

CULLMAN CITY COUNCIL
REGULAR MEETING
October 26th , 2009

The Mayor and Council met in the council chambers at 6:45 pm. Mayor Townson and all Council Members were present. They reviewed the modified business license. Attorney Roy Williams was present to answer any questions.

The Cullman City Council met in regular session on October 26th , 2009 at 7:00 o'clock p.m. in the Cullman City Hall Auditorium. Council President Garlan Gudger called the meeting to order, and Rev. Andrew Siegenthaler of Christ Covenant Presbyterian Church, presented the invocation.

A roll call by the City Clerk reflected the following. Present - Mayor Max A. Townson, President Garlan E. Gudger, Jr, Council Member Andy Page, Council Member Johnny Cook, Council Member Jenny Folsom and Council Member Clint Hollingsworth. Also present were City Attorney Roy Williams and City Clerk Ruth W. Rose .

Council Member Cook made a motion to suspend the rules in order to consider the minutes from the meetings on October 12th, 2009. Council Member Folsom seconded the motion and motion carried on roll call. Ayes: Council Members Page, Cook, Gudger, Folsom and Hollingsworth. Nays: None.

Council Member Cook then moved to approve the minutes as written and Council Member Page seconded the motion. Motion was approved by a voice vote. Ayes: All Nays: None.

Council Member Folsom made a motion to suspend the rules in order to consider the minutes from a Special Meeting on October 14th, 2009. Council Member Cook seconded the motion and a roll reflected the following. Ayes: Council Members Page, Cook, Gudger, Folsom and Hollingsworth. Nays: None.

Council Member Cook made a motion to approve the minutes as written on October 14th, 2009 and Council Member Hollingsworth seconded the motion. Motion was approved by a voice vote. Ayes: All. Nays: None.

ADDITIONS/DELETIONS TO AGENDA

Council Member Cook asked to add a request from Rev. Bob Kurtz of St. John's Church to close a street as item number 3 under Roman Numeral IX. Council Member Folsom seconded the motion and motion carried on a voice vote. Ayes: All. Nays: None.

Council member Cook also requested to add item #4 under Roman Numeral IX for a request to upgrade internet services made by Daniel Hunt, IT Manager. Council Member Hollingsworth seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: none.

Council Member Folsom asked to add item number 6 under Roman Numeral X to adopt a newly

revised edition on the Employee Handbook. Council Member Cook seconded the motion and motion carried on a voice vote. Ayes: All. Nays: None.

REPORTS OF STANDING COMMITTEES

Council Member Andy Page - Police Committee - Council Member Page asked Chief Culpepper to update us on the recent move made by the Police Department. Chief Culpepper said as of today the new official address of the police Department is 601 Second Avenue NE. A formal grand opening or open house is being scheduled for a later date.

Council President Garlan Gudger - Fire Committee - Council President Gudger asked everyone to remember Chief Reinhardt's Family in their prayers tonight due to the loss of his mother-in-law.

Council Member Johnny Cook - Sanitation Committee -No report.

Council Member Clint Hollingsworth - Street Committee - No report.

Council Member Jenny Folsom - Finance Committee - No report.

REPORTS OF OFFICERS

Mayor Max A. Townson - No report.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Kenneth Kilgo, Mayor of West Point, came before the Council expressing gratitude on behalf of the Cullman County Mayor's Association, for the hard work and leadership shown in supporting NARCOG (North Alabama Regional Council of Governments). Mr. Kilgo felt the Decatur Dailey had not presented the story fairly. Mr. Kilgo appreciated all of the Mayors in Cullman County working together. Mayor Townson and the Council Members thanked him for coming.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Folsom made a motion to approve the purchase of a color printer/scanner for Leanne West in the amount of \$665.00. Council Member Cook seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

A motion was made by Council Member Cook to approve a request for the Cullman Museum. The request is for books to be reprinted by Modernistic Printers in the amount of \$9,932.00. Council Member Page seconded the motion and motion carried on a voice vote. Ayes: All. Nays: none.

A written request was made from Rev. Bob Kurtz of St. John's Church to partially close 6th Street SE on Friday, November 6th, 2009 at 2:00 pm until Monday morning on November 9th, 2009. This will be for a groundbreaking ceremony for a new expanded ministries facility. Chief

Culpepper stated the street had been closed before but not for this length of time. President Gudger asked that Mrs. Hackworth be contacted before the street is closed. Chief Culpepper said the request is on the other side of the street from her and there should be no problems. Council Member Folsom made a motion to approve the request and Council Member Hollingsworth seconded the motion. The motion was approved by a voice vote. Ayes: All. Nays: None.

The next request from Daniel Hunt, IT Manager, was for an upgrade to the current internet services. President Gudger called upon Mr. Hunt to explain the details of the request. Daniel Hunt explained this was an upgrade to all departments and could provide better and faster services. The Police Department will be adding several mobile units. This will upgrade with AT&T from DSL to MetroE. The installation fee was quoted to be \$850 and the monthly fee for all departments was \$1,055.00. Council Member Page made a motion to approve the request and Council Member Hollingsworth seconded the motion. Motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

Council Member Hollingsworth made a motion to approve a resolution awarding a bid for a traffic light on Cherokee Avenue. The following resolution was read:

RESOLUTION NO. 2010-08 (A) RESOLUTION AWARDING BID FOR TRAFFIC SIGNAL ON CHEROKEE AVENUE SW

WHEREAS, bids were opened on October 14th, 2009 for a Traffic Signal on Cherokee Avenue SW at Lee Avenue Extension, and

WHEREAS, the following bids were received from vendors and recorded as follows:

Shoals Electric Company	\$119,490.20
Temple Electric Company	122,865.00
Stone Electric Company	125,379.50
Stone & Son Electric Cooperative	138,399.75
Premier Services	154,311.00

WHEREAS, the recommendation from Mr. Richard L. Caudle, P.E. from Skipper Consulting, Inc is to accept the bid from Shoals Electric Company which meets all specifications and is the lowest responsible bidder;

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the contract be awarded to Shoals Electric Company.

ADOPTED this the 26th day of October, 2009.

/s/ Garland E. Gudger, Jr.
President of the Cullman City Council

ATTEST

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 26th day of October, 2009.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 26th day of October, 2009.

/s/ Max A. Townson
Mayor, City of Cullman

Council Member Page seconded the motion and motion passed with a voice vote. Ayes: All.
Nays: None.

Council Member Page made a motion to adopt the following resolution declaring surplus property for the Police Department.

RESOLUTION 2010-09
RESOLUTION DECLARING PROPERTY SURPLUS
OR NOT NEEDED BY THE CITY OF CULLMAN, ALABAMA

BE IT RESOLVED, by the City Council of the City of Cullman as follows:

1. The City Council of the City of Cullman hereby finds and determines that the City is owner of the property described in Paragraph 2 hereof.

2. The City Council finds and determines that this property is not needed by the City of Cullman for public or municipal purposes, said property being described as follows:

- | | | |
|----|--|-------------------|
| 1. | Desk and Credenza | #01377 & #01378 |
| 2. | Desk | #01020 |
| 3. | Tables | #07625 & #07669 |
| 4. | Chalkboard | #07632 |
| 5. | Green Cloth Executive High Back Chairs | #01379 & #01387 |
| 6. | Metal File Sorter | (No I.D. Sticker) |
| 7. | 2 Drawer File Cabinets | #04235 & #04236 |
| 8. | Metal Desk | #08431 |

3. The City Council finds and determines that the interests of the City can be best served by sale of said property.

4. The City Council hereby authorizes the sell of the above described property for its fair market value.

5. This resolution shall be effective upon its passage as required by law.

ADOPTED this the 26th day of October, 2009.

/s/ Garlan E. Gudger, Jr. President
Cullman City Council

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this 26th day of October, 2009.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this 26th day of October, 2009.

Max A. Townson, Mayor
City of Cullman, Alabama

Council Member Folsom seconded the motion. President Gudger asked for any discussion. Council Member Cook wanted to offer the surplus equipment to the City of Hanceville Police Department. Council Member Hollingsworth had discussed the request with Mayor Kenneth Nail of Hanceville. Roy Williams, Attorney, said the property could be transferred to another municipality. Chief Culpepper will get with the other departments and them contact Mayor Nail for his request. Council Member Page withdrew his motion and Council Member Folsom withdrew her second. This item will be tabled until the next council meeting.

Mr. Ron Pierce was present to request help for the Downtown Merchant's Association with the Christmas Open House event scheduled for November 14th and 15th , 2009. Civic groups are

helping with the event. The Chamber of Commerce and the Local Art Guild are sponsors of this 25th or 26th annual event. There will be musicians along the sidewalks and entertainment for all. Mr. Pierce asked for the fees to be waived for this Christmas event. A motion to adopt the following resolution was made by Council Member Cook.

RESOLUTION NO. 2010-10
RESOLUTION AMENDING LICENSE, SIDEWALK,
AND ZONING ORDINANCES FOR THE CHRISTMAS IN DOWNTOWN WEEKEND
OF NOVEMBER 14TH AND 15TH , 2009 TO PROMOTE TOURISM, SMALL BUSINESS
AND THE REVITALIZATION AND RESTORATION OF DOWNTOWN CULLMAN

WHEREAS, the City of Cullman wants to celebrate and promote the joyous season of Christmas; and

WHEREAS, the City of Cullman wishes to celebrate this by kicking of the season with a parade and Downtown Open House; and

WHEREAS, the City of Cullman is sponsoring with the Downtown Merchants a Parade promoting all the wonderful people and businesses which still thrive in this area; and

WHEREAS, the Downtown Merchants wish to participate in this wonderful celebration; and

WHEREAS, the City Council believes that the participation by the merchants and weekend vendors will be better served by waiving for this period the license, sidewalk, and zoning ordinances of the City of Cullman;

NOW THEREFORE, BE IT RESOLVED

During the Christmas Open House Weekend commencing November 14th, 2009 through November 15th, 2009, in order to promote tourism, small business, revitalization and restoration of the downtown. Sidewalk vendors may use the sidewalks of the City of Cullman only within pre designated areas of the CBD District of the City under the following conditions:

1. Get pre-approval from the City Building Department of their location for the purpose of not impeding sidewalk or street traffic in the pre-designated areas;
2. All vendors must vacate before 5:00 p.m. on Sunday, November 15th , 2009.

ADOPTED this 26th day of October, 2009.

/s/ Garlan Gudger, Jr.
President of the Cullman City Council

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 26th day of October, 2009.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 26th day of October, 2009.

/s/ Max A. Townson
Mayor

Council Member Hollingsworth seconded the motion and motion was approved by a voice vote. Ayes: Council members Page, Cook, Folsom and Hollingsworth. Nays: None. Council President Gudger abstained from voting due to the request being from his Father-in-law.

Council Member Folsom made a motion to authorize the Mayor to enter into the agreement with Royal Technologies to provide infrastructure. The following resolution was read:

RESOLUTION 2010-11
AUTHORIZING A PROJECT AGREEMENT BETWEEN
ROYAL TECHNOLOGIES CORPORATION AND
THE CITY OF CULLMAN, ALABAMA

WHEREAS, the City Council of Cullman authorizes the Mayor to sign a project agreement for infrastructure improvements at Industrial Park V with Royal Technologies Corporation; and

WHEREAS, this business will create new jobs, employment and economic improvement to its citizens while promoting the welfare of the City; and

WHEREAS, the City Council deems it appropriate to authorize the Mayor to enter into this agreement on the behalf of the City of Cullman.

THEREFORE, BE IT RESOLVED by the City Council that the Mayor is hereby authorized to execute the Project Agreement with Royal Technologies Corporation now before this Council on behalf of the City of Cullman.

ADOPTED this the 26th day of October, 2009.

/s/ Garlan E. Gudger, Jr.

President of the Cullman City Council

ATTEST

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 26th day of October, 2009.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 26th day of October, 2009.

Max A. Townson
Mayor

Council Member Hollingsworth seconded the motion and motion carried on a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to adopt the following Ordinance:

ORDINANCE NO. 2009-17

**AN ORDINANCE TO REGULATE GRASS AND WEED NUISANCES
ABANDONED AND INOPERABLE VEHICLES AND
OTHER NUISANCES**

WHEREAS, an abundance of abandoned or inoperable vehicles, overgrown grass and weeds, and other nuisances described herein within the city limits of Cullman, Alabama, could be injurious to the general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects and pests; or attaining heights and dryness that constitute a serious fire threat or hazard; or bearing wingy or downy seeds, when mature that cause the spread of weeds and when breathed, irritation to the throat, lungs, and eyes of the public; or hiding debris such as broken glass or metal that could inflict injury on a person going upon the property, or being unsightly and constituting a usual blight, and;

WHEREAS, the removal and clearance of such abandoned or inoperable vehicles, overgrown grass and weeds, and other nuisances described herein must be accomplished for the overall good and protection of the public as a whole.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, AS FOLLOWS:

SECTION I:

A. It shall be unlawful for the owner, occupant, or person in charge of a property within the City of Cullman, Alabama, whether vacant or not, to use said property for open storage of any inoperable or abandoned motor vehicle, ice box, refrigerator, stove, or other appliance, glass, bottles, tin cans, brush, combustible materials, building material, building rubbish, and similar items, or to allow the accumulation of weeds, grass, dead trees, brush, trash, garbage, tires, and similar items that create a nuisance and blight on the community.

B. It shall be unlawful to allow garbage to remain exposed in any manner on such person's premises or on the adjacent street or alley.

C. It shall be unlawful for any person to sweep, throw or dispose of trash, waste matter or garbage onto or into property not owned by such person or under such person's control, except in the landfill as designated by the City in a lawful manner.

D. It shall be unlawful for any person to throw or sweep trash, rubbish, garbage, or filth of any kind onto the streets, sidewalks, or public grounds in the City or into waterways, ponds, lakes, or other bodies of water within the City limits of the City of Cullman or direct others to do so.

E. It shall be unlawful for any person to permit or maintain the existence of any nuisance on any property under such person's ownership or control. Property under a person's ownership and control includes those areas referred to below in "Duties of Owner". A person with a duty to abate any nuisance is liable for separate and distinct offenses for each day the nuisance is allowed to remain after it has become such person's duty by notice of the enforcing official to abate it.

F. It shall be unlawful and a nuisance, in violation of this Ordinance for the owner of any real property situated within the corporate limits of the City to allow such real property to become overgrown with tall grass or with any weed or plant such as jimson, burdock, ragweed, cocklebur or other weed of like kind or any weed or plant bearing wingy or downy seeds or any weed or plant that is otherwise noxious, dangerous, harmful, or poisonous. Overgrown means a height of 12 inches or more. Excepted from such grass and weed nuisance requirements are:

1. Any property which is in its natural condition as defined herein.
2. Any property which is located outside any improved subdivision and is located more than 100 feet from any boundary or any lot or parcel of real estate upon which any dwelling is located and more than 100 feet from any commercial enterprise. For good cause the enforcing official may reduce the area subject to this Ordinance to a lesser distance.

3. Cultivated row crops and garden plants in their respective growing seasons. But this exception applies only to growing crops and garden plants and shall not be construed to permit any corps or gardens to become overgrown with grass and weeds in violation of the remaining terms of this Ordinance.

4. Ornamental shrubbery and ground cover provided that such uses are part of a landscaping theme and not associated with a general deterioration of the property.

G. It shall be unlawful for an accumulation or storage of debris, refuse, rubbish, brush, used building materials, parts of buildings, remains from building demolition, parts of untenable or uninhabitable structures, used machinery, used tires, used vehicles, parts of vehicles, abandoned vehicles, or any other materials which may provide a breeding place for mosquitoes, harmful insects, rodents and snakes or is so unsightly as to be offensive to the surrounding area is a nuisance in violation of this Ordinance.

Section II: DEFINITIONS:

For the purpose of this Ordinance, certain terms are defined as follows:

Abandoned Vehicle: Any motor vehicle which:

1. is in a wrecked, dismantled, partially dismantled, discarded or otherwise inoperable condition, or
2. does not have affixed thereto an unexpired license plate and has been parked, stored or left, whether attended or not, upon any public or private property in the city for a period of time in excess of seven business days.

The term includes any boat which is in a wrecked, dismantled, partially dismantled, discarded or otherwise inoperable condition. The term does not include any motor vehicle:

1. enclosed within a building on private property;
2. held in connection with a business enterprise, lawfully licensed by the City on property zoned for junkyard, vehicle repair facility or vehicle storage yard;
3. in operable condition specifically adapted or designed for operation on drag strips or raceways; or
4. retained primarily as an antique collector's item and registered under state law as an antique vehicle.

Enforcing Official: Any employee designated by the Mayor or the Chief of Police as the person to exercise the authority and perform the duties delegated by this Ordinance to the enforcing official.

Grass or Weed Nuisance: Any abundance of overgrown grass or weeds within the City which is injurious to the general public health, safety and general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes and other vermin. Insects and pests; or attaining such heights and dryness so as to constitute serious fire threat or hazard; or bearing wingy or downy seeds, when mature, that cause the spread of weeds, and, when breathed, irritation to the throat, lungs, and eyes of the public; or hiding debris, such as broken glass or metal, which could inflict injury on any person going upon the property; or being unsightly; or any growth of grass or weeds, other than ornamental plant growth, which exceeds 12 inches in height.

Improved Subdivision: A division of a tract of land or acreage into tracts or parcels and the improvements thereof by construction of streets, water lines and, where applicable, sewer lines to serve the subdivided property.

Natural Condition: Uncultivated and unseeded land, still in a state of nature. But any growth on land, once it has been cleared or plowed, is not a natural condition, even through it has not been planted or cultivated by anyone.

Nuisance: Anything that unlawfully causes hurt, inconvenience or damage; that class of wrongs that arises from the unreasonable, unwarrantable or unlawful use by a person of such person's own property, either real or personal, or from such persons own improper, indecent, unsightly or unlawful personal conduct, working an obstruction of or injury to the right of another or of the public, and producing material annoyance, inconvenience, discomfort or hurt to another person or to the general public; anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property of another.

Owner of Property. Includes legal title holder, or lessee, or occupant of property, or agent of legal title holder or lessee, in charge, possession or control of said property.

SECTION III:

A. DUTIES OF OWNER:

It shall be the duty of the owner of any real property located within the city to maintain any grass or weeds growing upon said property in such a manner as not to constitute a nuisance. The duties and obligations of the owner extend to and include any real property situated within a dedicated right-of-way or easement burdening the property, except to the extent that it may be impracticable to do so because of public facilities located thereon. Such right-of-way and easements must be maintained by the owner in a manner consistent with the maintenance of the owner's remaining property and within the requirements in this Ordinance, except to the extent it may be impracticable to do because of public facilities located thereon.

B. MAINTENANCE PRACTICES OF CITY:

The dedication of and existence of a right-of-way for a public road or of an easement for drainage or for public utilities represents the grant of only a limited interest in property and does not change the actual ownership of the property upon which the right-of-way or easement is located. The public authority maintains rights-of-way and easements only to the extent necessary to maintain the public facility and to maintain safety. The owners of the burdened property continues to control the property, except to the extent that such control interferes with the public use. The public authority does not cut grass, weeds, and other growth upon rights-of-way or easements, except to the extent necessary for operations and safety purposes. All other maintenance is the responsibility of the owner of the property upon which the right-of-way or easement is located.

SECTION IV:

A. Whenever in the opinion of the Enforcing Official, a violation of the Ordinance exists, the Enforcing Official shall order the owner of the property where the nuisance is located to abate the condition. The Enforcing Official shall give the owner written notice either in person or by first class mail requiring the owner to comply with this Ordinance and apprise the owner of the facts of the alleged nuisance and state the date by which the nuisance is to be abated. The notice shall require the owner to complete the abatement of the nuisance within the following period provided that the Enforcing Official shall stipulate additional time but in no case no more than a total of 30 days for any type of nuisance set out in the Ordinance, the Enforcing Official shall give not less than 14 nor more than 30 days for any type of nuisance set out in the Ordinance.

Notice shall be sent to that person shown by the records of the county tax collector to have been the last person assessed for payment of ad valorem tax on the property where the nuisance is situated. It shall be the responsibility of that person to promptly advise the Enforcing Official of any change in ownership or interest in the property. It shall be unlawful to knowingly fail to notify the Enforcing Official of any such change of ownership or interest.

B. Any employee of the City of Cullman who is designated by the Mayor or Chief of Police as a Code Enforcement Officer is hereby authorized to issue a citation or summons to persons found by him to be in violation of this Ordinance of the City of Cullman.

C. The citation or summons shall order the person in violation to appear in Municipal Court at a date and time certain to answer to the charge against him/her. Each citation or summons shall:

1. Be in writing;
2. State the name of the accused;
3. State the address of the accused, if known;
4. State the offense charged;

5. Set forth the date and time the accused is to appear in Municipal Court;
6. Set forth the address of the Municipal Court;
7. Be signed by the officer issuing or serving the citation or summons;
8. Set forth a warning in bold type that wilful failure to appear as directed is a misdemeanor and that a warrant for failure to appear will be issued.

C. A citation or summons delivered to or served upon a person accused of committing a violation or offense in violation of a City Ordinance or Code shall place a duty upon such person to appear in Municipal Court at the time and date indicated thereon and it shall be unlawful for any such person to fail to appear as directed in said citation or summons.

D. Failure to appear at the time and date directed shall be prima facie evidence of a wilful failure to appear and the Court may cause a warrant to be issued for the accused on a failure to appear charge.

E. The provisions of this Ordinance are cumulative with previously granted authority in other ordinances and does not restrict any previously granted authorization to issue citations or summons.

F. If the owner or tenant is absent, the enforcing official shall give the owner written notice in person or by first class certified mail with return receipt requested. The notice shall require the owner to comply with this Ordinance and appear before the Court in such manner as set out in Section IV C. The notice shall apprise the owner of the facts of the alleged nuisance and shall name the particular date, time, and place for such hearing. The notice shall be sent to that person shown by the records of the county tax collector to have been the last person assessed for payment of ad valorem tax on the property where the nuisance is situated. It shall be the responsibility of that person to promptly advise the enforcing official of any change in ownership or interest in the property. It shall be unlawful to knowingly fail to notify the enforcing official of any such change of ownership or interest.

Section V. Penalties for Violating this Ordinance:

All violation of the provisions of this Ordinance shall be punishable by:

1. A fine in the minimum sum of Fifty Dollars (\$50.00) up to a maximum of Five Hundred Dollars (\$500.00).
2. Imprisonment in the municipal jail for a term not to exceed six months.
3. Both such fine and imprisonment.

Each offense shall be a specific violation.

If the owner fails, neglects or refuses to comply with the notice to abate a grass or weeds nuisance, the enforcing official shall cause the cutting of the offending grass or weeds by any means permitted by law.

SECTION VI. SEVERABILITY

Each and every provision of this Ordinance is hereby declared to be an independent provision and that holding of any provision hereof to be void and invalid for any reason shall not affect any other provision hereof and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provision which might have been held invalid.

This Ordinance repeals any prior Ordinance in conflict therewith.

SECTION VII

This Ordinance shall be published once a week for two consecutive weeks upon its final passage in a newspaper with general circulation within the City of Cullman, Alabama. The first publication of said Ordinance being verbatim and the second publication either verbatim or a synopsis with the last publication being at least fifteen days prior to the Ordinance taking effect.

SECTION VIII

This Ordinance shall be effective 15 days after its passage and publication as set out in Section VII.

ADOPTED this the 26th day of October, 2009.

/s/ Garlan E. Gudger
President of the City Council

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 26th day of October, 2009.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 26th day of October, 2009.

/s/ Max A. Townson

Mayor

Mr. Roy Williams explained that Ordinance 2009-17 To Regulate Grass and Weed Nuisances, Abandoned and Inoperable Vehicles and other Nuisances (Second Reading) will update an old ordinance that was more strict and harder to enforce. This version is user friendly and has a grace period for offenders. The new ordinance clarified the enforcement officers and will be easier to enforce. Mayor Townson agreed this new amended ordinance was a better version for all involved. Council Member Page seconded the motion and motion passed on a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to adopt Resolution 2010-12 which updates the City of Cullman Personnel Policies and Employee Handbook. The Following was read:

Resolution 2010-12
Revised and Updated Employee's Handbook
Policy and Procedures and Job Classification

WHEREAS, the City of Cullman Employee Handbook and Policy and Procedure Manuals need to be revised and updated. Both manuals were combined into one 27 page booklet; and

WHEREAS, the Mayor and City Council Members find that it is in the best interest of the City of Cullman to adopt the new updated version with the partial but more significant changes listed below is Section I; and

Section I.

- 1) Replaced the Employee's Birthday with the Day after Thanksgivings and Christmas Eve.
- 2) No on-call pay unless time is actually worked. (Employees did receive 2 hours on the weekend and 1 hour on the weekday.)
- 3) Time worked is only time worked for overtime calculations. (holiday and workers compensation time do not count.)
- 4) Holiday pay for Fire went from 12 hours to 10.60 hours. (They were actually receiving 27 hours.)
- 5) Holiday pay for Police went from 8 hours to 8.55 hours.
- 6) Changed Certified Police and Fire from a 28-day cycle to a 14-day cycle. (the 28-day cycle was not enforced.)
- 7) Updated the Dress Code. (more strict)
- 8) Updated the Information Policy. (more strict)
- 9) Performance Evaluations went from quarterly to annually.
- 10) Added the Policy for Employee's use of the City Gym.
- 11) Added the Policy for Employees who drive a City Vehicle.
- 12) Added the Ethics Policy for all Employees which refers to the Alabama Ethics Law.

NOW THEREFORE, BE IT RESOLVED by the Cullman City Council that the revised Employee Handbook be adhered to by all City of Cullman Employees.

ADOPTED this the 26th Day of October, 2009.

/s/ Garlan E. Gudger, Jr.
President of the City Council

ATTEST

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 26th Day of October, 2009.

/s/ Max A. Townson
Mayor, City of Cullman

Mayor Townson gave appreciation to all who worked so hard on the updated handbook. The motion was seconded by Council Member Cook and a voice vote was taken. Ayes: All. Nays: None.

The Following is the actual updated Employee Handbook:

CITY OF CULLMAN, ALABAMA
PERSONNEL HANDBOOK
Revised October 26, 2009
CITY OF CULLMAN PERSONNEL HANDBOOK
TABLE OF CONTENTS
Introduction to Personnel Pages 3-4
Letter
Foreword
History of Cullman
Form of Government
Equal Employment Opportunity
Personnel Structure Pages 5-8
General Provisions
Organization and Functions
Exempt and Classified Service
Classification Plan
Appointments and Probationary Periods
Changes in Employment Status
Resignation
Layoffs
Employee Benefits Pages 9-12
Benefits

Pay Plan
Holiday Leave
Vacation Leave
Sick Leave
Family and Medical Leave
Military Leave
Leave with Pay
Leave without Pay
Workers Compensation
Employee Safety Pages 13-16
General Policy
Substance Abuse Policy including Drug Testing
Tobacco Policy
City Gym Policy
Employee Responsibilities Pages 17-25
Employee Conduct Policy
Harassment Policy
AWOL and Lateness Policy
Dress Code Policy
Information Technology Policy
Vehicle Policy
Travel Policy
Off-Duty Work by Police Officers
Political Activity Regulations
Ethics Policy
Disciplinary Actions
Rights of Appeal
Performance Evaluations
Conclusion to Personnel Pages 26-27
Personnel Files
Definitions
Disclaimer
Signature Form

INTRODUCTION

TO THE CITY EMPLOYEES ---

This handbook is provided as your guide to the personnel rules and practices in effect at this time.

The City of Cullman considers you as its most valuable asset and always strives to provide the best working conditions possible.

You need to understand, however, that the Personnel Board, Mayor, and the City Council may change any personnel rules, regulations, job classifications, job descriptions, pay ranges, employees' benefits and other personnel-related matters at any time, with or without notice.

If any provisions in the handbook are changed or if there are additions or deletions, you will be given updates to attach to your copy.

Best wishes from the City. The human resources department, the administration department, and the various department heads are always ready to answer any question or help you in any way.

October 26, 2009

**THE CITY COUNCIL
THE MAYOR
THE PERSONNEL BOARD
OF THE CITY OF CULLMAN**

FOREWORD

This handbook has been prepared for the employees of the City of Cullman to provide them with information about the rules and regulations followed by the City in personnel administration.

These rules apply to all classified positions of the City. Certain policies, including employee benefits and other matters, may also be applicable to employees not covered by the Civil Service System.

These rules, drafted by the Personnel Board in consultation with the Mayor and City Council, become effective when adopted by the Council; and upon adoption, they have the force and effect of law.

Amendments and revisions of the rules, and changes in any personnel policies, rules, procedures, job descriptions, and/or employee benefits may be made from time to time, when necessary or desirable, in accordance with the same procedures. Amendments and revisions shall also become effective upon approval by the City Council.

Any questions that you may have about this handbook or other similar matters may be addressed to your supervisor, department head, human resources officer, or the personnel director.

HISTORY OF CULLMAN

Cullman was settled in 1873 by Col. Johann G. Cullmann, an immigrant from Frankweiler, Germany. Col. Cullmann's dedication and pride in the community are reflected today in the excellent schools, state-of-the-art medical facilities, and industries that make up the present day

Cullman County. We are ideally located in north central Alabama at the center of two-thirds of the population of the State and within 600 miles of half of the population in the United States.

Cullman has grown from a community totally dependent upon farming to one that blends agriculture and industry to rank among the most diverse in Alabama. The Cullman area has been a leader in Alabama for new and expanding industry for many years.

A 15 foot bronze statue of Col. Cullman, sculpted by Branko Medenica and funded by the citizens of Cullman and Frankweiler, stands at the heart of the community. Col. Cullman's presence serves as a welcome to those around the world who share his dream of a better place to live and work.

According to the U.S. Census Bureau, the City of Cullman's estimated population was 15,295 in 2008.

FORM OF GOVERNMENT

The City of Cullman has the Mayor/Council form of government. The Mayor is the official head of the City government with Council as the legislative policy making body.

The Mayor and five (5) Council members are elected on a nonpartisan ballot. Council President is elected by the other Council members. Council actions are in the form of ordinances and resolutions that establish policies and give directives to the professional staff.

Council Meetings are held on the second and fourth Mondays at 7:00 p.m. of each month but are subject to change due to holidays. Council conducts public hearings on zoning changes, grant applications, and other special subjects and holds special meetings as necessary.

EQUAL EMPLOYMENT OPPORTUNITY

In order to provide equal employment and advancement opportunities to all individuals, employment decisions for the City of Cullman will be based on merit qualifications and abilities. Equal opportunities are provided to all applicants or employees regardless of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

The City of Cullman will make reasonable accommodations for qualified individuals with known disabilities. Investigation of complaints filed under the Americans with Disabilities Act will be conducted by the ADA Coordinator.

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Employees with questions or concerns about discrimination in the workplace are encouraged to

bring these to the attention of their supervisor, department head, human resources officer, or the personnel director.

Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination.

ORGANIZATION

GENERAL PROVISIONS

The purpose of these rules is to augment and give effect to the Civil Service Law. They set forth principles and procedures that are to be followed by the City in order that personnel administration in the City may be conducted in accordance with sound and effective principles and practices of public personnel administration.

These rules shall apply to all classified and unclassified positions of the City.

These rules which have the force and effect of Law become effective when adopted by the City Council.

The City Personnel Board with the assistance of the Personnel Director, the Human Resource Officer, and the Administrative Officer is charged with administration of these rules unless otherwise provided by the Law.

Amendments and revisions of these rules may be made from time to time in accordance with the same procedures for the adoption of rules. Amendments and revisions shall become effective upon approval by the City Council.

Records shall be maintained by the Board, which shall be open for public inspection, showing positions in each department and the qualifications and requirements of each class of employment. Permanent records of the proceedings of the Board and pertinent employment records of each employee shall be maintained. Adequate examination records of each candidate shall be maintained for a reasonable time after the administration of each examination, such period of time to be determined by the Board, but in no event for less than three months.

ORGANIZATIONS AND FUNCTIONS

The Civil Service or Human Resources Department shall consist of the City Personnel Board, the Personnel Director, the Human Resource Officer, and such other employees as are required to provide necessary and adequate services.

The City Personnel Board, hereinafter referred to as the Board, shall consist of three members appointed by the governing Body. The members shall serve staggered six-year terms so that the

term of one member of the Board will expire at the end of every two years. Vacancies occurring during a term of office shall be filled for the balance of the term by the governing body in the same manner as original appointments. The Board shall elect from its own members a chairman, a vice-chairman and a secretary-treasurer.

1) Qualifications - No person shall be appointed to the Board who is not a resident and qualified elector of the City of Cullman and over the age of twenty-one years. No member of the Board shall hold any office of profit under the City, the County, or the State of Alabama. Members of the Board shall take the constitutional oath of office, which shall be filed in the office of the probate judge.

2) Meetings - The board shall fix the times for its regular meetings and such other meetings as it deems necessary; however, the governing body shall have the right to control the appropriations to the Board and to regulate the expenses of the Board as it deems necessary. Special meetings may be called by the chairman and a majority of the Board shall constitute a quorum for the transaction of business. The board shall keep minutes of its meetings and record all business transacted by it. Its records shall be open for inspection by any resident of the City at any reasonable time, except those which are required to be held confidential for reasons of public policy.

3) Functions of the Board -

a) To represent the public interest in the improvement of personnel administration in the City Service.

b) To act in an advisory capacity to the Mayor and governing body on problems concerning personnel administration.

c) As provided by the Law and by the Rules, to hear and decide appeals and protests of disciplinary action taken against a permanent employee.

d) In any investigation or hearing conducted by the Board, they shall have the power to examine witnesses under oath and to compel their attendance or the production of evidence before it by subpoena issued in the name of the Board. Any employee refusing to appear or testify shall be subject to disciplinary action as provided by Section 18 of the Act.

e) To do and perform such other acts and duties as shall devolve upon it by the terms and provisions of the Act.

The Personnel Director appointed by the Mayor is required to assist the Board in carrying out the provisions of the Law and these Rules.

The duties of the Personnel Director are:

a) To attend meetings of the Personnel Board and keep the records of the Board.

b) To act for the Board in administering all provisions of the Law and these rules in accordance with specific directions of the Board.

c) Under direction of the Board, to prepare rules and revisions and amendments thereto for the consideration of the Board, the Mayor, and the City Council.

- d) To establish and maintain a roster of all employees in the classified service of the City.
- e) To prepare and instruct in the use of such forms, reports, and procedures as are necessary and appropriate to carry out the provisions of the Law and these Rules.
- f) To provide for a system of checking payrolls, so as to determine that all persons in the classified service have been appointed in accordance with the Law and these Rules and are being paid proper amounts for the duties of the class.
- g) To administer the examination program, evaluate the qualifications of applicants, establish employment lists, and certify eligibility of applicants to the appointing authority for the filling vacancies.
- h) To assist in carrying out administrative and technical activities of the Human Resources Department.
- i) To promote employee morale and raise the standards of performance in the City Service.
- j) To assist in establishing and administering a service rating system and to perform such other activities with reference to personnel administration consistent with the Law, as required by these Rules, as directed by the Board, or as may be deemed necessary or desirable for effective personnel administration.

The Human Resource Officer shall work aside and help the Personnel Director in carrying out the duties assigned by the Board, as well as other necessary duties associated with personnel and payroll administration.

THE EXEMPT SERVICE AND CLASSIFIED SERVICE

The Exempt Service - The exempt service consists of the following offices and positions:

- a) All elected City officials,
- b) Positions of voluntary personnel and personnel appointed to serve without pay.
- c) Consultants rendering temporary professional services.
- d) Positions involving seasonal or part-time employment.
- e) Such positions involving unskilled or semi-skilled work as may be determined and designated by the Personnel Board.
- f) All superintendents, supervisors, and heads of City Departments who are appointed by the City Council.
- g) Attorneys rendering legal services.

Classified Service - The classified service comprises all offices and positions in the City service, now existing or hereafter created that are paid out of the funds of the City, except those which are specifically placed in the exempt service by Section 2 of the Civil Service Law and this Rule.

THE CLASSIFICATION PLAN

The classification plan provides for the grouping into single class positions which involve substantially the same kind of work, work of equal difficulty or responsibility, and/or comparable qualification for work performance.

The classification plan consists of:

- a) A schedule of class titles appropriately descriptive of the nature of the work of the several classes.
- b) Written specifications describing the nature and requirements of work of positions of each class, and
- c) Materials regarding the interpretation and application of the class specifications.

The class titles, or designated code symbols shall be used in all personnel, accounting, appropriation, and financial records. No person may be appointed to or employed in a position in the classified service under a title not included in the classification plan. However, descriptive titles used in the course of departmental routine to indicate authority, status, or administrative rank may be used as required for these purposes.

The specifications of classes of positions in the classification plan and their various parts have the following force and effect:

a) The specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated in the several classes as determined by their duties and responsibilities. It shall not be construed as declaring to any extent or in any way what the duties or responsibilities of any positions shall be, limited to, or in any way modifying the power of any appointing authority or administrative officer to assign, direct, and control the work of employees under his supervision. The use of a particular expression or illustration shall not be held to exclude others not mentioned that are of a similar kind of quality.

b) In determining the class to which any position should be allocated, the specifications of each class shall be considered as a whole. Consideration shall be given to the duties, specific tasks, responsibilities, qualification requirements, and relationships to other classes as together affording a statement of the employments that the class is intended to embrace.

The Personnel Board, through the Personnel Director and Human Resource Officer, is responsible for continuous administration of the classification plan and as changes in organization and assignments of work require, shall recommend amendments to the classification plan to the City Council.

The Personnel Board shall allocate each position to the proper class in the classification plan. When the duties and responsibilities of a position change significantly, the employee in the

position may make a written request for a study of the position. Such request shall contain the reasons for the review and carry the approval of the supervisor and appointing authority. The request may also be submitted by the supervisor with the approval of the appointing authority. If after a study is completed, it is found that the position is not in the most appropriate class, the Board shall reallocate it to the proper class. The Personnel Board shall make recommendations to the appointing authority concerning appropriate salary changes to be made in the reallocation of positions.

APPOINTMENTS AND PROBATIONARY PERIODS

An appointment occurs when an applicant accepts an offer of employment and a date of hire is agreed upon with the appointing authority. The types of appointments are as follows:

New Hire – When you initially accept an appointment in City government, you are considered a new hire. As a new hire, you will be required to serve a probationary period of at least six months, but not to exceed twelve months. Any person employed as a police officer or firefighter who has not completed the minimum training required by law within the twelve month probationary period shall not become a permanent employee until after the training is complete. At any time during the probationary period the appointing authority may notify the probationary employee that his employment is terminated, with or without cause.

Re-employment

1. Military re-employment
 2. Permanent employees who have been laid off
 3. Reclassification of position to a lower class
 4. Seasonal employees
 5. Permanent disability arising from an injury sustained at work
- Reinstatement** – If you have been separated from the City for more than two years, reinstatement will require the approval of the Department of Personnel.

Reappointment – Can be reappointed to a class that you formerly held or a comparable class if you meet the current minimum qualifications and receive the appointing authority's approval.

Transfer – Can be considered for a transfer to another Department without loss of benefits, retirement, insurance, sick leave and annual leave credit. Request should be made directly to the Human Resources department or the Mayor.

Demotion – Employee may be demoted to a position of lower grade for the following reasons: employee's position is being abolished, employee's performance is not considered satisfactory, or employee voluntarily requests such demotion.

Promotion - Promotion is advancement to a vacant position in a class that has a higher grade than the class previously held.

Other Appointments – Unclassified employees are appointed outside the merit system.

CHANGES IN EMPLOYMENT STATUS

When an employee is transferred, promoted or demoted his/her rate of pay for the new position shall be determined as follows:

TRANSFERS -Any employee who has demonstrated satisfactory performance within his own department may request a transfer to a vacancy in another department.

Transfers:

- a) If the employee's rate of pay in his current position is less than the minimum pay for the new position, his pay shall be adjusted to the minimum for the new position.
- b) If employee's present rate of pay is more than the maximum for the new position, his rate of pay shall be reduced to a point within the range for the new position, as determined by the administrative officer, subject to approval of the Personnel Board.
- c) If employee's current rate of pay falls within the pay range for the new position, his pay rate may remain unchanged, or may be changed on recommendation of the administrative officer, subject to approval of the Personnel Board.

VACANCIES AND PROMOTIONS -Vacancies in positions above the entry level will be filled so far as practical by the promotion of qualified employees of the City. Generally the most senior qualified person will be given the opportunity to fill the vacancy.

Promotions: (other than police officers and firefighters)

- a) If employee's present pay rate is less than the minimum rate established for the new position, then his pay shall be set at the minimum rate for the new position, but not less than five percent (5%) above his pay rate before promotion.
- b) If employee's present rate of pay falls within the range of pay established for the new position, employee shall receive a five percent (5%) increase in pay.

DEMOTIONS - An employee may be demoted to a position of lower grade for which he/she is qualified for any of the following reasons:

1. Employee's position is being abolished and he/she would otherwise be laid off, there is a lack of work, or there is a lack of funds. Within a class in which such demotions are necessary, seniority shall be considered in determining the order of demotion.
2. The employee's performance during the probationary period in the position is not considered satisfactory.
3. The employee voluntarily requests such demotions.

Demotions:

- a) If employee's present rate of pay is more than the maximum for the lower position, his rate of

pay shall be reduced to a point within the range for the lower position to be determined by the administrative officer, subject to approval of the Personnel Board.

b) If employee's rate of pay is within the range for his lower position, employee's salary may remain the same or may be change on the recommendation of the administrative officer, subject to the approval of the Personnel Board.

c) If the demotion is the result of the employee's failure to successfully complete a probationary period associated with a promotion, then employee's rate of pay shall be returned to his rate of pay before promotion, as adjusted by any cost of living or across-the board raises that may be applicable.

The terms "rate of pay", "minimum", "maximum", and "within range" as used in this Section refer to employee's base rate of pay, exclusive of any degree-associated educational adjustment.

RESIGNATION

Any employee wishing to leave the classified service in good standing shall file with his supervisor a written resignation stating the effective date of the resignation at least one week before leaving. Such notice shall be promptly reported to the Personnel Office. The number of days less than seven given as notice of resignation may be subtracted from accrued vacation leave, and failure to comply with this procedure may be cause for denying the person future employment. Unauthorized or unreported absence from work for a period of three days or more may be considered as a resignation.

LAYOFFS

Employees in the classified service may be laid off when it is necessary by reason of shortage of funds or work or changes in organization. Within a class in which such reduction of employees is necessary, the order of lay-offs shall be as follows: (1) temporary employees; (2) probationary employees who did not have permanent status in some other classified position at the time of appointment to their present position; (3) employees with permanent classified status. Seniority shall be considered in order of lay-offs.

EMPLOYEE BENEFITS

BENEFITS

Employees of the City of Cullman may participate in a wide range of benefits. A number of the programs, such as social security, workers' compensation and unemployment insurance, cover all employees in the manner prescribed by law.

The following benefit programs are available to employees:

Cafeteria Plans Deferred Compensation Plans

Dental Insurance Family & Medical Leave

Holidays Jury Duty Leave

Life Insurance Major Medical Insurance
Membership Dues Military Leave
Retirement Benefits Savings Plans
Sick Leave Benefits Uniforms & Uniform Maintenance
Vacation Benefits (not all employees are eligible for uniforms)
Direct Deposit

Medical and life insurance premiums for the employee are paid by the City of Cullman. Family coverage for medical and life insurance requires contributions from the employee.

Employees may elect to participate in group insurance, savings and savings bond plans, FLEX plans, deferred compensation plans, etc. which may be available and may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

THE PAY PLAN

The Personnel Board is responsible to recommend a pay plan for all classified positions and for rules for its administration, which may or may not be approved by the City Council.

The pay plan shall consist of:

- a) A schedule of rates of pay in bi-weekly amounts which reflects the minimum and maximum rates for each range, as well as the probationary rate of pay.
- b) A schedule showing the pay range to which each class is assigned and the job titles contained in each class.
- c) Policies showing the interpretation and application of the scheduled ranges of pay.

The Board may prepare and recommend a revised pay plan for each class of employment in the classified service based on economic factors.

After the Board develops a revised pay plan, the governing body may or may not adopt the plan. The governing body may incorporate any modifications, changes, or amendments to the revised pay plan. When the governing body adopts the revised pay plan, it shall be implemented.

Full-time employment in a class shall be considered to be service for that number of hours per day and days per week, or other work period, which represents the established working schedule for employment in the class.

Whenever a classified employee works for a period less than the regularly established number of hours a day, days a week, or weeks per pay period, the amount paid shall be proportionate to the time actually employed.

As a part of the budget process each year, the City Council will determine financial guidelines for increases or decreases in salary, in accordance with the pay plan in effect at the time or a proposed amended pay plan, based on the financial condition of the City. Increases may

take the form of a flat amount or percentage increase. Decreases may take the form of a flat amount or percentage decrease.

The Personnel Board and its Director shall administer regulations for maintaining uniform and equitable hours of work required of all employees in the City service as approved by the Administrative Officer and City Council. The standard work week is a forty (40) hour week beginning at 12:01 A.M. Wednesday and ending at 12:00 Midnight Tuesday. A 14-day work period has been established for law enforcement officers and for firefighters working 24 hour shifts in accordance with the Fair Labor Standards Act. Supervisors will advise employees of the times their shift will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending time, as well as variations in the total hours that may be scheduled each day and each week.

An employee who works more than the number of hours for which he/she may legally be paid straight time will be compensated for overtime hours at one and one-half his normal hourly rate of pay. All overtime worked must be approved by the department head and the Mayor prior to the overtime being worked. Failure to have overtime pre-approved may result in the employee not being paid for unapproved overtime. Overtime will be paid to each employee according to the pay cycle or period of their job. When such work becomes necessary all provisions of the Fair Labor Standards Act including the following exceptions, exemptions, and modifications shall be observed and utilized in determining overtime and the proper compensation for this additional service.

1) Fire Fighting Employees - All regular fire fighting employees shall be paid time and one half for all hours of unscheduled work performed in excess of their regular work schedule in the pay period in which unscheduled work is performed; otherwise, hours for premium pay (time and one half) will be reduced by the number of hours not worked in the pay period and payment shall be made on a straight time basis for these hours. A 14 day work period was established effective February 19, 1985, for all Fire Fighting Employees working 24-hour shifts whereby they shall receive an additional one-half time the regular rate of pay for all regular scheduled hours actually worked in excess of 106 hours in the 14 day work period. However, in calculating overtime for all fire fighting employees, including those whose duties require them to work a 5 day-40 hour work week, hours off on leave enumerated in Section 2(d) will not be counted as time worked for the purpose of calculating overtime.

2) Law Enforcement Officers - All law enforcement officers shall be paid time and one-half for all hours of unscheduled work performed in excess of their regular work schedule, provided employee actually works all regularly scheduled hours in the pay period in which unscheduled work is performed; otherwise, hours for premium pay (time and one half) will be reduced by the number of hours not worked in the pay period and payment shall then be made on a straight time basis for these hours. A 14 day work period was established effective April 14, 1985, for all law enforcement employees qualified under the 207(k) exemption. However, in calculating overtime for all law enforcement officers, including those in positions where their duties require them to work a 5 day-40 hour work week, hours off on leave enumerated in Section 2(d) will not be counted as time worked for the purpose of calculating overtime.

3) Executive, Administrative, Professional Employees – Department Heads and other persons determined to be exempt under the provisions of the Fair Labor Standards Act shall be exempt from those overtime provisions.

4) Non-Exempt Employees - All employees not covered in the three (3) exemption or exception areas herein set out shall receive time and one half for all hours of unscheduled work performed in excess of their regular work schedule each week of the biweekly pay period, provided employee actually works all regularly scheduled hours in the week in which unscheduled work is performed; otherwise, hours for premium pay (time and one half) will be reduced by the number of hours not worked in the week and payment shall then be made on a straight time basis for these hours.

It is the City's policy to pay for overtime when earned, rather than to grant compensatory time off.

Notwithstanding this policy, these rules recognize the following provisions applicable if compensatory time were granted:

- 1) For regular fire fighting employees and law enforcement officers granted compensatory time off, calculated in the same manner as overtime pay, the maximum compensatory time off which might be accrued could not exceed 480 hours.
- 2) For all other non-exempt employees granted compensatory time off, calculated in the same manner as overtime pay, the maximum compensatory time off which might be accrued could not exceed 240 hours.
- 3) Upon separation from service employees shall be paid in cash for any unused compensatory time off at a rate of compensation not less than the average regular rate received by such employee during the last three (3) years of the employee's employment or the final regular rate received by such employee, whichever is higher.
- 4) These rules are designed to comply with the federal minimum wage and overtime law; however, should a conflict arise the provisions of the Fair Labor Standards Act shall govern.
- 5) Paid time off for a holiday, vacation, sick leave, personal leave, military time taken, compensatory time taken, schooling/training time will not count as time worked for the purpose of calculating overtime.
- 6) Employees on call will only be paid when time is actually worked.

Department heads shall make reports to the Personnel Director and/or Human Resource Officer of all absences of each employee during the payroll period. Such other forms and reports shall be prescribed as are necessary to properly implement these Rules.

At times emergencies such as severe weather, fire, power failure or other disasters may disrupt City operations. In extreme cases these emergencies may require the closing of City facilities. In the event that such an emergency occurs during non-working hours, local radio and television stations will be asked to broadcast notification of the closing. When operations are officially closed due to emergency conditions, the time off from scheduled work will be unpaid. However, with supervisory approval, employees may use available paid leave time, such as unused

vacation or personal leave. Employees in essential operations who work on a day when facilities are officially closed will receive regular pay for time worked.

Employees are paid biweekly on every other Friday for all work performed through the end of the previous period. In the event a regularly scheduled payday falls on a holiday, employees will be paid on the last working day before the holiday. The City has direct deposit available for all employees.

Any employee who earns a classification-related associate degree from an accredited institution will be entitled to an additional five (5) percent over the employee's current base pay. To qualify as a classification-related degree the employee must have earned at least fifteen (15) quarter hours within the respective field. Any employee who earns a classification-related B.S. or A.B. degree from an accredited institution will be entitled to ten (10) percent over the employee's base pay. To qualify as a classification-related degree the employee must have earned at least thirty (30) quarter hours within the respective field.

HOLIDAYS

Classified employees are entitled to the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day (Thursday & Friday), Christmas Eve, and Christmas Day. Holidays falling on Sunday will be observed on the following Monday. Holidays falling on Saturday will be observed on the preceding Friday. No employee will be eligible to receive holiday pay if he/she has an unapproved absence on the last scheduled work day before the holiday or the next scheduled work day after the holiday. Employees on a forty (40) hour work week will receive eight (8) hours holiday pay for a holiday. Employees on an eighty-six (86) hour biweekly pay period will receive 8.55 hours holiday pay for a holiday. Employees on a hundred and six (106) hour biweekly pay period will receive 10.6 hours holiday pay for a holiday.

VACATION LEAVE

Probationary employees shall not accrue vacation leave for the first six (6) months of their employment, except for permanent employees on probationary status because of promotion to a new position. However, after successfully completing the probationary period, employee may be credited with the vacation which he/she would normally have earned. No vacation benefits are provided for temporary or part-time employees. Vacation shall be scheduled each year at the mutual convenience of the employee and his department head or supervisor. Vacation leave may be used as sick leave if sick leave benefits are exhausted. An employee on vacation who demonstrates to his supervisor's satisfaction that he was sick during his vacation may have that portion of his vacation leave converted to sick leave, with approval of the administrative officer. Vacation shall not be taken in units of less than one (1) day. Unused vacation leave may be carried over from one calendar year to the next up to a maximum of 240 hours. Any vacation leave in excess of 240 hours must be taken or will be lost. In charging vacation leave, each hour

absent shall be counted as one hour of vacation with the exceptions: 1) Uniformed members of the Fire Department working twenty-four (24) hour shifts shall not be charged more than sixteen (16) hours per shift, and 2) No employee shall be charged more than eighty (80) hours for any complete biweekly pay period of vacation. Regular days off occurring during vacation leave will not be charged as vacation.

Permanent employees shall accrue vacation or annual leave at the following rates:

- 1) During the first five (5) years of continuous service – 6 2/3 hours per month.
- 2) After five (5) and through ten (10) years continuous service- 8 2/3 hours per month.
- 3) After ten (10) and through fifteen (15) years of service – 12 hours per month.
- 4) After fifteen (15) years of continuous service – 13 1/3 hours per month, to be credited to the employee at the end of each month worked.

Upon separation an employee shall be paid for any unused portion of earned vacation leave. Any vacation taken, but not yet earned, shall be deducted from an employee's final check.

SICK LEAVE

Each employee shall earn sick leave at the rate of four (4) hours for each full bi-weekly pay period, except that employees working twenty-four (24) hour shifts will earn sick leave at the rate of six (6) hours bi-weekly. Sick leave shall be computed as earned, but may not be accumulated in excess of 960 hours, except that employees working 24 hour shifts may accumulate up to 1272 hours. Employees who initially accumulated and still have an accumulation of over 1272 hours in accordance with the 1988 revision of the Personnel Rules may use these excess hours, but will not again be eligible to accumulate over 1272 hours. If a fire fighting employee working 24 hour shifts transfers or is promoted to another position within the fire department or in another City department where he/she will not work 24 hour shifts, employee's accumulated sick leave shall be converted to an equivalent number of hours to provide equivalent benefits. Sick leave may be granted for absences due to personal illness including pregnancy or childbirth or illness or death in the immediate family. Immediate family with respect to illness is hereby defined to include husband or wife, children of each and parents of each. Immediate family with respect to death is hereby defined to include husband and wife, children of each, parents of each, grandparents of each, brothers and sisters of each, grandchildren of each, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law of each.

Absences for appointments with physicians, dentists, optometrists, therapists, and other medical personnel for examination or treatment shall be charged to sick leave, unless vacation leave is used. In charging sick leave, each hour absent shall be counted as one (1) hour of sick leave with the following exceptions: (1) employees working a twenty-four (24) hour shift schedule shall not be charged more than sixteen (16) hours per shift, (2) no employee shall be charged more than eighty (80) hours for any complete biweekly pay period of absence. Regular days off occurring during sick leave will not be charged as sick leave.

Sick leave with pay is not a right for which employees may make a demand, but a privilege granted in accordance with prescribed rules and regulations to which the Board, with approval of the governing body, may make exceptions as the best interest of the City demands. Employees may use up twenty-four (24) hours of sick leave earned during any one year as personal leave, except that employees working twenty-four hour shifts may use up to thirty-two (32) hours of sick leave during any year as personal leave, to be charged at the rate of sixteen (16) hours per shift. Personal leave must be taken during the year earned, and may not be carried over into successive years. Personal leave is given for the purpose of conducting personal business, and personal leave days may not be taken in succession. Upon separation from the service of the City,

no employee shall receive any pay for accumulated sick leave except for those employees who retire through the State Retirement System, those that terminate employment due to death, and those employees who voluntarily separate from the City in good standing and are vested with at least ten years service in the State Retirement System. Employees who meet these requirements shall be compensated for one-half (1/2) of their accumulated sick leave not to exceed one-half of 1,272 (636 hours) for employees working twenty-four hour shifts or one-half of 960 hours (480 hours) for other employees, upon separation as defined above. Payment shall be based on the employee's regular hourly rate of pay at separation. Effective with 1993 and each calendar year thereafter, any employee who has accumulated the maximum hours of sick leave

which can be carried over to the next year will be paid for one-half of the excess sick leave earned during the year and not taken or carried over and which employee would otherwise lose, such pay to be calculated at employee's regular hourly wage.

FAMILY AND MEDICAL LEAVE

Qualified employees of the City of Cullman are entitled to take up to 12 weeks of unpaid leave per year, as provided in the Family and Medical Leave Act for: birth of employee's child, placement of a child with the employee for adoption or foster care, to care for employee's spouse, child or parent with a serious health condition, or for a serious health condition rendering the employee unable to perform his or her job. An employee taking Family or Medical Leave in one calendar year will not be eligible again for leave in the successive year unless the periods of leave are separated by at least three (3) months. Employee should provide at least 30 days notice, if possible, of their intention to take leave. During family or medical leave, employee's health insurance will be continued under the same terms and conditions as if the employee were working. Employees will not accrue sick or vacation leave during this period.

MILITARY LEAVE

Military leave shall be granted in accordance with the laws of the State of Alabama governing military leave.

LEAVE WITH PAY

Leave with pay may be authorized by the administrative officer for the attendance of official meetings, or to serve required jury duty, or as a required witness for job related matters only, or to attend authorized training or educational courses, provided such leave is reported to the Personnel Director. Employees who are engaged in teaching or training others outside of the City of Cullman workplace during working hours must take vacation leave or unpaid leave for this purpose.

LEAVE WITHOUT PAY

An employee may be granted leave without pay for a period not to exceed one year, unless a request for an extension be approved by the administrative officer and the Personnel Director, for sickness, disability, education, for the purpose of seeking nomination or election to any public office, or for other good and sufficient reason not detrimental to the best interest of the City.

WORKERS COMPENSATION

Employees in the City Service are covered by Workmen's Compensation Insurance which compensates employees absent from duty because of bodily injury or occupational illness incurred in line of duty. However, employees will receive their usual compensation from the City for regularly scheduled hours of work for the day on which the injury or illness occurs and the next two succeeding calendar days. Employees do not accrue vacation or sick leave while drawing workers compensation benefits; however, the City will continue to pay employee's share of medical and life insurance premiums. In order for an employee's performance to be properly evaluated, all employees must wait a minimum of three months after returning from workers compensation leave before an evaluation. Filing or participating in a false or misleading workers compensation claim will be cause for disciplinary action, up to and including termination.

EMPLOYEE SAFETY

GENERAL POLICY

The City of Cullman is concerned for the safety and welfare of its employees and its citizens. The City has the obligation, as an employer, to provide the safest possible working conditions for employees and, as a government service organization, to provide a safe environment for the public we serve and the property we are entrusted to maintain. All employees are expected to follow safety rules, wear required protective equipment and participate in all safety programs. Each employee must comply with the City and Departmental Accident Prevention Rules and Requirements. Unsafe conditions and/or acts should be reported to your immediate supervisor. All accidents resulting in injury and/or property damage should be reported promptly to your supervisor. Failure to report such injury or property damage may result in disciplinary action, up to and including termination of employment. Each employee must keep his/her immediate work area clean and free from hazardous conditions. An employee not adhering to the City of Cullman

Safety Rules and Requirements is subject to disciplinary action up to and including termination.

SUBSTANCE ABUSE POLICY

Section 1. General Policy - The City of Cullman employees are a most valuable resource and their health and safety is therefore a serious concern. The City intends to provide a safe and efficient working environment for its employees and, as a result, will not tolerate drug or alcohol use which imperils the health, safety, and well being of its employees or any aspect of the City's operation. It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While the City of Cullman has no intention of invading the private lives of its employees, involvement with drugs and alcohol off the job can adversely affect performance and employee safety and efficiency on the job. Employees who think they may have a drug or alcohol problem are encouraged to seek assistance. The City of Cullman will work with those employees who are seeking professional help; it will also be firm in enforcing the policy against those identified as a substance abuser who is not seeking help. The City of Cullman is committed to maintaining a safe and healthy environment for all of its employees and to eliminating any potential for substance abuse. As a result, the City of Cullman has adopted and will enforce the following Substance Abuse Policy and Procedure.

Section 2. Prohibited Conduct and Removal from Duties - For the purpose of this policy "substance" is defined in the broadest sense to mean any mood altering drug or chemical, including alcohol, that result in physical, mental, emotional, or other impairment to normal function and performance.

The following conduct is expressly prohibited and violations shall result in disciplinary action which may include termination.

- 1) Unauthorized use, consumption, possession, manufacture, distribution, dispensation or sale of controlled substances or illegal drug paraphernalia on City of Cullman premises, in City supplied vehicles, or any City work areas.
- 2) Unauthorized use, consumption, possession, manufacture, distribution, dispensation or sale of alcohol, while on duty on City premises in City supplied vehicles, or in and around City work areas.
- 3) Any employee who arrives for work incapable of working due to use of alcohol or illegal drugs will be subject to discipline or immediate discharge.
- 4) Employees shall not report to work while taking prescribed medicine unless employee has written statement from his/her physician that such medication will not impair the employee's judgment or ability to perform job tasks.
- 5) The unlawful involvement with drugs or narcotics off of city property during non working time will constitute grounds for discipline or termination, if this involvement adversely affects the City of Cullman's interests or reputation.
- 6) An employee who knows or believes that there is unlawful involvement with drugs or narcotics or involvement with alcohol contrary to this policy should refer the information promptly to the Substance Abuse Administrator. The City will utilize all investigative techniques available, including testing and analysis which are required, to detect policy violations. An

employee who refuses to submit to the tests will be subject to discipline or termination.

7) Employees must notify the substance Abuse Department if they are convicted of a criminal drug offense occurring in or out of the workplace within five (5) days of the conviction. Such an occurrence may constitute grounds for discipline or termination.

Section 3. Substance Abuse Department - The Substance Abuse Department will operate in conjunction with the City of Cullman Mayor's Office, Health and Risk Management Department and employee Assistance Program. The Substance Abuse Department will perform all operations and aspects of the Substance Abuse Policy and Procedures, including but not limited to, policy, procedures, documentation, record keeping, securing all outside agents for the City of Cullman and operating the Employee Assistance Program. The Substance Abuse Department shall be made up of the Mayor of the City of Cullman, the Administrator of the Substance Abuse Department and the Health and Risk Management Officer. The Mayor of the City of Cullman, the Health and Risk Management Officer, and the Substance Abuse Administrator will discuss, review and determine the status of a city employee with a positive drug/alcohol test. They will use all test results, interviews, documentation, and all information presented to them for a fair, unbiased decision. All information shall be held in strict confidence with total confidentiality. All referrals to the Employee Assistance Program, disciplinary action and terminations for a positive drug/alcohol test will be determined by the Mayor of the City of Cullman.

Section 4. Testing

Applicant screening - Once an applicant for a position covered by this policy is considered "otherwise qualified" for employment, he/she will be required to undergo a drug screening test and alcohol screen analysis as part of routine pre-employment requirement. Employment will be denied any applicant whose drug screen test reveals the presence of any of, but not limited to prescription medication, heroin, cocaine, morphine, and its derivatives, PCP, methadone, barbiturates, amphetamines, marijuana, and other cannabinoids. There will be a notification policy for all pre-employment applicants. Posting in the Personnel Office will state: "Applicants for employment will be required to undergo a drug/alcohol screening test before employment". The employment application will contain the following or similar language: "Employment with the City of Cullman is contingent upon the successful completion of a drug screening/alcohol test. Successful completion of the test is not a guarantee of employment". Any offer or acceptance of employment is contingent upon the applicant successfully completing the drug/alcohol screening. No one shall be permitted to begin work until the results of the drug/alcohol tests have been obtained. Safety-sensitive employees are those employees who discharge duties so fraught with risks of injury to others that even a momentary lapse of attention can have disastrous consequences. Factors which have been considered in determining whether a position is safety sensitive include handling of potentially dangerous machinery and handling of hazardous substances in an environment where others can be injured. Positions which have been found to be safety sensitive include firefighters, law enforcement officials who carry firearms, fire and police dispatchers, heavy machinery operators, transportation workers, water, sewer and street labor, jail officers and general labor employees. Unless an employee comes under

drug-testing regulations related to a federal agency, each person will be evaluated to determine whether his job is safety sensitive. The City will determine through job classification safety sensitive employees for purposes of its Drug-free Workplace program.

Unannounced Random Testing - All full-time employees working for the City of Cullman covered by this policy are subject to unannounced testing based on random selection. The City of Cullman will test at least fifty percent (50%) of covered employees every twelve (12) months. All persons will be subject to being randomly picked for drug testing at each random testing date. A person may be randomly picked only once or not picked at all during the annual period. To assure that the selection process is random, the name of all employees covered by this policy will be placed in a common pool. All full time employees will be in the pool. The random selection procedure will consist of the selection of a random number of employees to be used to reach the appropriate testing level during each test period. The alternate numbers will be tested in order of selection only if persons initially selected are unavailable for testing due to vacations, medical leave or travel requirements.

Reasonable Suspicion of Substance Abuse Testing - Whenever a City of Cullman Department Head, Manager or Supervisor has a reasonable suspicion to believe that an employee on duty is intoxicated or under the influence of alcohol or drugs, the employee may be ordered to submit to a drug and /or alcohol test. Refusal of an employee to submit to the test will be cause for discipline including termination. "Reasonable suspicion" is that quantity of proof or evidence that is more than intuition or strong feeling. But less than probable cause. Such "reasonable suspicion" must be based on specific, objective facts or reasonable inferences drawn from facts that would cause a reasonable person to suspect that the employee is or has been using drugs or alcohol.

The guidelines for such "reasonable suspicion" include but are not limited to any one of the following:

- a) Direct observation of prohibited drug or alcohol use
- b) Slurred speech
- c) Alcohol beverage odor on breath
- d) Unsteady walking and movement
- e) An accident involving City property
- f) Physical altercation
- g) Verbal altercation
- h) Lapse in cognitive abilities
- i) Aggressive, hostile, threatening, disruptive or unusual behavior
- j) A report of prohibited drug or alcohol use provided by a reliable and credible source
- k) Evidence that a drug or alcohol test of the employee has been tampered with
- l) Evidence that the employee is involved in the use, possession, sale, solicitation or transfer of prohibited drugs
- m) Reddened eyes or dilated pupils

- n) Excessive craving for food or sweets
- o) Changes in appearance and demeanor
- p) Unexplained absences from normal work, excessive absenteeism or tardiness
- q) Unexplained significant deterioration in job performance

When possible, the conduct that is the basis for the request for an alcohol/drug screen test shall be observed by two supervisors who have been trained in detecting symptoms and indicators of drug/alcohol use. If, however, only one supervisor is available to observe the conduct, that shall be sufficient basis upon which to request a drug/alcohol test. That supervisor shall be trained in the detection of the possible symptoms of drug/alcohol use. The observed conduct that arouses suspicion of drug/alcohol use shall be documented in writing by the supervisor witness(es) as soon as possible following observation. This documentation shall occur within twenty-four (24) hours of the observed behavior or before the result of the drug/alcohol screen test results are released, whichever is earlier. The documentation shall be submitted to the Medical Review Officer. After testing for reasonable suspicion, a City representative will then transport the employee back to the City premises, where a spouse, family member, or other individual will be contacted to transport the employee to his/her home. In the event no such individual is available, the City will contact a taxi to transport the employee home. If the reasonable cause test result is negative, the City will reimburse the employee for the cost of the taxi. If the employee refuses to assent to any of these procedures and attempts to operate his own vehicle, the City will take appropriate efforts to discourage him from doing so, up to and including contacting local law enforcement officials. Any employee failing to cooperate with any of the procedures described above will be subject to discipline, up to and including discharge.

Accident or Incident Testing - When an employee is involved in an accident or incident which causes or could have caused personal injury or property damage, that employee will be considered for testing if the employee's performance caused, contributed to or cannot be completely discounted as a contributing factor to the accident. Such a test shall be administered within twenty-four (24) hours for drugs and three (3) hours for alcohol of the accident or incident. For testing following an accident the Supervisor or Department Head making the decision shall be guided by the seriousness of the accident event, such as whether the accident produced significant damages or injuries or death to any person, the degree of negligence or fault of the employee in the accident, as related by witnesses, circumstances and best information, or direct or circumstantial evidence indicating recent drug or alcohol use by the employee involved in the accident.

Safety Sensitive employees will be tested after any work related injury or accident where:

- a) An employee is injured beyond the need for simple first aid
- b) Property or vehicles are damaged (over \$200 estimated)
- c) An employee has caused or contributed to an on-the-job injury which results in loss of work time
- d) An injury which is a worker's compensation injury
- e) There is reasonable suspicion of drug or alcohol use

Non Safety Sensitive employees will be screened or tested after any work related injury or accident (as described above) where a supervisor has a reasonable belief based on specific facts that the employee's acts or omissions contributed to the occurrence of or to the severity of the accident, as may be detailed on a Confidential Work-related Report. Employees are prohibited from using alcohol within eight (8) hours following an accident, or until testing or initial screening is completed. Any test screen for alcohol should be completed within two (2) hours of a work-related accident, or as soon thereafter as practicable. All employees are put on notice that a positive confirmed drug test following an on-the-job accident is evidence of "willful misconduct" under this policy and disqualifies the employee from receipt of workers' compensation benefits. An employee who is so seriously injured as to be unable to provide a specimen at the time of the accident will afterwards be required to authorize release of hospital or medical facility test results that would reveal the presence of controlled substances. Refusal to submit to a drug/alcohol test or to allow access to the medical records that would reveal the presence of controlled substances will result in removal from duty and possible disciplinary action, including termination.

Section 5. Employee Assistance - An employee who tests positive for drugs or alcohol will be referred to the Employee Assistance Program for referral to counseling or rehabilitation. An employee whose drug screen test is positive will, however, not be permitted to perform their duties until he/she has successfully completed a rehabilitation program. The employee's return to work following successful completion of a rehabilitation program and a negative drug screen will be determined by the Substance Abuse Administrator in consultation with the employee's counselor and the Medical Review Officer. Employees who have been referred for counseling or rehabilitation under the City's policy shall be required to fully cooperate with and participate in their rehabilitation and with the recommendations of the program administrator. Failure to cooperate with the rehabilitation efforts may result in termination. Work time lost for counseling and rehabilitation will be paid based on the availability of sick leave or vacation leave. Medical benefits will be available as provided under employee's medical insurance, depending on the medical diagnosis by the counselor or physician. Employees with positive drug screen testing results will be required to sign the Last Chance Assistance Agreement. Unscheduled and observed urinalysis testing of employees who have previously tested positive may continue for up to sixty (60) months as scheduled by the Medical Review Officer. Failure to cooperate with these periodic unscheduled tests will result in discharge. A positive drug screen test result following an opportunity for rehabilitation will result in termination of employment.

Section 6. Confidentiality - All information involving medical examinations or treatment of an individual employee or applicant shall be treated as confidential medical information. All such information will be accessible only to the Mayor, the Health and Risk Management Officer, The Substance Abuse Administrator and designated medical or professional persons as have been approved on a valid need to know basis. It will not be provided to any other party without the written consent of the applicant or employee except pursuant to the administrative or legal procedure or process. Any employee who willfully discloses such information in violation to City policy will be subject to discipline. In response to subsequent inquiries regarding an employee's discharge for any violation of City's Substance Abuse Policy, the Personnel or

Human Resources Department shall state that the employee was terminated for violation of the City policy unless the City can legally provide additional information (i.e., where an employee has clearly consented to the release of such information in writing or a privilege exists).

Section 7. Condition of Employment - Compliance with the alcohol and drug testing policy is a condition of full time employment with the City of Cullman. The testing policy will not include part-time, seasonal, summer, or any temporary employee whose employment with the City of Cullman is expected to last 120 calendar days or less. Failure or refusal of an employee to fully cooperate, including failure to submit to inspections or tests called for by the policy or to fulfill agreements will be grounds for disciplinary action, including termination. If any part of this policy is determined to be void or unenforceable under State or Federal Law, the remainder of the policy, to the extent possible, will remain in full force and effect. No part of this policy or any of the procedures there under, is intended to affect the City's right to manage its workplace or to discipline its employees. Nor is it a guarantee of employment, continued employment, or of any terms or conditions of employment. This policy does not create a contract, either expressed or implied, between the City and any employee. This policy is co-existent

with the City's Employee Assistance Program. It is the City's policy to encourage any employee with an alcohol or drug dependency or concern to seek professional assistance before the problem leads to an incident that may result in discipline or termination. An employee's request to submit to an alcohol or drug rehabilitation program or participation in the Employee Assistance Program does not waive the application of this policy to the employee. The City reserves the right to interpret, change, modify, amend, or rescind this policy in whole or in part. Exceptions to this policy may be granted in unusual or extenuating circumstances, but only with approval of the Mayor of the City of Cullman.

Section 8. Worker's Compensation - As provided by Section 25-5-51 Code of Alabama 1975, as amended, a worker injured at the workplace or in the course of employment will not be paid benefits under the Alabama Workers Compensation Law if the injury is a result of an accident caused by the employee's impairment by drugs and/or alcohol. Further, a positive drug test conducted and evaluated pursuant to Section 15-551 shall be conclusive presumption of impairment resulting from use of illegal drugs.

Section 9. Unemployment Compensation - Section 25-4-78, Code of Alabama 1975, as amended provides that no unemployment compensation will be paid to an employee dismissed after testing positive for drugs or alcohol, refusing to submit to a test for drugs or alcohol, or knowingly altering or adulterating any test sample.

SMOKING OR SMOKELESS TOBACCO POLICY

In keeping with the City of Cullman's intent to provide a safe and healthful work environment and as provided in the City Ordinance prohibiting smoking in public building, there shall also be no smoking or smokeless tobacco used in city owned vehicles or buildings. This

policy applies equally to all employees.

CITY GYM POLICY

In recognition of the fact that regular physical activity enhances physical well being, the City of Cullman provides its full-time employees with a gym equipped with various types of exercise equipment, weight machines, and free weights. Employees desiring to utilize the City Gym are required to sign a Release of Liability form in the Mayor's office before beginning to use the facility. Part-time and seasonal employees may request permission to use the City Gym and those requests will be considered on an individual basis by the Mayor or the Risk Manager.

Employees who utilize the City Gym are expected to take proper care of the equipment and report any broken or unusable equipment to the Risk Management Office as soon as possible.

Employees are also responsible for the cleanliness and neatness of the gym and should adhere to the following guidelines:

- a) Replace free weights in racks after use.
- b) Dispose of empty food or drink containers.
- c) Turn off lights and radio when leaving.

The City Gym is for the use of City employees only; therefore, employees are not permitted to bring family members or friends with them to the City Gym unless they are also City of Cullman employees who have signed the Release of Liability form. Abuse of the equipment/weights by any City employee will be grounds to revoke that employee's gym privileges.

RESPONSIBILITIES

EMPLOYEE CONDUCT POLICY

To ensure orderly operations and provide the best possible work environment, the City expects employees to follow rules of conduct that will protect the interests and safety of all employees of the City.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace.

The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- *Theft or inappropriate/unauthorized removal or possession of property not belonging to the employee.
- *Recording of any conversation without the written authorization of all parties.
- *Falsification of documents including timekeeping records.

- *Intentional omission or false statements made with the intent of distorting the results of an investigation.
 - *Working under the influence of alcohol or use of illegal drugs.
 - *Fighting or threatening violence in the workplace or violence away from the workplace that arises out of workplace situations.
 - *Use of inappropriate or disrespectful speech such as profanity, sexual innuendo, etc.
 - *Boisterous or disruptive activity in the workplace.
 - *Negligence or improper conduct leading to damage of employee-owned or city-owned property.
 - *Insubordination or other disrespectful conduct.
 - *Violation of safety or health rules.
 - *Smoking or using smokeless tobacco in prohibited areas.
 - *Sexual or other unlawful or unwelcome harassment.
 - *Possession of dangerous or unauthorized materials, such as explosives or firearms, on City property.
 - *Unauthorized absence from workstation during the workday.
 - *Absent from work for three or more days without notification.
 - *Unauthorized use of telephones, mail system or other city-owned equipment.
 - *Unsatisfactory performance or conduct.
- Each employee must comply with the City and Departmental Accident Prevention Rules and Requirements.

Unsafe conditions and/or acts should be reported to your immediate supervisor.

All accidents resulting in injury and/or property damage should be reported promptly to your supervisor. Failure to report such injury or property damage may result in disciplinary action, up to and including termination of employment.

Each employee must keep his/her immediate work area clean and free from hazardous conditions.

An employee not adhering to the City of Cullman Safety Rules and Requirements is subject to disciplinary action up to and including termination.

HARASSMENT

It is the policy of the City of Cullman that all employees have the right to work in an environment free from discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, or any other legally protected characteristic will not be tolerated. Sexual harassment is defined as unwanted sexual advances or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harassed.

The following is a partial list of sexual harassment examples:

- *Unwanted sexual advances or any other harassment based on the sex of the victim.
- *Offering employment benefits in exchange for sexual favors.
- *Making or threatening reprisals after a negative response to sexual advances.
- *Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- *Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- *Verbal sexual advances or propositions.
- *Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- *Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Section 1. - It is the intention of the City of Cullman to maintain work places free of intimidation, insult or harassment, whether racial, religious, sexual, or based upon age, national origin or ancestry or handicap.

Section 2. - Harassment Policy - The City of Cullman does not authorize and will not tolerate any form of harassment of or by any employee (supervisory or non-supervisory) based on race, sex, religion, color, national origin, age, disability or any other factor protected by law. The term "harassment" includes, but is not limited to, offensive language; jokes; or other verbal, graphic or physical conduct; or intimidating, threatening or offensive behavior relating to an employee's race, sex, religion, color, national origin, age, disability, or other factors protected by law and the City's policy, which would make a reasonable person experiencing such harassment uncomfortable in the work environment or which interferes with person's job performance. This policy applies to each and every employee of the City of Cullman, both supervisory and non-supervisory. It is City policy that all employees have a right to work in an environment free of discrimination, which encompasses freedom from any form of harassment. This includes the behavior of fellow employees, superiors, subordinates, customers and visitors to the premises. Such conduct by an employee may result in disciplinary action up to and including dismissal.

Section 3. Sexual Harassment - Although it is not the only type prohibited the most common form of harassment relates to sexual harassment. Specifically, no supervisor may threaten or insinuate, either explicitly or implicitly, that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's evaluation, wages, advancement, assigned duties, work hours or any other condition of employment or work conditions. Sexual harassment may be overt or subtle. Some behavior which is appropriate in a social setting may not be appropriate in the work place. Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, offensive, and affects an individual's employment or work conditions.

Some examples of conduct that may constitute sexual harassment include: (a) making unwelcome sexual flirtations, advances, requests for sexual favors, or other verbal, visual or

physical conduct of a sexual nature a condition of employment; or (b) creating an intimidating, hostile or offensive working environment by such conduct as:

- a. Sexual innuendo or sexually suggestive comments including but not limited to “sexually oriented kidding”, “teasing”, or “practical jokes”, jokes about gender specific traits, foul or obscene language or gestures
- b. Subtle or direct pressure or request for sexual activities
- c. Unnecessary touching of an individual, such as pinching, patting, or brushing up against another’s body
- d. Graphic verbal comments about an individual’s body or appearance
- e. Sexually degrading words used to describe an individual
- f. The reading or displaying in the work place of sexually suggestive or revealing words, objects or pictures, sexually explicit or offensive jokes
- g. Physical assault
- h. Other explicit or implied conduct of a sexual nature which relates to or affects an individual’s employment

No employee, supervisor, manager or other person, whether employed by the City of Cullman or not, shall threaten or suggest that an employee’s refusal to submit to sexual harassment will adversely affect that person’s employment, work status, evaluation, wages, advancement, assigned duties, hours of work or any other terms or conditions of employment. Similarly, no employee, regardless of job title, shall promise, imply or grant any preferential treatment in return for another employee’s acceptance of conduct which is sexually harassing.

Section 4. Other Harassment - Statements, behavior or the display or use of words, objects or pictures that others could interpret as being insulting, derogatory or slurs toward persons based upon their race, color, national origin, religion, sex, age, or disability are also prohibited by this policy. Also prohibited are statements or actions that are threatening, intimidating, vulgar, or hostile. Such conduct may make a reasonable person uncomfortable in the work environment or could interfere with an employee’s ability to perform his or her job, regardless of whether the actions are from a fellow employee, supervisor, customer, or visitor. Comments or actions of this type, even if intended as a joking matter among friends, are always inappropriate in the work place and will not be tolerated. The conduct forbidden by this policy specifically includes, but is not limited to (1) epithets, slurs, negative stereotyping, kidding, teasing, joking, or intimidating acts that are based on a person’s protected status, and (2) written or graphic material circulated within the workplace that shows hostility toward a person or group because of a person’s protected status or characteristic(s). No supervisor or manager should participate in such behavior and must take immediate action to stop those who are known to be or suspected of being involved in such conduct. The supervisor must also contact and report the information to Human Resources.

Section 5. Reporting instances of Harassment - The City of Cullman takes very seriously its prohibition against harassment. An employee who has a complaint or concern relating to sexual harassment, or any other form of harassment, abusive, taunting, or demeaning behavior, including concerns about such conduct from non-employees, should report the conduct to his or

her supervisor. Employees who feel they have been subjected to sexual harassment or harassment on any other basis, or who witness such conduct should immediately report the incident

directly to their supervisor or other management person with whom the employee feels comfortable. An employee should report the behavior or concern even if the behavior complained of, is not directed toward the employee who reports it. If for any reason the employee does not feel comfortable discussing the matter with a supervisor or other management representative, the report should be made to one (1) of the two (2) representatives of Human Resources (Personnel Director or the Human Resources Officer). If the employee does report the matter to a

supervisor or management representative, this person should forward the complaint to the Personnel Director or the Human Resource Officer.

Section 6. Investigation of Complaint - Complaints of discrimination or harassment will be promptly investigated by the City under the direction of the Personnel Director. The investigation will be conducted as impartially and confidentially as possible. At the conclusion of the

investigation, the complaining employee will be advised of the results of the investigation and disciplinary actions to be taken if any. If it is determined that a complaint is valid, the City will take appropriate disciplinary action against the offender based on the severity of the harassment and the individual's employment history. Disciplinary action may include a written warning, suspension, demotion, and/or termination of employment.

Section 7. Employee's Commitment to an Effective No Harassment Policy:

- 1) Comply with this policy
- 2) Report any violations
- 3) Cooperate with any investigation by providing complete and truthful responses to questions

Section 8. City's Commitment to an Effective No Harassment Policy - The City of Cullman takes very seriously its prohibition against harassment. The officials of the City feel strongly all employees have the right to work in a safe environment free of discrimination and harassment. It is also a violation of policy for anyone to retaliate, threaten or seek any type of reprisal against an individual acting in good faith who reports harassment or who participates or cooperates in an investigation regarding harassment. If an employee believes that reprisal, intimidation or retaliation has occurred, it should immediately be reported to the supervisor or a representative from Human Resources. Anyone who feels that the City is not meeting its obligations under this policy should contact Human Resources. Each department head shall review this policy with his/her employees every six (6) months and shall provide Human Resources with documentation verifying these semi-annual reviews. Harassment (sexual, discrimination or profanity) on the job city-wide, whether committed by supervisory or non-supervisory personnel, is specifically prohibited as unlawful and against city policy.

Employees, who feel that they have been harassed may, but are not required to, report such

conduct to their supervisor or department head. Other persons specifically designated to receive complaints are the Personnel Director, Personnel Officer, and Substance Abuse Administrator. Any employee who witnesses an incident of harassment or discrimination towards another employee should report the incident to their supervisor or another designated person. Employees have the right to raise the issue of harassment without reprisal.

The Personnel Department is to be notified immediately of any harassment complaint or allegation. The Personnel Director or his designated representative will conduct a prompt investigation of the complaint or allegation. All complaints of harassment shall be confidential except as may be necessary for investigation and resolution of the complaint.

Any employee bringing a harassment complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment, or discriminated against, or discharged because of the complaint.

This policy applies to any form of prohibited harassment including, but not limited to, race, religion, color, national origin, disability, age, and any other protected classification.

AWOL AND LATENESS POLICY

City of Cullman employees are expected to report to work at the time and place specified by their supervisors.

Absences Without Leave (AWOL) – An absence without leave is an unauthorized absence when scheduled to work. An employee not reporting to his supervisor before thirty (30) minutes of his or her shift time has elapsed will be considered “Absent Without Leave”. Absenteeism will result in progressive disciplinary action as follows: During a twelve (12) month period: 1st AWOL - written reprimand, 2nd AWOL - suspension for three (3) working days, and 3rd AWOL - Dismissal.

Lateness – An employee not arriving for work on time, who contacts his or her supervisor before his absence exceeds thirty (30) minutes, will be considered “Late”. An employee considered “Late” who arrives between thirty (30) and sixty (60) minutes late will be permitted to work only if authorized by his or her supervisor. An employee who is late but works the remainder of his or her shift will not be paid for the “late” time. An employee not permitted to work will be considered on “Leave Without Pay” for the day. An employee considered “Late” who does not arrive for work until after sixty (60) minutes of his or her shift time has elapsed, unless additional time is approved by his or her supervisor, will be considered AWOL. Repeated lateness within a twelve (12) month period will result in progressive disciplinary action.

Unexpected Sick Leave – A request for unexpected sick leave should be made prior to the time that the employee is scheduled to start work; however, an employee reporting to his or her supervisor before thirty (30) minutes of his or her shift time has elapsed may be allowed to take sick leave with the approval of his or her supervisor.

Absence from Job Site – City employees are expected to report to their workplace on time when scheduled to work and to remain on the job unless authorized to leave by their supervisor. Repeated unauthorized absences will result in progressive disciplinary action. To ensure the proper administration of this Rule, each department head is responsible for designating the supervisory personnel to whom employees in his or her department are to report absences or lateness and the sequence in which these persons shall be contacted by the employee.

Absent Reports – Department heads shall make reports to the Personnel Director and/or the Human Resource Officer of all absences of each employee during the payroll period.

Other Reports – Such other forms and reports shall be prescribed as are necessary to properly implement these Rules.

DRESS CODE POLICY

It is the intention of the City of Cullman to provide guidelines regarding dress and grooming that will help City of Cullman employees maintain a positive and professional image to the public. In order to implement this intention and to provide a proper environment for its employees, the City Council approves the following policy:

Policy -The employees of the City of Cullman are representatives of the City, and the manner of employees dress and appearance at work is a direct reflection on the City. The personal appearance of City employees is often the first visual impression of the City received by its customers and the public. It is important that each employee dress in a manner that presents a professional appearance consistent with the nature of the employee's duties. The dress code recognizes that different types of clothing may be necessary, depending on change of seasons, degree of customer contact, nature of work, and safety issues.

Responsibility -All Department Heads are responsible for informing employees of these guidelines and for enforcing these dress standards. Each employee is responsible for his/her own appearance. Both the employee and his/her direct supervisor are accountable for adhering to the guidelines. For situations where the performance of an individual's job duties requires other attire, Department Heads may allow exceptions. This policy is not meant to replace a department's dress code. It is meant to establish the minimum acceptable standard for dress and personal appearance in the work place. Department dress codes are to conform to these minimum standards.

General Guidelines -While specific types of clothing may vary based on work location, duties and the amount of public contact to which employees are exposed, the following general guidelines apply to all City employees:

- a) Dress in a manner appropriate to your job. Your method of dress should create a positive image of the City.
- b) Clothing and shoes should be neat, clean, and in good repair.
- c) Hair should be clean and neat. Beards and mustaches should be clean and trimmed.

- d) Tight fitting, see-through, and revealing clothing are unacceptable.
- e) Clothing should not be above the bend of knee when standing.

For the purpose of defining appropriate apparel in the workplace, City employees are either office staff or uniformed personnel. The minimum standards established are as follows:

Office Staff -Office staff shall dress in a manner which reflects an impression of neatness, cleanliness and professionalism, as these employees may have frequent, direct contact with the public. Examples of inappropriate apparel include the following:

- a) Leisure, recreational, and party-type apparel, casual shorts, miniskirts, strapless or backless dresses or tops, midriff shirts, halters, T-shirts/undershirts, muscle shirts/tank top, spandex pants, leggings, jogging outfits, and sweat suits.
- b) Shower shoes, slippers, and other inappropriate styles of footwear.
- c) Jeans are not acceptable unless approved by your Department Head or worn on designated “dress down” days.

Uniformed Personnel -When an employee is issued a uniform it shall be worn in its entirety and worn during working hours. Uniforms shall be worn in a manner which reflects an impression of neatness, cleanliness, and professionalism, as these employees may have frequent, direct contact with the public. Deviations from the department’s uniform policy must be approved by the Department Head.

INFORMATION SYSTEMS POLICY - WIRELESS PHONES & DEVICES (CELLULAR)

Each user of a City provided cell phone must be classified as either:

- a) A field worker, who predominantly works outside the office, or is otherwise frequently mobile as part of his or her regular duties.
- b) On-call personnel who need to be contacted outside of hours for City business.

Just because an employee may, upon occasion, be working outside the office, does not justify assigning a cell phone to that employee. Departmental office cell phones shall be issued to locations and not carried off-duty by a person without permission of the Department Head and Mayor. In an office with several clerical employees, the departmental office cell phone will be shared for that department or division. That phone will be shared for the users to allow for “on-network” calling between offices and field-workers. Variations outside of this policy must be approved by the Mayor and should be requested in writing by the Department Head. To request a cell phone for an employee, a signed memorandum from the Department Head should be submitted to the Information Technology Department to assure proper accountability. Any charges for personal call minutes, text or multimedia messages, roaming, downloads, or other assessed fees deemed not related to official business, are to be reimbursed by the user to the City of Cullman as soon as possible no later than the following paycheck. Employees responsible for operating vehicles and potentially hazardous equipment shall refrain from using cellular phones while operating such vehicles. Cell phone “ring tones” and answering systems must be basic and professional. Users are not to download or add ringtones, media, or applications to the City’s cell

phones.

INFORMATION SYSTEMS POLICY -COMPUTERS, INTERNET AND NETWORK ACCESS

Information systems and associated equipment will be used for resources in an appropriate manner. They are provided for official business in the same manner as other City owned equipment, not for casual entertainment use by employees. The use of the Internet must be consistent with the employee's job objectives of the City. Office computer equipment is for the use of employees. Non-city employees to include family members, friends, and the public are not permitted to use City systems without prior permission of the Mayor. Employees are not to connect or attempt to connect outside or personally owned computer equipment to the City of Cullman's network. Abuse of information systems may result in disciplinary actions. Abuse of the Internet and computer network includes but is not limited to the following:

- Placing unlawful and/or inappropriate information on a system.
- Using profane, vulgar, threatening, defamatory, abusive, discriminatory, harassing or objectionable or criminal language in a public/private message.
- Sending "chain letters" or "broadcast" messages.
- Downloading files which are not related to City business.
- Installation of unapproved software programs, games, or unapproved files to City computers. These must be cleared by the department head and Information Technology.
- Using the Internet in a manner that would violate any federal or state law. This includes, but is not limited to, downloading copyrighted material such as music content from "peer to peer" or other file sharing programs
- Participating in other types of use which would cause congestion of the networks or interfere with the work of others. This can include, but is not limited to, downloading files which are not related to City business, and streaming of audio or video which are not directly related to City assigned functions.
- Accessing or transmitting materials that are obscene, sexually explicit, or sexually suggestive.
- Attempting to gain unauthorized access to systems, data, websites, or other infrastructure including attempts to override or bypass any firewalls or filters on the computer network.
- Attempting to harm, modify or destroy data of another user or maliciously damage or destroy any data which resides on the City of Cullman's systems.
- Using the City electronic systems for outside or private business endeavors.
- Exhibiting any other action using the Internet, computer network, or computer workstation which would in any way subject the user of the City of Cullman to any civil or criminal action.
- Accessing streaming media such as videos or audio which is not directly related to the employees job function and approved by the Department Head and cleared by Information Technology.
- Use of City computers for personal online purchases.
- Accessing personal e-mail accounts to send or receive messages.
- Playing online games, whether or not they require downloading and installation
- The use of social networking websites, instant messaging, or chat websites such as MySpace,

Facebook, Live Spaces, Twitter, Classmates, Tagged, or other similar websites are not permitted unless as part of official business communication required for City operations. All messages and information stored, created, sent, or retrieved are not to be considered private or confidential. Incoming or outgoing data may be archived by the City of Cullman or the Internet Service Provider. E-mails are not typically archived, viewed, or maintained internally by the City of Cullman, but the right is reserved by the City. Any e-mails sent from a City of Cullman provided account shall be business related and not used for personal communication.

The City of Cullman strongly condemns the illegal distribution, sharing or downloading of media files such as music and video. Any user caught transferring such files through the Internet, and any whose systems are found to contain such illegal files, shall immediately be subject to action. In addition, all users shall be aware that piracy is a federal offense and is punishable by a fine or imprisonment. Outside software or data files introduced onto City of Cullman information systems over any type of transfer medium must comply with all license requirements and should be approved by the Information Technology Department and the department head. Files of a personal nature, rather documents, photos, or otherwise, that are unrelated to business of the City of Cullman or any employee's job tasks shall not reside on the City of Cullman's information systems. These files take excessive space not only on computer systems but also on system backups. Software license information is maintained by Information Technology; and reports of any software changes, additions, or removals shall be reported to Information Technology.

If a Department Head permits it in his or her department, an employee may bring in laptop, PDA, netbook, or related device to work but they are not to attempt to connect, bridge, interface, or log into any City provided network connections with those personal devices. City connections are provided for City owned equipment which are properly addressed, authorized, and licensed for use on the business network and its servers. Employees and departments are required to notify Information Technology of any possible viruses or spyware infections on City computers whether or not the employee thinks the situation has been resolved. Any issues or requests related to Information Technology equipment such as computers, printers, phones, two-way radios, or other related items shall be routed through Information Technology for evaluation to insure a proper course of action. All listed policies apply to all information systems (computer and related) equipment owned by the City of Cullman, to include any laptops or portable computers which may be issued out to employees for official use.

CITY VEHICLE POLICY

The City-owned vehicles shall not be used by officers or employees of the City for personal purposes, except as authorized below:

The Mayor of the City of Cullman may authorize, in the interests of the City, the use of City vehicles by certain officers or employees for commuting to and from work, with the understanding that this use of non-exempt vehicles shall be taxable to the officer or employee in accordance with the IRS regulations. Internal Revenue Service Rules will be complied with for those driving vehicles not exempted from the fringe benefit guidelines. (Exemptions include emergency vehicles or service vehicles driven by employees on call.) Employees, except

for department heads, approved for take-home vehicles who live more than eight (8) miles from their workplace will reimburse the City for the mileage in excess of eight (8) miles at the prevailing rate paid to employees driving a private vehicle on city business with the reimbursement to be deducted from the employee's salary.

EMPLOYEE TRAVEL POLICY

A written employee travel request must be approved by the Mayor or City Council before any travel occurs. No official or employee of the City of Cullman will be reimbursed for the expenses incurred while traveling in the performance of their duties unless an itemized statement of all

expenses has been submitted to the City's administration department and approved by the Department Head.

Only expenses for the official or employee will be reimbursed. The expenses for others traveling with the official or employee will not be reimbursed. The official or employee must use the correct form available in the City's administration department. All employee travel-related expenses must be within reason.

OFF-DUTY WORK BY POLICE OFFICERS

Police officers of the City of Cullman may accept off-duty employment subject to the police department's written directives, along with the following restrictions and guidelines. Any officer seeking to accept outside employment must file with the office of the chief of police a request of approval of outside employment. This request shall include the location and nature of the outside employment, whether the job is a one-time event or is continuous, whether the job is to be worked in uniform, a list of any public equipment that may be used during the job, and any other information required by the chief of police. The chief of police or his designee shall approve or disapprove of any outside employment in writing, and may place conditions not inconsistent with the City's policy upon the acceptance of any outside employment. Public equipment may be used only as approved by the chief of police.

POLITICAL ACTIVITY REGULATIONS

No person in the employment of the City of Cullman, whether classified or unclassified, shall be denied the right to participate in, or denied the right to refrain from engaging in, city, county, or state activities to the same extent as any other citizen of the State of Alabama, including endorsing candidates and contributing to campaigns of his/her choosing.

All persons in the employment of the City of Cullman shall have the right to join local political clubs or organizations and state or national political organizations.

All persons in the employment of the City shall have the right to publicly support issues of public welfare, circulate petitions calling for or in support of referendums, and to contribute freely to those of his/her choosing.

No person in the employment of the city shall attempt to use his/her official authority or position for the purpose of influencing the vote or political action of any persons. Any person who violates this Section shall be subject to punishment as provided by the laws of the State of Alabama. No person in the employment of the City, whether classified or unclassified, shall use any city funds, property, or time for any political activities. Any person who is in the employment of the City shall be on approved leave to engage in political action, or the person shall be on

personal time before or after work or on holidays. It shall be unlawful for any officer or employee to coerce or attempt to coerce any subordinate employee to work in any capacity in any political campaign or cause. Any person who violates this section shall be subject to fine or imprisonment as provided by law.

Any employee of the City, whether in the classified or unclassified service, who qualifies to seek a political office with the City of Cullman shall be required to take an unpaid leave of absence from his/her employment, or use accrued overtime leave or accrued vacation leave time with the City. This extends from the date he/she qualifies to run for office until the date on which the election results are certified, or the employee is no longer a candidate, or there are no other candidates on the ballot. Any employee who violates this subsection shall forfeit his/her employment position. In no event shall this Section apply to elected officials. When off duty, out of uniform, and acting as a private citizen, no law enforcement officer or firefighter shall be prohibited from engaging in city, county, or state political activity or denied the right to refrain from engaging in political activity so long as there is compliance with this Rule.

ETHICS POLICY

See the Alabama Ethics Law which became effective on October 1, 1995.

DISCIPLINARY ACTIONS

Demotion, Suspension, or Dismissal - The appointing authority may demote an employee for inefficient performance of his duties, personal misconduct, insubordination, or for some cause affecting his fitness or ability to perform the duties of his position or other causes which such demotion, suspension, or dismissal is for the good of the City. The appointing authority, who proposes to suspend, demote, or dismiss an employee, is to provide the employee with at least fifteen (15) working days' written notice. A pre-disciplinary hearing with the appointing authority or a representative is required. Following the hearing, the employee must be informed in writing of the decision regarding the proposed action on or before its effective date. If you are a permanent employee and are suspended, demoted or dismissed, you may appeal to the hearings officer of the Personnel Board. Appeals must be submitted within fifteen (15) working days.

Hearing -Before official action is taken to demote, suspend or dismiss an employee, the employee will be given an opportunity to have a hearing before the Mayor, to be represented at the hearing by a person or persons of his/her choosing, and to respond to accusations made against him/her. The employee shall have the right to appeal the action through the established appeal procedure.

Appeal Procedure -A permanent employee shall have the right to appeal any disciplinary action taken against him/her. An employee involved in such disciplinary action shall be provided a written statement of the reasons for such action within three (3) days after the decision to discipline the employee is made. A copy of said report shall be submitted simultaneously to the Personnel Board. If the employee wishes to appeal the action against him/her, the employee must file a written notice of appeal with the Board and with the Mayor within seven (7) days.

As an employee, you are expected to abide by City rules, regulations, and procedures. Failure to abide by these rules may result in disciplinary action up to and including termination.

Such causes for disciplinary action are, but not limited to:

- Stealing money or property belonging to the City or other City employees or persons conducting business with the City, including vendors or lessees.
- Failure/inability to perform duties.
- Tardiness.
- Failure to pay taxes or other liabilities due the City of Cullman.
- Abandonment of duties, insubordination, inefficiency, and neglect of work.
- Sleeping on the job.
- Violation of any City safety rules.
- Using or being under the influence of intoxicants or drugs.
- Illegal or unethical acts, abusive or unsafe acts, or any violation of City policies.
- Working on another job that could create conflict of interest.
- Falsifying any City document.

In some instances, violations may be serious enough to warrant immediate suspension and/or termination.

Section 1. Reprimand - When it is necessary for a department head or supervisor to reprimand an employee for his work or other reason related to his job performance, this action shall be documented and a report forwarded to the Personnel Director for inclusion in the employee's record.

Section 2. Demotion - The administrative officer may demote an employee for inefficient performance of his duties, personal misconduct or other cause where such demotion is for the good of the City. A written report of such demotion setting out the reasons for such action shall be furnished to the employee and submitted to the Personnel Board.

Section 3. Suspension - The administrative officer may suspend a permanent employee without pay for cause. Such suspension shall not exceed fifteen (15) working days at any one time or more than thirty (30) working days in any one year. A written statement of the reason for suspension shall be furnished to the employee and submitted to the Personnel Board.

Section 4. Dismissal - Any permanent employee may be dismissed by the appointing authority when the employee's work performance, conduct or insubordination justifies this action, or for some cause affecting his ability to perform the duties of his position. A written statement of the

reasons for dismissal will be furnished to the employee and to the Personnel Board.

Section 5. Hearing - Before official action is taken to demote, suspend or dismiss an employee, the employee will be given an opportunity to have a hearing before the administrative officer, to be represented at the hearing by a person or persons of his choosing, and to respond to accusations made against him.

Section 6. Appeal - The employee shall have the right to appeal disciplinary actions through the established appeal procedure.

RIGHTS OF APPEAL

Section 1. Appeal to the Personnel Board - An employee with permanent status shall have the right to appeal any disciplinary action taken against him which affects his classification or pay. A permanent employee receiving such disciplinary action shall be given a written statement of the reason for such action within three (3) working days. A copy of such report shall be submitted simultaneously to the Personnel Board. If the employee wishes to appeal the action against him, he must file a written appeal with the Board and the administrative officer within seven (7) working days after the disciplinary action is made final. Within seven (7) working days after receipt of the appeal the administrative officer shall file with the Chairman of the Personnel Board and mail to the employee by certified mail a complete set of charges and complaints against the employee and any other pertinent information on which disciplinary action was based.

After specific charges and complaints have been filed, the Chairman of the Board shall call a meeting of the Board to be held within thirty (30) days after receipt of such charges for the purpose of hearing the protest or appeal. The employee and the administrative officer shall be notified by certified mail, at least ten (10) days prior to the meeting date, of the time and place of such meeting. The Board shall have the power to continue the hearing from time to time as may be necessary. The members of the Board shall have the power to administer oaths, take depositions, and certify official acts and to subpoena and compel attendance of witnesses, and the production of books, documents, accounts and records pertaining to the matter under investigation.

The City Attorney may be called upon to appear in all proceedings before the Board to represent the interest of the City. Subpoenas issued as provided herein shall be served and the service fee shall be the same as that provided by law for the service of subpoenas issued by a court. Payment of fees for witnesses summoned at the request of the City or the Board shall be considered expenses of the Board and shall be paid from the treasury of the City. The Board shall have the right to invoke the aid of a court of law in the event a person who is duly summoned to appear and testify or produce evidence refuses to attend or testify or produce such evidence in obedience to such summons. Any employee of the City who fails to obey any subpoena may be dismissed by the Board or receive such other disciplinary action as the Board deems proper. The employee and the administrative officer shall have the right to be represented by counsel.

The Board shall adopt its own rules of practice and procedures and shall not be bound by technical rules of evidence. The Board shall have the power to (a) affirm the disciplinary action, (b) reverse the action of the administrative officer, or (c) modify the disciplinary action taken and

prescribe the proper penalty if it is satisfied the employee should receive some disciplinary action. If the Board decides the employee shall be reinstated, they may order him reinstated with or without pay. If they order him reinstated with pay, such pay shall not exceed the amount the employee earned during the thirty-day period next preceding the disciplinary action taken against him. A copy of the Board's decision shall be filed with the City Clerk and a copy filed with the employee or his attorney. The decision shall become effective immediately upon filing with

the Clerk. The decision of the Board shall become final within ten (10) days after it is filed with the City Clerk unless the employee, the administrative officer, or the governing body of the City files a notice of appeal to the Court. The Board's decision may be enforced through appropriate court proceedings if necessary.

Section 2. Appeal to the Court - The employee, administrative officer, or City governing body may, within ten (10) days after the decision of the Board is filed with the City Clerk, appeal to the Circuit Court from any decision of the Board by filing notice of such appeal with the Court and causing a copy of such notice to be served on the other affected parties or officials. The Board shall furnish the court with a certified transcript of proceedings which it had before with respect to the appeal and its decision in the matter. No bond shall be required for such an appeal and the cost of such appeal shall be taxed against the unsuccessful party or as the judge may direct. Review by the Court shall be without jury and be confined to the record and to a determination of the questions of law present. The Board's findings of fact shall be final and conclusive. Appeal may be taken from the judgment of the Circuit Court as provided by law.

PERFORMANCE EVALUATIONS

Every employee shall receive an annual performance evaluation on a form approved by the Personnel Director. Each department head shall set up an evaluation process whereby employees are evaluated by more than one supervisory person within the department to ensure a more comprehensive and impartial evaluation. Performance evaluations may be used in determining salary adjustments, as a factor in the order of layoffs, and in rating employees for promotional purposes.

CONCLUSION

PERSONNEL FILES

The City of Cullman maintains a personnel file on each employee. This file includes such information as the employee's job application, resume, training records, documentation of performance appraisals and salary adjustments, classification changes and other employment

records.

Access to personnel files is restricted and only those who have a legitimate reason to review information in a file are allowed to do so. No files may be removed from the personnel office. No files or records in the personnel office may be copied, except to furnish an employee with a copy of their own information. All employees wishing to inspect their file should contact the Personnel Officer and make arrangements to do so.

All employee medical records are retained in separate files in the personnel department under the custody of the Personnel Officer and Risk Management Office.

A person appointed to a position that involves the operation of a motor vehicle must present a valid State of Alabama driver's license at the time of employment.

On a yearly basis, employees whose positions involved the operation of a motor vehicle must submit a copy of their driver's license to their department head who will submit the copy to the Human Resource Department. Employees are required to notify their superintendent if their driver's license has been revoked or suspended for any reason, who shall in turn notify the Human Resource Department. This notification must be submitted in writing as soon as possible.

DEFINITIONS

The following words, terms and phrases, wherever used herein, shall have the meanings respectively assigned to them in this Rule, and shall include the singular as well as the plural, and with the masculine noun or pronoun construed to include the feminine as well.

- 1) Act means Act No. 2123 of the 1971 Legislature of the State of Alabama.
- 2) Administrative Officer means the Mayor of the City of Cullman, or such officer of the City who might be delegated by law the authority to manage personnel administration for the City.
- 3) Allocation means the assignment of positions to a class on the basis of the kind, difficulty and responsibility of work of the positions.
- 4) Appointing Authority means the governing body, officer, board, commission, person or group of persons designated by resolution of the governing body as being the official or board having authority to fill vacancies in the specified class, or the governing body itself in the event that the governing body has made no such designation, or having made such designation, has thereafter repealed such resolution.
- 5) Board means the Personnel Board of the City of Cullman.
- 6) Certify or Certification means the act of supplying the appointing authority with names of applicants deemed eligible for appointment to the class or position to be filled.
- 7) City means the City of Cullman, Alabama
- 8) Class means a position or group of positions that involve similar duties and responsibilities and require similar qualifications and are designated by a single title indicative of the kind of work.
- 9) Court means the Circuit Court of Cullman County, Alabama.
- 10) Demotion means removal of an employee from a position in one class to a position in

another class having a lower maximum salary limit than the position from which he was removed.

11) Eligible List is a list of names of persons who have successfully competed by examination, written or oral, arranged in the order of their final ratings.

12) Governing Body means the City Council of the City or any governing authority which is a successor thereto.

13) Laid-Off or Lay-Off means separated from the classified service of the City because of lack of work or funds or other reason not related to fault, delinquency or misconduct on the part of the employee.

14) Lay-Off List or Register means the list of former employees who had permanent status who were laid off, arranged in inverse order of separation.

15) Merit System means the same as "Civil Service System" within the meaning of these rules.

16) Original Appointment means the appointment of a person to a position in the classified service who is not being reemployed from a re-employment list, nor being promoted from the promotional eligible list, and who, except for those in the exempt service and those serving under temporary appointment, is not an employee of the City.

17) Permanent Employee or Permanent Status means an employee who has satisfactorily completed the probationary period of employment, or otherwise obtained permanent status pursuant to the Act.

18) Personnel Director means a person employed by the Personnel Board, with the approval of the governing body, who is required to perform such duties as may be authorized, assigned, and designated by the Board, except those duties that require action by the Board in accordance with provisions of the Law.

19) Human Resource Officer means a merit system employee designated to assist the Personnel Board and the Director in the maintenance of personnel records and monitoring compliance with the Personnel Rules and Regulations.

20) Position of Job means a group of current duties and responsibilities assigned or delegated by job description and requiring the full or part-time services of at least one employee.

21) Promotion means a change of employment from a position of one class to a position of another class which has a higher maximum salary rate.

22) Promotional Eligible List means the list of eligible persons qualified for promotion to a higher position.

23) Reallocation means the official determination that a position be assigned to a class different from the one in which it has previously been assigned

24) Reemployment List means the list of names of former employees who had permanent status and who voluntarily terminated their services with the City in good standing at any time within the past two (2) years.

25) Transfer means a change of an employee from one position to another position of the same class.

26) Vacancy means a position duly created, with funds provided for payment of salary, which is not occupied.

DISCLAIMER

The information contained in this handbook does not in any way constitute an employment contract. This handbook is not intended to create or imply any contract rights nor is it an invitation to contract. The City of Cullman is an at-will employer. Employees of the City are not employed for any specified length of time. An employer at-will is not required to have cause for termination. The information contained in this handbook will apply to labor agreement personnel except in cases where state legislation or collective bargaining agreements take precedence.

This handbook provides guidelines which serve as a means of communication on broad/general administrative policies, operational procedures and rules and/or regulations. The Manual serves as the primary means of communication on specific administrative policies, operational procedures and rules and/or regulations. It is expected that amendments and revisions will be made as necessary to meet the ever-changing conditions and business needs of the City. The Mayor will be the final authority on interpreting policy, approving amendments or granting exceptions to policy guidelines in order to more efficiently promote the interest of the City.

It is the responsibility of each employee to remain aware of policy changes by reading any rule/policy changes posted on bulletin boards at their respective locations or requesting rules or policies from appropriate City personnel. The City of Cullman provides equal employment opportunities (EEO) to all applicants and employees.

PLEASE RETURN THIS PAGE TO THE HUMAN RESOURCES DEPARTMENT AT CITY HALL:

I have received and understand the employee handbook (revised 2009 edition).

SIGNATURE OF THE EMPLOYEE

SIGNATURE OF THE WITNESS

PRINTED NAME OF THE EMPLOYEE

PRINTED NAME OF THE WITNESS

DATE OF SIGNATURE

DATE OF SIGNATURE

Mayor Townson wants to thank all department heads and help in updating this handbook.

Mr. Delton Blaylock, Cullman Tribune Reporter, gave an update on injured Cullman High School football player, Ben Moore. He was injured in last week's game against Mt. Brook. He will not be able to play because of a broken jaw. Cullman Bear Cats are ranked number one in the State of Alabama 5-A classification.

Being no further business to come before the Mayor and Council, a motion to adjourn was made

by Council Member Folsom. Council Member Hollingsworth seconded the motion and motion was approved. The meeting was adjourned at 7:45 pm.