

CITY OF BEAUFORT
Employee Handbook
January 24, 2013



TABLE OF CONTENTS

	<u>Page</u>
CITY OF BEAUFORT EMPLOYEE HANDBOOK.....	1
SECTION I - INTRODUCTION.....	2
Disclaimer.....	3
At-Will Employment.....	3
Prerogative of Personnel Rules.....	3
Administatration of Personnel Rules.....	3
Amendments.....	4
Staff Reductions.....	4
Beaufort Area History.....	5
SECTION II - ANTI DISCRIMINATION AND HARASSMENT.....	8
Equal Employment Opportunity.....	8
Harassment-Free Work-Place.....	8
Sexual Harassment.....	9
Retailiation.....	10
Procedures.....	10
Americans with Disabilities Act.....	12
Complaint Procedures and Investigation.....	13
Corrective Action.....	13
SECTION III - GENERAL INFORMATION.....	14
Classification.....	14
Purpose.....	15
Administration of the Classification Plan.....	14
Allocation of Positions.....	14
Reclassification of Positions.....	14
Use of Job Titles.....	14
Use of Classification Plan.....	15
Maintenance of Pay Ranges.....	15
Use of Pay Grades.....	15
Interruption of Services.....	16
Reinstatement.....	16
Performance Management.....	16
Pay Rates in Promotion, Demotion, and Transfers.....	16
Promotion.....	16
Demotion.....	16
Demotion Procedures.....	17
Transfer.....	17
Reclassification.....	17
Filling Vacancies.....	17
Recrutiment, Promotions and Transfers.....	17
Procedures.....	18
Examinations.....	18
Physical Examinations.....	18
Final Selection of New Employees.....	19
Probationary Period.....	19
Nepotism.....	19
Residency Requirements.....	20
	<u>Page</u>

SECTION IV - EMPLOYMENT POLICIES.....	22
Gifts and Gratuities.....	22
Political Activity.....	23
Dual Employment.....	23
Progressive Disciplinary Action/Coaching and Counseling.....	23
Employee Conduct.....	23
Employee Notice.....	26
Attendance.....	26
Corrective Counseling.....	26
Progressive Counseling Steps.....	26
Hours of Work.....	28
Paychecks.....	28
Rehiring/Reinstatement of Employees.....	29
Religious Day Observation.....	29
Salary Administration.....	29
Longevity Salary Adjustments.....	29
Holidays.....	30
Overtime.....	30
Salary Basis Policy.....	32
Scheduling.....	32
Separation of Employment.....	32
Sick Leave.....	33
Sick Leave Policy.....	33
Eligibility.....	33
Sick Leave Accrual Rates.....	34
Use of Sick Leave.....	35
Charging of Sick Leave Hours.....	35
Annual Leave.....	35
Annual Leave Policy.....	36
Eligibility.....	36
Annual Leave Accrual Rates.....	37
Use and Scheduling of Annual Leave.....	37
Charging of Annual Leave Hours.....	38
Leave of Absence.....	38
Employment Restoration.....	39
Basic Conditions of FMLA.....	40
Notification and Reporting Requirements.....	40
Procedures.....	40
Status of Employee Benefits during Leave of Absence.....	42
Bereavement (or Funeral) Leave.....	42
Military Leave - Uniformed Services Employment and Reemployment Rights Act (USERRA)....	43
Leaves for Military Duty and Leaves for Military Families.....	43
15-day Paid Leave.....	43
Weekend Training.....	43
Declared Emergency: 30 Additional Days.....	44
Extended Active Military Duty.....	44
Leaves for Military Families.....	45
Military Care Giver Leave.....	46
Jury Duty.....	47
Official Court Attendance.....	47
Other Litigation.....	47
Light Duty.....	47

SECTION IV - EMPLOYMENT POLICIES (Continued)

Educational Leave Without Pay..... 48
Educational Leave With Pay..... 49
Tuition Assistance..... 49
Eligibility..... 49
Prepayment..... 49
Job-Related Study..... 49
Career-Related Study..... 50
Tuition Assistance During Off-Duty Hours..... 51
Applying for Reimbursement..... 51

SECTION V - BENEFITS OVERVIEW..... 52

South Carolina Retirement System..... 52
Health Insurance..... 52
COBRA..... 52
Retirees..... 53
Employee Assistance Program..... 53
Worker's Compensation..... 53
Other Payroll Deduction Programs..... 53

SECTION VI - INFORMATION TECHNOLOGY..... 54

Overview..... 54
Purpose..... 54
Scope..... 54
General Use and Ownership..... 54
Security and Proprietary Information..... 55
Unacceptable Use..... 55
System and Network Activities..... 55
Social Networking/Blogging..... 56
Blogging..... 57
Email and Communication Activities..... 57

SECTION VII - SAFETY AND ACCIDENT PREVENTION..... 63

Motor Vehicle Traffic Accident/Incident Procedures..... 63
Zero Tolerance Substance Abuse Policy..... 65
Scope and Application..... 65
Types of Testing..... 66
City Prohibited Conduct..... 66
Legal Prescription Drugs..... 66
Pre-Employment/Pre-Assignment Drug Testing..... 67
Post-Accident/Near Accident..... 67
Reasonable Suspicion/Cause..... 68
Random..... 68
Return to Duty..... 68
Refusal to Test..... 68
Tampering..... 69
Coming Forward with Substance Abuse Problems..... 69
Vehicle and Equipment Use..... 70

ACKNOWLEDGEMENT OF RECEIPT OF EMPLOYEE HANDBOOK.....	72
CITY OF BEAUFORT CODE OF CONDUCT.....	73
Introduction.....	73
Compliance with Laws, Rules and Regulations.....	73
City Policies.....	73
Conflict of Interest.....	74
Accounting Practices.....	75
Entertainment.....	75
Political Contributions.....	75
Employee Suitability.....	75
Reporting.....	75
Discipline.....	76
Response to Violations.....	76
CITY OF BEAUFORT CODE OF CONDUCT COMPLIANCE CERTIFICATE.....	78

CITY OF BEAUFORT EMPLOYEE HANDBOOK

Welcome to the City of Beaufort! We asked you to become a member of our team because we are confident that you will help us render the highest standard of service in our community.

Whatever your particular job may be, we want you to be successful. Our City's continued provision of quality services depends upon many people with a variety of skills and talents, all of whom play a valuable role in helping to achieve our objectives.

This Handbook will provide you with important information regarding your employment with The City of Beaufort.

Please read it carefully and retain it for future reference.

We are excited to have you join our team!

SECTION I - INTRODUCTION

Disclaimer

It is the public policy of this State that a handbook, personnel manual, policy, procedure, or other document issued by an employer or its agent after June 30, 2004, shall not create an express or implied contract of employment if it is conspicuously disclaimed

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

I acknowledge receipt of the City's Employee Handbook AND UNDERSTAND THAT IT IS NOT A CONTRACT OF EMPLOYMENT.

Employee Signature

Date

Printed Name

At-Will Employment

Employment-at-will means that the employer may terminate the employment or the employee may leave the employment at any time for any reason (or for no reason). However, there are laws that protect employees from termination, demotion, or other discrimination in certain circumstances. Below is a partial list.

The most common protected categories are those that protect an employee's civil rights based on age, race, sex, religion, national origin, color, disability, or pregnancy. For questions or information on these protected categories, you may contact the South Carolina Human Affairs Commission in Columbia at <http://www.state.sc.us/schac/> or (800) 521-0725 toll free or locally at (803) 737-7800.

You may also contact the Federal Equal Employment Opportunity Commission (EEOC) at (800) 669-4000 toll free and be connected to your local EEOC office. Military Leave violations are covered under the Uniform Services Employment and Reemployment Rights Act (USERRA). For information, <http://www.osc.gov/userra.htm> or telephone the Adjutant General's Office at (803) 806-2672.

On-the-Job injury questions or violations are the responsibility of the Workers Compensation Commission (803) 737-5700.

Another protected category is the South Carolina Occupational Safety and Health Act. (OSHA) protects employees against retaliation by an employer when an employee engages in activity under this law. Their telephone number is (803) 896-7665.

If you have a complaint involving unpaid Wages contact the Office of Wages and Child Labor at (803) 896-4470. For questions concerning Overtime, Rest Breaks, Minimum Wage or the Family Medical Leave Act (FMLA), contact the United States Department of Labor at (803) 765-5981 or their web site at <http://www.dol.gov/dol/topic/wages/index.htm>.

If your allegation of discrimination or unfair treatment is not based on one of the above or another specific law, you may wish to consult with an attorney. If you do not have an attorney or know of one to contact, you can telephone the South Carolina Lawyer Referral Service at (800) 868-2284, toll free or <http://www.schar.org/public/lrs/default.asp> for a referral in your geographic location

Prerogative of Management

The management of the business of the City of Beaufort and the direction of the Employees are the exclusive rights of The City of Beaufort. These rights include, but are not limited to: the right to hire, promote, demote, schedule Employees; assign and reassign duties; transfer or relieve employees from duty, discipline and discharge employees; and establish and enforce guidelines and procedures. The City of Beaufort will be the sole judge of all methods, processes, means and materials used in the operation of its business.

Administration of Personnel Rules

The City Manager in conjunction with the Director of Human Resources shall be responsible for establishing personnel rules, regulations and policies.

The Human Resources Director

The Human Resources Director shall be responsible for interpreting the various provisions within the Personnel Rules and Regulations.

Amendments

Any section or provision of these Rules and Regulations can be amended or changed by the City Manager with or without notice.

Staff Reductions

The City of Beaufort reserves the right to separate employees due to lack of work or funding. The determination of who is to be separated is within the sole discretion of the City Manager.

Beaufort Area History

The native Indians were living here seasonally as early as 4000 BC. Evidence of early settlement remains today in the form of a 3400 year old "Indian shell ring" in Hilton Head Island's Sea Pines Forest Preserve.

Written history began 500 years ago with the discovery of the area by Spanish Captain Pedro de Salaza in 1514. Thus, Beaufort County was the site of the second landing on the North American continent by Europeans, in 1514. The first landing -- Ponce de Leon at St. Augustine-- was only a year earlier.

The seaport of Beaufort is located at the head of one of the largest natural harbors on the Atlantic coast, which explains the early interest of the Spanish and French explorers that followed. When they sailed up the sound in the 1520's, they found a land inhabited by many small tribes of Native Americans, the largest of which were the Cherokees and the Catawbas.

French explorers visited this area long before the English arrived. In 1562, Captain Jean Ribaut and his Frenchmen entered the sound which he named Port Royal. They settled near the present town of Port Royal. As they were Huguenots, this was the first Protestant settlement in the United States.

When Ribaut returned to France for reinforcements the soldiers who were left behind revolted, built themselves a ship, and sailed for France the next year. This was the first ship built in America to cross the Atlantic Ocean.

After the French fled, Spaniards from Florida built Fort San Felipe on Parris Island in 1566 and made the new settlement there, known as Santa Elena, the capital of La Florida Province. In 1576, under attack from Native Americans, Santa Elena was abandoned, but the fort was rebuilt the next year. Archeologists have positively determined the location to be on the Parris Island golf course.

In 1587, England's Elizabeth I sent Sir Francis Drake to drive the Spanish from "La Florida". The Spanish decided to concentrate their forces in St. Augustine, and withdrew from Santa Elena.

South Carolina was again left to the Native Americans. But, English development plans formally began on March 24, 1663, when King Charles II granted the Coastal Area to 8 Lord Proprietors. They named their territory "Carolina" in honor of King Charles I.

Hilton Head Island is named for the English sea captain William Hilton who was hired by a syndicate of Barbadian planters. He saw the high bluffs of the island in August of 1663, while exploring the Port Royal Sound, and named it for himself, "Hilton Head," referring to the headlands visible as they sailed the uncharted waters. Within a few years, the English had established the first permanent European settlement of South Carolina at Albemarle Point, near present-day Charleston, on the Ashley River in 1670.

The proprietors' first settlers included many Barbadians, and South Carolina came to resemble more closely the plantation economy of the West Indies than did the other mainland colonies.

The Scots arrived in the area in 1686. The first trade was with the Indians for deer skins, a valuable commodity back in England, but indigo became the first cash crop. The climate and soil on the Sea Islands were favorable for its growth, and England was a great market for indigo.

Carolina was divided in 1710 into South Carolina and North Carolina.

Indian attacks, sponsored by the Spanish, continued to harass the settlers in the area. The Yemassee Indians were particularly fierce. Settlement of Savannah and the colony of Georgia were encouraged so as to set up a buffer from the Indians --in particular the area around Beaufort where indigo was thriving. Indians last significantly threatened the colony's existence in the Yemassee War of 1715.

Settlers from the British Isles, France, and other parts of Europe built plantations throughout the coastal lowcountry. Beaufort, the second oldest town in South Carolina, was founded in 1711. Both Beaufort County and its county seat of Beaufort were named for Henry Somerset, Duke of Beaufort (1684-1714), one of the Lords Proprietors of Carolina.

African slaves were brought into the colony in large numbers to provide labor for the plantations, and by 1720 they formed the majority of the population. The ports of Georgetown, Charleston, and Beaufort became important centers of commerce and culture. In the years before the Civil War, rice, indigo, and Sea Island cotton plantations brought great wealth to the entire lowcountry region.

Parris Island, (Santa Elena) was bought in 1715 by Alexander Parris, Public Treasurer of South Carolina.

In 1717 for acts of bravery in quelling the rioting Yemassee Indians, Col. John Barnwell was granted a thousand acres on the NW corner of Hilton Head Island by the Lord Proprietors. He became the first white settler. By 1766, approximately 25 families lived on Hilton Head Island.

Beaufort County was formed in 1769 from the parishes of Prince William, St. Luke, St. Helena, and St. Peter.

Thomas Hayward, Jr., a local rice plantation owner, signed the Declaration of Independence. As talk of Revolution escalated in the Colonies, Hilton Head Island sided with the Colonists. Daufuskie Island, just 1 mile south, was occupied by the Tories and was a British stronghold. During the Revolution, the British frequently raided Hilton Head Island and burned plantations and captured slaves who were later sold in the West Indies. The raids continued even after Cornwallis surrendered.

South Carolina lost more men, and gave more money to the Revolutionary cause than any other Colony. More Revolutionary War battles and skirmishes were fought in South Carolina than any other colony.

England had provided the market for indigo, this vanished after the Revolution. The settlers

turned to cotton. In 1790, Hilton Head Island was the first island to grow cotton. Sea Island cotton became the finest cotton available in the world.

Many of the sea island plantation owners built their summer homes on the banks of the Beaufort River to catch the cool prevailing breezes. Beaufort was referred to as the "Newport of the South." The majority of the houses on the out-lying plantations, though large, were not pillared mansions.

During the War of 1812 the British again invaded Hilton Head Island and burned most of the houses located near navigable waters.

As the Civil War approached Beaufort County was a focal point of secessionist sentiment, and the original Ordinance of Secession was drawn up in Beaufort.

Only seven months after the firing on Fort Sumter, a massive Federal armada steamed into Port Royal Sound and occupied the Sea Islands and port communities for the rest of the war. Because of this, much of Beaufort escaped the destruction of property --but the economy collapsed.

Besides freedom for the plantation slaves, the Civil War in Beaufort provided an opportunity for their Gullah culture to flourish and saw the establishment of Penn Center, then Penn Normal School, the first school for freed slaves in the South.

In 1878, a large portion of Beaufort County was removed to form Hampton County.

By 1890, Northerners again came, this time to hunt and fish the abundant game. Thousands of acres were sold to private hunt clubs for the wealthy. Hunt lands continued to expand. In 1931, remaining lands owned by the federal government were acquired as well. Access to the islands was by water only.

In 1891 a small detachment of Marines were sent to the area. The United States Marine Corps began training recruits at Parris Island in 1915.

During WW2, the Leamington Lighthouse on Hilton Head was the site of Camp McDougal. Gun emplacements along the Atlantic are still visible south as the sands shift with the tides.

Like many of the South's coastal regions, Beaufort's non-military economy in the first half of the 20th century depended upon agriculture, lumbering, and commercial fishing. Electricity and telephones were late coming to the remote regions; many small communities were not supplied until 1960. However, 1950 marks the beginning of modern development of Hilton Head, and the gradual transition of the coastal areas to resort, golf, and residential communities. In the early '50s, Georgia investors purchased of 19,000 of Hilton Head Island's 25,000 acres. While lumbering occurred over much of the island, the southern tip became Sea Pines Plantation. Begun in 1956, Sea Pines is the site of Harbour Town and its landmark hexagonal lighthouse, world-class harbor and chic boutiques.

Dirt roads gave way to paved ones. Beautiful bridges replaced ferry boats accessing the Sea Islands. Residential communities were developed, often around original plantation boundaries.

SECTION II – ANTI DISCRIMINATION AND HARASSMENT

Equal Employment Opportunity

The City of Beaufort is committed to the principles of fair employment practices and equal employment in the work place.

It is the policy of the City of Beaufort to provide equal opportunity in employment practices for all persons, to prohibit discrimination in employment practices because of race, color, religion, age, sex, sexual orientation, disability, national origin, and to promote the full realization of equal employment opportunity.

The City of Beaufort's policy is not to discriminate on the basis of a person's race, color, religion, age, sex, sexual orientation, disability (or perceived disability), national origin, marital or veteran status, extends, but is not limited, to the following: recruiting, hiring, training, on the job treatment, performance evaluation, promotion, transfer, demotion, termination, pay, and terms and conditions (or privileges) of employment.

No Employee will aid, abet, compel, coerce or conspire to discharge or cause another employee to resign because of the employee's race, color, religion, age, sex, disability, national origin or ancestry.

At a minimum The City of Beaufort will take such affirmative action as is appropriate to ensure that all employees will be employed in positions consistent with his/her skills, education, experience and interest. Every employee of the City of Beaufort with supervisory responsibilities will be held responsible to ensure that all areas under his or her control are administered without regard to race, color, religion, creed, age, sex, sexual orientation, disability, national origin or ancestry.

Any employee who feels that he/she has been or is being subjected to discrimination and any employee having knowledge of conduct that could be considered discriminatory, should report such conduct to his/her manager, or the Human Resources Director. Managers must notify the Human Resources Director of any reports they receive. All reports of discrimination will be investigated promptly by the Human Resources Director. Where necessary, appropriate action will be taken to prevent and remedy any such conduct.

Willful violation of this policy on equal employment opportunity by an employee of the City of Beaufort will be cause for disciplinary action, up to and including separation of employment.

The required Equal Employment Opportunity Federal Poster is posted in all City of Beaufort departments.

Harassment-Free Work-Place

The City of Beaufort is committed to providing a productive work climate, free of harassment. Accordingly, harassment of any kind by management or coworkers at any level will not be tolerated. In addition, the City will protect Employees, to the extent possible, from reported harassment in the workplace by non-Employees.

Harassment is conduct which makes fun of, belittles or shows hostility or dislike to an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability (or perceived disability), marital status, sexual orientation or veteran status, or any other basis protected by applicable law, or because of this association with a person in such a protected group. Protected groups include:

Protected groups, in terms of employment laws, are groups of people that are distinguished by special characteristics such as their race, color, ethnicity, national origin, religion, gender, age (over 40), disability or veteran status. These particular groups are protected under federal antidiscrimination law, which mandates that people in one of these protected groups cannot be discriminated against in any facet of employment, including hiring, promotion, training, discipline, pay, and termination. State laws may protect other groups, such as individuals in different age groups, people who are smokers and individuals with a particular sexual orientation.

and which:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of unreasonably interfering with another individual's work performance;
- otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following:

- Epithets
- Slurs
- Negative Stereotyping
- Degrading comments
- Threatening, intimidating or hostile acts (even if claimed to be "jokes" or "pranks" and even if not directed at a particular individual) which relate to race, color, religion, sex, national origin (including, but not limited to, an individual's difficulty in speaking the English language), age, disability (or perceived disability), marital status, sexual orientation or veteran status; and
- Written or graphic material (including, but not limited to, computer images) which makes fun of, belittles or shows hostility or dislike toward an individual or group because of race, color, religion, sex, national origin, age, disability (or perceived disability), marital status, sexual orientation, or veteran status which is displayed, shown or circulated in the workplace.

Any harassment of City Employees is a violation of this Policy; is absolutely prohibited and will not be tolerated.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- It is directly or indirectly implied that submission to such conduct is a requirement or condition of an individual's employment; or

- It is directly or indirectly implied that submission or rejection of such conduct will have a bearing on employment decisions involving the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

For example, the following kinds of behavior, or others with a similar harassing effect, are absolutely prohibited:

- Abusing an Employee through insulting or degrading sexual remarks, jokes, innuendoes, or other sexually oriented conduct, whether or not directed at a particular individual (including, among other things, graphic or descriptive comments relating to an individual's body or physical appearance, sexually oriented teasing or pranks, improper suggestion, objects, pictures or computer images, or unwanted physical contact) or
- Threats, demands or suggestions that an Employee's work status depends in any way upon tolerating or accepting sexual advances or sexually oriented conduct.

Retaliation

Retaliation against Employees for exercising his/her rights under this policy is also strictly prohibited, and will not be tolerated. This would include retaliation against Employees for inquiring about his/her rights, or making an honest report or complaint of a violation or possible violation, or for truthfully assisting in a complaint investigation.

Procedures

The City does not and will not tolerate harassment. To make sure that our Employees are not subject to harassment, any Employee who is aware of any sort of harassment prohibited by this policy, whether because they were subjected to the harassment or because they witnessed such harassment is required to report it. If you are not sure whether it is harassment, report it. Reporting harassment is not voluntary. The City of Beaufort requires all harassment to be reported. In addition, managers are required to immediately report complaints of harassment to the Human Resources Department. Failure to report harassment can result in disciplinary action, up to and including termination in the appropriate situation. If you report harassment, the City of Beaufort will protect you from retaliation and your report will in no way affect your job or your career. The City makes this commitment because we must know about offending conduct before we can take responsive action.

Complaints or reporting may be made directly to the City of Beaufort Human Resources Director by calling (843) 525-7024. It is not necessary to talk with anyone within your department or at the unit before calling. If you choose, you may discuss the matter with your supervisor or the Department Head.

Complaints will be kept confidential to the greatest extent possible, given the need to conduct an adequate investigation. After initially determining the facts, an investigation will be conducted as promptly and confidentially as possible. After an impartial investigation, if an Employee has been found to violate this policy, appropriate disciplinary action will be taken, including, but not limited to termination.

Americans with Disabilities Act

Title I of the Americans with Disabilities Act of 1990 prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations. The ADA's nondiscrimination standards also apply to federal sector employees under section 501 of the Rehabilitation Act, as amended, and its implementing rules.

An individual with a disability is a person who:

Has a physical or mental impairment that substantially limits one or more major life activities;

Has a record of such an impairment; or

Is regarded as having such impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

Making existing facilities used by employees readily accessible to and usable by persons with disabilities.

Job restructuring, modifying work schedules, reassignment to a vacant position;

Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Reasonable accommodations are adjustments or modifications provided by an employer to enable people with disabilities to enjoy equal employment opportunities. Accommodations vary depending upon the needs of the individual applicant or employee. Not all people with disabilities (or even all people with the same disability) will require the same accommodation. For example:

A deaf applicant may need a sign language interpreter during the job interview.

An employee with diabetes may need regularly scheduled breaks during the workday to eat properly and monitor blood sugar and insulin levels.

A blind employee may need someone to read information posted on a bulletin board.

An employee with cancer may need leave to have radiation or chemotherapy treatments.

An employer does not have to provide a reasonable accommodation if it imposes an “undue hardship.” Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer’s size, financial resources, and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids.

An employer generally does not have to provide a reasonable accommodation unless an individual with a disability has asked for one. If an employer believes that a medical condition is causing a performance or conduct problem, it may ask the employee how to solve the problem and if the employee needs a reasonable accommodation. Once a reasonable accommodation is requested, the employer and the individual should discuss the individual's needs and identify the appropriate reasonable accommodation. Where more than one accommodation would work, the employer may choose the one that is less costly or that is easier to provide.

Title I of the ADA also covers:

Medical Examinations and Inquiries

Employers may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer’s business needs.

Medical records are confidential.

The basic rule is that with limited exceptions, employers must keep confidential any medical information they learn about an applicant or employee. Information can be confidential even if it contains no medical diagnosis or treatment course and even if it is not generated by a health care professional. For example, an employee’s request for a reasonable accommodation would be considered medical information subject to the ADA’s confidentiality requirements.

Drug and Alcohol Abuse

Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA’s restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on disability or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADA.

Complaint Procedure and Investigation

If you feel that this policy has been violated by anyone with whom you come in contact on the job, regardless of whether it is by a fellow worker, a supervisor, or a member of the general public, you should report the incident(s). There are several ways that you can do this:

- (a) By reporting to your supervisor or to a higher level in your “chain of command.”
Complaints against the City Manager should be made to the Human Resources Director.
- (b) Report to the Human Resources Director

Supervisors and managers who receive complaints of or become aware of harassment must immediately notify the Human Resources Director.

Every harassment allegation will be investigated. Investigatory procedures may vary from case to case, depending upon the circumstances. The investigation will be conducted as confidentially and quietly as possible. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential, whether the employee is the accused person, the complaining one, or merely a potential witness. Persons who are interviewed should not discuss the matter at all with co-workers, friends, or management. This does not mean, however, that employees may not complain to civil rights agencies. The City will keep the information it gathers as confidential as possible, consistent with state and federal laws and the needs of the investigation.

In appropriate situations, employees may be asked to submit to a polygraph examination.

Corrective Action

If management concludes that a complaint of harassment has merit, appropriate action will be taken. Employees will be subject to disciplinary action up to and including separation of employment. Non-employees may be reported to the appropriate law enforcement agency and/or barred from the premises.

IMPORTANT

Complaints to members of management or to the Human Resources Director must be made as soon as possible after the event(s) and involve completion of the report form

You will be given a copy of the completed form

THESE PROCEDURES HAVE BEEN ESTABLISHED TO ENABLE YOU TO FIND RELIEF IF YOU FEEL THAT YOU ARE THE VICTIM OF HARASSMENT. THE U.S. SUPREME COURT HAS STATED THAT AS A GENERAL RULE YOU MAY NOT BRING LEGAL ACTION AGAINST THE CITY FOR A VIOLATION OF YOUR RIGHTS UNLESS YOU FIRST GIVE US NOTICE AND AN OPPORTUNITY TO END THE HARASSMENT. THE REPORTING PROCEDURES WHICH WE HAVE ADOPTED ARE INTENDED TO ESTABLISH A CLEAR RECORD OF WHAT HAS BEEN REPORTED.

SECTION III – GENERAL INFORMATION

Classification

Purpose

- To provide a complete inventory of all positions in the City's service and an accurate description and specifications for each grade of employment. To standardize titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the classified service.
- To provide equal pay for equal work and to provide a pay range for each grade of positions which will enable the City to recruit and retain qualified employees as well as compete in the job market with other public employers.

Administration of the Classification Plan

The primary responsibility for day to day administration of the Classification Plan rests with each department within the limits of these policies and procedures.

The Director of Human Resources is charged with the maintenance of the Classification Plan and its administration so that it will reflect the duties performed by each employee and the grade to which each position is allocated. It shall be the Director of Human Resources' responsibility to examine the nature of the positions as they are created and to allocate them to an existing grade in conformity with this Section; to make such changes as are necessary in the duties and responsibilities of existing positions; to develop forms and to provide vital information when deemed necessary to determine the proper grade classification of each position; to periodically review the entire Classification Plan; and recommend appropriate changes in allocations or in the Classification Plan.

Allocation of Positions

Whenever a new authorized position is established, or duties of an existing position change, the Department Head must submit a Position Questionnaire to the Human Resources Department. The Human Resources Director shall investigate the actual or suggested duties and provide a report to the City Manager.

Reclassification of Positions

An established position may be reclassified from one grade to a different grade as a result of a change in the duties and responsibilities, a redistribution of work assignments which significantly alters the duties and responsibilities of a position, or revisions of the job description to more accurately reflect the level of work performed.

The City Manager, with the input of the Human Resources Director shall approve all reclassifications and is the final authority for any matter pertaining to the City's Classification and Compensation System.

Use of Job Titles

Job titles should be used in all personnel, accounting, budget, appropriation, media and financial records. No person will be appointed to or employed in a position in the City service under a

title not included in the Classification Plan. Correct and official job titles must be used in all personnel, accounting, budget appropriation, financial records and the media.

Use of Classification Plan

The Classification Plan is to be used:

- as a guide in recruiting and evaluating candidates for employment
- in determining lines of promotion and in developing employee training programs
- in determining salary to be paid for various types of work
- in determining personnel service items in departmental budgets
- in providing uniform job terminology understandable to all City officials and employees and by the public

Maintenance of Pay Ranges

The City Manager may make or cause to be made such comparative studies as he deems necessary of the factors affecting the level of salary ranges prior to the preparation of the annual budget as well as at other times. On the basis of information derived from such studies, the City Manager may make such changes in salary ranges as he deems necessary to maintain the fairness and adequacy of the overall salary structure.

Use of Pay Grades

New regular full-time employees and regular part-time employees should be hired at the minimum rate of the applicable grade for the position. Part-time employees should be hired at the minimum rate of the applicable grade for the position.

The City of Beaufort recognizes that in some instances it may be necessary to hire employees above the minimum rate of the applicable grade for the position. Positions for which the supply of qualified applicants is chronically short, latitude may be granted, with prior approval of the City Manager, to hire new employees at any point within the range.

Approvals of this type shall be on an individual basis only and shall not be construed as a blanket approval for a classification. In practice, this provision will apply to a small portion of the City's employees, where latitude is ordinarily granted in hiring rates for key technical, administrative and professional positions.

Interruption of Service

For the purpose of these Personnel Rules and Regulations, an interruption of service shall be defined as voluntary or involuntary termination of employment with the City of Beaufort.

Reinstatement

Former employees rehired as regular full-time employees shall be hired on the same basis as a new employee.

Performance Management

Purpose: The employee performance analysis system assists supervisors and employees in understanding what their goals are in order to accomplish the job more efficiently. The evaluation process is used:

- To establish specific goals which the employee should attain
- To evaluate the employee's efforts in accomplishing the job

Pay Rates in Promotion, Demotion, and Transfer

Promotion

Promotion is defined as the change of an employee from a position in one grade to a position in another grade of a higher level.

In the event a promoted regular employee fails to meet required standards of performance for the new position, he may be restored to the position from which he was promoted, or to a comparable position, or terminated if neither alternative is considered practical.

A promotional increase of 5% may be granted when an employee assumes a new position at a higher salary grade.

The employee should be paid at least the minimum of the pay range of the grade to which promoted.

Demotion

Demotion is defined as the change of an employee from a position in one grade to a position in another grade at a lower level. Demotions to a lower graded position or to one with a lower hourly rate or salary can be made for cause, administratively or voluntarily.

- Employees demoted for cause shall be placed in the lower salary grade at the salary determined by the Department Head, Director of Human Resources and approved by the City Manager.
- Employees demoted administratively or voluntarily shall receive the salary determined by the Department Head and Director of Human Resources in the lower graded position unless their current salary is above the maximum. If the current salary is above the maximum for the lower grade the employee's salary will remain the same.

Demotion Procedure

The person initiating the demotion will prepare a written notice addressed to the employee being demoted. The memorandum will include the reason for demotion, the new position to be held and the payband, grade and hourly rate of pay to be received by the employee. The memorandum must be approved by the Director of Human Resources.

Once approval is obtained the Department Head will distribute copies of the demotion notification as follows:

- The original will be given to the employee being demoted
- A copy will be given to the Director of Human Resources
- A copy will be retained by the Department Head
- Upon receipt of a copy of the notice of demotion the Director of Human Resources will generate a Personnel Action Request for payroll and file a copy in the employee's personnel folder.

Transfer

Transfer is defined as the movement of an employee within the classification plan not otherwise covered by demotion, promotion, or reclassification.

Reclassification

The salary of an employee whose position is reclassified and allocated to another grade at a higher level shall be based on that employee's qualifications and experience. The salary of an employee whose position is reclassified and allocated to another grade at a lower level shall be determined by the rules for demotion.

The Department Head will make a recommendation to the Human Resources Director who will review and submit the recommendation to the City Manager for final approval.

Filling Vacancies

In order to effect full utilization of its available human resources, the City of Beaufort's established policy is to select the most qualified person for the task to be performed, with appropriate attention to such factors as educational and training background, previous experience, demonstrated skills, and character traits.

Recruitment, Promotions and Transfers

In order to provide opportunities for advancement of employees in the City of Beaufort, it is the policy of the City to consider applications from qualified persons currently employed by the City for all vacancies. A notice will be published for each vacancy that occurs stating the position, the minimum training requirements, the salary range, and how and when to apply.

- Consideration shall be given to those qualified persons in the department where the vacancy occurs.
- If none of these persons are selected to fill the vacancy, or if the department would like to consider other applicants before making a final decision, other qualified City employees or outside applicants will be considered.
- Employees who accept a voluntary early retirement package are not eligible for re-hire by the City of Beaufort in any capacity as stated in the signed and accepted payout agreement between the employee and the City.

Procedure

After learning that a vacancy will occur, the Department Head shall notify the City Manager for authorization to fill the position. Once written authorization is received, the Department Head shall notify the Human Resources Director.

The Human Resources Director is authorized to expend funds for the advertisement of vacancies or any other purpose related to the recruitment of applicants. Recruitment announcements may be advertised in local and area-wide newspapers, the SC Employment Security Commission, online publications (internet), educational institutions, employment agencies, professional organizations, and other relevant agencies in order to attract qualified applicants. The job advertisement will include specific minimum qualification requirements. The Director of Human Resources will begin the Hiring Board process in conjunction with the Department representative.

Examinations

As determined by the Human Resources Director the selection process may include, but not necessarily be limited to, one or more of the following: Oral interview(s); evaluation of experience and training; written basic skills test; credit, driver, criminal history, references and background checks.

Physical Examinations

Some positions require that applicants complete a medical examination. After a conditional offer has been made to an applicant entering a designated job category, a medical examination will be performed at the City of Beaufort's expense by a health professional designated by the City. The offer of employment and assignment to duties is contingent upon satisfactory completion of all exam(s) and testing.

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

Final Selection of New Employees

The final selection of the person to fill each vacancy shall be made by the Department Head after information from the Hiring Board process is presented to him/her.

Probationary Period

Each employee receiving an appointment, promotion or demotion to a position in the City Classification Plan must serve a probationary period of six (6) months. During the employee's designated probationary period, the employee's work habits, abilities, attitude, promptness and other pertinent characteristics will be observed and evaluated by his/her supervisor and Department Head. An employee's probationary period does not end until the Department Head and the Human Resources Director have approved same on a Personnel Action Request (PAR). (Police and Fire Department personnel please refer to your department's probation policy)

The Director of Human Resources and City Manager approval is required in order to dismiss probationary employees.

In the event that a promoted regular employee fails at any time to meet required standards of performance for the new position, he may be restored to the position from which he was promoted, or to a comparable position, or terminated if, in the Human Resources Director's discretion, neither alternative is considered practical.

Demoted employees shall also serve a probationary period in their demoted capacity. If, at any time during the probationary period the employee's service to the City is unsatisfactory, the employee must be dismissed.

Nepotism

Persons in the same immediate family may not be employed or continue to be employed if one directly or indirectly supervises another or interacts with another in the handling of money or compensation.

Immediate family is defined as spouse, parent, child, grandparent, grandchild, brother or sister, parent-in-law, grandparent-in-law, brother-in-law, and sister-in-law. The immediate family is also considered to include step-parents, step-children, step-brothers, and step-sisters when the employee and the step-relative have lived together regularly in the same household.

Unrelated employees residing together and engaged in a romantic relationship (such as domestic partner, co-habitant or significant other) are treated as being within the immediate family of each other for the purposes of this nepotism policy. Members of the immediate family of elected officials of the City are not eligible for City employment.

If employees become related by marriage and create a situation prohibited by this policy, one of the employees must remove themselves from their position. If the employees cannot choose which of them it will be, the employee having the lower budgeted annual compensation may be removed. The removed employee may be considered for other positions within the City for which he is qualified.

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

Residency Requirements

Employees of the City of Beaufort's Fire and Police Departments *may be* required to reside in a proximate location so as to provide effective response times. Police and Fire Department prospective and newly hired candidates are required to discuss residency with the department(s) prior to and during employment.

This page left blank intentionally

SECTION IV – EMPLOYMENT POLICIES

Code of Conduct – Please refer to Code of Conduct at the end of this handbook. The acknowledgement form must be signed and dated annually and placed in the employee's personnel file.

Employees of the City are required to sign a City of Beaufort Code of Conduct. The Code of Conduct prohibits public employees from using their public position for their own personal gain or to benefit a family member or business associate.

State law also prohibits employees from making governmental decisions on matters in which they or their family or business associates have an economic interest and in which they must act on behalf of the City.

The employee must notify the City Manager of any perceived conflict. If the City determines a potential conflict of interest exists, the matter will be reassigned to another employee.

Gifts and Gratuities

No employee may directly or indirectly solicit any gift or accept or receive a gift under circumstances in which it could be inferred that the gift was intended to influence him in the performance of his official duties or was intended as a reward for an official act on his part. A gift is defined as any benefit, favor, service, privilege or thing of value which could be interpreted as influencing an employee's impartiality. A gift includes but is not limited to meals, trips, money, loans, rewards, merchandise, foodstuffs, tickets to sporting or cultural events, entertainment, and personal services or work provided by City suppliers or contractors.

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

Political Activity

Employees may fully and freely associate themselves in organizations of their own choosing, except those organizations whose purpose is to overthrow the government of the United States, the State of South Carolina or any of its political subdivisions. In addition, supervisory employees may not join or support labor organizations which accept to membership subordinates of such supervisors.

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

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

Dual Employment

- A No full-time employee in the City service shall accept outside employment, whether part-time, temporary or permanent, without prior written approval from the respective Department Head and City Manager. The request and approval must be in writing and included in the employee's personnel folder.
- B Each change in dual employment shall require separate approval. Approval shall not be granted when, in the City's sole opinion, such dual employment conflicts or interferes with, is likely to conflict or interfere with, or gives the appearance of a conflict with the employee's service to the City.
- C Employees shall not engage in any private business or activity while on duty.

Progressive Disciplinary Action/Coaching and Counseling

EMPLOYEES MAY BE DISCIPLINED OR DISCHARGED FOR ANY REASON WHICH, IN THE CITY'S SOLE DISCRETION, WARRANTS DISCIPLINE OR DISCHARGE. THE CITY RESERVES THE RIGHT NOT TO USE PROGRESSIVE DISCIPLINE.

Documentation of all actions, including a description of the violation and the action taken will be made and placed in the employee's personnel folder. Employees must sign copies of all documentation. The employee's signature indicates his receipt of the document but does not indicate agreement with the disciplinary action. Disciplinary action resulting in discharge/removal, suspension without pay, or demotion must be approved by the City Manager.

Employee Conduct

It is particularly important that all Employees conduct themselves in a professional and appropriate manner to ensure a harmonious work environment.

These expectations are applied to exempt as well as non-exempt employees. The following behavior and/or actions are prohibited, will not be tolerated and will result in discipline up to and including termination:

- Inefficiency or lack of application in the performance of duties.
- Careless, negligent or improper use of City property or equipment; damage or destruction of City property.
- Conduct which endangers others or results in property damage.
- Failure to maintain satisfactory and/or harmonious working relationships with the public or fellow employees.
- Failure to report for duty at the assigned time and place.
- No call and/or no show for duty

- Creating or contributing to unsanitary conditions.
- Failure to obtain or maintain a current license or certification required for performing the job.
- Failure to use safety equipment or to comply with safety rules.
- 3 or more workplace accidents/injuries resulting in Workers Compensation reporting due to employee negligence
- Gambling on City property or City work-sites.
- Abuse of sick leave.
- Harassment of any type.
- Conduct unbecoming a City officer or employee. Any conduct which affects the employee's reputation or which reasonably could create concern on the part of citizens or fellow employees.
- Misappropriation of City funds.
- Falsification or misrepresentation of information in City records.
- Participation in any action that disrupts or disturbs the operation of the City or any segment of City government.
- Visiting or trespassing at the home of any City official or employee for the purpose of harassing or for the purpose of requesting discussion about job related matters.
- Acts that endanger the personal well being and/or property of others while on the job.
- Code of Conduct violations to include the acceptance from any person of any fee, gift or other valuable thing in the course of one's work or in connection with it when such gift or other valuable thing is given in hope or expectation of receiving a favor or better treatment than that accorded other persons. Nor shall an employee accept any bribe, gift, token monies, or other things of value intended as an inducement to perform or refrain from performing any official act. Nor shall an employee engage in any action of extortion, or other means of obtaining anything of value through his/her position in the City government.
- Release of confidential information from official records without proper authority.
- The use or attempted use of personal or political influence in securing promotion, leave of absence, transfer, change of pay rate, or in any manner related to one's work.
- Use of rude, obscene, profane, offensive, embarrassing or abusive language toward co-workers, managers, clients or vendors.

- Making or publishing false or malicious statements (to include blogging, email, letter, gossip, etc.) concerning any employee, director, supervisor, client, vendor, the public, the City or its operations
- Unauthorized removal of Company records, Employee lists, or confidential information of any kind. The City reserves the right at any time to inspect any and all packages (e.g., personal belongings) brought into or out of the city's departments.
- No Employee shall take the property or money of another Employee, person, or the Company; this is considered theft and/or misappropriation
- Mischief, wrestling, pushing, throwing items, rough-housing, or any other kind of horseplay
- Unauthorized possession or use of firearms, concealed knives, explosives, or any other weapons, lethal or non-lethal, while on company premises, company business or during working hours
- Acts of physical violence, fighting, or endangering the health and/or safety of others. An Employee who threatens, intimidates, coerces, or interferes with the work of fellow Employees, managers, guests, or clients that could adversely affect the Company's business
- Willful neglect, damage, destruction, defacing, misuse, or sabotage of City property
- Arguing with a manager or an Employee, disrespecting a manager or supervisor, or unwillingness to carry out a direct and reasonable request of a manager is considered insubordination. If an Employee is asked by his/her supervisor to carry out a task that the Employee believes to be unsafe, unethical or illegal, he/she complete a reasonable request if it will not endanger their well-being and then contact his/her Department Head or Human Resources.
- Working under the influence of illegal drugs or alcohol, or possession of illegal drugs or alcohol
- Misuse, alteration, concealment, falsification, or willful omission, from any City record or report.
- Violation of any of the provisions or regulations of this manual.
- Violations of Department regulations by an employee of that department.
- Any other reason which, in the City's sole discretion, warrants disciplinary action.

The above is not an all-inclusive or exhaustive list. Violations will result in discipline up to and including termination.

Employee Notice

A written notice must be given to each employee stating the reason(s) for the disciplinary action and the date it is to take effect. The employee's signature does not constitute admission of any fact but only that he has received the notice of discipline. Employees have the right to write a rebuttal to the notice and have it attached and filed in their personnel file. If, however, the employee refuses to sign the notice, he is considered to have resigned voluntarily without notice.

Attendance

Attendance is an essential part of total job performance and is critical to the efficient operation of the Company. Supervisors establish Employees' scheduled work time and Employees must report to work at their scheduled time to prevent being counseled for absenteeism/tardiness.

Unless otherwise protected by law, excessive absences, lack of proper advance notification, unauthorized absence from work, excessive tardiness, leaving work early, excessive breaks and not returning promptly from breaks, constitute unsatisfactory performance and will result in disciplinary action up to and including termination of employment.

If you will be absent from work, you should discuss your plan for returning to work with your manager. It is YOUR responsibility to ensure that proper notification is given. Another Employee, friend or relative can only notify management under emergency conditions.

Unless otherwise protected by law, if you are absent from work for three (3) consecutive days or more for health-related reasons, you must have an official doctor's note stating that you can return to work and perform your duties. An absence of more than five (5) consecutive days is considered an extended illness (*see Leaves of Absence*).

Corrective Counseling

In order to establish uniformity of corrective counseling, the City has established guidelines, which should be consulted in cases of Employee discipline. Each individual case is different; therefore, the guidelines provide sufficient latitude in dealing with the issue while still maintaining internal consistency.

Unless the circumstances of the conduct warrants otherwise, the City typically follows a progressive approach to discipline, applying increasingly severe measures for repeated violations of performance, conduct, and/or attendance deficiencies.

However, management is **not bound** by progressive counseling steps in cases in which the circumstances of the conduct warrant immediate action, including but not limited to termination. An Employee should be aware that serious offenses may/will result in immediate termination. Any violation of company policy and work rules as described in this handbook will be subject to corrective counseling. However, these categories are not exhaustive.

Progressive Counseling Steps

Counseling is a document that serves to inform an Employee of issues that are not acceptable. It gives notice to the Employee that such issues will not be tolerated and that further action will be taken if they reoccur. Counseling should precede a termination except where an Employee commits a serious policy violation or performance deficiency.

The following is a guide for the progressive counseling steps to be followed:

1. Verbal Counseling

Generally, a verbal counseling is given to an Employee in an effort to correct a performance, conduct, or attendance issue and explain what improvement is expected. Verbal counseling should be documented on a Record of Employee Counseling form, discussed with, and signed by, the Employee and placed in the Employee's personnel file.

2. Written Counseling

Generally, a written counseling is given to an Employee following a verbal counseling when the Employee's performance, conduct, or attendance, have not improved. The purpose of a written counseling is to make certain that the Employee is fully aware of the issue and what improvement is expected, thereby enabling the Employee to avoid a recurrence of the issue. Written counseling are generally recorded on the Record of Employee Counseling form, discussed with and signed by the Employee and placed in the Employee's personnel file.

3. Final Written Counseling

Generally, a final counseling is given to an Employee following a written counseling when the Employee's performance, conduct, or attendance, have not improved. The final counseling is the final step in the process preceding termination. The final counseling must be documented and should generally be recorded on the Record of Employee Counseling form, discussed with and signed by the Employee and placed in the Employee's personnel file.

4. Termination

Termination is the dismissal of an Employee from employment. This action may be taken for a first-time gross or intolerable infraction of company policy unless the circumstances warrant otherwise, or it is the culmination of continuing serious performance, conduct, or attendance issues that have not been resolved by progressive counseling. **A termination will result in the employee's non-eligibility for future employment with the City of Beaufort.**

In addition, in instances of significant policy violations the following disciplinary actions may be used outside of the progressive steps:

1. Suspension

Suspension is the removal of an Employee from the work place for a specified period of time without pay. Generally, a suspension should be issued if the situation involved serious misconduct but termination is not warranted. A suspension may also occur to provide time to conduct an investigation to determine if a violation of Company policy has in fact occurred. Dependent on the outcome of the investigation, the Employee may be reinstated and given back pay for the suspension period or may be terminated. A suspension must be documented on the Record of Employee Counseling form, discussed with and signed by the Employee and placed in the Employee's personnel file.

Hours of Work

The following guidelines are provided for Non-Exempt Employees as it relates to hours of work. Employees need to report to their supervisor at their scheduled starting time for work assignments. Employees are to be ready for work and be in proper uniform ready to work at the time posted on the schedule. Once an assignment is received, an Employee is to report immediately to the assigned workstation. Any Employee reporting to work past the scheduled starting time may not be permitted to work that particular day.

All departments and positions are to remain open until officially closed by management. Employees are to remain on duty until their job is complete and until their approved leaving time, unless otherwise informed by management.

Stopping work or making preparations to leave work before the established time for breaks and leaving is not allowed. Employees need to indicate the time when they report for and when they leave work, either through a sign-in sheet or time clock. Under no circumstances is an Employee allowed to record someone else's time on a time card or sign-in sheet.

Breaks are arranged and approved by management. If an Employee must leave a location, the Employee should inform the supervisor.

Paychecks

Employees are paid on a bi-weekly basis and paychecks are dated for the actual payday which is Thursday of the pay week.

If a national bank holiday falls on that Thursday, paychecks will be dated the previous day. A check may not be picked up for someone else without prior written permission from that person.

Should an Employee legally change his or her name (i.e. through marriage or divorce), the Employee must obtain a new Social Security card reflecting the name change. They must submit a Personnel Action Form for processing so that the Employee's name change is reflected on payroll records in compliance with Federal and State regulations.

Rehiring/Reinstatement of Employees

Rehire

Employees who are hired after being separated from the Company for longer than ninety (90) days are classified as rehired.

Vacation, sick pay, and disability benefits are determined according to the new date of hire. All other benefits are activated on the first of the month following thirty days of employment (after the rehire date).

Reinstated

Employees who are hired within ninety (90) days of his/her separation are classified as reinstated.

Vacation, sick pay, and disability continue according to the original date of hire.

All other benefits are activated according to the Health Insurance provider's master documents.

Religious Day Observation

The City of Beaufort respects the religious practices and obligations of its Employees. A reasonable effort will be made to accommodate the schedule of those Employees who request certain days off because of religious reasons.

Salary Administration

The City of Beaufort's objective is to establish a total compensation program for the employees that appropriately balances individual performance relative to departmental/City objectives, external competitiveness and internal equity. Through the attraction and retention of motivated individuals in a team driven culture, the philosophy should promote pay for performance. Utilizing the analysis of external marketplace information, internal equity comparisons and senior management direction, The Director of Human Resources will present proposals and recommendations to the City Manager to determine the appropriate mix of base and variable cash compensation, health and welfare benefits and retirement benefits.

Paybands have been established to support the City's pay philosophy. The Payband guidelines are in compliance with all federal and state laws.

Longevity Salary Adjustments

A longevity salary adjustment is an increase in salary within the same pay grade which is granted in accordance with the provisions of this plan. Such adjustments are given in recognition of uninterrupted service with the City of Beaufort.

Longevity adjustments are generally awarded to all employees upon reaching two (2), five (5), ten (10), fifteen (15), twenty (20), and twenty-five (25) years of uninterrupted service.

Longevity adjustments are effective on the anniversary date.

Longevity adjustments, based on performance and term of service, shall be made in accordance with the following table:

<u>Term of Service</u>	<u>Percentage Increase</u>
2 years of service	6.66%
5 years of service	6.25%
10 years of service	5.88%
15 years of service	5.56%
20 years of service	5.27%
25 years of service	4.99%

- If an employee is hired above the minimum rate of the applicable grade for the position, then the employee may not necessarily receive a 2-year term-of-service longevity adjustment. The employees' location in the pay range as well as other factors will be reviewed on an individual basis to determine if and at what percentage a longevity adjustment will be made.

- City of Beaufort retirees or employees who have had a break in service (retired from the City) and return to work in any employment capacity are neither eligible nor entitled to longevity increases.
- Retirees (who did not sign a voluntary early retirement agreement) from the City of Beaufort who are rehired in any capacity are not eligible for longevity increases.

Holidays

The Company recognizes and pays Full-time Exempt and Non Exempt for ten (10) designated holidays each year. The holiday schedule will be determined by the City Manager.

Each active employee will be paid holiday pay for the holiday whether they work on the holiday or not. To clarify: if an employee works on the observed holiday they will receive pay for the actual number of hours worked. In addition they will receive pay for the hours of their position classification.

The City observes the following holidays:

New Year’s Day	January 1
Martin Luther King Day	3 rd Monday in January
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Veterans Day	November 11
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	4 th Friday in November
Christmas Day	December 25
And the day before or after Christmas as determined by the City Manager	

When a holiday falls on a Saturday, the preceding Friday shall be declared a holiday for City employees. When a holiday falls on a Sunday, the following Monday shall be declared a holiday for City employees.

Each active employee will be paid holiday pay for the holiday whether they work on the holiday or not. If an employee works on the actual holiday they will receive the actual hours worked for the day in addition to holiday pay. An employee must work (based on their individual work schedule) the scheduled hours/shift the day of and the day after the holiday in order to receive holiday pay. Employee’s requesting the holiday off when scheduled to work must submit annual leave for the day.

Overtime

South Carolina does not have laws governing the payment of overtime. Federal overtime laws apply. Overtime work is work performed by an employee which exceeds the regular work week. For employees on a forty (40) hour work week, compensation for overtime hours shall be at time and a half for hours physically worked in excess of forty (40) hours per work week. Vacation, sick leave and holiday time taken shall not be considered as hours worked.

Employees must accurately record all hours worked and must have worked all hours recorded. Employees may not work “off the clock,” and employees may not work overtime without the permission of their supervisor.

Due to the nature of work for some City positions, the following positions are classified as salaried/exempt from overtime.

- All Department Heads
- Deputy or Assistant Chief
- Captain
- Lieutenant

Employees occupying exempt positions may work in excess of a forty (40) hour week. Salary structures for exempt positions are designed to reflect this additional work requirement. Exempt employees will not receive additional pay for work in excess of forty hours.

In the event a State of Emergency is declared by the Governor, exempt employees of the City of Beaufort may be paid for actual hours worked in lieu of accruing compensatory time.

Employees will not be paid from sick and annual leave balances for time missed from work when doing so would result in the employee being paid for more hours than he/she is regularly scheduled to work. Employees who miss time from work and who do not work at least their regularly scheduled hours during the remainder of the work period may draw from sick or annual leave balances (as appropriate) to cover time lost from work up to their regularly scheduled hours for that work period.

Effective September 1, 2009 Investigators were designated as regular employees and are scheduled to work 80 hours bi-weekly.

Regular employees are scheduled to work 40 hours in one week. Law enforcement employees are scheduled to work 86 hours in a 14 day work period. Fire suppression employees are scheduled to work either 96 hours (4 shifts) or 120 hours (which includes 106 plus 14 hours overtime) (5 shifts) in a 14 day work period on a rotating basis.

The Beaufort Police Department has adopted the twenty-eight (28) day work cycle provided by the Fair Labor Standards Act, as amended, for law enforcement.

Our local pay policy for Police and Fire personnel are as follows:

A Police officer must physically work a total of 85.5 hours within the 2 week pay cycle before being eligible for overtime pay. Hours actually worked in excess of 85.5 hours will be paid at the rate of time and one half.

Vacation, sick leave and holidays are not considered work time.

The Beaufort Fire Department has adopted the twenty-eight (28) day work period provided by the Fair Labor Standards Act, as amended.

A Firefighter must physically work a total of 106 hours in the first and second weeks and 96 hours in the third week before becoming eligible for overtime pay at time and one-half the regular rate.

Sick, Annual Leave and holidays shall not count as work time.

Holiday time is considered as time worked only if the employee works during the holiday. The work week begins on Saturday and ends on Friday.

Overtime work will be approved only under the following conditions:

- The work is of an unusual, unscheduled, or emergency nature and if directed by a Department Head or his authorized representative, and approved by the City Manager.

Salary Basis Policy

The City intends to pay all exempt employees on a salary basis and will not make improper deductions from their pay as prohibited by the Fair Labor Standards Act (FLSA).

Exempt employees paid on a salary basis will be paid according to the City's leave accrual policy and the FLSA Guidelines on "white collar" exemptions. Employees may be placed on leave without pay or have their pay reduced by the use of sick, annual or leave without pay if:

- The employee has not obtained approval or has sought and been denied approval for the use of leave.
- The employee has exhausted all accrued leave time.
- The employee decides to accept leave without pay for the absence.
- The employee does not perform any work while out of the office

Scheduling

Schedules are posted in advance to indicate days and hours Employees are required to work and where they are to work. Employees should check the schedule to confirm when they work next. Requests for specific days off should be put in writing and given to management at least one week prior to the date requested off, unless otherwise specified by management.

Separation of Employment

Voluntary: Employees should submit and work a two-week written notice of resignation from their position which will allow for the department to prepare for the transition. An employee who resigns from employment with the City of Beaufort will be paid for accrued, unused annual leave hours provided they have completed their probationary period at the time they give notice of resignation.

After receiving written notice the Department must notify the Director of Human Resources. The Director of Human Resources may waive the requirement that the employee work the notice period. The City may pay the resigning employee for all or part of the two-week notice period that it does not require the employee to work. All City property assigned to the employee must be returned in good working condition upon separation of employment.

Involuntary: The Department Head will notify the Human Resources Department of the intended termination and schedule an exit interview. All City property assigned to the employee is considered an advance of wages and must be returned in good, working condition. If not returned, the value of the items will be deducted from the employee's final check.

Sick Leave

Employees are not entitled to sick pay if they have not completed six (6) months of employment. Pay for time off due to illness is based on a prorated schedule for new hires:

Unused sick days are not a vested benefit and will not be payable when an Employee separates from employment with the City of Beaufort.

Sick Leave Policy

Eligibility

All regular part-time City employees who regularly work thirty (30) or more hours per week.

Employees hired to fill a position designated by the City Manager as a full-time temporary position to last one (1) full year and who have served a minimum of six (6) month's probation.

It is the policy of the City to provide sick leave with pay for regular full-time and regular part-time employees. Sick leave is a privilege and may be used only when an employee is incapacitated due to personal illness or injury or has a medical/dental appointment or when an employee is exposed to a contagious disease, diagnosed by a licensed physician, and the employee's presence may endanger the health of other employees.

Employees may use up to five days per year to care for an immediate family member who is ill or injured.

- Abuse of the privilege to be absent from work due to personal illness or injury may result in termination of employment. Employees shall not abuse, show a pattern of sick leave and/or leave without pay usage. The abuse of sick leave or the patterned use of sick leave shall be just and sufficient cause for discipline. A request of sick leave shall be denied if the employee fails to comply with the procedures for proper sick leave usage, fails to present a required physician's statement, or if an investigation of a request for sick leave discloses facts inconsistent with the proper use of sick leave. Falsification of applications for sick leave or the filing of sick leave applications and documentation with intent to fraud may result in the disapproval of sick leave and may be grounds for disciplinary action, up to and including separation from employment.

- At the discretion of the Department Head, or Director of Human Resources, the employee may be required to present a certificate from a physician attesting illness or incapacity for the extent of the days out from work.
- If the absence extends beyond one (1) day, the employee must keep his/her supervisor advised on a daily basis prior to the beginning of his work shift of his/her condition and expected date of return.
- Police and Fire Departments reserve the right to have personnel undergo Fitness for Capacity Examinations based on the sickness or injury as a precaution for both the employee and the City. Employees may not return to work until cleared by examination.
- Annual leave may be used for sick leave purposes after sick leave is exhausted. Employees who have exhausted all sick leave and Annual leave credits and who are not entitled to FMLA may be granted a leave of absence in accordance the General Policy on Leaves of Absence.
- Upon returning to work from an unscheduled sick leave, the employee shall complete and sign a leave request form and submit it to his/her Department Head for approval and forwarding to the Finance Department. The employee must also provide a physician's statement attesting to the illness or incapacity for the extent of 3 or more days out from work.
- Upon retirement by disability, age, service, or death payment will be made to the employee or to his/her estate for one-fifth (1/5) the unused portion of his accumulated sick leave capped at a maximum of 800 hours. (Based on the 800 hour maximum the eligibility for payout will be 160 hours) All hours above the maximum eligibility will be forfeited.
- Such payment shall not exceed an amount equal to regular salary for two (2) calendar months. Effective July 1, 2012 no service credit is awarded for unused sick leave at retirement.
- In the case of voluntary or involuntary separation from the City service other than for retirement, no payment will be made for accumulated sick leave.

Sick Leave Accrual Rates

- All regular full-time City employees accrue 3.70 hours of sick leave per pay period for a total of twelve (12) days per year. Example: 12 days x 8 hours = 96.20 hours or 3.70 hours x 26 pay-periods = 96.20 hours
- Employees working 8.6 hour days (8.60 hours) accrue sick leave at the rate of 3.97 hours per pay period for a total of twelve (12) days per year. Example: 12 days x 8.60 = 103.22 hours or 3.97 x 26 pay-periods = 103.22

- Employees working 10.6 hour days (10.6 hours accrue sick leave at the rate of 4.88 hours per pay period for a total of twelve (12) days per year. Example: 12 days x 10.6 hours = 126.88 hours or 4.88 hours x 26 pay-periods = 126.88
- The maximum amount of sick leave an employee may accrue is eight hundred (800) hours. Any balance over 800 as of the end of the calendar year will be forfeited.
- Effective January 1, 2011, the City of Beaufort will no longer pay employees any sick leave in excess of 800 hours at the time of retirement.
- All regular City employees who regularly work thirty (30) or more hours per week accrue paid sick leave at a rate in proportion to the percentage of the regular work week.
- An employee while on authorized sick leave continues to accrue sick leave.

Use of Sick Leave

It is the policy of the City to provide sick leave with pay for regular full-time and regular part-time employees. Sick leave is a privilege and may be used only when an employee is incapacitated due to personal illness or injury or has a medical/dental appointment or when an employee is exposed to a contagious disease, diagnosed by a licensed physician, and the employee's presence may impact or endanger the health of other employees.

Employees may use up to five days per year to care for an immediate family member that is residing in the employee's home, who is ill or injured.

Sick leave may be used for appointments for medical or dental examinations or treatment when such appointments cannot be reasonably scheduled during non-working hours.

In order to be eligible for sick leave with pay, an employee must report to his supervisor within (2) hours of the scheduled start time the reason for absence. Police officers must report sick leave at least four (4) hours and firefighters at least two (2) hours in advance of the scheduled shift starting time.

An employee who fails to so notify his supervisor may not be paid for the time taken prior to notification.

Charging of Sick Leave Hours

Regular full-time employees will be charged eight (8) hours sick leave for each day of absence.

All employees who work 12.25 hour days shall be charged (12.25) hours sick leave for each day of absence.

All employees who work 24 hour days shall be charged twenty-four (24) hours sick leave for each day of absence.

When a holiday occurs during the period an employee is on authorized sick leave with pay. Sick leave shall be charged.

Annual Leave

It is the policy of the City to provide full-time regular Employees an Annual Leave benefit, which may vary from the policy below if otherwise dictated by state law.

A “day” for purposes of the annual leave policy for law enforcement personnel is calculated by dividing the straight-time hours (that is the maximum number of hours an employee can work before overtime must be paid) an employee works in a 7-day work week and dividing it by 5 (the normal work week). For law enforcement officers, the result is 43 hours divided by 5 days/week equals 8.6 hours.

A “day” for purposes of the annual leave policy for fire fighter personnel is calculated by dividing the straight-time hours (that is the maximum number of hours an employee can work before overtime must be paid) an employee works in a 7-day work week and dividing it by 5 (the normal work week). For fire fighter personnel, the result is 53 hours divided by 5 days/week equals 10.6 hours.

Annual Leave allowance for Employees is determined by the length of continuous employment and is based on a calendar year. January 1 begins the Annual Leave calendar year.

Employees who separate from the City of Beaufort will receive pay for any earned, unused Annual Leave up to a maximum of 360 accrued leave hours.

Employees with less than 6 months of service are not eligible for Annual Leave pay and therefore, will not receive Annual Leave payout upon separation unless otherwise dictated by state law.

Annual Leave Policy

It is the policy of the City to provide paid Annual Leave for their regular employees. Employees are not entitled to “cash out” earned annual leave hours unless retiring, resigning or terminating from the City of Beaufort employment. Employees are only eligible to “cash out” a maximum of 360 annual leave accrued hours at the time of retirement, resigning or terminating.

New employees will not be allowed to use accrued Annual Leave until completion of the six (6) months probation as evidenced by a Personnel Action Form signed by the Department Head and City Manager and submitted to the City of Beaufort Human Resources Department requesting change of status, whereupon the employee will be credited with the appropriate hours of annual leave.

Regular full-time employees while on authorized paid Annual Leave will continue to accrue Annual Leave edits.

Annual Leave will not be advanced before accrual, except in the case of probationary employees as approved by the City Manager.

Pay for Annual Leave shall be at the employee’s regular rate of pay in effect for the employee’s regular job on the payday immediately preceding the employee’s Annual Leave period.

Eligibility

Annual leave is accrued and granted to:

- Regular full-time employees
- Regular part-time employees who work 30 or more hours per week.

Annual Leave Accrual Rates

All regular full-time City employees accrue Annual leave credits on the following basis. (see Annual leave Accrual Table – Rate Formula) The accrual rate increases on the employees’ anniversary date.

<i>Years of Service</i>	Days per Year	Hours per Pay Period (BiWeekly)
<i>6 mos thru 4 years</i>	10	3.08
<i>5 years thru 9 years</i>	15	4.62
<i>10 years thru 14 years</i>	17	5.23
<i>15 years thru 19 years</i>	19	5.85
<i>20 years thru 24 years</i>	21	6.46
<i>25 years and over</i>	23	7.08

12 Hour Shift (Police)

<i>Years of Service</i>	Days per Year	Hours per Pay Period (BiWeekly)
<i>6 mos thru 4 years</i>	10	3.31
<i>5 years thru 9 years</i>	15	4.96
<i>10 years thru 14 years</i>	17	5.62
<i>15 years thru 19 years</i>	19	6.28
<i>20 years thru 24 years</i>	21	6.95
<i>25 years and over</i>	23	7.61

24 Hour Shift (Fire)

<i>Years of Service</i>	Days per Year	Hours per Pay Period (BiWeekly)
<i>6 mos thru 4 years</i>	10	4.08
<i>5 years thru 9 years</i>	15	6.12
<i>10 years thru 14 years</i>	17	6.93
<i>15 years thru 19 years</i>	19	7.75
<i>20 years thru 24 years</i>	21	8.56
<i>25 years and over</i>	23	9.38

All regular full-time City employees may accrue up to a maximum of three hundred and sixty (360) hours in a calendar year. After the close of the 26th pay-period of the year the employee's leave credits will be totaled and any hours in excess of three hundred and sixty (360) will be forfeited. A payroll year is defined as 26 consecutive payroll periods and may or may not coincide with a calendar year.

Use and Scheduling of Annual Leave

The maximum annual leave an employee may use in one (1) calendar year may not exceed the total number of days that the employee would normally accrue during that calendar year. Exceptions to this rule may be granted, due to unusual circumstances and will be determined at the sole discretion of the Department Head.

Except in special circumstances Annual leave should be authorized by the Department Head on the City leave form at least five (5) working days prior to Annual Leave date. Special circumstances may be determined and authorized at the sole discretion of the Department Head.

Whenever possible, employees will be allowed to take Annual Leave at times most convenient to them. However, in order to ensure continued smooth operation and maintain a high level of quality in the delivery of service to the citizens of Beaufort, the City reserves the right to limit the number of employees that may be absent from a given department at any one time. Where there is a conflict in the Annual Leave choices of two (2) or more employees who cannot be spared at the time, the Department Head will determine who will take leave and base the determination of who submitted the application for leave first as evidenced by the submitted dated application.

Charging of Annual Leave Hours

All (regular) City employees shall be charged eight (8) hours of annual leave for each day of annual leave absence. All police personnel who work twelve (12.25) hour shifts shall be charged (12.25) hours of annual leave for each day of annual leave absence. All fire fighter personnel who work twenty-four (24.00) hour shifts shall be charged (24.00) hours of annual leave for each day of annual leave absence.

Leaves of Absence

A regular full-time employee may be granted leave of absence with or without pay at the discretion of the City Manager. An employee may also be placed on leave of absence status without application. Such leave shall not exceed six (6) months and must have prior approval of the Department Head and the City Manager. Leaves of absence without pay for a period of less than fifteen (15) calendar days may be granted by the Department Head. No annual or sick leave shall be accrued by an employee during the time he is in a leave without pay status. In addition, employees are prohibited from performing any other form of work for remuneration during a leave of absence.

Any request for leave of absence shall be submitted in writing by the employee to his/her immediate supervisor stating the reason for requesting leave and the approximate length of time off the employee desires. Requests should be submitted as far in advance of the first day of leave as possible.

Employees that do not return from a leave of absence (with or without pay) as agreed will be terminated and are not entitled to reemployment by the City.

Employees may continue, at their expense, their Group Health and Dental Insurance coverage while on leave of absence without pay in accordance with Public Law 99-272, Title X (COBRA).

Employees must contact the City of Beaufort Human Resources Department and the Finance Department to arrange for documentation and payment of premiums. All benefit(s) cost(s) will be paid in advance on a monthly basis.

Employees shall contact the City of Beaufort Human Resources Department prior to departure regarding benefits that will be affected while on leave of absence without pay.

The City reserves the right to require a statement from the employee's attending physician (if the leave of absence is medically related) to the effect that the employee is able to resume his/her normal duties before allowing the employee to return to work.

Family and Medical Leave of Absence (FMLA)

A family and/or medical leave of absence is defined as an approved absence available to eligible employees for up to twelve weeks of paid or unpaid leave in any twelve-month period under certain circumstances that are critical to the employee's health or the health of the employee's family.

An eligible employee may elect to substitute any accrued leave for any part of the twelve weeks.

To be eligible for leave, an employee must have been working for the City of Beaufort for at least twelve months and must have worked at least 1,250 hours during the twelve month period prior to the request for leave. Eligible employees who are approved to use family and/or medical leave will have their leave usage calculated on the basis of a twelve (12) month rolling period.

Employment Restoration

- Any eligible employee who takes a leave for a purpose permitted by the family and medical leave act will be entitled upon return from such leave to be restored to the same position of employment as held when the leave began, or to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
- An exception to the employment restoration provisions of this policy may be made if the employee on leave is a salaried employee and is among the highest paid ten percent (10%) of the City's employees, and restoring employment of the employee would result in substantial economic injury to the City.
- A doctor's release may be required if the employee is returning from a medical leave of three or more days.

Basic Conditions of FMLA

The City may require medical certification from the health care provider to support a request for leave for any employee's own serious health condition, or to care for a seriously ill child, spouse, or parent.

For the employee's personal medical leave, the certification must state that the employee is unable to perform the functions of his position because of a serious health condition.

For leave to care for a seriously ill child, spouse, or parent, the certification must state that the employee is needed to provide care.

At its discretion, the City may require a second medical opinion, and periodic recertification at its own expense. If the first and second medical opinions differ, the City, at its own expense, may require the opinion of a third health care provider, approved by both the City and the employee. This third opinion is binding.

If medically necessary for a serious health condition of the employee or his spouse, child, or parent, leave may be taken on an intermittent or reduced leave schedule. If leave is required on this basis, however, the City may require the employee to transfer temporarily to an alternative position that better accommodates recurring periods of absence or a part-time schedule, provided the position has equivalent pay and benefits.

If both spouses are employed by the City, they are entitled together to a total of twelve (12) weeks of leave (rather than twelve weeks each) for the birth or placement of a child, or to care for a sick parent. Leave for the birth or placement of a child must take place within twelve months after the event. Leave may begin prior to birth or adoption as circumstances dictate.

Notification and Reporting Requirements

When the need for leave can be planned, such as the birth or placement of a child, or scheduled medical treatment, the employee must provide reasonable prior notice, and make efforts to schedule the leave to minimize disruption to City operations. In cases of illness, the employee will be required to report weekly on his leave status and intention to return to work.

Procedures

Employees must follow specific procedures to request a family or medical leave. These procedures are as follows:

- Complete the request for family medical leave of absence form. (Available in the City of Beaufort's Department of Human Resources.)
- The form must be signed by the employee and submitted to his Department Head. The Department Head will then submit the approved form to the City of Beaufort Department of Human Resources, with a copy to the City Finance Department. When possible, the form should be submitted by the employee thirty days in advance of the effective date of the leave.
- A combined leave policy form is to be completed by any employee who is requesting leave and whose spouse also works for the City.

- All employees must complete an insurance premium recovery authorization form. This form certifies that an employee acknowledges the City's legal right to recover the cost of any premiums paid to the City to maintain his coverage in group health benefits during any period of unpaid leave except under the following conditions:
- The continuation, recurrence, or onset of a serious health condition that entitles the employee to leave to care for a child, parent, or spouse with a serious health condition, or if the employee is unable to perform the functions of the position due to his own serious health condition; or
- Other conditions beyond the employee's control that prevent him from returning to work.
- Employees requesting family and medical leaves of absence due to illness must complete a leave certification requirements form.
- The employee must submit a completed request for family and medical leave of absence and a leave policy form.
- To request leave for the care of a child, parent, or spouse with a serious health condition the employee must provide certification from the health care provider who is treating the child, parent, or spouse, including the following information:
- The date on which the condition commenced; and the probable duration of the condition; and the appropriate medical facts regarding the condition and an estimate of the time needed to care for the individual involved (including any recurring medical treatment); and a statement that the condition warrants the health care provider's involvement.
- To request leave due to an employee's serious health condition, the employee must provide certification from the health care provider who is treating his own serious health condition, regarding the following information:
- The date on which the condition commenced; and the probable duration of the condition; and the appropriate medical facts regarding the condition; and a statement that the employee is unable to perform the functions of his position due to his condition.
- To request intermittent or a reduced leave schedule, the employee must provide the following additional information from the health care provider:

For leave for the employee, the employee must provide a statement of medical necessity for his intermittent or reduced leave, the expected duration of the schedule, a listing of the dates of his planned medical treatment and the duration of the treatment(s).

For leave to care for a son, daughter, spouse or parent, the employee must provide a statement attesting to the necessity of intermittent or reduced leave for the employee to provide care or to

assist in the person's recovery, and an estimate of the expected duration and schedule of his intermittent or reduced leave.

Status of Employee Benefits during Leave of Absence

Any employee who is granted an approved leave of absence under FMLA may continue his group insurance coverage by arranging to pay his portion of the premium contributions during the period of unpaid absence.

Employees will be required to continue to pay their share of group health benefit costs (either bi-weekly or monthly due to the fact that as employees payments are made one month in advance to the providers) during a period of leave under the law.

If an employee elects not to return to work upon completion of an approved unpaid leave of absence, the City may recover from the employee the cost of any premiums paid to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control. Benefit entitlement based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence.

An employee on leave will not lose any employment benefits accrued prior to the leave, unless a benefit is used by the employee during leave, such as accrued paid vacation.

An employee on leave accrues no additional seniority or employment benefits during any period of unpaid leave.

Bereavement (or Funeral) Leave

The City will provide a maximum of 3 regularly scheduled days off with pay to an employee in the event of death(s) of family members occurring within the Employee's immediate family.

The immediate family is defined for bereavement purposes as: parent, spouse, child, brother, sister, mother-in-law, father-in-law, stepmother, stepfather, any legal/custodial child(ren) and grandparents.

Employees must request bereavement leave by contacting their supervisor before going on leave. The supervisor may require an employee to submit an obituary and other evidence of relationship to the deceased along with the request for bereavement leave or upon return to work.

There is no accumulation of bereavement leave days and no payment upon separation from City employment. The three (3) or (5) workdays do not have to be taken simultaneously.

In the event that the employee must travel outside the country (5) work days may be granted for travel purposes. (Proof of travel must be submitted to the Human Resources Department for pay documentation)

To attend the funeral of any other person to which the Employee has close personal ties, unused Annual Leave or days off without pay (up to a maximum of 3 days in country or 5 days out of country) may be used with appropriate supervisory approval.

Military Leave - Uniformed Services Employment and Reemployment Rights Act (USERRA)

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, 38 U.S.C. §§ 4301 – 4335) is a federal law intended to ensure that persons who serve or have served in the Armed Forces, Reserves, National Guard or other “uniformed services:” (1) are not disadvantaged in their civilian careers because of their service; (2) are promptly reemployed in their civilian jobs upon their return from duty; and (3) are not discriminated against in employment based on past, present, or future military service. The federal government is to be a “model employer” under USERRA. See 38 U.S.C. § 4301.

All City of Beaufort employees who also serve as military personnel Employees are entitled to military leave in accordance with state and federal law. Employees must present a copy of his/her training, emergency and/or deployment orders/paperwork to the Human Resources Director as soon as possible. These documents are necessary to document military leave pay and time away from the position.

Employees are responsible for providing documented proof of military leave (orders or verification letter from the unit) prior to the processing of payroll in order to receive pay for the dates listed on the City of Beaufort timesheets as military pay.

Once the documents are received (if after the processing of payroll) the employee will be paid for said military leave.

Leaves for Military Duty and Leaves for Military Families

15-day Paid Leave

Eligible employees are entitled to a paid leave of absence for military training. The employee receives pay for all scheduled workdays during the training period.

This paid leave will start on the first date shown on the military order and will continue until 15 consecutive workdays have elapsed -- or until the employee returns to work -- whichever occurs first.

Paid leave will not exceed 15 paid days in any military year (October 1 through September 30).

Employees are entitled to this 15-day paid leave for active duty, training duties, or reserve call-ups for which the employee has military orders.

Weekend Training

Normally, the paid military leave of absence does not apply to training drills regularly scheduled on the weekend. To receive pay for weekend drills, an employee must meet all three criteria listed below. Any such paid time will be deducted from the 15-day paid leave annual allotment in paragraph A. above.

- The employee's regular work schedule must include Saturdays or Sundays.
- The employee must be scheduled to work the weekend of the training.

- The employee must be ordered for military training.

Training in excess of 15 days

If an employee incurs absences for more than 15 days training, he or she may do the following:

- Charge the absence to accrued time off (annual leave)
- Be absent without pay and with time off accrual

Using accrued time off will not count against the maximum amount of leave allowed in one year.

Declared Emergency: 30 Additional Days

In accordance with SC Code of Laws ♦ 8-7-90, an employee who receives official military orders to serve during a declared emergency is entitled to 30 days of paid leave per declared emergency in addition to the 15 workdays of paid military leave granted each year.

The 15 days of short-term military leave and the 30 additional days of leave for a declared emergency are based on regularly scheduled average workdays.

Submitting military training hours in the payroll

A copy of military orders and the training schedule must be presented to the Human Resources Department prior to any approval for pay of this time off.

Departments must indicate the number of hours charged to military training on the time sheets.

Extended Active Military Duty

The Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Code of Federal Regulations (CFR), Part 1002 of Chapter 11 of Title 20, establish rights for employees who serve or have served in the uniformed services of the United States.

As soon as a supervisor or department head is informed or becomes aware that an employee is going to leave or has left for military service, the supervisor or department head must consult with the Human Resources Director to insure the City of Beaufort compliance with USERRA and the regulations.

A military leave of absence without pay shall be granted for employees in positions other than those that are temporary. The regulations define temporary positions as those that exist for a brief, non-recurrent period with no reasonable expectation that the employment would have continued for a significant period.

To be eligible, an employee must meet one of the following criteria:

- The employee is inducted through Selective Service.
- The employee enlists voluntarily.
- The employee is called through membership in the uniformed services, defined as the Armed Forces; the Army National Guard; the Air National Guard; the commissioned corps of the Public Health Service; and, for USERRA coverage only, service as an intermittent disaster response appointee upon federal activation

of the National Disaster Medical System (NDMS) or attending NDMS authorized training in support of its federal mission.

The limit on the cumulative time away from work for military service and still retain the USERRA rights is five years.

The military leave of absence covers the dates that the employee is actively performing service. The five-year limit may also extend to a later date when the employee is able to obtain a release from active duty. Time between completing the uniformed service and reporting back to work or requesting to return does not count against the five year limit. The law provides for other exceptions which are to be discussed with the Human Resources Department if a case arises.

An employee who completes uniformed service and requests (orally or in writing) to return to work is to be returned within two weeks of the request if he or she meets the following criteria:

- The employee was discharged from military service under honorable conditions.
- The employee requests to return to work within the time limits specified in the Reemployment Provisions policy.
- The cumulative period of time away from the City of Beaufort in military service does not exceed five years, or if it does, the exceptions provided for in USERRA apply.

The employee meeting these criteria shall be returned to the status that he or she would have enjoyed with reasonable certainty as if the military absence had not occurred. This includes the completion of any evaluation period that would have expired during this time. See the Reemployment Provisions policy for a fuller description of the position, pay, and benefits that an employee who meets these criteria is eligible to receive when he or she returns from military service.

The right to return to work exists even if the employee gave an explicit, written statement at the start or during the leave that he or she did not intend to return to work for the City and resigned or was separated based on this statement. The right to return to work exists whether the employee was placed on a leave of absence or separated employment for military service.

An employee returned to work under the provisions of USERRA may not be terminated except for cause for 180 days after his or her date of return if the most recent period of uniformed service was less than 181 days or for one year after the date of return if the most recent period of uniformed service was more than 180 days.

Employees requesting to return to work who do not have an honorable discharge will be reviewed on an individual basis.

Leaves for Military Families

An employee who is a family member of a person on active duty in the United States Armed Forces is eligible for military family leave under the SC Military Family Leave Act.

The Act provides for leave for a total of 10 workdays per calendar year during one or more of the following periods:

- Within the 30-day period before a family member begins active duty,
- During the period that a family member is on active duty, or
- During the 30-day period following a family member's return from active duty.
- The time can be taken in full in one period or split amongst the periods.
- An employee is eligible for such leave for each family member on active duty.

To qualify as a family member, the employee must be the spouse, parent (biological, adoptive, or court-appointed guardian or custodian), biological grandparent, or sibling (by blood, half-blood, or adoption) of the person on active duty. Time off for employees who are other family members is discretionary and subject to supervisory approval.

Active duty is defined as full-time service on active duty orders in the armed forces of the United States or the Army or Air National Guard for a period that exceeds 89 consecutive calendar days. Armed Forces of the United States are defined as the active or reserve components of the Army, Navy, Air Force, Coast Guard, Marine Corps, or Merchant Marine.

A leave request that meets the family member and active duty criteria above must be granted unless the employee:

- Has not been employed for at least 12 months and worked at least 1,500 hours in the 12 months immediately preceding the day that the military family leave begins, or
- The employee has used all 10 workdays for that family member for the calendar year.

The Military Family Leave Act does not provide additional time off with pay. A staff employee must use accrued annual leave to cover the leave before taking any of the time off without pay or using any other accrued time off.

Annual leave time used during a military family leave will not count towards annual limits on the use of such time.

Time off without pay during a military family leave is an excused absence with benefit accrual and will not count in any attendance-related policies.

If the employee does not have sufficient accrued annual leave to cover the leave, any other accrued time or absence without pay can be used and is the employee's choice.

Military Care Giver Leave

Military Care Giver Leave provides medical-oriented leave for those employees caring for family members with serious injuries or illnesses incurred in military duty. An eligible employee is entitled to 26 work-weeks of leave to care for a covered service member in a single 12 month period.

The City of Beaufort may request appropriate certification.

Jury Duty

An employee who is called for jury duty will be given a jury duty leave of absence. Employees called for jury duty must keep their Department Head informed of their status.

For regular jury duty, an Employee shall be entitled to receive jury duty pay for the period of absence required up to a maximum of ten (10) days per calendar year. Such leave shall not be charged to annual or sick leave earnings. On any day when such employee is excused from service he will be expected to report for duty at his/her regular place of work or be charged annual leave for time excused from jury duty.

An employee called for Grand Jury Duty an employee shall be entitled to a maximum of (20) days paid time off in any calendar year.

Employees will receive their regular pay for each day on jury duty. The pay will be based on the average number of hours worked per week. The employee will be paid the difference between the normal salary and payments made by the court. Employees must submit juries slip from the court showing the total hours and days served and the amount of money earned to the payroll department.

An employee returning from jury duty must submit to his Department Head a jury slip from the court releasing the employee from jury duty.

Likewise, any period of time for which an employee is excused from jury duty because of illness shall be charged to sick leave. An employee shall be entitled to all fees received as a juror. An employee will be required to present a statement from the court indicating jury service.

Official Court Attendance

All employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the City, State or the Federal Government are entitled to leave with pay for such period as his/her court attendance may require. Any fees paid for such service may be retained by the employee. An employee will be required to present a statement from the court.

Other Litigation

Absences of an employee to appear in any capacity in other litigation are charged to annual leave or leave without pay. All court fees received by an employee in other litigation procedures may be retained by the employee.

Light Duty

The City of Beaufort is committed to providing work, when possible, for employees who have been restricted by a physician due to an injury or illness. It is the responsibility of the employee to notify Human Resources with documentation as soon as their physician deems that work should be limited. The assignment of light duty work will be coordinated between the Department Head and the Human Resources Director.

The City will generally give preference to employees who were injured on the job over other employees when there are more requests than assignments available.

Work will be provided subject to availability and will be assigned due to the nature of injury or illness and the limitations set forth by the treating physician.

If and when necessary employees will be placed wherever an appropriate position can accommodate light duty and is available within any of the City of Beaufort Departments.

While on light duty, employees will continue to receive their regular rate of pay. Employees who are placed outside their department will continue to have their salary charged to their regular department.

Employees on light duty must furnish a written update of their medical condition to the Human Resources Director from the treating physician after each visit to their physician in order to remain in the reassigned job.

Light duty assignments are limited to a period of ninety (90) days. Requests for extensions beyond the ninety (90) day limit will be at the discretion of the Director of Human Resources. Assignment to light duty does not guarantee that the employee will receive the maximum amount of time available.

Being placed on light duty assignment does not excuse an employee from following all policies, rules and regulations.

If an employee is on FMLA-protected leave, any time spent working in a light duty job counts toward the twelve (12) week entitlement to reinstatement to the employee's regular job. Employees on FMLA leave may decline a light duty assignment if they so choose.

This guideline does not create any contractual right to continued employment.

Education Leave

This policy is provided in order to encourage all regular full-time employees to continue their education in order to maintain and improve skills and knowledge useful in their current positions or necessary for assuming additional responsibilities in the future.

Any regular full-time employee who has satisfactorily completed at least six (6) months of continuous employment during his/her current period of employment with the City of Beaufort is eligible to receive consideration for the education benefits provided herein.

Educational leave is defined to be authorized leave, with or without pay, to attend an accredited institution of higher learning which offers an academic curriculum leading to a degree or degrees.

There shall be two types of educational leave – leave without pay and leave with pay, at the discretion of the City Manager.

Educational Leave Without Pay

Applying for leave – an eligible employee may apply by submitting a letter of request to his/her Department Head at least thirty (30) days before the first day of leave requested. The letter of request must include the type and purpose of leave, the duration and the letter of acceptance from the school.

Reinstatement – Employees granted educational leave without pay will not be given any guarantee as to reemployment by the City.

Educational Leave With Pay

Educational leave with pay may be available to employees enrolled part-time in an institution of higher learning and pursuing courses which in the City's opinion directly benefit the City.

When an approved course cannot be scheduled during off-duty hours, an employee may request time off from his/her regular work schedule so that he may meet classes. Such request shall be made in writing to the Department Head.

If his/her request is endorsed by the Department Head and approved by the City Manager, the employee may be granted time off with pay to take one course per school term for up to the equivalent of three semester credit hours, provided such time off will not interfere with the normal operation of the department.

Tuition Assistance

The City of Beaufort is committed to the short and long-term development of its employees' knowledge and skills and demonstrates this commitment through the establishment of the following standards for tuition reimbursement. Tuition assistance is not intended to finance an employee's full tuition toward any degree.

Eligibility

Department Heads are responsible for verifying they have included in the budget (and the amount was approved) an amount sufficient to cover any reimbursements that they will approve in any given fiscal year.

Regular full-time employees are eligible for reimbursement of tuition costs, matriculation, examination and the cost of text books for courses begun after their employment start date. Reimbursement is not eligible for late registration fees, parking, deferred payment fees, travel expenses, equipment or any other incidental expense.

An eligible employee must be employed in an active status through the date of reimbursement to be eligible for reimbursement.

The City of Beaufort reserves the right to limit funds available for the Tuition Reimbursement Plan.

Prepayment

Prepayment of costs is not available. Tuition reimbursement is available only by reimbursement following the successful completion of course work.

Job-Related Study

Regular full-time employees are eligible for tuition reimbursement after six months of full time employment. The job related course(s) must have begun after their employment start date and after their six month anniversary date. A course is considered job-related if the knowledge gained from it will enhance the performance of a significant portion of the employee's present

position. **Courses must be approved individually and in advance through the City's approval process.** Assistance for entire degree programs must have prior written approval by the City Manager or his/her designee.

Career-Related Study

Regular full-time employees are eligible for tuition reimbursement for career related study after six months of full time employment. A course is considered career related if it prepares the employee for another field of work in which there are realistic opportunities for future employment within the City of Beaufort. **Courses must be approved individually and in advance through the City's approval process.** Assistance for entire degree or certification programs must have prior written approval by the City Manager or his/her designee.

The following qualify for tuition reimbursement

- Regular courses taken for credit at accredited schools, colleges and universities;
- Courses credited toward a high school diploma or equivalency certificate;
- University extension or continuing education courses;
- Review courses and examinations for initial trade or professional licenses or certifications offered at accredited schools, colleges, and universities;
- Distance or e-Learning courses, offered through accredited colleges or universities.

The following do not qualify for tuition assistance:

- Professional seminars and workshops
- Review courses and examinations for renewal of trade or professional licenses or certifications (Paid out of departmental budgets)
- Test preparation courses (e.g., GMAT, GRE, LSAT, MCAT preparation courses).

Assistance is subject to a maximum aggregate reimbursement of \$2,400 per City of Beaufort fiscal year for undergraduate courses; \$5,000 per fiscal year for graduate courses.

Employees will be reimbursed following completion of the course and assignment of grade according to the schedule below:

When a grade of B or above (a grade of C is not eligible for reimbursement) or certificate of completion is received, the City of Beaufort will reimburse an employee for the cost of tuition, laboratory fees, and textbooks specifically required for the course. Original receipts showing the author, title and price of the text must be provided to substantiate a claim for textbook reimbursement. Pass, Satisfactory, Credit or similar grades are acceptable only if the sponsoring institution issues those grades to all students enrolled in the approved course. Participating employees must choose to receive a letter grade if it is an option.

Any employee interested in participating in the Tuition Reimbursement Program is responsible for obtaining appropriate written approval **prior to course registration**. An employee seeking reimbursement for educational costs incurred while taking an approved course is responsible for submitting supporting original documentation within 30 days of completion of the course.

Employee will not receive reimbursement if documentation is received after 30 days from completion of the course.

Tuition Assistance During Off-Duty Hours

An employee who takes an approved course during off-duty hours may be reimbursed under the following conditions:

- Approval is received from the Department Head and the City Manager at least 30 days prior to commencement of the course.
- The course is job-related or career related.
- The course has been successfully completed with a minimum grade of “B” at both the undergraduate and graduate level.
- Funds for reimbursement have been approved in the department budget.
- Reimbursement is not being received from any other source.
- The employee is employed by the City at the time of reimbursement.

Tuition reimbursement is considered an advance of wages. Employees who receive reimbursement for educational expenses are required to work a minimum of one (1) year following receipt of funds. Otherwise, the City may deduct from wages due at termination the amount paid for tuition reimbursement.

Applying for Reimbursement

The employee shall submit an “Application for Tuition Reimbursement” to the Department Head within ten (10) days after receiving his grades, with the following attachments:

- Class schedule – must have the student’s name, school and semester pre-printed on it by the school
- Invoice/itemized bill – must specify exact amount of tuition, fees and other charges as well as detail the term, student and school
- Official proof of payment showing method of payment. A receipt from the school is acceptable if it clearly itemizes payments. If it does not, a copy of the cancelled check, credit card statement, or documentation that details each payment’s source.
- Official proof of 3rd party payments showing method of payment – If you receive grants, scholarships or other non-repayable funds you must report the amounts of those payments.
- Proof of successful completion/grade report – Must obtain a grade of B or better. Grade must be submitted on official school documents.

SECTION V – BENEFITS OVERVIEW

South Carolina Retirement System

All regular full-time and regular part-time employees of the City of Beaufort are required to participate in the South Carolina State Retirement System (SCRS) which offers and maintains programs designed to provide for the employee's retirement years. A portion of the cost of such participation shall be borne by the City of Beaufort; the exact proportion of which shall be determined through an agreement between the City and the South Carolina Retirement System. The remaining costs shall be borne by the employee through mandatory payroll deductions.

Police and Fire Department personnel shall participate in the South Carolina Police Officers Retirement System (PORS).

Health Insurance

The City of Beaufort may provide health and dental insurance programs for regular full and designated part time employees. The benefits plan is designed to provide a supplemental package of programs which contribute to the physical and mental health and well being of the employee and his dependents.

Open enrollment will be announced and communicated to all employees. Open enrollment will have a start and end date. During the open enrollment period employees may change plans. Once the open enrollment period closes changes may not be made (unless the occurrence meets the requirements of a qualifying event) or unless otherwise instructed by the Human Resources Department)

Dependent care coverage (legal spouse and children) may be available to all eligible employees wishing to choose such a benefit at additional cost. Employees choosing to take advantage of this coverage, or any other additional level of coverage, shall bear the full cost of such coverage through the use of the payroll deduction system. All benefit plans are subject to change at the discretion of the City of Beaufort.

COBRA

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City of Beaufort's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are:

- Resignation, termination of employment, or death of an employee
- a reduction in an employee's hours or a leave of absence an employee's divorce or legal separation
- a dependent child no longer meeting eligibility requirements

Under COBRA, the employee or qualified beneficiary pays the full cost of coverage at the City of Beaufort's group rates plus an administrative fee established by the City.

Each eligible employee will be provided with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about the employee's rights and obligations.

Retirees

Employees retiring with at least (28 years of service for Regular employees) and (25 years of service for Police and Fire personnel) with the SC Retirement System may be kept on the City's Group Health and Dental Insurance Plan after retirement at the employee's expense until the employee or their covered dependent is eligible for Medicare.

Employee Assistance Program

The City of Beaufort's Employee Assistance Program is coordinated through First Sun EAP (1-800-968-8143). Most services provided through the program are at no cost to the employee. Any additional services provided for a charge are a responsibility of the employee to the extent that charges are not covered by insurance.

Employees who come forward with substance abuse problems prior to an accident, testing, aberrational behavior or other behavior in violation of City policies may be permitted to undergo treatment and follow-up testing in lieu of discipline. However, if the employee comes forward and does not complete a substance and/or alcohol abuse program (rehabilitation) as directed by the EAP representative, the employee will be terminated for violation of the zero tolerance alcohol and drug policy.

Worker's Compensation

An employee who is eligible for Worker's Compensation due to a job related injury, is entitled to sixty-six and two-thirds ($66 \frac{2}{3}$) of his gross wages while he is disabled up to a maximum weekly compensation set by law. The first seven (7) days of disability are not reimbursable unless the employee is disabled more than fourteen (14) days. If the employee is disabled more than fourteen (14) days, the first seven (7) days are usually paid at the end of the disability period. The employee will receive compensation during the disability period as follows:

The employee will be paid directly by the City of Beaufort's Third Party Administrator directly to their address of record. This payment is tax free. When the employee returns to work they will resume being paid through the City of Beaufort payroll system. Employees must pay the City of Beaufort directly for health and other voluntary benefits during this time.

If an employee is offered light duty and declines to work the light duty position preferring to use sick leave...the employee's use of sick leave hours will not be reimbursed to their sick leave bank.

Other Payroll Deduction Programs

The City may offer such programs as it sees fit to its employees through the payroll deduction system. The cost of participating in such programs shall be borne by the individual employee. Examples of programs which may be available include: life insurance, disability insurance, savings plans, retirement plans and dependent care plans.

SECTION VI – INFORMATION TECHNOLOGY

Overview

Information Technology's intentions for publishing an Acceptable Use Policy are not to impose restrictions that are contrary to The City established culture of openness, trust and integrity. Information Technology is committed to protecting The City employees, partners and the company from illegal or damaging actions by individuals, either knowingly or unknowingly.

Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and FTP, are the property of The City. These systems are to be used for business purposes in serving the interests of the company, and of our clients and customers in the course of normal operations. Please review Human Resources policies for further details.

Effective security is a team effort involving the participation and support of every City employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

Purpose

The purpose of this policy is to outline the acceptable use of computer equipment at The City. These rules are in place to protect the employee and The City. Inappropriate use exposes The City to risks including virus attacks, compromise of network systems and services, and legal issues.

Scope

This policy applies to employees, contractors, consultants, temporaries, and other workers at The City, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by The City of Beaufort.

General Use and Ownership

- a. Users should be aware that the data they create on the corporate systems remains the property of The City of Beaufort. Because of the need to protect The City's network, management cannot guarantee the confidentiality of information stored on any network device belonging to The City. EMPLOYEES HAVE NO EXPECTATION OF PRIVACY IN ANY DATA STORED ON CITY ELECTRONIC SYSTEMS.
- b. Employees are responsible for exercising good judgment regarding the reasonableness of personal use. If there is any uncertainty, employees should consult their supervisor or manager.
- c. For security and network maintenance purposes, authorized individuals within The City may monitor equipment, systems and network traffic at any time.
- d. The City reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

Security and Proprietary Information

- a. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. User level passwords should be changed every 45 days.
- b. All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging-off (control-alt-delete for Win2K, XP or Vista users) when the host will be unattended.
- c. Because information contained on portable computers is especially vulnerable, special care should be exercised.
- d. Postings by employees from a City email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of The City, unless posting is in the course of business duties.
- e. All hosts used by the employee that are connected to The City Internet/Intranet/Extranet, whether owned by the employee or The City, shall be continually executing approved virus-scanning software with a current virus database unless overridden by departmental or group policy.
- f. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.

Unacceptable Use

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services).

Under no circumstances is an employee of The City of Beaufort authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing The City-owned resources.

The lists below are by no means exhaustive, but attempt to provide a framework for activities which fall into the category of unacceptable use.

System and Network Activities

The following activities are strictly prohibited, with no exceptions:

- a. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by The City of Beaufort.
- b. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which The City Beaufort or the end user does not have an active license is strictly prohibited.
- c. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.

- d. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
- e. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
- f. Using a The City of Beaufort computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
- g. Making fraudulent offers of products, items, or services originating from any City account.
- h. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
- i. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
- j. Port scanning or security scanning is expressly prohibited unless prior notification to Information Technology is made.
- k. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
- l. Circumventing user authentication or security of any host, network or account.
- m. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
- n. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
- o. Providing information about, or lists of, The City of Beaufort employees to parties outside The City.

Social Networking/Blogging

The following policy applies to all employees of The City of Beaufort, and covers all publicly accessible communication via the Internet regarding the City of Beaufort. This includes, but is not limited to: blogs, Twitter, all social networking sites (Facebook, MySpace, etc...), discussion forums, newsgroups, and e-mail distribution lists.

1. Your public communications concerning The City of Beaufort must not violate any guidelines set forth in City of Beaufort policies, whether or not you specifically mention your employee status. This includes all City of Beaufort policies including, but not limited to: Harassment Policy, Non-Disclosure Policy, E-mail & Internet Usage Policy, etc...
2. You must include the following disclaimer on published public communications if you identify yourself as a City of Beaufort employee or if you regularly or substantively discuss The City of Beaufort publicly: "The opinions expressed here are the personal opinions of [your name]. Content published here is not read or approved by The City of Beaufort before

it is posted and does not necessarily represent the views and opinions of The City of Beaufort."

3. You may not communicate any material that violates the privacy or publicity rights of another. You are personally legally responsible for any content you publish. You should be aware of applicable laws regarding publishing your content or regarding the content itself before you post. This includes adhering to applicable copyright laws.
4. You may not personally attack fellow employees, customers, vendors, or owners.
5. You may not disclose any sensitive, proprietary, confidential, or financial information about the company. This includes revenues, profits, forecasts, products, services, plans and any other information that would be considered confidential. You may not disclose any information about any specific customer.

Failure to follow these policies may result in disciplinary action, up to and including discharge.

Blogging

- a. Blogging by employees, whether using The City of Beaufort's property and systems or personal computer systems, is also subject to the terms and restrictions set forth in this Policy. Limited and occasional use of The City of Beaufort systems to engage in blogging is acceptable, provided that it is done in a professional and responsible manner, does not otherwise violate The City's policy, is not detrimental to The City's best interests, and does not interfere with an employee's regular work duties. Blogging from The City's systems is also subject to monitoring.
- b. The City's Confidential Information policy also applies to blogging. As such, Employees are prohibited from revealing any City confidential or proprietary information, trade secrets or any other material covered by City's Confidential Information policy when engaged in blogging.
- c. Employees shall not engage in any blogging that may harm or tarnish the image, reputation and/or goodwill of The City and/or any of its employees. Employees are also prohibited from making any discriminatory, disparaging, defamatory or harassing comments when blogging or otherwise engaging in any conduct prohibited by The City of Beaufort's Non-Discrimination and Anti-Harassment policy.
- d. Employees may also not attribute personal statements, opinions or beliefs to The City of Beaufort when engaged in blogging. If an employee is expressing his or her beliefs and/or opinions in blogs, the employee may not, expressly or implicitly, represent themselves as an employee or representative of The City. Employees assume any and all risk associated with blogging.
- e. Apart from following all laws pertaining to the handling and disclosure of copyrighted or export controlled materials, The City's trademarks, logos and any other City intellectual property may also not be used in connection with any blogging activity.

Email and Communications Activities

- a. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).

- b. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
- c. Unauthorized use, or forging, of email header information.
- d. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
- e. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
- f. Use of unsolicited email originating from within The City of Beaufort's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by The City of Beaufort or connected via The City's network.
- g. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).

This policy is applicable to all forms and types of electronic communication equipment, whether the communication equipment is personally owned or city issued. For the purpose of definition, when used or referred to, the term electronic communication equipment shall include, but not be limited to, cellular telephones, pagers, cellular telephones with walkie-talkie capability, cellular telephones with photography or video capability, cellular telephones with internet access capability, Personal Data Assistant's (PDA), electronic notebooks or pads, mobile/fixed laptop or desk top computers, and any other electronic voice, video, data, picture, and text messaging equipment.

The use of any electronic communication equipment or device shall not be used and is strictly prohibited to transmit or knowingly accept receipt of any form of communication which the City of Beaufort may consider pornographic, obscene or, in the City of Beaufort's opinion, might create or constitute sexual harassment or a hostile work environment in that it demeans, degrades, intimidates in an explicit or implicit way, "kids" or "teases," or produces condescending or derisive messages or content towards individuals on the basis of their race, sex, sexual orientation, age, national origin, disability, or some similar distinction.

Employees shall not use any type of communication equipment to engage in conduct that is unlawful or prohibited by federal or state statutes and laws, city ordinances or city/departmental policies.

The City of Beaufort recognizes that it is almost impossible to police whether employees are conducting personal communication or city business or using City-issued or personal owned mobile or land based electronic communication equipment. Therefore, the City of Beaufort consents to the "reasonable" use of electronic communication equipment during working hours for personal communication. However, the City of Beaufort shall solely determine what is considered "reasonable".

At no time shall the use of electronic communication equipment for personal communications interfere with or hinder the employee's ability to perform or complete their work assignment, the performance of daily business, or create dangerous or unnecessary safety related issues, even if the personal use falls within the definition of the term "reasonable."

The City of Beaufort recognizes and accepts that in certain cases, emergencies of a personal nature (i.e. impending birth, family member hospitalized, etc) shall occur and the use of personal electronic communication equipment may be required in excess of what is considered reasonable

by this policy. In this and similar instances, the employee's supervisor shall be notified of the emergency and any excessive use of personal communication equipment shall be approved in advance by the employee's supervisor.

Employees are strongly discouraged and in most cases, prohibited, from using electronic communications equipment while driving personal vehicles on official City business or while driving or operating City owned vehicles and equipment. Employees are required to pull safely off and clear of the roadway for such use. The safety of the driving and pedestrian public shall always take precedence.

Exception: Due to certain circumstances, generally an emergency situation, it will not always be possible to move to a place or area clear and off the roadway while using communication equipment. However, these situations are not common and the use of communication equipment would otherwise require the driver/operator to pull to a clear and safe area. If the situation requires the use of communication equipment while driving/operating any vehicle or piece of equipment while on city business, employees shall use all caution and take any and all appropriate and necessary action to:

- Manage any distraction that such electronic communication equipment being used by the driver or passenger(s) may produce that would interfere with the employee's ability see or hear any type of routine or emergency warning devices.
- Manage any distraction that such electronic communication equipment being used by the driver or passenger(s) that would diminish the driver's ability to remain alert and react to both routine and unexpected situations occurring while driving a vehicle. The employee driving the vehicle shall always maintain control of his vehicle thereby ensuring their own safety, as well as the safety of their passengers and the general driving and pedestrian public.
- Keep the conversation short and concise, thereby minimizing the amount of time spent on the communications device.
- Safety and due caution for the employee and others shall always be maintained as the highest priority.

Example: Certain employees, such as fire/rescue and police personnel, may in the course of responding to or managing an emergency, may be placed in a position where the use of electronic communication equipment is vital to the successful conclusion of the emergency operation.

However, as with other employees, those emergency personnel shall use extreme caution and take any all appropriate and necessary action to manage any distraction that may interfere with the employee's ability to safely maintain control of their vehicle or any equipment they may be operating (i.e. pumping at a working fire), thereby ensuring their own safety, as well as the safety of passengers, co-workers, and the general public.

Employees are strictly prohibited from and shall not use any type of electronic communication equipment while operating (to include driving) or assisting with any type of equipment or performing any task, unless it falls within the exception noted above. In the course of normal business operations, if the driver/operator must use any type of communication equipment, the equipment being operated shall be shut off and placed in a safe mode or the employee must remove himself and clear of the work area prior to the use of the communication equipment.

Remember, good common sense and sound judgment is vital to your safety. The equipment list shall include, but not be limited to the following:

- (a) Driving any vehicle or piece of equipment such as a backhoe, front-end loader, or other piece of heavy equipment, etc.
- (b) Working around or operating the backhoe
- (c) Working around or operating the front-end loader
- (d) Working around or operating any other piece of heavy equipment
- (e) Riding Mower
- (f) Mower Tractor
- (g) Chain Saw
- (h) Leaf Machine
- (i) Chipper Machine
- (j) Knuckle Boom or Clam Truck
- (k) Aerial Towers (to include Fire Aerial Ladder Truck)
- (l) Trencher
- (m) Sewer Jet Machine
- (n) Sewer Rodder Machine
- (o) Tamper/Paver
- (p) Welding or Cutting Torch
- (q) Air Hammer
- (r) Power Hand Tools (i.e., drills, saws, hedge trimmers, weed eaters, etc)
- (s) Garbage Truck
- (t) Mixing or handling of insecticides, herbicides, or other chemicals
- (u) Refueling vehicles, containers, or equipment, or working in and around fueling stations
- (v) Vehicle lifts or jacks
- (w) Climbing, standing on, or work around ground ladders
- (x) Operating or working around any other equipment or task that would pose a real or potential safety related issue

The use of any electronic communication equipment, that at any time would jeopardize the health, safety, create an undue safety condition, increase the risk of injury exposure, or otherwise infringe on the safety of the employee, co-workers, or the general public is strictly prohibited.

Employee's personal electronic communication equipment that features photographic or video capability shall not be used to photograph any scene, site, person, equipment, policies, copyrighted or intellectual data that would not normally be available to the general public or that is considered by the City of Beaufort to be confidential, proprietary, or protected information and data. Any request for such information or data shall be made through established state law covered by the Freedom of Information Act (FOIA) or granted by the City Manager.

The use of electronic communication equipment shall not be used to conduct personal, outside, or "side", "moonlighting" business of the employee while on city time.

Employees using city issued electronic communication equipment shall be responsible for any charges, excessive use, abuse, or /loss of such equipment when used for personal business up to and including reimbursement of excess charges or the replacement cost of the equipment.

The purpose of this policy is to define standards for connecting to The City of Beaufort's network from any host. These standards are designed to minimize the potential exposure to The City of Beaufort from damages which may result from unauthorized use of The City of Beaufort resources. Damages include the loss of sensitive or company confidential data, intellectual property, damage to public image, damage to critical The City of Beaufort internal systems, etc.

This policy applies to all The City of Beaufort employees, contractors, vendors and agents with a The City of Beaufort-owned or personally-owned computer or workstation used to connect to The City of Beaufort network. This policy applies to remote access connections used to do work on behalf of The City of Beaufort, including reading or sending email and viewing intranet web resources. Remote access implementations that are covered by this policy include, but are not limited to, dial-in modems, frame relay, ISDN, DSL, VPN, SSH, and cable modems, etc.

It is the responsibility of The City of Beaufort employees, contractors, vendors and agents with remote access privileges to The City of Beaufort's corporate network to ensure that their remote access connection is given the same consideration as the user's on-site connection to The City of Beaufort.

General access to the Internet for recreational use by immediate household members through The City of Beaufort Network on personal computers is not permitted. The City of Beaufort employee bears responsibility for the consequences should the access be used and or misused.

Physical security means either having actual possession of a computer at all times, or locking the computer in an unusable state to an object that is immovable. Methods of accomplishing this include having a special key to unlock the computer so it can be used, thereby ensuring that the computer cannot be simply rebooted to get around the protection. If it is a laptop or other portable computer, never leave it alone in a conference room, hotel room or on an airplane seat, etc. Make arrangements to lock the device in a hotel safe, or take it with you.

Any communication, regardless of medium, created or received while on City time shall become property of the City and may be subject to search or investigation by the City at its discretion. It is also noted here that all email communications are subject to disclosure under the Freedom of Information Act.

The only sure way to avoid violating the City of Beaufort's policy on personal use of electronic media is not to use such electronic media for any personal purpose.

With regard to computer/internet use for personal purposes, the purchase of any goods or services, even if charged to the employee's personal credit card, is strictly prohibited.

Employees who use personal electronic equipment on City property or at City worksites to engage in conduct, which would be prohibited if conducted, using similar City equipment, will be considered to have violated this policy.

IMPORTANT NOTICE: The City has the capacity and reserves the right to examine the computer usage of individual employees in detail. Even though an item has been “deleted” and the employee cannot retrieve it, this does not mean that the City cannot do so. It is also possible to generate a report of every Internet connection made by each user and how much time was spent in each connection. **The City reserves the right to exercise this capacity without notice or reason.**

Employees violating this policy shall be subject to disciplinary procedures up to and including termination.

SECTION VII – SAFETY AND ACCIDENT PREVENTION

Reduce accident and injuries involving the City of Beaufort employees, equipment and properties. To realize savings by initiating and monitoring loss control procedures

Basic safety standards are outlined in the Occupational Safety and Health Act. These standards set and define criteria for evaluating the safety of a working place, including an automobile or cab or a truck if that is where an employee:

- Report all complaints, accidents, or injuries to the City Manager and other agencies (i.e. Human Resources, Workmen's Compensation Third Party Administrator).
- Maintain a safe work environment and provide protective equipment when needed.
- Notify as soon as practical the insurance adjuster for the City of all accidents involving City vehicles.
- Submit the accident investigation as soon as practical to the Human Resources Director for appropriate action.
- Ensure that proper drive/Operator training is conducted for all operators on a continuing basis. If an employee drives for the City or operates a City vehicle, they must notify their supervisor if their driver's license is suspended or if they incur a citation for any moving violation as soon as possible whether the violation occurs during or outside of work hours or whether in a City or personal vehicle. Any falsified or omitted information concerning an employee's driving record will result in separation from employment with the City of Beaufort.
- The Human Resources Department will annually obtain and maintain on file a copy of all employee's driver/operator's driving record from the SCDOT via information provided by the employee on his/her State issued driver's license

Motor Vehicle Traffic Accident/Incident Procedures

All accidents or incidents involving City owned motor vehicles or (motorcycles when/if appropriate), causing damage to the motor vehicle, personal or private property, or injuries, however slight, will be investigated.

It shall be the duty of the driver or operator of any City owned motor vehicle which is involved in any type of accident or incident to:

Stop immediately and, if qualified, render aid if injuries are involved.

Leave the motor vehicle standing in place, with emergency equipment on, until directed to move it by a law enforcement officer. If there are no injuries and the damage is minor the vehicles should be removed from the roadway.

Notify the following:

- All accidents involving Police Department motor vehicles shall be investigated by the South Carolina Department of Public Safety.
- All accidents involving City-owned motor vehicles other than Police Department motor vehicles shall be investigated by the Beaufort County Sheriff's Department or the South Carolina Department of Public Safety.
- All incidents involving Police Department motor vehicles, and all other City owned motor vehicles, within the public right-of-way or on private property, shall be investigated by the City of Beaufort Police Department.
- Notify immediate supervisor who will be responsible for notifying the Department Head and for ensuring all notification requirements are met, including the notification of the City's insurance adjuster, Human Resources Department and Finance Department.
- Do not release any information concerning the accident or incident to anyone other than the investigating law enforcement officer and his Department Head, unless otherwise directed by the City Manager.
- Comply with the law enforcement officer's instructions concerning proper forms to be completed and where to obtain these forms.
- The driver or operator of any City owned motor vehicle involved in an accident or incident which causes personal or property damage shall comply with all aspects and procedures prescribed in the city's accident review policy. Failure to take the appropriate steps as outlined in these paragraphs will result in disciplinary action up to and including separation of employment.
- Employees involved in motor vehicle accidents or incidents which are found preventable by the City of Beaufort Accident Reviewers shall be bound by the findings of the Reviewers.

Zero Tolerance Substance Use/Abuse Policy

The City of Beaufort is concerned about the effects of illegal drug use and alcohol abuse upon the health and safety of all employees and the public we serve. We recognize that the abuse of drugs and alcohol results in increased accidents and medical claims and can lead to the destruction of an employee's health and adversely affect his family life. Employees who abuse drugs and alcohol are not only a danger to themselves, but to their fellow employees as well. Productivity is adversely affected by increased absenteeism and turnover. In light of these concerns, and changes in federal regulations, and the Drug Free Workplace Act the City of Beaufort intends to maintain a workplace free of the problems associated with the abuse of alcohol and drugs.

The City of Beaufort maintains a zero tolerance policy for alcohol and/or substance use. Any employee testing positive for illegal substances or alcohol will be separated from employment with the City of Beaufort immediately. Any candidate undergoing pre-employment testing whose results are positive will not move forward in their candidacy.

This policy applies to all City employees and includes a special section covering Police and Fire Department employees and special highlighted text covering Federal Motor Carrier Safety Administration (FMCSA) regulated employees. The U.S. Department of Transportation regulations which require that (FMCSA) regulated employers implement anti-drug and alcohol testing programs for DOT- regulated City employees are as follows:

Scope and Application

All employees of the City of Beaufort are prohibited from possessing, ingesting, inhaling, injecting, selling, distributing, or using, in any fashion, any illegal drugs or prescription drugs NOT prescribed for the employee. This prohibition applies to use or involvement at any time, both on-the-job and off-the-job. (City employees are however permitted to possess any substance when the possession is required by their jobs for the lawful delivery to another person or entity/organization).

Employees are prohibited from possessing, consuming, distributing or manufacturing alcoholic beverages on any City property, including City vehicles, while performing City duties.

“City property” includes the following:

- Property controlled by the City including vehicles used in performing city work
- Buildings where City work is being developed, conducted, evaluated, or inspected
- Leased space, City-owned vehicles or personal vehicles used for City business
- Customer premises and customer vehicles where a City employee is working/performing services
- Parking lots or the grounds adjacent to any of the above

Types of Testing

This substance abuse testing policy covers all personnel employed by the City, whether full-time, part-time, or temporary, for the purpose of testing under the following conditions:

- Pre-employment testing
- Post-accident testing
- Reasonable suspicion testing
- Return-to-duty testing
- Follow-up testing

Those employees whose duties are considered to be safety sensitive (such that the condition or action of an individual affected by alcohol or drugs could result in significant harm or death to another employee, themselves, or the public at large) or are covered under the above DOT regulations are also subject to the following forms of testing:

- Random testing
- Pre-assignment/promotion testing (police / fire only)

City Prohibited Conduct

The possession, use, transfer, or sale of alcohol, illegal drugs, or prescription drugs without a valid prescription ON City property/business by any employee is specifically prohibited and will result in separation from employment.

City employees are not permitted to possess any illegal substance unless it is required by their job for the lawful delivery to another person/entity/organization.

Possession of illegal drugs OFF City property will result in disciplinary action including a reasonable suspicion drug test and immediate termination upon test results that are positive.

The City will notify law enforcement authorities whenever illegal drugs are found in the workplace.

Legal/Prescription Drugs

Employees using prescription drugs, according to a physician's instructions, or using over-the-counter drugs for medicinal purposes, **MUST**, in the event such drugs could impair their physical, mental, emotional, or other abilities or faculties, notify their supervisor immediately upon entering the work area. Failure to do so may be considered a violation of this policy and may result in disciplinary action up to and including separation from employment.

Pre-Employment/Pre-Assignment Drug Testing

All applicants selected for employment and contract employees assigned to a DOT covered function will be required to undergo a federally regulated drug screening test paid for by the City before assignment to any covered duties. The City's pre-employment drug testing requirement and the alcohol/drug testing policy for employees will be explained at the time of job offer.

Employment will be denied to any selected applicant whose drug test reveals the presence of illegal drugs or prescription drugs unless properly prescribed. Employment will also be denied if it is determined that the applicant has tampered with the specimen. All applicants who are hired will be subject to alcohol/drug testing, at the City of Beaufort's expense.

Post-Accident/Near Accident

All employees involved in on-the-job accidents/incidents will be tested immediately for alcohol and drugs (as soon as possible following such accidents as released by the authorities).

Reasonable Suspicion/Cause

If management has reason to believe (particular suspicion) that an employee is a user of an illegal substance or appears to be under the influence of drugs or alcohol, the employee may be subject to alcohol/drug testing. An employee is reasonably suspected of using a prohibited drug when at least one Supervisor or Manager can substantiate specific behavioral and/or performance indicators of probable alcohol/drug use. Typical examples of factors which could lead to reasonable cause alcohol/drug testing include but are not limited to:

- Excessive absenteeism or tardiness
- Unexplained significant deterioration of job performance
- Significant change in personality, abusive behavior, insolence, insubordination
- Reliable reports from other persons
- Unexplained absences from normal work sites
- Unusual behavior which cannot be readily explained, i.e., changes in appearance and demeanor
- Difficulty in motor coordination
- Discovery of evidence of drug use (paraphernalia or odor) in the employee's immediate vicinity
- Repeated errors on the job
- Regulatory or rule violations
- Arrest or conviction of an alcohol/drug related offense

(All DOT authorized reasonable suspicion alcohol tests MUST have at least one (1) contemporaneous physical symptom and can only be conducted immediately prior to, during, or immediately following the provision of safety-sensitive duties by the suspected employee.)

The decision to test should be based upon specific, behavioral and/or performance indicators of probable alcohol/drug use. All testing should be reviewed with the Human Resources Director and/or City Manager PRIOR to testing except where to do so would inappropriately delay testing due to unavailability of the Human Resources Director and/or City Manager. Alcohol testing under DOT rules requires only one (1) trained supervisor's judgment. An alcohol test cannot be delayed.

Random

Employees in safety sensitive positions with the City of Beaufort will be randomly selected for unannounced alcohol/drug testing through a system using a scientifically/statistically and legally valid number generation process. A list of names and corresponding numbers will be maintained by the third party administrator of the City of Beaufort's drug testing program which will, at random, select the employees for testing regularly. An employee could be selected for testing more than once a year.

DOT covered employees of the City will be pooled separately for random selection purposes. Random testing of covered employees will be at a rate of 50% per year as required for drug testing and 25% per year for alcohol with the understanding that the rate may change year to year depending upon "industry experience." Safety sensitive personnel may be pooled together, but must be separate from DOT covered employees. Employees selected for testing will be notified on the day they are to be tested, just prior to being sent for testing. There is no advance notice of random testing.

Return to Duty

If an employee is randomly selected for drug/alcohol testing and the results are positive for either drugs or alcohol the employee will be terminated immediately upon the receipt of the results.

Refusal to Test

Refusal by a City employee to submit to a drug or alcohol test, when requested to do so under the terms of this policy, will be considered the same as a confirmed positive test result and will be grounds for termination of employment. *DOT covered employees who refuse to participate in a random, post accident, reasonable suspicion or follow-up test will be considered to have violated the prohibited conducts and shall be terminated from employment immediately.*

Tampering

Tampering with, altering, or contaminating a specimen in any manner constitutes grounds for immediate termination.

Sworn police officers found in violation of this policy will be terminated.

Probationary employees will be terminated if found in violation of this policy.

Coming Forward with Substance Abuse Problems

All employees (other than sworn police officers) who have substance abuse problems and report them to the City before being selected for testing, and before the occurrence of an event which normally would result in testing, will not be disciplined upon the first violation but will be subject to termination if he/she again either admits to a violation of this policy or tests positive for drugs in violation of this policy.

Sworn officers who come forward with alcohol related problems prior to being selected for testing and before the occurrence of an event which normally would result in testing will not be disciplined upon the first violation but will be subject to termination if he/she again either admits to a violation of this policy or tests positive for alcohol in violation of this policy.

If an employee admits to a violation of this policy or tests positive for drugs in violation of this policy, but seeks counseling and remains an employee of the City, the employee will be discharged if he does not complete a prescribed substance/alcohol rehabilitation program, or tests positive again for alcohol/drugs in violation of this policy.

Vehicle and Equipment Use

Effective January 1, 2013 all City of Beaufort vehicles (other than certain designated law enforcement vehicles) must have the city's logo affixed in the pre-designated place on the vehicle.

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

All personnel authorized to drive a city-owned vehicle must have a valid driver's license. Employees who drive city vehicles and/or operate equipment must report immediately to her/his supervisor any change in the status of her/his driver's license. A motor vehicle check will be conducted (at a minimum) annually at the City's expense by the Human Resources Department.

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

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

The employee is responsible for safe operation of the vehicle and/or equipment and is responsible for all passengers. The employee and all passengers are required to wear a seatbelt at all times while the vehicle and/or equipment are in operation.

Smoking and the use of smoke-free tobacco products are NOT allowed inside city vehicles or equipment. Cellular telephone and/or texting use by the driver of city owned vehicles or equipment is NOT allowed and is a direct violation of vehicle/equipment use and operation. Failure to comply with the vehicle/equipment policy will result in disciplinary action up to and including separation of employment.

This page left blank intentionally

ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE HANDBOOK

The Employee Handbook contains important information about the City of Beaufort, and I understand that I should consult the Human Resources Department regarding any questions not answered therein. I have entered into an employment relationship with the City of Beaufort voluntarily and understand that there is no specified length of employment. Accordingly, either the City or I can terminate the relationship at-will, at any time for any reason, with or without cause and without advance notice.

I understand and agree that no person other than the City Manager, Director of Human Resources (or their designee) may enter into an employment agreement for any specified period of time, or make any agreement contrary to the City's stated employment at-will policy.

Since the information, policies and benefits described herein are subject to change at any time, I acknowledge that revisions to the handbook may occur, except to the City's policy of employment at-will. All such changes will generally be communicated through official notices, and I understand that all revised information may supersede, modify or eliminate existing policies.

Furthermore, I understand that this handbook is neither a contract of employment nor legally binding agreement. I have had an opportunity to read the handbook, and I understand that I may ask my supervisor or any employee of the Human Resources Department any questions I might have concerning the handbook. I accept the terms of the handbook. I also understand that it is my responsibility to comply with the policies contained in this handbook and any revisions to it. I further agree that if I remain with the City of Beaufort following any modifications to the handbook, I thereby accept and agree to such changes.

I have received a copy of the City of Beaufort's Employee Handbook on the date listed below. I understand that I am expected to read the entire handbook. Additionally, I will sign two copies of the Acknowledgement of Receipt, retain once copy for myself and return one copy to the City of Beaufort Human Resources Department. I understand that this form will be retained in my personnel file.

Please Print Employee Name

Employee Number

Date

CITY OF BEAUFORT CODE OF CONDUCT

Introduction

The code of Conduct (the “Code”) is intended to provide a general statement of the high ethical standards that each employee should adhere to while acting on behalf of the City of Beaufort. All employees are expected to read and be familiar with the standards described in this Code. All employees shall be presented with a copy of this Code upon commencement of their employment and will sign and submit the Compliance Certificate which appears at the end of the Code. As a condition of continued employment all employees are required to sign and submit the Compliance Certificate on an annual basis.

By its nature, this Code cannot be all encompassing. If questions arise or you have any concern regarding a particular incident or circumstance, advice should be sought in advance of any action following the procedures outlined in the Code. Any violation of this Code will result in the administration of appropriate corrective counseling and/or action up to and including separation of employment.

Compliance with Laws, Rules and Regulations

All employees of the City of Beaufort shall comply with all laws, rules and regulations that are applicable to the City’s activities. The City may from time to time provide training and information to promote awareness of various laws, rules and regulations. It is however the responsibility of each employee to be informed of and comply with all laws applicable to their activities on behalf of the City. Additionally, all employees shall abide by this Code and ensure that it is adhered to in their dealings with their subordinates and with suppliers, vendors, joint partners, customers and citizens of the community.

City Policies

The City of Beaufort policies are available to employees on the City’s intranet and are incorporated into a handbook of work rules and regulations. Applicable City of Beaufort policies are also available through your Human Resources Department. Within the City of Beaufort Policies are the following Legal guidelines:

- Anti-Harassment
- Equal Employment Opportunity/Affirmative Action
- Immigration Reform Act
- Record Retention

Additional policies are referenced in other sections of this Code. All employees must read and abide by all applicable City of Beaufort policies.

Conflict of Interest

Employees have a duty of loyalty to the City of Beaufort. No employee shall misuse his/her position with the City or his/her knowledge of City affairs to obtain personal gain, whether directly or indirectly. It is impractical to describe all circumstances that could involve a violation of that duty. By way of example an employee may be considered to have violated his/her obligation to the City in any situation where he/she:

- Has a direct or indirect interest in, or relationship with any organization or individual doing or seeking to do business with the City of Beaufort, which relationship or interest might reasonably be expected to influence or tend to influence his/her judgment with respect to a transaction between the City of Beaufort and such individual or organization or the City of Beaufort's business operations in general.
- Seeks or accepts from, or gives to, directly or indirectly any individual or organization that is doing or seeking to do business with the City of Beaufort. Services, payments, airline tickets, prizes from raffles or trade shows, hotel accommodations, meals, loans (other than conventional loans from conventional lending institutions), vacations or pleasure trips, other gifts of money in any amount.
- Uses for one's own benefit, directly or indirectly, or reveals to any third party any data or information not previously released to the public relating to any existing or potential contract, acquisition, divestiture or merger, sales, costs or earnings figures, customer or client information, or any other decisions, plans or affairs of the City of Beaufort. The authorized giving of such data or information to third parties in accordance with proper business practices would not be considered a conflict of interest.
- Renders any managerial, consulting or similar service to any organization which does business with, or is a contractor with the City of Beaufort.
- Engages in any outside business or employment that interferes with or adversely impacts his/her obligations to the City of Beaufort's business or reputation.
- Uses or permits others to use the service of the City of Beaufort employees or City of Beaufort materials or equipment for personal use or gain.
- Directs, condones or fails to report the activities of any other employee of the City of Beaufort that violates this Code.

The examples cited above are circumstances that, absent adequate justification and waiver, would constitute an impermissible conflict of interest and a violation of the Code. Other situations of a similar nature, not included above, could likewise constitute a violation of the Code and all employees are cautioned to seek advice from the City Manager and/or Human Resources Departments in any circumstance that present a potential conflict of interest.

Accounting Practices

The maintenance of accurate books and records is a fundamental protection of the City of Beaufort, its employees and citizenry and the relationship with governmental agencies, its suppliers, customers and clients as well as prospective users of the City's assets. Accordingly, the City's books and records are to be kept in accordance with generally accepted accounting principles and with established finance and accounting policies. All employees are expected to adhere to the City's accounting practices policy which contains detailed internal accounting controls and applicable accounting procedures. Additionally all employees shall cooperate fully with internal and external auditors during the examination of the City's books, records and operations.

Entertainment

The acceptance of gifts, favors and entertainment of any kind is prohibited.

Political Contributions

No funds or assets of the City of Beaufort shall be used for federal political campaign contributions. No such funds or assets shall be used for state or local political contributions or for political contributions outside the United States, even where permitted by applicable state laws without the approval of the City Manager.

The foregoing prohibitions shall apply only to the direct or indirect use of the City of Beaufort's funds or assets for political purposes and are not intended to discourage employees from making personal contributions to the candidates, parties or committees of their choice. Under no circumstance shall employees be reimbursed in any way for such personal contributions.

Employee Suitability

The City of Beaufort shall conduct background checks on all prospective directors and candidates for employment for certain other management and non-management positions. All background checks will be conducted in conformance with all applicable laws, rules and regulations.

Reporting

The Compliance Officer with the assistance of the City Manager and the Assistant City Manager shall establish and oversee a reporting system in which:

- Any employee may report any suspected misconduct or impropriety relating to the City's operations or practices, whether committed by an employee of the City, an employee of another business or organization, an employee of a governmental agency or any other individual or organization.

- No associate will suffer any retaliation for good faith reporting of any suspected misconduct or impropriety; and
- Any reports of misconduct or impropriety may be anonymous to the extent permissible by applicable law.

Any employee of the City of Beaufort who learns of an apparent violation of law, rule or regulation, unethical conduct relating to the City's business or activities, or any other violation of this Code shall report such violations or conduct to his/her supervisor or Department Director.

If an employee does not wish to follow the outlined procedure, or if it would not be appropriate to follow such procedure, that individual may use the City of Beaufort Human Resources Department phone line at (843) 525-7024.

Discipline

The standards of conduct of this Code shall be consistently enforced through appropriate disciplinary mechanisms as determined by the City of Beaufort and the Human Resources Department. Disciplinary actions may include dismissal and may extend as appropriate to individuals responsible for the failure to prevent, detect or report an offense. The Code is not intended to limit any disciplinary action and/or rights available to the City of Beaufort under law, whether statutory, regulatory or by common law.

Response to Violations

If a violation of any applicable law, rule or regulation of this Code is detected, the City of Beaufort shall take all reasonable steps to respond appropriately to such violation and to prevent further similar violations. Such steps may include, but shall not be limited to, making any necessary modifications to this Code, appropriate disciplinary action of the individual(s) involved and/or, after full investigation and if appropriate under the circumstances, reporting a violation of any applicable law or regulation to an appropriate governmental authority.

Whenever the Compliance Officer (Director of Human Resources) receives information regarding a possible violation of any applicable law or regulation or other violation of this Code, he/she shall take appropriate steps to examine such information and conduct the investigation necessary to determine whether an actual violation has occurred. As appropriate he/she shall recommend to the City Manager an appropriate course of action and shall render a timely decision with respect to the recommendation after findings.

City of Beaufort Code of Conduct Compliance Certificate

This Certificate must be returned to the City of Beaufort Human Resources Department 1911 Boundary Street Beaufort, SC 29902 within 5 days of receipt. **Signing and returning the Compliance Certificate annually is a condition of continued employment with the City of Beaufort.**

I have read and understand the City of Beaufort's Code of Conduct (the "Code"), and have been provided access to the City's policies and procedures. I will adhere in all respects to the standards described in this Code. I further understand that any violation of the Code will subject me to appropriate corrective counseling and/or remedial action up to and including separation of employment.

I hereby certify that I am, and will continue to be, in compliance with the Code and know of no other circumstances that could constitute a violation of the Code, unless I have noted such circumstances as indicated below.

Signature: _____

Name Printed: _____

Date Signed: _____