

CITY OF CONWAY EMPLOYMENT GUIDELINES

DISCLAIMER

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

I acknowledge receipt of The City of Conway Employment Guidelines and Procedures **AND UNDERSTAND THAT IT IS NOT A CONTRACT OF EMPLOYMENT.**

Signature

Printed Name

Date

Date Adopted: **April 25, 2005**

CITY OF CONWAY EMPLOYMENT GUIDELINES

DISCLAIMER

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

I acknowledge receipt of The City of Conway Employment Guidelines and Procedures **AND UNDERSTAND THAT IT IS NOT A CONTRACT OF EMPLOYMENT.**

Signature

Printed Name

Date

Date Adopted: **April 25, 2005**

TABLE OF CONTENTS

DISCLAIMERPage 1

IMPORTANT NOTICEPage 9

EQUAL EMPLOYMENT OPPORTUNITYPage 9

HOURS OF WORK

 I. Work HoursPage 9

 II. Work PeriodPage 10

 III. Meal Periods and BreaksPage 10

ATTENDANCE RECORDSPage 10

TIME CLOCK POLICYPage 10

NO HARASSMENT POLICYPage 11

RECRUITMENT AND EMPLOYMENT

 I. RecruitmentPage 13

 II. Factors Determining EmploymentPage 14

 III. Probationary StatusPage 14

 IV. Employment PhysicalPage 15

 V. Temporary Positions.....Page 15

 VI. Regular Positions Page 15

 VII. Seasonal PositionsPage 15

 VIII. Outside EmploymentPage 16

 IX. Performance EvaluationsPage 16

HIRING OF RELATIVES; NEPOTISMPage 16

CONFLICT OF INTEREST

 I. GeneralPage 17

| | | |
|-------|---|---------|
| II. | Gifts and Gratuities | Page 17 |
| III. | Political Activity | Page 17 |
| | SICK LEAVE POLICY | Page 18 |
| I. | Purpose | Page 18 |
| II. | Rate of Earnings | Page 18 |
| III. | Maximum Accumulation | Page 18 |
| IV. | Sick Leave Extension | Page 18 |
| V. | Use of Sick Leave | Page 19 |
| VI. | Payment of Sick Leave | Page 20 |
| VII. | Sick Leave Bonus | Page 20 |
| VIII. | Bereavement Leave | Page 20 |
| | LONG TERM DISABILITY LEAVE (NON-FMLA) | |
| I. | Application for Leave | Page 22 |
| II. | Physician's Certificate | Page 22 |
| III. | Other Employment | Page 22 |
| IV. | Return to Work | Page 22 |
| | FAMILY AND MEDICAL LEAVE | |
| I. | General | Page 23 |
| II. | Reason for Leave of Absence | Page 23 |
| III. | Certification of Need for Leave | Page 24 |
| IV. | Length of Leave | Page 25 |
| V. | Effect of Leave on Paid Time Off | Page 25 |
| VI. | Effect of Leave on Accrual of Fringe Benefits | Page 25 |

| | | |
|-------|---|---------|
| VII. | Employee Responsibility | Page 25 |
| VIII. | Light Duty | Page 25 |
| IX. | Termination of Leave of Absence | Page 26 |
| X. | Reinstatement | Page 26 |
| XI. | Extension of Leave Without Benefits | Page 26 |
| XII. | Automatic Termination of Employment | Page 26 |
| XIII. | Special Situations | Page 26 |

VACATION POLICY

| | | |
|------|--|---------|
| I. | Purpose | Page 27 |
| II. | Rate of Earnings | Page 27 |
| III. | Use of Vacation | Page 28 |
| IV. | Carry Over and Payout of Vacation Earnings | Page 28 |

EDUCATIONAL LEAVE

| | | |
|------|---------------------------------|---------|
| I. | Eligibility | Page 29 |
| II. | Justification | Page 29 |
| III. | Maximum Amount | Page 29 |
| IV. | Employee Responsibility | Page 29 |
| V. | Department Responsibility | Page 30 |
| VI. | Retention of Benefits | Page 30 |

EMPLOYEE EDUCATIONAL BENEFIT

| | | |
|------|--|---------|
| I. | Purpose | Page 30 |
| II. | Request for Educational Assistance | Page 30 |
| III. | Payment of Educational Costs | Page 32 |

| | | |
|--|---|----------------|
| IV. | Scheduling of Courses | Page 32 |
| V. | Courses/Training Required by the City | Page 33 |
| VI. | In-Service Training | Page 33 |
| TRAVEL AND SUBSISTENCE ALLOWANCE | | |
| I. | Statement of Policy | Page 33 |
| II. | Transportation Costs | Page 33 |
| III. | Meal Allowance | Page 33 |
| IV. | Lodging | Page 34 |
| V. | Advances | Page 34 |
| VI. | General | Page 34 |
| OFFICE HOLIDAYS | | Page 34 |
| PERSONAL APPEARANCE | | Page 35 |
| CELLULAR TELEPHONE POLICY | | Page 35 |
| PERSONAL TELEPHONE USE POLICY | | Page 36 |
| COMPUTER SYSTEM USAGE POLICY | | Page 37 |
| GUIDELINES FOR DISCIPLINARY ACTION | | |
| I. | Purpose | Page 38 |
| II. | Statements of Policy..... | Page 38 |
| III. | Purpose & Disclaimer..... | Page 39 |
| IV. | Rules of Conduct..... | Page 39 |
| GRIEVANCE PROCEDURE | | |
| I. | General | Page 43 |
| II. | Employee Grievance Committee | Page 44 |

CIVIL LEAVE

I. Jury DutyPage 46

II. Official Court AttendancePage 46

III. Private LitigationPage 47

IV. Subpoena for City Business.....Page 47

MILITARY LEAVEPage 47

VEHICLE AND EQUIPMENT USEPage 47

HAZARDOUS WEATHER AND EMERGENCY LEAVEPage 48

WORKERS COMPENSATION BENEFITSPage 49

RETURN TO WORK POLICY.....Page 50

EMPLOYEE DRUG USE AND DRUG TESTING POLICYPage 50

I. General RulePage 50

II. Applicants for EmploymentPage 51

III. Current EmployeesPage 51

IV. Testing ProcedurePage 52

V. Notice to EmployerPage 52

VI. Consequences of Violating this PolicyPage 54

VII. Coming ForwardPage 55

VIII. ConfidentialityPage 55

IX. Test CostsPage 55

X. Notification of Test ResultsPage 55

EMPLOYEE ALCOHOL USE AND ALCOHOL TESTING POLICY

I. General RulePage 56

II. Employee TestingPage 56

III. Testing ProceduresPage 58

IV. Consequences of Violating This PolicyPage 58

V. ConfidentialityPage 59

VI. Testing CostsPage 59

VII. Coming Forward with Drug and/or Alcohol Abuse Problems..Page 60

VII. Employee Assistance ProgramPage 60

SMOKE FREE WORKPLACEPage 60

IMPORTANT NOTICE

This policy manual contains various policies, procedures and guidelines relating to your employment. To meet changing needs and demands, the City may find it necessary or advisable to alter its policies and procedures from time to time. Therefore, the provisions of this policy manual are subject to change by the City at anytime. This policy manual is intended to prescribe general policy guidelines for employees in all City departments. As set forth in the disclaimer on the first page, it is not in any manner to be construed as a contract of employment between any employee and the City of Conway. The purpose of this manual is to provide guidance to the City Administrator and Department Heads in administering policy and actions throughout the City.

The City of Conway is governed by the Council form of government established pursuant to S.C. Code Ann. § 5-11-10 et seq. (1976, as amended). Pursuant to the Code, all legislative and administrative powers of the City, and the determination of matters of policy are vested in the City Council.

EQUAL EMPLOYMENT OPPORTUNITY

The City of Conway is an equal employment opportunity employer that maintains a policy of non-discrimination with respect to its employees and applicants for employment. Accordingly, its employment decisions are made without regard to race, color, religion, national origin, sex, age or disability.

HOURS OF WORK

I. Work Hours:

Due to the nature of municipal operations, employees' working hours cannot be definitely fixed. Although some normal hours of operation are specified below, employees may be required to work longer hours than specified and/or on weekends.

The normal hours of operation for all administrative offices of Conway City Government shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, except for official holidays.

The normal hours of operation for the Maintenance Shop, Street Department and Water Department will be from 7:00 a.m. to 4:00 p.m.

The Fire Department work hours are from 7:00 a.m. to 7:00 a.m. of the following day, or twenty-four (24) hours.

The Police Department work hours are from 6:00 a.m. to 6:00 p.m. and from 6:00 p.m. to 6:00 a.m. of the following day, or twelve (12) hour shifts.

II. Work Period:

The work period for all employees, other than fire protection and law enforcement employees, is a seven (7) day period which begins each Saturday at 12:01 a.m. and runs to the following Friday at 12:00 a.m. (midnight).

The work period for the fire protection and law enforcement employees is a fourteen (14) day period which begins on Saturday at 12:01 a.m. and runs to the second Friday at 12:00 a.m. (midnight). This work period will coincide with the pay period in order to determine overtime worked.

The work period for fire department shift personnel will consist of seven twenty-four hour shifts totaling 168 hours every three weeks.

III. Meal Periods and Breaks:

All employees other than fire protection and law enforcement employees performing shift work shall take one hour per day for lunch. This time shall not be counted as hours worked for pay purposes.

Law enforcement employees performing shift work shall receive up to one-half (1/2) hour for the meal period which occurs during their shift. Fire department personnel performing shift work shall receive up to one and three quarters (1 ¾) hours for the meal period which occurs during their twenty-four hour shift. This time shall be counted as time worked for pay purposes.

IV. Attendance Records

An attendance record shall be maintained for each employee by the Payroll Clerk. The record shall reflect all absences including sick leave, vacations, civil leave, etc., and shall be made available to him/her for inspection upon request.

Each Department Head shall be responsible for the completion of biweekly attendance report for his/her department. This report shall be filed with the Payroll Clerk by the end of each pay period.

V. Time Clock Policy

In order to comply with Fair Labor Standards Act recordkeeping requirements, all non-exempt employees are required to punch a time clock. Accurate records of the hours worked must be kept. In the event of a mistake or a discrepancy between time worked and the time reflected on your time- card, please notify your Department Head as soon as possible so that an appropriate notation may be made on the time card. Employees are to punch their own time cards only and must punch out when leaving the City's premises unless leaving on official business. Punching

in or out for another employee is strictly forbidden. Any corrections to a time card must be approved and initialed by the Department Head.

NO HARASSMENT POLICY

The City of Conway is committed to maintaining a work environment that is free from discrimination and in which employees at all levels can devote their full attention and best efforts to the job. Harassment has no place in the work environment. The City does not authorize and will not tolerate any form of harassment based on the following factors: **Race, color, sex, national origin, age, disability, religion, or any other characteristic that is protected by law.**

This policy applies to management and non-management employees alike, and even to non-employees who harass our employees.

Examples of "harassment" that is covered by this policy include offensive language, jokes, or other physical, verbal, written, or pictorial conduct relating to the employee's sex, race, religion, national origin, age, disability, or other factors protected by law that would make a reasonable person experiencing such behavior feel uncomfortable or would interfere with the person's work performance.

The examples below are just that — examples. It is impossible to list every type of behavior that can be considered harassment in violation of this policy. In general, any conduct based on these traits that could interfere with an individual's work performance or could create an offensive environment will be considered harassment in violation of this policy. *This is the case even if the offending employee did not mean to be offensive. It is essential that employees be sensitive to the feelings of others.*

1. SEXUAL HARASSMENT.

Sexual harassment (whether opposite-sex or same-sex) is strictly prohibited. Examples of the types of behavior that are considered sexual harassment in violation of this policy include:

- Sexually offensive jokes or comments.
- Physical assaults or other touching that is sexual in nature.
- Promising favorable treatment or threatening unfavorable treatment based on the employee's response to sexual demands.
- Displays of sexually oriented reading materials or pictures, including electronic materials.
- Punishing an employee for complaining of sexual harassment.

2. **HARASSMENT BASED ON RACE, NATIONAL ORIGIN, AGE, DISABILITY OR RELIGION.**

Harassment based on these other traits deserves special mention and is also strictly prohibited. Examples of the types of behavior that will be considered harassment based on these characteristics include:

- Jokes or negative comments about these characteristics.
- Displays of reading materials or pictures containing negative material about these characteristics, including electronic materials.
- Vandalism or “pranks” based on these characteristics.
- Name-calling based on these characteristics.
- Punishing an employee for complaining of these types of harassment.

3. **REPORTING HARASSMENT.**

The City cannot resolve matters that it does not know about. Every employee has a duty to immediately report harassment so that the City can try to resolve the situation. You should report harassment when:

- You feel that you have been harassed.
- You have seen someone else be harassed.
- This is true whether the alleged harasser is an employee, a supervisor or manager, or even a non-employee, such as a company or vendor with whom the City of Conway does business.

To report harassment, you must first contact your Supervisor, a higher level in your "chain of command," the Assistant City Administrator or City Administrator. Complaints against the City Administrator, the City Judge, or any other appointed official should be made to the Mayor. These individuals will respond to reports of harassment as follows.

Once your report has been received, the City will:

- Conduct a prompt and thorough investigation.

- Discuss the results with the complaining employee and, where appropriate, the action to be taken.
- Keep the investigation and results as confidential as possible.
- If the complaint is verified, take appropriate corrective action, up through and including termination.

No employee will be punished for bringing a report of harassment to the City of Conway's attention or for cooperating in an investigation.

4. **OUR COMMITMENT TO AN EFFECTIVE NO-HARASSMENT POLICY.**

Finally, if you feel that the City has not met its obligations under this policy, or if you are not satisfied with the way in which your report of harassment was handled, you should contact the Mayor or any member of City Council, who, in turn, will report the complaint to the entire Council as soon as possible in executive session. An effective No-Harassment policy depends on all of us, working together, to address this very important subject.

More information concerning your rights under State and Federal law prohibiting unlawful workplace harassment is contained in the EEOC/SHAC posters posted on the Company bulletin board.

RECRUITMENT AND EMPLOYMENT

Scope and Purpose

To establish a uniform policy and procedure by which personnel vacancies are filled; candidates for authorized vacancies within the City are considered; and to ensure that the best qualified candidate is employed.

I. Recruitment:

Appointments shall be made according to merit insuring that the best qualified candidate is selected to fill vacancies within the work force, to be ascertained insofar as practicable by review of an individual applicant's qualifications. Where necessary, written and/or oral examinations may be prepared and given.

All vacancies shall be advertised. The administrative procedure shall be as follows:

A. When a vacancy occurs, the department will immediately notify the City Administrator. A job announcement shall be prepared, stating the position title, minimum training and experience requirements, salary range, closing date and application procedures. This announcement shall be posted in City Departments and delivered to Conway Employment Securities Commission (Job Service). The Department Head may also advertise in local papers and any other publication deemed appropriate.

B. All in-house postings shall be posted for at least 3 days.

C. All applicants shall apply as directed when the position is advertised. City employees are required to submit a current application to the appropriate department in order to apply. In addition to the applications, resumes may be required.

D. Upon closing date for applications, Department Head will review all applications and rank them in order of qualifications.

E. Department Head shall establish interviews for the number of applicants he/she feels necessary to ensure selection of the best possible candidate for the vacancy. Candidates not selected for the position shall be notified in writing of Department Head's decision.

F. Department Head shall notify persons to be interviewed of date, time and place of interview and any applicable testing.

G. Department Head shall submit his selection to the City Administrator for approval.

H. An employment physical will be required. A conditional job offer shall be made prior to the physical examination. The recommended applicant must meet all department requirements.

II. Factors Determining Employment:

In determining the successful candidate for any position, the Department Head and/or the City Administrator shall take into consideration factors relevant to the position such as education, training, experience, aptitude, knowledge, character, skills, abilities, availability, proximity, or any other factor related to a determination of the relative fitness of the applicant for the position.

III. Probationary Status:

All new or promoted employees appointed to positions normally filled with regular or temporary employees shall first serve a probationary period, which shall be utilized for observing the employee's work closely, for securing the most effective adjustment of the employee to his/her position, and for rejecting any employee whose performance does not meet the expected work standards. A probationary employee may be removed or demoted

at any time during the probationary period, which removal or demotions shall not be subject to review or appeal.

The probationary period shall begin immediately upon appointment and shall continue for a period of six months. A probationary extension of up to three (3) months may be granted upon Department Head recommendation and City Administrator approval. An employee may be retained beyond the end of the probationary period and granted regular status only if the employee has satisfactorily performed his job duties, and the supervising Department Head recommends to the City Administrator that the employee be given regular status. Before an employee may attain regular status, an evaluation will be performed at the end of the probationary period, and any extension thereof; the evaluation must be approved by the Department Head and City Administrator before regular status is attained. Successful completion of the probationary period does not change the employee's at-will status.

IV. Employment Physical:

A. The City of Conway requires an employment physical for all persons entering City employment as a regular employee. This examination will be at the expense of the City and performed by a doctor selected by the City.

B. Any follow-up consultations to the City medical examinations may be at the expense of the applicant.

V. Temporary Positions:

A temporary position is a position established and approved by the City Administrator and designed to be of a short duration such as the duration of the project. No employee may be retained in any temporary position longer than six months or completion of the project. Temporary part-time employees are not eligible to receive City benefits.

VI. Regular Positions:

A regular full-time position shall be one which is established by the budget and designated to be continuous in nature with regularly scheduled hours of 30 or more in a workweek. A part-time position is one in which the employee is regularly scheduled to work less than 30 hours per week. Regular full and part-time positions are established by the budget, designated regular by the City Administrator and filled with a regular or a probationary employee. Regular full-time employees are eligible for benefits as set forth below. Regular part-time employees are eligible for sick leave and vacation benefits on a pro rata basis based on the number of hours they are regularly scheduled to work; they are not eligible for health insurance benefits.

VII. Seasonal Positions:

Seasonal positions are positions established to meet seasonal needs placed upon City

government and may be filled on a part-time or full-time basis. Seasonal employees are not eligible to receive City benefits.

VIII. Outside Employment:

The City expects an employee's work for the City will take precedence over any outside employment engaged in by an employee. Employees must get prior written approval from the City Administrator before engaging in any other employment. Should the City, in its sole discretion, determine that the outside employment interferes with or is otherwise incompatible with employment for the City; the employee may be asked to choose between the jobs.

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

IX. Performance Evaluations:

The City may periodically conduct oral or written evaluations of employees' performance. Employees must sign written evaluations. The employee's signature does not necessarily indicate agreement with the contents of the evaluation, only that he has been made aware of it. While favorable performance evaluations may be a factor in determining wage increases, no employee is entitled to a wage increase because he receives a favorable evaluation.

HIRING OF RELATIVES; NEPOTISM

I. Restrictions:

Two or more members of an immediate family shall not be employed: (1) within the same department; (2) in positions in which such employment will result in one supervising a member of his immediate family; or (3) where one member occupies a position which has influence over another's employment, promotion, salary administration and other related management or personnel considerations.

II. Definition of Immediate Family:

The term immediate family (close relative) shall include wife, husband, mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, stepfather, stepson, stepdaughter, stepbrother, stepsister.

III. Compliance:

Reasonable efforts will be made to comply with this policy through reassignment. When it is necessary to exclude a person because of his or her spouse's employment, then the employees will be asked to determine which spouse shall keep the job. The City may

require one spouse to quit thirty (30) days after marriage if they become in violation of this policy and a mutually agreeable solution cannot be reached between the City and the employee.

CONFLICT OF INTEREST

I. General:

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

II. Gifts and Gratuities:

No employee may directly or indirectly solicit any gift or accept or receive a gift under circumstances in which it could be inferred that the gift was intended to influence him in the performance of his official duties or was intended as a reward for an official act on his part. A gift is defined as any benefit, favor, service, privilege or thing of value which 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 sporting or cultural events, entertainment, and personal services or work provided by City suppliers or contractors. This policy is not intended to prohibit the acceptance of items of nominal value which are generally distributed to all employees.

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

III. Political Activity:

Employees are expected to exercise their rights as citizens and be informed about issues and vote those convictions at the polls. The City encourages all employees to become registered and to vote at every opportunity provided to them.

In certain circumstances involving real or potential conflicts, employees who run for any partisan or non-partisan public office may not be allowed to continue in City employment. The employee/candidate may be placed on an unpaid leave of absence until after the election. If an employee is placed on leave of absence, his employment will terminate upon his election to a partisan public office.

For purposes of this policy, an employee is considered a "candidate for public office" as

soon as he begins actively campaigning for nomination or election, or when he files for candidacy, whichever comes sooner.

SICK LEAVE POLICY

I. Purpose:

The City of Conway will provide time off with pay, up to the amount of unused sick leave earnings, to employees who are unable to work due to personal illness or injury.

II. Rate of Earnings:

Full-Time Employees:

All regular full-time (37.5, 40, 43 hours per week) City employees will be credited with sick leave at the rate of one (1) day per month of service or twelve (12) days per year. This applies to all employees regardless of working schedule and the definition of one (1) day is equal to the number of hours normally worked per day except for City Fire Department shift workers and personnel in the Police Department who work an extended shift (in excess of 11 hours) and are scheduled to work seven shifts biweekly or tri-weekly. Fire Department shift personnel shall be credited sick leave at the rate of 5.18 working hours per pay period. Police Department personnel who work extended shifts (in excess of 11 hours) and are scheduled to work seven shifts biweekly shall be credited sick leave at the rate of eight and six-tenths (8.6) working hours per month, except police dispatchers who shall be credited sick leave at the rate of eight (8) working hours per month.

III. Maximum Accumulation:

The maximum accumulation of sick leave for regular full-time employees shall be ninety (90) working days except for Fire Department shift personnel and personnel in the Police Department who work an extended shift (in excess of 11 hours) and are scheduled to work seven shifts bi- or tri-weekly. Fire Department shift personnel will be allowed a maximum accumulation of 1008 working hours. Police Department personnel who work extended shifts (in excess of 11 hours) and are scheduled to work seven shifts biweekly will be allowed a maximum accumulation of 774 working hours ($90 \times 8.6 = 774$), except police dispatchers who will be allowed a maximum accumulation of 720 working hours ($90 \times 8 = 720$).

IV. Sick Leave Extension:

The City Administrator has the authority to grant up to a maximum of twenty (20) days sick leave extension for any regular full-time employee, except Fire Department shift personnel and personnel in the Police Department who work an extended shift (in excess of 11 hours) and are scheduled to work seven shifts bi- or tri-weekly. Fire Department shift

personnel may be granted an extension of up to a maximum of 240 working hours or approximately 10 shifts. Police Department personnel who work extended shifts (in excess of 11 hours) and are scheduled to work seven shifts biweekly may be granted an extension of up to a maximum of 172 working hours (20 x 8.6), except police dispatchers who may be granted an extension of up to a maximum of 160 working hours (20 x 8). Granting of an extension shall be solely at the City Administrator's discretion and may be considered only in unusual circumstances. An employee's work history and attendance record are important considerations in making a decision regarding a sick leave extension.

When the Administrator determines that a sick leave extension is warranted, fellow City employees will be asked to donate sick days or hours equal to the number of days or hours the extension is being considered for. No City employee may donate more than twenty-four (24) hours toward any one sick leave extension. The extension shall not exceed the number of days or hours of donated commitments. If more donated commitments are received than required, the commitments from within the employee's own department will be used first and then those from employees outside the department having the largest accumulation of sick leave credit will be used next until the number of days required are obtained.

No sick leave extension payment will be made by the City until such time as the requesting employee has exhausted all accumulated sick leave, vacation time, and compensation time. An employee may request a sick leave extension prior to a scheduled surgery; however, in the event the extension is granted, no sick leave extension time will be paid until such time as the employee has exhausted all sick time and vacation time.

In the event an employee earns sick leave and/or vacation time while he/she is on sick leave extension, the newly earned sick leave and/or vacation time shall be used to reduce the number of sick leave extension days.

V. Use of Sick Leave:

An employee may use sick leave if absent for any of the following reasons:

A. Personal Illness (physical or mental) or injury incapacitating the employee to perform duties of the position; or when employee's presence (determined by the Department Head) may endanger the health of fellow workers.

B. Appointment for medical or dental examination or treatment when such appointment cannot reasonably be scheduled during non-working hours. To the degree possible, examination and appointments must be approved in advance by the Department Head.

C. Sick leave may be used to cover absences made necessary by illness in an employee's immediate family (spouse, children or parent). Sick leave may be used for unusual circumstances with the written approval of the City Administrator.

D. Treatment of alcoholism and/or drug abuse, including participation in public and/or private treatment and rehabilitation programs for alcohol and/or drug abuse by the South Carolina Department of Mental Health or other appropriate agencies.

VI. Payment of Sick Leave:

A. In order to be eligible for sick leave with pay, an employee must:

1. Report to his/her supervisor within thirty (30) minutes of the scheduled starting time and the reason for the absence. An employee who fails to notify his/her supervisor shall not be paid for the day(s) taken prior to notification.

2. The use of sick leave shall be subject to verification. The Department Head may, before approving the use of sick leave, require the certificate of a physician or other acceptable documentation documenting the need for leave and giving the inclusive dates.

3. Keep his/her supervisor advised as to the condition and anticipated date of return.

B. Upon leaving City employment, for whatever reason, an employee shall not be paid for unused accrued sick leave.

C. When a paid holiday occurs during the period an employee is on sick leave with pay, the employee shall receive only his/her regular holiday pay and that day shall not be charged against his/her sick leave earnings.

D. Sick leave shall be charged in increments of no less than one half hour.

VII. Sick Leave Bonus:

Any employee fortunate enough to use no more than one (1) sick day or one shift per calendar year will receive a bonus of \$60.00. For purposes of determining eligibility for the bonus, absences designated as Family Medical Leave Act leave will not be considered.

VIII. Bereavement Leave

In case of death in an employee's immediate family, the employee shall be granted up to three (3) days of paid bereavement leave by her/his department, with no deduction taken from the employee's accrued leave. Employees may opt to take three or fewer days of bereavement leave as s/he desires.

Fire Department twenty-four (24) hour shift personnel shall be granted up to the equivalent of three (3) days of paid leave, which computes to thirty-four (34) hours as related to a fifty-six (56) hour work week. Police Department personnel who work 12-hour shifts shall

also be granted up to the equivalent of three (3) days of paid leave, which computes to twenty-six (26) hours as related to a forty-three (43) hour work week.

When special circumstances surround the death of an immediate family member, such as the need for the employee to travel distantly, the need for a body to be transported from afar, or other unusual circumstances arise, the city administrator shall have the discretion to allow for additional days away from work, to be charged against the employee's accrued leave. To avoid negating an employee's eligibility for the sick leave bonus incentive, the affected employee shall have the discretion of choosing to use either vacation or sick leave for this extension of bereavement leave if the employee has ample vacation and sick leave balances.

Immediate Family Defined:

For this purpose, immediate family shall include the following relationships: the employee's spouse, parent, stepparent, parent-in-law, sibling, stepbrother, stepsister, brother-in-law, sister-in-law, child, stepchild, son-in-law, daughter-in-law, grandparent and grandchild.

LONG TERM DISABILITY LEAVE (NON-FMLA)

Leave for Employees Employed Less Than 12 Months; for Employees Who Have Worked Fewer Than 1250 Hours In Preceding 12 Months; and for Employees Whose Reasons for Leave are not Covered by the Family and Medical Leave Act.

I. Application for Leave:

An employee who has completed his initial probation (and any extension thereof) may request a leave of absence for up to six (6) months when unable to work because of sickness, pregnancy or injury on or off the job.

Employees are requested to apply for leaves of absence in writing as far in advance of need as is possible; an employee may be placed on leave status without application when the circumstances warrant such action.

Physical disability leave begins on the first day of absence.

II. Physician's Certificate:

An employee shall supply a physician's certificate or other acceptable documentation certifying that the employee is unable to work and giving the projected inclusive dates of disability prior to approval of leave. The certificate may be updated as appropriate.

After the employee has exhausted his annual and/or sick leave, as a general rule, an employee on leave of absence is not entitled to wages or fringe benefits and does not accrue fringe benefits. Certain exceptions may be established by law.

III. Other Employment:

Employees on long-term disability leave of absence, including workers compensation, may not engage in other employment.

IV. Return to Work:

Employees desiring to return to work from an unpaid leave of absence should notify the City Administrator in writing at least ten (10) days prior to their desired return date and provide a fitness for return to duty statement prior to returning to work. If the City finds that the employee is fit to resume his duties, the employee may be recalled to his former job if a vacancy exists which is to be filled. The position may be held open if it is possible to redistribute the work among other employees in the department or by filling the position on a temporary basis. If it becomes necessary to fill the position with a regular full-time employee in order to insure continued smooth operation of the department and maintain the desired level of quality in the delivery of services to the public, the employee may be recalled to any job which there is a vacancy which is to be filled and for which he is

qualified. If no such vacancy exists at the time the employee will be administratively terminated.

FAMILY AND MEDICAL LEAVE ACT LEAVE

Applies only to employees employed 12 months or longer and who have worked 1250 hours or more in the preceding 12 months, both prior to commencement of leave.

I. General:

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

The City will use a "rolling" 12-month period measured backward from the day an employee uses any leave under this law and policy. Upon receipt of an employee's request for leave under the Family and Medical Leave Act, the Department Head will immediately notify the City Administrator for a determination of whether the employee meets the eligibility requirements of the Act.

II. Reasons for Leave of Absence:

1. Basic Leave Entitlement

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

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

2. Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

III. Certification of Need for Leave:

Proof of need for leave of absence will be required of an employee seeking leave because of their own or a family member's serious health condition. The certification form will be provided by the City. The certification must be provided with the request for leave or within 15 days of the request. In the event advance notice is not possible, certification must be provided within the timeframe requested by the City. The City specifically reserves the right to request a second and third opinion at its expense and discretion. The City may require an employee on leave under this law and policy to periodically report on his status and intention to return to work and may require periodic recertification of the medical condition.

IV. Length of Leave:

An eligible employee is entitled to the equivalent of a total of 12 work weeks of leave during any 12 consecutive months. Leave to care for a newly born or newly received child must be taken consecutively. Leave required because of the employee's own serious health condition or that of a spouse, child, or parent, may be taken intermittently or by means of a modified work schedule when necessary.

V. Effect of Leave on Paid Time Off:

An employee who must be absent due to his own disability will be paid for time lost from work first from accrued sick leave balances and then from accrued annual leave balances and similar balances. An employee who takes leave for any other reason will be paid for time lost from work from his annual leave balance and similar balances (except as allowed within the sick leave policy).

VI. Effect of Leave on Accrual of Fringe Benefits:

1. Health Benefit Plan. Employees taking leave under this policy must continue to pay their portion of health benefit plan premiums on the same date that such portion of premiums would be deducted from the employee's wages. An employee's failure to pay the employee's portion of the health benefit plan premium may result in a loss of health insurance coverage.
2. Unpaid time lost from work due to leave granted under this policy is not considered time worked for the purpose of accrual of paid time off.
3. Reimbursement of Premiums to City. An employee who does not return to work after the expiration of leave under this law and policy will be required to reimburse the City for payment of health insurance during the leave unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his job duties or circumstances beyond his control.

VII. Employee Responsibility to Give Notice:

Employees who request leave under this policy must give 30 days advance notice or such lesser amount of notice as is possible in the particular circumstances.

VIII. Light Duty:

Employees who accept a light duty assignment because of a condition which qualifies them for FMLA leave have a right to restoration to their regular positions for only 12 weeks counting both FMLA leave and time spent on light duty.

IX. Termination of Leave of Absence:

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

X. Reinstatement:

At the conclusion of the leave of absence, the employee is entitled to reinstatement to his former position or to a position equivalent to this former position. The employee must demonstrate that he is fit for duty and must give reasonable notice of intent to return to work.

XI. Extension of Leave without Benefits:

An employee who has been completely unable to perform the duties of his position due to his own disability and who has exhausted his entitlement to leave under the Family and Medical Leave Act by taking 12 consecutive weeks of leave may, upon written application, be granted an additional 14 weeks of leave. This additional leave of absence does not entitle the employee to reinstatement or to payment of any portion of his health benefit plan premiums. If the employee is able to return to work prior to the exhaustion of his extended leave, he will be returned to his previous position if there is a vacancy in it which is to be filled, or to some other position of equal or lesser compensation for which he is qualified and in which there exists a vacancy which is to be filled. If the employee is not returned to active employment, he will be continued on extended leave of absence status until he is returned to active duty status or his extended leave of absence expires, whichever occurs sooner.

XII. Automatic Termination of Employment:

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

XIII. Special Situations:

1. SPOUSES: When both a husband and wife are employed, their combined right to a leave of absence to care for a child or parent is 12 weeks in a 12 month period.

2. KEY EMPLOYEES (Salaried Employee in Highest Paid 10% of all Employees): Such employees may be denied reinstated rights if reinstatement would cause substantial and grievous economic injury to operations.

VACATION POLICY

I. Purpose:

It is the policy of the City of Conway to provide paid vacation affording the opportunity for healthful rest and relaxation to all regular employees.

II. Rate of Earnings:

All employees assigned to regular positions who have completed at least six months of satisfactory service shall earn vacation time according to the following schedule:

A. Full-time employees, (except Fire Department personnel) who work shifts and personnel in the Police Department who work an extended shift (in excess of 11 hours) and are scheduled to work seven shifts biweekly, with less than ten (10) years of continuous service shall receive credit for one workweek (5 days) of paid vacation at the end of each six (6) months of service.

B. Full-time Fire Department personnel who work shifts (24) hours with less than ten (10) years of continuous service shall receive credit for 6.06 hours of paid vacation per pay period.

Full-time Fire Department personnel who work shifts (24 hours) with ten (10) or more years of continuous service shall receive credit for 7.50hours of paid vacation per pay period.

Use of vacation for full-time Fire Department personnel is charged at the rate of 24 hours for a 24 hour shift.

C. Full-time law enforcement personnel in the Police Department who work extended shifts (in excess of 11 hours) and are scheduled to work seven shifts biweekly with less than ten (10) years of continuous service, shall receive credit for 43 working hours of paid vacation at the end of each six (6) months of service. Full-time dispatchers in the Police Department working extended shifts with less than 10 years of continuous service shall receive credit for 40 working hours of paid vacation at the end of each six (6) months of service.

Full-time law enforcement personnel in the Police Department who work extended shifts (in excess of 11 hours) and are scheduled to work seven shifts biweekly, with ten (10) or more years of continuous service shall receive credit for 43 working hours of paid vacation at the end of each four (4) months of service. Full-time dispatchers in the Police Department working extended shifts with ten (10) or more years of continuous service shall receive credit for 40 working hours of paid vacation at the end of each four (4) months of service.

D. Regular part-time employees who are scheduled to work at least thirty-nine (39) workweeks each year shall earn credits for paid vacations at a rate based on the above schedule and in proportion to the percentage of the regular workweek that they are scheduled to work. (Example: A regular part-time employee who works twenty-five (25) hours per week with less than ten (10) years of continuous service would earn vacation time equal to one of his/her regularly scheduled workweeks (25) hours each six months).

E. Part-time employees who are scheduled to work less than thirty-nine (39) workweeks each year and employees hired to fill temporary or seasonal positions shall not earn nor be paid for any vacation time.

F. Vacation credits are not to be used prior to when the credits are earned.

G. Vacation leave will not be paid until an employee has satisfactorily completed probationary status.

III. Use of Vacation:

A. Vacation time may not be used or charged in units of less than two (2) hours.

B. Except in the case of an emergency, all vacation time must be approved in advance by the employee's Department Head. Whenever possible, an employee wishing to take vacation time should request approval at least one (1) week in advance.

C. Whenever possible, employees will be allowed to take paid vacation at times most convenient to them. However in order to ensure continued smooth operation and maintain a high level of quality in the delivery of services to the citizens of Conway, the City reserves the right to limit the number of employees who may be absent from a given department or unit at any one time. When there is a conflict in vacation choices of two or more employees who cannot be spared at the time, preferences will be given to the employee with the longest continuous service to the City for only his/her first workweek of vacation during the year. For Fire Department shift personnel this applies to their first 37 ½ hours of vacation time during the year.

D. When a paid holiday is observed by the City during the period an employee is on paid vacation, the employee shall receive only his/her regular holiday pay and that day shall not be charged against the employee's vacation earnings.

IV. Carry Over and Payout of Vacation Earnings:

A. (1) Twenty (20) workdays of unused vacation earnings is the maximum number of days that can be accumulated and can be carried forwarded at the end of any calendar year (December 31) except for Fire Department shift personnel and personnel in the Police Department who work an extended shift (in excess of 11 hours) and are scheduled to work

seven shifts bi- or tri-weekly. For Fire Department personnel who work shifts the maximum number of hours that can be accumulated is 172 hours. For law enforcement personnel in the Police Department who work extended shifts, the maximum number of hours that can be accumulated are 172 hours whereas dispatchers working extended shifts can accumulate a maximum of 160 hours. Any accumulated vacation earnings in excess of the allowed amount stated above shall be lost at the end of any calendar year.

(2) For the Police and Fire Department shift personnel whose holiday allowances are earned as vacation days or as specified under the HOLIDAYS section of the policy handbook, the accumulated maximum stated in IV. A. (1) above include their holiday earnings.

B. When an employee's employment with the City is terminated, for whatever reason, he/she shall be paid at his/her regular straight-time rate for all hours of unused vacation earnings. In the event of the death of an active employee, this payment shall be made to his/her legal representative.

EDUCATIONAL LEAVE

I. Eligibility:

Regular, full-time employees who have satisfactorily completed at least six months of continuous employment during their current period of employment with the City of Conway are eligible to receive benefits set forth herein. Educational leave without pay may be granted to equip the employee for the performance of his/her duties and responsibilities.

II. Justification:

The decision to grant educational leave is an administrative one. Periods of leave should be for training and education that will benefit the employer by making the employee better prepared to take on additional responsibility or teaching the employee additional skills and techniques necessary for better job performance.

III. Maximum Amount:

Educational leave shall be limited to a period of twelve (12) months except that the appointing department may, with the approval of the City Administrator, extend such leave not to exceed an additional six (6) months.

IV. Employee Responsibility:

The employee shall apply to his department head in writing for education leave. He is obligated to return to work within or at the end of the time granted. If he/she finds he/she will not return to work, he/she should notify the department immediately. Failure to report

back to work at the expiration date of the educational leave shall constitute the employee's resignation except in the case of an extension of such leave.

V. Department Responsibility:

The decision to grant leave without pay is an administrative one for which the department head must assume full responsibility. Factors to consider are workload, critical nature of the employee's job, chances of the employee returning to duty and chances of department to reinstate the employee to the same job or job of equal status and pay. When the decision has been made by the department head to grant educational leave, it must be reported on a Personnel Action and Payroll Form. If it is necessary to fill a position vacant by educational leave without pay with a temporary or permanent appointment, the appointing department is obligated to notify the employee on leave to that effect. In case of a permanent appointment, the employee on leave shall be entitled to reinstatement to a position of equal status and pay.

VI. Retention of Benefits:

Employees on educational leave shall retain all accumulated leave and time earned toward next salary increase. Employees cease to earn leave and time towards the next salary increase from date of educational leave.

EMPLOYEE EDUCATIONAL BENEFIT

I. Purpose:

To provide a policy by which the City of Conway can encourage and assist its employees, without regard to race, color, religion, sex, national origin, age, or disability to further their opportunities through additional education for advancement within the City's work force. In addition to the betterment of the individual, the City seeks to maintain a skilled, highly qualified staff through staff development and training in order to provide its citizens with the most cost efficient, effective services possible.

Each department may sponsor training for employees to improve or acquire those skills necessary for the most efficient and effective operations of the departments and to ensure uniformity in the administration of staff development and training programs. The educational assistance program shall not be considered a right of employees, but a privilege afforded to those who are determined to be eligible and qualified, subject to funding availability.

II. Request for Educational Assistance:

A. All requests for educational assistance for the employee shall be submitted in writing on the Request for Educational Assistance Form to the Department Head not less than two (2) weeks or more than four (4) weeks in advance of the enrollment date to

provide opportunity for review and recommendation by the department head and for approval by the City Administrator or his/her designee.

B. Courses and/or degree programs which are not required by the City must be pertinent to the employee's existing work assignment and must be approved by Department Head and the City Administrator. Such consideration will be given only upon receipt of a written explanation of need from the employee. The City's budget will include funds (if approved by Council) for the Employee Educational Assistance Program and decisions on the requests will be made, based strictly on funding availability. The City Administrator (or his designee) is authorized to limit assistance per applicant based on the number of applicants received to maximize the number of benefiting employees.

The courses that may be approved for reimbursement are those which:

1. Will directly improve the employee's ability in his/her present position or increase his/her potential in a foreseeable future position with the City.
2. Have prior written approval of the Department Head and City Administrator. This written approval must be obtained prior to registering if reimbursement is to be requested.
3. Are taken at an accredited college, university, high school, business or technical school.
4. Have been successfully completed with at least a rating of "satisfactory" or a grade of "C" or better, ("B" or better for a graduate school course).

C. Employees will generally be required to use off-duty time to attend courses, although on-duty time may be approved in certain circumstances where the mission of the department and the work-related responsibilities of the employee may be met through other means. Attendance during duty hours generally should not be considered "hours worked" unless such course is required by the City.

D. Non-job related, compulsory or elective courses taken as part of a degree requirement must be signed off by the employee's student advisor stating that the course(s) is a requirement of the degree curriculum.

E. In order to be eligible for this program, an employee generally must be a full time (working a minimum of thirty (30) hours per week) regular employee who has received a satisfactory or higher rating on the most recent performance evaluation. All employees generally are ineligible during the established probationary periods. An employee on formal probation is not eligible for educational assistance.

F. Prior to approval by the Department Head, there must be a curriculum file completed on the employee's educational goals. These goals must be job-related, and each request should be listed on the curriculum guide.

G. Professional CEU's: Department heads must establish the annual requirements and submit requests only on these requirements. Documentation must be attached to the request.

III. Payment of Educational Costs:

A. The employee shall personally pay all costs, including tuition upon enrollment as prescribed by the particular education institution in question.

B. Upon successful completion of the course(s) as outlined on the Request for Educational Assistance Form, the employee shall submit proof of tuition cost, proof of grade to his/her department head within twenty (20) days of completion of the course. The Department Head will forward the information together with a check request to the City Administrator for approval. Upon approval by the City Administrator, all information will be sent to the Personnel Office. The Personnel Office will retrieve the initial request and indicate thereon successful completion and submit to Finance for appropriate reimbursement directly to the employee. The City will reimburse 50% of tuition only, up to a maximum of \$1,000.00 per employee for a 12 month period (12 month period figured from date of reimbursement), with a lifetime maximum of \$2,000.00 per employee. Charges for books, supplies, and other fees are not reimbursable. If an employee is eligible to receive educational assistance from any other source, refund will be considered only for that portion of the tuition not covered by such assistance.

C. Should the employee fail a course, withdraw prior to successful completion, or fail to achieve a minimal grade of "C" for undergraduate and "B" for graduate, no costs will be reimbursed to the employee for the course.

If the employee leaves the City of Conway's employment less than twelve (12) months following reimbursement for the most recent courses, the employee shall be obligated to fully reimburse the City of Conway for all costs paid on the employee's behalf for the lost educational monetary assistance provided by the City. These costs, if any, shall be deducted from the employee's final paycheck.

IV. Scheduling of Courses:

A. It is recognized that some departments require shifts for their employees; however, in order to maintain appropriately staffed departments, all non-required courses must be scheduled during off-hours.

Request for exceptions will be considered on a case-by-case basis in the unlikely event that a core course required by the educational institution in a degree program cannot be scheduled outside of normal duty hours. However, the employee must exhaust every avenue possible to schedule the course during off-duty hours. Use of vacation time must be considered.

V. Courses/Training Required by the City:

A. It may become necessary from time to time for a department to require an employee to take a specific course or to obtain specific training in order to improve or to acquire skills necessary to perform additional duties to meet the department's needs. In this event, all training and/or educational expenses will be borne by the City.

Whenever possible, required courses will be pursued after normal duty hours. Any time off during normal working hours must be approved in writing by the City Administrator or his/her designee on a course-by-course basis.

VI. In-Service Training:

A. The Department heads shall be responsible for the administration of staff development and training within their respective departments; however, in order to avoid costly duplication of efforts, departments desiring to conduct workshops, seminars, or similar forms of in-service training in the areas of personnel administration, general management, and supervisory development shall coordinate these activities with the City Administrator.

TRAVEL AND SUBSISTENCE ALLOWANCE

I. Statement of Policy:

When employees of the City of Conway are required to travel on official business, the City will pay reasonable expenses associated with travel, meals and lodging.

II. Transportation Costs:

A. The City may purchase tickets in advance for employees traveling by common carrier. All employees shall travel in tourist class whenever possible.

B. City employees shall use City vehicles for City business requiring vehicular travel when an appropriate vehicle is available for use, unless other travel arrangements are approved. Employees who, with proper prior authorization, use their personal vehicles for official business may be reimbursed at the current IRS mileage stipend rate.

C. Employees may be reimbursed upon proper receipt for all ferry, bridge, roads and parking tolls. Receipts for taxi fares is not required, however, taxi expenses must be itemized.

III. Meal Allowance:

Employees will be reimbursed per the per diem schedule for meal expenses incurred while traveling. Expenses are subject to the review and approval of the City Administrator. The

City will not make reimbursement for any alcoholic beverages under any circumstances.

IV. Lodging:

When lodging is required, employees are expected to utilize standard, medium priced hotels and motels whenever possible. If an employee is to attend a formal, organized meeting or convention, he may stay in the hotel or motel where the meeting is to be held. Receipts must be presented for all lodging.

V. Advances:

All travel advances made to cover anticipated travel expenses shall be approved by the City Administrator.

VI. General:

All overnight travel must be authorized in advance. All travel expenses shall be supported by an expense report.

OFFICIAL HOLIDAYS

The following shall be observed as official paid holidays for the employees of the City of Conway:

| | |
|--------------------------|--------------------------------------|
| New Years Day | January 1 st |
| Martin Luther King's Day | 3 rd Monday in January |
| Good Friday | Friday before Easter Sunday |
| Memorial Day | 4 th Monday in May |
| Independence Day | July 4 th |
| Labor Day | 1 st Monday in September |
| Thanksgiving Day | 4 th Thursday in November |
| Day after Thanksgiving | Friday following Thanksgiving |
| Christmas Eve | December 24 th |
| Christmas Day | December 25 th |
| Day after Christmas | December 26 th |

A. The Conway City Council is empowered to declare additional holiday(s).

B. When a holiday observed by the City falls on a Sunday, such holiday shall be observed on Monday; when a holiday observed by the City falls on a Saturday, such holiday shall be observed on Friday before the holiday.

C. All Police Department shift work employees (regular shift or extended shift) who are subject to work holidays shall receive additional vacation hours comparable to the number of holiday hours given regular, full-time City personnel. Example: All Law

Enforcement Police Department personnel who work shifts, either regular or extended hours, will receive 8.6 hours of vacation earnings for each holiday the City observes. Dispatchers in the Police Department will receive 8.0 hours of vacation earnings for each holiday the City observes. The vacation earnings are given to all shift workers regardless of whether or not they work the holiday.

Fire Department shift work employees shall receive additional vacation time equivalent to the amount of holiday time given regular, full-time City personnel. Example: If the City recognizes eight (8) holidays off work, then all Fire Department shift work employees will be given four (4) additional shifts to be used as vacation days. In the case of Fire Department employees working 24 hours in a shift, the Fire Department employee's vacation earnings include a credit for holidays. This credit is given to all shift workers regardless of whether or not they work the holiday.

Any City employee who is required to work on an approved holiday (other than shift personnel) shall be paid at his/her regular straight time rate for the holiday plus the appropriate rate for the actual hours worked or shall be granted the holiday on another date.

PERSONAL APPEARANCE

Department Heads will determine appropriate attire and grooming standards according to the needs of their department and will inform their employees of these standards. Employees are expected to exercise good judgment in wearing appropriate attire and in regard to personal grooming standards. Should there be a conflict with the City of Conway's interests, the City Administrator shall have final approval of attire and grooming standards for all City employees.

CELLULAR TELEPHONE POLICY

Scope and Purpose:

This policy establishes procedures and guidelines governing the assignment, use, repair and return of all cellular telephones contracted by the City of Conway.

Statements of Policy:

A. The City of Conway will acquire and place cellular phones into service when such technology will ensure and/or substantially enhance the ability of City employees to carry out the basic duties and responsibilities of their jobs when other less expensive methods of expedient communication are not available or appropriate.

Department Heads may request cellular phones for City employees with job duties and responsibilities that require constant, though intermittent, contact with private citizens and/or other public sector employees.

Written requests shall be directed to the City Administrator, and shall justify need and state function prior to purchase of cellular telephone equipment.

B. The Finance Department is responsible for the administration of this policy, concerning contracts, assignment, repair and return of cellular telephones. All service arrangements with the cellular telephone provider will be made through the Finance Department.

C. Each Department Head shall be responsible for monitoring the use of the cellular telephones assigned within their respective departments.

D. Telephones contracted by the City of Conway and assigned to its employees must be used for City business only. Use for personal business is not allowed.

A City-owned telephone shall never be used in connection with a second job/outside business.

Assigned employees shall make every effort to limit the use of cellular phones to those occasions when an alternative, more economical communication method is unavailable. This rule is important because air time is a premium commodity for which substantial charges are assessed on both incoming and outgoing calls.

Generally, employees shall not use a City-owned cellular phone to place personal calls. On those rare occasions when circumstances compel an employee to do so, all costs associated with the personal call shall be the responsibility of the employee. The employee shall reimburse the City upon receipt of the monthly billing statement.

E. City Employees assigned cellular telephones are responsible for the appropriate use and care of the telephone instrument and the service provided. Misuse of equipment and/or services may be grounds for disciplinary action as outlined in City of Conway Personnel Policies.

Costs resulting from loss, misuse/or inappropriate use of cellular phones shall be the responsibility of the assigned employee.

PERSONAL TELEPHONE USE POLICY

Personal cell phone use or the use of the City of Conway's telephone and frequency for personal calls is discouraged. Employees are permitted to make and receive personal calls that are urgent or extremely difficult or impractical to schedule outside of work hours but such calls should be infrequent and as brief as possible. When possible, personal calls should be made during meal periods; if a personal call must be made or received during work time, the employee shall stop vehicle or equipment operations in a safe area while making or receiving personal calls.

COMPUTER SYSTEM USAGE POLICY

I. **Ownership of Computer Systems:** Computer systems (including but not limited to: computer equipment software and operating systems; network accounts providing electronic mail, World Wide Web browsing, Transfer Protocol, etc.; networking and intranet systems and software) are the property of the City of Conway. They are to be used for business purposes in serving the interests of our citizenship and in the course of normal operations. No employee may participate in any news group or chat room without prior authorization of the City Administrator.

II. **Privacy of Communications:** Employee communications on these systems are not private. While the network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the City of Conway system remains the property of the City of Conway, and usually can be recovered even though deleted by the user. Despite security precautions, there is no absolutely fail-safe way to prevent an unauthorized user from accessing stored files. The network management cannot guarantee the absolute confidentiality of any information stored on the network. No user shall create a password for use on the City network without the prior approval of the City Administrator.

III. **Monitoring:** The City of Conway reserves the right to monitor all employee usage to ensure proper working order, appropriate use by employees, the security of the City of Conway data, and to retrieve the contents of any employee communication in these systems. The City of Conway is a public entity and subject to information dissemination as defined in the State of South Carolina "Freedom of Information Act". The City of Conway management reserves the right to access and inspect any or all user files, including archived material of present and former employees without the user's consent for any purpose related to maintaining the integrity of the network, or the rights of the City of Conway or other users or for any other reasonable purpose. All external correspondence through these systems must contain a notification that incoming and outgoing correspondence may be monitored for quality assurance and security purposes.

IV. **Personal Use:** Occasional personal use of these systems is allowable within reasonable limits as long as it does not interfere or conflict with the City of Conway's business use. Use of these systems in business, for profit or other, not related directly to the City of Conway or its affiliated organizations, shall not be authorized and is strictly forbidden. Employees are responsible for exercising good judgment regarding the reasonableness of personal use and, in case of doubt, should consult their supervisor or manager. The display of any kind of sexually explicit image or document on any company system is prohibited. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using our network or computing resources.

V. **Software:** All software on these systems is owned or licensed by the City of Conway. No software on these systems may be copied, distributed or used on any systems other than those owned by the City of Conway without notification of and written consent

from the City of Conway executive level management. No software may be downloaded, installed, distributed from or copied to these or any other systems without the approval of the City of Conway management.

VI. Archiving and Backup of Systems: Employees are responsible for insuring that data is stored in the proper location to allow centralized data backups. No business related data should be stored on the end user's local drive. If you have questions about the proper location and storage of business related data, contact your supervisor or manager.

GUIDELINES FOR DISCIPLINARY ACTION

I. Purpose:

This section sets forth the guidelines for correcting or eliminating employee performance deficiencies and behavioral problems.

II. Statements of Policy:

A. As Chief Administrative Officer of the City government, the City Administrator is responsible for directing, supervising and coordinating the administrative activities and operations of all City departments, including administering the City's personnel policies. With Council's approval, the City Administrator may appoint and remove Department Heads; he may also appoint and remove other City employees after consulting with the employee's Department Head.

B. Each Department Head is responsible for administering disciplinary actions to their employees within the guidelines and requirements of each respective department's operating environment. Any disciplinary action taken within a department will be on a case-by-case basis, based on the circumstances, and based on the particular deficiency or problems identified. City Council will be informed of such actions by report of the City Administrator. Disciplinary actions involving a written reprimand, suspension or discharge, must be reviewed and approved by the City Administrator prior to implementation.

C. The following disciplinary actions are available for use by supervision:

1. Oral warning
2. Written warning
3. Suspension
4. Discharge
5. Reimbursement of incurred City costs

On a case-by-case basis, supervisors may utilize any and all of the above actions based on circumstances and problems.

In addition, supervisors may utilize discharge for any or no reason, for cause or no cause, as City of Conway Government is an employment-at-will organization.

III. Purpose and Disclaimer:

Employees of the City of Conway are expected to observe established rules of work and conduct. Although a number of examples are set forth below, the listing of the examples in no way limits the City Administrator or any Department Head from taking steps as might be deemed appropriate. Whether a situation is listed or not, the City Administrator and Department Head will address each situation on a case-by-case basis and apply action(s) as deemed appropriate.

The enactment of this section in no way creates any contractual relationship between the City of Conway and its employees. Each employee is still an employee at will and is subject to termination at any time with or without justification or cause. Likewise, it creates no contractual obligation on behalf of the employee and any employee may leave the services of the City of Conway any time with or without cause.

Appropriate documentation will be maintained concerning disciplinary actions and placed in the employee's permanent personnel folder in the personnel office.

IV. Rules of Conduct:

Offenses which will result in disciplinary action include, but are not limited to those presented below. Since the violation of some rules is more serious than the violation of others, discipline can and will result in any or a combination of the following: oral warning, written warning, suspension, or discharge.

Offenses are listed below, but are not limited to those listed below.

1. Conviction of, plea of guilty, or no contest to a Federal, State, County, or City law, which could prove harmful to the City's reputation. This includes, but is not limited to, theft, violation of drug laws, sexual misconduct, an offense involving morale turpitude, DUI, or offenses, which could possibly affect or create concern on the part of the public or fellow employees. A conviction of a misdemeanor crime of domestic violence or if the employee is currently under a restraining order prohibiting harassing, stalking, threatening, or engaging in or threatening force against an intimate partner or child if the employee is issued a firearm in connection with his employment.

2. Violations of City policies or procedures, or departmental rules and regulations including safety regulations, including, but not limited to, the following:

- Quitting work, wasting time, sleeping, loitering or leaving assigned work area during working hours without permission.

- Illegal, unethical, confidential, or malicious release or use of information obtained through employment.
- Allowing personal visitors or the public to enter a worksite which could endanger them.
- Excessive personal visitors while on the clock.
- Taking more than specified time for meals or rest periods.
- Tardiness - (Guide: Three (3) times in any thirty (30) day period, or six (6) times in a ninety (90) day period.
- Punching in or out on a time card belonging to another City employee.
- Failure to report for duty after leave of absence, workers compensation leave, sick leave, FMLA, military leave, etc. has expired, been disapproved, or revoked.
- Leaving assigned department area or work site without permission, unless for using the restroom.
- Chronic absenteeism (Guide: Three (3) times in a thirty (30) day period, or six (6) times in a ninety (90) day period).
- Failure to notify supervisor or department head when out because of an emergency or illness within one hour of the start of assigned shift.
- Failure to be at work place to begin work at assigned starting time, after breaks, and lunch/dinner periods.
- Job abandonment in which an employee has two (2) or more consecutive unexcused absences.
- Exercising poor judgment on a matter within the employee's responsibility when such judgment results in a negative impact on the department or City organization.
- Failure to carry out any lawful direction or work assignment from an authorized authority where such failure amounts to any act of insubordination or a breach of proper discipline, or has resulted (or reasonably might be expected to result) in loss or injury to the City, co-workers, or the public.
- Wanton or willful neglect in the performance of assigned duties.
- Willful disregard of others.

- Refusal to work overtime, special hours or special shifts, after being scheduled or assigned to overtime and standby duty policies when on call.
- Negligence in performance of work duties.
- Unsatisfactory/insufficient acquisition of job/skills knowledge while in training, unwilling to learn new procedures, or not qualified for promotion within usual training period.
- Excessive attention to personal affairs while on the City time.
- Use of offensive conduct, language, or gesture toward public, supervisors, or co-workers.
- Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job or similar types of disorderly conduct.
- Violating a safety rule or safety practice, including the refusal to wear safety equipment or follow safety rules as requested.
- Creating or contributing to unsafe or unsanitary conditions, or poor Housekeeping.
- Willful removal or alteration of safety guards from any equipment.
- Failure to report an accident or personal injury in which the Employee was involved on the job.
- Unauthorized possession of City property or another employee, or the unauthorized removal of such property from where situated.
- Preventable, willful, or deliberately misusing, destroying, or damaging any City property or the property of another employee. This includes the careless use of supplies, property and equipment.
- Driving a motor vehicle while on duty without possession of a valid SC Drivers license or failure to report the loss or suspension of a Driver's license when an employee is required to drive while on duty.
- Failure to wear or to require passengers to wear installed seatbelts while operating or riding in a City vehicle or other vehicle used in the course of City business.
- Failing to maintain adequate physical health or fitness to satisfactorily perform essential job functions, with or without reasonable accommodations.

- Intentional falsification or misrepresentation of any record, report, verbal or written statement, document, or misuse of City funds to include any attempt to obtain accident benefits, workers compensation or unemployment compensation payment for themselves or others.
- Exercising poor judgment on a matter within the employee's responsibility when such judgment results in a negative impact on the department or the City. This includes immoral or indecent conduct while on the job or on City property.
- Failure to be forthright, truthful, or cooperative in providing any information during any internal, administrative, or external investigation and/or hearing.
- Falsification of personnel records, City records, employment applications, accident reports, work records, purchase orders, time sheets or any other written report provided to employer.
- Misuse of City computer and/or computer network including City issued and licensed computer software. This shall include, but not limited to utilizing a computer for non-city business purposes, accessing computer game software during scheduled working hours, and obtaining, using, and/or downloading unlicensed copies of software (pirating) onto a city computer or network. This may include downloading information or data from the internet or other external source directly or from any other source (i.e. diskette), or copying or transferring information from an employee's home computer system without being scanned for viruses by the GIS Specialist or department designee. NO employee will access or view pornographic material on any city computer. (See computer policy).
- Reporting for work or being at work under the influence of alcohol or any controlled and non-prescribed substances. Failure to inform supervisor that an employee is under medical care, including prescription narcotic drugs which may impair his/her ability to operate vehicles or equipment, or may place an employee, co-worker, or the public in a dangerous or hazardous safety situation.
- Solicitation of public employees for any purpose, membership, product, organization except city authorized charities during time the solicitor or person being solicited is working.
- Solicitation of or participation in any unauthorized union business during working hours.
- Receipt from any person of a fee, gift, or any other valuable thing in the course of work when such fee, gift or valuable things given in hope of expectation of receiving a favor or better treatment than afforded other persons.

****DISCIPLINE CAN RESULT IN ANY OR A COMBINATION OF THE FOLLOWING: Oral Warning with a Written Note to the File, Written Warning, Suspension, or Discharge.**

GRIEVANCE PROCEDURE

I. General:

This procedure is adopted in accordance with the "County and Municipal Employees Grievance Procedure Act," S.C. Code Ann. Section 8-17-110, et seq. (1976, as amended).

A. A grievance is defined as any complaint by an employee that he has been treated unfairly, unlawfully, or in violation of City policy, with regard to his employment by the City. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion, and demotion. If an employee believes that he has not received or been credited with or has otherwise lost wages or benefits to which he is entitled, he must present his grievance in accordance with this procedure or such wages or benefits may be forfeited. This definition includes complaints of harassment of any kind or any other actions that may involve alleged unlawful discrimination.

B. An employee who feels that he has a grievance must follow the following procedure:

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

2. The employee must follow the chain of command in his department, appealing to each successive level of supervision. Step 1 and Step 2 appeals may be oral. At each level each supervisor shall have two (2) work days (Saturdays and Sundays excluded) to render a decision. If no decision is made within this time, the grievance shall be considered denied. If a supervisor at a particular level is unavailable to consider the grievance, it shall be considered denied and the employee shall appeal to the next level of supervision.

3. If the head of the department in which the employee is employed denies the grievance, this decision shall be final as to any grievance brought by a probationary employee.

C. Other employees may appeal to the Employee Grievance Committee the denial of their grievances by department heads by filing a written request for appeal to the Grievance Committee Chairperson. **This must be done within ten (10) work days (Saturday and Sunday excluded)** of the time at which the facts on which the grievance is based became available to the employee. The written request for appeal must include the following information:

1. The purpose of the appeal and what recommendation is requested of the Grievance Committee; and
2. A statement that the chain-of-command has been followed in the appeal as is required by the grievance procedure.

The personnel department staff will assist in preparing the appeal, if requested. All appeals must be submitted on Form #0052.

D. Employees of any public safety department with a more restrictive grievance procedure shall follow the Department's procedure rather than the City's grievance procedure.

E. Within ten (10) work days (Saturday and Sunday excluded) of receipt of the employee's request, the Chairman of the Grievance Committee shall schedule the requested hearing and notify the Grievance Committee, the employee requesting the hearing, the affected department, and the personnel department. Upon a showing of extenuating circumstances, documented in writing, the Grievance Committee may grant an extension of time of up to ten (10) work days for the grievance hearing; only one (1) such extension may be granted by the Committee.

II. The Employee Grievance Committee:

The City Council shall appoint a Committee composed of six (6) employees and one alternate to serve for terms of three (3) years, except that the members appointed initially shall be appointed so that their terms will be staggered, and approximately one-third (1/3) of the terms shall expire each year. A member shall continue to serve after the expiration of his term until a successor is appointed by City Council. Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term shall be for the unexpired term. Any member may be reappointed for succeeding terms at the discretion of City Council. All members shall be selected on a broadly representative basis from among City employees. Members employed in the same department as the grieving employee and members having formed an opinion on the issues prior to the hearing, shall not participate in that employee's hearing.

A. The Committee annually shall select its own chairman from among its members. The chairman shall serve as the presiding officer at all hearings which he attends but may designate some other member to serve as presiding officer in his absence. The chairman shall have authority to schedule and to re-schedule all hearings.

B. A quorum shall consist of at least four (4) [two-thirds of the Committee] members, and no hearings may be held without quorum.

C. The presiding officer will have control of the proceedings. He shall take whatever

action is necessary to ensure an equitable, orderly, and expeditious hearing. Parties shall abide by his decisions, except when a Committee member objects to a decision to accept or reject evidence, in which case the majority vote of the Committee will govern.

D. The Committee shall have the authority to call for files, records, and papers which are pertinent to any investigation, to determine the order of testimony and the appearance of witnesses, to call additional witnesses, to call for or consider affidavits of witnesses, and to secure the services of a recording secretary in its discretion. There shall be no ex parte communication between Committee members and the employee or the department head either prior to or following the grievance hearing. Additionally, there shall be no ex parte communication between any personnel (includes all department employees and department head) of the department involved in the grievance and any City Council member prior to or following the hearing. Any attempt at contact should be reported by the Committee member to the City Administrator. The Committee shall have no authority to subpoena witnesses, documents, or other evidence, nor shall any City employee be compelled to attend any hearing. All proceedings shall be tape recorded. Witnesses, other than the grieving employee and the department representative, shall be sequestered when not testifying. All witnesses shall testify under oath.

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

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

G. In disciplinary actions by department heads and their subordinate supervisors, the employee must receive in reasonable detail, written notice of the nature of the acts or omissions which are the basis for disciplinary action. This notice may be amended at any time 24 hours or more before the commencement of the hearing. Any amendment must be a written notice and state in reasonable detail the acts or omissions which are the basis for disciplinary action. The amendment must be given to the employee 24 hours or more before the commencement of the hearing. The department must demonstrate that the disciplinary action is for the good of the City. In a proceeding pertaining to disciplinary action, the department shall make the first presentation. The Committee may base its findings and recommendations (and City Council its decision) on any additional or different grounds developed from the employee's presentation.

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

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

J. 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 shall be made by the grieving employee (with reading assistance from a member of the personnel department if the employee desires) and by a managerial employee of the affected department. Neither party may call witnesses or question the other party, or question any witness called by the Committee.

K. The Committee shall, within twenty (20) calendar days after hearing an appeal, make its findings and recommendation and report such findings and recommendation to the City Administrator for transmittal to City Council. If Council approves, the recommendation of the Committee shall be its decision and copies of the decision shall be transmitted by the Committee to the employee and to the head of the particular department involved. If, however, City Council rejects the decision of the Committee, Council shall make its own decision without further hearing, and that decision shall be final. Copies of the decision shall be transmitted to the employee and to the head of the particular department involved.

L. 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 to terminate any employee when the City considers such action to be necessary for the good of the City.

CIVIL LEAVE

I. Jury Duty:

Any regular employee selected for jury duty shall be entitled to administrative leave with pay for the period of absence required. On any day when such employee is excused from service on a jury he/she will be expected to report for duty at his regular place of work if within reasonable commuting distance or be charged vacation leave for time excused from jury duty. Likewise, any period of time for which an employee is excused from jury duty because of illness shall be charged to sick leave.

II. Official Court Attendance:

Any regular employee subpoenaed or ordered to attend court to appear as a witness or to testify in an official capacity on behalf of the City, State or the Federal Government shall be entitled to administrative leave with pay and for such period as his court attendance may require.

III. Private Litigation:

Absence of a City employee to appear in private litigation in which he is a principal party shall be charged to vacation leave or to leave without pay.

IV. Subpoena for City Business:

Any employee served with a subpoena in a matter involving City business shall immediately report the matter and provide a copy of the subpoena to the City Administrator.

MILITARY LEAVE

I. Short Term Military Leave under S.C. Law:

In accordance with South Carolina law, all City employees who are members of the South Carolina National Guard or any reserve unit of the United States Armed Forces shall be entitled to military leave without loss of pay, efficiency rating, vacation time or other benefits for up to fifteen (15) calendar days in any one calendar year so that they may participate in training or other such duties ordered by the appropriate authority. In addition, if these employees are ordered by appropriate authority to serve during an emergency, they shall be entitled to such leave of absence not to exceed thirty (30) additional days. Employees on military leave will receive their full normal salary in addition to any compensation they received from the military. An employee going on military leave shall present a copy of his orders to his department head not more than three (3) days after receiving them.

II. Military Leave under the Uniformed Services Employment and Re-Employment Rights Act (USERRA).

Any employee called to military duty covered by USERRA will be afforded the rights and reinstatement privileges under that Act. If you have any questions concerning USERRA as it may apply to you, please contact the City Administrator.

VEHICLE AND EQUIPMENT USE

Only authorized city employees are allowed to operate city vehicles and equipment. Employees authorized to operate city-owned vehicles and equipment are responsible for maintenance of the vehicle or equipment. Abuse and carelessness shorten the life of vehicles and equipment, and add unnecessary costs to the city's budget. Drivers are to regularly check levels of water, oil, and other fluids, check brakes, tires, lighting and other systems for efficiency and safety. If it is suspected the automobile or equipment is in need of repair, the employee assigned to the vehicle or equipment is responsible to report the same immediately to her/his supervisor, or take the vehicle or equipment in for further

diagnosis or repair.

City vehicles and equipment are to be utilized only for city business, or as authorized by the city administrator. Designated employees are allowed to use city vehicles for transportation to and from lunch during the course of the employee's work day. Upon the approval of the city administrator, city vehicles may be used for transportation to and from an employee's residence when duly approved as a "take-home" vehicle. The city administrator alone has the authority to allow, after adequate justification, the status of a "take-home" vehicle. Her/his authorization must be in writing.

Smoking and use of smoke-free tobacco products are not allowed inside city vehicles or equipment. Cellular telephone use by the driver of a city-owned vehicle or equipment is discouraged when the vehicle or equipment is in operation.

All personnel allowed to drive a city-owned vehicle must have a valid driver's license. Employees who drive city vehicles and equipment must report immediately to her/his supervisor any change in the status of her/his driver's license. At least annually, the city will review the validity and status of the driver's licenses of employees who drive city vehicles and equipment. Drivers of city vehicles will attend training and safety courses as directed by their supervisors.

Employees driving city-owned vehicles or equipment must report any damage to a city-owned vehicle or equipment immediately to her/his supervisor, and report accidents to law enforcement as appropriate. An employee must also report immediately to her/his supervisor any moving violation that results in a citation while operating a city vehicle.

HAZARDOUS WEATHER AND EMERGENCY LEAVE

I. The City Administrator has the sole authority to excuse City employees from reporting to work during extreme weather or other emergency conditions. The City Administrator shall issue a Declaration of Emergency stating that because of extreme weather or other specified emergency conditions, employees should not report to work. Unless such a Declaration of Emergency has been issued, all City of Conway employees are expected to report to work.

II. During a Declaration of Emergency, all essential services will be maintained. All department heads shall identify critical employees by position of title and post a list thereof within the department and provide a copy to the City Administrator and City Clerk. The City Administrator must approve the critical position listing.

III. Employees who are in non-critical positions during an emergency will not be expected to report to work; however, employees will be required to use vacation leave if they choose not to report to work.

IV. Employees who are in critical positions during an emergency are expected to be at work. They will be paid for their time worked.

V. Nothing contained in this section precludes the necessary, immediate evacuation of a facility by an individual in a supervisory capacity in the interest of personal safety.

VI. The hazardous weather and emergency policy shall be applicable to all employees of the City.

VII. Notification of Declaration of Emergency

A. The City Administrator will contact each department head and will issue a statement to the media (radio/newspaper) concerning the release of the City employees during working hours or the reporting of employees to work if they are not already at work.

WORKERS COMPENSATION BENEFITS

All employees are covered under Worker's Compensation for injuries sustained while on the job. Injuries shall be reported to the Finance Department's Payroll/Benefits Processor within 24 hours, or if incurred on a weekend, the following Monday. Department Heads or supervisors are responsible for completing all necessary reports and turning these in to the Assistant City Administrator within this 24 hour period.

An employee injured on the job will be eligible for compensation under the City of Conway's workers compensation coverage with the South Carolina Municipal Insurance Trust (SCMIT) after seven (7) calendar days off from work due to the injury.

If two thirds (2/3) of the employee's average weekly wage exceeds the maximum rate paid by SCMIT, the City will pay the employee for the difference between what SCMIT pays and two thirds (2/3) of the employee's average weekly wage until either the employee returns to work or is no longer employed by the City which ever occurs first.

The worker's compensation checks from SCMIT are not currently subject to Federal and State Income Tax or to Social Security Tax, whereas, any payment made by the City is subject to all taxes.

Additionally, during the period of disability the City of Conway will continue the payments necessary for coverage of employee only health, dental, and life insurance. The employee will be required to pay for any dependent health, dental or life insurance coverage he/she wants to continue. With respect to contribution to the State Retirement System, the City of Conway will contribute the employer's retirement contribution during the period of disability, if the employee elects to pay his/her retirement contribution being prepared for transmittal to the State Retirement System each month.

RETURN TO WORK POLICY

Employees who are temporarily and partially physically disabled as a result of an on-the-job injury or illness and who, as a result of such disability, are not able to safely perform the full range of their normally assigned duties, are eligible for temporary light duty assignment, if such an assignment is available. Light duty may be made available to employees if meaningful assignments are available.

Duration of Light Duty - All light duty is temporary and must be approved by the City Administrator. Light duty may be available for a maximum of 180 calendar days per disability. An employee may apply for an extension of light duty. The extension of light duty shall be granted at the discretion of the City Administrator.

Dress Requirements - An employee assigned to light duty may wear clothing modified to accommodate the disability, as long as the clothing does not interfere with the employee's ability to carry out assigned light duties safely.

Fitness for Duty Statement - Prior to any light duty assignment (and at such intervals as the City may thereafter require) a health care provider, satisfactory to the City, must certify that the employee is unable to perform the full range of his regular duties, describe the restrictions on the employee's ability to work, and certify that the employee can perform, without risk to himself or others, the light duty assignment.

FMLA Interaction - If you accept a light duty assignment for on-the-job injury because of a condition which qualifies you for FMLA leave, you will have a right to guaranteed reinstatement to your regular position for up to twelve (12) weeks counting both FMLA leave actually taken and time spent on light duty. Restoration after the twelve (12) week period or after a light duty assignment due to a non-FMLA condition or non-eligibility will be made in accordance with restoration after a non-FMLA leave of absence.

EMPLOYEE DRUG USE AND DRUG TESTING POLICY

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

I. General Rule:

All City of Conway employees are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using illegal drugs and substances (such as marijuana, cocaine, LSD, heroin, etc.) and prescription drugs which are not prescribed for the employee's use. This prohibition applies to use at any time, both on-the-job and off-the-job. City of Conway

employees are, of course, permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

II. Applicants for Employment:

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

III. Current Employees:

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

1. Particularized suspicion is deemed to exist when:
 - a. Information that an employee has used illegal drugs or substances is provided by a reliable informant;
 - b. A serious accident occurs due to fault of the employee;
 - (1) "Serious accident" is defined as:
 - (a) An accident involving a fatality;
 - (b) An accident causing bodily injury which requires medical care away from the scene of the accident;
 - (c) An accident causing total aggregate property damage of \$2,000 based on reliable estimates;
 - (d) 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.
 - c. An employee exhibits any of the following:
 - (1) Extreme mood swings;
 - (2) Slurred speech;

- (3) Unusual clumsiness;
- (4) Staggering;
- (5) Dilation of pupils;
- (6) Sleeping on the job or lethargy;
- (7) Excessive unexplained behavior;
- (8) Other aberrational behavior;
- d. An employee has been arrested for violation of drug laws;
- e. An employee has admitted violating the City's drug policy;
- f. An employee has tested positive previously for illegal drugs within the past 5 years.

2. Employees required by their jobs to possess a Commercial Driver's License must provide a specimen for testing within 32 hours following a serious accident for which they arguably are at fault. (Such employees who are injured and cannot provide a specimen at the time of the accident will provide necessary authorization for obtaining hospital reports or other documents which would indicate the presence of controlled substances in the employees' systems).

3. Employees required by their jobs to possess a Commercial Driver's License must submit to a drug test whenever they are issued a citation for a moving violation in connection with an accident.

4. Particularized suspicion testing shall not be conducted without the approval of the Department Heads or designee after consultation with the City Administrator or in his absence the Assistant City Administrator.

B. Random testing for illegal or unauthorized drug use shall be conducted for all employees who are required by their jobs to possess a Commercial Driver's License. (A list of positions subject to random testing is attached as Appendix A.)

C. If an employee refuses to submit to a drug test when ordered to do so, the City shall terminate the employee.

IV. Testing Procedure:

A. Drug testing will be by urinalysis.

B. The collection of samples will be performed under reasonable and sanitary

conditions.

C. Urine normally will be collected under conditions of semi-privacy -- that is, a person of the same gender will be in a position to observe obvious attempts to substitute or adulterate a urine sample. Collection of the urine sample may be directly observed by a person of the same gender, however, where the person supervising the collection believes an employee has tampered with an earlier urine sample or the employee has previously admitted or been proved to have used drugs in violation of this rule.

D. Urine samples will be sealed, labeled, and documented in accordance with the procedure of the drug testing company. Labeling, storage, and transportation of samples shall be performed so as reasonably to preclude the probability of erroneous identification, sample contamination, or sample adulteration.

E. Specimens will be checked for at least the following six drugs:

1. Marijuana
2. Cocaine
3. Opiates
4. Amphetamines
5. Phencyclidine
6. Barbiturates (DOT test will not screen for this class of drugs)

F. Applicants and employees will have an opportunity to provide any information which they consider relevant to the test, including identification or currently used prescription or nonprescription drugs, or other relevant information.

G. Samples which initially result in a positive finding for drug use will be re-tested by the gas chromatography/mass spectrometry (GCMS) method. If the GCMS test results in a positive finding of drug use, and is verified by the Medical Review Officer, the written report of the Medical Review Officer shall be conclusive for all employment-related purposes.

H. The City's Medical Review Officer will normally allow an employee whose drug test results have been confirmed as positive the opportunity to justify the result before the Medical Review Officer notifies the City.

V. Notice to Employer, State and Federal Grantor/Contracting Agencies, and Law Enforcement Authorities:

A. As a condition of employment, employees agree to notify the City within five calendar days after any criminal conviction for the workplace manufacture, distribution, dispensation, possession, or use of illegal drugs and prescription drugs not prescribed for the individual employee's use. The City shall 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 shall notify law enforcement authorities whenever illegal drugs are found in the workplace.

VI. Consequences of Violating This Policy:

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

A. For sworn police officers, the City shall terminate the employee if he is found to be in violation of this policy.

B. For probationary employees, the City shall terminate the employee if he is found to be in violation of this policy.

C. For all other employees, the City shall terminate the employee if he is found to be in violation of this policy.

D. For all other employees, the City shall impose discipline up to and including discharge for an employee who is found to be in violation of this policy.

1. 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, upon the successful completion of a drug counseling/rehabilitation program.

2. If the City, after considering all of the relevant circumstances, agrees to allow an employee who is found to be in violation of this policy to continue as a City employee, the City will do the following:

- a. Refer the employee for drug abuse counseling;
- b. Retest the employee for controlled substances before allowing the employee to return to duty;
- c. Require the employee to authorize the Employee Assistance Program or other facility to report periodically to the City during the course of treatment/counseling;

- the
- d. Place the employee on probation for at least six months following employee's return to duty; and
- testing
- e. Require the employee to submit to unannounced follow-up drug testing for a period not to exceed five years.

3. Should an employee, whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program, refuse or fail to participate in a single counseling or treatment session, the employee will be terminated.

4. An employee whose return to duty test sample does not indicate that the employee has discontinued use of illegal drugs will be terminated.

VII. Coming Forward With Substance Abuse Problems:

A. All employees (other than sworn police officers) who have 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, normally will not be disciplined upon the first violation but will be subject to Part VII (c) (2) of this policy.

B. If an employee admits to a violation of this policy or tests positive for drugs in violation of this policy, but seeks counseling and remains an employee of the City, the employee will be discharged if he again either admits to a violation of this policy or tests positive for drugs in violation of this policy.

VIII. Confidentiality:

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

IX. Testing Costs:

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

X. Notification of Test Results:

A. Applicants will be notified of the results of a pre-employment drug test, provided the applicant requests the results within 60 days of being notified of the disposition of the employment application.

B. Employees will be notified of the results [including the drug(s) discovered] of all drug tests, provided the results are positive.

EMPLOYEE ALCOHOL USE AND ALCOHOL TESTING POLICY

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

I. General:

All City employees are prohibited from using or possessing alcoholic beverages on City premises or time. (The term "City premises or time" includes: City vehicles and private vehicles on City premises; parking lots and recreation areas; and any circumstances in which an employee is representing the City, such as attending off-premises business meetings or conferences. Employees are not prohibited, however, from having unopened containers of alcoholic beverages in their personal vehicles.)

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

Finally, employees who are required by their jobs to possess a commercial driver's license are subject to the Federal Department of Transportation Motor Carrier Safety Regulations and, more specifically, to 49 CFR Part 382 which addresses the misuse of alcohol among DOT regulated employees. These regulations prohibit the following:

- using alcohol within four (4) hours of reporting for duty;
- reporting to work with an alcohol concentration of .02 or greater;
- using alcohol while on duty;
- using alcohol within eight (8) hours following an accident which requires an alcohol test or until a post-accident test is conducted, whichever occurs first;
- possessing alcohol while on duty;
- transporting alcohol in any DOT regulated vehicle (except when alcohol is manifested cargo)

II. Employee Testing:

A. All City employees are subject to alcohol testing where "particularized suspicion" of alcohol use in violation of this policy exists.

1. Particularized suspicion is deemed to exist when:

a. information that an employee has used or possessed alcohol in violation of this policy is provided by a reliable informant;

b. a serious accident occurs due to the apparent fault of an employee. "Serious accident" is defined as: (1) an accident involving a fatality; (2) an accident causing bodily injury which requires medical care away from the scene of the accident; (3) an accident causing total aggregate property damage of \$2,000 or more based on reliable estimates; or (4) an accident involving one or more Commercial Motor Vehicles which results in one of the vehicles having to be towed from the scene by a tow truck or other vehicle.

c. an employee exhibits behavior consistent with alcohol use such as but not limited to:

(1) Erratic behavior (mood swings, slurred speech, staggering, bloodshot eyes, sleeping on the job or lethargy, excessive unexplained sweating, etc.);

(2) The apparent odor of an alcoholic beverage on an employee's breath;

(3) Other aberrational behavior such as but not limited to 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;

2. Particularized suspicion testing shall not be conducted without the approval of the City Administrator or his designee;

B. All employees occupying positions designated by the City as "safety sensitive" are subject to random selection alcohol testing to determine compliance with this policy. A list of safety sensitive positions is attached as Appendix A. All DOT regulated

employees are subject to random selection testing pursuant to 49 CFR Part 382. (DOT regulated employees will be randomly tested at an annualized rate of 25% in accordance with 49 CFR Part 382). Random selection testing is unannounced.

C. If an employee refuses to submit to an alcohol test when directed to do so, the employee shall be discharged.

III. Testing Procedure:

A. Employees will have an opportunity to provide any information which they consider to be relevant to the test.

B. Alcohol tests will be conducted to determine if an employee has violated this policy.

C. The City shall use only DOT approved non-evidential screening devices and DOT approved evidential breath testing (EBT) devices for alcohol testing pursuant to this policy.

D. A non-evidential screening device will normally 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 will be conducted utilizing an EBT device.

E. The EBT confirmatory test will be conducted by an individual properly certified to use the equipment. (In situations involving DOT regulated employees, the BT operator will be properly certified in accordance with applicable DOT regulations).

F. A confirmatory test result generated through the use of an EBT which indicates a presence of alcohol in violation of this policy will be conclusive for purposes of this policy.

IV. Consequences of Violating This Policy:

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

A. The City shall terminate a probationary employee who violates this policy.

B. The City shall impose discipline up to and including discharge for a non-probationary employee who violates this policy.

1. The City, in lieu of terminating an employee who has violated this policy, may suspend the employee and condition his continued or future employment upon the successful completion of an alcohol counseling/rehabilitation program.

2. If the City, after considering all of the relevant circumstances, allows an employee who has violated this policy to continue as a City employee, the City will do the following:

- a. Refer the employee to a Substance Abuse Professional for assessment and require the employee to follow the SAP's prescribed program of counseling/treatment;
- b. Require the employee to authorize the Employee Assistance Program or other facility to report periodically to the City during the course of counseling/treatment;
- c. Retest the employee for alcohol use in violation of this policy before allowing the employee to return to duty;
- d. Place the employee on probation for at least six months following the employee's return to duty; and
- e. Require the employee to submit to unannounced follow-up alcohol testing for a period not to exceed five years. (The employee will be solely responsible for the total cost of all follow-up alcohol tests conducted pursuant to this policy).

C. Should an employee whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program refuse or fail to participate in a single counseling or treatment session, the employee will be terminated.

D. An employee whose return-to-duty alcohol test indicates that the employee is in violation of this policy will be terminated.

V. Confidentiality:

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

VI. Testing Costs:

The City will pay the costs of all alcohol tests to which the City requires an employee to submit. However, the employee will be solely responsible for the total cost of all follow-up alcohol tests conducted pursuant to Section VI (D)(2) of the Drug Testing Policy or IV (B)(2) of the Alcohol Abuse Policy, as applicable.

COMING FORWARD WITH DRUG AND/OR ALCOHOL ABUSE PROBLEMS

A. Employees who have drug or alcohol abuse problems (other than sworn police officers with 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, normally will not be disciplined but will be subject to Section VI (D) (2) of the Drug Testing Policy and IV (B) (2) of the Alcohol Abuse Policy.

B. If an employee admits to a violation of this policy or tests positive for use of alcohol in violation with this policy, but seeks counseling and remains an employee of the City, the employee will be discharged if he again either admits to a violation of this policy or tests positive for alcohol in violation of this policy.

EMPLOYEE ASSISTANCE PROGRAM FOR DRUG OR ALCOHOL ABUSE

In an effort to prevent the negative effects of drug and alcohol abuse, the City has made arrangements to make 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.

A. The City will offer an Employee Assistance Program to be coordinated through a contract provider.

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

C. Information about the Employee Assistance Program is available through Human Resources.

SMOKE FREE WORKPLACE

In accordance with State law, smoking is prohibited in any City building used for government purposes. This prohibition applies to City employees, visitors and contractors.

Smoking shall not be permitted in individual offices, meeting or conference rooms, restrooms or hallways.

Smoking or the use of smokeless tobacco is strictly prohibited in City vehicles or while operating City equipment.

Employees may be allowed to take smoking breaks, workload permitting as determined by the supervisor. A full-time employee may take up to two fifteen (15) minute breaks during a regular work day; provided, however, that individual offices or divisions must be covered

at all times. Only one person per division will be allowed to take a break during a given fifteen (15) minute period. Employees shall not smoke directly in front of an entrance to a City facility, as a courtesy to the public.

Meeting, testing and training sessions held inside will allow a short break after an hour to allow the smoker to leave the building and smoke.

Supervisors shall monitor any smoking time away from the job so that department efficiency and equity in work time are ensured. They are also responsible for ensuring that the spirit and intent of this policy are followed and the cooperation of all employees is enlisted to accomplish the policy's objective.