

**TOWN OF VIDALIA**  
**EMPLOYEE HANDBOOK**

*Approved March, 2023*

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# INTRODUCTION

We sincerely hope that you will find your work with the Town of Vidalia (sometimes hereinafter referred to as the “Town of Vidalia” or the “Town”) interesting and challenging and, therefore, enjoyable to you. You have been selected for the position you hold as a result of careful consideration of your qualifications. We know that you will devote your best efforts to your work.

The purpose of this Town of Vidalia Employee Handbook (the “Handbook”) is to aid you in getting acquainted with the Town of Vidalia municipal service and to inform you of general policies affecting you and your work. You should read, understand, and comply with all provisions of this Handbook. You are encouraged to make inquiries and discuss your concerns with your supervisor.

This version of the Handbook supersedes and replaces any and all personnel policy memos, handbooks, manuals, and/or policies which have previously been distributed or verbally stated.

# HIRING POLICY

## EQUAL OPPORTUNITY STATEMENT

- A.** The Town of Vidalia is committed to a policy of equal opportunity for all applicants and employees and will not discriminate against employees or applicants for employment because of race, color, religion, sex, age, national origin, disability, pregnancy, genetic information, or other status protected by federal, state, local, or other law. It is our intent that such policy shall apply to, but not be limited to, hiring, placement, job classification, upgrading, supervising, transfer or demotion, recruitment, advertising or solicitation for employment, rates of pay or other forms of compensation, selection for training, and layoff or termination.
- B. *Recruitment:*** The Town of Vidalia will continue to seek qualified applicants for all job categories.
- C. *Interviewing:*** All applicants interviewed shall be interviewed under equal or similar conditions regardless of race, color, religion, sex, age, national origin, disability, pregnancy, genetic information, or other protected characteristic.
- D. *Testing:*** All testing conducted prior to employment or in connection with upgrading or promotions shall be relevant to the job classification being filled.
- E. *Job Classification:*** All job classifications and descriptions shall have no limitations on the basis of race, color, religion, sex, age, national origin, disability, pregnancy, genetic information, or other protected characteristic except where such limitation may be a bona fide occupational qualification.
- F. *Training and Education:*** In-service education and training programs, as well as other training and educational programs to which the Town of Vidalia gives support, shall be open equally to all employees.
- G. *Compensation and Employee Benefits:*** Compensation for each job classification is determined without regard to race, color, religion, sex, age, national origin, disability, pregnancy, genetic information, or other protected characteristic. Opportunities for performing overtime work, or otherwise earning an increased compensation, shall be afforded to all qualified employees on the same basis. All eligible

employees shall continue to be offered the same opportunity to participate in the Town of Vidalia's benefit programs.

- H. Demotions, Layoffs, Terminations, and Recalls:* Demotions, layoffs, terminations, and recalls shall be made without regard to race, color, religion, sex, age, national origin, disability, pregnancy, genetic information, or other protected characteristics.
- I.* No program, activity, or service administered by the Town of Vidalia shall exclude from participation, deny benefits to, or subject to discrimination any individual solely for reason of his/her disability.
- J.* All services provided by the Town of Vidalia are made available on a non-discriminatory basis to include disabled persons.
- K.* Assistance of persons with disabilities shall be the continuing responsibility of the Town of Vidalia personnel. This policy applies to all persons with disabilities, whether they are visitors, employees, or receiving services.

## **OPEN DOOR POLICY**

The Town of Vidalia maintains an open-door communication policy and is dedicated to responding to the concerns and ideas of our employees. Similarly, the Town desires to resolve any employee misunderstanding or concern in a timely manner. To further the transmittal of new ideas and resolve misunderstandings promptly, we encourage all employees to speak freely with their supervisors about any concerns they may have. If you feel like the issue is not being addressed satisfactorily by your supervisor, then you should consult with another supervisor. In short, the Town encourages all employees to resolve conflicts rather than keep the problem hidden.

## **EMPLOYEE SELECTION PROCESS**

Selection of candidates for all positions will follow the Equal Opportunity Statement. The supervisor or department head is responsible for preparing the position requisition. Replacement of terminated employees must be approved by the Mayor. New positions must also be approved by the Mayor and the Board of Aldermen. If approved, the department head will be authorized to place ads, make inquiries of employment agencies, and receive applications for the position.

Job-related duties and qualifications, as listed on the position requisition, will provide the basis for initial screening of applications. Initial screening for the minimum qualifications will be conducted by the department head. Only job-related questions or questions that will assess the candidate's experience, skill, and training will be asked. Definite salary commitments will be avoided during the initial interview.

Some positions will require skills for which a known level of competence must exist. Under these circumstances, the department head may request applicants to demonstrate these skills by completing an exercise involving a job-related work sample. It must be evidenced that such an exercise measures knowledge or skills required for the particular job. The results of an exercise must prove to be a valid prediction of the applicant's ability to perform the basic requirements of the job. All interviewed applicants must be given the same exercise.

The department head is responsible for verification of employment information provided by the applicant if the information is needed in making a candidate selection. The only information to be verified from prior employers will be the following:

1. Dates of employment;
2. Positions held; and
3. Salary at time of termination.

The applicant should be advised that this information will be verified.

Additional information should not be requested from prior employers, unless the applicant agrees in writing, because it may violate the applicant's privacy. This verification of information should be documented and will become part of the data used in the selection process.

All applications and resumes received for the requisitioned position, along with the recommendations of the department head, will be forwarded to the appropriate Departmental Oversight Committee (Consists of the Mayor, the Town Manager, and the appropriate Department Head, or, where the position being filled is that of Department Head, the departmental oversight member of the Board of Aldermen) for final disposition.

Every newly hired employee must verify their eligibility for employment within three business days of accepting employment. The employee will fill out and execute the top of the federal I-9 form (Employment Eligibility Verification). Town staff will complete the I-9 form after examining the employee's documentation of identity and employment eligibility and verifying the employee's status through the online E-Verify resource. Each document examined will be copied or scanned and the copy maintained in the employee's personnel file.

### **NEW HIRE**

Office personnel are responsible for having new employees fill out all pre-employment forms, benefit applications, and enrollment forms; having his or her picture ID taken for personnel records; and providing basic information on pay policy, leave policy, benefits, and working hours.

### **HANDBOOK**

A copy of this Handbook shall be provided to each new employee, and each employee shall receive a copy of any revised pages or sections each time the Handbook is amended. When amendments are made to the Employee Handbook complete updated copies will be available to employees upon request.

### **REHIRE**

Applications received from former employees will be processed using the same procedures and standards that govern all direct applications. The hiring department head/supervisor will review the former employee's performance records and circumstances surrounding termination of previous employment with the town. This information, along with a recommendation concerning re-employment, will be forwarded to the Mayor for review and approval.

## **PROBATIONARY PERIODS**

- A. *Initial Employment.*** Full-time employees become eligible for Town benefits after a sixty (60) day waiting period. The continued employment of all newly hired and rehired employees will be contingent on their performance during this probationary period. The probationary period for each employee begins on the first day on which he or she begins or returns to work.
- B. *Disciplinary Probation.*** An employee may be placed on probation for violation of Town policies, including the policies set forth in this Handbook.

## **RETURN TO WORK AFTER SERIOUS INJURY OR ILLNESS**

As a joint protection to the employee and to the Town, employees who have been absent from work because of serious illness or injury, including a serious health condition as described in the Family/Medical Leave policy in this Handbook, are required to obtain a release from the physician who treated the illness or injury specifically stating that the employee is capable of performing his or her normal duties or assignments. A serious injury or illness is defined as one which may limit the employee's future performance of regular duties or assignments, or any health condition meeting the definition of a "serious health condition" under the Family/Medical Leave policy.

Town management shall require a written signed doctor's statement to ensure that employees who return to work after a serious injury or illness are physically capable of performing their duties or assignments without risk of re-injury or relapse.

## **MEDICAL EVALUATIONS AND EXAMINATIONS**

- A. *Pre-Employment Evaluations and Examinations.*** Any person offered employment with the Town whose position has physical requirements may be required to submit to a physical examination conducted by a health professional chosen by the Town. Examinations for positions requiring strenuous work, especially heavy lifting, shall include a lower back X-ray. The Town will select the physician to administer the examination. As part of this examination, applicants will also be required to submit to a drug-screening urinalysis.
1. A confirmed positive result of an applicant's drug test shall be grounds for termination of pre-employment review. However, if a substance is a legally prescribed drug, the medical review officer will make a determination of whether the drug is being taken within the legal limit. Town Administration reserves the right of final determination.
  2. Applicants found to test positive for a particular drug, whether obtained legally or illegally, or who fail to appear for the schedule test may be rejected.
  3. Any applicant refusing to submit to drug testing during the pre-employment medical examination shall be rejected.

All applicants must provide a listing of prescription and nonprescription drugs at the time of the test.

Applicants must present a valid prescription upon request.

The cost of all such physical examinations shall be borne by the Town.

*B. Post-Employment Evaluations and Examinations.* Physical examinations may also be required when an employee's ability to meet the minimum physical requirements of his or her position is reasonably in question. The Town may, at its discretion, designate a physician to conduct this examination. Only the Town's designated representative may authorize such examinations. *As part of this examination, employees may also be required to submit to a drug-screening urinalysis. The cost of all such physical examinations shall be borne by the town.*

## ADMINISTRATIVE POLICY

### EMPLOYMENT CLASSIFICATIONS

Positions within the Town are generally designed to require full-time employees. In certain functions and during some seasons, work schedules and Town needs may require the services of other than full-time employees. There are four classifications of employees at the Town of Vidalia:

1. Full-time;
2. Part-time;
3. Temporary; and
4. Summer.

**Full-time** – An employee hired for an indefinite period in a position for which the normal work schedule is at least 40 hours per week.

**Part-time** – An employee hired for an indefinite period in a position for which the normal work schedule is less than 40 hours per week.

**Temporary** – An employee hired for a position for which the scheduled work week can range from less than 20 to 40 hours, but the position is required for only a specific, known duration.

**Summer** – An employee hired only for the summer months (typically May through September) for a position for which the scheduled work week can range from less than 20 to 40 hours.

The federal Fair Labor Standards Act divides all employees into two categories: exempt and non-exempt. Exempt employees are not eligible for overtime payment. These categories are defined as:

**Exempt** – An employee considered to be either managerial, administrative, or professional, whose salary meets the minimum requirements under the applicable regulations (currently \$35,568 per year), or any other employee who meets the requirements for an exemption under the FLSA.

**Non-exempt** – An employee whose duties and/or salary do not satisfy the test for an exemption under the FLSA.

### HOURS OF WORK

- A.* Municipal employees will normally perform their work during hours established by the Mayor.
- B.* If it shall prove necessary for employees to work beyond the hours established for the standard workday, the Mayor or authorized department head may authorize overtime work.

**C. *Holiday Premium Pay.*** Employees who are required to work on a scheduled holiday will be paid as follows: Would receive 12 hours “Holiday Accrued” Comp Time to be taken at a later date (base pay rate will be used when Comp Time is taken), or, at the election of the Mayor, the following cash payment:

- a. All non-exempt employees other than personnel of the Police and Fire Departments will be paid at the rate of one and one-half times their regular hourly rate of pay for each hour worked in addition to holiday pay.
- b. Police Department personnel will receive overtime rates in accordance with the Fair Labor Standards Act and state law for each hour worked in addition to holiday pay.
- c. Fire Department personnel will receive, in addition to holiday pay, an amount determined by dividing base pay by 112 hours and multiplying the result by 1 ½.

**D. *Overtime.*** All non-exempt employees other than personnel of the Police and Fire Departments will be paid at the rate of one and one-half times their regular hourly rate of pay for all time worked in excess of 40 hours in any one week.

In accordance with the Fair Labor Standards Act, the Town of Vidalia calculates overtime wages based on hours actually worked. On a going forward basis, the Town will not include vacation, sick, holiday, or other paid time off in your work hours when calculating overtime.

You will be entitled to overtime pay only for weeks in which you actually work more than 40 hours. If, for example, you work 34 hours in a week and take 8 hours of paid time off, for a total of 42 hours recorded on your paycheck, you will not be entitled to overtime pay for the two hours over 40. This is because your hours actually worked are less than 40 hours. If you work 41 hours in a week and take 4 hours of paid time off, you will be entitled to overtime pay for the one hour you actually worked over 40 hours, not for the 4 hours of paid time off.

Unless stated otherwise in writing, ALL paid time off will be paid on a straight-time basis – at your regular hourly rate.

- a. Police Department Personnel will be paid overtime in accordance with section 207(k) of the Fair Labor Standards Act, as applicable.
- b. Fire Department Personnel will be paid overtime in accordance with section 207(k) of the Fair Labor Standards Act, as applicable, for regularly scheduled shifts. Hours in excess of regularly scheduled shifts will be paid at one and one-half (1-1/2) times the regular hourly rate, determined by adding the base pay to the monthly state supplemental pay divided by the employee’s hours in the one-month period preceding and including the current pay period. For example, for a pay period ending on March 15, the regular hourly rate will be the employee’s base rate plus the employee’s monthly state supplemental pay divided by the number of hours the employee worked from February 15 to March 15.

**E. *Compensatory Time.*** At the discretion of the Mayor and with the agreement of the employee, municipal employees who are not exempt under the Fair Labor Standards Act will be compensated for overtime hours with 1.5 hours of compensatory time for each overtime hour worked. If you do

not agree to accept compensatory time in lieu of cash overtime payments, it is your responsibility to inform your supervisor in writing.

- F. *Fluctuating Workweek Method.*** Employees who are not exempt under the Fair Labor Standards Act may be compensated pursuant to the Fluctuating Workweek Method. The Fluctuating Workweek method is authorized and described in detail at 29 C.F.R. § 778.114. Under the Fluctuating Workweek Method, full-time, non-exempt employees are paid on a salary basis for a variable workweek up to 40 hours and are entitled to overtime pay at the rate of one-half times their regular pay for hours worked in excess of 40 hours per week. All overtime must be pre-approved by your supervisor.
- G. *Standby Time.*** Employees of the Utility Department required to be on Standby will be compensated for 4 hours at their regular hourly rate.
- H. *Call Out Time.*** Any employee who is required to return to work during their off hours will be compensated at his/her overtime rate for 2 hours or the actual hours worked, whichever is greater.
- I.** Overtime is never at the employee's discretion. It shall only be incurred and paid at the request of the Town through the employee's department head/supervisor. Any non-exempt employee who believes he or she has worked in excess of 40 hours in a workweek (or in excess of the applicable standard for overtime for personnel of the Police Department or Fire Department) has the responsibility of informing his or her supervisor in writing immediately so that overtime can be properly paid during that pay period. Department heads shall ensure that no unauthorized overtime hours are worked.
- J.** You know the hours that you have worked for the Town of Vidalia. It is your responsibility to accurately track and report your work so that you may be properly compensated.

## **MEAL PERIOD AND REST PERIOD**

- A. *Meal Period.*** With the exception of the Police Department, the Fire Department, and the Town Hall billing office staff, Town employees will be allowed a one-hour lunch period.
- B. *Police and Fire Department Meal Period.*** Because of the nature of the duties of the personnel of the Police and Fire Departments, paid meal periods will be allowed during regular scheduled shifts.
- C. *Town Hall Office Staff Meal Period.*** Because of the need to provide continuous services to the citizens of the Town during business hours, billing office staff of Town Hall will be allowed a one-hour lunch period to be taken between the hours of 11:00 a.m. and 2:00 p.m.
- D. *Rest Period.*** Non-exempt employees are permitted two paid 15-minute rest periods. Rest periods are to be scheduled as near the middle of the morning and afternoon as possible. These periods may be extended in length and frequency when, in the judgment of the supervisor, the type of work or weather conditions justify such extensions.

## **HOLIDAYS**

The Town of Vidalia provides paid holidays each year. The Town of Vidalia is closed on these days:

- New Year's Day\*
- Martin Luther King, Jr. Day\*

- President's Day
- Good Friday
- Memorial Day\*
- Independence Day\*
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve\*
- Christmas Day\*
- Juneteenth\*

\*If the asterisked holidays fall on Saturday, the preceding Friday will be a holiday. If the holiday falls on Sunday, the following Monday will be a holiday.

The only holidays for which holiday pay will be available are those listed in this handbook or otherwise designated as paid holidays in writing by the Mayor.

- A. ***Eligibility for Holiday Pay.*** Employees must work the last scheduled day before a holiday and the first scheduled working day following the holiday to be eligible for holiday pay, unless time off on these days has been excused with pay (e.g., because the employee is using paid vacation or sick leave days). If you take off without pay on the day before or the day after a holiday, you will not be paid for the holiday. Only regular full-time employees are eligible for holiday pay.

If a designated holiday falls within an employee's vacation period, the holiday is not considered a vacation day.

- B. ***Holiday Work.*** Scheduled work on holidays is discouraged since the purpose of holidays is seen by the Town as a provision for employee relaxation and refreshment. If an employee is required to work on a scheduled holiday, the employee will be paid for hours worked as described under Holiday Premium Pay in addition to Holiday Pay.

Police and Fire Department employees not scheduled to work on holidays who are nevertheless called into work will be credited with 12 hours of holiday time for each such holiday. This time must be taken within the following 30 days.

## **WORK PERIODS, PAYDAY, AND PAY ADVANCES**

The work week for Town employees is generally considered to be Monday through Sunday. However, the need to provide continuing services to the citizens of Vidalia requires that work schedules will vary in accordance with the requirements of providing the following services:

1. ***Fire Department.*** Fire Department personnel work an average of 112 hours per pay period in rotating shifts of 103, 113, and 120 hours.
2. ***Police Department.*** Patrol officers and dispatchers work seven 12-hour shifts per pay period.
3. ***Water Department.*** Water plant operators work 80 hours per pay period in shifts of 5-12 hours for 4 days per week and 8 hours for one day per week; 2 - 10-hour shifts rotating one week on and one week off and Comp time for call-ins or overtime

4. **Utility Department.** Utility Department employees may be placed on “Standby” periodically.
5. **All Other Employees.** Full-time employees not listed above will ordinarily work 80 hours per pay period in shifts of 8 hours per day, Monday through Friday.
6. **Emergencies.** In case of an emergency, any employee of the Town may be subject to call-out at any time of the day or night.

The Town’s pay period is every two weeks, 26 times annually.

Time cards are to be submitted to your supervisor by the close of business on the last day of each pay period.

#### **PAYDAYS**

Checks will be issued for the preceding pay period no later than the Friday following the end of the pay period.

#### **PAY ADVANCES**

In accordance with Louisiana law, the Town will decline all requests for early paychecks or pay advances.

### **PAYROLL DEDUCTIONS**

- A. **Payroll Taxes.** The following mandatory deductions will be made from every employee’s gross wages: federal income tax, Social Security tax, Medicare tax, state income tax, and any other deductions required by law.

Every employee must fill out and sign a federal withholding allowance certificate (IRS Form W-4) on or before his or her first day on the job. This form must be completed in accordance with federal regulations. The employee may fill out a new W-4 at any time when his or her circumstances change. Employees who paid no federal income tax for the preceding year may fill out an Exemption Form Withholding Certificate (IRS Form W-4E). Employees are expected to comply with the instructions on the W-4. Questions regarding the propriety of claimed deductions may be referred to the IRS in certain circumstances.

- B. **State Retirement.** Employees may enroll in one of several state retirement systems. A deduction will be made for retirement from the earnings of employees enrolled in the following State Retirement Systems:

- a. **Municipal Employees Retirement System of Louisiana (MERS).** Membership in MERS is mandated under state law as a condition of employment. All permanent employees working on a regular basis of at least 35 hours per week who are not participating in or eligible for membership in another publicly funded retirement systems and are under age sixty (60) at the date of employment must enroll. Elected officials, with the exception of the members of the Board of Aldermen, are considered full-time employees and must be enrolled if eligibility requirements are met.
- b. **Municipal Police Employees Retirement System of Louisiana (MPERS).** Membership in MPERS is optional under state law. All full-time police officers empowered to make arrests is eligible for enrollment in MPERS, as well as any other employees authorized under the MPERS statutes to participate. Any employee hired after July 1, 2003 who is otherwise eligible to enroll in MPERS shall complete a physical examination before enrolling, to be paid for by the Town.

c. **Firefighters Retirement System of Louisiana (FRS).** Membership in FRS is optional under state law. All full-time (at least 35 hours per week) firefighters are eligible for enrollment in this system.

C. **Other Optional Deductions.** Other optional deductions include the portion of group insurance not paid by the Town, which is deducted from payroll checks of each month. Other voluntary contributions are deducted every pay period.

D. **Garnishments.** The Town will comply with all legally valid garnishment orders issued with respect to employees' wages and salary. In accordance with Louisiana law, the Town may deduct a fee for the administrative costs of complying with a garnishment.

E. **Amounts Due the Town of Vidalia.** The Town reserves the right to deduct through payroll any and all amounts due to it from employees, including unpaid utility bills, or any unpaid fines, fees, or other charges owed to the Town. Your signature of consent to the provisions of this Handbook and your signature of consent to wage deductions gives permission to the Town to deduct amounts due.

F. **Wage and Tax Statement.** Every employee will receive an annual Wage and Tax Statement (IRS Form W-2) for the preceding year on or before January 31. Any employee who believes that his or her deductions are incorrect for any pay period, or on the W-2, should check with the Town Clerk immediately. Your supervisor will give you time to do this during the workday.

## **EMPLOYEE INCURRED EXPENSES AND REIMBURSEMENT**

To ensure that all proper business-related expenses incurred by employees are reimbursed, the following procedure has been established:

1. All expenditures are to be approved in advance by the employee's supervisor and the Mayor unless circumstances prevent advance approval.
2. All business-related expenditures must be accompanied by a receipt or evidence of expenditure to receive reimbursement.
3. All items purchased or charged by the employee are to be itemized on the approved Town expense report. All portions of the report must be filled out or marked "N/A" (not applicable), and the necessity and purpose of the expenditure must be explained in sufficient detail.
4. Expense reports must be signed and dated by the employee and initialed by the supervisor showing approval. Reports are due in the office within 14 days of the expenditure.

## **CHANGE OF EMPLOYEE STATUS**

Employee personnel records, as required by law and deemed essential for efficient operations, will be maintained by the Town. Employees are to promptly report changes in any of the following to the Town Clerk:

- Name
- Address
- Telephone number
- Marital status

- Dependents
- Formal education
- Courses completed
- Other training or skills required
- Selective Service status
- Criminal record
- Person(s) to notify in case of emergency
- Physical or other limitations
- Insurance plan beneficiary or beneficiaries
- Other health insurance coverage

Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the Town of Vidalia's exclusion of the individual from further consideration for employment or, if the person has been hired, may result in termination of employment. Unreported changes may result in a denial of benefits.

Furthermore, any employee who is arrested and/or convicted of a crime must inform the authorized department head or the Mayor in writing within five (5) calendar days of such incident, and failure to do so will result in disciplinary action, up to and including termination of employment.

## **INSURANCE**

The Town of Vidalia recognizes the needs of employees for financial protection in the event of illness or injuries that result in medical expense and loss of income. Providing adequate, cost-effective medical and life insurance protection is a concern of the Town, as is complying with any and all federal and state laws governing employee benefits and health coverage. The Town has selected several plans designed to meet the employee's needs and to comply with the Town's obligations under the law. All are financially subsidized by the Town to keep the employee's cost affordable and to comply with the law. Certain coverages may be offered at no cost to the employee.

Active, full-time employees (and any other employees required by law to be offered insurance coverage) become eligible for coverage under the Town's group health plan after a sixty (60) day waiting period.

## **CONTINUATION COVERAGE**

The Town will provide continuation coverage for employees or beneficiaries experiencing a qualifying event in accordance with all federal or state law governing continuation coverage (i.e., "Public Sector" COBRA). Qualifying events will include termination for reasons other than gross misconduct, reduction of hours making an employee ineligible for the Town's group health plan, or other events that affect the employee's or beneficiary's entitlement to coverage. Employees who are terminated for gross misconduct, and their beneficiaries, will not be eligible for continuation coverage. The employee/beneficiary is responsible for the cost of continuation coverage; it is not subsidized by the Town. Continuation coverage may end for any reason permitted under federal and state law, including the employee's enrollment in a new group plan. The Town will provide a notice of eligibility to employees/beneficiaries experiencing a qualifying event which will explain how to enroll in continuation coverage.

## ANNIVERSARY DATE

As used in this Handbook, an employee's anniversary date is defined as his or her first day of employment or re-employment with the Town of Vidalia.

## REINSTATEMENT

Employees who are reinstated into the Town within 12 months of their termination or resignation will retain all previous credit for years of service for the purpose of computing vacation time.

For all other benefit programs governed by the anniversary date, the policy will be as follows:

- A. **Layoff** – Employees who terminate because of reduction in work force will maintain their original anniversary date if they are reemployed by the Town within one year after the date of termination.
- B. **Voluntary resignation or termination for cause**– Employees who voluntarily terminate their employment with the Town or who were terminated for cause and who are reemployed by the Town after termination will lose their original anniversary date and be assigned a new date corresponding to their first day on the job after reemployment. This policy shall not apply to an employee who was erroneously terminated for cause and later reinstated.

## YEARS OF SERVICE

After one year of continuous full-time employment (first service year), an employee will be credited with one year of service. Service years are used as a basis for determining the following benefits:

- 1. Vacation time,
- 2. Early retirement time, and
- 3. State retirement eligibility.

All unpaid leaves of absence including unexcused absences, suspensions, and time off under workers' compensation will be deducted in determining net years of service.

## **LEAVE POLICY**

Full-time employees become eligible for annual vacation, personal, and sick leave at the end of their sixty (60) day probationary period. Employees earn paid leave only while they are actually working. Employees who are on unpaid leave will not continue to be granted vacation leave, sick and personal leave, major illness or injury leave, or any other type of paid leave.

## VACATION LEAVE

- A. Vacation leave with pay is not a vested right which an employee may demand but a privilege granted by the municipality as a mere gratuity.
- B. Prior to January 1, 2018, the Town has permitted employees to carry over vacation leave hours from year to year. Vacation leave hours that have accrued as of January 1, 2018 remain a vested benefit with the Town and will not be reduced except as they are actually used by the employee. Beginning on

January 1, 2018, however, any additional vacation leave hours granted to an employee shall be a mere gratuity and shall not carry over from year to year. In other words, you must “use it or lose it.”

C. Employees who had vacation leave hours prior to January 1, 2018 will thus have two separate vacation leave balances – a balance of accrued hours and a balance of “use-it-or-lose-it” hours.

D. All Departments

- a. All vacations must be scheduled in advance with the approval of the employee’s department/head supervisor.
- b. Conflicts in scheduling will be resolved by the department head after considering seniority and availability of replacement personnel.

E. Fire Department

- a. All vacations must be scheduled one (1) week in advance.

F. Vacation leave hours will be granted annually on January 1 based on an employee’s regular work schedule and years of service, as follows:

**80 Hours Per Pay Period**

<u>Years of Service</u>	<u>Annual Vacation Leave</u>
Less than 6 years	80 hours
6-12 years	120 hours
12-18 years	160 hours
18+ years	200 hours

**84 Hours Per Pay Period**

<u>Years of Service</u>	<u>Annual Vacation Leave</u>
Less than 6 years	84 hours
6-12 years	132 hours
12-18 years	180 hours
18+ years	228 hours

**112 Hours Per Pay Period**

<u>Years of Service</u>	<u>Annual Vacation Leave</u>
Less than 6 years	144 hours
6-12 years	216 hours
12-18 years	288 hours
18+ years	360 hours

G. Vacation leave hours are not granted while an employee is on any unpaid leave of absence, while on major illness, or while on early retirement leave, or to an employee who, as of January 1, has been on

paid leave for six weeks or more. An employee who returns to work will then be granted a pro-rated number of vacation leave hours for the remainder of the year. For example, an employee who returns to work on July 1 will be granted half the number of hours listed above based on the employee's regular work schedule and years of service, to be used or lost before January 1 of the next year.

- H. Time periods spent on any unpaid leave of absence, major illness, or early retirement leave do not count toward an employee's years of service for purposes of determining the number of annual vacation leave hours.
- I. Use of vacation leave is also subject to all restrictions in the Workers' Compensation Policy set forth in this handbook.

## **PERSONAL LEAVE**

- A. Personal leave with pay is not a vested right which an employee may demand but a privilege granted by the municipality as a mere gratuity.
- B. The Town grants all full-time employees ten (10) business days per year on January 1 as paid personal days.
- C. Leave from work may be charged as personal leave if the absence is due to personal or family business. Leave from work with pay may also be charged as personal leave if the absence is due to sickness, bodily injury, quarantine, required or routine medical, dental, or vision examinations or treatment, exposure to a contagious disease when continued work might jeopardize the health of others, illness in the employee's immediate family which requires the care of the employee, or the funeral of a member of the employee's family.
- D. Any unused paid leave which was previously characterized as sick leave or personal leave may be used as personal leave for any of the reasons set forth above.
- E. Prior to January 1, 2018, the Town has permitted employees to carry over sick and personal leave hours from year to year. Sick and personal leave hours that have accrued as of January 1, 2018 remain a vested benefit with the Town and will not be reduced except as they are actually used by the employee. Beginning on January 1, 2018, however, any additional sick and personal leave hours granted to an employee shall be a mere gratuity and shall not carry over from year to year. In other words, you must "use it or lose it."
- F. Employees who had accrued sick and personal leave hours prior to January 1, 2018 will thus have two separate sick and personal leave balances – a balance of accrued hours and a balance of "use-it-or-lose-it" hours.
- G. Except in cases of emergency or illness, all personal leave must be scheduled in advance with the approval of the employee's department head/supervisor. This includes personal leave for scheduled medical, dental, or vision examinations or for personal business that can be scheduled in advance.
- H. In cases of emergency or illness, the employee must notify his or her supervisor of the need to take personal time as soon as possible, and at least one hour prior to his or her scheduled hour to begin work. The employee will keep his or her supervisor informed as to the expected date he or she will return to work.

- I. The Mayor and any department head or supervisor have the authority to require a doctor's certificate or other documentation of the need for personal leave in order for the employee to use two or more consecutive days of personal leave time. Department heads shall be responsible for the application of this provision so that there will be no abuse of personal leave privileges.
- J. Personal leave days are not granted while an employee is on any unpaid leave of absence, while on major illness, or while on early retirement leave, or to an employee who, as of January 1, has been on paid leave for six weeks or more. An employee who returns to work will then be granted a pro rated number of personal days, rounded up or down to the nearest whole number, for the remainder of the year. For example, an employee who returns to work on July 1 will be granted five (5) days of personal leave, to be used or lost before January 1 of the next year.
- K. Use of personal leave is also subject to all restrictions in the Workers' Compensation Policy set forth in this handbook.

### **MAJOR ILLNESS OR INJURY LEAVE**

- A. In order to provide financial security during times of serious illness or injury, the Town provides paid time off for full-time employees for major illness or injury as follows.
- B. After the sixty (60) day probationary period full-time employees become eligible and may take available major illness and injury time subject to the following conditions:
  - a. Vested sick and major illness hours accrued before January 1, 2018 must be used before current major illness or injury leave is available.
  - b. The illness or injury requiring time off:
    - i. Is consecutive in nature,
    - ii. Requires inpatient hospitalization and a recovery period.
    - iii. Is not the result of elective surgical procedures or substance abuse,
    - iv. Is not received during the commission of a felony crime or covered by worker's compensation insurance, and
    - v. Prior to beginning major illness or injury leave an employee must provide a physician's statement verifying illness or injury and amount of recovery time necessary before returning to work.
- C. Major illness or injury leave with pay is not a vested right which an employee may demand but a privilege granted by the municipality as a mere gratuity.
- D. Prior to January 1, 2018, the Town has permitted employees to carry over major illness or injury leave hours from year to year. Major illness or injury leave hours that have accrued as of January 1, 2018 remain a vested benefit with the Town and will not be reduced except as they are actually used by the employee or used for early retirement. Beginning on January 1, 2018, however, any additional major illness or injury leave hours granted to an employee shall be a mere gratuity and shall not carry over from year to year. In other words, you must "use it or lose it." Each employee's major illness or injury leave "use-it-or-lose-it" balance will be reduced to zero at the end of each year, with new major illness

or injury “use-it-or-lose-it” hours being granted at the beginning of each quarter in accordance with the schedule set forth below.

- E. Employees who had accrued major illness or injury leave hours prior to January 1, 2018 will thus have two separate major illness or injury leave balances – a balance of accrued hours and a balance of “use-it-or-lose-it” hours.
- F. If an employee qualifies to use major illness or injury leave time, that time will be used in conjunction with sick hours in the following order: (1) Use-It-Or-Lose-It major illness or injury leave hours, (2) Vested major illness or injury leave hours and (3) Vested sick hours.
- G. Employees will be granted 144 hours of major illness or injury leave at the beginning of each year.
- H. Major illness or injury leave hours are not granted while an employee is on any unpaid leave of absence or while on early retirement leave.
- I. Major illness or injury leave hours also are not granted while an employee is using major illness or injury leave or during any paid leave of absence after the employee has been absent for six weeks.
- J. Use of major illness or injury leave is also subject to all restrictions in the Workers’ Compensation Policy set forth in this handbook.

### **VESTED LEAVE TIME**

- A. As discussed above, prior to January 1, 2018, the Town has permitted employees to carry over sick and personal, vacation, and major illness or injury leave hours from year to year. Therefore, leave hours that have accrued as of January 1, 2018 (“Vested Leave Time”) remain a vested benefit with the Town and will not be reduced except as they are actually used by the employee. An employee who terminates employment or retires with a balance of Vested Leave Time (whether vacation, personal or major illness or injury) will be paid for that Vested Leave Time.
- B. Beginning on January 1, 2018, however, any additional paid leave hours (whether vacation, personal, or major illness or injury) granted to an employee shall be a mere gratuity and shall not carry over from year to year. In other words, you must “use it or lose it.” Each employee’s “use-it-or-lose-it” balances will be reduced to zero at the end of each year, with new “use-it-or-lose-it” hours being granted at the beginning of each new calendar year in accordance with the schedules discussed above under the policies for Vacation Leave, Personal Leave, and Major Illness or Injury Leave (“Use-It-Or-Lose-It Time”). Use-It-Or-Lose-It Time is a mere gratuity, not a vested benefit.
- C. For employees who terminate employment or retire with a balance of Use-It-Or-Lose-It Time (whether vacation, personal, or major illness or injury), unused time will be treated as follows:
  - a. Vacation Time: Unused Use-It-Or-Lose It vacation time will be paid out in full.
  - b. Personal Time: Unused Use-It-Or-Lose It personal time will be paid out up to a maximum of three (3) days.
  - c. Major Illness or Injury: Unused Use-It-Or-Lose It major illness or injury time will not be paid out in cash.

## COORDINATION WITH WORKERS' COMPENSATION BENEFITS

Employees who are absent from work due to an injury or occupational disease covered by workers' compensation should consult the Workers' Compensation Policy in this Handbook regarding the coordination of workers' compensation benefits with the Town's regular paid leave benefits. All paid leave under this Handbook is subject to the restrictions set forth in the Workers' Compensation Policy.

## PREGNANCY/MATERNITY LEAVE

The Family/Medical Leave policy stated below will govern the Town's policies for maternity leave purposes, along with any applicable federal or state laws.

## FAMILY/MEDICAL LEAVE

The Town of Vidalia will provide to eligible employees up to 12 weeks of unpaid leave during a backwards-rolling 12-month period for birth, adoption, or foster placement of a child; to care for a spouse or immediate family member with a serious health condition; or for the employee's own serious health condition.

### A. DEFINITIONS

- a. Eligible Employees. To be eligible for family/medical leave, an employee must:
  - a.i. have been employed by the Town of Vidalia for at least 12 months before the leave request; and
  - a.ii. have worked at least 1,250 hours during the 12 months immediately before the leave request.
- b. Immediate Family. The term "immediate family" includes a child, parent, or spouse.
  - b.i. A "child" includes any child who is under 18 years of age or who is 18 years old or older and incapable of self-care because of a mental or physical disability. This would include:
    - b.i.1. a biological, adopted, or foster child;
    - b.i.2. a stepchild;
    - b.i.3. a legal ward; or
    - b.i.4. a child of a person who serves as parent.
  - b.ii. A "parent" includes the biological parent of an employee (or the employee's spouse) or a person who served as parent to the employee (or the employee's spouse).
- c. Serious Health Condition. A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:
  - c.i. inpatient care in a hospital, hospice, or residential medical care facility; or
  - c.ii. continuing treatment by a health care provider.

### B. LEAVE PROVISIONS

- a. Qualifying Events. Eligible employees are entitled to a total of 12 workweeks of leave during a backwards-rolling 12-month period when leave is taken for one or more of the following circumstances:
  - a.i. the birth of a child of an employee and to care for the child;
  - a.ii. the placement of a child with an employee for adoption or foster care;
  - a.iii. the serious health condition of an employee's spouse, child, or parent; or
  - a.iv. the serious health condition of an employee if it renders an employee is unable to perform the functions of the position.

- b. The leave for the birth or placement of a child expires 12 months after the birth or placement with the employee.
- c. Spouses Working for the Same Employer. When both spouses work for the Town of Vidalia, the total leave in any 12-month period for both spouses will be limited to 12 weeks if the leave is taken (1) for the birth, placement, or adoption of a child or (2) to care for a parent with a serious health condition.
- d. Intermittent or Reduced Schedule Leave.
  - d.i. Employees seeking intermittent or reduced schedule leave based on planned medical treatment will be required to produce medical certification outlining the dates on which treatment is expected and the duration of the treatment.
  - d.ii. Employees must also provide 30 days' notice, or as much notice as is practicable, of their intentions.
- e. Coordination with Other Leave Time. While on leave under this provision, you will be required to use any other available leave concurrently, including but not necessarily limited to pregnancy/maternity leave, annual leave, personal leave, sick leave, and/or major illness or injury leave.
- f. Notice Requirement. Employees are required in the case of foreseeable events (expected birth or placement of a child or planned medical treatment) to provide not less than 30 days' notice. If the date of the event justifying leave begins in less than 30 days, employees are required to provide such notice as is practicable.

#### **C. CERTIFICATION**

- a. Certification issued by a health care provider is required to support an employee's request for leave due to a serious health condition. "Certification of Physician or Practitioner" forms are available from management.
- b. The Town of Vidalia may require the employee to obtain the opinion of a second health care provider designated or approved and paid by the Town. In the event of a conflict between the first and second opinions, the Town may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the Town and the employee. This opinion would be final and binding.
- c. The Town may require that the eligible employee obtain subsequent re-certifications on a reasonable basis.

#### **D. BENEFIT EXTENSION DURING FAMILY/MEDICAL LEAVE**

- a. An employee can continue to participate in the Town's health care plans if the employee pays the premium which will be due on the first day of each month. If payment is not received within the thirty (30) day grace period, the coverage will cease.
- b. While employees are on Family/Medical leave, they continue to participate in any other benefit plans whose premiums are paid by the Town.

#### **E. MILITARY FAMILY LEAVE ENTITLEMENTS**

- a. Eligible employees with a spouse, child, or parent on active duty or called 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 legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- b. The Town of Vidalia's Family/Medical Leave policy 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 while on active duty that may render the servicemember medically unfit to perform his/her duties and for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

## **MILITARY LEAVE**

In accordance with applicant federal and state laws, employees called to active military duty or to Reserve or National Guard training, or who volunteer for such duty or training, will be granted military leave. In order for the Town to plan properly for its staffing needs, employees should provide their direct supervisors with as much advance notice as possible of the need for the military leave. In addition, employees must provide their direct supervisors with a copy of the order that details the beginning and concluding dates of their military training or service. Employees returning from military leave are eligible for reinstatement in accordance with all federal and state requirements.

## **JURY DUTY**

A municipal employee called for jury duty or as a witness for the federal or state government or a subdivision thereof shall be entitled to leave with pay for such duty during the required absence, up to a maximum of 5 days per year. Municipal employees may keep all fees received from jury duty in addition to regular compensation. Law enforcement officers may not receive or keep any witness fees for appearing in Mayor's court in connection with their official duties. Time off for court appearances as a party to any civil or criminal litigation shall not be compensated by the town, and the employee must arrange for time off without pay or use any vacation or personal leave balances (with any Vested Leave Time to be charged first) for such appearances.

## **LEAVE OF ABSENCE**

Leave of absence is time off in a non-pay status. An employee must submit a request for leave of absence in writing to his or her supervisor. Supervisors will forward the request accompanied by his/her recommendation to the Mayor for final approval. The employee is expected to request leave of absence with as much advance notice as possible. Leaves of absence will not be granted for periods less than two weeks in duration. Vacation, personal and sick leave should be used for such absences.

The employee has the responsibility to keep the Town advised of the leave situation and to contact his or her supervisor at least two weeks prior to the expiration of the approved leave to discuss return to work. If the employee desires voluntary termination, this should be reported as soon as possible. Depending on the circumstances, the Town will make a reasonable effort, consistent with good business practices and town needs, to reinstate the employee to the same position he or she occupied, or to a similar position, following a leave of absence. However, in the case of leave periods over 12 weeks, the Town cannot guarantee that the same or a similar position will be available at the time an employee desires to return to work, or thereafter. Additionally, reinstatement after unpaid leave, other than Family/Medical Leave or other legally required leave periods, is a mere gratuity, not a vested benefit, and any reinstatements are a courtesy to the employee, not a right. The Town also reserves the right to offer the employee a lower-level position, if one is available, and at the appropriate salary for such a position. An exception to this rule is where an employee is guaranteed reemployment rights under federal or state laws.

## Benefits Determination

**Holidays.** To be paid for a holiday, an employee must be in active pay status the day before and the day after the holiday. Employees are not eligible to receive pay for any holiday during the leave period.

**Vacation and Personal Time.** No vacation or personal hours are earned during the leave period. Employees requesting a leave of absence must use all earned vacation and personal time before beginning leave of absence.

**Sick Time.** No sick hours are accumulated during the leave period.

Your health insurance coverage ends on the date your leave of absence begins. You have the right to continue coverage under the Town's Health Insurance Plan (see Continuation Coverage).

Notwithstanding the above, an employee on leave of absence who fails to return to work will be terminated effective his or her last day of work or paid leave (vacation, sick, or personal), whichever is later.

### **EARLY RETIREMENT**

Unused Vested Vacation and Personal Leave Time, may be used for early retirement, subject to the following conditions:

- A. The employee must be in good standing on the last work day prior to the commencement of early retirement.
- B. Early retirement is based on calendar days. Any Vested Leave Time stated in hours will be converted to calendar days based on the employee's schedule at the time of retirement.
- C. Early retirement will begin to be available to employees with ten (10) consecutive years of service. Full early retirement is available to employees with twenty (20) years of consecutive services.
- D. For employees with between ten (10) and twenty (20) years of consecutive services, available early retirement days will be prorated as follows: The number of consecutive services years divided by twenty (20) years multiplied by the number of available early retirement days.

## **WORKERS' COMPENSATION POLICY**

### **WORKERS' COMPENSATION INCIDENT PROCEDURE**

Employees who are injured on the job or who experience an occupational disease and file a workers' compensation claim should understand the following guidelines:

- A. **Reporting Injuries.**
  - a. If an employee is injured on the job, he/she must report the injury to his/her supervisor immediately. This is the case even if you deem the injury to be minor. If the supervisor is not available, contact the Town administrative offices within 24 hours of the incident. Failure to report an injury or illness may preclude or delay the payment of any benefits that may be due to the employee.

- b. The most important order of business is to first attend to the medical needs of the employee.
- c. If medical attention is required, the Town's workers' compensation insurance carrier must also be notified immediately.
- d. It is the responsibility of the supervisor to complete the workers' compensation accident report promptly and contact the workers' compensation insurance carrier regarding the incident. The reporting individual must be prepared to answer the questions provided on the accident report, so be sure that the form is as complete as possible.

**B. Drug Tests and Examinations.**

- a. Injured employees requiring medical attention must notify the attending physician that drug and alcohol tests are required within 24 hours of the incident.
- b. The injured employee may see the physician of his/her own choosing. However, the injured employee must provide the name, address, and telephone number of the attending physician.
- c. The Town may choose another physician and arrange an independent medical examination, which the employee will be required to attend. The injured employee must also report to the medical facility as may be designated by the Town for his/her area for the mandatory drug testing. The cost of testing will be paid by workers' compensation or by the Town.

**C. Returning to Work.**

- a. The employee must provide the Town with a signed and dated doctor's release before returning to work and notify workers' compensation on the day he/she returns to work. In some instances, the doctor may allow a return to work with restrictions, which must be duly noted on the return-to-work document.

## **WORKERS' COMPENSATION BENEFITS**

**A. Benefits.**

- a. Workers' compensation pays reasonable and necessary medical expenses incurred for treatment of an injury caused by a work-related accident or an occupational disease.
- b. Workers' compensation also pays an indemnity benefit, as a replacement for the employee's lost wages, of up to 66 2/3% of an employee's average weekly wage, subject to a cap under the law, if the employee's injury or occupational disease results in a disability.
- c. The employee may use any available sick or annual leave to make up the difference between the indemnity benefit and his or her average weekly wage, as long as the combined income does not exceed the employee's average weekly wage.
- d. The employee has a waiting period (time out of work) of seven (7) calendar days before claims begin to be paid under workers' compensation. It is the policy of the Town to allow the employee to utilize any accrued paid leave available to the employee for that first seven days (1 week). If

an injured employee is out for more than 6 weeks for the work-related injury, workers' compensation will then go back, subject to the law and the carrier's policies, and pay the employee for the first seven-day waiting period.

**B. Coordination of Indemnity Benefits with Paid Leave.**

- a. It is the Town's policy that an employee may not use vacation, personal, or major illness or injury leave in conjunction with workers' compensation indemnity benefits to receive more than 100% of the employee's average weekly wage, except for cases in which the employee complies with the reimbursement or indorsement obligation stated in this policy.
- b. An employee who is receiving a workers' compensation indemnity benefit (typically equal to 66 2/3% of his or her average weekly wage) may elect to use vacation, personal, or major illness or injury leave to cover the remaining amount (typically 33 1/3% of his or her average weekly wage), up to a total of 100% of the employee's average weekly wage.
- c. In the event that the injured employee continues to use vacation, personal, or major illness or injury leave AND also receives workers' compensation indemnity benefits, and if the total amount the employee receives from both sources is more than 100% of the employee's average weekly wage, then the employee must reimburse the Town for the paid leave hours used in excess of subsection (b), up to the amount of benefits received through workers' compensation.
- d. For example, if an employee is receiving 66 2/3% of his or her average weekly wage as a workers' compensation indemnity benefit and is *also* using 40 hours per week of paid leave, for a total of 166 2/3% of the employee's average weekly wage, the employee must reimburse the Town for the excess 66 2/3%, up to the full amount of the indemnity benefit.
- e. At the discretion of the Mayor, the Town may require the employee who elects to continue receiving more than the maximum allowed amount of paid leave to indorse all workers' compensation indemnity benefit checks to the Town.
- f. In return for the reimbursement or indorsement, the Town will reinstate to the employee's applicable paid leave balance(s) the number of paid leave hours as the benefit amount may allow, at the employee's regular hourly rate at the time the employee reimburses/indorses the amount. In other words, the employee's payment of the indemnity benefit to the Town will "buy back" the paid leave the employee used.
- g. This policy restricts an employee's ability to use paid leave at the same time he or she receives a workers' compensation indemnity payment. This policy is not intended to reduce any employee's entitlement to workers' compensation indemnity benefits. This policy is concerned with coordinating benefits between workers' compensation and the Town's regular paid leave policies.

**LAW AND POLICIES.**

- a. Finally, if it is determined that an employee has filed a false claim or otherwise engaged in workers' compensation fraud, the Town reserves the right to terminate the worker's employment, report the incident to the Fraud Section of the Office of Workers' Compensation for criminal prosecution, and institute an action to recover penalties and restitution.

- b. This Workers' Compensation Policy shall be in addition to any requirements, policies, or conditions set forth under the law (including the Louisiana Workers' Compensation Act) or by the Town's workers' compensation insurance carrier(s) (collectively, the "W/C Law and Policies"). In the event of a conflict between any provision of this Workers' Compensation Policy and the W/C Law and Policies, the W/C Law and Policies shall govern.

## **ETHICS POLICY**

### **CODE OF GOVERNMENTAL ETHICS**

All Town officials and employees are expected to comply with the Louisiana Code of Governmental Ethics, as well as any other applicable ethical rules, and to conduct themselves in an honest and ethical manner. It is your job to serve the public, and the Town expects you to maintain the highest standards of conduct. The rules stated in this Ethics Policy are a summary of the major provisions of the Louisiana Code of Governmental Ethics. You are expected to educate yourself on any other ethical rules that may bear on your job duties. If you are a department head or supervisor, it is your duty to make sure your subordinates are aware of and comply with the ethical rules. If you are aware of any violation of the Ethics Policy of the Louisiana Code of Governmental Ethics, you should inform your supervisor or the Mayor. Likewise, if you have any question about the ethical rules applicable to your job and/or to a particular situation, you should ask your supervisor or the Mayor. You will not be retaliated against for reporting, in good faith, an ethical issue or for asking a question about ethics.

### **CONFLICTS OF INTEREST**

Town of Vidalia officials and employees have a legal and ethical obligation to conduct business in a fair and impartial manner. No official or employee shall participate in any decision or action in which that official or employee has an actual or potential conflict of interest.

An actual or potential conflict of interest occurs when an official or employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the Town's policies or business dealings. An example of a conflict of interest is when an employee or his or her relative owns a business that is trying to contract with the Town. For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

Additionally, no Alderman or other Town official shall be directly or indirectly interested in any work, business, or contract the consideration of which is to be paid from the Town treasury, nor be surety for any person having a contract, work, or business with the Town, for the performance of which security may be required, nor be surety for any officer or employee.

If you have or believe you may have a conflict of interest with respect to any decision or action you may be involved in, you have an obligation to inform your supervisor and the Mayor immediately. No official or employee is permitted to participate in any decision or action where there is an actual or potential conflict of interest.

## OUTSIDE EMPLOYMENT

The work of the municipality shall have precedence over the other occupational interests of the employees. All outside employment for salary, wages, or commission and all self-employment must be reported to the employee's supervisor and approved by the Mayor. Even when the duties of the outside position would not interfere with the duties of the Town position, a Town employee will not be permitted to continue in an outside position that creates a conflict of interest, and will be asked to resign one of the positions. All conflicting outside employment, whether because of conflicts of interest or conflicts of duties, shall be grounds for dismissal.

## GIFTS AND FAVORS

No official or employee shall accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person or entity which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the municipality; nor shall any official or employee accept any gift, favor, or thing of value that may tend to influence him in the discharge of his duties or grant in the discharge of his duties any improper favor, service, or thing of value.

## NEPOTISM

- A. The Town of Vidalia will not employ members of the immediate family of present employees to work in a direct supervisory relationship. If two employees marry, neither shall be required to resign or transfer unless they have a direct supervisory relationship.
- B. Members of the immediate family of an Alderman may not be employed by the Town unless they have already been working for the Town for at least one year at the time the Alderman goes into office. If any immediate family member of an Alderman has been working for the Town for at least one year at the time the Alderman enters office, that employee may retain his or her position; however, no Alderman will be involved in any employment decision regarding an immediate family member.
- C. The nepotism rules do not apply to volunteer firefighters, if any, but do apply to professional firefighters with the Vidalia Fire Department.

## POST-EMPLOYMENT ETHICS

- A. Former Employees.** During the two-year period following the termination of service of a Town of Vidalia employee, the former employee may not assist another person for compensation in a transaction or in an appearance in connection with a transaction involving the Town in which the former public employee participated while employed by the Town, nor may the former Town employee provide on a contractual basis to the Town any service he provided while employed there. In short, if you worked on the issue while you were a Town of Vidalia employee, you cannot be involved for pay in the same issue for two years after you leave your job with the Town. You may not use your "connections" with the Town for personal gain.
- B. Former Agency Heads or Elected Officials.** During the two-year period following the termination of public service as an agency head or elected official for the Town of Vidalia, these officials may not assist another person for compensation in a transaction or in an appearance in connection with any

transaction involving their former agency, nor may the former official render any service on a contractual basis to or for their former agency.

**C. Former Board or Commission Members.** During the two-year period following the termination of public service as a board or commission member for the Town of Vidalia, an individual may not contract with, be employed in any capacity by, or be appointed to any position by that board or commission. The term “board or commission” includes any collective body that shares responsibility for its actions.

## **POLITICAL ACTIVITIES**

The Town of Vidalia encourages its employees to accept the personal responsibility of good citizenship, including participation in civic and political activities in accordance with their interests and abilities.

The Town accepts with reservation the basic democratic principle that all employees are free to make their own individual decisions in civic and political matters. Therefore, no employee’s status with the Town will be affected in any way whatsoever because of participation or non-participation in lawful civic and political activities.

Participation in civic and political activities is considered to be a personal matter and, as such, is to be carried on outside of normal working hours. No political activities or solicitations will be carried on within Town premises.

Political activities are defined for purposes of this policy as activities in support of any partisan political issue or activities in support of, or in concert with, any individual candidate for political office, or a political party, which seek to influence the election of candidates to federal, state, or local offices or the passage of any federal, state, or local law. The definition includes employees who are or may be candidates for political office.

The Town reserves the right to deny time off for political activity where the activities, in the opinion of the Town, would unduly interfere with the employee’s fulfillment of any obligations to the Town. However, when an employee’s full time is required for political activity, a leave of absence without pay may be granted at the discretion of the Mayor on a non-discriminatory basis, with the decision to be based on the employee’s job duties and the Town’s needs, not on the political activity in question.

In order to avoid conflicts of interest, employees elected to the position of Mayor or Alderman of the Town of Vidalia will be required to terminate employment with the town prior to assuming office.

## **HARASSMENT POLICY**

### **DISCRIMINATORY HARASSMENT**

It is the policy of the Town of Vidalia to provide all employees with a work environment free of any form of discrimination, including harassment or retaliation.

Both federal and state laws prohibit discrimination on the basis of race, color, religion, sex, age, national origin, pregnancy, disability, or genetic information. Under the law, it is illegal for an employee to engage in unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, or any other verbal conduct toward another employee that might be construed as an inappropriate slur.

The Town will not allow any form of conduct that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Such behavior, regardless of whether it is committed by a supervisor, co-worker, or subordinate will be considered employee misconduct and will be subject to employee disciplinary action, up to and including discharge.

All employees are asked to be sensitive to the individual rights of their coworkers. The use of vile or abusive language in communications with coworkers will be considered a violation of Town policy and will be dealt with by reprimand, suspension, or termination, depending on the circumstances and the severity of the violation.

If an employee experiences or observes any job-related harassment or believes that he/she has been treated in an unlawful, discriminatory manner, he/she should promptly report the incident to his or her supervisor (or, if the complaint involves the employee's supervisor, to the supervisor's supervisor or to the Mayor), who will investigate the matter and take appropriate action. The complaint will be promptly investigated and will be kept confidential to the maximum extent possible. The Town of Vidalia will not tolerate any kind of retaliation, direct or indirect, against any employee or other person who, in good faith, complains about or witnesses prohibited harassment.

## **SEXUAL HARASSMENT**

The Town of Vidalia specifically prohibits any and all forms of sexual harassment. Sexual harassment is prohibited under state and federal law, under Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.*; the Louisiana Employment Discrimination Law, La. R.S. 23:302 *et seq.*, and La. R.S. 42:341 *et seq.*

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature that explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

### **Examples of Sexual Harassment**

Sexual harassment may take different forms.

- Examples of conduct that may constitute sexual harassment are:
  - (1) **Verbal:** Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, threats. Requests for any type of sexual favor (this includes repeated, unwelcome requests for dates). Verbal abuse or "kidding" which is oriented towards a prohibited form of harassment, including that which is sex-oriented and considered unwelcome.
  - (2) **Non-verbal:** The distribution, display, or discussion of any written or graphic material, including calendars, posters, and cartoons that are sexually suggestive, or shows hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, email, that is sexual in nature.
  - (3) **Physical:** Unwelcome, unwanted physical contact, including but not limited to, touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling; forced sexual intercourse or assault.

## Training Requirements

1. All employees and other public servants are required to attend at least one hour of approved education and training on preventing sexual harassment each calendar year. The Town of Vidalia will provide further instructions about approved online training materials. Employees will be required to document their attendance, either by signing an attendance sheet for in-person training or by providing other approved certification of completion.
2. The Mayor and all supervisors, in addition to the one hour of education and training required for all employees and other public servants, must complete and document one hour of approved additional training each year.

## COMPLAINT PROCEDURE

### Complaint and Investigation

1. If an employee experiences or observes any sexual harassment or believes that he/she has been treated in a harassing or unlawful manner, he/she should promptly report the incident to his or her supervisor (or, if the complaint involves the employee's supervisor, to the supervisor's supervisor or to the Mayor), who will investigate the matter and take appropriate action.
2. The complaint will be promptly documented and investigated and will be kept confidential to the maximum extent possible.
3. A Town representative (which may be a supervisor, the Mayor, or an attorney, at the discretion of the Mayor) will be appointed to investigate the complaint. The alleged harasser and the alleged victim will be required to participate in the investigation. The investigation shall include interviews with the alleged harasser and the alleged victim, review of any relevant documentation or other evidence relevant to the allegations or defenses, including but not limited to any relevant emails, voicemails, text messages, or other communications, and (where appropriate as determined by the investigator) interviews with other employees or other persons identified as potential witnesses.
4. Upon conducting the relevant interviews and reviewing the evidence, the investigator shall determine whether the preponderance of the evidence shows that harassment occurred. The investigator shall prepare a written summary of his or her factual conclusions, which the investigator shall present to the Mayor.

### Discipline

1. After the investigation, the Mayor shall review the investigator's conclusions, and prompt and appropriate corrective action will be taken with respect to any violations of this policy.
2. Depending on all of the circumstances, violations of this policy may warrant discipline, up to and including discharge. Lesser forms of discipline may include verbal reprimand, written reprimand, suspension, demotion, mandatory training, or other disciplinary actions that may be appropriate to the circumstances. The appropriate form of discipline will depend on the severity, frequency, and intentionality of the harassment.
3. If it is determined that an employee has submitted an intentionally false complaint of harassment, including sexual harassment, the employee who submitted the false complaint shall be disciplined, up to and including discharge.

4. The Mayor shall document any action taken on the basis of a complaint, including discipline for employees who have engaged in harassment or discipline for employees who have submitted intentionally false complaints.
5. If the investigation concludes that an employee committed or may have committed a crime, the matter may be referred for criminal investigation/prosecution.
6. Regardless of the outcome of the investigation, an employee has a right to pursue a claim for harassment under state and/or federal law, including under Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.*; the Louisiana Employment Discrimination Law, La. R.S. 23:302 *et seq.*, and La. R.S. 42:341 *et seq.*

### Retaliation

1. The Town of Vidalia will not tolerate any kind of retaliation, direct or indirect, against any employee or other person who, in good faith, complains about or witnesses prohibited harassment.
2. Employees are prohibited from retaliating against other employees for filing a complaint of harassment or participating in an investigation or other proceeding involving a complaint of harassment, including sexual harassment.
3. Any employees who feel they have been retaliated against in violation of this policy should submit a complaint in accordance with the procedure above.

### Compliance

1. The Mayor shall maintain records of employees' attendance at mandatory training, complaints submitted under this policy, and action taken on the basis of complaints submitted under this policy.
2. By February 1 of each year, the Mayor shall prepare an annual report regarding compliance with La. R.S. 42:341 *et seq.* The report shall include the following information:
  - a. The number and percentage of Town employees who have completed the training required under this policy and under Louisiana law.
  - b. The number of sexual harassment complaints received by the Town.
  - c. The number of complaints that resulted in a finding that sexual harassment occurred.
  - d. The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action.
  - e. The amount of time it took to resolve each complaint.
3. This policy shall be prominently posted on the Town's website.

## **ADDITIONAL RULES OF CONDUCT**

### DRUG AND ALCOHOL POLICY

The Town of Vidalia is a "Drug-Free Workplace." All employees are forbidden to be under the influence of or possess alcohol, illegal drugs, or other intoxicants at any time while on duty or anywhere on the Town of Vidalia's premises. Employees are also forbidden to engage in sales or other transactions involving illegal drugs on the Town of Vidalia's premises. Any employee who violates this policy is subject to disciplinary action, up to and including termination, as well as possible civil or criminal action.

You will be required to submit to substance abuse testing under the following circumstances:

#### **1. Pre-employment;**

2. **Reasonable suspicion;**
3. **Post-accident**, immediate testing for all operators of town equipment and vehicles involved in an accident and for any employee when the circumstances of an accident indicate that substance use may have been a factor in causing the accident;
4. **Randomly**, for employees in safety-sensitive positions;
5. **Periodically**, for any employee under a rehabilitation agreement;
6. **Any other reason allowable by law.**

All drug testing procedures will comply with all applicable state and federal law, and the results of all tests are treated as confidential records and will remain the property of the Town.

A positive substance abuse test for a controlled or illicit substance or a prescription drug for which no authorization is available is a violation and may result in immediate termination. If you are taking medication which could interfere with the proper performance of your duties, you may request sick leave after your supervisor verifies the prescription. In the event that you decide to report for duty while on medication, you must notify your supervisor in writing of the name and effects of the medication you are taking. You may be immediately placed on leave pending production of the medication information if it is not available or if the anticipated effect would interfere with duties to be assigned.

However, if you voluntarily come to your supervisor prior to being selected to submit to a substance abuse test or after reinstatement following first offense and ask for help, you may be allowed to admit yourself to a drug or alcohol rehabilitation program. Participation in a treatment program does not exempt you from the Town of Vidalia's disciplinary/corrective action procedures. If admitted into a treatment program, you will be required to present satisfactory proof that you have completed a treatment program and that you are cleared to return to work. You will also be required to execute a Rehabilitation Contract and are subject to dismissal for failure to successfully complete the program or change your performance or behavior. You will be subject to periodic drug/alcohol screening for one (1) year. Should you test positive at any time during this year or any other time, you will be subject to immediate termination.

Should disciplinary action be pending against an employee who asks for help with a substance abuse issue, the Town may assist to the extent of its resources if the employee remains employed. Nevertheless, regular disciplinary action may proceed. If the employee is terminated, the Town will be unable to continue any assistance program.

Voluntary, successful participation in a recovery or rehabilitation program by an employee may be a mitigating factor in any disciplinary action depending on the facts and circumstances of each individual case. In some cases, disciplinary action may be suspended, or the employee placed on probation pending a successful completion of a recovery program.

A supervisor who suspects a substance abuse case should discuss the situation immediately with his or her superior. Because each case is usually different, the handling and referral of the case must be coordinated with the department head and the Town's Substance Abuse Program Administrator.

Any employee who has a reasonable suspicion that another employee has a substance abuse problem and/or is in violation of the Town's Drug and Alcohol Policy should notify his or her immediate supervisor or the Town's designated representative.

If you refuse to comply with this policy by refusing to sign the consent/release form or if you refuse or fail to submit to a drug/alcohol screen when scheduled, you will be subject to immediate termination.

Any employee reinstated after suspension resulting from a violation of this policy, who tests positive a second time for a controlled or illicit substance or a prescription drug for which no authorization is available will be terminated.

Any action taken under this policy will be fully documented by a written report filed in personnel records of the Town of Vidalia.

## **COMPUTER, E-MAIL, INTERNET AND CELL PHONE USAGE**

The Town of Vidalia's systems for creation, communication, storage, retrieval, and analysis of information, including data processing and telephone systems ("information technology systems") are provided for the purposes of conducting Town business. It includes both computer and telephone systems (including e-mail and Internet). The efficient acquisition, management, and utilization of information technology systems by the Town is a key factor in its efforts to continuously improve the productivity of its employees and its other resources. Data stored on information technology systems owned by the Town (including telephone systems) is the property of the Town and may be accessed by employees of the Town only with proper authorization, and used only for proper purposes.

Town information technology systems include all computers, purchased services, telecommunication equipment, operating procedures, cellular phones, and all other hardware devices, including servers, printers, etc. that are purchased by the Town of Vidalia for the electronic creation, communication, storage, retrieval and analysis of information.

Software loaded on these machines is software that has been approved by the Town. No other hardware or software shall be installed on Town equipment. Software purchased by the Town is to be used only on machines owned by the Town. Because of licensing issues, no software owned by the Town is available for distribution or installation on non-Town machines. All software and files installed, stored, or created on any computer system owned by the Town become property of the Town of Vidalia.

### **AUTHORIZED USAGE**

Data stored on information technology systems owned by the Town (including telephone systems) is the property of the Town and may be accessed by employees of the Town only with proper authorization, and used only for proper purposes. No authorized user that has access to any portion of the Town's information technology systems (including telephone systems) shall use such systems to access, create, transmit, store, print, communicate, or otherwise work with any pictures, words, or other information which is likely to be offensive to any other person or to create an intimidating, hostile, or offensive work environment for any person. All types of business communication should be businesslike, courteous, and civil, and must not be used for the expression of animosity or prejudice against individuals or groups.

### **USER ACCOUNTABILITY**

It is the responsibility of each employee who uses any of the Town's electronic or telephonic information or communication systems and networks to comply with the provisions of this policy, to avoid unauthorized use of the system, and to avoid unauthorized entry, use, alternation, disclosure, or destruction of information on the system.

## **E-MAIL ACCOUNTABILITY**

Due to the high risk posed by viruses, each user is required to use caution when opening e-mail messages with attachments from known or unknown senders. Users who have any concerns about whether or not an e-mail message contains a virus should contact their supervisors immediately.

Employee-users on Town systems are prohibited from sending:

1. Chain letters or junk e-mail messages.
2. E-mails with that are or could be perceived as being harassment, discriminatory, or offensive conduct or inappropriate behavior.
3. E-mail with any offensive content including but not limited to pornography, sexual comments or images, violence, racial slurs, harassment, any illegal activity, gender-specific comments or any comments that would offend someone on the basis of age, race, gender, sexual orientation, religious or political beliefs, national origin, genetic characteristic or genetic information, or disability.
4. Messages with profanity or vulgarity in them.
5. Messages with regard to outside business or profit-making activities.
6. Messages that disclose any confidential information through e-mail to parties that are not entitled to this information.
7. Any material not related to work such as jokes, videos, mp3 files, or pictures.
8. Any correspondence that could embarrass the Town or make the Town liable for any fines or damages.

## **PERSONAL USAGE**

The Town's information technology systems are provided for purposes of conducting Town business. These systems are not for personal use. These systems are secured with individual usernames and passwords that are individualized to the user. Loading of programs, apps, and screen savers is strictly prohibited without approval. Strictly limited levels of personal use by authorized users of telephones, e-mail, web access, and office systems may be permitted by managers at their discretion, subject to reimbursement of the Town's variable cost of providing such services and to the constraint that such usage not interfere with the authorized user's full and timely discharge of their normal responsibilities, unduly burden the information technology system involved in such usage, or violate Town policies concerning the use of the Town's information technology systems.

## **USER PRIVACY**

The Town cannot guarantee that electronic communications will be private. Employees should be aware that electronic communications could be forwarded, intercepted, printed and stored by others. Furthermore, others can access electronic communications in accordance with this policy. Because the Town is a government entity, anything employees do on Town computers or devices may be subject to disclosure to the general public under the public records law.

Except as otherwise specifically provided, employees may not intercept or disclose, or assist in intercepting or disclosing, electronic communication. The Town of Vidalia is committed to respecting the rights of its employees, including their reasonable expectation of privacy.

To the maximum extent permitted by law, all information created, transferred, stored, or communicated on any of the Town's information technology systems shall be the property of the Town and subject to inspection, copying, disclosure, use, and deletion by the Town at any time. Use of such systems by authorized users for

personal purposes is by permission of the Town, which may be revoked at any time. Except as provided by law, no person using any of the Town's information technology systems shall have any expectation of privacy in respect to any non-Town information stored or processed on Town information technology systems.

#### **REGULAR MESSAGE MONITORING**

Electronic communications will be monitored to support operations, maintenance, auditing, security and investigative activities. Users should structure their electronic communications in recognition of the fact that the Town will from time to time examine the content of electronic communications and reserves the right to monitor it more frequently as deemed necessary by the Mayor or the designated official.

#### **INCIDENTAL DISCLOSURE**

It may be necessary for Town officials to review the content of an individual employee's communications during the course of problem resolution. Town officials may not review the content of an individual employee's communications out of personal curiosity or at the behest of individuals who have not gone through proper approval channels.

#### **MESSAGE FORWARDING**

Recognizing that some information is intended for specific individuals and may not be appropriate for general distribution, electronic communications users should exercise caution when forwarding messages.

#### **INTERNET ACCESS USAGE**

All information traveling over the Town computer networks that has not been specifically identified as the property of other parties will be treated as though it is a Town asset. It is the policy of the Town to prohibit unauthorized access, disclosure, duplication, modification, diversion, destruction, loss, misuse, or theft of this information.

Using Town equipment to access Internet sites for personal use is prohibited. This includes but is not limited to:

1. Using the Internet to read or "hack" into other systems.
2. Accessing sites which contain content that may be reasonably considered offensive or disruptive to any employee, including, but not limited to: sexual comments or images, racial slurs, gender-specific comments or comments that would offend someone on the basis of his or her age, gender, sexual orientation, religious or political beliefs, national origin, genetic characteristic or genetic information, or disability.
3. Downloading or streaming any non-work related files or content from the Internet including but not limited to games, photos, videos, movies or television shows, jokes, screen-savers, wallpaper, mp3 files, etc.
4. Sending any electronic communication with a false or concealed identity.
5. Copying, distributing, or forwarding copyrighted material from the Internet without permission of the author.

## RESOURCE USAGE

Internet usage should be related to business purposes only. Use for personal purposes will be monitored and reported to management. Note: while the Internet can be a valuable and powerful resource, all information taken from the Internet should be considered suspect. There is no control process for the websites on the Internet and a considerable amount of its information is outdated or inaccurate.

Users of Town of Vidalia Internet access must:

1. Know and apply the appropriate Town policies and practices pertaining to Internet security.
2. Not permit any unauthorized individual to obtain access to Town Internet connections.
3. Not use or permit the use of any unauthorized device in connection with Town computers. The Town must purchase all hardware and software used on Town machines. No personal hardware or software will be installed.
4. Not use Town resources (software/hardware or data) for other than authorized Town purposes.
5. Maintain exclusive control over the use of their password, and protect it from inadvertent disclosure to others.
6. Ensure that data under their control and/or direction is properly safeguarded according to this level of sensitivity.
7. Report to the appropriate supervisor or official any incident that appears to compromise the security of Town resources. These include missing data, virus infestations, and unexplained transactions.
8. Access only the data and automated functions for which he/she is authorized in the course of normal business activity.
9. Not deliberately attempt to degrade the performance of a computer system or to deprive authorized personnel of resources or access to any computer system.
10. Not disable the virus software running on their computer without authorization from the appropriate supervisor or official.

Compliance with this policy will be monitored. Violation of this policy will subject the employee to discipline, up to and including termination.

## CELL PHONE USAGE

Any employee who has been issued a Town of Vidalia cell phone must use the phone only for official Town business. Although the employee may make incidental personal calls on the phone, provided such calls do not result in additional charges, the employee may not use a Town cell phone as his or her primary personal phone. No employee may use a Town cell phone to make or receive non-emergency personal calls or to send or receive non-emergency personal text messages during work hours.

The Town will select the level of voice, texting, and data coverage necessary for the expected official use of the phone. Any additional charges incurred based on personal use must be borne by the employee, and shall be deducted from the employee's wages. If an employee believes that the current level of coverage is insufficient for the employee's duties with the Town, the employee should discuss the issue with the Mayor.

Employees are expected to exercise reasonable care to avoid damage or loss of Town cell phones, and employees are expected to abide by written or oral instructions regarding protection of Town cell phones, which may include use of appropriate cases or protective shells to be provided by the Town. Any employee who willfully,

recklessly, or negligently damages or loses a Town cell phone will be responsible for reimbursing the cost of the damage or loss, and such amounts shall be deducted from the Employee's wages.

All Town cell phones will be subject to periodic auditing for voice, texting, and data usage. Nothing you do on a Town cell phone is private. The Town can and will check your usage to ensure compliance with this policy and to ensure that you are not incurring extra charges for personal use. You should also be aware that anything you do on a Town cell phone, including text messaging and Internet browsing history, may be a public record subject to being disclosed to the general public. You have no expectation of privacy whatsoever when you take any action on your Town cell phone.

Accordingly, use of a Town cell phone to access, create, upload, share, or transmit illegal, inappropriate, obscene, offensive, demeaning, or discriminatory content, messages, or communications is absolutely prohibited, and the Town's internet usage policy as stated above also applies to cell phone usage.

The Town may also prohibit non-essential apps on Town cell phones or issue other rules regarding cell phone usage. As technology and circumstances change, the Town may state or issue additional rules and guidelines for cell phone usage, regardless of whether those rules are stated in this Handbook. In particular, you must comply with all instructions regarding app installations, data usage, storage, and care and maintenance of Town cell phones.

Town cell phones may not be used by anyone other than the employee to whom they are issued. A Town employee may authorize another employee, as needed for work-related reasons, to use a Town cell phone, but shall not surrender possession of a Town cell phone overnight or for a longer period. Other employees who are granted temporary permission to use a Town cell phone shall be bound by all the rules stated in this policy. No person who is not an employee of the Town may use a Town cell phone for any reason except on an emergency basis to place a 911 or similar emergency call. The Town employee to whom the phone was issued shall be responsible for actions taken by other persons on the cell phone, including any use in violation of this policy.

Finally, no employee may use any cell phone, including a Town cell phone, in a dangerous or illegal way, including texting while driving, using the cell phone while operating equipment, or using the cell phone to interfere with the privacy of another person.

Violation of this policy will be grounds for disciplinary action, including but not limited to loss of cell phone privileges and/or termination.

## **PRIVACY ISSUES IN THE WORKPLACE**

An employee has no expectation of privacy in the workplace, on or in the Town of Vidalia's property, including Town of Vidalia computers, telephones, mobile phones, or other devices, or otherwise on the Town's time. The Town of Vidalia reserves the right to monitor employees either via video, audio, or otherwise. While employed with the Town of Vidalia, an employee's workstation/computer and its contents are subject to inspection at any time by management.

## **PERSONAL TELEPHONE CALLS/ACTIVITIES**

The normal day-to-day activities of Town business necessitates a large volume of Town incoming and outgoing telephone calls, the efficient handling of which taxes Town facilities. Personal telephone calls make it difficult for citizens to reach us and takes employees away from Town business.

Employees must limit both incoming and outgoing telephone calls to emergency situations only and discourage family and friends from telephoning at work.

The Town of Vidalia prohibits the use of hand-held cell phones while driving a vehicle on the job. No Bluetooth style devices or headsets delivering sound that could reduce the full ability to hear warning devices are allowed while driving a vehicle on the job. Fraternal or club activities and personal money-making endeavors are strictly prohibited during office hours.

Additionally, under no circumstances should an employee ever text or otherwise view or input information into a cell phone while driving. Employees should not make calls while driving except through a hands-free device or non-headset Bluetooth connection, and even with a hands-free connection, employees should not make calls while driving except when absolutely necessary. Employees should not use a phone-based GPS while driving unless the phone is mounted on the vehicle's dashboard and usage is hands-free, and employees should never, under any circumstances, input information into GPS software or devices while driving. In addition to the above restrictions, employees may not engage in any other unsafe behavior with a cell phone or device while driving. All employees are expected to use common sense and precautions and to obey all traffic laws.

Also, employees shall not use their cell phone, a Town cell phone, or any other electronic recording device to record others (via video, photo, audio, or otherwise) at the workplace without permission. Employees who violate this policy will be subject to disciplinary action, up to and including employment termination.

## **SOCIAL MEDIA**

At the Town of Vidalia, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all employees and elected officials who work for the Town of Vidalia.

### **GUIDELINES**

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communication or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Town of Vidalia, as well as any other form of electronic communication.

The same principles and guidelines found in this Handbook apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance,

the performance of fellow employees, or otherwise adversely affects other employees, citizens of the Town of Vidalia, or the general public may result in disciplinary action up to and including termination.

### **KNOW AND FOLLOW THE RULES**

Carefully read the policies within this Handbook, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence, or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

### **BE RESPECTFUL**

Always be fair and courteous to fellow employees and citizens of the Town of Vidalia. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our open-door policy than by posting complaints to a social medial outlet.

Although you have a right to discuss public issues as a citizen, you do not have a right to air personal workplace grievance son social media, and doing so can disrupt the business of the Town and its employees and result in disciplinary action.

### **BE HONEST AND ACCURATE**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the Town of Vidalia, fellow employees, or any content that otherwise adversely affects other employees, citizens of the Town of Vidalia, or the general public.

### **POST ONLY APPROPRIATE AND RESPECTFUL CONTENT**

Express only your personal opinions. Never represent yourself as a spokesperson for the Town of Vidalia. If the Town of Vidalia is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the Town of Vidalia. If you do publish a blog or post online related to the work you do or subjects associated with the Town of Vidalia, make it clear that you are not speaking on behalf of the Town of Vidalia or fellow employees. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of the Town of Vidalia.”

Whenever you post on social media, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage employees or other members of the public, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, age, or any other status protected by law or by Town policy.

Remember that you are a public servant, and anything you post could reflect on the Town and the services it provides. The Town is committed to treating citizens equally and promoting justice and fairness for each and every citizen of the Town of Vidalia. Posts that indicate discriminatory or harassing attitudes or conduct may undermine the public trust and adversely affect your ability to do your job effectively. This includes any jokes,

memes, or other content displaying discriminatory, harassing, or disrespectful attitudes toward groups or members of the public. Such posts may result in disciplinary action.

Whenever your social media posts adversely affect your ability to do your job, you may be subject to disciplinary action up and including termination.

### **USING SOCIAL MEDIA AT WORK**

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your supervisor. Do not use Town of Vidalia e-mail addresses to register on social networks, blogs, or other online tools utilized for personal use. If you do make work-related social media posts, you must abide by the guidelines set by your supervisor. Official Town social media accounts are not an appropriate way for you to express personal opinions. If you wish to express personal opinions on public issues, you must do so on your own time and using your own account.

### **RETALIATION IS PROHIBITED**

The Town of Vidalia prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

### **MEDIA CONTACTS**

Employees should not speak to the media on the Town of Vidalia's behalf without contacting the appropriate Town of Vidalia personnel.

### **FOR MORE INFORMATION**

If you have questions or need further guidance, please contact your supervisor.

### **DRIVING RECORDS**

A list will be maintained of all employees who are authorized to drive Town of Vidalia vehicles along with the type of vehicle they are authorized to drive. Employees not on the list will not be allowed to drive Town of Vidalia vehicles. For an employee to be on the "Authorized List," he or she must meet all federal, state, local, and Town of Vidalia guidelines, and have an acceptable Motor Vehicle Report ("MVR").

MVR's will be run on all authorized drivers at time of hire, and when events indicate a need.

The prior three years will be used as the reference period to administer this policy. For an employee to remain on the authorized list, he or she must have an appropriate license and his or her MVR should be within the limits specified in this policy.

### **DWI/OWI OFFENSES**

- Non-Classified Tractor - Trailer Truck Drivers will be restricted from driving a Town vehicle as long as the violation exists on their MVR.

- Classified Tractor - Trailer Truck Drivers will be prohibited from driving a Town vehicle for as long as the MVR reflects the violation. Since driving is a part of their job description, they will no longer hold that position. In such cases, if another job is available that the employee is qualified for, they may be offered the job at the new position's current pay level. If there is not another applicable job available, the employee will be terminated from employment with the Town of Vidalia.

#### **MOVING VIOLATIONS AND AT-FAULT ACCIDENTS**

Three violations on the MVR will result in the employee being placed on probation for as long as the MVR reflects that number of offenses.

Four violations on the MVR will result in:

- Non-Classified Tractor - Trailer Truck Drivers will be restricted from driving a Town vehicle as long as four violations exist on their MVR.
- Classified Tractor - Trailer Truck Drivers will be prohibited from driving a Town vehicle for as long as the MVR reflects four offenses. Since driving is a part of their job description, they will no longer hold that position. In such cases, if another job is available that the employee is qualified for, they may be offered the job at the new position's current pay level. The Town is not, however, obligated to offer another job to the employee. If there is not another applicable job available or if the Town decides not to offer another job, the employee will be terminated from employment with the Town of Vidalia.

#### **TOTAL VIOLATIONS ON MVR**

Four violations on the MVR will result in the employee being placed on probation for as long as the MVR reflects four offenses.

Five violations on the MVR will result in:

- Non-Classified Tractor - Trailer Truck Drivers will be restricted from driving a Town vehicle as long as five violations exist on their MVR.
- Classified Tractor - Trailer Truck Drivers will be prohibited from driving a Town vehicle for as long as the MVR reflects five violations. Since driving is a part of their job description, they will no longer hold that position. In such cases, if another job is available that the employee is qualified for, they may be offered the job at the new position's current pay level. The Town is not, however, obligated to offer another job to the employee. If there is not another applicable job available or if the Town decides not to offer another job, the employee will be terminated from employment with the Town of Vidalia.

All employees who drive Town of Vidalia vehicles are considered safety-sensitive and will be subject to mandatory pre-employment and random drug and alcohol testing throughout their employment with the Town.

All accidents and traffic violations, whether in a Town of Vidalia or private vehicle, must be reported to each driver's supervisor on a designated form.

## **RESTRICTIONS ON USE OF TOWN VEHICLES**

Certain employees may be required to use Town-owned vehicles to carry out their duties. Vehicles will only be assigned to one or more employees in connection with the Town's business. When the vehicles are not being used for Town business, they will be kept on Town premises unless temporarily located elsewhere for repairs. Only Supervisors of the Water, Gas, Electric, Technology, and Streets Departments will be allowed to take the Town of Vidalia's Vehicles to expedite responses for after-hour and emergency situations. Guidelines for the use of police department vehicles are determined by that department's policy manual. All personal use is prohibited except minor incidental use such as a lunch stop between business stops.

All Town vehicles and equipment, except those used in the police department in connection with undercover work, will have permanent public side markings.

All driving restrictions set forth under the Personal Telephone Calls/Activities shall apply when using Town vehicles or otherwise driving a vehicle on the job. All employees using Town vehicles are expected to abide by traffic laws, safe driving practices, Town rules, and instructions of their supervisors.

## **LICENSURE AND REGISTRATION**

All employees who perform work that requires licensure, registration, or credentialing by a professional organization, government body, regulatory agency, or similar entity are held responsible for presenting those credentials during the pre-placement process and for maintaining those credentials after being hired. Failure to maintain credentials, falsification, or misrepresentation of credentials may result in change of position or termination. It is the responsibility of the employee to provide proof of licensure/registration to appropriate Town of Vidalia personnel when received.

## **SAFETY**

The personal safety and health of each employee of the Town of Vidalia is of primary importance. The Town will maintain a safety program which embodies the proper attitudes toward injury and disease prevention on the part of both supervisors and employees and which complies with all applicable local, state, and federal safety requirements. This requires cooperation in all safety matters, not only between supervisor and employee, but also between employees. Only through such efforts can the best safety records be established and preserved. Our objective is zero accidents and injuries.

All Town of Vidalia employees will:

- A. Immediately report all injuries to their supervisors. It is your right and obligation as an employee to report all workplace injuries. You will never be retaliated against in any way for reporting an injury.
- B. Know the location of fire and emergency exits.
- C. Avoid horseplay.
- D. Be sure that all tools and equipment are maintained in a good state or repair.
- E. Walk, not run, except in case of emergency.
- F. Ensure that all poisonous, toxic, and flammable materials are safely stored in appropriate containers labeled as to contents.
- G. Never attempt to use defective machinery or equipment.
- H. Ensure that fire extinguishers, fire alarms, and exit doors are kept clear of obstacles.
- I. Report any and all safety hazards immediately to their supervisors.

- J. Keep arms and back as straight as possible when lifting from the floor. Bend the knees and then lift with leg muscles.
- K. Use a ladder, step stool, or work stand when it is necessary to reach high places. Never climb on machinery, crates, boxes, shelves, or chairs.
- L. Never wear rings, watches, bracelets, necklaces, earrings, or gloves near machinery where there is a possibility of entanglement or where people served may grab and pull at them.
- M. Use caution when lifting, physically assisting, or restraining people served. If possible, never get in an awkward position or a position that is likely to cause a fall or other injury.
- N. Never wear jewelry or clothing that could cause injury to yourself or people served should you become involved in situations with people served requiring physical management.
- O. Comply with all standard safety practices relating to the job you are performing.
- P. Use safe work habits and common sense on the job.

## **WEAPONS IN THE WORKPLACE**

The Town of Vidalia strictly prohibits weapons of any type in the workplace or at Town-sponsored events. This includes visible and concealed weapons, even those for which the owner has obtained the necessary permits. While this list is not exhaustive, weapons include firearms, knives (other than approved cooking or eating utensils), any explosive materials, or any other objects that could be used to harass, intimidate, or injure another person.

The only exception to this policy is in instances of official activity (i.e. law enforcement or security) or other personnel authorized by the Mayor.

In Louisiana, R.S. 32:292.1 provides that a person who lawfully possesses a firearm may transport or store the firearm in a locked, privately-owned motor vehicle in any parking lot, including a parking lot or garage provided by an employer. Any Town of Vidalia employee who lawfully possesses a firearm while parked in a Town of Vidalia parking lot must keep the vehicle locked at all times and the firearm hidden from plain view or within a locked case or container within the vehicle.

Under no circumstances are employees allowed to carry firearms or any other weapons into the workplace or at Town-sponsored events.

## **WORKPLACE VIOLENCE**

The Town of Vidalia strictly prohibits and does not tolerate any form of workplace violence, including but not limited to bullying, battery, mutual combat, intimidation, threatening, hostile behaviors, stalking, abuse, vandalism, possession or use of weapons, comments regarding intended violence, or any other conduct which the Town deems as violent or violative of the dignity and respect of others. The Town also prohibits the use of Town resources, including Town email, equipment, facilities, work areas, or other Town property, to threaten, stalk, harass, or harm anyone at the workplace or outside the workplace.

For purposes of this policy, the “workplace” includes all property owned by the Town, including facilities, land, buildings, structures, automobiles, offices, lockers, desks, rooms, and all vehicles or equipment under the control or supervision of the Town, whether owned, leased, or used. The workplace also includes all other work locations or training sites or modes of transportation to those locations while in the course and scope of employment. Any employee who is “on the clock,” acting in the course and scope of his or her employment, on the premises of any Town facility, or using Town property is considered to be in the workplace.

## Reporting

1. If an employee experiences or observes any workplace violence, he/she should promptly report the incident to his or her supervisor (or, if the complaint involves the employee's supervisor, to the supervisor's supervisor or to the Mayor), who will investigate the matter and take appropriate action.
2. Ongoing situations that pose a threat of workplace violence should be immediately reported to law enforcement.
3. Employees are encouraged to report incidents of workplace violence directly to law enforcement authorities.
4. Complaints of any criminal conduct will be promptly reported to the proper law enforcement authority.
5. Depending on the circumstances, a Town representative (which may be a supervisor, the Mayor, or an attorney, at the discretion of the Mayor) may be appointed to investigate the complaint. The Town will work with the Police Department or other law enforcement in any investigation and will not take actions that interfere with any investigation by law enforcement.
6. If the Town conducts its own investigation, upon conducting the relevant interviews and reviewing the evidence, the investigator shall prepare a written summary of his or her factual conclusions, which the investigator shall present to the Mayor.
7. The Mayor may immediately terminate any employee who engages in any act of workplace violence. The above investigation procedure does not give any employee a legal right to have a particular investigation or procedure followed. Employees of the Town work "at will" and may be immediately terminated for any misconduct in the workplace. Employees committing acts of violence in the workplace can expect to be immediately terminated.

## Discipline

1. If the act of workplace violence was committed by an employee, the Mayor shall take appropriate disciplinary action. After the investigation, the Mayor shall review the investigator's conclusions, and prompt and appropriate corrective action will be taken with respect to any violations of this policy.
2. The Mayor shall also take appropriate action as to any acts of workplace violence being investigated by law enforcement.
3. Violent acts in the workplace will warrant discipline, up to and including discharge. Unless the Mayor decides that an investigation is needed to determine the facts, acts of violence in the workplace will typically result in immediate termination.
4. The Mayor may also suspend any employee who is under investigation, pending the outcome of the investigation.

## Retaliation

1. All employees are permitted and encouraged to report acts of workplace violence and to seek assistance and intervention from local emergency services or law enforcement when a violent incident occurs.
2. The Town will not tolerate any kind of retaliation, direct or indirect, against any employee or other person who, in good faith, complains about or witnesses workplace violence or who reports or seeks assistance and intervention from local emergency services or law enforcement when a violent incident occurs. Prohibited retaliation includes discharge, demotion, suspension, threats, harassment, or discrimination in the terms and conditions of employment.

3. Employees are prohibited from retaliating against other employees for filing a complaint of workplace violence or participating in an investigation or other proceeding involving a complaint of workplace violence.
4. Any employees who feel they have been retaliated against in violation of this policy should submit a complaint to the Mayor.

### **TOBACCO USE**

It is the policy of the Town of Vidalia to provide a tobacco-free work environment. Tobacco use is allowed only in designated areas during assigned break times. Tobacco products should be discarded only in designated receptacles.

This policy applies to all employees, volunteers, and visitors. Employees should notify a supervisor of situations that involve continued non-compliance.

## **DISCIPLINARY & GRIEVANCE POLICY**

### **GROUND FOR DISCIPLINARY ACTION**

Employees may be subject to disciplinary action for any of the following offenses, without limitation:

1. Engaging in acts of harassment or discrimination;
2. Being tardy or absent without authorization;
3. Failure to provide notice of any tardiness or absenteeism;
4. Engaging in horseplay, scuffling, etc.;
5. Engaging in any form of workplace violence, bullying, intimidation, etc.;
6. Performing work without authorization of the supervisor;
7. Causing loss of material due to carelessness;
8. Wasting time;
9. Leaving place of work without permission;
10. Gambling during working hours;
11. Violating a safety regulation;
12. Carelessness affecting personal safety or safety of others;
13. Threatening, intimidating, coercing, or interfering with fellow employees;
14. Soliciting contributions or distributing printed material without approval of the Town of Vidalia while on Town time or premises;
15. Making false, vicious, or malicious statements;
16. Failing to follow job instructions;
17. Misusing, destroying, or damaging property;
18. Fighting or provoking or instigating a fight;
19. Reporting for work under the influence of alcohol or drugs or use of such while at work;
20. Sleeping on the job;
21. Insubordination;
22. Falsifying records or Town documents;
23. Theft;
24. Drinking any alcoholic beverage on the job;
25. Engaging in sabotage;

26. Immoral conduct or indecency including use of profanity or vulgar language;
27. Violation of the rules of ethics applicable to public employees;
28. Violating any rule of conduct set forth in this Handbook; or
29. Any other misconduct as defined by the Town of Vidalia.

## **CORRECTIVE COUNSELING AND PERFORMANCE IMPROVEMENT**

Corrective counseling may be initiated when an employee's performance is not meeting expectations and Town management believe that an employee's performance problem can and will be resolved through adequate counseling. Corrective counseling is completely at the discretion of Town management. The Town desires to protect its investment of time and expense devoted to employee orientation and training whenever that goal is in the Town's best interests.

The Town expressly reserves the right to discharge "at will." The procedures set forth in this Handbook are recommendations and general policies; nothing in this policy or in this Handbook gives you a right to have a particular procedure followed. Moreover, many employee infractions, behavioral issues, or performance issues will warrant immediate termination, without any corrective counseling or performance improvement procedure.

Even if corrective counseling is implemented, it may be terminated at the discretion of management. Management, in its sole discretion, may either warn, reassign, suspend, or discharge any employee "at will," whichever it chooses and at any time. Whenever Management believes, in its sole discretion, that further counseling would be ineffective, the Town may terminate an employee immediately.

It is essential that all disciplinary action be adequately and appropriately supported by written documentation to protect both the rights of the Town and the rights of the employee.

The department head/supervisor, with assistance of the Mayor, will determine the course of action best suited to the circumstances. Although the department head/supervisor may skip one or more these steps as appropriate, the steps in corrective counseling and performance improvement are as follows:

1. ***Verbal counseling*** – As the first step in correcting unacceptable performance or behavior, the department head/supervisor should review pertinent job requirements with the employee to ensure his or her understanding of them. The department head/supervisor should consider the severity of the problem, the employee's previous performing appraisals, and all of the circumstances of the particular case. If the problem continues, in the second step the supervisor should define the problem in more specific terms and work with the employee to identify the requirements for performance improvement or change of conduct which will serve as a solution to the problem. The seriousness of the performance or misconduct should be indicated by stating that a written warning, probation, or possible termination could result if the problem is not resolved.

The employee should be asked to review what has been discussed to ensure his or her understanding of the seriousness of the problem and the corrective action necessary.

Immediately after the second step in verbal counseling, the department head/supervisor should document the verbal counseling for future reference.

2. **Written counseling** – If the unacceptable performance or behavior continues, the next step should be a written warning. Also, circumstances such as violation of a widely known policy or safety requirement may justify a written warning without first using verbal counseling. The written warning defines the problem and how it may be corrected. The seriousness of the problem is again emphasized, and the written warning shall indicate that probation or termination (or both) may result if improvement is not observed. Written counseling becomes part of the employee’s personnel file.
3. **Probation** – If the problem has not been resolved through written counseling, and/or the circumstances warrant it, the individual should be placed on probation. Probation is a serious action in which the employee is advised that termination will occur if improvement in performance or conduct is not achieved within the probationary period.

The Departmental Oversight Committee and the employee’s department head/supervisor, after review of the employee’s corrective counseling documentation, will determine the length of probation. Typically, the probation period should be at least two weeks and *no longer than 60 days*, depending on the circumstances. A written probationary notice to the employee is prepared by the department head/supervisor. The letter should include a statement of the following:

- A. The specific unsatisfactory situation;
- B. A review of oral and written warnings;
- C. The length of probation;
- D. The specific behavior modification or acceptable level of performance;
- E. Suggestions for improvement;
- F. A scheduled counseling session or sessions during the probationary period; and
- G. A statement that further action, including termination, may result if defined improvement or behavior modification does not result during probation. “Further action” may include, but is not limited to, reassignment, reduction in pay, reduction in grade, or demotion.

The department head/supervisor should personally meet with the employee to discuss the probationary letter and answer any questions. The employee should acknowledge receipt by signing the letter. If the employee should refuse to sign, the department head/supervisor may sign attesting that it was delivered to the employee and identifying the date of delivery. The probationary letter becomes part of the employee’s personnel file.

On the defined probation counseling date or dates, the employee and department head/supervisor will meet to review the employee’s progress in correcting the problem which led to the probation. Brief written summaries of these meetings should be prepared with copies provided to the employee and the Mayor.

At the completion of the probationary period, the Mayor and the department head/supervisor will meet to determine whether the employee has achieved the required level of performance and to consider removing the employee from probation, extending the period of probation, or taking further action, including terminating the employee. The employee is to be advised in writing of the decision. Should probation be completed successfully, the employee may be commended, but should be cautioned that any future recurrence may result in further disciplinary action.

4. **Suspension** – A suspension may be justified when circumstances reasonably require an investigation of a serious incident in which the employee was allegedly involved. A suspension may also be warranted when employee safety, welfare, or morale may be adversely affected if a suspension is not imposed. In

addition, suspension without pay for up to thirty (30) consecutive days may be imposed for such proven misconduct as intentional violation of safety rules, fighting, or drinking on the job.

These examples do not limit management's use of suspension with or without pay in other appropriate circumstances, such as the need to investigate a serious incident.

In implementing a suspension, a written counseling report should set forth the circumstances justifying the suspension. Such a report may become part of the employee's personnel file.

Any employee placed on suspension two (2) times in any twelve (12) month period is automatically terminated.

- 5. *Involuntary Termination*** – The involuntary termination notice is prepared with concurrence of the Mayor by the department head/supervisor. The employee is notified of the termination by the department head/supervisor.

## **GRIEVANCE PROCEDURE**

In connection with the "Corrective Counseling" policy, an employee may express a verbal grievance to his or her immediate supervisor. If the concern is not resolved with one week, the employee may put in writing the details of his or her grievance and submit the grievance to the immediate supervisor. The written statement will be reviewed by the Mayor, who may appoint a committee to decide the matter or may decide the matter himself or herself without appointing a committee. The employee and his or her supervisor may request a hearing with the Mayor or the committee for resolution of the problem. The problem will be discussed in the presence of the employee and supervisor. Final resolution of the grievance will be made by the committee and discussed with the employee and supervisor. The decision will be reduced to writing, a copy given to the employee and supervisor, with the original kept by the Mayor. A copy will be filed in the employee's personnel file when appropriate.

## **TERMINATION**

Terminations are to be treated in a confidential, professional manner by all concerned. The department head must assure thorough, consistent, and evenhanded termination procedures. This policy and its administration will be implemented in accordance with the Town's Equal Opportunity Policy.

Terminated employees are entitled to receive earned pay and Vested Leave Days (which accrued prior to January 1, 2018). Vacation, sick days, and major illness days to which an employee accrues on or after January 1, 2018 are a mere gratuity, not a vested right, and the terminating employee is not entitled to be paid for these days.

Employment with the Town is normally terminated through one of the following actions:

- 1. *Resignation*** – voluntary termination by the employee;
- 2. *Dismissal*** – involuntary termination for substandard performance or misconduct; and
- 3. *Layoff*** – termination due to reduction of the workforce or elimination of a position.

The policy relating to each of these actions is stated below. Nothing stated within this Termination policy creates any rights for any employee; this Termination policy is a statement of general guidelines and recommendations and does not alter any employee's "at will" status. No employee has a legal right to have a particular procedure followed. Rather, this Termination procedure is a statement of the Town's expectations

for supervisors and department heads, not a statement of employees' rights. Again, the Town may, in appropriate circumstances, dismiss any employee immediately without following the procedure outlined below.

### RESIGNATION

A job termination initiated by the employee is considered to be a resignation, whether the resignation is written, oral, express, or implied.

An employee desiring to terminate employment, regardless of employee classification, is expected to give as much advance notice as possible. Two weeks or ten (10) working days is generally considered to be sufficient notice time. The Town reserves the right to waive this courtesy period and consider a resignation effective upon receipt.

An employee who fails to report for duty for three (3) or more work days without a valid doctor's excuse or other leave period approved by the Town will be considered to have abandoned his or her job, and will be deemed to have voluntarily resigned.

### DISMISSAL

Dismissal may occur for either or both of the follow reasons:

1. **Substandard performance** – An employee may be discharged if his or her performance is unacceptable. The supervisor or department head, generally, shall have counseled the employee concerning performance deficiencies, provided direction for improvement, and warned the employee of possible termination if performance did not improve within a defined period of time.

The supervisor or department head is expected to be alert to any underlying reasons for performance deficiencies such as personal problems or substance abuse.

The Departmental Oversight Committee must concur in advising the employee of the discharge action. Documentation to be prepared by the supervisor/department head shall include reason for separation, performance history, corrective efforts taken, alternatives explored, and any additional pertinent information.

2. **Misconduct** – An employee found to be engaged in activities such as (but not limited to) theft of Town property, insubordination, conflict of interest, or any other activities showing willful disregard of Town interests or policies, including the policies stated in this Handbook, will be terminated as soon as the supervisor, department head, and Departmental Oversight Committee have concurred with the action. Termination resulting from misconduct shall be entered into the employee's personnel file. The employee shall be provided with a written summary of the reason for termination.

### LAYOFF

When a reduction in force is necessary or if one or more positions are eliminated, employees will be identified for layoff after evaluating the following factors:

1. Town work requirements;
2. Employee's abilities, experience, and skill;

3. Employee's potential for reassignment within the organization; and
4. Length of service.

The immediate supervisor will personally notify employees of a layoff. After explaining the layoff procedure, the employee will be given a letter describing the conditions of the layoff such as the effect the layoff will have on his or her prior service time and anniversary date at time of call-back.

#### **TERMINATION PROCESSING PROCEDURES**

1. The supervisor or department head must immediately notify the office staff of the termination so that a termination checklist can be initiated. The office staff will direct and coordinate the termination procedure.
2. All outstanding amounts due the Town from the terminating employee will be deducted from the final paycheck.
3. On the final day of employment, the department head must receive all keys, ID cards, uniforms, and Town property from the employee.
4. The employee's final paycheck will include payment for all earnings and for the Vested Leave Time (which accrued prior to January 1, 2018). Any leave time granted to the employee on or after January 1, 2018 (i.e., any Use-It-Or-Lose-It Time) is a mere gratuity and will not be included in the employee's final paycheck.
5. The employee will pick up his or her final payroll check from the office staff. This final check will be issued only upon notification from the applicable department head that all items noted in Paragraph 3 above have been returned.

## **EVALUATION POLICY**

### **PERFORMANCE REVIEW AND MERIT INCREASES**

All Town employees will participate in a performance review with their department head/supervisor based on the following schedule:

1. Upon completion of the employee's probationary period;
2. Twice a year during December and June; *and*
3. As often as is warranted by the job situation and the employee's performance.

The employee is also encouraged to do the following:

1. Inquire about his or her performance from time to time;
2. Accept additional responsibilities and show initiative;
3. Review opportunities for advancement within the department or job classification;

4. Ask for assistance in developing a goal-oriented path for advancement within the department; and
5. Learn about training available to assist the employee in skills improvement, promotion, or lateral transfer.

The department head/supervisor will determine if a merit increase is warranted. It is Town policy to reward employees with merit increases in pay for dedication in their work, extra effort, and better-than-average performance, at the discretion of the Mayor and the employee's department head/supervisor. Merit increases are not awarded as a matter of right, on an automatic basis, or at any preset interval. Merit increase recommendations will be submitted during the last fiscal quarter of each fiscal year for consideration. All approved merit increases will be made effective for the first workday of the pay period following approval by the Mayor and any necessary appropriation of monies by the Board of Aldermen.

It is the department head's/supervisor's responsibility to develop and maintain a work environment in which employees can openly discuss performance and develop plans. The employee will be notified in writing 10 days in advance of the performance review date. Also included in the notification will be the time, place, and the discussion topics for the employee to prepare for the review.

The department head/supervisor is responsible for establishing a relaxed atmosphere at the performance review and encouraging two-way communication. The discussion should be conducted in a positive manner, in complete privacy and with no interruptions. The department head/supervisor shall verify that the employee is familiar with his or her job duties and the appraisal criteria or factors. At the conclusion of the performance appraisal, the employee will be requested to sign the appraisal verifying that he or she participated in the evaluation. The employee should be encouraged to submit comments about the appraisal which will become part of the record. A date for the next appraisal shall be agreed upon and noted on the appraisal form. The employee must be given a signed copy of the appraisal.

## **SALARY ADMINISTRATION**

The Mayor and the Board of Aldermen will meet during the last quarter of each fiscal year to budget the Town's compensation package for the upcoming fiscal year, which begins on the first day of July. They will establish amounts available for (1) pay increases, (2) monies to be allocated to the continuation and expansion of the Town's benefits programs, (3) monies to be budgeted for the addition of new employees, and (4) monies to be budgeted for performance incentive programs.

Pay increases are not granted on an automatic basis but only on the basis of demonstrated performance and documented contributions to the Town. A performance appraisal is one of several criteria which will be used to support the department head's recommendation for salary adjustment and adjustment amount. Other criteria include, but are not limited to, the actual amount of money allocated to the department and pay survey data. Recommendations will be submitted to the Mayor for final approval.

## **POSITION DESCRIPTIONS**

The purpose of position descriptions at the Town is to define a position's duties and set requirements for filling the position. Within three months after every employee has filled a position, a personalized position description detailing the unique features of the job and establishing the employee's job objectives will be prepared by each supervisor using input from the employee. The previous position description will be used as

a model in defining the present employee's position. A supervisor shall review an employee's position description when he or she requests it.

All position descriptions shall include the following information:

1. Title of position;
2. Assigned department
3. Position summary or overview;
4. Position qualifications (minimum qualifications including job experience, skills, and education); and
5. Major duties and responsibilities.

Position descriptions are used to determine employee selection, job requirements, performance appraisals, organizational structure, and the relative worth of jobs in relation to each other. Town management will annually review positions to ensure equity and consistency in our human resource system.

## CONCLUSION

Remember that wherever you go, you are a representative of the Town of Vidalia. You are urged to project professionalism in all of your activities and to project respect for the Town of Vidalia, your fellow employees, and yourself.

# EMPLOYEE REVIEW AND ACCEPTANCE

This is to confirm that I have received, read and understand the Town of Vidalia Employee Handbook (“Handbook”) and agree to abide by the rules and regulations set forth. I understand that this Handbook in no way constitutes a contract and cannot be construed as such, either in whole or part. Furthermore, I understand that the Town of Vidalia reserves the right to change or modify the contents of this Handbook in whole or part at any time and that employees will be notified immediately.

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Signature of Employee

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Date

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Printed Name of Employee

# AGREEMENT TO COMPLY WITH HARASSMENT POLICY

This is to confirm that I have received, read, and understand the Town of Vidalia’s Harassment Policy and agree to abide by the rules and regulations set forth, including behaving in compliance with the Harassment Policy, attending mandatory annual training, cooperating with the complaint and investigation procedure, and acting at all times to avoid harassment, including sexual harassment, and to create a workplace environment free from harassment, including sexual harassment. I agree to treat other employees with respect at all times, and I will not retaliate against any other employee because of a complaint of harassment.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Employee

# EMPLOYEE CONSENT TO SUBSTANCE ABUSE TESTING

I have received, read, and fully understand the Town of Vidalia Employee Handbook's provisions concerning substance abuse. As a condition of employment, I hereby consent to substance abuse testing by the Town of Vidalia at any time. I understand that if I fail a substance abuse test or fail to take a substance abuse test when scheduled, I may be subject to disciplinary action, including, but not limited to termination. Also, I agree to hold harmless the Town of Vidalia and the Town of Vidalia's Mayor, aldermen, employees, agents, and representatives from any and all liability on any matter that may arise concerning the substance abuse test. I understand and agree that I am submitting to any substance abuse test of my own free will.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Employee

# AUTHORIZATION TO WITHHOLD FROM WAGES

I do hereby give my consent and permission for my employer to withhold from my wages any monies owed, including but not limited to any monies owed as a result of me willfully or negligently damaging or breaking goods or works, or willfully or negligently damaging or breaking the property of my employer, and including but not limited to any monies I owe to the Town for utility bills, fees, fines, or other charges. I hereby authorize my employer to deduct any monies that I owe from my current or final paycheck, and acknowledge that if the amount contained in my final paycheck is not sufficient to pay the monies owed, I will still be required to pay the balance in full. By signing below, I acknowledge that I understand and agree to all terms of this authorization, and I agree to pay all attorney's fees incurred by my employer as a result of my employer's efforts to recover any monies that I owe.

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Signature of Employee

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Date

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Printed Name of Employee

# BACKGROUND CHECK AUTHORIZATION

In processing your employment application or to remain employed, criminal records, credit reports, and other background checks regarding you may be obtained for employment purposes. This inquiry may, by the nature of the data collected in such records, include information as to your character, general reputation, personal characteristics, and mode of living.

I hereby authorize my employer to obtain one or more consumer/investigative reports on me in connection with employment. These reports may include, but are not limited to, information regarding my criminal and civil records, driving record, credit, employment history and performance, or other investigative reports. I understand that this authorization, in original or copy form, shall be valid for this and any future reports or updates that may be requested in connection with my employment with my employer.

I hereby release my employer, individual jurors, its officers, employees, and other agents, and all other persons, companies, former employers, schools, and other entities, from any and all liability arising from inquiries by my employer and its agents concerning the above background checks and/or the compilation or use of such reports regarding me.

I acknowledge that I have read carefully the information contained on this form. I certify that all of this information and the information on my application for employment with my employer are true and complete. I further understand that any omission of fact or false or misleading information given by me may result in the withdrawal of my conditional offer of employment, disciplinary action, suspension, or discharge, as applicable.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Employee



Please list any other Social Security Numbers that you have used and the years changed.

\_\_\_\_\_ Year Changed: \_\_\_\_\_

\_\_\_\_\_ Year Changed: \_\_\_\_\_

Please list any felony or misdemeanor criminal convictions, guilty pleas, or pleas of nolo contendere/no contest, deferred prosecutions, prayers for judgment continued, or pending charges (excluding minor traffic violations). Provide date(s), court of jurisdiction, county/parish, and state. Attach another page if necessary.