

**City Council Minutes
September 6, 2022**

Orangeburg City Council held its regularly scheduled meeting on Tuesday, September 6, 2022, at 6:00 PM with Mayor Michael C. Butler presiding.

PRESENT:

Michael C. Butler, Mayor
Bernard Haire
Dr. Kalu Kalu, Mayor Pro Tem
L. Zimmerman Keitt
Sandra P. Knotts
Richard F. Stroman

PRESENT VIRTUALLY:

Jerry Hannah

A Public Hearing was opened concerning an Ordinance to Adopt a Budget for the Operation of the Department of Public Utilities for the Fiscal Year October 1, 2022, through September 30, 2023, (2) Adopt Amended Water Rates effective October 1, 2022, and (3) Adopt Amended Wastewater Rates effective October 1, 2022. No one spoke at the Public Hearing. The Public Hearing was closed.

A motion was made by Councilmember Keitt, seconded by Mayor Pro Tem Kalu to approve the August 16, 2022, City Council meeting minutes. The motion was unanimously approved.

Mayor Butler recognized Curiosity as the September Community of Character Trait.

Mayor Butler presented a Proclamation for the Cultural Exchange Connection.

A motion was made by Councilmember Keitt, seconded Mayor Pro Tem Kalu to approve a Resolution ratifying authorization for the City to enter into a Development Arrangement with Orangeburg University District Partners for the Railroad Corner Development. The motion was unanimously approved.

Ms. Sonyia Turner, UNC/DFI Project Manager introduced the representatives from Orangeburg University District Partners, Mr. Larry Salley, Chairman of the HBCU Community Development Action Coalition (CDAC) and Mr. Robert K. Jenkins, Esq., CEO of Renaissance Equity Partners.

Parks and Recreation Director Shaniqua Simmons addressed Council concerning the review and approval of Accommodations Tax Advisory Committee Recommendations. She stated, "The Accommodations Tax Committee met on August 31, 2022. The meeting was open to the public. We received a total of six requests. There was approximately \$140,000 in the fund since we have not had distributions the last two and a half years. The lead agency receives 30% of the Accommodations Tax Fund. To qualify for the lead agency, you must have an ongoing marketing presence within the City of Orangeburg. We received two applications for the lead agency this year and the Committee voted the Chamber of Commerce to be the lead agency. The Committee recommends the following funding totaling \$79,500: \$20,000 marketing for All-Star Bowling and the Center for Creative Partnership projects and tours of the bowling alley, DORA \$20,000 for promotion and advertising for First Friday Series, Orangeburg County Fine Arts Center \$24,500 for signage and promotions for exhibitions, Parks and Recreation \$5,000 for promotion of vocal, musical and dance for the Rose Festival, and Parks and Recreation \$10,000 marketing, promotion and advertising North Road Tournaments for recreational/state and collegiate tournaments for 2023. This would leave a balance in the fund that we could possibly open Accommodations Tax again in the spring or second quarter."

Mayor Pro Tem Kalu asked, "Is the Parks and Recreation \$10,000 request enough for the Dixie Youth World Series?"

Director Simmons stated, "The World Series is in 2024. The \$10,000 request is enough to promote hosting the State Dixie in 2023. We will request funds next year for the Dixie Youth World Series. There is a two-year spending period that you must spend the money."

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Keitt to approve the recommendations of the Accommodations Tax Advisory Committee to fund the Orangeburg Chamber of Commerce as the lead agency, All-Star Bowling and the Center for Creative Partnership \$20,000, DORA \$20,000, Orangeburg County Fine Arts Center \$24,500, Parks and Recreation \$5,000 and Parks and Recreation \$10,000. The motion was unanimously approved.

Assistant City Administrator Singh addressed Council concerning a Resolution adopting an Employee Handbook for the City of Orangeburg. He stated, "Council had a workshop and several reviews on the handbook. Mrs. Williams and Mrs. Lynch have worked hard on this new Employee Handbook, and they are present if you have any questions."

A motion was made by Councilmember Knotts, seconded by Councilmember Keitt to approve a Resolution adopting an Employee Handbook for the City of Orangeburg. The motion was unanimously approved.

Assistant City Administrator Singh addressed Council concerning the Skatepark Update. He stated, "The design firm selected for the skatepark is Platform Group with lead designer, Mr. Tito Porrata. His designs have a following around the country and one of his skatepark projects is in Charleston. We look forward to the expertise of Platform Group designing the skatepark for the City of Orangeburg."

A motion was made by Councilmember Keitt, seconded by Mayor Pro Tem Kalu to approve the Third Reading of an Ordinance to Amend the Budget for the Operation of the Department of Public Utilities for the Fiscal Year October 1, 2021, through September 30, 2022. The motion was unanimously approved.

DPU Manager Harley addressed Council concerning Third Reading of an Ordinance to Adopt a Budget for the Operation of the Department of Public Utilities for the Fiscal Year October 1, 2022, through September 30, 2023, (2) Adopt Amended Water Rates effective October 1, 2022, and (3) Adopt Amended Wastewater Rates effective October 1, 2022. He stated, "In this budget, we tried our best to absorb cost increases and all the things that are going on in the economic climate at the time. There is a 3% cost of living increase for all employees in this budget, the City transfer is \$6.1 million and open capital project items of approximately \$47 million which are multi-year projects. Revenue is projected to be \$114 million. Also included in this budget is a rate increase in water and wastewater divisions which would generate approximately \$2 million."

Councilmember Knotts asked, "Have DPU customers been notified of the water and wastewater increases?"

DPU Manager Harley stated, "The actual budget and the new proposed rates are on our website. The increase begins October 1, 2022, and we will notify customers before this time. We also mail out to our large customers and wholesale customers the cost increases."

Councilmember Hannah asked, "Can you reassure our DPU customers because of the ongoing situation in other towns and communities across the nation that the DPU water situation is great?"

DPU Manager Harley stated, "Orangeburg is fortunate enough to have quality water and wastewater divisions. Our staff does a great job of taking care of situations and maintaining our water quality. We understand the Edisto River is a tremendous resource, so we do our part to make sure we take care of it. We test our system daily. We have applied for grants to ensure we are looking at the broader area and we do everything we can to ensure our water is the highest quality."

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Keitt to approve the Third Reading of an Ordinance to Adopt a Budget for the Operation of the Department of Public Utilities for the Fiscal Year October 1, 2022, through September 30, 2023, (2) Adopt Amended Water Rates effective October 1, 2022, and (3) Adopt Amended Wastewater Rates effective October 1, 2022. The motion was approved 6-1. Councilmember Stroman opposed.

A motion was made by Councilmember Keitt, seconded by Councilmember Knotts to go into Executive Session concerning Contractual Matter, (a) Discussion of negotiations incident to proposed contractual arrangements and/or the receipt of legal advice regarding matters covered by

the attorney-client privilege – Fire Tax District S.C. Sec. 30-4-70 (a)(2), Personnel Matter (a) City Administrator Performance Evaluation Discussion S.C. Code Sec. 30-4-70 (a)(1), Legal Matters - Discussion of negotiations incident to proposed contractual arrangements and/or the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim. S.C. Code Sec. 30-4-70(a)(2) (a) Municipal Roadway Updates, (b) Town of Norway, (c) South Carolina State Real Estate Foundation, (d) Northwood Estates. The motion was unanimously approved.

A motion was made by Mayor Pro Tem Kalu, seconded by Councilmember Keitt to Return to Open Session. The motion was unanimously approved.

DPU Manager Harley addressed Council concerning Consideration of Resolution regarding Northwood Estates, adopted March 15, 2022. He stated, "We ask that you consider a motion to rescind the March 15, 2022, Resolution regarding Northwood Estates."

A motion was made by Councilmember Knotts, seconded by Councilmember Keitt to rescind the March 15, 2022, Resolution regarding Northwood Estates. The motion was unanimously approved.

A motion was made by Councilmember Keitt, seconded by Councilmember Knotts to adjourn. The motion was unanimously approved.

Respectfully submitted,



Linda McDaniel
City Clerk



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RESOLUTION RATIFYING AUTHORIZATION FOR THE CITY TO ENTER INTO A DEVELOPMENT ARRANGEMENT WITH ORANGEBURG UNIVERSITY DISTRICT PARTNERS FOR THE RAILROAD CORNER DEVELOPMENT; AND OTHER RELATED MATTERS

BE IT RESOLVED by the City Council, as the governing body of the City of Orangeburg, South Carolina, that the Mayor of the City Council ("Mayor") and the Administrator of the City of Orangeburg ("Administrator"), each acting individually or jointly, on behalf of and for the benefit of the City, is authorized to provide initial acceptance to Orangeburg University District Partners, and/or one or more permitted affiliates and/or permitted assigns, as the City's development partner ("Development Partner") of the Railroad Corner development and enter into one or more non-binding memoranda of understanding and/or letters of intent, and otherwise to engage with the Development Partner as indicated in this Resolution.

Section 1. Findings

(a) The City desires to foster opportunities for the City's residents to enjoy educational, housing, employment, social, and other aspects of residing in the City, and to encourage other people and companies to locate in the City;

(b) The City owns various parcels at and near the intersection of Boulevard Street and Russell Street (collectively, "Railroad Corner"), which the City desires to have a private developer redevelop according to general concepts proposed by the City, in consultation with the Development Finance Initiative, an affiliate of the University of North Carolina at Chapel Hill School of Government ("DFI");

(c) The City, through DFI, engaged in a request for proposal process, in which the City sought to have qualified developers provide specific proposals for how the developers would seek to redevelop Railroad Corner;

(d) The City received a responsive proposal from each of two developers (JDH Partners and Orangeburg University District Partners) and a letter of interest from a third developer (Odeida Williams);

(e) After careful consideration of the responsive proposals and the letter of interest, and in consultation with DFI, the City desires to select the Development Partner for the Railroad Corner Project and provide authorizations for certain further activities between the City and the Development Partner.

Section 2. Approval of Development Partner; Delegation of Authority. The City resolves that the City accepts Orangeburg University District Partners as the City's Development Partner for the Railroad Corner project, subject to the City Council's final approval of a definitive agreement, and authorizes the Mayor and the Administrator, each acting individually or jointly, to determine all items related to the Railroad Corner project and the relationship with the Development Partner, sufficient to enter into one or more non-binding memorandua of understanding and/or letters of intent, and otherwise to negotiate with the Development Partner to further this Resolution's intent, including to negotiate and draft a definitive agreement that would govern the redevelopment of Railroad Corner for subsequent presentation to the City Council.

Section 3. Ratification of Acts. The City Council ratifies and approves of any action heretofore or hereafter taken by the Mayor, the Administrator, the City Attorney, and each respective designee(s), regarding the matters described in, or contemplated by, this Resolution.

Section 4. Authorization to Execute. The City Council authorizes the Mayor and the Administrator, each acting individually or jointly, and City Clerk to execute whatever documents and instruments as may be necessary to effect the furtherance of the relationship between the Development Partner and the City, provided, however, neither the Mayor nor the Administrator is entitled to execute or deliver a definitive agreement without first obtaining City Council's subsequent approval.

Section 5. General Repealer. All resolutions, orders, and parts thereof in conflict herewith are to the extent of that conflict hereby repealed. This Resolution shall take effect and be in full force upon adoption by the Council.

ADOPTED BY the City Council on September 6, 2022.

Mayor

Michael C. Bette



Members of Council

Ben Haire
Debra P. Kutas
Richard F. Hunt
L. J. ...
...
...

Attest: Ruida McDaniel
City Clerk



A RESOLUTION ADOPTING AN EMPLOYEE HANDBOOK FOR THE CITY OF ORANGEBURG, SOUTH CAROLINA.

WHEREAS, the City Council ("Council") of the City of Orangeburg ("City") finds:

- (a) the Council is authorized and empowered to provide for its internal governance according to South Carolina Constitution Article VIII, section 17, the Home Rule Act of 1975, and the Code of Ordinances of the City;
(b) the Council desires to provide for a comprehensive set of general guidelines and policies governing all personnel matters for all City employees, including employee conduct, workplace conditions, drug and alcohol policies, policies that implement state and federal employment laws, and other aspects of public employment and City service;
(c) these policies are intended to apply to all City employees that do not have an employment contract with the City and to all City employees with employment contracts that do not already address all of the policy issues as described in the proposed guidelines and policies; and
(d) the policies contained in the Employee Handbook, attached to this resolution as Exhibit A, and incorporated herein by this reference, are general guidelines for the City's current employment practices and workplace procedures, but are not intended to be, and are not, a contract, expressed or implied, or any type of promise or guarantee of specific treatment on which an employee may rely, nor a guarantee of employment of any specific duration.

NOW, THEREFORE, the Council resolves that the Employee Handbook attached hereto as Exhibit A and incorporated herein by this reference, is, effective January 1, 2023, adopted as the City's Employee Handbook, and it is applicable to all employees, appointed and elected City officials unless preempted by state or federal law or in conflict with an existing employment contract or collective bargaining agreement.

Severability. If any part of this Resolution is unenforceable for any reason, then the remainder of this Resolution remains in full force and effect.

General Repealer. All orders, resolutions, and parts thereof in conflict with this Resolution, are to the extent of that conflict, repealed. This Resolution shall take effect and be in full force upon adoption by the Council.

ADOPTED BY the City Council on September 6, 2022.

Mayor

Handwritten signature of Marshall C. Butler

Members of Council

Handwritten signature of Sandra Hare

Handwritten signature of Sandra P. Kuster

Handwritten signature of Richard H. Stum

Handwritten signature of Elizabeth J. Zimmerman

Handwritten signature of Elizabeth J. Zimmerman



Attest: Handwritten signature of Linda McDaniel, City Clerk

CITY OF ORANGEBURG

South Carolina

EMPLOYEE HANDBOOK



ALL EMPLOYEES OF THE CITY OF ORANGEBURG, INCLUDING THE DEPARTMENT OF PUBLIC UTILITIES, ARE EMPLOYED AT-WILL AND MAY QUIT, OR BE TERMINATED AT ANY TIME AND FOR ANY OR NO REASON. NOTHING IN ANY OF THE CITY'S RULES, PRACTICES, POLICIES, HANDBOOKS, PROCEDURES OR OTHER DOCUMENTS RELATING TO EMPLOYMENT CREATES ANY EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT. THIS HANDBOOK REPLACES ANY PREVIOUSLY ISSUED POLICIES, WRITTEN OR ORAL, GOVERNING 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, THAT 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 TERM OF EMPLOYMENT; AND 4) THE DOCUMENT IS SIGNED BY THE CITY ADMINISTRATOR, DEPARTMENT OF PUBLIC UTILITIES MANAGER, OR APPROVED BY VOTE OF CITY COUNCIL.

JANUARY 2023

EXHIBIT A
EMPLOYEE HANDBOOK

DISCLAIMER

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I ACKNOWLEDGE RECEIPT OF THE CITY'S EMPLOYEE HANDBOOK AND UNDERSTAND THAT IT IS NOT A CONTRACT OF EMPLOYMENT. I UNDERSTAND IT REPLACES ALL PREVIOUS HANDBOOKS AND POLICIES.

[Signature]

Date

Printed Name

Note: The intended use of this handbook is for all employees of the City of Orangeburg. Use of the word 'City' throughout the handbook (unless otherwise stated) refers to both the City of Orangeburg and the Orangeburg Department of Public Utilities.

DISCLAIMER

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I ACKNOWLEDGE RECEIPT OF THE CITY'S EMPLOYEE HANDBOOK AND UNDERSTAND THAT IT IS NOT A CONTRACT OF EMPLOYMENT. I UNDERSTAND IT REPLACES ALL PREVIOUS HANDBOOKS AND POLICIES.

[Signature]

Date

Printed Name

Please sign, date, and return this page to Human Resources Department.

Note: The intended use of this handbook is for all employees of the City of Orangeburg. Use of the word 'City' throughout the handbook (unless otherwise stated) refers to both the City of Orangeburg and the Orangeburg Department of Public Utilities (DPU).

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Welcome to New Employees

As a City of Orangeburg employee, you are now a member of a team of approximately four hundred people who provide efficient services to the residents and visitors in the City and the City service area.

We hope that you will enjoy your work with the City and find satisfaction in being a part of improving and expanding City services.

Michael C. Butler

Mayor

Dr. Kalu Kalu

Mayor Pro Tem

Bernard Haire

Sandra P. Knotts

Richard F. Stroman

Jerry Hannah

L. Zimmerman Keitt

Members of Orangeburg City Council

Foreword

The citizens of Orangeburg, its industries, and its businesses of every type depend on the services we provide to continue their daily living and work. These services help keep a community alive and prosperous.

The growth of many cities has been stifled because City services were not adequate to meet existing needs, much less the ever-expanding industrial demands for these services. Due to past, present, and future planning for the needs of Orangeburg, this has not been a problem in our City.

Many of the comforts, conveniences, and necessities of modern-day living depend on the services rendered by the City and its employees.

Street construction and maintenance; sanitation; draining; housing; zoning; code enforcements; a municipal airport; building inspections; fire protection, inspection, and education; police protection, traffic control and assistance; maintenance of vehicles and equipment; Hillcrest Golf Course; other parks and recreational facilities; planning for future growth and beautification; emergency planning; Human Resources, City Hall, and the Mayor's office, all play an important part.

The City, through its Department of Public Utilities, also provides utility services including electricity, natural gas, water, and wastewater, not only to the City but to a large part of Orangeburg County.

These are but a few of the departments/divisions and services rendered by the City and its employees that are so vital to its operation and growth. The beauty and comfort of our community are enhanced by the proper utilization of these services. Without them, our parks, gardens, playgrounds, and homes could not function properly.

Working for a City is not just a job. It is a responsibility to other citizens and customers in which each employee shares and contributes to, regardless of his or her job title.

If you desire any additional information, your department/division head or Human Resources will be pleased to help you. May your employment with the City be both pleasant and profitable.

*Orangeburg City Administrator and the
Department of Public Utilities Manager*

Mission Statement

Mission

The mission of the City of Orangeburg is to provide and retain the delivery of quality public service, safety, and quality of life for citizens, residents, businesses, industries, institutions, and visitors; while also encouraging economic development, growth & opportunities.

Vision

Orangeburg is America's Rose Garden City with a diverse and inclusive community of residents, businesses, and academic facilities; a safe, family-oriented City where people work and live together. Our vision is to be diverse and sustainable; a "City of Choice" for people to live, work, and play.

Core Values and Guiding Principles

LEADERSHIP (We do what we say we do): We strive to uphold the highest work ethic, treat everyone fairly, empower people to do their best, promote continuous improvement, communicate openly and respectfully so as to achieve trust and accountability throughout our community

INCLUSIVENESS: We cultivate an environment of trust and respect for all residents and visitors alike. We strive to ensure that our actions are inclusive and reflective of the diverse community of which we aim to be.

INTEGRITY (We do what is right): We safeguard public trust through honest business practices and open communication. Our credibility with the public depends on our strong ethical stewardship of all resources.

COLLABORATION: We promote transparent engagement with citizens and stakeholders and expect our managers, employees, and consultants to understand the needs and values of our community.

STEWARDSHIP: We protect our unique natural environment, and the entertainment and beauty it provides. We maintain and preserve these and all other municipal assets.

EFFECTIVENESS: We strive to perform all functions with excellence while exhibiting a sense of urgency to meet the needs of all customers. We know the value of time and use it well. Our customer satisfaction goal is to delight citizens every day through exemplary service, and innovation.

FUN: No day is complete without laughter.

SAFETY: To provide all services through highly skilled, safety oriented and customer-focused employees.

SECTION 1: GENERAL PROVISIONS

Orangeburg City Government

The City of Orangeburg operates under a Council form of government.

The Mayor and six members of the City Council comprise the legislative branch of the City. It is their duty to set over-all policy in matters concerning the operation of the City's affairs. Each is elected to a term of four years.

The City Administrator is appointed by the City Council. He or she is responsible for coordinating and carrying out the City's policies and for ensuring that the duties of all City departments, except for the Department of Public Utilities and Municipal Court, are performed efficiently and economically.

The Department of Public Utilities Manager is appointed by City Council. He or she is responsible for the efficient operation of the Department of Public Utilities.

The Municipal Court Judge is appointed by City Council, and if applicable, the Assistant City Judge. He or she is responsible for the supervision and management of the court. All Municipal Court employees are subject to the guidelines set forth in this document.

The City Attorney is also appointed by the City Council.

Your Responsibilities to Your Employer

As your employer, the City of Orangeburg expects you to be:

Loyal and honest.

Fair, courteous, and cooperative in meeting the public and working with your fellow employees.

Productive always while at work.

Neat in your work and personal appearance, including dress attire and personal hygiene.

Prompt in arriving to work and completing assigned tasks.

Economical in the use of supplies and equipment.

Respectful of the public and your fellow employees, including not encroaching on one's personal and private space.

Employees are expected and encouraged to work in a safe and efficient manner, report any hazards, unsafe work practices, or accidents or near misses to their supervisor or safety representative; wear required personal protective equipment and follow all safety standards, policies, and rules.

SECTION 2: EQUAL EMPLOYMENT OPPORTUNITY

Equal Employment Opportunity

The City of Orangeburg provides equal opportunity to all applicants for employment and administers hiring, conditions and privileges of employment, compensation, training, promotions, transfer, and discipline without discrimination because of race, color, religion, gender, gender identity, sexual orientation, genetic information, disability, pregnancy, age, or national origin. The City also prohibits retaliation against employees who have reported discrimination. Any employee who believes that he or she has been discriminated against in violation of this policy should report the matter to his or her supervisor, department/division head, Human Resources, the City Administrator, or Department of Public Utilities Manager.

Anti-Harassment

Various laws and regulations generally prohibit employment decisions from being made based on race, gender non-binary, sex, religion, national origin, color, age, genetic information, pregnancy, or disability. In addition, the City of Orangeburg desires to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, bullying, threats, and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being.

The City is committed to the highest standards of ethical integrity, acknowledging that respect for self and others is our foundation. As such, we will cultivate an environment of mutual respect and responsibility. Employees have a right to be in a safe environment, free of disturbance and civil in all aspects of human relations.

The City does not tolerate harassment of any kind and forbids retaliation against anyone who has reported harassment in good faith.

Sexual Harassment

Sexual harassment is a form of harassment prohibited by this anti-harassment policy and warrants special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

1. Submission to the conduct is an explicit or implicit term or condition of employment.

2. Submission to or rejection of the conduct is used as the basis for an employment decision; or
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, "put-downs" or condescending or derisive comments or terms based on gender, and physical conduct, such as patting, pinching, or brushing against another person. This policy prohibits such conduct regardless of the gender of the perpetrator or victim.

Complaint Procedure and Investigation

If any employee believes this anti-harassment or sexual harassment policy has been violated by anyone with whom the employee comes in contact on the job, regardless of whether it is by a fellow worker, a supervisor or a member of the general public, the employee should report the incident(s) immediately to the department/division head, employee's supervisor, Human Resources or contact the City Administrator, or Department of Public Utilities Manager. If an employee's direct supervisor is allegedly harassing the employee, the employee should by-pass that supervisor and complain to the Human Resources Department, City Administrator or Department of Public Utilities Manager. If an employee has a complaint about the City Administrator, the Department of Public Utilities Manager, the Municipal Court Judge, or the City Attorney, that complaint should be made directly to one not subject to the complaint.

Supervisors who receive complaints of or become aware of harassment should coordinate with the City Administrator or Department of Public Utilities Manager. Harassment allegations will be investigated, and the investigatory process may vary from case to case. The investigation is conducted as confidentially as possible consistent with the effective handling of the complaint and the goals of this policy. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential, whether the employee is the accused person, the complaining one, or merely a potential witness. As a part of the investigatory process, employees may be asked to put their statements in writing with specific details. Persons who are interviewed should not discuss the matter with co-workers, friends, or management. This does not mean, however, that employees may not complain to civil rights agencies.

Employees may be asked to submit to a polygraph (lie detector) examination to aid in any harassment investigation.

Employees found to have violated this anti-harassment policy may be disciplined, up to and including discharge.

-- IMPORTANT --

Complaints made under this policy require the completion of a complaint report either by the employee or by the person to whom the complaint is made, summarizing the allegations, and listing any witnesses to the alleged harassment. Employees should be sure to get a copy of the complaint report from the Human Resources Office to confirm compliance with this procedure. Supervisors who receive a complaint should also contact the Human Resources Office to confirm compliance with this procedure.

Americans with Disabilities Statement

It is the policy of the City of Orangeburg to act in accordance with all provisions of Section 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act of 1990, as amended (hereinafter "ADA"), and the Americans with Disabilities Amendments Act of 2008 (hereinafter "ADAA"). ADA and the ADAA are Federal laws that prohibit discrimination against applicants and individuals with disabilities. When needed, the law requires employers to provide reasonable accommodation to qualified applicants and employees.

Policy

It is the policy of the City to comply with all Federal and State laws concerning the employment of persons with disabilities and act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC) and the South Carolina Human Affairs Commission. Furthermore, it is our policy not to discriminate against qualified individuals with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

Reasonable Accommodation

When an applicant with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of

themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

The City will reasonably accommodate employees with a disability so that they can perform the essential functions of a job, unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the City.

Employees who pose a direct threat to the health and/or safety of themselves or other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made regarding the employees' immediate employment situation. Contact Human Resources if you have any questions or would like to request an accommodation.

Individuals that use illegal drugs are excluded from coverage under this policy.

The Human Resources Department in conjunction with Risk Management is responsible for implementing this policy, including resolution of reasonable accommodation, safety, direct threats, and undue hardship issues.

Terms Used in the Policy

As used in this ADA/ADAA policy, the following terms have the indicated meaning:

1. **Disability** means a physical or mental impairment that substantially limits one or more major life activities of the individual, having a record of such an impairment or being regarded as having such an impairment.
2. **Major life activities** include the following, but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

The ADAA also includes the term "major bodily functions," which may include a physical or mental impairment, such as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed mental retardation), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

3. **Substantially limiting activities** in accordance with the ADAA final regulations, the determination of whether impairment substantially limits a major life activity requires an individualized assessment. Impairments that are

episodic or in remission may also meet the definition of disability if the impairment would substantially limit a major life activity when active. Some examples of these types of impairments may include, but are not limited to epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder, and schizophrenia. Impairment such as cancer that is in remission but that may possibly return in a substantially limiting form is also considered a disability under the EEOC final ADA regulations.

4. **Direct threat** means a significant risk to the health, safety, or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
5. **Qualified individual** means an individual who, with or without reasonable accommodation, can perform the essential functions of the position that such individual holds or desires.
6. **Reasonable accommodation** includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, re-assignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, providing qualified readers or interpreters and other similar accommodations for individuals with disabilities.
7. **Undue hardship** means an action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include, but are not limited to:
 - a. The nature and cost of the accommodation.
 - b. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources; or the impact of such accommodation upon the operation of the facility.
 - c. The overall financial resources of the employer; the size, number, type, and location of facilities.
 - d. The type of operations of the City/County, including the composition, structure, and functions of the workforce; administrative or fiscal relationship of the facility involved in making the accommodation to the employee.
 - e. The impact of the accommodation on the operation of the department/division.
8. **Essential functions of the job** Refer to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions considered to be disabilities,

impairments or reasonable accommodations covered by the ADA/ADAA policy. Employee's requesting an accommodation, can obtain an ADA Process Questionnaire from Human Resources.

South Carolina Pregnancy Accommodations Act

In accordance with all provisions of the South Carolina Pregnancy Accommodations Act, S.C. Code Ann 1-13-10, the City will strive to ensure that all employees have the right to be free from discrimination for medical needs arising from pregnancy, childbirth, or related medical conditions pursuant to the Pregnancy Accommodations Act.

The City of Orangeburg will provide reasonable accommodation to employees for medical needs arising from pregnancy, childbirth, or related medical conditions, including lactation. These conditions will be treated the same as any other temporary medical disability regarding leave policies.

Leave is available under the same terms and conditions as for other similar purposes. In addition to sick leave and annual leave, leave related to pregnancy and childbirth also may be available to eligible employees under the federal Family and Medical Leave Act, the South Carolina Pregnancy Accommodations Act or other laws governing adoption, pregnancy, childbirth, and nursing.

SECTION 3: EMPLOYMENT

Recruitment

The City of Orangeburg endeavors to employ the best qualified persons available and encourages current employees to apply for positions for which they are qualified. The City may also solicit and consider applications from external applicants. The final selection of all applicants will be made by the relevant department/division head with the approval of the City Administrator or Department of Public Utilities Manager.

The City may not employ any person in a sensitive or influential position who has willfully defaulted on a Student Loan or who exhibits major credit history concerns which would compromise the ethical integrity of the position. Employment consideration may be made after financial issues are resolved.

All job offers are considered 'conditional' and contingent upon successfully completing all required pre-employment background screenings.

Physical Examination

Conditionally hired candidates seeking full-time positions with the City may be required to pass a physical examination by City-retained medical personnel prior to commencing employment if such is necessary for the essential functions of the position. Prior to beginning work, a drug screen may also be required. The City will pay for the cost of this drug screen and/or examination.

Any employee may also be requested to submit to a physical examination by proper medical personnel when, in the City's view, a legitimate question about an employee's fitness for duty arises. The cost of this examination will be paid by the City.

Employee Categories

As used in this manual, employee means every individual on the City's payroll. Employee does not include any independent contractor, volunteer, reserve officer, or court-appointed ward.

Full-Time Employee

Full-time employees are those employees who have completed their probationary periods and fill full-time positions with the City. Employees in this status are normally scheduled to work at least thirty (30) hours per week. The City, however, does not guarantee any minimum number of hours of work per week. Full-time employees are eligible for leave, health insurance, and any other benefit accorded to all full-time employees.

Part Time Employee

Part-time employees are those employees hired by various City departments/divisions to meet certain needs which do not require a full-time employee.

Any employee who is normally scheduled to work less than thirty (30) hours per week is considered a part-time employee and will not be eligible for leave, health insurance, or any other benefit accorded to a regular full-time employee except as required by law. The City, however, does not guarantee any minimum number of hours of work per week. Part-time employees may be called upon to work above their normally scheduled hours of work when workloads require. Part-time employees working more than one thousand (1,000) hours per year normally must participate in the State Retirement System.

Police Officers and Firefighters earning less than two thousand (\$2,000) in salary or working fewer than one thousand six hundred (1,600) hours cannot participate in Police Officers Retirement System. Employees may elect to enroll instead as a member of the South Carolina Retirement Systems.

Temporary Appointments

Temporary appointments may be made for periods normally not exceeding six (6) months or to fill a temporary need of the City. At the City's sole discretion, such appointments may be renewed for specified periods not exceeding six (6) months, provided funds are budgeted and available and the employee's additional services are required. A temporary employee may be granted legal holidays with pay at the discretion of the City Administrator or Department of Public Utilities Manager but will not be eligible for other types of paid time off. In the event the temporary employment position becomes a regular position, the period of temporary employment counts toward the required six (6) month probationary period.

Part-time and Temporary employees are covered by the City's Workers' Compensation Program.

Contract Employee

The City may contract with an independent employment agency to hire for a specific project or a certain timeframe. Contract employees are usually hired due to their expertise in a particular area. Contract employees work for the employment agency and receive pay for services rendered and benefits directly from the employment agency. Contract employees are not considered to be a regular or permanent employee of the City. All required taxes and workers compensation, social security, etc. are under the obligation of the employment agency. Contract employees are not eligible for any City benefits.

Appointed Official

An appointed official is an individual who has been appointed or confirmed by the Governor, the State Legislature, City Council, County Council, the Legislative Delegation, an official board, another elected or appointed official, or by virtue of statutes or ordinances to fill an approved position within the City organization. The individual usually serves for a specified term.

An individual appointed or confirmed by the Governor, State Legislature, or other applicable City entity (i.e., City Attorney, City Judge) does not earn annual leave, sick leave or overtime unless otherwise noted in this manual

Other approved City appointed positions (City Administrator and Department of Public Utilities Manager) are considered full time employees and may receive certain City benefits.

Other appointed positions may include individuals who have been commissioned, appointed, or confirmed by City Council, County Council, Legislative Delegation, or other official to fill a position within the City organization and usually serve on commissions or boards for a specified term are not considered employees of the City, do not earn annual leave, sick leave, or overtime. (Election Commission, Hillcrest Golf Course Commission, Board of Zoning Appeals, Construction Board of Adjustments & Appeals, Aviation Commission and Planning Commission, etc.).

Elected Official

The Mayor and City Council Members are city-elected officials and are considered City Employees and may receive certain City benefits. An elected official, who has been declared the winner of an election, must abide by local, state, or federal laws including dual office holder.

Students and Interns

Students and interns are individuals who are attending college on a regular basis. They work for a specified limit of time. This includes participants in the Summer Worker Program. Except as required by law, students and interns do not receive any benefits other than the option of joining the South Carolina Retirement System and the State Deferred Compensation Plan. Students and interns do not have grievance rights.

Probationary Employee

An employee is considered a probationary employee until he or she has completed the first six months (180 days) of employment in his current position and the six-month evaluation is completed, satisfactory, and approved by his department/division head. If the evaluation is unsatisfactory, the introductory period can be extended. (Student and Intern probationary periods may vary based on position.)

Transfers

Employees may request a transfer from one department/division to another, or from one position to another within the same department/division, when vacancies exist. Transfers from one department/division to another will be made only with the approval of the City Administrator or Department of Public Utilities Manager. The City Administrator or Department of Public Utilities Manager will review all employee transfer requests and act in the best interest for the general efficiency of the services provided by the City. An employee may be transferred involuntarily from one position, department/division to another as deemed necessary to benefit the City.

Employees requesting transfer must have completed the required six months' probation, must have been in current position a minimum of one (1) year and must be performing satisfactorily in current position prior to transfer request.

Resignations

Resignation is the voluntary relinquishment or ending of employment at the employee's request or initiative. To resign in good standing, you should give your department/ division head written notice of at least two (2) calendar weeks and properly work the notice period. You may receive annual leave pay you have accrued at the discretion of the City Administrator or Department of Public Utilities Manager. The City Administrator or

Department of Public Utilities Manager may, in his or her sole discretion, permit a resigning employee to not work the notice period.

Any City equipment assigned to employees in the performance of their jobs are considered an "advance of wages." If an employee fails to return such items when they end their employment with the City, the cost of the items may be deducted from the employee's final paychecks.

Cash, debts owed the City, fringe benefits, uniforms, tools, equipment, vehicles, instruction manuals, keys, identification cards and other items belonging to the City that are advanced or issued to an employee but not repaid or returned at the time of an employee's termination are considered advances of wages, the value of which may be deducted from the employee's final paychecks.

Your department/division head or Human Resources may interview you upon your resignation to learn your thoughts regarding department/division practices, as well as any phase of your job routine which may lead to improvements.

The City would appreciate you giving a reason for your resignation at the time you resign.

Layoffs

A layoff is termination of employment because of lack of funds or work, because of material changes in duties or organization, because of the abolishment of the position, or because of other related reasons outside the employee's control which do not reflect fault or misconduct by the employee. The positions affected by a layoff are determined in the sole discretion of the City Administrator or Department of Public Utilities Manager.

Employee Classifications

The following are not covered by the Fair Labor Standards Act (FLSA): Legislative branch employees, elected/appointed officials, their policy making appointees, and their personal staff and legal advisors who are not subject to civil service laws.

All other City of Orangeburg employees, including employees of elected and appointed officials are classified under the Act as either exempt or nonexempt employees defined as follows:

Exempt Employee: An employee who is exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act. Examples include those employees

who qualify as executive, administrative or professional employees under the Fair Labor Standards Act of 1938, as amended, and are paid on a salary basis.

Non-Exempt Employee: All other employees not classified as exempt or a non-covered individual under the FLSA. Nonexempt employees are eligible for overtime pay in the form of wages or compensatory time and can be paid on an hourly or salary basis.

Non-covered Individual: An Individual such as elected/appointed officials who are listed as individuals not covered by the FLSA.

The Human Resources Department shall maintain the City's job classification system and job descriptions for all positions. All position reclassifications shall be approved by the City Administrator or Department of Public Utilities Manager and the overall job classification system shall not be modified without the express written approval of the City Administrator or Department of Public Utilities Manager. Individuals chosen to fill positions should preferably meet all the minimum qualifications of the posting. Openings are reviewed with supervisors prior to posting.

SECTION 4: EMPLOYMENT PRACTICES

Fair Wage Statement

The City follows the Pay and Overtime Pay policy as stated in the provisions under the Fair Labor Standards Act (FLSA), US Department of Labor Wage and Hour Division. This provision states that employees (unless exempt) receive overtime pay for hours worked over forty in a workweek at a rate no less than time and one-half (1.5) their regular rate of pay. Employee paid leave time is included in the calculation of hours worked towards overtime.

Not all employees are subject to these overtime rules. If an employee is classified as "exempt," they are typically salaried and not eligible for overtime. Most of these are management level employees. Paid time off to an exempt employee who works substantially more than his or her normal work schedule may be granted and will be evaluated on a case-by-case basis by the department/division head.

The FLSA contains some specific provisions for Public Safety employees because of working non-traditional schedules. Law enforcement employees have a different overtime "threshold" under the FLSA. This includes all employees with traditional law enforcement duties. This does not include clerks, dispatchers, and other non-sworn employees. The Department of Public Safety will explain their specific pay plan

Personal Information

As a City employee, you may be asked to provide necessary information regarding you and/or your family. This information will be used only for necessary purposes; for example: payroll deductions, social security, withholding taxes, insurance, etc.

If there are any changes in your marital status, number of dependents, address, or telephone number, you must notify the Human Resources Department at once so that your personnel record and payroll record may be kept up to date at all times.

Probationary Period

It is important to note that the probationary period does not guarantee employment for a specified period. All employees of the City are employed "at will."

All new employees, including former employees who have been rehired, must serve a probationary period of the first six (6) months of employment. The probationary period is a trial period which serves as an extension of the interview process. This period is not a guarantee of employment for six (6) months. If the department/division head concludes at any time that the employee is not suited for his or her position, the employee may either be terminated or may be placed on extended probation, if approved by the City Administrator or Department of Public Utilities Manager.

During this period, the employee's performance will be observed to determine fitness and ability to carry out the responsibilities of the position. At or before the end of the probationary period, the employee will be informed by the department/division head of his or her success or failure in meeting the City's recommendation to the City Administrator or Department of Public Utilities Manager as to whether the employee should be dismissed or accorded regular employment status.

After successfully completing the required probationary period, all newly hired employees may be eligible for a pay increase. The amount of the increase may vary. The probationary period for Public Safety personnel may extend beyond the six-month period at the sole discretion of the City Administrator.

All newly promoted employees are considered on probation in their new positions for six (6) months. This period is a continuation of the selection process and is a time in which the newly promoted employee should demonstrate that he or she is well suited for the promotion. It is not a guarantee of employment for six (6) months.

If the department/division head concludes at any time during the promotion probationary period that the newly promoted employee is not suited for his or her new position, the employee may be removed from that position. If there is a vacancy in his or her former position that is to be filled, he or she may be returned to it at an appropriate pay rate. If there is no such vacancy, he or she may be considered for the filling of other vacancies for which he or she is qualified. If no other position is found for him or her, the employee may be terminated. This action does not prohibit an employee from applying for future vacancies within the City.

Work Schedule

Normal work hours are 8am to 5pm daily. However, work hours and shifts within certain City departments or divisions may differ. Regardless of the work schedule, all employees are required to be on time and ready for work at the beginning of their shift. Schedules and work locations may be temporarily modified based on operational needs with the approval of the department/division head.

Employee Breaks

Under City practice, certain work positions may be allowed two (2) paid fifteen (15) minute breaks each day (morning and afternoon, to be taken on-site) with a thirty (30) minute or sixty (60) minute unpaid lunch break. Typically, the lunch period is between 11am and 2pm daily. Department/ division heads and/or supervisors will be responsible for managing breaks and lunches within their departments/divisions.

Breaks or lunches are not always guaranteed and may vary depending on workloads. All employees should check with their department/division head to clarify policy guidelines.

City Travel Policy

The City will cover all travel and related expenses for employees representing the City to attend training classes, seminars, or other pre-approved events. Check with your department/division head for specific requirements and details.

Inclement Weather / Emergency Closings

Generally, the Department of Public Utilities will remain fully operational during emergencies and inclement weather. If regular hours of operation are not being altered, no announcement will be made. It is the responsibility of the employee to be at work at the designated starting time. Unauthorized absences will be charged to the employee without pay and may result in disciplinary actions.

Decisions regarding staffing schedules for other City departments/divisions will be made on a case-by-case basis. The City Administrator or Department of Public Utilities Manager may alter operations if he or she finds that (1) extremely hazardous conditions exist and (2) closing operations, in whole or in part, is in the best interest of the City. The City will use its best efforts under the circumstances to post notice on the City and/or DPU website and notify local media on any such closing date regarding how the hours of City operations are to be altered.

Operational changes will be communicated by the City Administrator, Department of Public Utilities Manager and/or department/division heads.

If the City Administrator or Department of Public Utilities Manager closes any City or DPU operations pursuant to this policy, employees will be paid only to the extent that: (1) pay is required for compliance with the Federal Fair Labor Standards Act; or (2) the employee has accrued annual paid leave sufficient to cover the absence. Employees without enough accrued paid annual leave to cover the absence will be granted unpaid leave.

During a declared disaster or emergency, the City or Department of Public Utilities may credit overtime hours worked as compensatory time or pay to **Non-Exempt Employees**. The City Administrator or Department of Public Utilities Manager may grant paid time off for **Exempt Employees** who work substantial hours in excess of their normal work schedule.

Changes to this policy can be made at the discretion of the City Administrator or Department of Public Utilities Manager.

Employee Service

Service Pin Awards – Years of Service Calculation

Employee service pins will be given in five-year increments. Breaks in service will be removed to calculate service years only.

The total sum of all years of employment service with the City are calculated and included in the Service Pin Award calculation which an employee receives in five (5) year intervals.

Example of Work:

- City: July 1, 1980, thru December 31, 1990, = 10.5 years of service
- DPU: January 1, 2000, thru July 1, 2015, = 14.5 years of service

Eligible for a 25-year Service Pin

Leave Time Benefits – Years of Service Calculation

All regular, full-time employees accumulate leave time according to the accrual schedule listed in the Employee Handbook under Annual Leave. Length of Service Years calculation used to determine leave accrual hours/days is based on the last hire date of the employee. No previous service is bridged or counted towards years of work. However, City or Department of Public Utilities employees who transfer between the City and Department of Public Utilities, **with no break in service**, are considered transferred and given previous service. This is stated in the City Resolution under Active Employees.

- Per the example above: The Annual Leave accrual would be calculated on the last hire date of January 1, 2000.

Post-Employment Benefits – Years of Service Calculation

The City Resolution defines a retiree's eligibility for post-Employment Benefits which are calculated on the last hire date.

- Per the example above; post-employment benefits would be calculated on the last hire date of January 1, 2000.

Employee Suggestions

The City encourages all employees to make any suggestion the employee feels will result in improvements in operations, procedures, safety, savings in labor or materials, customer relations, or better general working conditions.

SECTION 5: CONDITIONS OF EMPLOYMENT

Nepotism / Hiring of Relatives

Persons in the same immediate family may not be employed or continue to be employed in the same department/division if one directly or indirectly supervises the other or interacts with the other in the handling of money, compensation, or personnel records. Immediate family is defined as spouse, parent, child, grandparent, grandchild, sibling (brother, sister, half-brother, half-sister), parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law. The immediate family is also considered to include stepparents, stepchildren, stepbrothers, and stepsisters when the employee and the step-relative live or have lived together regularly in the same household. Unrelated employees residing together or otherwise engaged in a close personal relationship (such as domestic partner, co-habitant, former spouse or significant other) are treated as being within the immediate family of each other for the purposes of this nepotism policy. Members of the immediate family of elected officials of the City are not eligible for City employment.

If employees become related by marriage and create a situation prohibited by this policy, one of the employees may be asked to give up his or her position. If the employees cannot choose which of them it will be, the employee having the lower budgeted annual compensation may be removed. The removed employee may be considered for other positions within the City for which he or she is qualified.

If relationship by marriage creates a potential conflict under this policy, the final decision will be determined at the sole discretion of the City Administrator or Department of Public Utilities Manager evaluated on a case-by-case basis.

Situations not specifically addressed in this policy which, in the City's opinion, create a conflict of interest or give the appearance of a conflict of interest, will be handled in the City's sole discretion.

Anti-Fraternalization / Employee Dating

The City of Orangeburg strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is necessary for effective business operations. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does

establish boundaries as to how relationships are conducted during working hours and within the working environment.

During working time and in working areas, employees are expected to conduct themselves in an appropriate workplace manner that does not interfere with others or the overall productivity. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate in the workplace by a reasonable person while anywhere on the premises.

Individuals in supervisory or managerial roles and those with authority over others' terms and conditions of employment are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to affect the employment of individuals in subordinate positions.

Any supervisor, manager or official in a sensitive or influential position with the City is prohibited to have any type of romantic or sexual relationship with a subordinate. If such a relationship develops, disclosure must be made immediately to the City Administrator or Department of Public Utilities Manager. A supervisor will not be allowed to supervise a subordinate if in a relationship and a transfer will likely occur if a position is available.

Any concerns about the administration of this policy should be addressed to Human Resources Director, City Administrator, or Department of Public Utilities Manager.

Outside Employment

A person employed by the City is expected to devote his or her full attention to his or her work for the City. Employment with the City is considered an employee's primary employment. Outside employment, however, is permitted when it does not interfere with the employee's job with the City. Whether such employment interferes with employment for the City is determined in the sole discretion of the City Administrator or Department of Public Utilities Manager on a case-by-case basis. Outside employment must be reported to the department/division head. Failure to provide such notification may result in disciplinary action up to and including termination. Outside employment may not conflict with any Federal, State, or City rule, regulation, ordinance, or statute.

Should the department/division head determine that the outside employment conflicts or interferes with employment with the City, the employee may be instructed to choose between his or her job with the City and his or her outside employment.

Employees may not engage in any private business or activity while on City work time or at City workplaces.

Political Activity

Employees may fully and freely associate themselves in organizations of their own choosing, except those organizations whose purpose is the violent overthrow of the government of the United States, the State of South Carolina or any of its political subdivisions.

In certain circumstances involving real or potential conflicts, employees who run for public office may be placed on an unpaid leave of absence until after the election. If an employee is placed on leave of absence, his or her employment will terminate upon his or her election to a partisan public office that could cause a conflict with continued City employment.

For purposes of this policy, an employee is considered a "candidate for public office" as soon as he or she begins actively campaigning for nomination or election, or when he or she files for candidacy, whichever comes sooner.

Package / Bag / Purse Inspection

Employee packages, bundles, backpacks, shopping bags, briefcases, handbags and purses, and similar items are subject to inspection by management or security officers.

All visitors are subject to the same inspections.

SECTION 6: BENEFITS

SPECIFIC DETAILS REGARDING THE CITY RETIREE DEFINITIONS, POST-EMPLOYEE BENEFITS, ELIGIBILITY, PREMIUMS, ETC., ARE DEFINED IN THE MOST RECENTLY ADOPTED CITY INSURANCE RESOLUTION. THE CITY RESERVES THE RIGHT TO RENEW, AMEND, ABOLISH OR CHANGE RETIREE DEFINITIONS, ELIGIBILITY, OR BENEFITS WITH OR WITHOUT CAUSE.

Insurance

The City offers a competitive benefits package. The terms of the benefits offered are governed by the terms of the individual benefits plans, and the City is not responsible for any changes or discontinuation of benefits or benefits plans. Please see the Human Resources Department for details regarding current benefits offerings or a copy of summary plan descriptions.

Health insurance is provided for all full-time employees and regular part-time employees working thirty (30) hours per week or more. Further, under a federal law known as COBRA, employees and their covered dependents have certain rights to continue medical insurance coverage at their own expense even if they resign or are discharged from their employment. Contact the Human Resources Department for more information.

Present Active Full-Time Employees with a last hire date prior to June 1, 1993, may be eligible for the continuation of Health Insurance Benefits and Dental and Vision Insurance coverage if they meet one of the guidelines as stated in the City Health Insurance Resolution. Contact the Human Resources Department for details.

Workers' Compensation

All employees are covered under Workers' Compensation. The City carries on-the-job accident insurance, which renders financial assistance in the event of an accident suffered while on duty and working with the City.

If you are injured on the job, you must immediately notify your supervisor, department/division head of the injury no matter how slight the injury may be or appear to be and even if the accident does not require medical attention. **The reporting of all**

injuries is very important as your eligibility for Workers' Compensation may depend on the injury being reported promptly. Injuries should be reported within twenty-four (24) hours or the following Monday if the injury occurs on a weekend. Supervisors, and/or department/division heads are responsible for completing all necessary reports and turning these into the City's designated Workers' Compensation Claim Contact within the twenty-four (24) hour reporting period.

Holidays

The following thirteen (13) days, and other days as may be designated by City Council, shall be considered official holidays.

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day
President's Day	Veterans Day
Juneteenth	

When a holiday falls on a regular assigned day off for a non-exempt full-time employee, the employee may be compensated by appropriate time off as provided elsewhere in these rules or such time may be added to accrued annual leave at the discretion of the City. Holidays that occur during an annual leave are not charged against annual leave.

Whenever any of these holidays falls on a Sunday, the following Monday is observed as the holiday; and, whenever any of these holidays falls on Saturday, the preceding Friday is observed as the holiday. When consecutive holidays fall on Friday and Saturday, the holiday will be observed on Thursday and Friday. When consecutive holidays fall on Saturday and Sunday, the holidays will be observed on Friday and Monday. When consecutive holidays fall on Sunday and Monday, the holidays will be observed on Monday and Tuesday.

Each department/division may have different rules for observing and paying for holidays depending on its needs. Employees will be advised by their supervisor for details in their department/division if it differs from this policy

All "holidays" equal 8 hours, regardless of length of shift or number of hours normally worked in a day. City Council may declare additional days as holidays.

Education Assistance Program

All regular, full-time employees who have satisfied their probationary periods may request tuition reimbursement for courses taken toward an academic degree or professional certification. Prior approval by the City is required before enrolling in the course if the employee seeks or plans to seek reimbursement. The course taken must be of relevant value to the City as determined solely by the City.

The courses that may be approved for reimbursement are those which will directly improve the employee's ability in his or her present position or increase his or her potential in a foreseeable future position with the City. If the course of study is for a degree, the degree must be applicable to the business of the City. Courses must be taken at an accredited college, university, high school, business, or technical school. Electronic and distance learning may be approved based on accreditation of the institution and the lack of availability of the specific curriculum in area schools.

Reimbursement will be capped annually at five thousand, two hundred fifty (\$5,250) dollars (subject to IRS rule changes and tax requirements) to include the costs of the course, lab, computer or thesis preparation fee and textbooks. Employees must apply for available financial assistance from other sources (e.g., G.I. Bill, scholarships, grants, etc.) prior to requesting tuition reimbursement from the City. If an employee is approved for tuition reimbursement from the City and during their course of study is granted non-reimbursable financial assistance from another source, the employee must immediately notify the City. The City will reduce the reimbursement by the amount of the financial assistance from the other source(s). Participation in this tuition reimbursement program is subject to budgetary and fiscal constraints of the City.

To be eligible, the employee must have been rated fully satisfactory on his or her last performance evaluation and must not have experienced any disciplinary problems in the last six (6) months. No time off will be allowed to take a course when the employee is already scheduled for work, but schedules may be rearranged, if conditions permit, with the approval of the City Administrator or Department of Public Utilities Manager.

There will be no advanced or reimbursed tuition for courses which the employee repeats. No tuition will be advanced or reimbursed for any course that replaces or follows a course not completed or completed with a final grade less than a "C" or equivalent. An employee can only receive a tuition reimbursement for up to one hundred thirty (130) hours of course work.

Repayment Obligation

Any employee who fails to make a grade of "C" or equivalent on any course for which he or she has received tuition reimbursement from the City will be required to repay the full amount of the tuition reimbursement for that course.

There will be no repayment obligation if the course is completed twelve (12) months prior to an employee voluntarily terminating employment with the City or being terminated for disciplinary reasons. Repayment of tuition reimbursement will be required at termination if an employee resigns from, or is terminated for disciplinary reasons from, employment less than twelve (12) months after being reimbursed by the City for a course, or completing the course, whichever is later. Tuition reimbursements not repaid by such employees are considered advances of wages, the value of which may be deducted from the employee's final paychecks. Employees who participate in this program will be required to sign an agreement acknowledging their obligation to repay tuition reimbursement in the circumstances described above.

Matriculation fees will not be paid.

The policies pertaining to this Education Reimbursement Benefit program do not constitute a contract of employment.

Retirement

State Retirement System Pension Plan (PEBA)

The City participates in the South Carolina Retirement System. Contributions of the employee and the City are made as provided by law. The specific time period which employees may retire with full benefits varies according to state regulations.

You may check with the Human Resources Department to determine the current provisions. Updates will be provided to all employees from time to time. Copies of the summary plan description are available from the Human Resources Department, or the South Carolina Retirement System.

With few exceptions, employees are required to participate in the Retirement System. Each employee required to participate will be informed at the time of his or her employment.

Part-time employees should normally work a minimum of one thousand (1,000) hours per year to participate in the South Carolina Retirement System.

Visit www.peba.sc.gov for more information.

Public Safety Employees

All employees who are employed and actively engaged in police and fire fighting activities and are receiving related training therein will be covered under the South Carolina Police Officers Retirement System (PORS). Under this system, the employee, and the City each contribute to the plan. Copies of the summary plan description are available from the Human Resources Department, and/or the South Carolina Retirement System (Public Employee Benefit Authority).

Employees earning less than two thousand (\$2000) dollars in salary or working fewer than one thousand, six hundred (1,600) hours as a police officer or firefighter cannot participate in Police Officer's Retirement System. Employees may elect to enroll instead as a member of the South Carolina Retirement System (Public Employee Benefit Authority).

City of Orangeburg Retirement Insurance Plan

Present active full-time employees last hired prior to June 1, 1993, may retire with the City if they meet one of the following:

- a. The employee has 15 years employment with the City and is over age 65.
- b. The employee has 20 years employment with the City and is over age 60.
- c. The employee has 25 years employment with the City.
- d. The employee has 25 years employment with the City Department of Public Safety.
- e. The employee has 28 years of service under the SC Retirement System; with at least 15 years of continuous employment with the City.
- f. The employee has 25 years of service under the SC Police Retirement System; with at least 15 years of continuous employment with the City.

Present active full-time employees last hired on or after June 1, 1993, and before January 1, 2010, may retire with the City after twenty-five (25) years of continuous service.

SPECIFIC DETAILS REGARDING THE CITY RETIREE DEFINITIONS, POST-EMPLOYEE BENEFITS, ELIGIBILITY, PREMIUMS, ETC., ARE DEFINED IN THE MOST RECENTLY ADOPTED CITY INSURANCE RESOLUTION. THE CITY RESERVES THE RIGHT TO RENEW, AMEND, ABOLISH OR CHANGE RETIREE DEFINITIONS, ELIGIBILITY, OR BENEFITS WITH OR WITHOUT CAUSE.

Work Return Policy

Retired employees who request a return to work, must receive approval from the department/division head, and the City Administrator or Department of Public Utilities Manager. The benefits available to working retirees differ from non-retirees and should be discussed with Human Resources Department for clarification.

SECTION 7: LEAVE

Compensatory Time Policy

Non-exempt employees will be paid time and one-half their regular hourly rate or receive compensatory time for all overtime. Compensatory time will be credited at the rate of one and one-half hours for each hour of overtime worked. It is possible that in some situations overtime will be paid and in other situations compensatory time will be credited in lieu of cash payment. At the option of the City Administrator or Department of Public Utilities Manager, compensatory time once accumulated may either be paid out in cash, or the employee may be scheduled off work without loss of pay. Employees who have accrued 80 hours of compensatory time off will normally be paid in cash for overtime until such time as their accrual drops below 80 hours. Employees should make an effort to take accumulated compensatory time within sixty (60) days.

Employees who are exempt from overtime will not accrue compensatory time off. The City Administrator or Department of Public Utilities Manager may grant additional paid time off to an exempt employee who works substantially more than his or her normal work schedule, but no employee has a right to such time off.

Leave Regulations

Annual Leave

No paid leave may be anticipated or borrowed against future accumulation without the permission of the City Administrator or Department of Public Utilities Manager. Employees must get the approval of their supervisor before scheduling any leave, and all leave is workload permitting and subject to approval by department/division head. Leave is charged against employees in not less than one (1) hour units. Regular full-time employees who are separated from service for other than disciplinary reasons may be compensated for leave accrued up to the date of separation, provided they present and satisfactorily complete a proper resignation notice. Those employees separated for disciplinary reasons may forfeit accrued paid leave at the discretion of the City Administrator or Department of Public Utilities Manager.

Any full-time employee placed under probation for disciplinary reasons will accrue Annual Leave but will not be allowed to use it until the probationary period is over.

Exceptions to this leave policy may be made by the City Administrator or Department of Public Utilities Manager in their sole discretion.

An employee desiring to use personal leave time due to illnesses must inform Human Resources Department of the fact as soon as possible to coordinate Family Medical Leave (FML). FML would run concurrent with sick and personal leave if approved. (See FMLA and sick leave sections of this publication for details).

All regular, full-time employees accumulate annual leave per month according to the following schedule. Employees must use annual leave to cover absences.

<u>Length of Serve</u>	<u>Days Per Month</u>	<u>Days Per Year</u>
0 - 6 Months	6 Days (48 hours) end of Probation Period	0 Days (0 hrs.)
6 Months - 5 Years	1-1/4 Days (10 hours) per Month	15 Days (120 hrs.)
5 Years - 15 Years	1-1/2 Days (12 hours) per Month	18 Days (144 hrs.)
15 Years - 25 Years	1-3/4 Days (14 hours) per Month	21 Days (168 hrs.)
25 Years - Up	2 Days (16 hours) per Month	24 Days (192 hrs.)

Total maximum leave days all regular, full-time employees can accrue is as follows:

<u>Length of Service</u>	<u>Total Number of Days</u>	<u>Maximum Leave Hours</u>
0 - 5 Years	45 Days	360 hours
5 - 10 Years	67-1/2 Days	540 hours
10 - 15 Years	90 Days	720 hours
15 - 20 Years	112-1/2 Days	900 hours
20+ Years	135 Days	1080 hours

Annually, the City may allow an employee who has leave hours above the maximum allowable leave hours, *(less one year's accrual)* as of September 30th, the opportunity to forfeit those leave hours *(or any portion thereof)*, back to the City at 50% of pay.

All "days" equal 8 hours, regardless of shift or number of hours normally worked in a day.

Sick Leave

The City recognizes that employees will need days off from work from time to time to address their medical needs.

Accrual:

Employees accrue paid sick leave as follows:

- All regular full-time employees accrue sick leave from the end of probation, for a total of five (5) days per year forty (40) hours.
- Employees will accrue sick leave hours each bi-weekly pay period at a rate of 1.54 hours.
- Sick leave may be accrued to a maximum of ten (10) days or (80) hours.

Use:

Sick leave may be used in accordance with the following provisions:

- Sick leave may not be used prior to accrual.
- If sick leave is exhausted, compensatory time then annual leave will be used in its place.
- Sick leave may be used for an employee's personal illness, well-care, and medical and dental appointments. Sick leave also may be used for illness and well-care of a member of an employee's immediate family as defined in the Employee Handbook.
- Sick leave must be used in increments of two (2) hours.
- Sick leave is not included in the calculation of overtime
- If the employee is on leave under the Family and Medical Leave Act (FMLA), paid sick leave and paid annual leave must be used initially as part of the FMLA leave.
- An employee who has a sick leave absence more than three (3) consecutive workdays must present medical documentation for the absence.
- If the employee is absent unexpectedly due to personal or a family member's illness, the employee should notify his or her supervisor or Human Resources Department as soon as reasonably possible.
- Employees will not be paid for unused sick leave upon termination of employment.

Civil Leave

A regular full-time employee will be given time off without loss of pay when performing jury duty or when subpoenaed to appear before a court, public body, government agency or commission on behalf of the City in which the employee has not been charged. The employee may retain any allowances granted in connection with such duty. Paid leave under this policy is limited to fifteen (15) workdays per calendar year.

This policy of paid leave does not apply to personal litigation.

Civil leave for court or legal matters does not apply to police officers when such action is deemed part of an officer's routine work. Under those circumstances, the time is paid as work time.

Employees may be asked to provide their jury summons or subpoena as proof of the need for civil leave.

Military Leave

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

An employee going on military leave is expected to present a copy of his or her orders to his or her department/division head within three (3) days after receiving them, or as soon as possible in the case of emergency activation.

Other Leaves of Absence

Leave with pay may be authorized so that regular full-time employees may attend official meetings if such leave is approved by department/division head. Such leave requiring travel out-of-state must be approved by the City Administrator or Department of Public Utilities Manager. Leave with pay may also be granted for the purpose of allowing a regular employee to engage in official training courses or to participate in other official activities. Leave taken under this provision shall not be charged against leave allowances.

Bereavement: Leave with Pay – Death of Immediate Family Member

A full-time employee who is absent from work due to a death in his or her "immediate family" may be granted up to three (3) regularly scheduled workdays (twenty-four (24) hours) off with pay. "Immediate family" members are defined on page 30 under 'Nepotism/Hiring of Relatives'.

If an employee is on leave or vacation when the death in the immediate family occurs, the employee is not entitled to any additional leave unless the employee is scheduled to return to work prior to the funeral.

The three (3) regularly scheduled workdays (twenty-four (24) hours) granted as time off must be taken within five (5) days of the death of the immediate family member unless approved by the City Administrator or Department of Public Utilities Manager.

Disability and Personal Leave

This leave applies only to employees employed less than twelve (12) months, employees who have worked fewer than one thousand, two hundred, fifty (1,250) hours in the preceding twelve (12) months, and to employees whose reasons for leave are not covered by the Family and Medical Leave Act.

- a. An employee may request a leave of absence for up to six (6) months when unable to work because of sickness, disability, pregnancy, or injury on or off the job. Such an employee may also apply for leave of absence for personal reasons. Leave under this policy is granted in the sole discretion of the City Administrator or Department of Public Utilities Manager upon recommendation by the employee's department/division head.
- b. Employees are requested to apply for leave of absence under this policy as far in advance of need as is possible, but an employee may be placed on leave status without application when the circumstances warrant such action.
- c. Leave begins the first day of the related absence.
- d. After the employee has exhausted his or her paid leave, as a rule, an employee on leave of absence is not entitled to wages or fringe benefits and does not accrue fringe benefits.
- e. Employees desiring to return to work from an unpaid leave of absence under this policy should notify the department/division head or Human Resources

Department, in writing at least ten (10) days prior to their desired date of return. If the City finds that the employee is fit to resume his or her duties, the employee may be recalled to his or her former job if a vacancy exists that is to be filled. If no such vacancy exists, the employee may be recalled to any job in which there is a vacancy that is to be filled and for which he or she is qualified. If no such vacancy exists at the time the employee desires to return to work, the employee's leave of absence may be continued at the sole discretion of the City Administrator or Department of Public Utilities Manager.

Any employee who has not been reinstated within six (6) months following the commencement of a leave of absence under this policy is terminated unless the City Administrator or Department of Public Utilities Manager decides otherwise. Such a termination does not affect the employee's eligibility to be considered for hire as a new employee at some future time.

Compassionate Leave Sharing

Purpose

The purpose of compassionate leave sharing is to relieve eligible employees from undue financial burdens caused by an absence from work when attendance is not possible due to medical necessity. Compassionate leave sharing is not an automatic benefit to all employees, but a way for employees to voluntarily assist another employee to remain financially secure for a reasonable period after they have exhausted their own leave. An employee, or their designated representative, cannot directly solicit compassion leave sharing donations from other employees, but can request anonymous donation by contacting the Human Resource Director. Violation of this policy through direct solicitation or coercion is subject to disciplinary action. The Human Resources Director may solicit general donations annually or when there is a need. All requests will be evaluated and approved on a case-by-case basis by the City Administrator or Department of Public Utilities Manager along with Human Resources Director.

Eligibility to Apply

1. An employee must have exhausted all paid leave prior to requesting compassionate leave assistance.
2. The employee must fill out the Compassionate Leave Sharing Request form and submit it to the Human Resource Director. The prognosis of the injury or illness and related facts submitted by the employee will be considering factors on whether

the Compassionate Leave Request is granted. All information received is kept confidential and, in the employee's, medical file.

3. An employee must be on approved Family Medical Leave due to a catastrophic illness or injury, for themselves or immediate family member consistent with the federal FMLA guidelines or have been granted medical leave under the Leave of Absence Policy not covered under the FMLA for their own serious health condition.
4. Compassionate leave sharing cannot be used for any period of disability for which the employee is paid under Workers' Compensation or short- or long-term disability.
5. The requesting employee must be employed for at least six (6) months to qualify as a recipient. Employees on probation may submit a request which will be evaluated on a case-by-case basis by the City Administrator or Department of Public Utilities Manager. Part-time employees are not eligible to participate.
6. While there is no limit to the number of separate requests that an employee may submit, each separate request is limited to no less than twenty-four (24) hours, or more than forty (40) hours per request. The maximum lifetime granted hours cannot exceed eighty (80) hours.
7. Employees that have exhausted all annual leave shall not accrue annual leave while using any leave from the Compassionate Leave Sharing Program.

Eligibility to Donate

1. The employee donating time must have more than one hundred, twenty (120) leave hours available to participate.
2. The employee can voluntarily donate time by completing a Compassionate Leave Donation form.
3. All donations are voluntary and irrevocable.
4. The minimum amount of time that an employee may donate is eight (8) hours.
5. Compensatory hours are not eligible for donation.

The City and Department of Public Utilities Human Resources Directors are responsible for administering the program and maintaining the "Compassionate Leave Sharing Bank" calculating the dollar value of hours donated by employees and the dollar value of hours requested.

SECTION 8: THE FAMILY AND MEDICAL LEAVE ACT

Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act applies only to employees employed twelve (12) months or longer and who have worked one thousand, two hundred, fifty (1,250) hours or more in the preceding twelve (12) months, both prior to commencement of leave.

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

Reasons for Leave of Absence

1. **Medical and Family Leave.** An eligible employee may be entitled to 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 or her 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 twelve (12) months after a natural child is born or twelve (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, 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 the service member suffers a serious injury or illness in the line of duty.
3. **Qualifying Military Exigency Leave.** An eligible employee whose spouse, parent or child is a member of the Armed Forces of the United States and is on active duty or called to active duty in federal service in a foreign country 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 related activities (regular or routine childcare by the employee does not count); (4) Care of the military member's parent (the parent must be incapable of self-care); (5) Financial and legal arrangements; (6) Counseling.

(7) Rest and recuperation; (8) Post-deployment activities; and (9) Additional activities not encompassed in the other categories but agreed to by the employer and employee.

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

Length of Leave

1. **Medical and Family Leave.** An eligible employee may take the equivalent of a total of twelve (12) work weeks of leave during any twelve (12) consecutive months (which is a rolling year measured backward from the date the employee is requesting to use covered leave) for his or her own serious health condition, that of a parent, spouse, or child, or to care for a newly born or newly received child. 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 a service member seriously injured or who becomes ill in the line of duty may be taken for up to twenty-six (26) work weeks in a single twelve (12) month period. Any leave taken by the employee for any other FMLA-qualifying reason will count against the twenty-six (26) weeks of leave permitted to care for an injured service member.
3. **Qualifying Military Exigency Leave.** Leave taken because of a qualifying exigency is available for up to twelve (12) work weeks in any twelve (12) consecutive months (which is a rolling year measured backward from the date the employee is requesting to use covered leave). Leave taken because of a short notice deployment is limited to a 7-day period beginning on the date of notice to the service member and may be used to address any issue that arises from the short notice deployment. Leave taken to spend time with the service member who is on short-term, temporary rest and recuperation leave during deployment is limited to fifteen (15) calendar days and must be taken while the military member is on rest and recuperation leave. Leave taken to attend post-deployment activities must be taken within ninety (90) days of the end of active-duty service.

Coordination of Leave and Paid Time Off

An employee who must be absent due to any FMLA-qualifying reason will be paid for time lost from work from accrued Sick Leave and Annual Leave balances, if any, provided the employee **is not** on Short-Term Disability. Leave taken under this policy counts towards the employee's twelve (12) weeks of leave (or twenty-six (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 FMLA leave under this policy must continue to pay their portion of health benefit plan premiums. If the City pays an employee portion of health premiums, the employee must repay when returned to work or if the employee leaves employment.
2. **Accrual of paid leave.** Unpaid time lost from work due to FMLA leave granted under this policy is not considered time worked for the purpose of accrual of annual leave.

Employee Responsibility

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

Termination of Leave of Absence

A leave of absence under this FMLA policy will end when the need for the leave 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, the employee is entitled to reinstatement to the employee's former position or an equivalent position. The employee must demonstrate that he or she is fit for duty and must give reasonable notice of intent to return to work.

Termination of Employment

An employee's employment may terminate if the employee does not return to full active employment status at the conclusion of FMLA leave (or any extended leave as set forth below regarding disability or personal leave). This termination does not impact the employee's ability to reapply with the City.

Extension of Leave Without Benefits

An employee who has been completely unable to perform the duties of his or her position due to their own disability and who has exhausted their weeks of leave, may upon written application, be granted an additional fourteen (14) weeks of unpaid leave. This additional leave of absence does not entitle the employee to reinstatement nor to payment of any portion of his or her health benefit plan premium. If the employee is able to return to work prior to the exhaustion of this extended leave, he/she may be returned to their previous position if there is a vacancy or another position of equal or less compensation for which he or she is qualified.

Special Situations

1. **Spouses**. When both a husband and a wife are employed, their combined right to a leave of absence because of the birth or placement of a child, or to care for a newly born or placed child, or to care for a parent with a serious health condition is twelve (12) weeks in a twelve (12) month period, or twenty six (26) weeks in a single twelve (12) month period to care for an injured service member.
2. **Key Employees** (salaried employee in highest paid ten percent (10%) of all employees). Such employees may be denied reinstatement rights if reinstatement would cause substantial and grievous economic injury to the City's or Department of Public Utilities' operations. Such employees will receive written notice at the time they give notice of the need for FMLA leave (or when FMLA leave commences, if earlier) that they qualify as key employees.

NOTICE OF RIGHTS: Federal law requires that we provide you with the notice of your rights that appear below:

Basic Leave Entitlement

The FMLA requires covered employers to provide eligible employees up to twelve (12) weeks of unpaid, job-protected leave in a twelve (12) month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care.
- To bond with a child (leave must be taken within one (1) year of the child's birth or placement).
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition.
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job.
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employers may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

Military Family Leave Entitlements

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to twenty-six (26) weeks of FMLA leave in a single twelve (12) month period to care for the service member with a serious injury or illness.

Benefits and Protections

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. An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least twelve (12) months, for one thousand, two hundred fifty (1,250) hours in the twelve (12) months

before taking leave, and at a location where the employer has at least fifty (50) employees within seventy-five (75) miles of the employer's worksite.

Requesting Leave

Generally, employees must give thirty (30) days advanced notice of the need for FMLA leave. If it is not possible to give thirty (30) days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Employer Responsibilities

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

SECTION 9: EMPLOYEE CODE OF CONDUCT

Conflict of Interest

The City and Department of Public Utilities employees are covered by South Carolina ethics laws that prohibit public employees from using their public position for their own personal gain or to benefit a family member or business associate. South Carolina law also prohibits employees from making governmental decisions on matters in which they, their family or business associates have an economic interest. Employees must notify their supervisor in writing of any matter in which they, their family or business associates have an economic interest and in which they must act on behalf of the City or Department of Public Utilities. The supervisor must send the notification to the City Administrator or Department of Public Utilities Manager for review. If the City determines a potential conflict or appearance of conflict of interest exists, the matter will be reassigned to another employee.

Anti-Violence Statement

VIOLENCE OR THREATENED VIOLENCE OF ANY SORT WILL NOT BE TOLERATED. Offenders will receive discipline, up to and including termination, at the sole discretion of the City Administrator or Department of Public Utilities Manager.

Employees witnessing such acts or who hear threats directed at another employee must report all cases to their immediate supervisor for further handling. If the one involved in the violent act or threat is the immediate supervisor, then the next level of management must be advised immediately. Report who, when, where, what was done, and who witnessed the act.

Weapons

Any possession of a firearm, weapon, or knife having a blade longer than two and one half (2 ½) inches while on duty or on City property, including personal vehicles on City property is prohibited and may result in disciplinary action up to and including termination. **CONCEALABLE WEAPONS WHETHER CONCEALED OR OPENLY CARRIED ARE NOT AUTHORIZED ON CITY PROPERTY, INCLUDING VEHICLES, MACHINERY, OR EQUIPMENT USED FOR CITY OR PUBLIC UTILITY WORK, EXCEPT FOR LAW ENFORCEMENT PERSONNEL.**

Dress Code

The City is concerned with the impression we make on others as representatives of public service. In accordance with this concern, a written standard for professional appearance is given to guide employees on what is appropriate dress for work.

Employees are required to exhibit a professional appearance to customers, the general public and co-workers. Clothing, appearance, and hygiene should always portray professionalism. Clothing that has the City or Department of Public Utilities logo is encouraged.

Clothing should be clean and not wrinkled. Worn, faded, dirty, torn, rumbled or frayed clothing is unacceptable. Any clothing that has words, terms, or pictures that may be generally offensive to other employees or customers is unacceptable.

Clothing that works well for the beach, yard work, dance clubs (inappropriate fit, tight, low-cut, and see-through), exercise sessions, and sports contests is not permitted. Hoods are not permitted.

If uniforms are required in your position, they must be worn, kept neat and clean in appearance.

Employees are encouraged to consult with their supervisor whenever necessary regarding what is acceptable for their work area. Department/division approval must be given.

Some casual attire such as jeans (without holes or rips) may be allowed on certain days such as Fridays, but employees should consult with their supervisor on when this would be acceptable.

Tattoos, body piercings, etc., which may be visible, must be professional and must not create a safety hazard. A professional image must always be projected. Any tattoo or body piercing that may be generally offensive to other employees or customers is unacceptable.

Violations to this policy are subject to disciplinary guidelines as defined in the City Employee Handbook.

Safety Policies

It is our policy to provide safe working conditions for all employees, to provide complete instructions covering safe working methods, and to provide special equipment to protect employees against specific hazards. The City complies with the Occupational Safety and Health Act (OSHA) and other safety laws.

It is our policy that all employees who operate or ride in company vehicles; or operate or ride in personal vehicles on company business, wear properly fastened and adjusted seat belts, shoulder harnesses, and other such similar equipment when provided in the vehicle they are operating or riding in. Employees are required to report any malfunction of seat/shoulder belts, and to have this equipment repaired or replaced as soon as possible after its discovery.

Employees are expected and encouraged to work in a safe and efficient manner, report any hazards, unsafe work practices, or accidents or near misses to their supervisor or safety representative; wear required personal protective equipment and follow all safety standards, policies, and rules.

Any employee found operating or riding in a company vehicle, or personal vehicle on company business without seat belts/shoulder harnesses fastened will be subject to disciplinary action. "Operating" and "riding in" are to be defined as occupying a moving vehicle.

Accidents and injuries are preventable. All employees will promote accident prevention by actively supporting the general Safety Program, by observing all safety regulations, and by working safely.

The keys to our general Safety Program are:

1. "If you see something, say something." If you see a safety violation, report it immediately to your supervisor or department/division head.
2. If you should have an accident or near miss, no matter how minor it may seem, report it immediately to your supervisor or department/division head.
3. Make sure you have reviewed and are compliant with any safety manuals, written or oral instructions, and other forms of safety information provided by the City.

Cell Phones

While at work employees are expected to exercise discretion in using personal cell phones. Reasonable use of a personal cell phone is allowed (in specific areas) if it does not interfere with job duties. Excessive personal calls during the workday can interfere with employee productivity and be distracting to others. Employees are encouraged to make personal calls on non-work time where possible. The use of a cell phone while driving City-owned vehicles is prohibited.

City issued cell phones are distributed to those who are required to always be in close contact with the organization. While cell phones are a necessary convenience of the business world, we require that our employees follow established guidelines for personal safety and the safety of others.

Employees are required to always be professional and conscientious when using City phones. The City prohibits the use of a cell phone while driving. For the safety of our employees and others it is imperative that you pull over and stop at a safe location to dial, receive, or converse on the cell phone in any way.

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving. The use of a cell phone while driving is not required by the City. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are required to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Hands-free devices can be used on a discretionary basis. Employees are expected to exercise the same discretion in using personal cell phones when driving or operating City-owned vehicles.

Smoking

The use of tobacco, including smokeless tobacco and vaping inside City facilities or vehicles is prohibited. Employees are required to use designated outdoor smoking areas. Smoking is only permitted during breaks and mealtimes. Employees in violation of this policy will be disciplined.

Employees should check with their department/division head for designated smoking locations.

Gossip

Workplace gossip is an activity that can drain, distract, and downshift employee job satisfaction. To create a more professional workplace, City employees should:

- Not speak or insinuate another person's name when that person is not present unless it is to compliment or reference work matters.
- Refuse to participate in negative conversations about another when they are not present.
- Choose not to respond to negative email or use email to pass along private or derogatory information about another employee.
- Use the proper channels for corrective action to report if another person in the department/division does something unethical, incorrect, against procedures or disruptive.
- Do good work, be professional adults, expect the same from others and stay away from gossip.

Gifts and Gratuities

No employee may directly or indirectly solicit, accept, or receive a gift under circumstances in which it could be inferred that the gift was intended to influence him or her in the performance of the employee's official duties or was intended as a reward for an official act on the employee's part. A gift is defined as any benefit, favor, service, privilege, or thing of value that could be interpreted as influencing an employee's impartiality. A gift includes, but is not limited to, meals, trips, money, loans, rewards, merchandise, foodstuffs, tickets to events, and personal services or work. This policy is not intended to prohibit the acceptance of items of nominal value that are distributed generally to all employees.

A determination as to whether this policy has been violated is in the City's sole discretion.

Workplace Visits

Workplace visitation rules are in place for receiving visitors on City premises. This is to ensure that visitors will not pose threats to City premises and property, distract employees from their work or be exposed to danger.

Employees must always tend to their visitors (including contractors, vendors, and suppliers) while on premises. Internet usage, data protection and confidentiality policies

temporarily cover visitors while on City premises. They must not misuse internet connection, disclose confidential information, or take photographs of restricted areas.

Personal visitors (children, family members, associates, or friends) are welcome for occasional brief visits. Employees are responsible for always accompanying any underage visitors.

Use of City Property

Proper use and maintenance of City property is very important. The tools and equipment you use on your job are modern and costly. If you find any equipment to be defective or in a non-working condition, report the matter to your supervisor, or department/division head at once. Never use defective or broken equipment which may endanger your safety or the safety of others.

At no time should any City-owned property be used by an employee, or should the employee allow others to make unauthorized use of the property, for the purpose of conducting an outside business, any money-making venture, political campaigning, or any personal purpose outside of the scope of the employee's job.

Telephones are provided for conducting City business and typically are not to be used for personal calls. The City gives consent to reasonable use of its phones for personal calls as long as calls are limited and does not interfere with work operations.

If applicable, an employee may be given items (ex: uniforms, keys, key fobs, etc.) or equipment (ex: cell phones, laptop computers, tablets, etc.) to be used in daily duties. Upon termination (voluntary or involuntary) with the City, the employee must return all items on or before last day of work

The City prohibits the use of City property which a former employee has not returned after the end of their employment (i.e., badge, uniform, keys, weapons, etc.) and will use all means possible in recovery.

SECTION 10: WORKPLACE PRIVACY AND COMMUNICATIONS

Communicating with the Public

Politeness and consideration are expected from all employees in their relations with the public. Employees should always consider the following points in dealing with the public:

In Person

1. Show a genuine, empathetic, and sincere interest in the problem or request of the person with whom you are talking. If the person has a problem or a request and is a customer who has asked you for help, offer assistance within your scope of responsibilities.
2. Be willing to help promptly and courteously when you have an opportunity to do so. Some complaints can be averted by the proper use of available information you have or can obtain.
3. It is essential to be pleasant and helpful while endeavoring to give the best service possible in a prompt, efficient, and courteous manner.
4. Employees are expected to dress in appropriate (business casual, smart casual, business) attire unless the day's tasks require otherwise. Clothing with offensive or inappropriate designs or stamps are not allowed. Inappropriate fitting clothing (tight, low-cut, or see-through, etc.) is not allowed. (Further details under Dress Code).

By Telephone

When you are using the telephone, keep in mind that your voice and telephone personality may be the first contact that the caller has had with any representative of the City. It is good telephone etiquette to:

1. Answer promptly – on the first or second ring if possible.
2. Speak pleasantly, politely, and identify your office and yourself. For example, instead of merely saying "Hello," say "Good Morning" (Afternoon), state your department, division, or office name, and identify yourself.

3. Find out the caller's name and use it during the conversation.
4. Be prepared to make notes of important information without delay. In other words, always keep a pad and pencil by your telephone so that you are ready to record important facts and information.
5. If you need time to obtain information regarding a request or to answer a question, promise to call back, get the caller's telephone number and follow-up promptly.
6. Telephones are provided for conducting City business and are not to be used for personal calls. The City gives consent to reasonable use of its phones for personal calls as stated previously in this handbook. Abuse of such kind will be determined in management's sole discretion.

Video and Photo Usage

The City reserves the right to use any photograph/video taken at any event sponsored by the City, without the expressed written permission of those included within the photograph/video. The City may use the photograph/video in publications or other media material produced, used, or contracted by the City including but not limited to brochures, invitations, books, newspapers, magazines, television, websites, billboards, social media platforms, etc.

Social Media

Online social networks, the lines between public and private, personal, and professional must be preserved. City employees may not comment or disclose any information about the City, its employees, affiliates, customer suppliers or any business related to the City on City or Public Utilities social media. Further, employees must not disclose confidential City information on personal social media. Any reference to the City must state that it is the employee's own opinion and does not represent the position of the City.

Employees must not use social media to harass, threaten or intimidate other employees, affiliates, customers, or suppliers. Employees are prohibited to make comments: about other employees (whether named or not) including but not limited to comments relating to race, sex (including pregnancy and related medical conditions), religion, age, color, gender, gender-identity, disability, or any other protected status.

Employees must not use social media to discuss engaging in conduct that is prohibited by the City including but not limited to improper or illegal use of drugs, or alcohol, vulgar language, etc.

Employees must not violate City confidentiality and legal requirements through social media.

Violators of this policy are subject to disciplinary action to include termination.

Workplace Privacy / Computer and Internet Abuse

The workplace is intended to be a place of work. An important part of work is communications and recordkeeping. No employee is at work twenty-four (24) hours a day, seven days a week, and there are times when management has the right to access communications or records maintained by employees in their individual workplaces at any time. Employees have no expectation of privacy for any personal items and personal communications received or stored on City premise or City equipment.

Management may search City property and documents in employee desks, lockers, file cabinets, vehicles, etc. at any time and for any or no reason. Telephone, intercom, or video conversations may be recorded.

Electronic media raise similar issues. The City provides electronic and telephonic communication devices and, when necessary, computers to employees for use in performing their job duties. Although assigned to the employee, these items still belong to the City. Similarly, any computer files created, or software downloaded up uploaded on a City computer belongs to the City. Unauthorized programs and files may not be installed or used on City computers without the written permission of the City. Additionally, employees may not encrypt work and may not use passwords other than those assigned to them by the City. Employees may not destroy or delete files from City computers, mobile devices, or smartphones except pursuant to the City's record retention policy. The City reserves the right to review voice mail, electronic mail, computer files, and other electronic information generated by or stored in their electronic systems.

Employees also are given certain access and computer rights based upon the employee's job description. Employees may not change any of these rights or the rights of anyone else without written authorization. Doing so could result in disciplinary action to include termination.

Software, programs, games, and any other downloads may not be installed on City computers without the written permission of the City.

Employees are prohibited, unless specifically authorized by the City, from accessing and/or viewing e-mail which has not been sent by, or addressed to, the employee. Similarly, employees are prohibited, unless specifically authorized by the City, from accessing and/or viewing databases containing personal employee information. Employees who have received appropriate authorization to access and/or view databases containing personal employee information are prohibited from using or discussing information in those databases except as directed by management.

The City consents to the "reasonable personal use" use of its computers and communication devices. The definition of "reasonable personal use" is determined in the sole discretion of the City. The only sure way to avoid violating this policy on personal use is not use City computers for any personal purpose.

The following personal computer or communication device use is absolutely forbidden:

1. Accessing any material which the City considers to be pornographic; transmitting or knowingly accepting receipt of any communication which is pornographic, obscene, or in the City's opinion might contribute to a hostile work environment in that it demeans individuals on the basis of race, sex, age, national origin, disability, genetic information, or some similar distinction.
2. To access non-work related "chatrooms" or weblogs; or
3. Conducting business for outside employment or a side-business.

Although employees may use City-owned communication devices, computers and networks for limited personal use, all files and data created or transmitted using a computer (desktop or laptop), telephone, pager, smartphone, or any other electronic device provided to the employee by the City belongs to the City and may be accessed by the City during transmission of the communication or while in storage on City equipment. This includes, but is not limited to, voicemail, the content of e-mail, text (SMS) messages, multi-media messages (mms), instant messages, iMessage, and the content of internet websites.

By accepting employment with the City, you consent to monitoring, including "real time" monitoring, of all communications described in this policy and authorize the City to access all data stored on communication devices provided by the City. The City also reserves the right to report the finding of such reviews to appropriate agencies. Data stored on a City communication device includes data, such as personal third-party e-mail accounts (e.g., yahoo, Hotmail, Gmail, etc.) and websites, which is accessed with a password where the data was accessed using City communication devices. Accordingly, if you do not want the City to have access to your personal e-mail

account or your social networking site(s), you should not access your personal e-mail or other password-protected websites using City-owned communication devices. Even though an item has been "deleted" and the employee cannot retrieve it does not mean that the City cannot do so. It is also possible for the City to generate a report of every Internet connection made by each user and of how much time was spent at each connection.

If you access personal e-mail accounts or other password-protected websites using City-owned communication devices, you will be subjecting those accounts and websites to any viruses that may have infected the City-owned communication device. The City is not liable for any damages you suffer because of such access. The best way for you to protect your personal information is to refrain from accessing it using City-owned equipment. Employees may not use their personal electronic equipment (including, but not limited to, personal laptop computers and cellular or smart phones) on City property or at City work sites to engage in conduct which would be prohibited if using City equipment.

Workstation Security

Computer workstation users shall consider the sensitivity of the information that may be accessed and minimize the possibility of unauthorized access. The following procedures shall be in force to manage technical, physical, and administrative controls and safeguards for City workstations:

Physical and Technical Safeguards

The City will implement physical and technical safeguards for all workstations that access electronic protected health information to restrict access to authorized users.

- Ensuring monitors are positioned away from public view.
- Restricting physical access to workstations to only authorized personnel.
- Enabling a password-protected screen saver with a short timeout period to ensure that workstations that were left unsecured will be protected.
- Securing workstations (screen lock or logout) prior to leaving area to prevent unauthorized access.
- Exit running applications and close open documents.
- Ensuring workstations are logged off at the end of each business day.
- Storing all sensitive information on network servers.
- Ensuring workstations are left on but logged off to facilitate after-hours updates.
- Staff shall keep food and drink away from workstations to avoid accidental spills.

- Securing laptops that contain sensitive information by locking in drawers or cabinets.
- Complying with all applicable password policies and procedures.

Operational Safeguards

Staff shall use workstations for authorized business purposes only and only approved personnel may install software on workstations. All sensitive information must be stored on network servers.

Passwords

All City employees must comply with password requirements for user accounts. Passwords should not be based on anything someone could easily guess or obtain using personal information (e.g., names, telephone numbers, dates of birth, etc.). All passwords will expire within a maximum of ninety (90) calendar days.

Confidentiality

Passwords should be considered confidential data and treated with the same discretion as any of the organization's proprietary information. The following guidelines apply to the confidentiality of organization passwords:

- Users must not disclose their password to anyone.
- Users must not share their password with others (co-workers, supervisors, family, etc.).
- Users must not write down their password and leave them unsecured.
- Users must not check the "save password" box when authenticating to applications.
- Users must not use the same password for different systems and/or accounts.
- Users must not send password via email.
- Users must not re-use password.

Incident Reporting

Since compromise of a single password can have a catastrophic impact on network security, it is the user's responsibility to immediately report any suspicious activity involving his or her password to the IT Manager. Any request for password over the phone or email, whether the request came from City personnel or not, should be expeditiously reported to the IT Manager. When a password is suspected to have been

compromised the IT Department will request that the user, or users, change all his or her passwords.

Information Technology Notification

All departments and divisions are required to notify IT and/or the Human Resources Director immediately of any resignation and termination so that computer and system access can be invalidated.

SECTION 11: DRUG-FREE WORKPLACE

Drug- and Alcohol-Free Workplace Policy

It is well-recognized that substance abuse has a harmful effect on public health and safety, on the welfare of employees, on morale, and on productivity. Furthermore, it is the policy of the City to comply with the Drug Free Workplace Act, to comply with applicable federal regulations, to establish and maintain alcohol and drug-free workplaces, and to prohibit the unauthorized or unlawful manufacture, distribution, dispensation, possession, and use of controlled substances on or off the job.

For these reasons, the City adopts the following policy:

General Rule

- A. All employees of the City are prohibited from swallowing, inhaling, injecting, dealing in, consuming or absorbing into their bodies, or otherwise using illegal drugs and substances (such as, but not limited to, marijuana (both THC & CBD which could result in a positive drug screen), cocaine, LSD, heroin, crystal methamphetamine, etc.) and prescription drugs which are either not prescribed for the employee's own use or which are prescribed for the employee's own use but used above the prescribed dosage. This prohibition applies to use at any time, both on the job and off the job. Employees are, of course, permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

An employee taking prescribed medication which might affect his or her ability to perform his or her job is required to advise his or her supervisor or department/division head. The City will determine whether the employee may continue to work. In such situations, employees may be required to submit to a drug screening.

- B. All employees of the City are prohibited from using or possessing alcoholic beverages on City premises or time. (The term "City time" includes vehicles and private vehicles on the premises; parking lots and recreation areas; and any circumstances in which an employee is representing the City such as wearing City or Department of Utilities uniforms or other clothing bearing official logos that is issued or approved for use at work by the City.) Employees are not prohibited, however, from having unopened containers of alcoholic beverages in their personal vehicles.) The City Administrator or Department of Public Utilities

Manager may approve moderate alcohol use at designated social or business functions.

Furthermore, all employees are prohibited from reporting to or being at work while under the influence of alcohol or drugs. (An employee is considered "under the influence of alcohol" if he or she has any detectable amount of alcohol or drugs in his or her system.)

The prohibitions set forth above also apply to leased or temporary employees or contractors working on City property.

Applicants for Employment

Applicants selected for employment are subject to a pre-employment drug test. The City does not hire applicants tentatively selected for employment who refuse to submit to a drug test or who test positive for use of illegal or unauthorized substances. An applicant who is rejected under this policy may be considered for future vacancies if he or she can demonstrate that he or she is no longer a user of any such substances. For example, the applicant may successfully complete a drug abuse treatment program and pass a more thorough drug test conducted at the applicant's expense.

Current Employees

- A. All City employees are subject to alcohol and/or drug testing where "particularized suspicion" of alcohol and/or drug use in violation of this policy exists or under other lawful conditions.
- B. Particularized suspicion of drug use in violation of this policy is deemed to exist when:
 - 1. Information that an employee has used illegal drugs or substances in violation of this policy is provided by an informant deemed reliable by the City.
 - 2. A serious accident occurs due to the apparent fault of the employee.
 - a. "Serious accident" is defined as any of the following:
 - (1) an accident involving a fatality.
 - (2) an accident-causing bodily injury which requires medical treatment away from the scene of the accident or any on the job accident involving carelessness or disregard of safety rules or procedures on the part of the employee.

- (3) an accident-causing total aggregate property damage at a rate determined by the City.
 - (4) an accident in which one or more motor vehicles incurs disabling damages as a result of the accident, requiring the towing of one or more of the vehicles from the scene by a tow truck or other vehicle.
 3. A questionable or unexplainable accident.
 4. An employee exhibits any of the following:
 - a. Extreme mood swings.
 - b. Slurred speech.
 - c. Unusual clumsiness.
 - d. Staggering.
 - e. Dilation of pupils.
 - f. Sleeping on the job or lethargy.
 - g. General uneasiness.
 - h. Repetitive twitching.
 - i. Excessive, unexplained sweating.
 - j. Other aberrational behavior.
 - k. An employee has been arrested for violation of drug laws.
 - l. Failure to respond promptly when on call duty.
- C. Particularized suspicion of alcohol use in violation of this policy is deemed to exist when:
1. Information that an employee has used or possessed alcohol in violation of this policy is provided by an informant deemed reliable by the City.
 2. A serious accident occurs due to the apparent fault of an employee.
(“Serious accident” is defined in the same manner as it is defined above in B.2.a. of this policy.)
 3. A questionable or unexplainable accident.
 4. An employee exhibits behavior consistent with alcohol use such as, but not limited to:

- a. Erratic behavior (mood swings; slurred speech; staggering; bloodshot eyes; sleeping on the job or lethargy; excessive, unexplained sweating; loud, boisterous talking or vulgarity; etc.).
 - b. The apparent odor of alcohol or an alcoholic beverage on an employee's breath.
 - c. Other aberrational behavior such as, but not limited to, excessive absenteeism or tardiness, significant deterioration in job performance, repeated errors or rules violations, etc.
 - d. An employee has admitted violating the City's alcohol policy.
 - e. An employee is arrested for, or convicted of, an alcohol related offense.
 - f. An employee has tested positive for alcohol in violation of this policy within the past five years.
 - g. Failure to respond promptly when on call duty.
 - h. Particularized suspicion testing is to be approved by the City Administrator or Department of Public Utilities Manager or their designees.
 - i. Employees may be tested for the use of controlled substances as part of any "fitness for duty" physical examination mandated by federal/state law or by the City.
 - j. Employees who refuse to submit to an alcohol and/or drug test when ordered to do so or who adulterate, or substitute test samples may be subject to disciplinary action up to and including discharge. Refusal to test includes failure to appear for a test, failure to remain until testing is complete, failure to provide an adequate amount of saliva or breath, failure to undergo a medical examination to evaluate your ability to provide an adequate breath specimen, or failure to sign a required certification form.
 - k. Employees who are taking prescription drugs or medications which might affect their ability to perform their jobs are required to advise their supervisor or department/division head. The City will determine whether or not the employee may continue to work. In such situations, employees may be required to submit to a drug screening.
- D. Employees required by their jobs to possess a Commercial Driver's License, employees who work in safety sensitive positions involving the City or Department of Public Utilities Gas Pipelines, sworn law enforcement officers, firefighters, Public Works and/or any other employees whose positions are designated as safety-sensitive will be randomly tested for drug and alcohol use. Further, CDL

and Gas Pipeline employees will be randomly tested according to regulations established by the United States Department of Transportation (DOT).

- E. Employees whose positions are designated as safety-sensitive and are not otherwise specified in this policy will be notified of the designation. Positions that qualify as "safety sensitive" are at the sole discretion of the City Administrator or Department of Public Utilities Manager.
- F. CDL employees will be in a separate random pool from all other safety sensitive employees.

Testing Procedures

A. Drug Testing

1. Drug testing will be by urinalysis, hair follicle, or any other recognized method.
2. The collection of samples is performed under reasonable and sanitary conditions.
3. Urine is normally collected under conditions of semi-privacy – that is, a person of the same gender is able to observe obvious attempts to substitute or adulterate a urine sample. 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, collection of the urine sample may be directly observed by a person of the same gender.
4. Samples are sealed, labeled, and documented in accordance with the procedure of the drug testing lab. Tests performed pursuant to DOT regulations will follow the procedures required by those regulations. Labeling, storage, and transportation of samples are performed so as reasonably to preclude the probability of erroneous identification, sample contamination, or sample adulteration.
5. Specimens are checked for at least the following six drugs:
 - a. marijuana
 - b. cocaine
 - c. opiates
 - d. amphetamines

- e. phencyclidine
- f. barbiturates

Note: Specimens taken according to DOT regulations will only be checked for substances mandated by the DOT regulations.

6. Applicants and employees are provided 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.
7. Samples which initially result in a positive finding for drug use are re-tested by the gas chromatography/mass spectrometry (GCMS) or an equivalent method. If the confirmatory 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 is conclusive for all employment-related purposes.
8. The City's Medical Review Officer normally allows an employee whose drug test results have been reported as positive the opportunity to justify the result before the Medical Review Officer notifies the City.

B. Alcohol Testing

1. Employees are provided an opportunity to provide any information which they consider to be relevant to the test.
2. 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 results of the screening device are deemed questionable by the City, then a confirmatory test may be conducted utilizing an Evidential Breath Testing (EBT) device or Blood Alcohol Testing. The City uses only DOT approved non-evidential screening devices and DOT approved evidential breath testing (EBT) devices for DOT-mandated alcohol testing.
3. A confirmatory test result generated with an EBT or Blood Alcohol Testing which indicates a presence of alcohol in violation of this policy is conclusive for purposes of this policy.

Notice to Employees

The City intends to distribute to all employees a copy of this policy. Additional copies of this policy are available upon request. Under federal and state Drug Free Workplace laws, the City is required to give employees notice that by continuing to work, the employees agree to abide by the policy as a condition of employment.

Notice Required by Drug Free Workplace to be Given by the Employee to the Employer.

Notice to State and Federal Grantor/Contracting Agencies and Law Enforcement Authorities

- A. As a condition of employment, employees are required to notify the City within five (5) 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 City, where appropriate, will notify all state and federal grantors/contracting agencies of such employee convictions as 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 City will notify law enforcement authorities whenever illegal drugs are found in the workplace.

Consequences of Violating This Policy

Employees who violate this policy are subject to disciplinary action up to and including discharge. Substitution or adulteration of a test sample is deemed a violation of this policy.

- A. All employees are subject to disciplinary action up to and including termination of employment when found in violation of this policy.
- B. The City, in lieu of terminating an employee, may condition the continued or future employment of an employee who tests positive for or admits to the use of illegal drugs or who violates the alcohol policy, upon the successful completion of a drug and/or alcohol counseling/rehabilitation program.
- C. If the City Utilities agrees to allow an employee who is found to be in violation of this policy to continue as an employee, the employee's continued employment is subject to the following:
 - 1. Referral of the employee for drug and/or alcohol abuse counseling.

2. Retesting the employee for alcohol and/or controlled substances before allowing the employee to return to duty.
 3. Requiring the employee to authorize the Employee Assistance Program or other counseling facility to report periodically to the City during the course of treatment/counseling.
 4. Placing the employee on probation for at least six months following the employee's return to duty; and
 5. Requiring the employee to submit to unannounced follow-up drug and/or alcohol testing for a period of up to five years.
- D. An employee whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program and who refuses or fails to participate in a single counseling or treatment session is in violation of this policy and subject to disciplinary action, up to and including immediate termination.
- E. An employee whose return to duty test sample does not indicate that the employee has discontinued use of illegal drugs, or which indicates the employee is under the influence of alcohol (as defined in this policy), is in violation of this policy and subject to disciplinary action, up to and including immediate termination.

Coming Forward with Substance Abuse Problems

- A. Employees who are not sworn law enforcement officers and who have alcohol and/or substance abuse problems and report them to the City before being selected for testing, and before the occurrence of an event which normally would result in testing, may at the City's sole discretion be allowed to be subject to Part VII (E) of this policy in lieu of or in addition to discipline.
- B. An employee who admits to a violation of this policy or tests positive for drugs and/or alcohol in violation of this policy but seeks counseling and remains an employee of the City, is subject to immediate discharge if he or she again either admits to a violation of this policy or tests positive for drugs and/or alcohol.

Confidentiality

Any alcohol or drug test results or information supplied by employees and applicants as part of the City's alcohol and drug testing programs are kept as confidential as possible, consistent with the purposes of this policy.

Testing Costs

The City is responsible for the costs of all drug tests to which they require an employee to submit.

Notification of Test Results

- A. Applicants may be notified of the results of a pre-employment drug test, provided the applicant requests the results within sixty (60) days of being notified of the disposition of the employment application.
- B. Employees may be notified of the results, including the drug(s) discovered, of all positive drug and/or alcohol tests.

Employee Assistance Program / Drug-Free Awareness

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

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" or a similar search on the internet. These headings and search terms often reveal a listing for a local "Council on Alcohol and Drug Abuse" or similar organization. These organizations are most helpful, as are Alcoholics Anonymous (AA) and Narcotics Anonymous (NA), in identifying sources for treatment and assistance. Your personal health care provider is also a good resource. Set forth below is a list of organizations that may provide information or referrals.

National Clearinghouse on Alcohol and Drug Information
1-800-729-6686

National Council on Alcoholism and Drug Dependence (NCADD)
1-800-622-2255
www.ncadd.org

The City also has made available to its employees an Employee Assistance Program. The program provides employees with professional help for problems such as alcohol and drug abuse, emotional stress, money management difficulties and unpleasant family situations. The Employee Assistance Program is coordinated through the Tri-County Commission on Alcohol & Drug Abuse, 910 Cook Rd., Orangeburg, S.C. 29115, 803-536-4900.

Periodically, the City 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 as part of this policy.

Employees should contact Human Resources department for information on the Employee Assistance Program.

SECTION 12: NEAR MISS, HAZARDS, AND INCIDENT REPORTING

Accident and Incident Reporting

Any incident involving a City vehicle, personal vehicle being used for City business or other City-owned property must be reported. If you have an accident, the City's Department of Public Safety, the South Carolina Highway Patrol, and your supervisor are to be notified at once. Near miss accidents should be reported to your supervisor immediately. Department of Public Utilities employees should radio the SCADA dispatcher who in turn notifies the proper authorities.

Do not remove the vehicle until authorized to do so by the investigating officer unless required to do so by local law or to safeguard life or property.

The driver of the City vehicle will give a written report of the accident to his or her immediate supervisor as soon as possible after the accident and will fill out the necessary accident reports. In some instances, post-accident drug and/or alcohol testing may be administered.

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are prohibited from using their phone while driving. Use of a cell phone while driving is not required by the City. Employees are also prohibited from using personal cellular phones to conduct City business while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are required to pull off to the side of the road and safely stop the vehicle before placing or accepting a call.

All employees who operate or ride in company vehicles; or operate or ride in personal vehicles on company business, wear properly fastened and adjusted seat belts, shoulder harnesses, and other such similar equipment when provided in the vehicle they are operating or riding in. Any employee found operating or riding in a company vehicle, or personal vehicle on company business without seat belts/shoulder harnesses fastened will be subject to disciplinary action.

The use of tobacco, including smokeless tobacco and vaping inside City-owned vehicles is strictly prohibited.

Other Workplace Accidents and Incidents

All workplace accidents or incidents, no matter how minor it may seem, must be reported immediately to your supervisor or department/division head.

SECTION 13: POLICY AND ADMINISTRATION OF DISCIPLINE

Guidelines for Disciplinary Action

As is the case with all organizations, instances may arise when an employee must be disciplined. The discipline which may be imposed includes, but is not limited to, oral reprimand, written warning, probation, suspension without pay, demotion and discharge. In addition, the City may suspend an employee pending investigation to determine if disciplinary action is appropriate. If the City determines an unpaid suspension is appropriate discipline, exempt employees will be suspended in full-day increments; non-exempt employees will be suspended in partial or full-day increments. In addition, the City may impose a combination of disciplinary measures. **The discipline imposed in any particular situation is at the sole discretion of the City. Nothing in any of these policies or by virtue of any past practice requires the City to follow any particular course of discipline.** Supervisors and department/division heads must submit terminations to the City Administrator or Department of Public Utilities Manager for review prior to administering.

Employees must sign counseling memoranda, policy statements, performance evaluations, written warnings or reprimands, and other similar documents. The employee's signature does not necessarily indicate agreement with the contents of the document, only that he or she has been notified of the contents of the document. If an employee refuses to sign the document, he or she will be immediately relieved of duty without pay. If he or she does not sign the form by 5:00 p.m. at the end of the next scheduled workday, the employee will be terminated.

Examples of Conduct Warranting Disciplinary Action

It is not possible to list all acts and omissions which may result in disciplinary action. The disciplinary action that is appropriate for any misconduct is at the sole discretion of the City. The following are merely examples of some of the more obvious types of misconduct which may result in disciplinary action, up to and including discharge. **THE CITY 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.**

- a. A conviction, guilty plea, or no contest to a charge of theft, violation of drug laws, sexual misconduct, offense involving moral turpitude or offense which affects the City's reputation, or which reasonably could create concern on the part of fellow employees or the community. Employees who are arrested may be relieved of duty

(with or without pay) pending the City's determination about continued employment.

- b. incompetence.
- c. unauthorized absence or tardiness or a pattern of absenteeism or tardiness.
- d. unexcused absence of three (3) or more consecutive days.
- e. insubordination, including disrespect for authority, or other conduct which tends to undermine authority.
- f. failure or refusal to carry out instructions.
- g. unauthorized possession, removal, misappropriation, misuse, destruction, theft or conversion of City property or the property of others.
- h. violation of safety rules, neglect, or engaging in unsafe practices.
- i. interference with the work of others.
- j. threatening, coercing, bullying, harassing of any kind, or intimidating fellow employees, including "joking" threats.
- k. dishonesty.
- l. failure to provide information, falsifying City records, or providing falsified records to the City for any purpose.
- m. failure to report personal injury or property damage.
- n. carelessness in performing job duties.
- o. introduction, possession, or use of illegal drugs or unauthorized prescription drugs or intoxicating beverages on City property or while on duty anywhere; working while under the influence of illegal drugs or unauthorized prescription drugs or intoxicating beverages; off-the-job illegal use or possession of drugs; or refusing to take a drug test as prescribed in this handbook. For purposes of this policy, an employee is "under the influence" if he or she has any detectable amount of any such substance in his or her system.
- p. unsatisfactory work performance.
- q. violation of City policies.
- r. lack of good judgment.
- s. failure to report illegal or improper conduct of a coworker; or
- t. any other reason that, in the City's sole determination, warrants discipline.

SECTION 14: GRIEVANCE APPEAL PROCEDURE

Assistance with Work Problems

It is the policy of the City to enhance the quality of employee-employer relationships. If you have a work-related problem, you are encouraged to discuss it with your immediate supervisor. If any disagreements or misunderstandings about personnel rules, department/division policies, or any other work-related situations cannot be readily worked out between an employee and the supervisor, the City provides a grievance procedure which can be followed to seek and determine an equitable solution. The procedure is as follows:

Grievance Procedure

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.

This grievance procedure applies to employees who are employed in departments/divisions administered by the City Administrator or Department of Public Utilities Manager and are employed full-time. However, this policy does not apply to the City Administrator, the Department of Public Utilities Manager, the Municipal Judge, the Confidential Administrative Assistants to the City Administrator, Confidential Administrative Assistants to the Department of Public Utilities Manager, part time, temporary, probationary, elected, appointed officials, students, contract employees or interns.

A grievance is defined as any complaint by a full-time employee that he or she has been treated unlawfully or in violation of rights under City policies, regarding employment. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion, and demotion. An employee's level of compensation or classification is not the proper subject of a grievance except as it applies to alleged inequities within the employee's department or division. If an employee believes he or she has not received or been credited with or has otherwise lost wages or benefits to which the employee is entitled, however he or she must present the grievance in accordance with this procedure.

An employee who feels that he or she has a grievance must follow the following procedure:

Step 1. The employee must discuss the grievance with his or her immediate supervisor. If the supervisor is unable or unwilling to adjust the grievance to the satisfaction of the employee, the employee must take Step 2.

Step 2. The employee must follow the chain of command in his department or division, appealing to each successive level of supervision. Step 1 and Step 2 may be oral. At each level, each supervisor has two (2) workdays (Saturdays, Sundays, and Holidays excluded) 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 must appeal to the next level of supervision.

The decision of the department/division head on a grievance filed by a probationary employee is final. A new employee is considered probationary until his probationary evaluation is completed and approved by the City Administrator or Department of Public Utilities Manager.

Step 3. Employees who have successfully completed the probationary period are considered regular employees. These employees may appeal to the Employee Grievance Committee the denial of their grievances by department/division head by filing a written request for appeal with the City Administrator or Department of Public Utilities Manager. THIS MUST BE DONE WITHIN FOURTEEN (14) CALENDAR DAYS of which facts on the grievance is based, became available to the employee. The written request must include the following.

- a. The purpose of the appeal and what recommendation is requested of the Grievance Committee to send to the City Administrator or Department of Public Utilities Manager; and
- b. A statement that the chain of command has been followed in the appeal as is required by the grievance procedure.

Assigned staff by the City Administrator or Department of Public Utilities Manager may assist in preparing in the appeal, if requested and deemed necessary by the City Administrator or Department of Public Utilities Manager.

Within ten (10) working days of receipt of the employee's request, the chairperson of the Grievance Committee will schedule the requested hearing and notify the Grievance Committee, the employee requesting the hearing, the affected department or division, and the Human Resources department.

If the grieving employee needs information or documents maintained by the affected department or division, all such requests must be made through the City Administrator or

Department of Public Utilities Manager and not through direct contact with the affected department/division personnel or the Grievance Committee Chairman or its members.

Employee Grievance Committee

City Council appoints two grievance committees. One committee is appointed from and for those employees reporting to the City Administrator and another from and for those employees reporting to the Department of Public Utilities Manager. Each committee is composed of five (5) employees that serve three (3) year terms, except that the members appointed initially are appointed so that their terms will be staggered, and approximately one-third (1/3) of the terms 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 terms is for the unexpired term. Any member may be reappointed for succeeding terms at the discretion of the City Council. Members employed in the same department/division as the grieving employee and members having formed an opinion on the issues prior to the hearing, may not participate in that employee's hearing. Due to these potential conflicts, the City Council may also appoint two alternates for each committee to serve when other members are disqualified or unable to serve at a particular hearing. All members are selected on a broadly representative basis from among City and Department of Public Utilities employees.

City Council appoints the first Chairman of each committee and thereafter each committee annually selects a successor from among its members. The Chairman serves as the presiding officer at all meetings which he attends but may designate some other member to serve as presiding officer in his absence. The Chairman has authority to schedule and reschedule all hearings.

A quorum consists of at least four (4) members, and no hearings may be held without a quorum.

The presiding officer will have control of the proceedings. He may take whatever action is necessary to insure an equitable, orderly, and expeditious hearing. Parties must 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 members participating will govern.

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 City Administrator or Department of Public Utilities Manager, 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 may any City employee be compelled to attend any hearing. All proceedings may be tape recorded. Witnesses, other than the grieving employee and the department/division representative, must be sequestered when not testifying. All witnesses must testify under oath.

All hearings are held in Executive Session unless the grieving employee requests at least twenty-four (24) hours prior to the hearing that the hearing be held in open session. The official recording and the official minutes of all hearings are subject to the control and disposition of the City Council.

Neither the grieving employee nor the department/division may be assisted by advisors or by attorneys during the hearing itself. The Committee may have the City attorney available to it at any time if it considers necessary, and a Human Resources Director may aid in reading written materials to the Committee at the request of a grieving employee.

In disciplinary actions by department/division heads or 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 written disciplinary notice may be amended at any time twenty-four (24) hours or more prior to the hearing. The department/division must demonstrate that the disciplinary action is for the good of the City. The department/division makes the first presentation. The Committee may base its findings and recommendations (and the City Council its decision) on any additional or different grounds developed from the employee's presentation.

In non-disciplinary grievances the employee must establish that a right existed and that it had denied him or her illegally or in violation of a City. The employee makes the first presentation.

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

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 Resource Department if the employee desires) and by a managerial employee of the affected department or division. Parties may request the Committee call witnesses, and a list of potential witnesses should be submitted to the Committee five (5) days prior to

the hearing. Neither party may question the other party or question any witness called by the Committee, however the Committee will, within twenty (20) calendar days after hearing an appeal, make its findings and recommendation and report such findings and recommendation to the City Administrator or Department of Public Utilities Manager for transmittal to City Council along with his recommendation, with a copy to the Mayor and City Attorney. If the City Council approves the Grievance Committee's recommendation, this recommendation becomes the final decision. Copies of the decision will be transmitted to the City Administrator or Department of Public Utilities Manager, Chairman of the Employee Grievance Committee, the appealing employee, and to the head of the department/division involved. If, however, the City Council rejects the decision of the Committee, Council will make its own decision without further hearing, and that decision is final. Copies of the decision will be transmitted to the City Administrator or Department of Public Utilities Manager, Chairman of the Employee Grievance Committee, appealing employee, and to the head of the department/division involved.

Nothing in this grievance procedure creates a property interest in employment or a contract of employment, nor does this procedure limit the authority of the City or Department of Public Utilities to terminate any employee.