropriate relationship or socialization between supervisors, subordinates or co-employees which would lend itself to the perception of favoritism or which may result in the perceived or actual exclusion of other employees or individuals based on a lack of such relationship or on the basis of race, sex or national origin.

Any such relationship which creates one of the foregoing problematic situations or circumstances is hereby discouraged and prohibited. All Town employees, including supervisors, subordinates and co-employees, should make every effort to be professional in their relationships with others employed by the Town and should conduct themselves in a manner which is both friendly and free from conflicts of interest, or the appearance of favoritism or a conflict of interest.

OPEN DOOR/COMPLAINT HANDLING PROCESS

The Town has established a channel of communication called the Open Door Complaint Handling Process. It is a means by which employees may communicate with management to bring to management's attention matters of employment that are of concern, but may not rise to the level of a grievance under the Grievance Procedure. If an employee has a job-related problem, question or complaint, he or she should first discuss it with his or her supervisor. The simplest, quickest and most satisfactory solution may often be reached at this level. However, the employee may ask for an opportunity to discuss his or her concerns at the next higher level of management if resolution by his or her supervisor is unsatisfactory.

When the issue involves the supervisor or manager with whom the employee would ordinarily discuss a problem, the employee may bypass that individual and proceed to the next person in authority. At any time the employee may seek the advice and guidance of the Mayor, Administrative Services Director, or Human Resources Manager. If the matter remains unresolved, the employee may still opt to file a formal grievance through the Grievance Procedure.

INTRODUCTORY PERIOD OF EMPLOYMENT

Employees are considered Introductory Employees during the first six months following their date of hire, or after promotion, demotion or transfer to a new position. Introductory employees are entitled to file a grievance under the Grievance Procedure during the introductory period of employment, but may not pursue their grievance past the level of Department Head.

WORKPLACE VIOLENCE

The prevalence of violence in the workplace is a reason for all employees to be vigilant to potential threats to their safety. Town policies prohibit violent, abusive, or threatening behavior by one employee towards another or from an employee towards a citizen.

Employees are expected to warn or advise their supervisor or the Department Head of any suspicious workplace activity or situations or incidents of which they are aware or have observed. These may include verbal threats of violence or other aggressive behavior, physical intimidation or contact, or any behavior that a reasonable person might find threatening. This also includes “joking” threats. The Town will not condone or tolerate retaliation directed at any employee who has in good faith made a report of workplace violence or notified supervisors of such a threat.

SAFETY

It is the responsibility of every employee to observe safe practices in all daily activities. Any safety hazard detected should be immediately reported to the appropriate supervisor or department head. Safety equipment, if provided by the Town, must be used in the appropriate situations.

WORKPLACE SEARCHES and PRIVACY

The workplace is intended to be a place of work. An important part of work is communications and record keeping. No employee is at work 24 hours a day, seven days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces. Each employee must understand that personal items and personal communications received or stored on Town premises are not entitled to a guarantee of privacy.

The Town reserves the right to search Town property and documents in employee desks, lockers, file cabinets, etc.

Electronic media raise similar issues. The Town provides electronic and telephonic communication and, when necessary, computers to employees. Although assigned to the employee, these items still belong to the Town. Similarly, any computer files created on a Town-owned computer are the property of the Town. Employees should not use Town computers for personal business without the express written permission of the Town. Unauthorized programs and files may not be used on Town computers without the written

permission of the Town. The Town also reserves the right to review voice mail, electronic mail, computer files, and other electronic information generated by or stored in the it's electronic systems. Specifically, the following personal computer use is absolutely forbidden:

1. To access any material that the Town considers to be pornographic.
2. To transmit or knowingly accept receipt of any communication which is pornographic, obscene or in the Town's opinion might contribute to a hostile work environment in that it demeans individuals on the basis of race, sex, age, national origin, disability or some similar distinction.

IMPORTANT NOTICE: The Town has the capacity to examine the computer usage of individual employees in detail. Even though an item has been "deleted" and the employee cannot retrieve it, this does not mean that the Town cannot do so. It is also possible to generate a report of every Internet connection made by each user and of how much time was spent in each connection.

The Town may search at its discretion and without prior notice, property of the Town, or personal property belonging to others. The search may include any property that belongs to the Town even though it has been issued to an employee. All equipment and storage areas are the property of the Town and are issued for the use of employees only during their employment with the Town. The Town also reserves the right to inspect any packages, parcels, purses, handbags, briefcases, tool boxes, desks, lockers, or any other possessions or articles carried to and from the Town's property. Employees are expected to cooperate in the conducting of such searches.

DISASTER PROCEDURE

In the event of a declared emergency, natural disaster or other unusual circumstance affecting the Town, employees may be called upon to provide extra hours of service and duties. If such an event occurs, it is the responsibility of the employee to contact his or her supervisor to see if his or her services are needed.

DRUG USE AND DRUG TESTING POLICY

It is well recognized that drug abuse has a harmful effect on public health and safety, on the welfare of employees, on morale, and on productivity. It is therefore the policy of the Town of Summerville to establish and maintain drug-free workplaces. *The Town hereby* prohibits the unauthorized or unlawful manufacture, distribution, dispensation, possession, and use of controlled substances on or off the job.

I. GENERAL RULE

Effective immediately, all employees of the Town are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using illegal drugs and substances (such as marijuana, cocaine, LSD, heroin, etc.) and prescription drugs which are not prescribed for the employee's own use or *prescription drugs that are* used improperly according to prescription instructions. This prohibition applies to use at any time, both on the job and off the job. The Town employees are, of course, permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

II. APPLICANTS FOR EMPLOYMENT

The Town may conduct pre-employment drug tests for applicants tentatively selected for employment. The Town will not hire any applicant tentatively selected for employment who refuses to submit to a drug test or who tests positive for use of illegal or unauthorized substances. An applicant who is rejected under this policy may be considered for future vacancies if he can demonstrate that he is no longer a user of any unlawful substances. (This may include successful completion of a rehabilitation program as well as a negative drug test result.)

III. CURRENT EMPLOYEES

A. All Town employees are subject to drug testing by urinalysis where "particularized suspicion" of drug use in violation of this policy exists or under other lawful conditions.

1. Particularized suspicion is deemed to exist when:
 - a. information that an employee has used illegal drugs or substances in violation of this policy is provided by a reliable informant;
 - b. a serious accident occurs;

"serious" accident is defined

as:

- (1) an accident involving a fatality, [NOTE: DOT regulated employees will be tested after an accident involving a fatality regardless of fault];
- (2) an accident causing bodily injury that requires medical treatment away from the scene of the accident;
- (3) an accident causing total aggregate property damage of \$2,000 or more based on reliable estimates;
- (4) an accident involving one or more Commercial Motor Vehicles which results in one of the vehicles having to be towed from the scene by a tow truck or other vehicle; or
- (5) other conditions suggest that testing is warranted

c. an employee exhibits any of the following:

- (1) extreme mood swings;
- (2) slurred speech;
- (3) unusual clumsiness;
- (4) staggering;
- (5) dilation of pupils;
- (6) sleeping on the job or lethargy;
- (7) excessive unexplained sweating; or
- (8) other aberrational behavior;

d. an employee has been arrested for violation of drug laws;

e. an employee has admitted violating the Town's drug policy;

f. an employee has tested positive for illegal drugs within the past two years.

- B. Employees required by their jobs to possess a Commercial Driver's License must provide a specimen for testing within 32 hours following a serious accident for which they arguably are at fault. (Such employees who are injured and cannot provide a specimen at the time of the accident will provide necessary authorization for obtaining hospital reports or other documents that would indicate the presence of controlled substances in the employees' systems.)
- C. Employees required by their jobs to possess a Commercial Driver's License must submit to a drug test whenever they are issued a citation for a moving violation in connection with an accident.
- D. Particularized suspicion testing may not be conducted without the approval of the Division Head or his designee(s). The Chief of Police or Deputy Chief of Police shall approve particularized suspicion testing for Police Department employees.
- E. Random testing for illegal or unauthorized drug use may be conducted for all sworn police officers, firefighters, or other employees classified by the Town Council as "safety sensitive" positions.
- F. Random testing for illegal or unauthorized drug use may be conducted for all employees who are required by their jobs to possess a Commercial Driver's License and for employees who occupy positions the Town deems to be safety sensitive. [A list of positions subject to random testing is attached as Appendix A.]
- G. Any employees involved in an accident while driving a town vehicle will be tested for drugs if the accident caused \$500 or more in damage to any vehicle or with any degree of personal injuries to any occupant.
- H. If an employee refuses to submit to a drug test when ordered to do so, the employee is terminated.

IV. TESTING PROCEDURE

- A. Drug testing will be by urinalysis.
- B. The collection of samples will be performed under reasonable and sanitary conditions.
- C. Urine normally will be collected under conditions of semi-privacy -- that is, a person of the same gender will be in a position to observe obvious attempts to substitute or adulterate a urine sample. Collection of the urine sample may be directly observed by a person of the same gender, however, where the person supervising the collection believes an employee has tampered with an earlier

urine sample or the employee has previously admitted or been proved to have used drugs in violation of this rule.

- D. Urine samples will be sealed, labeled, and documented in accordance with the procedure of the drug testing company. Labeling, storage, and transportation of samples are expected to be performed so as reasonably to preclude the probability of erroneous identification, sample contamination, or sample adulteration.
- E. Specimens will be checked for at least the following six drugs:
 - (1) marijuana
 - (2) cocaine
 - (3) opiates
 - (4) amphetamines
 - (5) phencyclidine
 - (6) barbiturates
- F. Applicants and employees will have an opportunity to provide any information which they consider relevant to the test, including identification of currently used prescription or nonprescription drugs, or other relevant information.
- G. Samples that initially result in a positive finding for drug use will be re-tested by the gas chromatography/mass spectrometry (GCMS) lab analyses. If the GCMS test results in a positive finding of drug use, and is verified by the Medical Review Officer, the written report of the Medical Review Officer shall be conclusive for all employment-related purposes.
- H. The Town's Medical Review Officer will normally allow an employee whose drug test results have been confirmed as positive the opportunity to justify the result before the Medical Review Officer notifies the Town.

V. NOTICE TO EMPLOYER, STATE AND FEDERAL GRANTOR/CONTRACTING AGENCIES, AND LAW ENFORCEMENT AUTHORITIES

- A. As a condition of employment, employees agree to notify the Town within five calendar days after any criminal conviction for the manufacture, distribution, dispensation, possession, or use of illegal drugs and prescription drugs not prescribed for the individual employee's use. The Town shall notify all state and

federal grantors/contracting agencies of such employee convictions if required by the state and federal Drug Free Workplace Acts. "Conviction" means a finding of guilt, imposition of a sentence, a plea of no contest, or a plea of guilty.

- B. The Town shall notify law enforcement authorities whenever illegal drugs are found in the workplace.

VI. CONSEQUENCES OF VIOLATING THIS POLICY

Violations of this policy may result in discipline up to and including discharge.

- A. For sworn police officers, firefighters, and other positions classified by the Town Council as "safety sensitive" the employee is terminated if found to be in violation of this policy.
- B. For employees still in the introductory period of employment, the employee is terminated if found to be in violation of this policy.
- C. For all other employees, the Town may impose discipline up to and including discharge for an employee if found to be in violation of this policy.
 - 1. In lieu of terminating an employee, the Town may condition the continued or future employment of an employee who tests positive for or admits to the use of illegal drugs, upon the successful completion of a drug counseling/rehabilitation program.
 - 2. After considering all of the relevant circumstances, if the Town agrees to allow an employee who is found to be in violation of this policy to continue as a Town employee, the Town may do the following:
 - a. Refer the employee for drug abuse counseling;
 - b. Retest the employee for controlled substances before allowing the employee to return to duty;
 - c. Require the employee to authorize the counseling agency or other facility to report periodically to the Town during the course of treatment/counseling;
 - d. Place the employee on probation for at least six months following the employee's return to duty; and

- e. Require the employee to submit to unannounced follow-up drug testing for a period not to exceed five years.
- D. Should an employee, whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program, refuse or fail to participate in a single counseling or treatment session, the employee will be terminated.
- E. Any employee whose return-to-duty tests positive for illegal drugs is terminated.

VII. COMING FORWARD WITH SUBSTANCE ABUSE PROBLEMS

- A. All employees (other than sworn police officers, firefighters *or other employees in safety sensitive positions*) who have substance abuse problems and report them to the Town before being selected for testing, and before the occurrence of an event which normally would result in testing, normally will not be disciplined upon the first violation. However, the Town reserves the right to take disciplinary action.
- B. If an employee admits to a violation of this policy or tests positive for drugs in violation of this policy, but seeks counseling and remains an employee of the Town, the employee will be discharged if he again either admits to a violation of this policy or tests positive for drugs in violation of this policy.

VIII. CONFIDENTIALITY

Any drug test results or information supplied by employees and applicants as part of the Town's drug testing program will be kept as confidential as possible, consistent with the purposes of this policy.

IX. TESTING COSTS

The Town will pay the costs of all drug tests to which the Town requires an employee to submit. However, an employee subject to unannounced follow-up testing pursuant to Part VI (C) (2) (e) of this policy will be solely responsible for the cost of all follow-up tests.

X. NOTIFICATION OF TEST RESULTS

- A. Upon written request, job applicants may learn of the results of a pre-employment drug test if the Town receives the request within 60 days of disposition of their application for employment.
- B. Employees will be notified of the results [including the drug(s) discovered] of all drug tests, provided the results are positive.

XI. EMPLOYEE ASSISTANCE PROGRAM

The use of illegal drugs and similar substances is a serious threat to our nation's collective health, safety, and welfare. Drug abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. In order to prevent these consequences of drug abuse, the Town has implemented this policy. Employees who feel they have a problem with controlled substances should seek assistance.

A. For information on where to obtain treatment or assistance for drug or alcohol problems, one of the best places to look is in your phone book's Yellow Pages under "Drug Abuse & Addiction Information & Treatment Centers" or "Alcoholism Information & Treatment Centers." Under these headings, there is often a listing for a local "Council on Alcohol and Drug Abuse." These organizations are most helpful, as are Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) in identifying sources for treatment and assistance. Set forth below is a list of organizations that may provide information or referrals.

1. Dorchester Alcohol and Drug Commission
500 North Main Street, Suite 4
Summerville, SC 29483
871-4790
2. National Clearinghouse on Alcohol and Drug Information
1-800-729-6686
3. National Council on Alcoholism
1-800-622-2255

B. Periodically, the Town may make available to employees information regarding substance abuse. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material.

APPENDIX A

The following positions are subject to random testing:

1. Employees required to possess a commercial driver's license.
2. Sworn police officers.
3. Firefighters
4. Anyone employed in a position classified by Town Council to be "safety sensitive"

ALCOHOL USE AND ALCOHOL TESTING POLICY

The abuse and misuse of alcohol is a very serious problem that threatens our nation's collective health, safety, and welfare. The Town of Summerville is committed to maintaining a safe and productive work environment. Alcohol in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. It is therefore the policy of the Town of Summerville to establish and maintain alcohol free workplaces, to comply with applicable government regulations, and to prohibit the unauthorized, improper, or unlawful use of alcohol on the Town's premises or time.

For these reasons, the Town has implemented the following Alcohol Use and Alcohol Testing Policy.

I. GENERAL RULE

Effective immediately, all employees of the Town are prohibited from using or possessing open containers of alcoholic beverages on Town premises or Town worksites. (The term "Town premises" includes: buildings, parking lots and recreation areas and Town vehicles.)

All employees of the Town are prohibited from reporting to or being at work while under the influence of alcohol. **(An employee is considered to be "under the influence of alcohol" if he has any detectable amount of alcohol in his system.)**

Employees who are required by their jobs to possess a commercial driver's license (CDL) are subject to the federal regulations of the US Department of Transportation and, more specifically, to 49 CFR Part 382 which addresses the misuse of alcohol among DOT regulated employees. These regulations prohibit the following:

- using alcohol within four hours of reporting for duty;
- reporting for work with an alcohol concentration of .02 or greater;
- using alcohol while on duty;
- using alcohol within eight (8) hours following an accident which requires an alcohol test (or until a post-accident test is conducted, whichever occurs first);
- possessing alcohol while on duty;
- transporting alcohol in any DOT regulated vehicle (except when alcohol is manifested cargo).

II. CURRENT EMPLOYEES

- A. All Town employees are subject to alcohol testing where "particularized suspicion" of alcohol use in violation of this policy exists.
1. Particularized suspicion is deemed to exist when:
 - a. information that an employee has used or possessed alcohol in violation of this policy is provided by a reliable informant;
 - b. an accident occurs due to the apparent fault of an employee.
 - c. "an accident" is defined as:
 - (1) an accident involving a fatality, [NOTE: DOT regulated employees will be tested after an accident involving a fatality regardless of fault];
 - (2) an accident causing bodily injury, which requires medical treatment away from the scene of the accident;
 - (3) an accident causing total aggregate property damage of \$500 or more based on reliable estimates; or
 - (4) an accident involving one or more Commercial Motor Vehicles which results in one of the vehicles having to be towed from the scene by a tow truck or other vehicle.
 - d. an employee exhibits behavior consistent with alcohol use such as but not limited to:
 - (1) erratic behavior (mood swings, slurred speech, staggering, bloodshot eyes, sleeping on the job or lethargy, excessive unexplained sweating, etc.);
 - (2) the apparent odor of an alcoholic beverage on an employee's breath;
 - (3) other aberrational behavior such as but not limited to absenteeism or tardiness, significant deterioration in job performance, repeated errors or rules violations, etc.
 - e. an employee has admitted violating the Town's alcohol policy;

- f. an employee is arrested for or convicted of an alcohol related offense;
 - g. an employee has tested positive for alcohol in violation of this policy within the past five years.
 - 2. Particularized suspicion testing may not be conducted without the approval of the Town Administrator or his designee;
- B. All employees occupying positions designated by the Town as "safety sensitive" are subject to random selection alcohol testing to determine compliance with this policy. A list of safety sensitive positions is attached as Appendix A. All DOT regulated employees are subject to random selection testing pursuant to 49 CFR Part 382. Random selection testing is unannounced.
- C. If an employee refuses to submit to an alcohol test when ordered to do so, the employee is terminated.

III. TESTING PROCEDURE

- A. Employees will have an opportunity to provide any information which they consider to be relevant to the test.
- B. Alcohol tests are conducted to determine if an employee has violated this policy.
- C. The Town shall use DOT approved non-evidential screening devices and DOT approved evidential breath testing (EBT) devices for alcohol testing pursuant to this policy.
- D. A non-evidential screening device may be utilized to initially determine compliance with this policy. If the screening device indicates the presence of alcohol, or if the Town deems the results of the screening device questionable, then a confirmatory test will be conducted utilizing an EBT device.
- E. The EBT confirmatory test will be conducted by an individual properly certified to use the equipment.
- F. A confirmatory test result generated through the use of an EBT that indicates a presence of alcohol in violation of this policy is conclusive for purposes of this policy.

IV. CONSEQUENCES OF VIOLATING THIS POLICY

Violations of this policy may result in discipline up to and including discharge.

- A. For sworn police officers, the Town may terminate an employee if he is found to be in violation of this policy.
- B. For employees still in the introductory period of employment, the Town may terminate the employee if he is found to be in violation of this policy.
- C. For all others, the Town may impose discipline up to and including discharge for an employee who is found to be in violation of this policy.
 - 1. In lieu of terminating an employee the Town may suspend the employee and condition his continued or future employment upon the successful completion of an alcohol counseling/rehabilitation program.
 - 2. After considering all of the relevant circumstances, if the Town agrees to allow an employee found to be in violation of this policy to continue as a Town employee, the Town may do the following:
 - a. Refer the employee to a Substance Abuse Professional for assessment and require the employee to follow the SAP's prescribed program of counseling/treatment;
 - b. Require the employee to authorize the Employee Assistance Program or other facility to report periodically to the Town during the course of counseling/treatment;
 - c. Retest the employee for alcohol use in violation of this policy before allowing the employee to return to duty;
 - d. Place the employee on probation for at least six months following the employee's return to duty; and
 - e. Require the employee to submit to unannounced follow-up alcohol testing for a period not to exceed five years. (The employee will be solely responsible for the total cost of all follow-up alcohol tests conducted pursuant to this policy.)
- D. Should an employee, whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program, refuse or fail to participate in a single counseling or treatment session, the employee will be terminated.
- E. An employee whose return-to-duty alcohol test indicates that the employee is in violation of this policy is terminated.

V. COMING FORWARD WITH ALCOHOL ABUSE PROBLEMS

- A. Employees who have alcohol abuse problems and report them to the Town before being selected for testing, and before the occurrence of an event which normally would result in testing, may not be disciplined and may be subject to Section IV(C)(2) of this policy.
- B. If an employee admits to a violation of this policy or tests positive for use of alcohol in violation of this policy, but seeks counseling and remains an employee of the Town, the employee will be discharged if he again either admits to a violation of this policy or tests positive for alcohol in violation of this policy.

VI. TESTING COSTS

The Town will pay the costs of all alcohol tests to which the Town requires an employee to submit. However, the employee is solely responsible for the total cost of all follow-up alcohol tests conducted pursuant to Section IV(C) (2) of this policy.

VII. EMPLOYEE ASSISTANCE PROGRAM

Employees who feel they have a problem with substance abuse should seek assistance.

- A. For information on where to obtain treatment or assistance for drug or alcohol problems, one of the best places to look is in your phone book's Yellow Pages under "Drug Abuse & Addiction Information & Treatment Centers" or "Alcoholism Information & Treatment Centers." Under these headings, there is often a listing for a local "Council on Alcohol and Drug Abuse." These organizations are most helpful, as are Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) in identifying sources for treatment and assistance. Set forth below is a list of organizations that may provide information or referrals.

1. Dorchester Alcohol and Drug Commission
500 North Main Street, Suite 4
Summerville, SC 29483
871-4790
2. National Clearinghouse on Alcohol and Drug Information
1-800-729-6686
3. National Council on Alcoholism
1-800-622-2255

- B. Periodically, the Town may make available to employees information regarding alcohol abuse. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material.

APPENDIX A

The following positions are subject to random testing:

1. Employees required to possess a commercial driver's license.

COMPUTER AND TELEPHONE USE AND ACCESS

The Town provides its employees with telephones, computer equipment and a variety of workplace technology. The Town's computer equipment and computer software are to be used for official business only. Similarly, use of the Town's telephone should be restricted to business purposes, with the exception of brief personal calls only as necessary. No personal long distance calls at the Town's expense are allowed.

Please be aware that any telephone call on the Town's telephone equipment and/or communication through the use of computer equipment may be monitored and/or recorded.

Additionally, the Town reserves the right to access, search, inspect, and disclose any message, communication or file on the telephone system or computer system owned or operated by the Town at any time. The Town also retains the right to access, search, inspect, and disclose any file contained on any diskette located on Town property or that is kept with files or equipment that belong to or are provided by the Town at any time. All equipment, software, files, disks, diskettes, communications, or messages created, maintained, sent, or received on any system or diskette provided by the Town are considered Town property. What constitutes inappropriate use is within the Town's sole discretion.

Employees may not use the equipment to send or receive messages in violation of federal or state law, in violation of Town policy, in violation of the property or copyright interests of another, or in any other unauthorized or inappropriate manner.

A used disk should never be provided to anyone outside the Town's system since it may contain sensitive information.

Policy on Use of Pagers, Cell Phones and other Wireless Communication Devices

It is the policy of the Town of Summerville to provide cellular telephones, electronic paging devices, and wireless personal communications devices to designated employees in order to improve productivity, enhance customer service to our citizens, and/or to enhance public safety services. The employee to whom an electronic device is issued is responsible for the care and safekeeping of the device. In the event of loss or damage, the cost of repair or replacement may be charged against the employee. By accepting the device, the employee agrees to be responsible for loss or damage and agrees and authorizes that any such costs may be deducted from any wages owed to the employee.

It is also the policy of the Town to maintain the right to access and disclose any and all messages communicated through electronic means when Town-owned equipment is used. Regardless of the intent of the message (business or personal), employees using town-owned equipment should have no expectation of a right to privacy concerning the content of any message or the intended destination of any message.

Decisions regarding the use of Town cellular telephones, electronic paging devices, and wireless personal communications devices which are not explicitly stated herein will be left to the

discretion of the Mayor. Department Heads are authorized to administer, provide guidance on, and assure compliance with the provisions of this policy.

I. APPLICABILITY

This Policy and Procedure applies to all Town employees, and departments. Departments which use a pool system for cellular telephones, or which have cellular telephones assigned to vehicles or positions instead of to individuals, may develop departmental policies and procedures and/or regulations which provide greater direction to their employees, as long as that direction is consistent with this policy.

This policy includes town-owned cellular telephones, electronic paging devices, and other wireless personal communications devices, which are not directly connected to a telephone line.

II. AUTHORIZED USAGE

Town-owned cellular telephones, electronic paging devices, and other wireless personal communications devices are intended for and expected to be used for Town business. **Personal usage related to work assignments (e.g., personal calls which need to be made when away from an office with land line telephones, etc.) and other occasional personal usage is permitted, as long as the personal use is reasonable and prudent. Such usage will be monitored, and if determined to be excessive, will result in the loss of use privileges, demand for reimbursement of excess expense, and disciplinary action up to and including discharge.**

SOCIAL MEDIA POLICY

For purposes of this policy, “social media” is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the internet, including internet forums, blogs, online profiles, wikis, podcasts, pictures, video, email, instant messaging, music sharing, and voice over IP. Examples of social media sites include but are not limited to blogs, Facebook, LinkedIn, Twitter, Tumblr, Myspace, RSS, Pinterest, Instagram, YouTube, Goggle+, Yahoo Groups, Wikipedia, Yelp, Zoom Info and Flickr.

For purposes of this policy, “content” include information, articles, pictures, videos, or any other form of communicative content posted on any of these sites, as well as any Town-operated site.

Electronic communications such as email, instant messaging, texting, mobile communications, branded websites, and social media, as defined above, are an important means of conducting business at the Town. The information employees create or circulate should reflect the same standard of professionalism that is used in traditional forms of written communication, such as letters and memos.

Be aware that the Town systems may be monitored at any time; therefore, all content accessed by a Town computer or system, regardless of whether it is personal or work-related, open or password-protected, is not considered private.

Employees should be mindful that any information they communicate via electronic means may be subpoenaed.

Employees who violate this policy may be subject to disciplinary action up to and including termination.

A. **Social Media Usage Outside the Workplace.** While the Town encourages employees to utilize these tools, the following is the Town's policy for appropriate online conduct to avoid misuse of these communication tools. When utilizing social media sites, employees must:

- Make it clear when posting a comment that they are speaking for themselves and not the Town of Summerville.
- Not post confidential or sensitive Town information regarding any employee, vendor, or business partner on any social media site.
- Not discuss potential claims against the Town or other legal matters without first consulting the Legal Department.
- Not post discriminatory statements or sexual innuendos regarding coworkers, management, customers, or vendors.
- Not post unlawful statements regarding the Town, its employees, customers, and vendors.
- Comply with all other Town policies with respect to electronic communications, such as rules against conduct that result in sexual harassment or other forms of harassment. Employees must not post obscenities, slurs, or malicious attacks that can damage the Town.

B. **Social Media Usage in Connection with Town Business.** The Town has an overriding interest and expectation in deciding what is "spoken" on behalf of the Town on social media sites. Certain Town employees may be asked to receive information from or provide information to members of the public and other persons using social networking sites and/or social media maintained by the Town. The following general rules apply to such social media usage:

- All Town of Summerville Social Media is managed by the Public Information Officer (PIO), unless authorized permission is given. If a Town employee wishes to have something posted to or displayed on any of the Town's social media sites they shall contact the PIO.

- Town of Summerville shall make every effort to clearly identify the official status of the Town. Account or Page names should incorporate the department name or acronym whenever possible and should display the appropriate official logo if/when possible.
- Do not post links to any materials that are defamatory, harassing or indecent, or that could be construed as having a political affiliation.
- Emails and other correspondence conducted over personal social media channels that are official business of the Town of Summerville should be preserved and retained in a manner similar to other official documents. If you receive an unsolicited official contact through your personal email or social media presence, forward a copy of the correspondence to your official Town of Summerville email account and respond from that platform.
- Information sent, transmitted, published or released by a Town employee is deemed to be communication by and on behalf of the Town. Accordingly, such information must be truthful, accurate, non-offensive and authorized for release or publication by the appropriate Town official. Personal opinions and comments are not permitted unless authorized by an appropriate Town official.
- The Town PIO and IT Director will maintain the usernames and passwords for all social media accounts. Account passwords shall promptly be reset when an employee is removed as an account administrator.

PROFESSIONAL ETHICS - CONFLICT OF INTEREST

Political Activity: Town employees may participate in both partisan and nonpartisan political activities with the following limitations:

1. Employees may not engage in any political activity while on duty
2. Employees may not contribute, solicit, or act as custodian of funds for political purposes as a condition of employment
3. Employees may not coerce or compel other employees to make contributions for any political purpose
4. Employees whose positions are funded by federal funds may be further restricted from political activity due federal law contained in the Hatch Act.

Gifts & Gratuities:

Employees may not accept any gift, favor, or item of value that may tend to influence them in the discharge of their duties. Town employees are expected to be fair and impartial in their dealings with any person, firm, corporation which may be interested directly or indirectly in business dealings with the Town.

Conflict of Interest: The South Carolina Ethics Act requires a public official or employee to remove himself or herself from possible conflict of interest actions or decisions. Business dealings with a governmental agency can take place only after (1) public disclosure of the possible conflict

of interest; (2) public notice and competitive bidding when that is the normal contract award process; and (3) complete removal of the interested official or employee from the agency's decision making process.

COURTESY

Employees are expected to be courteous and respectful when dealing with the public or coworkers. This will not always be easy when others are rude, sarcastic, or insulting, but as public employees your behavior is held to a higher standard. You should never use coarse, violent, profane, or abusive language or gestures when communicating with others

PERSONAL APPEARANCE & Demeanor

Your appearance while on duty also reflects on the Town of Summerville, and inappropriate dress may be disruptive to the operation of a professional workplace. Supervisors are authorized to determine whether or not an employee's dress is appropriate for their position and duties.

Employees are also expected to keep their work environment clean and orderly. Before departing at the end of the employee's workday, he or she should lock the files and cabinets when required and clear all work materials from desk surfaces, especially materials of a sensitive or confidential nature.

CONFIDENTIALITY

During the course of employment an employee may come into possession of information that is confidential and should not be disclosed to other employees or the public. If you do not know whether or not information is confidential, the safest course is not to disclose it.

SMOKING

Smoking is prohibited in all Town buildings except in designated smoking areas.

DEPARTMENT SPECIFIC POLICIES

Individual departments may have policies that are specific and unique to their operations, and that do not apply to employees outside of that department. Such policies may be more restrictive than the general policies contained in this handbook, but in no case shall department specific policies be less so. To the extent that there is conflict between a department specific policy and the policies of this handbook, the latter controls. Department Heads are responsible for creation and administration of department specific policies. You may obtain information on such policies from your Department Head.

HIRING

Persons interested in applying for employment with the Town of Summerville must do so on an official Employment application form. The Town does not accept applications for employment unless there is a posted and advertised opening.

Newly hired employees may not start working until they have supplied the Human Resources Manager with all personal information and/or documentation required for their personnel file.

Recruitment: The Town of Summerville seeks to recruit and employ the most suitable persons available in the Town's sole discretion, without regard to race, sex, age or other personal characteristics as outlined in the Town's Equal Employment Opportunity Policy. The Town encourages promotion from within and when it is in the Town's best interest, existing employees may be given preference over outside applicants for available positions. However, the Town reserves sole discretion to determine an employee's suitability for an available position, or whether applicants from other sources should be considered.

Promotions and Transfers: While promotion from within is generally encouraged, a current employee must have a performance record of meeting expectations in his or her current position in order to be considered a candidate for promotion. At its sole discretion, the Town selects the most suitable candidate for an available position opening. Transfer opportunities also may be considered in filling vacancies as employee request and the Town's need warrant. Nothing herein prevents the Town from considering candidates or hiring from outside the ranks of current Town employees.

Hiring of Relatives: Two or more members of an immediate family may not be employed within the same department if such employment would result in an employee's supervising a member of his or her family, or occupying a position of influence over another family member's employment, promotion, salary or other related personnel considerations.

If two employees in the same department become related, creating any of the situations described in the previous paragraph, they will be allowed to decide which one will resign. If the affected employees will not make a choice, seniority will determine who leaves. If seniority is equal, the higher-paid employee would be allowed to remain in the department.

Related includes spouse, parent, child, parent or child of a spouse, brother, sister, grandchild, grandparent, brother or sister-in-law, or other relative or person living in the same domicile with the employee. The term also includes individuals with whom an employee has a close personal relationship (such as domestic partner, co-habitant, or significant other). The Town reserves the right to include relationships not listed, when, in its sole discretion, such relationship may cause a conflict of interest or give the appearance of a conflict of interest.

WORK HOURS AND SCHEDULES

Many of the Town's functions require twenty-four (24) hour service and work hours and requirements may vary depending on the Department. Individual departments may have special policies regarding work hours and your supervisor will advise you of your schedule and policies.

Daily and weekly work schedules may be changed from time to time at the discretion of the head of a department to meet the varying needs and conditions of the Town.

ATTENDANCE

Punctual and regular attendance is essential functions of each employee's job at the Town. Tardiness and absenteeism cause problems for fellow employees and supervisors.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees are also expected to remain at work for their entire work schedule, except for break periods or when required to leave on authorized Town business.

In all cases of absence or tardiness, employees must provide their supervisor with an honest reason or explanation. Documentation of the reason may be required. Employees must also inform their supervisor of the expected duration of any absence. Employees are expected call his/her supervisor in advance of his or her regular starting time on any day on which the employee is scheduled to work and will not report to work. If the employee cannot personally telephone, the employee should have a reliable person do so.

Excessive absenteeism or tardiness cannot be tolerated. Each situation of absenteeism or tardiness may be evaluated on a case-by-case basis. However, even one instance of unexcused absence or tardiness may be considered excessive, depending on the circumstances. Further, any employee who fails to report to work without notification to his or her supervisor for two (2) or more days or shifts will be considered to have voluntarily resigned.

RECORDING WORK HOURS

Employees eligible for overtime must record their hours manually on time sheets, or by means of time clocks. Properly completed leave slips must be submitted in order to take any approved leave. Department heads or supervisors verify and certify time worked and leave taken before the information is submitted to payroll for processing.

PERFORMANCE EVALUATION

The Town may provide periodic written evaluations of an employee's performance.

JOB DUTIES

While employees generally may be assigned a job title and a set of essential job duties, it should be understood that every employee is expected to fulfill any reasonable job related task assigned to the employee.

RESIGNATION

Employees who are absent from work for two consecutive days without being excused or reporting as required are considered as having voluntarily resigned. However, employees are free to resign at any time and for any reason or no reason, with or without notice. Similarly, the Town reserves the right to terminate employment at any time, with or without notice, for any reason or no reason, with or without cause.

However, employees who do not give and work a two-week written notice of their intent to resign ordinarily will not be considered for employment upon reapplication and forfeit payment of any accrued annual leave.

Final Pay: Cash, debts owed the Town, fringe benefits, uniforms, keys, tools, equipment, vehicles, instruction manuals, insurance prescription drug cards, identification cards, and any other items belonging to the Town and advanced or issued to an employee and not repaid or returned by him at the time of his separation from employment are considered advances of wages, the value of which may be deducted from the employee's final pay check(s).

Additionally, final paychecks are issued on the regular payday. The final paycheck is issued as a check rather than as direct deposit and is usually available at the regular place of pay on the next regular payday; however, if the employee does not retrieve the check, it may be mailed to the terminated employee's last known home address. Employees who change their addresses after leaving the Town should notify Human Resources so that they can receive their W-2 forms the following January.

COMPENSATION POLICIES

COMPENSATION POLICIES

PAY POLICIES

Town employees are paid according to schedules established by the department. The Human Resources Dept. advises you in writing of your pay schedule and location. When a scheduled payday falls on a holiday or a weekend, employees are normally paid on the immediately preceding weekday.

Payment of overtime compensation to employees is governed by federal wage and hour laws (the Fair Labor Standards Act, "FLSA") which define categories of employees which are exempt or non-exempt from those provisions and the circumstances under which overtime payments must be made.

Work subject to an overtime rate of payment must be approved in advance by the employee's department head and the Town. In emergencies, the department head may schedule overtime work as required.

Special Compensation for Exempt Employees - In the event of a state of emergency or disaster declared by the Summerville Town Council, the Governor of the State of South Carolina, or the President of the United States, at the discretion of the Town Council, employees who are otherwise overtime exempt may be paid a sum in addition to their regular salary as authorized by the Town Council.

COMPENSATORY TIME POLICY

All employees of the Town of Summerville may be required to work overtime from time to time. All overtime must be approved by a supervisor who has been authorized by the Department Head to approve overtime. Department Heads shall be responsible for assigning overtime as equally as possible among employees in the department. If a nonexempt employee engages in unauthorized overtime, the employee must be paid but, disciplinary action may be taken up to and including termination.

In accordance with the FLSA, eligible non-exempt employees may be awarded time off (known as Comp Time) for overtime hours worked in lieu of overtime payment. Comp Time is calculated at 1.5 hours for each overtime hour worked. When overtime hours are worked and are to be accrued as Comp Time in lieu of overtime pay, the timesheet should reflect the correct hours and have appropriate approval. The number of actual hours worked will be shown on the time sheets. All Comp Time earned and used must be reflected on employee timesheets. Willful deviations from this section of the policy may result in disciplinary action for both the employee and the supervisor.

Conditions for the grant and use of non-exempt employee compensatory time off are as follows:

- The granting of compensatory time off in lieu of overtime wages must be approved in advance by the employee's supervisor.
- Compensatory time accrued is subject to a cap of 37.5 hours or 5 work days. Non-exempt employees whose accrual balances reach the cap must be paid overtime wages for hours worked beyond the normal schedule. Additional compensatory time off cannot be accrued until the employee's balance falls below the cap.
- The employee's supervisor must provide prior consent before the employee uses accrued compensatory time off. Such consent may be granted if the employee's absence will not unduly disrupt operations.
- Compensatory time can be accrued and used in minimum increments of 1/2 hour.
- Use of compensatory time is generally limited to periods of 3 consecutive days.
- Accrued compensatory time off must be taken within thirty (30) days of accrual.
- Non-exempt employees will be paid for accrued compensatory time upon promotion to an exempt position.
- Non-exempt employees will be paid for accrued compensatory time upon termination.

Exempt employees may be granted compensatory time off for hours worked in excess of regularly scheduled work. Granting of compensatory time off to exempt employees will be managed in an informal manner at the discretion of the authorized supervisor.

1. Use of compensatory time is generally limited to periods of 3 consecutive days (or 2 consecutive shifts in the case of Fire & Rescue Battalion Chiefs).
2. Compensatory time will not be paid upon termination of employment or at any other time. It may only be used as time off.

TRAVEL AND SUBSISTENCE ALLOWANCE

Employees required to travel outside the Summerville area on official Town business are eligible to be reimbursed for reasonable expenses as approved by the Department Head. The rate of reimbursement for particular expenses may change from time to time and the current reimbursement rates are available from the office of the Finance Director.

BENEFITS, PRIVILEGES AND SERVICES

BENEFITS, PRIVILEGES AND SERVICES

The Town specifically reserves the right to unilaterally amend, alter and/or end any or all benefits, privileges and/or benefit plans described in this Handbook subject to any statutorily required notice to employees. However, should the information in this Handbook conflict with any master contracts or master plan documents, the master contracts/documents control.

MEDICAL AND LIFE INSURANCE

Regular full-time employees who work at least 30 hours per week may be entitled to group medical, dental and life insurance coverage. Coverage begins the first day of the month following 30 days of employment, subject to any special eligibility requirements contained in the Town's plan document (as amended). Any special eligibility issues may be determined at the time that an employee makes application for coverage. The Town pays the employee's premium for coverage, and currently subsidizes a portion of the dependents' premiums (which may change at the discretion of Town Council).

Workers' Compensation:

All workers are covered under Workers' Compensation for injuries sustained while on the job. Injuries or work-related illnesses must be reported to your supervisor within 24 hours, or if incurred on a weekend, the following Monday. Department Heads/Supervisors complete all necessary reports and turn these in to the Town's Safety Officer within this 24 hour period. You must report any accident, even if you do not require medical attention. **FAILURE TO REPORT AN INJURY MAY AFFECT YOUR RIGHT TO RECEIVE BENEFITS.**

For information about payment of group health insurance premiums during leave due to an on-the-job injury, you should refer to the Town's leave of absence policies contained in this handbook.

The Town of Summerville has designated a health care center/physician for the treatment of all work related accidents and injuries. If you need medical treatment for an on-the-job injury or work related illness, your initial treatment must be provided by the Town's designated physician (unless your condition is so serious that you must be immediately transported to a hospital emergency room). Ask your Department Head for the name and address of the designated physician. If you fail to utilize the physician provided by the Town for Workman's Compensation claims, you may be held financially responsible for all or part of the costs of care provided by others.

If you are released for light duty, the Town may allow your temporary placement in an alternate position for which you are suited (such as answering phones or sorting mail) provided that such a position is vacant and needs to be filled.

RETIREMENT

All regular Town employees, and part-time Town employees whose work schedule meets conditions set forth in the plan, are members of the South Carolina State Retirement System. Police officers and firefighters who meet specific eligibility requirements are covered instead under the South Carolina Police Officer's Retirement System.

Retiree Health Insurance Coverage

An employee who retires or has retired under the policies of the state or police officers retirement AND has reached eligibility for normal or disability retirement benefits under the terms outlined by the S.C. Retirement System (early retirees do not qualify) AND who has at least twenty (20) years of continuous, full-time service with the Town of Summerville, is entitled to continue health insurance coverage under the terms of this policy and the health insurance provider's policy as a retiree.

A Town councilmember who has at least twenty (20) years of continuous service to the Town of Summerville is also entitled to continue health insurance coverage as a retiree under the terms of this policy and the health insurance provider's policy as a retiree.

The Town will pay an amount not to exceed \$385 per month toward the cost of the retiree's health insurance coverage until such time as the retiree becomes eligible for Medicare or Medicaid. Any cost over and above the maximum allowable benefit (\$385 per month) will be at the retiree's own expense based on the retiree premium rate (or, in the event that there is no special designated retiree rate, then based on the corresponding active employee rate). Spouses and/or eligible family members (must be dependents of the retiree as defined by the plan) are entitled to continue insurance coverage on the Town's health insurance policy at the retiree's own expense; however, coverage for each retiree, spouse, or eligible family member ends for each respectively on the earliest date on which: (1) he or she becomes eligible for Medicare or Medicaid; (2) he or she ceases to be the legal spouse of the retiree or qualifying dependent as defined by the plan; or (3) upon the death of the retiree through which he or she was covered. **The Town will not offer retiree health insurance coverage after December 31, 2011.**

The Town specifically reserves the right to unilaterally amend, alter, suspend and/or end this continued health care payment as well as any and all benefits and privileges and/or benefits plan described in this handbook with or without notice. Please see the plan for details and cost of coverage and dependent coverage; to the extent the plan and provisions in this handbook may conflict, the plan controls.

Retiree Bonus Policy

An employee who retires (not resigns) under the policies on the state retirement plan in which he/she is enrolled for at least twelve (12) years of continuous service with the Town, will be paid upon retirement a bonus of at least \$50 per service year or fraction thereof.

The Town specifically reserves the right to unilaterally amend, alter and/or end this retirement bonus payment as well as any and all benefits and privileges and/or benefits plan described in this Handbook with or without notice.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Town of Summerville has established an EAP counseling services program for employees and their family members. They offer counseling for any of a number of personal problems that may arise, such as marriage problems, financial problems, substance abuse, legal advice, etc. The program is accessible seven days per week 24 hours a day and voluntary contact with the EAP staff is confidential.

EAP counselors are available to meet with employees or family members to assess a problem and then develop a plan for resolution. The counselors may suggest referral to an outside source, such as a therapist, agency, physician, treatment facility, or other professional as needed. The EAP counselors will make every effort to coordinate treatment with the employee's health insurance coverage and his/her ability to pay. Any charges not covered by insurance will be the responsibility of the employee who utilized the services.

Employees who need to visit the EAP during regular work hours must use accrued sick or vacation time. Employees may be required to undergo employer referred, or mandatory EAP counseling if a supervisor observes deterioration in an employee's job performance, job attendance, or if the employee's behavior has become erratic, etc. In such cases continued employment is contingent upon the employee successfully completing EAP counseling and improving the noted deficiencies. However, mandatory counseling in lieu of other disciplinary action is at the town's sole discretion.

REMINDER: All contact between an employee and the EAP is confidential. Even in cases of mandatory referral, the EAP counselor will only verify whether or not the employee has contacted the EAP and if ongoing treatment is necessary and being followed through on by the employee.

ANNUAL LEAVE

All regular, full-time employees accrue annual leave with pay at a rate depending upon the number of years of service, to a maximum equivalent of six weeks per year. Any days accrued in excess of six weeks as of December 31 of each year will be forfeited. Employees do not receive pay in lieu of annual leave except upon separation from service with two-weeks notice or if approved by the Town Council due to exceptional circumstances making such payments in the Town's best interests.

Annual leave must be taken in whole hour increments and with advance permission of the employee's supervisor. Department heads must obtain the approval of their division head or, in the absence of the division head, the Mayor.

Annual leave accrues bi-weekly based on your years of service and the number of hours in your shift.

<u>Years of Continuous Employment</u>	<u>Annual Leave Accrual Rate (Pro-rated)</u> <u>Per Year</u>
For first through fifth year of service	2 weeks
For sixth through tenth year of service	2.5 weeks
For 11 th and additional years of service	3 weeks

- While an employee accrues annual leave bi-weekly from the first day worked, he or she may not take paid vacation time until after he or she has completed the first ninety days of employment.
- There may be times when an employees' request to take annual leave may not be in the Town's best interest. If so, your supervisor may ask you to re-schedule the taking of your leave until another time.
- If more than one employee requests to take annual leave at the same time, the department head determines which employee may take leave.

OFFICIAL HOLIDAYS

The following days shall be observed as paid holidays, totaling 12 days: New Year's Day, Martin Luther King, Jr. Day, President's Day, Memorial Day (national), Independence Day (July 4th), Labor Day, Veteran's Day, Thanksgiving, day after Thanksgiving, Christmas Eve, Christmas Day, day after Christmas. A holiday falling on a Saturday shall be observed on Friday; a holiday falling on Sunday will be observed on Monday for 8 hour employees. Employees working shifts will observe the holiday on the actual day. Any unexcused absence on the day preceding or following a holiday will result in the employee's forfeiting pay for the holiday.

An employee already on approved sick leave, or on annual leave when a holiday occurs, will not have that holiday charged against the annual or sick leave.

Holiday Pay

If an employee actually works on an official holiday, they are essentially being paid "double-time". **This is accomplished by paying for the hours actually worked on the holiday as regular hours, plus an equal number of "holiday" hours**, but in no case less than 8 hours. By virtue of variable schedules, if an employee is not scheduled to work on an official holiday, whether fire, police or other, the employee is paid 8 hours of holiday pay. In all cases, only hours actually worked count towards calculation of overtime.

When an employee works shifts, the official holiday is observed when the employee reports on the actual holiday. For example, a police officer that reports to work at 6pm on Labor Day will be working the holiday for their entire shift. The same is true for a firefighter who reports at 7am on Labor Day. The holiday is observed for the entire shift.

LEAVES OF ABSENCE

MILITARY LEAVE

Employees are entitled to such leave of absence and reinstated upon return from leave of absence for military service (including Reserve and National Guard duty) as may be provided by applicable state and federal law. The provisions of such laws change from time to time and for that reason no effort is made to set forth the law in this policy.

ILLNESS, INJURY AND PERSONAL LEAVE

(Applies Only to Employees Employed Less Than 12 Months and to Employees Who Have Worked Fewer Than 1250 Hours In Preceding 12 Months and to Employees Whose Reasons for Leave are not Covered by the Family and Medical Leave Act)

1. An employee who has completed his initial introductory period (and any extension thereof) is entitled to a leave of absence for up to six months when unable to work because of sickness, pregnancy, or injury on or off the job. Such an employee may also apply for leave of absence for personal reasons. Personal leaves are granted only in the discretion of the Mayor upon recommendation of the employee's department head. Employees who are still in their introductory periods who are absent for more than three consecutive scheduled workdays or shifts because of any illness or injury will be automatically terminated, but may be considered for rehire.
2. Employees are requested to apply for leaves of absence as far in advance of need as is possible, but an employee may be placed on leave without application when the circumstances warrant such action.
3. Illness and injury leaves will begin on the first day of absence.
4. After the employee has exhausted his vacation and/or sick leave, as a general rule, an employee on leave of absence is not entitled to wages or fringe benefits and does not accrue fringe benefits. Certain exceptions may be established by law but any other exceptions are listed as follows:

[None]

5. Employees desiring to return to work from an unpaid leave of absence should notify the Human Resources Manager in writing at least ten (10) days prior to their desired date of return. If the Town of Summerville finds that the employee is fit to resume his duties, the employee shall be recalled to his former job if a vacancy exists which is to be filled. If no such vacancy exists, the employee shall be recalled to any job in which there is a vacancy to fill and for which he is qualified. If no such vacancy exists at the time the employee desires to return to work, the employee's leave of absence shall be continued. Any employee who has not been reinstated within six (6) months following the commencement of a leave absence shall be terminated. This action shall not affect the employee's eligibility to be considered for rehire as a new employee at some future time.

FAMILY AND MEDICAL LEAVE ACT

(Applies Only to Employees Employed 12 months Or Longer And Who Have Worked 1250 Hours or More in the Preceding 12 Months, Both Prior to Commencement of Leave)

General: Employees who meet the length of service and hours worked requirement described above have rights under the Family and Medical Leave Act. As a general rule, employees must request leaves of absence under this policy, but in appropriate situations, employees may be placed on leave status without application.

Reason for Leave of Absence

1. Medical and Family Leave. An eligible employee will be granted a leave of absence under this law and policy if a serious health condition, including disability resulting from an on-the-job injury prevents the employee from being able to perform his job, if the employee's spouse, child or parent has a serious health condition and the employee must be absent from work in order to care for that relative, or to care for a natural child, adopted child, or formally placed foster child, provided, that entitlement to leave to care for a child who is newly born or newly received in the employee's household shall end 12 months after a natural child is born or 12 months after an adopted or foster child is received in the employee's household.
2. Military Caregiver Leave. An eligible employee whose spouse, parent or child or next-of-kin is a covered service member of the Armed Forces of the United States may be entitled to leave of absence to care for the service member if he is injured while on active duty.
3. Qualifying Military Exigency Leave. An eligible employee whose spouse, parent or child is a member of the National Guard or Reserves of the U.S. Armed Forces and is on active duty or called to active duty in federal service may be entitled to a leave of absence due to one or more qualifying exigencies arising out of the active duty or call to active duty. Qualifying exigencies are: (1) Short-notice deployment (i.e., notice of 7 days or less); (2) Military events and related activities; (3) Childcare and school activities (regular or routine childcare by the employee does not count); (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

Proof of need for leave of absence may be required regardless of the type of leave taken.

Length of Leave

1. Medical and Family Leave. An eligible employee is entitled to the equivalent of a total of 12 workweeks of leave during any 12 consecutive months. Leave to care for a newly born or newly received child must be taken consecutively. Leave required because of the employee's own serious health condition or that of a spouse, child or parent, may be taken intermittently or by means of a modified work schedule when necessary.
2. Military Caregiver Leave. Leave to care for an injured service member may be taken for up to 26 work weeks in a single 12 month period. Any leave taken by the employee for any other FMLA-qualifying reason will count against the 26 weeks of leave permitted to care for an injured service member.

3. Qualifying Military Exigency Leave. Leave taken because of qualifying exigency is available for up to 12 work weeks in any 12 consecutive months. Leave taken because of a short notice deployment is limited 7 days from the date of notice, and leave taken to be with the service member during periods of rest and recuperation are limited to 5 days per period of rest and recuperation. Leave taken to attend post-deployment activities must be taken within 90 days of the end of active duty service.

Coordination of Leave and Paid Time Off

An employee who must be absent due to his own or dependent's illness will be paid for time lost from work first from accrued sick leave balances and then from accrued annual leave balance. An employee who takes leave for any other reason will be paid for time lost from work from his annual leave balance and similar balances. Leave taken under this policy counts towards the employee's 12 weeks of leave (or 26 weeks, where appropriate) regardless of whether all or part of the employee's leave is paid.

Effect of Leave on Accrual of Fringe Benefits

1. Health benefit plan. Employees taking leave under this policy must continue to pay their portion of health benefit plan premiums on the same date that such portion of premiums would be deducted from the employee's wages.

2. Unpaid time lost from work due to leave granted under this policy is not considered time worked for the purpose of accrual of paid time off.

Employee Responsibility

Employees who request leave under this policy must give 30 days advance notice or such lesser amount of notice as is possible in the particular circumstances. When the need for leave is unforeseeable, the employee must follow the normal procedure for reporting an absence.

Light Duty

The Town recognizes that employees may become unable to perform their regular duties because of a medical condition or injury. The Town has provided for this by offering paid sick and annual leave in addition to its FMLA policies and its practices and policies of reasonable accommodation for ADA conditions. Also, to those practices the Town may endeavor to offer light duty for employees who have injuries or conditions that temporarily prevent them from performing some of their regular job duties. Any light duty provided will be subject to the following restrictions:

- All light duty requests and assignments will be coordinated through and approved by the Town's department of Human Resources.
- Light duty, if available, for any condition other than an on-the-job injury is limited to a maximum of up to four weeks per rolling twelve-month period for

any one injury/condition, or, in the case of multiple injuries or conditions, for up to a total of six weeks within a rolling twelve-month period. **These time limits may be waived for injuries which are compensable under the South Carolina Workers' Compensation laws or in situations where some other law(s) compels the Town to assign light duty.**

- An FMLA-eligible employee whose condition qualifies him for FMLA leave may decline a light duty assignment in favor of taking leave from work. However, rejection of light duty may result in loss of eligibility for workers compensation benefits.
- The Town assumes no obligation to create light duty jobs – light duty will be assigned only when work is available and to be done.
- If there is no light duty available in an employee's regular department, the employee may be assigned to any department that has light duty work available for which the employee is qualified.
- Whether or not a duty weapon may be carried or police or fire uniform worn during modified duty will be determined by the police or fire department and based on the particular individual's restrictions and situation.
- Normally, a Town employee on modified duty is not allowed to drive a Town vehicle. The Town vehicle must be returned until the employee returns to his regular duties.
- This policy does not guarantee any employee a light duty assignment for any purposes. In the event that a light duty assignment is made under this policy, there is no guarantee that the assignment will continue for any specific period of time. What light duty is available and when and for how long is determined based on Town operational needs.
- Normally, an employee on a temporary light duty assignment will continue to receive his regular rate of compensation. If his temporary work schedule changes significantly from his regular schedule (such as from 24 or 12-hour shifts to 8-hour days), the temporary pay plan may be adjusted so that his pay remains the same or as comparable for the hours worked as possible.

Termination of Leave of Absence

A leave of absence under this policy will end when the need for the leave of absence ends, or when the maximum leave described above has been taken, whichever occurs sooner.

Reinstatement

At or before the conclusion of the FMLA leave of absence (or 12 week combination of leave of absence and time spent on light duty), the employee is entitled to reinstatement to his former position or to a position equivalent to his former position. The employee must demonstrate that he is fit for duty and must give reasonable notice of intent to return to work.

Extension of Leave without Benefits

An employee who is unable to perform the duties of his position due to his own disability and who has exhausted his entitlement to leave under the Family and Medical Leave Act by taking 12 consecutive weeks of leave may, upon written application, be granted up to an additional 14 weeks of leave. Such extended leaves are granted only upon the discretion of the Division head. This additional leave of absence does not entitle the employee to reinstatement nor to payment of any portion of his health benefit plan premiums. If the employee is able to return to work prior to the exhaustion of his extended leave, he will be returned to his previous position if there is a vacancy which is to be filled, or to some other position of equal or lesser compensation for which he is qualified and in which there exist a vacancy to be filled. If the employee is not returned to active employment, he will be continued on extended leave of absence status until he is returned to active duty status or his extended leave of absence expires, whichever occurs sooner.

Employees who have exhausted their FMLA leave under other circumstances, but who continue to require leave which would qualify for FMLA leave if such leave had not been exhausted, may apply for an extended leave of absence for personal reasons. Such extended leaves are granted only in the discretion of the Division head.

Automatic Termination of Employment

An employee's employment will automatically terminate if he does not return to full active employment status at the conclusion of his leave of absence or extended leave of absence.

An employee's employment will automatically terminate if he works for any other employer while on FMLA.

Special Situations

1. Spouses. When the Town of Summerville employs a husband and wife, their combined right to a leave of absence to care for a child or parent is 12 weeks in a 12-month period or 26 weeks in a single 12 month period to care for an injured service member.
2. Key employees (salaried employee in the highest paid 10% of all employees). Such employees may be denied reinstatement rights if reinstatement would cause substantial and grievous economic injury to operation of their town department.

Notice of Rights

Federal law requires that we provide you with the notice of your rights that appears on the following page.

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care of child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition, or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protection

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatments so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employee's rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility. Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

LEAVE FOR JURY DUTY OR OTHER COURT APPEARANCES

An employee will be given time off without loss of pay when performing jury duty or when subpoenaed to appear before a court, public body or commission on behalf of the Town. The employee may retain any allowances granted in connection with such duty. Paid leave under this policy is limited to two (2) weeks per calendar year.

This policy of paid leave does not apply to personal litigation. The absence from work of an employee to appear in any capacity in personal litigation not connected with his or her work for the Town shall be charged to annual leave or leave without pay.

EMPLOYEE SICK LEAVE

Employees will accrue sick leave with pay based on the following plan:

<u>Years of Continuous Employment</u>	<u>Sick Leave Accrual Rate (Pro-rated)</u> <u>Per Year</u>
For first through fifth year of service	2 weeks
For sixth through tenth year of service:	2.5 weeks
For eleventh and additional years of service	3 weeks

Years of continuous employment are determined in the same manner as in the Annual Leave Plan. Use of Sick Leave: Sick leave may be taken when an employee is unable to work due to personal illness or injury, when the employee's presence may endanger the health of other employees, for personal medical or dental appointments, or for the additional reasons outlined below. There is no limit on the amount of sick leave an employee may accumulate and carry forward. However, the Town considers sick leave a privilege, not an entitlement. The excessive or unnecessary use of sick leave may be considered a performance issue. The Town may require a doctor's certificate for an employee's absence. In addition, the Town may require a certificate of the employee's physical and emotional readiness to return to duty. **An employee is not reimbursed for accumulated sick leave for any reason other than retirement as outlined below.**

An employee retiring prior to December 31, 2010 in accordance with the SC Retirement Systems with more than 15 years of continuous regular service to the Town, may receive payment of up to one-third of unused sick leave; however, in no case is payment for unused sick leave greater than the equivalent of 90 days pay. An employee retiring on or after January 1, 2011 in accordance with the SC Retirement Systems with more than 15 years of continuous regular service to the Town, may receive payment of up to one-third of unused sick leave; however, in no case is payment for sick leave greater than the equivalent of 45 days pay.

Sick leave also may be used by regular full-time and part-time employees up to a maximum of one week within a year where necessary under the following circumstances:

- Illness of an immediate relative (the term immediate refers to employee's spouse, child or parent). The Town may require appropriate certification of illness.
- In the event of death of a regular full-time or part-time employee's spouse, father, mother, mother-in-law, father-in-law, sister, brother, sister-in-law, brother-in-law, grandchildren, grandparents, natural or adopted child of employee or spouse or child's spouse. The Town may require appropriate certification of death.
- A one-day absence due to the death of other relatives may be counted as sick leave with advance approval by the employee's department head. A department head may authorize the use of not more than two additional day's sick leave for travel time, if required. Any exception to this procedure due to unusual circumstances must be recommended by the employee's department head and approved by the Division head prior to the scheduled start time.

Procedure for applying this policy includes the following:

- a. When an absence is planned or expected, please provide a written statement from the employee's physician giving the dates and duration of the absence.
- b. Employees requiring sick leave must notify the appropriate supervisor as soon as possible.
- c. The department head reports to the Payroll Clerk each pay period the number of days of sick leave taken by employees under their jurisdiction.
- d. Sick leave is charged in units of whole days, except that half-day units are permissible for pre-approved medical or dental appointments for non-exempt employees.
- e. See Family and Medical Leave Policy.
- f. Upon returning to work, employees must complete a leave request form and submit it to the appropriate department head for approval. The department head forwards the form to the Payroll.

SICK LEAVE DONATIONS

An employee may donate up to ten (10) days of accrued sick leave to another employee in one calendar year as long as the donating employee maintains an accrued sick leave balance of at least ten (10) days for his or her own needs. In order to donate sick leave, the employee must request in writing that leave be taken from the accrued total (all requests must be approved in advance by the HR Manager). The employee receiving sick leave must be incapacitated by a non-work related illness or injury for which the employee does not have disability insurance coverage and must have exhausted all of his or her sick and annual leave. The employee may receive sick leave from more than one employee and such donations will count as paid leave for the receiving employee. *The Town of Summerville Will Not Coordinate Requests for Donation of Leave But Will Process All*

Requests That Are Received. An employee may donate leave to more than one employee in a calendar year so long as the total donation does not exceed twenty (20) calendar days. Employees may receive a maximum sick leave donation of an equivalent of 14 days in a calendar year. Donations must be made in increments of one whole day.

OUTSIDE EMPLOYMENT

In the event that an employee desires to engage in outside employment, the employee is expected to not allow the outside employment to interfere with his/her Town employment. **Employees must have prior written authorization from their department head prior to accepting any outside employment.** Employees who are on approved leave of absence (FMLA or otherwise) may not perform work for any other employer during that leave period.

CORRECTIVE ACTION

INVOLUNTARY TERMINATION

EMPLOYEES MAY BE DISCIPLINED OR DISCHARGED FOR ANY REASON WHICH, IN THE TOWN'S SOLE DISCRETION, WARRANTS DISCIPLINE OR DISCHARGE. THE TOWN RESERVES THE RIGHT TO TREAT EACH EMPLOYEE INDIVIDUALLY WITHOUT REGARD FOR THE WAY IT HAS TREATED OTHER EMPLOYEES AND WITHOUT REGARD TO THE WAY IT HAS HANDLED SIMILAR SITUATIONS

DISCIPLINARY ACTIONS

Types of disciplinary action may include, but not be limited to, verbal warnings, or counseling, written warning, or counseling, suspension with or without pay and/or termination.

Listed below are examples of violation of Town work rules or rules that may result in disciplinary action up to and including immediate termination of employment. This list is intended to be representative of misconduct and does not attempt to identify **all** violations that may result in disciplinary action.

- Falsifying employment application, timesheet or time recording, or personal or other Town documents or records.
- Unauthorized possession of Town or employee property.
- Gambling, carrying unauthorized weapons or explosives.
- Fighting, throwing things, horseplay, practical jokes or other disorderly conduct which may endanger the well-being of any employee on Town premises or which is detrimental to discipline, good order, proper job performance or organizational welfare.
- Consumption, sale, unauthorized possession and/or being under the influence of intoxicants or non-prescribed drugs while on duty.
- Engaging in acts of dishonesty, fraud, theft or sabotage.
- Violation of applicable ethical codes.
- Violation of EEO, Harassment or Discrimination Acts policies or other acts prohibited by policies of the Town.
- Insubordination, refusal to comply with instructions or disregard of, resistance to or failure to perform duties which are assigned.

- Unauthorized use of Town material, time, equipment or property, including conduct of personal activities or inefficient use of time during the work period.
- Damaging or destroying Town property due to careless, negligent, or willful acts, including carelessness or improper use of Town property, funds and equipment or other personal action while on duty which are likely to result in property damage and/or personal injury.
- Breach of confidentiality.
- Conduct which may reflect or impact adversely on the Town, which may include, but are not limited to, involvement in inappropriate or illegal acts, failure to exercise good judgment, conflicts of interest and/or involvement in prohibited activity.
- Misrepresented or excessive absenteeism and/or tardiness, or failure to report an absence.
- Threatening or intimidating employees or others while on duty or on Town property, including “joking” threats, and including inconsiderate attitude or actions in dealings with others.
- Failing to adhere to Town policy or the policies of the employee's Department.
- Carelessness or lack of attention in following supervisory instructions or written procedures, which results in operating inefficiency.
- Use of abusive language in dealing with fellow employees or with the public on Town business, including, but not limited to, derogatory statements regarding another race, and comments which create a situation of harassment, sexual or otherwise of a discriminatory nature.
- Misuse or embezzlement of Town funds.
- Unauthorized possession of firearms while on duty or on Town property.
- Abuse of authority or status as an employee or official of the Town for personal gain or to harm or intimidate others.
- Failure to meet professional standards or accreditation required of the employee's profession or loss of such professional status. For example, failure by a police officer to meet academy standards.
- Engaging in such other practices as the Town, in its sole discretion, determines may be inconsistent with the ordinary and reasonable rules of conduct necessary to the welfare of the Town and/or its employees.

- Negligence, carelessness or willful failure to observe fire prevention and safety procedures or endangering the well-being of self, fellow employees or visitors. Failure to report an accident

This list is intended to be representative of misconduct, and does not attempt to identify all violations that may result in disciplinary action up to and including discharge.

GRIEVANCE PROCEDURE

A regular employee who believes that he or she has been treated unlawfully or in violation of town policies in a matter pertaining to work may seek a hearing before a Grievance Committee composed of Town employees. Grievances may include but are not limited to dismissal, disciplinary actions, involuntary transfer, promotion, demotion, discrimination, retaliation or harassment. Certain matters are not considered a proper subject for consideration under the Grievance Procedure, these include:

- (a) Compensation
- (b) Voluntary resignation or termination for abandonment of position (Absence from work for more than two (2) consecutive work days or shifts without notifying one's supervisor);
- (c) Voluntary demotion, transfer, or reduction in pay;
- (d) Position classification and reclassification;
- (e) Oral warnings
- (f) Performance appraisals;
- (g) Layoffs, transfers, or reassignments resulting from reduction in force

Procedure and Process

1.0 General.

This procedure is adopted in accordance with the "County and Municipal Employees Grievance Procedure Act," Section 8-17-110. et. seq., Code of Laws of South Carolina, 1976, as amended.

1.1 A grievance is defined as any complaint by an employee that he has been treated unlawfully or in violation of Town policies with regard to any matter pertaining to his employment by the Town. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion, and demotion. If an employee believes that he has not received or been credited with or has otherwise lost wages or benefits to which he is entitled, he must present his grievance in accordance with this procedure or such wages or benefits may be forfeited.

1.2 An employee who believes that he has a grievance must follow the chain of command (department manager, division director, and the Mayor) in his department, appealing to each successive level or supervision. These steps may be oral. At each level each supervisor has four (4) calendar days to render a decision. If no decision is made within this time the grievance is considered denied. If a supervisor at a particular level is unavailable to consider the grievance, it is considered denied and the employee should appeal to the next level of supervision.

1.3 If the head of the department denies a grievance in which an introductory employee is employed this decision is final. A new employee is considered introductory until he has completed a six (6) month introductory period of employment from date of hire.

Other employees may appeal to the Employee Grievance Committee the denial of their grievances by department heads by filing a written request for appeal at the Town's Human Resources department. This must be done within 14 calendar days of the time at which the facts on which the grievance is based became available to the employee. The written request for appeal must include the following information:

(a) The purpose of the appeal and what recommendation is requested of the Grievance Committee, and

(b) Statement that the chain-of-command has been followed in the appeal as is required by the grievance procedure (department manager, division director, and Mayor).

1.4 Within ten (10) days of receipt of the employee's request, the chairman of the Grievance Committee schedules the requested hearing and notifies the Grievance Committee, the employee requesting the hearing, the affected department, and the Human Resources department.

2.0 The Employee Grievance Committee

The Town Council shall appoint a Committee composed of three employees to serve for terms of three (3) years, except that the members appointed initially are appointed so that their terms will be staggered, and approximately one-third (1/3) of the terms shall expire each year. A member continues to serve after the expiration of his term until a successor is appointed. Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term is for the unexpired term. Any member may be reappointed for succeeding terms at the discretion of Town Council. Council may appoint an alternate member to serve in the event a member is absent or disqualified. All members are selected on a broadly representative basis from among town employees. Members employed in the same department as the grieving employee and members having formed an opinion on the issues prior to the hearing, shall not participate in that employee's hearing

2.1 The Committee selects its own chairman from among its members The chairman serves as the presiding officer at all hearings which he attends but may designate some other member to serve as presiding officer in his absence. The chairman has authority to schedule and to re-schedule all hearings.

2.2 A quorum consists of at least (2/3) two-thirds of Committee members and no hearings may be held without a quorum.

2.3 The presiding officer has control of the proceedings. He may take whatever action is necessary to ensure an equitable, orderly, and expeditious hearing. Parties shall abide by his decisions except when a Committee member objects to a decision to accept or reject evidence, in which case the majority vote of the Committee will govern.

2.4 The Committee has the authority to call for files, records, and papers which are pertinent to any investigation and which are subject to the control of the Town Council; to call for or consider affidavits of witnesses; to request and hear the testimony of witnesses; to consider the results of polygraph examinations; and to secure the services of a recording secretary in its discretion. The Committee has no authority to subpoena witnesses, documents or other evidence, nor shall any Town employee be compelled to attend any hearing. All proceedings are tape-recorded. Witnesses other than the grieving employee and the department representative shall be sequestered when not testifying. All witnesses shall testify under oath

2.5 All hearings are held in executive session unless the grieving employee requests at the beginning of the hearing that it be held in open session. The official tape recording and the official minutes of all hearings are subject to the control and disposition of Town Council.

2.6 Neither the grieving employee nor the department may be assisted by advisers or by attorneys during the hearing itself. However, the Committee shall have an attorney available to it at any and all times it considers necessary and the human resources department may provide assistance in reading written materials to the Committee at the request of the grieving employee.

2.7 In disciplinary actions by department heads and their subordinate supervisors, the employee must receive in reasonable detail written notice of the nature of the acts or omissions which are the basis for the disciplinary action. This notice may be amended at any time 24 hours or more before the commencement of the hearing. The department demonstrates that the disciplinary action is for the good of the Town. The department makes the first presentation. The Committee may base its findings and recommendation (and Town Council its decision) on any additional or different grounds developed from the employee's presentation.

2.8 In non-disciplinary grievances the employee must establish that a right existed and that it was denied him illegally or in violation of a Town policy. The employee shall make the first presentation,

2.9 In all grievances, the grieving employee and the department are each limited to one (1) hour of initial presentation. The party required to make the first presentation is entitled to a ten (10) minute rebuttal of the other party's presentation. The chairman shall appoint himself or another member of the Committee as timekeeper.

2.10 In all grievances, presentations may be oral or in writing or both and may be supported by affidavits or unsworn signed statements from witnesses, by records, other documentary evidence, photographs, and other physical evidence. Presentations are made by the grieving employee (with reading assistance from a member of the human resources department if the employee desires) and by a managerial employee of the affected department. Parties may request that the Committee call witnesses and a list of potential witnesses should be submitted to the Committee five (5) days prior to the hearing. However, neither party may question the other party or question any witness called by the Committee.

2.11 The Committee shall within 10 days after hearing an appeal, make its finding and recommendation and report such findings and recommendation to the Mayor. The Mayor shall review the findings and recommendation and forward them, along with his or her recommendation to Town Council within 10 days. If Council approves, the recommendation of the Committee shall be its decision and copies of the decision shall be transmitted by the Committee to the employee and to the head of the particular department involved. If, however, Town Council rejects the decision of the Committee, Council shall make its own decision without further hearing, and that decision shall be final. Copies of the decision shall be transmitted to the employee and to the head of the particular department involved.



EMPLOYEE ACKNOWLEDGEMENT FORM

I acknowledge that I have received a copy of the Policy and Procedures Employee handbook, which describes important information about the Town of Summerville, and understand that I should consult the Human Resources Department if I have questions. I have entered into employment with the Town of Summerville voluntarily and acknowledge that it is for no specified length of time. Accordingly, either I or the Town of Summerville may terminate the relationship at will, with or without cause, at any time, for any reason or no reason. I understand that neither this Employee handbook nor any other Town of Summerville's policy, practice or procedure is intended to provide any contractual obligations related to continued employment, compensation or employment contract.

Since the information, policies and benefits described here are subject to change, I acknowledge that revisions to the Employee handbook may occur, except to the Town of Summerville policy of employment-at-will. I understand that the Town of Summerville may change, modify, suspend, interpret or cancel, in whole or part, any personnel policies or practices, with or without notice, at its sole discretion, without giving cause or justification to any employee. Such revised information may supersede, modify or eliminate existing policies. The Town of Summerville Administrator and Town Council shall have sole authority to add, delete or adopt revisions to the policies in this Employee handbook. Any written or oral statement by a supervisor or department director contrary to the personnel policy employee handbook is invalid and should not be relied upon by any employee.

I understand and agree that I will read and comply with the policies contained in the Employee handbook and any revisions, am bound by the provisions contained therein, and that my continued employment is contingent on following those policies.

Employee Name (Printed)

Employee Signature

Date