

# City of Charleston

AN EQUAL OPPORTUNITY EMPLOYER



## Employee Handbook

THIS IS NOT A CONTRACT OF EMPLOYMENT

# Employee Handbook Revisions

Revision Date	Section	Type
7/16/2024	6.3	Correction
6/17/2024	5.1b	Correction
3/14/2024	2.2, 5.1 a	Revision and Addition
1/10/2024	5.1 d.	Update
8/21/2023	1.4 b-c, 5.1 i,	Additions
8/21/2023	1.4 a, 2.3, 4.15, 5.1a-b, App. E and G	Update
3/4/2022	5.1 d	Addition
4/2/2021	App. J,K, L	Revision and Addition
12/23/2020	5.1b	Addition
12/14/2019	5.1b	Addition
08/30/2019	1.22	Update
08/19/2019	1.10	Addition
07/01/2019	App. G	Update
06/17/2019	3.2 a	Addition
01/02/2019	4.78	Revision

## **DISCLAIMER**

### **THIS IS NOT A CONTRACT**

EMPLOYEES OF THE CITY OF CHARLESTON ARE EMPLOYED AT WILL. THAT MEANS THAT EITHER THE EMPLOYEE OR THE CITY MAY END EMPLOYMENT AT ANY TIME AND FOR ANY REASON. NOTHING IN THE CITY'S HANDBOOKS, MANUALS, POLICIES, RULES OR OTHER WRITTEN DOCUMENTS CREATES ANY CONTRACT OF EMPLOYMENT. CURRENT OR PAST POLICIES, PRACTICES OR PROCEDURES DO NOT INCLUDE A PROMISE OR CONTRACT THAT THOSE POLICIES, PRACTICES OR PROCEDURES WILL CONTINUE IN THE FUTURE. ANY AND ALL POLICIES, PRACTICES OR PROCEDURES MAY BE CHANGED BY THE CITY FROM TIME TO TIME. ORAL OR WRITTEN ASSURANCES AND/OR REPRESENTATIONS OF THE CITY AND/OR ITS MANAGERS, SUPERVISORS OR AGENTS DO NOT FORM A CONTRACT OF EMPLOYMENT UNLESS (1) THE TERMS ARE IN WRITING AND INCLUDE THE DURATION OR TERM OF THE CONTRACT; (2) THE WRITING OR DOCUMENT IS LABELED "CONTRACT OF EMPLOYMENT"; AND (3) THE DOCUMENT IS SIGNED BY THE CITY'S MAYOR OR CHIEF FINANCIAL OFFICER.

I agree that I have received and have access to the electronic copy of the City's handbook, that I have read the disclaimer above, and that I understand that THIS IS NOT A CONTRACT OF EMPLOYMENT:

Web address

City of Charleston Human Resources Intranet <http://intranet/department-pages/human-resources-organizational-development/>

City of Charleston Human Resources Website: <http://www.charleston-sc.gov/employeeshandbook>

---

Signature of Employee

---

Printed Name of Employee

---

Date

# TABLE OF CONTENTS

<b>CITY'S MISSION AND VALUES .....</b>	<b>8</b>
<b>IMPORTANT NOTICE TO OUR EMPLOYEES.....</b>	<b>9</b>
<b>1. YOUR EMPLOYMENT .....</b>	<b>10</b>
1.1 EQUAL EMPLOYMENT OPPORTUNITY (EEO).....	11
1.2 ANTI-HARASSMENT/ANTI-DISCRIMINATION .....	11
1.3 REPORTING HARASSMENT OR DISCRIMINATION.....	12
1.4 REASONABLE ACCOMMODATIONS .....	13
1.4 a Americans with Disabilities Act (ADA) .....	13
1.4 b Pregnancy Accommodations.....	14
1.4 c Religious Accommodations.....	15
1.5 SAFETY .....	15
1.6 ON THE JOB INJURIES .....	15
1.7 TEMPORARY LIGHT DUTY .....	16
1.8 IMMIGRATION LAW COMPLIANCE .....	17
1.9 RECRUITMENT AND SELECTION .....	17
1.10 SIGNING BONUSES.....	17
1.11 BACKGROUND CHECKS AND PHYSICALS.....	17
1.12 NEW EMPLOYEE ORIENTATION.....	18
1.13 INITIAL INTRODUCTORY PERIOD.....	18
1.14 COMMUNICATING THROUGH YOUR SUPERVISOR .....	18

1.15 PERFORMANCE REVIEW .....	19
1.16 PERFORMANCE IMPROVEMENT .....	19
1.17 ELIGIBILITY FOR PROMOTIONS AND TRANSFERS.....	19
1.18 LOSS OF NECESSARY LICENSE OR CERTIFICATION.....	19
1.19 SECONDARY EMPLOYMENT .....	20
1.20 EMPLOYMENT OF RELATIVES.....	20
1.21 EMPLOYEE REFERRAL PROGRAM.....	20
1.22 EMPLOYER DIRECTED TRAINING.....	21
1.23 PERSONNEL RECORDS.....	21
1.24 IDENTIFICATION BADGES .....	21
1.25 WORKPLACE PRIVACY.....	21
<b>2. EMPLOYEE CONDUCT.....</b>	<b>23</b>
2.1 EXPECTATIONS OF EMPLOYEE CONDUCT.....	24
2.2 GRIEVANCE PROCEDURE .....	24
2.3 ETHICS GUIDELINES .....	24
2.3 a Questionable Payments .....	26
2.3 b Gifts, Gratuities And Entertainment.....	26
2.3 c Conflicts Of Interest.....	26
2.3 d Reporting Unethical, Illegal, or Irresponsible Activities .....	26
2.4 POLITICIAL ACTIVITIES .....	27
2.5 DAILY SCHEDULE.....	27
2.5 a Tardiness.....	27

2.5 b Absence .....	27
2.5 c Attendance In Inclement Weather.....	28
2.5 d Break And Lunch (Meal) Periods.....	28
2.5 e Lactation Breaks.....	28
2.5 f Personal Telephone Calls.....	29
2.6 SUBSTANCE ABUSE AND TESTING GUIDELINES.....	29
2.7 VIOLENCE IN THE WORKPLACE .....	29
2.8 SMOKING IN THE WORKPLACE.....	29
2.9 MAIL .....	30
2.10 VEHICLES AND DRIVING FOR THE CITY .....	30
2.11 CARE OF UNIFORMS AND CITY PROPERTY .....	30
2.12 CLOTHING.....	31
<b>3. PAYROLL INFORMATION.....</b>	<b>32</b>
3.1 EMPLOYMENT STATUS DEFINITIONS .....	33
3.1 a Exempt.....	33
3.1 b Non-Exempt .....	33
3.2 EMPLOYEE TYPES.....	33
3.2 a Introductory Period Employee .....	33
3.2 b Regular Full-Time.....	34
3.2 c Regular Part-Time .....	34
3.2 d Temporary .....	34
3.2 e Seasonal.....	34
3.2 f Occasional.....	34
3.3 OVERTIME.....	34
3.4 COMPENSATORY TIME.....	35

3.5 ON-CALL AND CALL-BACK TIME .....	35
3.6 TRAVEL PAY .....	35
3.7 PAYMENT OF WAGES.....	36
3.8 NAME, ADDRESS AND STATUS CHANGES.....	36
3.9 PAYROLL DEDUCTIONS .....	37
3.10 DIRECT DEPOSIT .....	37
3.11 CONFIDENTIALITY OF PAYROLL RECORDS .....	37
<b>4. EMPLOYEE BENEFITS.....</b>	<b>38</b>
4.1 ABOUT CITY BENEFITS .....	39
4.2 MEDICAL AND DENTAL INSURANCE .....	39
4.3 SECTION 125 PLAN .....	40
4.4 FLEXIBLE SPENDING ACCOUNTS .....	40
4.5 SOUTH CAROLINA RETIREMENT SYSTEMS .....	40
4.6 SC DEFERRED COMPENSATION (401K, ROTH 401K AND 457 PLANS).....	41
4.7 BASIC GROUP TERM LIFE & AD&D INSURANCE.....	41
4.8 SHORT TERM DISABILITY INSURANCE.....	41
4.9 LONG TERM DISABILITY INSURANCE.....	41
4.10 SUPPLEMENTAL INSURANCE PRODUCTS .....	41
4.11 WORKERS' COMPENSATION INSURANCE .....	42
4.12 UNEMPLOYMENT INSURANCE.....	42

4.13 EMPLOYEE ASSISTANCE PROGRAM (EAP).....	42
4.14 RECERTIFICATION REIMBURSEMENT.....	42
4.15 TUITION REIMBURSEMENT .....	43
<b>5. TIME AWAY FROM WORK .....</b>	<b>45</b>
5.1 PAID TIME OFF .....	46
5.1 a Annual Leave .....	46
5.1 b Sick Leave .....	48
5.1 c Partial Day Absences.....	49
5.1 d Paid Holidays .....	49
5.1 e Holiday Pay .....	50
5.1 f Funeral and Bereavement Leave.....	51
5.1 g Jury or Court Duty .....	51
5.1 h Military Leave.....	51
5.1 i Maternity and Parental Leave.....	51
5.2 UNPAID TIME OFF .....	53
5.2 a Religious Observance.....	53
5.2 b Family and Medical Leave Act .....	53
5.2 c Physical Disability Leave (Non-FMLA Leave).....	56
5.2 d Personal Leave of Absence.....	57
5.3 RETURN TO WORK.....	57
<b>6. LEAVING EMPLOYMENT .....</b>	<b>59</b>
6.1 FINAL PAY .....	60
6.2 SEPARATION PAPERWORK.....	60
6.3 BENEFITS UPON RESIGNATION OR TERMINATION .....	60
6.4 BENEFITS UPON RETIREMENT .....	61

6.5 BREAK IN SERVICE.....	61
6.6 RETURNING TO SERVICE .....	61
6.7 FILING A GRIEVANCE .....	62
<b>7. ABOUT THIS HANDBOOK .....</b>	<b>63</b>
7.1 ABOUT THIS HANDBOOK.....	64
<b>APPENDICES .....</b>	<b>65</b>
APPENDIX A-OPEN DOOR PROCEDURE.....	66
APPENDIX B-CODE OF CONDUCT .....	67
APPENDIX C-HARASSMENT REPORT .....	69
APPENDIX D-WHISTLEBLOWER POLICY .....	70
APPENDIX E-EMPLOYEE SUBSTANCE ABUSE AND TESTING POLICY .....	71
APPENDIX F-DRUG FREE WORK PLACE POLICY .....	77
APPENDIX G-EMERGENCY/EXTRAORDINARY PAY POLICY .....	78
APPENDIX H-MILITARY LEAVE GUIDELINES.....	80
APPENDIX I-INTERNET ACCEPTABLE USE POLICY .....	82
APPENDIX J-EMAIL ACCEPTABLE USE POLICY .....	84
APPENDIX K-CITY OF CHARLESTON GENERAL DRIVER POLICY .....	87
APPENDIX L-GRIEVANCE REQUEST FORM .....	93
<b>IMPORTANT HR CONTACT INFORMATION .....</b>	<b>94</b>

---

## CITY'S MISSION AND VALUES

### Mission

To preserve and enhance the quality of life of the citizens of the City of Charleston.

### Values

- ▶ **Citizens**  
We value our diversity and are committed to treating every resident with respect, honesty and courtesy.
- ▶ **Public Safety**  
We value every citizen's safety and understand that safe public spaces and neighborhoods are essential to our quality of life.
- ▶ **Quality Services**  
We value providing high quality municipal services at the lowest possible cost to our residents.
- ▶ **Physical Place**  
We value our unique natural resources, our man-made environment, public realm and neighborhoods, and we understand how our physical place affects each resident's quality of life.
- ▶ **Regional Partnerships**  
We value working with other government entities within our region to sustain and improve the quality of life for all citizens.

---

## IMPORTANT NOTICE TO OUR EMPLOYEES

The information contained in this handbook has been prepared to acquaint you with employment with The City of Charleston. It contains information about working conditions regarding your employment. The policies in this handbook are generally intended to apply to all City employees. However, some departments may have departmental policies addressing these same issues with more stringent rules or requirements. To the extent that such departmental rules exist and are more stringent than city policy, they will govern as to that Department. Where departmental rules are less stringent than city policy, affected employees must comply with both. **This handbook, and any departmental rules are vehicles of information only, and not contracts of employment.**

As a new employee, one of your first assignments is to read, understand, and comply with all provisions of this handbook. Most important, if you have any questions, you are encouraged to review it with your immediate supervisor. As an existing employee with the City, you will probably find this handbook to be a quick reference source.

This handbook is intended as a source of information concerning the benefits, guidelines, and rules of employment for all employees. The City is dedicated to continually reviewing its policies to deal with the ever-changing times. The benefits and information contained in this handbook may change from time to time and at any time without notice. Additionally, the City reserves the right to revise, supplement, or withdraw any policies, guidelines, benefits, or portions of this handbook or any departmental rules as it deems appropriate, in its sole and absolute discretion, with or without prior notice.

It is not possible to describe all acts or omissions that constitute unacceptable conduct. However, at a minimum the City expects that your conduct and performance will be compatible with its Code of Conduct (see Appendix B of this handbook) and policies. You are also expected to conduct yourself in such a way as not to violate any local, state or federal laws. Such conduct or activity will be subject to disciplinary action as deemed appropriate by the City in its sole discretion. No director, manager, supervisor or other employee has the authority to enter into any agreement contrary to, or in conflict with, any provisions of this handbook, unless the agreement is in writing and signed by the Mayor or the Chief Financial Officer. The City reserves the sole discretion to interpret its own policies and to designate a City Official to do so. The City's failure to enforce any of its policies shall not constitute a waiver of the City's future right to enforce any or all of its policies.

While you are expected to comply with the contents of this handbook, all information that you may need during the course of your employment may not be contained in the handbook. Your supervisor is the best source of information not contained in this handbook or on matters specific to your individual circumstances. If you have any questions regarding any aspect of your employment, please contact him or her. If your questions cannot be answered locally please contact Human Resources.

This employee handbook supersedes all previous employee handbooks, as well as all management memorandums that may have been issued on subjects covered herein.

At the beginning of this handbook is an acknowledgement page. Make sure that you sign and return this page to Human Resources for inclusion in your personnel file.

We hope that your experience with us will be challenging, satisfactory, and rewarding.

---

# **1. YOUR EMPLOYMENT**

## **1.1 EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

The City of Charleston is firmly committed to Equal Employment Opportunity as a fundamental policy to be implemented and observed in our daily operation. We will not tolerate discrimination in employment based on age, sex, race, religion, color, disability, national origin, veteran status, political affiliation, or any other characteristic protected by federal, state, and local laws. For purposes of this policy, the term "sex" includes an individual's gender, sexual orientation, gender identification and also includes medical needs and/or lactation needs arising from pregnancy, childbirth, or related medical conditions pursuant to the Pregnancy Accommodations Act. In addition to its commitment to compliance with State and Federal laws relating to unlawful harassment, the City also strives to create and preserve a work environment free from discomfort or pressure relating to any personal characteristics such as personal appearance or family obligations.

**It is the responsibility of each employee to help ensure that the work environment is free of discrimination and harassment. Anyone who violates the City's Equal Employment Opportunity Policy will be subject to discipline, up to and including discharge.**

The City strives to create an environment that enables all employees to work free from threats and acts of discrimination and harassment. Should an employee believe that he or she has been discriminated against, sexually harassed, or harassed because of any other protected statute, it is in the employee's and the City's best interests to bring the matter to the attention of the EEO Officer so that corrective action can be taken. The City has designated the Director of Human Resources and Organizational Development as its Equal Employment Opportunity Officer (EEO). The EEO Officer is responsible for the development, implementation, enforcement of, and compliance with this policy. Complaints may be made by any of the methods discussed in the Anti-Harassment / Anti-Discrimination policy below.

We expect and solicit cooperation from all City employees. The City continues to support our nation's commitment to equal opportunity for its employees and all citizens.

**The City's EEO announcements and related material can be found on the EEO boards located in City office buildings.**

## **1.2 ANTI-HARASSMENT/ANTI-DISCRIMINATION**

Our policy, as well as various laws and regulations, generally prohibit employment decisions from being made on the basis of any personal status protected by law, such as race, sex, religion, national origin, age or disability. For purposes of this policy, the term "sex" includes an individual's gender, sexual orientation, gender identification and also includes medical needs and/or lactation needs arising from pregnancy, childbirth, or related medical conditions pursuant to the Pregnancy Accommodations Act. In addition to prohibiting unlawful harassment, the City discourages conduct which discriminates or harasses on the basis of personal characteristics not necessarily protected by law, such as physical appearance, or other similar characteristics.

Prohibited harassment may take the form of written, spoken, physical, or visual harassment and may include, but is not limited to: epithets, slurs, derogatory comments, jokes, intimidation, negative stereotyping, threats, comments on social media sites, assault, or written or graphic material that denigrates or shows hostility or aversion toward an employee or group because of the characteristics identified herein.

Prohibited conduct includes but is not limited to: conduct on City of Charleston property, in City of Charleston vehicles, on City of Charleston communication systems, during City of Charleston-related events, and in connection with City of Charleston business. Any such harassment is against City of Charleston policy, may violate the law, and will not be tolerated. The City of Charleston expects cooperation from all employees including coordinators, supervisors,

managers, and Department Heads to prevent harassment in the workplace.

Obviously, not all conduct which is prohibited by this policy constitutes a violation of the law.

Sexual Harassment/Discrimination means it is unlawful to harass a person because of that person's sex. Harassment can include sexual harassment or unwanted sexual advances, requests for sexual favors, or visual, oral, or physical conduct of a sexual nature when:

- Submission to this conduct is made, either explicitly or implicitly, a term or condition of employment
- Submission to or rejection of this conduct is used as the basis for employment decisions that affect employees
- The conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment

Sexual harassment also may be in the form of nonsexual, offensive conduct that is directed at employees because of their gender, sexual orientation, or gender identity, or gender expression. Sexual harassment is not limited to conduct motivated by sexual attraction. It may occur between members of the opposite sex or members of the same sex. Examples\* of prohibited sexual harassment include, but are not limited to:

- Written harassment: sexually-suggestive or obscene letters, faxes, e-messages, notes, social network postings, or invitations
- Verbal harassment: sexual comments, advances, propositions, derogatory comments, slurs, and jokes about an employee's body or appearance, including comments made on voicemail or another recording device
- Physical harassment: assault, sexually-suggestive touching or body contact, or impeding or blocking movement
- Visual harassment: sexual gestures, leering, inappropriate display of sexually-explicit objects, pictures, cartoons, or posters (in hard copy or electronically)

\*These examples are not inclusive of all behaviors that would be in violation of our policy, and the City reserves the right to make that determination based on the findings of our investigation.

This policy applies to all applicants and employees, and prohibits harassment, discrimination and retaliation whether engaged in by coworkers, supervisors, managers, vendors, or a member of the general public. The conduct prohibited by this policy is not necessarily limited to workplace and time.

### **1.3 REPORTING HARASSMENT OR DISCRIMINATION**

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

- (a) Report the violation in writing to your Department or Division Head. Complaints against the Mayor should be made to the Equal Employment Opportunity Officer who is the Director of Human Resources.
- (b) Report the violation to the Director of Human Resources at 75 Calhoun Street, Suite 3600, Charleston, SC 29401 or by calling 843-724-7388.
- (c) Although generally discouraged, a violation may be reported anonymously. An anonymous report may be made in writing and delivered to the Director of Human Resources or the employee may use the audit hotline at 877-879-9803. Please contact Human Resources at 843-724-7388 or review the Human Resources website for information on how to access the audit hotline. If the complaint is not on the official Harassment Report, it must include the kind of information requested on that form. We ask that you provide as much information as possible so we will know where to begin in researching the complaint. For obvious reasons the ability to investigate and address complaints is more limited when the complaint is made anonymously.

## **IMPORTANT**

In order to avoid misunderstandings, complaints must be made as soon as possible and involve completion of the *Harassment Report* form reproduced as Appendix C in this handbook.

These procedures have been established to enable you to get relief if you feel that you are the victim of harassment. The U.S. Supreme Court has said that as a general rule you may not sue the City for a violation of your rights unless you first give us notice and an opportunity to end the harassment. The reporting procedures which we have adopted are intended to establish a clear record of what has been reported.

It is a violation of this policy to retaliate in any manner against an individual who in good faith reports discrimination or harassment or who participates in an investigation of such a report. Retaliation can sometimes take subtle forms, and it is extremely important that you report violations immediately using the reporting procedure above so that corrective measures can be taken. Individuals who retaliate against reporters of harassment or discrimination will be subject to discipline up to and including discharge.

Any reported allegations of discrimination, harassment, or retaliation will be appropriately investigated. Complaints will be handled as confidentially as possible in keeping with the need to investigate. All employees have an obligation to cooperate fully and truthfully with any investigation. Discussing the investigation with anyone other than an investigator can hinder or taint an investigation and employees are encouraged to maintain the confidentiality of an investigation to protect its integrity. Obstruction, falsification, failure or refusal to cooperate, breach of confidentiality, or any other effort to hinder an investigation will be considered a policy violation just as is the actual discrimination/harassment or any retaliation against reporting individuals, all of which may result in discipline up to and including discharge.

When the investigation leads to the conclusion that a violation occurred, appropriate action will be taken to remedy the violation.

Individuals who are determined to have violated this policy in any manner are subject to disciplinary action up to and including discharge from employment.

## **1.4 REASONABLE ACCOMMODATIONS**

Generally, state and federal employment laws prohibit discrimination on protected status. In a few instances, the laws require that employers make reasonable accommodations when doing so will not cause an undue burden on the employer. Those are described below.

### **1.4 a Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act (ADA) protects employees who have physical or mental disabilities that impair their ability to perform their job, by providing for "reasonable accommodations" that will enable the employee to satisfactorily perform the essential functions of his job.

What constitutes a "disability" and what creates a "reasonable accommodation" is a fact-intensive question and must be determined on a case-by-case basis. Accommodation is a two-way street, and employees are expected to notify Human Resources or other appropriate City staff if they need an accommodation. Any supervisor, manager, or other City staff receiving a request for an accommodation must report it to Human Resources immediately so that an appropriate resolution can be determined.

Once Human Resources has been notified, it will engage in an interactive process with the employee to determine what, if any, reasonable accommodation can be made to enable the employee to satisfactorily perform the essential functions of his job. This process will normally begin with obtaining information from the employee's physician that confirms a condition exists and identifying which job functions are affected by the condition and,

ideally, offering suggestions of types of accommodations that would be sufficient.

Once the general need for accommodation is understood, the department head or other appropriate City official will be consulted as to logistics and practical considerations that must be addressed to ensure the accommodation is reasonable and sustainable. The department head or other City officials will be notified only of the need for and manner of accommodation and will not be privy to details of the employee's medical information.

The City will make reasonable accommodations for qualified individuals with disabilities unless doing so would create an "undue hardship" as that term is used for the purposes of the ADA. If there is no reasonable accommodation that would enable the employee to perform the essential functions of the job he is in, the City will consider whether there is another open position for which the employee is qualified and of which the employee can perform the essential functions either with or without an accommodation.

This commitment to accommodate disabilities governs all aspects of employment including reasonable accommodations needed related to selection, job assignment, compensation, discipline, and training.

## **1.4 b Pregnancy Accommodations**

Certain state and federal laws require special accommodations for pregnancy, childbirth, or related medical conditions. If you are pregnant, nursing, or have other needs discussed here, please see Human Resources for assistance.

### **Federal PUMP law**

Federal law requires the City to provide reasonable break time to express breast milk for up to one year after the employee gives birth.

In addition to the time, the City will provide a private space (other than a bathroom) in which to express milk. The space will be shielded from view and free from intrusion by coworkers or others in the building during the time it is in use by the employee for the purpose of expressing milk.

Employees may choose to use their two paid breaks and/or lunch breaks to express milk. Other non-paid breaks will be granted as needed.

### **South Carolina Pregnancy Accommodations Act**

This state law requires the City to provide reasonable accommodations for medical needs arising from pregnancy, childbirth or other medical conditions unless the accommodation would impose an undue hardship on the City. Determining the appropriate accommodation is an interactive process. Accommodations are likely to vary as different employees have different needs. Examples of possible accommodations might include things like modifying work schedules (such as in the case of morning sickness), providing assistance with lifting, providing seating if the employee's job requires standing, or providing light duty if available. Leave can also be an accommodation, but the employee will not be forced to use leave if other reasonable accommodation is available and will not cause undue burden.

Accommodations are available under this law even for normal, healthy pregnancies/childbirth. Pregnancy or childbirth with complications that rise to the level of a disability also may be covered under the ADA (see above ADA policy).

### **Federal FWPA**

This federal law is similar to the SC law in that it requires the City to provide reasonable accommodations to the known limitations of a qualified individual arising out of pregnancy, childbirth or related medical conditions.

Accommodation under the law must be made to full extent to the City would accommodate employees "who are similarly in their ability or inability to work." The City is not required to make an accommodation that poses an

undue burden on the City.

The accommodation process is intended to be interactive, and the employee must make the City aware of the need for assistance.

### **1.4 c Religious Accommodations**

The City recognizes that employees may have religious beliefs that require workplace accommodation, such as, for example, wearing special religious head scarves or clothing in the office. Because religious beliefs vary so widely and sometimes change, it is not possible to give an exhaustive list of all possible accommodations. Rather, the accommodation process should be highly individualized and interactive with the employee identifying the particular need and the conflicting workplace requirement, and the City and employee discussing possible reasonable accommodations for that employee's specific circumstances.

The City is committed to making reasonable religious accommodations where doing so does not impose an undue burden on City operations.

### **1.5 SAFETY**

The City is committed to providing a healthy, hazard-free work environment and will strive to ensure the well-being of our employees. We insist upon full compliance with all applicable safety policies, procedures, laws and regulations because the safety of City employees and its citizens is paramount. Safety takes precedence over expediency or short cut procedures and every attempt will be made by each employee to reduce the possibility of accident occurrence. It is our intention to promote an environment conducive to the health and safety of employees; therefore, unsafe conditions and work related injuries must be reported to your supervisor as quickly as possible. Employers are prohibited by law from retaliating against employees who report OSHA or other safety concerns.

General Safety procedures are set forth in the City's Safety Guidelines. These guidelines are available on the City's internal website and on your department's EEO Board or you may request a hard copy from your department head or Human Resources. Contact your Supervisor or the City's Safety Manager for any further information concerning the City's Safety Guidelines. Some departments will have additional safety guidelines relating to the work performed in those departments. It is imperative that safety guidelines and behavior are adhered to. Failure to comply with safety guidelines could endanger you and/or others and is subject to disciplinary action up to and including discharge. Vehicle accidents and on the job injuries may be reviewed by the "Accident Review Board", the "Safety Review Board" and/or any other appropriate board for recommendation for corrective action.

### **1.6 ON THE JOB INJURIES**

You must promptly report all on-the-job injuries to your supervisor and complete a *First Report of Injury* form. You are required to report an accident or injury even if you do not need medical attention. Failure to do so may jeopardize your ability to collect workers' compensation benefits relating to that accident or injury. If medical attention is necessary, the Safety Division will refer you to the authorized City physician. The City of Charleston is not responsible for medical bills incurred from doctors other than the City's authorized physician. If an on-the-job injury results in a need for leave from your job, that leave will be governed by the City's leave policies found in Section V of this handbook.

On-the-job injuries are usually investigated by your supervisor and the City's Safety Manager so that similar injuries can be prevented in the future. In cases where the "Safety Review Board" or other appropriate board determines that the employee's injury was avoidable, a recommendation for corrective action may be imposed.

## 1.7 TEMPORARY LIGHT DUTY

At such times as City employees are unable to perform their regular duties due to their own injury, illness or other physical condition, the City will endeavor to provide light duty subject to the following restrictions:

- 1) No light duty jobs will be created—light duty will be assigned only when work is available and to be done. Assignment to light duty does not guarantee that the employee will receive the maximum amount of time available.
- 2) Length of Assignments
  - a) *Light Duty Necessitated by a Workers' Compensation Condition* – Where available, the initial assignment will not exceed six weeks. If the employee exhausts the six weeks and remains unable to perform regular duties, light duty if available may be granted for an additional 90 days. In the event that an employee cannot return after the first extension, he may be granted up to an additional and final 90 days in any rolling 12 month period.
  - b) *All Other Light Duty* – For all requests not covered by 2a) above, light duty, when available, will be limited to six weeks per occurrence. For multiple occurrences, an additional six weeks may be granted for a maximum of 12 weeks within a rolling 12 month period.
- 3) The City will generally give preference to employees who were injured on-the-job over other employees. In some departments, this may result in non-availability of light duty other than for on the job injuries because of the physical nature of the department's operations.
- 4) If there is no light duty available in an employee's regular department, the employee may be reassigned to any department that has light duty work available for which the employee is qualified.
- 5) Employees injured on the job may decline a light duty assignment if they so choose. Note that doing so may result in loss of eligibility for workers' compensation benefits.
- 6) Different or additional terms and conditions of light duty may apply to sworn employees in the Police and Fire Departments because of the unique nature of their operations.
- 7) Application of Policy to Pregnancy
  - Employees who have physical limitations due to pregnancy will be eligible for light duty on the same basis as employees with similar limitations that arise from any other non-job-related injury or health condition.
  - Sworn police officers who are pregnant will be moved to a desk assignment at the earlier of: (1) the time that the employee or her physician request such an assignment; or (2) the time at which the officer can no longer wear her vest or other protective gear due to the pregnancy. This temporary assignment is not subject to the six-week maximum time period limitation.

**[NOTE:** Removal or modification of a **non-essential** job function as an ADA accommodation does not constitute “light duty” and is not subject to the time limitations of this policy.]

## **1.8 IMMIGRATION LAW COMPLIANCE**

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility within the required timeframe. The City will comply with all applicable State and Federal laws to verify employment eligibility including using the E-verify system which compares US Citizenship and Immigration Service (USCIS) records with Social Security records to determine work eligibility. If we receive a no-match notice from E-Verify, HR will contact you with further information and instructions. You may be required to provide information to the appropriate federal agency within specified timeframes in order to clear you to continue working for the City.

## **1.9 RECRUITMENT AND SELECTION**

The City endeavors to hire the most suitable candidate for open positions and encourages current employees to apply for positions for which they are qualified. The City may also solicit and consider applications from external applicants. Generally, position vacancies will be posted for at least five business days. In recognition of the fact that our on-line posting is widely available to a diverse pool, all external recruitment will include posting on our website. Additional postings may be made through professional associations or other similar forums when a specific skill set is sought. To promote upward mobility, the City reserves the right to attempt to fill internally prior to external recruitment. Under appropriate circumstances, we reserve the right not to post official and executive level positions.

## **1.10 SIGNING BONUSES**

To ensure that we are able to hire qualified, knowledgeable and dedicated employees, the City may offer a sign-on bonus to new hires or current employees to accept a particular position. This initiative aids in the employment of individuals for critical positions that have labor market shortages which affect the business needs of the City and impair the delivery of essential services. Employees who have previously received a sign-on bonus are not eligible for any future sign on bonuses. The signing bonus is taxable, and all regular payroll taxes will be withheld. The amount of the sign-on bonus varies by position and will be paid as stated in the job advertisement.

## **1.11 BACKGROUND CHECKS AND PHYSICALS**

### **Pre-employment Checks**

A Background Records Check (BRC) is generally conducted for all individuals tentatively selected to fill any position as a condition of employment. In addition, volunteers may be required to participate. Any individual selected to fill a job classification requiring a driver's license, as indicated in the approved job description will be subjected to a Motor Vehicle Records (MVR) check. In addition, any individual selected to fill a job classification requiring an advanced educational degree or certificate may be required to provide a satisfactory education credentials check.

When reviewing an applicant's criminal history, the City considers various relevant factors such as the duties of the position being filled, the nature and seriousness of the reported conviction(s), and the length of time since the conviction(s). If the applicant has been convicted of drug charges within the previous five years, the City may choose to offer the applicant employment with an added contingency of unannounced drug testing for a reasonable period of time. Depending upon the seriousness of the drug charges that led to the conviction, the length of time since the conviction, or other relevant factors, this alternative may not be appropriate under some circumstances. Whether or not this alternative is appropriate in any particular instance is determined at the City's sole discretion based on

operational, public safety and similar considerations.

Police and Fire have departmental policies that contain specific disqualifiers for police officers and firefighters. The job offer may be withdrawn if the result of any of these checks is unsatisfactory in the City's sole discretion.

In addition, the City will require that a post-offer/pre-employment physical exam be conducted for all individuals tentatively selected to fill any regular position. The physical exam will confirm that the employee is physically fit to conduct the work required of his job description or, if necessary, assist Human Resources in determining what reasonable accommodations may be needed to assist the employee in carrying out the required job duties.

#### **Post-Employment Periodic Checks**

Employees who drive city vehicles will be subject to periodic MVR checks to ensure continued eligibility to drive City vehicles.

### **1.12 NEW EMPLOYEE ORIENTATION**

Generally, all newly hired employees, except for certain short-term positions, are required to attend New Employee Orientation. If orientation is not scheduled for that week, new employees are required to report to HR on or before the first day of work, before reporting to their departments. The minimal required paperwork will be completed at that time and the new employee will be notified when the next orientation class is to be held. At the orientation session, employees will finish completing new hire paperwork as well as enroll in our benefit plan offerings. Additionally, this Employee Handbook as well as policies, procedures and expectations will be reviewed.

### **1.13 INITIAL INTRODUCTORY PERIOD**

New employees will serve a one hundred eighty (180) day Initial Introductory Period. During the introductory period, supervisors should provide regular feedback on job performance. Employee performance evaluations should be conducted prior to the conclusion of the introductory period. Failure to achieve a satisfactory level of performance during the Introductory Period will normally result in separation from service. The introductory period may be extended by up to 60 days if deemed appropriate by the City.

Employees in their initial introductory period accrue leave but its use is restricted for the first 90 days of employment. For details, please see Section V of this handbook.

The initial introductory period is only applicable to new hires. For the purposes of this policy, new hire is defined as either a new employee or a former employee hired after a break in service. Internal transfers and promotions are governed by a separate policy.

### **1.14 COMMUNICATING THROUGH YOUR SUPERVISOR**

Your supervisor is your first line of communication. He is tasked with assuring compliance with the City's policies and procedures, directing you in your work, and informing you of the standards of dress, attendance, and conduct that you are expected to meet. If you have any questions about the City's policies and procedures, ask your supervisor. Your supervisor can assist you in accessing answers to your inquiries. Be open to this help and ask for advice or assistance at any time.

## **1.15 PERFORMANCE REVIEW**

Periodically, your supervisor should evaluate your performance on the basis of your job description and standard criteria developed within your department. Please take any suggestions he makes seriously. Performance reviews are an important part of your personnel record because they are considered during evaluation of disciplinary actions, pay raises, transfers and promotions.

The review form includes a section in which you can note your comments, suggestions or any other relevant information. You are encouraged to take advantage of this opportunity. Although you are not required to make comments you are required to sign a copy of your review. Your signature does not mean that you necessarily agree with the content of the review, but only that it was reviewed with you. Failure or refusal to sign a performance review may result in discipline.

## **1.16 PERFORMANCE IMPROVEMENT**

If performance slips below an acceptable level, you may be placed on a Performance Improvement Plan. Such a plan is an opportunity for you and your supervisor to determine what may be affecting your performance, what steps can be taken to remove any obstructions, and to define goals and standards to redirect you back on the path to success. Use the Performance Improvement Plan as an opportunity for self-reflection, to gain additional training and to focus on your job so that you may be successful for years to come.

## **1.17 ELIGIBILITY FOR PROMOTIONS AND TRANSFERS**

Normally, to be considered for an open position, you must have successfully completed the initial 180 day introductory period and you must submit an application for the position. Some of this 180 day period can be waived by the City if the early transfer is necessary to meet operational needs. Generally, this will happen primarily with departmental internal transfers. If eligible, you may submit an *Internal Job Application instead of the new hire application*. In order to be considered an applicant for the position, all submissions must arrive in Human Resources in a timely manner and meet the minimum requirements of the position, with or without a reasonable accommodation due to any disability you may have. Generally, we will also consider your present employment, specialized background or skills, past performance, and disciplinary history. This is your opportunity to present your best skills, training, and experience as you attempt to be the best qualified for the job.

Normally an employee who is promoted or transferred to a new position will be evaluated within 90 days of the effective date of the move.

If you apply for a position and are not chosen, we encourage you to continue applying when appropriate vacancies occur. A new *Internal Job Application* should be submitted for each separate position for which you wish to apply.

Note that reclassification or restructure of an existing filled position does not constitute a promotion or transfer or otherwise subject it to mandatory posting.

## **1.18 LOSS OF NECESSARY LICENSE OR CERTIFICATION**

Certain positions involve duties for which the employee must obtain and maintain a license or certification to perform. In the event that an employee loses a license necessary to perform his duties, he may be separated from service. Separation for such a reason is not grievable. Where transfer to a position not requiring the license is possible and in

the City's best interest, the employee may be transferred in lieu of discharge. In such a case, the employee's pay may be adjusted accordingly. When appropriate, the employee may be placed on a leave of absence while endeavoring to reestablish the needed license or certification. However, there is no guarantee of reinstatement from such leave unless otherwise required by law. The terms and conditions of leave and return to work will be governed by the leaves of absence policy found in this handbook. What changes, if any, that will be made are determined based on the needs of the City.

## **1.19 SECONDARY EMPLOYMENT**

You are required to inform, and you must receive approval from your supervisor on a *Notice of Secondary Employment* form, before you accept a second job or if you have additional employment with another company. In some situations we may ask you to refrain from such employment (due to safety and other business-related reasons) while most situations may not require anything more than informing your supervisor and Human Resources of such additional employment. Secondary employment cannot interfere with city work hours, performance or otherwise create a conflict.

## **1.20 EMPLOYMENT OF RELATIVES**

Employment of immediate family members is permitted provided that it does not create a conflict or appearance of conflict of interest or compromise the efficiency of operations. Generally, related employees may not work in the same department or division unless the situation is such that the employment will not result in one family member supervising another or having influence over the employment, promotion, salary administration, or other management or personnel considerations of another immediate family member. For the purposes of this policy, immediate family member includes: spouse, parent, child, grandparent, grandchild and sibling as well as in-laws and steps of those family members. Additionally, unrelated employees residing together or otherwise engaged in an apparently romantic or familial relationship (such as domestic partner, co-habitant or significant other) are treated as being within the immediate family of each other for the purposes of this policy.

If existing employees become immediate family members, such that a violation of this policy occurs, the City will endeavor to transfer one of the employees to resolve the problem. If no such transfer is available, the City may require that one of the employees resign. If the employees cannot decide amongst themselves who will resign, the City will discharge one of the employees. Generally, the lower paid employee will be discharged. However, other factors may be considered when necessary to best meet City needs.

## **1.21 EMPLOYEE REFERRAL PROGRAM**

The City and its employees take pride in its employee team. In an effort to encourage participation in its recruiting and staffing efforts, the City is willing to pay \$300 to the current City employee who refers someone new to the City and:

- 1) The referred person is hired in a regular full-time position and successfully completes the introductory period;
- 2) The referring employee will be awarded half of the bonus (\$150) on the pay period following the referred person's hire date;
- 3) To Receive the second half of the bonus (\$150), the referred person must remain with the City of Charleston for at least six months;
- 4) The referred person's employment must be active and in good standing;
- 5) City employee's name is listed on the referred person's application as the recruitment source;
- 6) The referring employee is employed with the City at the time of the referral payment; and
- 7) The request form is submitted within one year of the referred employee's hire date.
- 8) The referring City employee cannot be in the position's chain of command.

Contact Human Resources for the proper form to request reimbursement.

## **1.22 EMPLOYER DIRECTED TRAINING**

From time to time, the City of Charleston may provide required employer-directed training to its employees to encourage a better educated and more highly skilled workforce. Generally, the cost of training required for your own job will be paid by the City, including the training time. In some cases, the City may elect to pay for job-related training which is not required, but which is requested by an employee. City payment for requested training may be subject to certain employee copayments or reimbursement terms. All employer-directed training must be directly related to the employee's present job and must be approved in advance by the employee's department head. Whether training time is considered paid work time is governed by the FLSA.

## **1.23 PERSONNEL RECORDS**

The City will strive to maintain confidential and accurate records of each employee's employment with the City of Charleston. Each employee is responsible to ensure that Human Resources has accurate information regarding the employee's address, phone number, emergency contact information. Any changes must be reported to your supervisor and/or Human Resources as soon as possible.

An employee may examine the contents of his personnel file at reasonable times during office hours by scheduling an appointment. An employee may obtain copies of any of the documents in his personnel file for a nominal fee.

As another form of communication, employees will find that they will generally be asked to sign documents and forms that affect their employment. Your signature does not mean that you necessarily agree with the content of the document or action taken, but only that it was reviewed with you. Failure or refusal to sign a required document may subject you to discipline.

## **1.24 IDENTIFICATION BADGES**

Each employee should be issued an identification badge upon commencement of employment. Any employee who works with the general public or in view of the general public should visibly wear the identification badge during working hours. Identification badges also allow employees to be eligible for certain employee benefits and activities from time to time. The identification badge must be returned to the supervisor upon employment separation. The City will replace any identification badge rendered unusable through the normal course of work provided the employee returns the unusable badge to the Department of Human Resources. Employees may be charged a replacement fee for reissuing any lost or otherwise destroyed identification badge. Employees may not allow others to use their identification badge to access city events, property or for other similar purposes.

## **1.25 WORKPLACE PRIVACY**

The workplace is intended to be a place of work. An important part of work is communication and record keeping. No employee is at work 24 hours a day, seven days a week, and there are times when management needs access to equipment, communications or records maintained by employees in their individual workplaces. Each employee must understand that personal items and personal communications received or stored on City premises are not entitled to

a guarantee of privacy. As a general rule, do not bring any item to or make any communication at work that you would not want published to the general public.

Management reserves the right to search City property including employee desks, lockers, file cabinets, etc.

Electronic media raise similar issues. The City provides electronic and telephone communication and, when necessary, computers to employees. Although assigned to the employee, these items still belong to the City. Telephone, electronic mail (e-mail) and Internet access may be provided by the City to facilitate communication. Generally, you should limit your use of these communication avenues to the business of the City. These communication avenues may not be used for inappropriate or unprofessional communications or to access personal social media sites. You should take care to use the same standards in drafting e-mail messages as you would in drafting memoranda for circulation within the City. The City reserves the right to review all electronic records, including voice mail and e-mail, in the City's networks.

Although occasional personal use of City electronic or computer systems may be tolerated, employees are hereby advised that any communication created by, stored on, transmitted to or from, received by or otherwise made with the use of City systems is subject to unannounced review, use and publication to others. While there may be occasional personal use permitted, there is no such thing as private use of these City systems. In the event that personal use of City systems becomes excessive or detrimental to operations, supervisors have the discretion and authority to prohibit all personal use to address those problems. By using any City system for personal purposes, an employee or other individual expressly consents to any review, publication, or other use of that communication.

An employee may **not** use City systems, software, or other resources for personal or private business enterprises or ventures. Any use of City systems for other business purposes or personal gain will subject the employee to discipline up to and including discharge.

[NOTE: Please see IT policies in Appendix I and Appendix J for more information.]

---

## **2. EMPLOYEE CONDUCT**

## **2.1 EXPECTATIONS OF EMPLOYEE CONDUCT**

The City expects you to conduct yourself in a courteous and professional manner. Some conduct is unacceptable and may result in discipline up to and including discharge. It is not possible to list all acts or omissions that might result in discipline or even discharge. However, a list of some of the more obvious examples can be found in the Code of Conduct included as Appendix B of this handbook.

What discipline, if any, to be imposed in any particular circumstance will be determined in the City's sole discretion. The City, generally, will consider the nature and seriousness of the conduct and the work and discipline record of the individual(s) involved. Discipline may include oral or written warnings, suspension, docking of paid leave balances, transfer, reduced salary, discharge, or any other measures the City considers appropriate.

Any employee who receives any disciplinary notice, warning, counseling memoranda, or other similar disciplinary document is required to sign a copy of that document. The employee's signature does not necessarily mean that he agrees with the discipline, but only that he is aware of it. Failure or refusal to sign any disciplinary document may subject an employee to further discipline.

The City has a grievance procedure in place for employees who have a complaint of unlawful action or violation of city policy taken against them. Refer to the section entitled "Grievance Procedure" for more information.

## **2.2 GRIEVANCE PROCEDURE**

The City has a grievance procedure in place for any regular full-time or part-time employee (excluding introductory period, temporary, seasonal and occasional employees and interns) who has a complaint regarding certain adverse employment actions. Adverse actions covered under this policy are discharges and demotions with loss of pay. Matters pertaining to compensation, position classification, as well as performance evaluations, employee feedback reports, written warnings, suspensions, and other supervisory communication which does not constitute discipline are not proper subjects for consideration.

An individual's dislike or disagreement with a City policy is not grievable. Matters which are not within the City's prerogative to correct are not grievable (for example loss of a license or certification issued by an authority other than the City and required for the employee's job). Whether a particular matter is grievable is determined at the City's discretion. Reassignment within the same job title (example new shift, station or team) is not a grievable matter.

NOTE: complaints of actions that may constitute unlawful workplace harassment or discrimination on the basis of sex, race, age, disability, or other protected status should not be submitted through this process, but should be reported directly to City Human Resources so that an investigation can be opened immediately and any appropriate action can be taken.

Any employee requesting a grievance, must do so by submitting a completed Grievance Request form to the Director of Human Resources within fourteen (14) calendar days of being made aware of the adverse employment action against them. Further grievance procedure information may be obtained from Human Resources.

The grievance process does not create any contractual rights for any party. No individual is guaranteed any particular desired resolution.

## **2.3 ETHICS GUIDELINES**

The City is committed to an ethical work environment and each employee is expected to act with integrity and

honesty.

A hallmark of good government is working for the common good and not for one's special interests. Transparency into government workings allows the public to have confidence that is happening. Because governments work through employees, those employees must exercise integrity and ethical conduct in performing their public duties. That includes avoiding and disclosing personal interests which pose conflicts or potential conflicts of interest with an employee's public duties and responsibilities.

Obviously, not every interaction with a third-party business creates a conflict. It depends upon the facts and circumstances. It is important to make yourself aware of the kinds of circumstances out of which conflicts might arise. To protect yourself from violation, you should ask yourself the following questions. If the answer to any questions is yes, that does not necessarily mean you have a conflict of interest, but it does mean that you should disclose it so that it can be reviewed to ensure your compliance.

1. Are you or any member of your immediate family associated with any business that is regulated by the City? (Examples: taxi cab service, tour guide, etc.)
2. Are you or any member of your immediate family associated with any business that sells products or services to the City?
3. Does any member of your immediate family (excluding yourself) receive any income from the City?
4. Do you have or plan to have any employment (including self-employment and consulting) other than the City position listed above on this Statement of Interests?
5. Do you or any member of your immediate family currently own real estate in the City of Charleston to which there have been public improvements (i.e., the addition of sidewalks, road paving, water service, etc.) of more than \$200 within the last year?
6. Do you or any member of your immediate family currently own real estate that is the subject of pending actions by the City of Charleston?
7. Do you or any member of your immediate family own real estate that is/was purchased from, sold to, or leased to the City of Charleston?
8. Do you or any member of your immediate family accept pay to lobby the City on behalf of projects or organizations of any type, or do you have financial ties to any organization that does?
9. Have you received any gifts, (including tangible items, transportation, lodging, food or entertainment) during the past year from any person or entity seeking to obtain or maintain a business opportunity with the City and which gifts were of a value of \$25 or more in any one day, or \$200 or more in the aggregate in a calendar year?
10. Have you received any gifts or favors during the past year that you have any reason to believe the donor would not give the gift or favor but for your City position?
11. Have you offered any favor or gift to any other City employee or official that could be construed as a bribe, trade-off, or other effort to influence that individual's decision about the exercise of official decisions, approval, or City action?
12. Has any person or non-governmental organization reimbursed or paid for your travel, or paid or reimbursed other expenses directly to you for any speaking, presentation, or similar event?
13. Are you aware of any other potential conflicts with your City employment that are not addressed in the items above?

The resolution of such conflicts of interest will be determined on a case-by-case basis. In some cases, we may have to ask you to discontinue such relationships. Other situations may require nothing more than some measure of disclosure to your supervisor and/or fellow employees. In some instances, such activities may prevent your continued employment with the City. In each case, the City may take any necessary action in its judgment to prevent the unwarranted and unauthorized disclosure of City information and to protect the City against the possible appearance of impropriety.

It is the responsibility of each employee to report any unethical or illegal activities, or misconduct to their supervisors or other members of management. Examples of these activities include, but are not limited to misuse,

stealing, or other misappropriation or distribution of City property, funds or records. If, for some reason, you are not comfortable in reporting these activities to management, the City provides an independent 24 hour, 7 days a week hotline that employees can use to report such activities. The phone number is 877-879-9803 or a report can be made online at [www.InTouchWebsite.com/CharlestonHelpline](http://www.InTouchWebsite.com/CharlestonHelpline). All reports will be seriously reviewed and action taken when appropriate.

[For more information, please review the Whistleblower Policy in Appendix D.]

### **2.3 a Questionable Payments**

Employees may not give, receive, or offer to give or receive anything of value for the purpose of influencing a decision of any person, within or outside the City, or which could be construed as a bribe, payoff, kickback, tradeoff of service, or other questionable transaction, or for the purpose of receiving goods, services, or any other benefit in return.

### **2.3 b Gifts, Gratuities And Entertainment**

Neither City employees nor any member of their families may solicit or accept gifts, gratuities, or entertainment which may appear to influence business decisions from anyone who has, or is contemplating, a business relationship with the City. Gifts, gratuities and entertainment includes but is not limited to meals, trips, money, loans, rewards, merchandise, foodstuffs, tickets to sporting or cultural events, entertainment and personal services or work provided by City suppliers or contractors. If in doubt, ask your supervisor.

### **2.3 c Conflicts Of Interest**

As an employee of the City, you will become aware of information that could be of value or interest to competitors. Your relationship and the relationship of members of your family, with such organizations or individuals may create a conflict of interest or the appearance of a conflict of interest. Examples of potential conflicts of interest include, but are not limited to the following: if you or a family member is a director, officer, employee, agent, or consultant of such company or individual; if you have an investment or a direct or indirect financial interest therein; or if you contemplate becoming so involved with such third parties in the future in such a manner. For example, if you have secondary employment or a private business, you could not use your City position for personal gain.

The resolution of such conflicts of interest will be determined on a case-by-case basis. In some instances, such activities may prevent your continued employment with the City. In other cases, we may have to ask you to discontinue such relationships. Other situations may require nothing more than some measure of disclosure to your supervisor and/or fellow employees. In each case, the City may take any necessary action in its judgment to prevent the unwarranted and unauthorized disclosure of City information and to protect the City against the possible appearance of impropriety.

### **2.3 d Reporting Unethical, Illegal, or Irresponsible Activities**

It is the responsibility of each employee to report any unethical or illegal activities, or misconduct to their supervisors or other members of management. Examples of these activities include, but are not limited to misuse, stealing, or other misappropriation or distribution of City property, funds or records. If, for some reason, you are not comfortable in reporting these activities to management, the City provides an independent 24 hour, 7 days a week hotline that employees can use to report such activities. The phone number is 877-879-9803 or a report can be made online at [www.InTouchWebsite.com/CharlestonHelpline](http://www.InTouchWebsite.com/CharlestonHelpline). All reports will be seriously reviewed and action taken when appropriate.

[For more information, please review the Whistleblower Policy in Appendix D.]

## **2.4 POLITICIAL ACTIVITIES**

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

If any employee's candidacy for public office creates a conflict of interest with his city employment, the employee/candidate may be placed on an unpaid leave of absence until after the election. If an employee is placed on a leave of absence, his employment will terminate upon his election to an office that creates an actual conflict with his duties. If not successful in his candidacy, the employee may be returned to City employment. For the purposes of this policy, an employee is considered a "candidate" for public office as soon as he begins actively campaigning for nomination or election, or when he files for candidacy, whichever occurs sooner.

While the City does not prevent any employee from actively engaging in a political or election process, no employee shall do so in any manner whatsoever (including attending meetings or rallies, distributing literature, campaigning, etc.) during work hours. An employee also may not use his City employment to further his political interests or to solicit political activity or support from others. Political activity must also be in compliance with the Hatch Act or other applicable law.

Some employees are covered under the Federal Hatch Act. The Hatch Act generally applies to employees/positions that receive federal funding or grants. The Hatch Act has stricter restrictions on political activity for covered employees than this policy. For example, an employee covered under the Hatch Act who seeks election in a partisan election may be discharged and will not be eligible for re-employment for 18 months. If you have questions about whether your position is covered under the Act or any particular activity is prohibited, you should contact the City's Human Resources Department.

## **2.5 DAILY SCHEDULE**

Schedules will vary depending upon your job and the workload. Your supervisor will schedule your specific hours. It is your responsibility to know the schedule. We expect you to give your full attention to your duties during the workday.

In the event of major storms or other emergency situations, City employees may be subject to 24 hour shifts or any other emergency schedule that is necessary to meet the City's needs.

Excessive tardiness, absenteeism, extended lunch hours, or personal telephone use will reflect against your performance review, promotional opportunities and may require disciplinary action and/or employment termination. Protected absences such as those for FMLA covered conditions, military leave, and other similarly protected absences are not counted for purposes of this policy.

### **2.5 a Tardiness**

In order to effectively serve the needs of our citizens, it is of utmost importance that you report ready for work promptly at the assigned time and place. Your work start time is when you should be beginning work, not arriving to work. If you are arriving to work at your start time, you're tardy.

### **2.5 b Absence**

Unless departmental policy dictates otherwise, in the event you cannot attend work due to illness, injury or emergency, your supervisor must be notified as soon as possible and, except under extreme circumstances, one (1) hour before your scheduled start time. Unless you are on an approved and excused leave of absence, you should inform your

supervisor daily if the absence exceeds one day. Make sure that you obtain contact information and procedures from your supervisor. Your supervisor may request a written doctor's statement at any time. If your absence is not approved by your supervisor, you fail to follow proper call-in procedures, or you fail to provide a requested doctor's statement, your absence may be unpaid and you may be subject to disciplinary action up to and including termination. Leaving messages outside of work hours or with coworkers may serve as additional reporting methods, but they do not satisfy the requirement that you speak directly with your supervisor.

Failure to properly call in or to report for work as scheduled for three consecutive workdays is considered job abandonment and will generally result in separation from employment.

## **2.5 c Attendance In Inclement Weather**

Whenever the Mayor determines that weather conditions warrant the closing of any City offices or departments, affected employees, with supervisory approval, will be excused and paid for time missed subject to the following guidelines:

- The employee must remain in work-ready status and reachable by phone during their normal working hours;
- If the office/department does not reopen during the day, the employee will be paid for the scheduled work hours;
- If the office/department reopens during the day, the employee must report to work as directed;
- If the employee does not report to work upon reopening, the employee will be paid from any available annual leave. If the employee does not have enough leave to cover the time the employee will be granted leave without pay.
- If the City does not close the employee's office/department but unusual weather conditions prevent the employee from reporting to work, the employee will be paid from any available annual leave (if the employee does not have enough leave to cover the time, the employee will be granted leave without pay) provided that the employee timely and properly notified his supervisor of such circumstances.
- Employees on any type of approved paid leave during inclement weather will not be affected by this guideline and will not be reimbursed their leave time.
- Paid leave due to inclement weather will not be treated as time worked for overtime purposes.
- Employees who live in areas designated for mandatory evacuation are expected to return to work or contact their supervisor within 24 hours of the official all clear.

***Note: In case of inclement weather, you may contact your supervisor or call the City's Employee Emergency Information Line at 843-579-7549. If instructions on the Employee Emergency Information Telephone Line differ from your supervisor's instructions, the supervisor's instructions prevail.***

## **2.5 d Break And Lunch (Meal) Periods**

The City allows employees to take up to two 15 minute breaks away from work each day provided work allows. Breaks should not be taken at or near the beginning nor the end of the workday. Breaks are paid time and therefore cannot be used or reduced for the purpose of leaving early, arriving late or extending a lunch period. Employees may be denied a break period if the workload dictates or to ensure adequate coverage in the work area. Employees are not guaranteed that they will receive any or all breaks outlined.

Generally, departments allow a period of time each full shift/day for a meal break. Generally meal break time is not considered time worked with respect to most hourly employees and other nonexempt personnel. Unless instructed otherwise, non-exempt employees are expected to take their meal breaks and be completely relieved of their job duties for this time period. As such, meal breaks should be taken away from your usual workstation. If you are required to work during all or part of your meal break, you must report that on your timecard.

## **2.5 e Lactation Breaks**

Employees will be given unpaid, reasonable break time to express breast milk for one year after a child's birth. In addition, they will be given access to a private place, other than a bathroom, which is shielded from view and free from intrusions of

coworkers and the public. During this break time, no duties may be required to be performed. For non-exempt employees, breaks more than 20 minutes will be unpaid and should be indicated on the time sheet.

## **2.5 f Personal Telephone Calls**

Office and City-issued mobile phones are primarily for business use. It is important to maintain the flow of productivity during the work shift. Please discourage friends or relatives from calling you at work on either your work phone(s) or any personal communication device. If you must make a personal call, keep it as short as possible. The City reserves the right to monitor the use of office and City issued phones to ensure their use for primarily business purposes and to forbid or restrict the use of personal communications devices (including cell phones) if they interfere with business operations. Specific rules relating to personal phones or devices are normally made at the departmental level. If your supervisor permits you to have a personal phone or device during duty hours, the ring tone should be set to vibrate so as not to disturb other workers.

## **2.6 SUBSTANCE ABUSE AND TESTING GUIDELINES**

The City has a strong commitment to work with its employees to provide a safe workplace and to establish programs promoting high standards of employee health. The City is also committed to providing the best possible service by its employees with reliability, predictability and safety. It is the right and intent of the City and all its employees to protect the City's property, equipment and operations. Consistent with the spirit and intent of this commitment, the City has established a policy regarding drug and alcohol abuse and testing for its employees. This policy, in part, prohibits the illegal use of drugs at any time by any employee. Additionally, the policy prohibits the use of alcohol while on the job or reporting to work under the influence of alcohol. Violations subject an employee to discipline up to and including discharge. A copy of the policy is posted on City EEO Boards and is available on the HR internal website. Additional copies may be requested by contacting HR.

[Please refer to Appendix E, the Employee Substance Abuse and Testing Policy.]

## **2.7 VIOLENCE IN THE WORKPLACE**

The City takes seriously the issue of workplace violence. Violence in the workplace will not be tolerated under any circumstances. This includes, but is not limited to, actual physical violence, threats of violence, fights or arguments between employees and others, use of abusive language or bringing unauthorized weapons of any type into the workplace. Any employee who sees a threatening or uncomfortable situation or feels threatened should not try to handle the situation by himself. Instead, he should immediately remove himself from possible danger and contact a Supervisor, Human Resources or the Police Department (911). Any incident will be investigated and the employee(s) involved will be subject to the appropriate disciplinary action up to and including discharge.

If you have secured a protective order from a court, you should notify your supervisor or Human Resources of the order so that the appropriate steps can be taken.

## **2.8 SMOKING IN THE WORKPLACE**

The City prohibits tobacco use in all of its facilities and parks. In addition, all tobacco use is prohibited in all City-owned vehicles (including take-home vehicles) and equipment. This policy also applies to e-cigarettes. Employees may be disciplined up to and including discharge for violating this policy.

## **2.9 MAIL**

The City's mail system is restricted to City business only. Employees may not use City-paid postage to send personal mail nor should employees address their personal mail to be delivered to the City. Interdepartmental mail is similarly to be used for City-business only. All mail not marked "confidential" that is received by the City, including interdepartmental mail, may be opened by a supervisor or designee for routing or other purposes.

## **2.10 VEHICLES AND DRIVING FOR THE CITY**

If a City leased or owned vehicle is assigned to you for use, it is with the express intent that it be used for *City business only*. Only authorized personnel may operate the vehicle. City vehicles are not for personal use nor are they to be used to provide transportation for unauthorized persons.

It is your responsibility, as the driver of an assigned vehicle, to make certain that the vehicle is properly maintained, that the vehicle is properly locked and secured, and that you operate it in a safe and professional manner. Texting while driving any City vehicle or operating heavy equipment is expressly prohibited. Additionally, departments may further restrict or altogether prohibit the use of mobile phones when operating certain vehicles or heavy equipment. You should also inspect your assigned vehicle every day before taking it out on the road and when it is secured for the day. Notify your supervisor immediately upon discovery of any operational or safety concerns. You and all of your passengers *must* use seat belts.

You must have a valid driver's license and satisfactory driving record to drive for the City or to operate a City vehicle. The City may check your driving history at any time. If you drive for the City or operate a City vehicle, you must notify your supervisor if your driver's license is suspended or if you incur a citation for any moving violation as soon as possible whether the violation occurs during or outside of work hours or whether in a City or personal vehicle. Any falsified or omitted information concerning your driving record may lead to disciplinary action up to and including termination.

Many employees who operate City vehicles will be assigned a Personal Identification Number (PIN) for use with a vehicle's Fuel Card. These individuals will be required to sign a Fuel Card User Agreement, and must comply with all the provisions cited therein or be subject to disciplinary action up to and including termination of employment. This may include reimbursement to the City for any charges incurred, and any such charges may be deducted from any money that would otherwise be due to the employee, including salary or wages.

All accidents and incidents involving City vehicles must be reported immediately to your supervisor. In cases where the "Accident Review Board" or other appropriate board determines that the employee caused or could reasonably have avoided the damage, the board may recommend corrective action including, but not limited to, requiring the employee to pay all or a portion of the damages or deductible.

[Please refer to the Vehicle Accident Review Board Policies and Procedures for more details.]

## **2.11 CARE OF UNIFORMS AND CITY PROPERTY**

Many employees will be issued uniforms, tools, mobile phones, computer laptops, and other equipment required for job performance at the City's expense. The care and maintenance of this equipment is *your* responsibility. You may be required to sign receipts for the equipment maintained in your possession. You may be asked to execute uniform or property issue agreements that authorize payroll deductions for lost or damaged uniforms or equipment. When completed, these agreements will be kept on file. The City will replace uniforms, equipment, or other items that become

unusable through usual wear and tear; however, you must replace *lost* or *abused* uniforms and equipment at your personal expense. Make sure your uniforms and equipment are properly maintained at all times. Equipment maintenance should be regularly scheduled and performed to prevent breakdowns. You will be required to return to the City any issued uniforms or other equipment upon separation from service or at the request of the City. Failure to do so may result in payroll deduction of the cost of unreturned items. By accepting continuing employment, the employee is authorizing the payroll deductions outlined above.

It is the responsibility of each employee to report any misuse, theft, or other misappropriation or distribution of City property, funds, or records by informing his supervisor, calling the Audit Hotline at 877-879-9803, or reporting on-line at [www.InTouchWebsite.com/CharlestonHelpline](http://www.InTouchWebsite.com/CharlestonHelpline).

## **2.12 CLOTHING**

You are expected, at all times, to present a professional, business-like image to visitors, customers and the public. Workplace attire and grooming must be neat, clean and appropriate for the work being performed and the setting in which the work is performed. Clothing that reveals too much cleavage, the back, the chest, the stomach or underwear is not appropriate for a place of business. Non-uniform T-shirts are generally unacceptable in office environments except during special events. Please keep the following guidelines in mind:

- Certain employees may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms, depending on the nature of their job.
- Some standards of dress for employees are governed by the City's Safety Guidelines. These guidelines are available on the City's internal website and on your department's EEO Board or you may request a hard copy from your department head or Human Resources.
- At its discretion, a department may allow employees to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance.
- Tattoos and body piercing should have limited visibility so as not to distract from your overall professional appearance.
- Since some employees are allergic to the chemicals in perfumes and make-up, employees are expected to wear these substances with restraint, if at all. Similarly, employees are expected to practice good personal hygiene habits to prevent offensive body odors.
- The City encourages employees to leave expensive or sentimental items at home when working as the City cannot be responsible for the loss or damage of personal property while at work.
- If you have a medical condition or religious belief that may require a deviation from this policy, please contact the Human Resources Department. We are interested in accommodating your request unless the accommodation creates an undue hardship.
- No dress code can cover all contingencies so you must exert a certain amount of judgment in your choice of clothing to wear to work. Should you experience uncertainty about acceptable attire for work, please consult your supervisor.

If you fail to meet the above standards, as determined by your supervisor and Human Resources, you will be asked not to wear the inappropriate item to work again or, if deemed to be too inappropriate, you will be sent home to change and return to work as soon as possible. This will be unpaid time although you may use appropriate paid leave, if available. Further infractions may result in disciplinary action up to and including termination.

---

### **3. PAYROLL INFORMATION**

### **3.1 EMPLOYMENT STATUS DEFINITIONS**

The City maintains standard definitions of employment status and classifies employees for purposes of personnel and benefits administration and related payroll transactions.

**All employees fall into one of the following two categories:**

#### **3.1 a Exempt**

Exempt employees are those whose positions and duties meet specific tests established by the Fair Labor Standards Act (FLSA) to be exempt from the minimum wage and overtime requirements of the law. Whether a particular position qualifies as exempt will be determined through Human Resources. Exempt employees normally are paid on a salaried basis, but will be paid on an hourly basis during certain intermittent FMLA absences.

Exempt employees are expected to work the number of hours needed to perform the job, and are not entitled to overtime pay or compensatory time off. However, a department or division head may grant additional paid time off to an exempt employee who has worked an inordinate number of hours, such as due to a storm. This is a privilege to be granted at the discretion of the department or division head, and not a right. It is intended to be utilized only in unusual situations.

Exempt employees are also treated differently than non-exempt employees for purposes of partial day absences. Please see the Paid Time Off policies in Section V of this handbook for further information on partial-day absences.

The FLSA restricts the circumstances under which an employer may make deductions from the salary of an exempt employee. The City's practices and policies are established and intended to ensure that improper deductions are not made. In the event of any inadvertent deduction, the employee will be fully reimbursed. If you believe that any amount has been deducted in violation of the law or our policies, you should file a complaint through Human Resources. If an improper deduction has been made, you will be reimbursed for the deduction and appropriate steps will be taken as needed to correct the problem in order to facilitate future compliance.

#### **3.1 b Non-Exempt**

Employees whose positions do not meet FLSA exemption tests and who are paid applicable overtime pay. Human Resources establishes an employee's non-exempt status. See the section entitled "Overtime" for more information.

### **3.2 EMPLOYEE TYPES**

**In addition to being classified as exempt or non-exempt, each employee is classified as one of the following:**

#### **3.2 a Introductory Period Employee**

These employees are hired in a regular full-time or regular part-time position but have not completed the 180 day introductory period and any extension. Former employees who have had a break in service of 30 days or more are considered new hires in this category.

### **3.2 b Regular Full-Time**

These employees have completed the 180-day introductory period and any extension. Additionally, these employees are regularly scheduled to work at least 37.5 hours per week; they are eligible for paid time off and all employee benefits offered by the City as explained in the section of this handbook entitled “Employee Benefits”, and subject to the other eligibility requirements of each benefit program.

### **3.2 c Regular Part-Time**

These employees have completed the 180-day introductory period and any extension. Additionally, these employees are regularly scheduled to work fewer than 37.5 hours per week; they are eligible for paid time off and certain other benefits as explained in the section of this handbook entitled “Employee Benefits”, and subject to the other eligibility requirements of each benefit program.

### **3.2 d Temporary**

These employees are hired for a short period of time usually during peak workloads or for vacation or other leave relief. Generally, temporary positions would not extend beyond six months. These employees may work a full-time or part-time schedule. They are ineligible for City benefits and holiday pay. The Temporary employee classification includes interns. Temporary employees, like all City employees, are employed at-will and there is no guarantee that employment will last the full-anticipated term.

### **3.2 e Seasonal**

These employees are hired to work during a specific season each year. These employees may work a full-time or part-time schedule during the season. They are ineligible for City benefits and holiday pay. Seasonal employees, like all City employees, are employed at-will and there is no guarantee that employment will last the full anticipated term.

### **3.2 f Occasional**

These employees are hired to work on an as-needed basis. These employees usually work sporadically throughout the year, normally during peak workloads or for vacation relief. These employees are ineligible for City benefits and holiday pay. Occasional employees, like all City employees, are employed at-will and there is no guarantee that any work will be assigned or that employment will last the full anticipated term.

## **3.3 OVERTIME**

Except as otherwise provided by law, the following shall apply. It may be necessary for your supervisor to schedule and require you to work overtime to meet changing conditions. Except in emergencies and in cases of unforeseen operational needs, overtime will be scheduled with as much advance notice as possible and will be as equitably distributed among qualified employees as possible. Except in emergencies, all overtime work must be approved in advance by your supervisor.

For non-exempt personnel, overtime will be paid at one and one-half (1-1/2) times your hourly wage rate for all hours actually worked in excess of forty (40) per workweek (NOTE: Overtime requirements are different for Firefighters and Police Officers. Refer to specific departmental policies for further guidance). Exempt employees are not eligible to receive overtime pay.

Time paid as annual, sick or other paid leaves does not count as hours worked for the purposes of calculating overtime pay.

### **3.4 COMPENSATORY TIME**

In lieu of overtime, a non-exempt employee may be compensated in the form of compensatory time off. Compensatory time accrues at the rate of one and one-half (1-1/2) hours of leave for every hour actually worked over forty in a workweek following the same accrual rules as overtime. Compensatory time off may be used at a later date with supervisory approval. Any compensatory time not utilized within 180 days of the payroll ending date in which it was accrued will be paid in the employee's next regular paycheck. The city reserves the right to pay out compensatory time prior to the end of that 180 day period when necessary or appropriate. Just as with overtime, all compensatory hours worked must be approved in advance by the employee's supervisor. Further, the fact an employee will be awarded compensatory time for hours worked will be confirmed prior to the time the work is performed.

Employees may accrue a maximum of 80 hours of compensatory time. Once the maximum is accrued, all additional overtime must be paid rather than compensated with time until the compensatory time balance is used or paid out. Employees separating from service will be paid the full balance of their accrued compensatory time.

### **3.5 ON-CALL AND CALL-BACK TIME**

Any employee is subject to being called upon to perform duties outside of normal hours in the event of an emergency. However, in departments which frequently are called upon to provide after-hours services, certain individuals may be designated as being "on-call" who will normally be called first in the event that services are needed. On-call employees may be required to carry a city-provided communication device by which they can be reached but are not generally otherwise restricted while on-call. On-call employees are expected to be at a location where they may be reached without difficulty. While on-call, employees must refrain from consuming any alcoholic beverages.

Normally, an employee does not receive additional pay for being on-call, unless he is actually called to perform some work.

If an on-call non-exempt employee is called back, he shall receive payment of two (2) hours pay or the actual hours worked whichever is more favorable to the employee. Call-back pay begins when the call is received by the employee and ends at the completion of the job. Call-back pay is used in calculating hours worked for overtime purposes.

This policy does not apply when an employee is called to report early for the assigned shift or when the shift is extended. Employees shall receive overtime pay as applicable. Time spent at home answering questions or giving advice is not considered call-back time but will be compensated as time worked in increments of 15 minutes in addition to any applicable on-call pay.

Exempt employees do not receive pay in addition to their regular salaries for being on-call or for call back assignments. In extraordinary circumstances, a department leader or officer may grant an exempt employee additional paid time off but no exempt employees has a right to such additional paid time off.

### **3.6 TRAVEL PAY**

If you are required to travel for business-related purposes, the determination of whether travel time must be counted as hours worked depends on the circumstances of each situation as generally defined below for hourly, non-exempt associates.

1. A one-day work assignment with no overnight stay (including workshops, meetings, etc.) outside of the TriCounty area would include travel time as work time. Supervisors may exercise the option to adjust or "flex" normal work schedules for non-exempt employees (during the FLSA workweek in which the travel occurs) to minimize overtime.

2. Overnight trips where you are a passenger require that you be compensated for travel time if the travel time is within your normal work hours, regardless of the day of the week traveled. Otherwise, travel time outside of your normal work hours is not to be compensated unless you are performing actual work, (for example you are reading a report or taking work related calls while travelling as passenger in which case the actual time spent taking the calls or performing other work should be reported as work time). Regardless of the day of the week, if you are driving a vehicle to or from your business travel destination, then all hours spent driving are considered travel time and you will be compensated. Supervisors may exercise the option to adjust or "flex" normal work schedules for non-exempt employees (during the same FLSA workweek in which the travel occurs) to minimize overtime. Overtime pay should be minimized as much as possible for all overnight travel situations. Actual work-free meal periods (such as a scheduled "lunch on your own") are considered bona-fide meal periods and should not be included on your timesheet as work time.

If you are an exempt employee, you will be paid your normal weekly salary for all travel time and you are not entitled to any travel or overtime pay. Certain travel expenses (airfare, gasoline, etc.) may be reimbursed. Your supervisor can provide details at the appropriate time.

### **3.7 PAYMENT OF WAGES**

The workweek runs from Saturday through Friday. All employees are paid biweekly on alternate Fridays. These payroll checks include all hours worked for the two-week period ending on the previous Friday. Note that Police and Fire department work and pay periods are different and for information regarding the applicable work periods please review those Department specific policies.

Paystubs will be delivered to each employee's work area on payday. Leave balance and pay adjustments may be made in subsequent pay periods if not timely reported to the Payroll Office.

Cash, debts owed to the City, fringe benefits, uniforms, tools, equipment, vehicles, instruction manuals, keys, identification badges and other items belonging to the City and advanced or issued to an employee and not repaid or returned by him at the time of his separation are considered advances of wages, the value of which may be deducted from the employee's final pay check(s) or possible annual leave payout. By accepting or continuing employment, and by accepting these items, the employee is authorizing the payroll deductions outlined above.

### **3.8 NAME, ADDRESS AND STATUS CHANGES**

Immediately notify your supervisor of any changes in status (i.e. name, emergency contact, address, telephone number or marital status). When such status changes occur, you should complete the appropriate form and send it to Human Resources for accurate updating of your payroll and personnel records. These forms are available on the Human Resource Intranet page.

Additionally, when there is a change in your marital status and/or dependents, you must inform Human Resources within 30 days of the event so that appropriate changes in your benefits can be made.

***FAILURE TO PROPERLY GIVE TIMELY NOTICE OF A CHANGE AFFECTS YOUR ELIGIBILITY FOR CERTAIN BENEFITS BASED ON THAT CHANGE.***

## **3.9 PAYROLL DEDUCTIONS**

Various state and federal laws require payroll withholding or deduction. Required deductions may include federal and state income taxes; Social Security and Medicare contributions; and retirement contributions. There are other optional deductions that can be made such as: health, dental, and vision insurance; disability insurance; life insurance; deferred compensation; United Way contributions; direct deposit; supplemental insurances; and other similar options. Check with Human Resources for current information.

## **3.10 DIRECT DEPOSIT**

We require all employees to enroll in direct deposit or receive payment by check card.

Direct deposit allows an employee's pay to be automatically deposited into his bank account(s). An employee can elect to have his entire net check deposited into up to four accounts at one or more financial institutions. By using direct deposit, the employee's pay is in his account(s) on payday.

A *Direct Deposit Authorization* form must be completed in order to initiate or make changes to direct deposit. It is the responsibility of the employee to make sure that the bank transit / ABA routing number(s) and the bank account number(s) are correct. In addition, the financial institution(s) must be a member of the Federated Automated Clearing House system in order to allow direct deposit.

Each payday you will receive a pay stub rather a paycheck. The pay stub will resemble a paycheck stub indicating the amount(s) of the deposit(s) as well as regular pay and deduction information.

**Do not** close an account to which you are having automatic deposit without notifying Human Resources. Any changes to any account should be reported **prior to** the time the change becomes effective to avoid delays and complications in receiving your pay.

## **3.11 CONFIDENTIALITY OF PAYROLL RECORDS**

Human Resources and the Payroll office will maintain the privacy of your payroll records to the extent that it may be legal to do so. Except as indicated below, if you want the City to release information about your pay records, you must furnish an authorization, in writing, specifying the disclosure which you wish to have made and the name of the person to whom you wish the information to be released. The City's general policy regarding employment verification or reference requests is to release only the name, dates of employment, position held, and confirmation only of the individual's final rate of pay. NOTE: This policy applies only to the deduction, withholding or other similar information unique to you. The salary or rate of pay or pay range paid for particular positions may be disclosed to the general public, either in response to a Freedom of Information Act request or where otherwise appropriate.

---

## 4. EMPLOYEE BENEFITS

## **4.1 ABOUT CITY BENEFITS**

The City offers a comprehensive benefits package to serve as your foundation for good health, peace of mind and financial security. Unless specifically noted, each benefit is available only to regular full-time employees. Certain benefits such as medical, dental and vision are available to employees who average 30 or more hours per week. The City anticipates that its benefit programs will be offered on a continuing basis but it reserves the right to modify or terminate any program at any time as its needs change, subject to applicable law.

Since the specific details of any benefit plan depend upon the insurance carrier, plan design, and governmental regulations, all benefits are subject to change at any time. This Employee Handbook should only be looked to as a general statement regarding what benefits are offered at the time it was published. Further, this Employee Handbook should not be relied upon for determining the requirements for enrollment, for making changes in coverage or similar issues. You should refer to the specific plan policy or handbook issued for each benefit to determine plan details. Of course, Human Resources may assist you as well.

The employee portion of your premiums for coverage you elect will be deducted from your pay. In the event of unpaid leave, you will be given the option to either pay all amounts due in a lump sum before the leave or to make monthly payments to cover required premiums during the leave. In the event that any premium should go into arrears, the City has the right to deduct them from future paychecks or other balances. By enrolling in any of the City's benefit programs, you are expressly authorizing the City to make these premium deductions.

## **4.2 MEDICAL AND DENTAL INSURANCE**

All regular full-time employees and employees who average 30 or more hours per week are eligible to participate in the City's health plan (medical and/or dental insurance) on the first day of the calendar month on or following the employee's date of hire. Part-time or temporary employees who transfer to a full-time position will be eligible on the first day of the calendar month on or following the date on which they begin work in the full-time position. Within 30 days of the employee's date of hire or transfer to an eligible position, the employee must complete the appropriate enrollment forms and provide any additional information that may be required by Human Resources.

If you elect plan coverage, your cost for this coverage will be deducted from each paycheck. The coverage you elect including covered dependents will remain the same throughout the plan year. Employees can update coverage once a year during the Annual Open Enrollment Period. Otherwise, changes may only be made during the plan year due to a "special enrollment event" (also called a "qualifying event"). Examples of special enrollment events include a marriage, the birth of a child, a spouse's loss of employment, or similar events that cause coverage needs to change.

Any changes, additions, or deletions to the employee's coverage due to a special enrollment event must be reported in writing by the employee on a plan-approved enrollment form and must include appropriate supporting documentation. The health insurance enrollment form and supporting documentation must be received by Human Resources within 30 days of the special enrollment event. Note that changes in coverage may be subject to evidence of eligibility/insurability and that the City reserves the right to require the necessary documentation to verify that the employee's dependents are eligible for coverage. Failure to provide appropriate documents within the above-stated deadlines may result in denial of coverage. Further information and details are included on the intranet and in the current edition of the Benefits Guide and any amendments issued thereto. An employee may access this information on the intranet or contact Human Resources to request information. In case of a conflict between this Employee Handbook and any formal plan summary or documents, the plan documents will govern.

## **4.3 SECTION 125 PLAN**

This plan offers a tax-sheltered means for employees to pay premiums for medical, dental insurance, and vision. Your medical, dental and vision premiums will be deducted from your gross pay prior to taxes being deducted thus reducing the amount of federal and state income taxes and FICA (Social Security) contributions you are required to pay.

## **4.4 FLEXIBLE SPENDING ACCOUNTS**

Flexible Spending Accounts (FSAs) are a tax-saving way to pay health care and dependent care expenses that you would typically pay out-of-pocket. Expenses such as deductibles, copayments, coinsurance, prescriptions, dental procedures and eyeglasses can quickly add up, and dependent or elder care expenses can add up even more. The FSAs let you pay these expenses with pretax dollars.

To enroll, you must decide how much to contribute to either or both accounts for the plan year. You may contribute to the Health Care FSA and/or a Dependent Care FSA subject to certain rules. Each account functions separately. For the most current guidelines, please refer to your benefits guide or the intranet page. Please refer to the federal regulations for more details. Once you enroll, you cannot change your contribution amounts during the plan year unless you have a qualified work or family status change.

Contributions are deducted from your pretax pay in equal amounts during the year. This means you save money, as contributions are not subject to Social Security tax, federal income tax or state income tax.

When you have an eligible expense, you submit a claim for reimbursement from the appropriate account. You can use the Health Care FSA to pay for eligible expenses for yourself and your dependents. Under our current plan terms at the time of this publication, you may roll over up to \$500 of your Health FSA into the next plan year.

Health Care FSA and Dependent Care FSA enrollments are only valid for one year and must be re-enrolled during the Annual Open Enrollment Period in order to continue. Your account(s) will not automatically renew each year.

## **4.5 SOUTH CAROLINA RETIREMENT SYSTEMS**

All regular full-time and part-time employees are required by state law to join the South Carolina Retirement Systems upon the first day of employment. Most seasonal and temporary employees have optional membership. The required forms are included in your new employee information kit.

The City participates in two of the plans offered by the Retirement Systems: the Police Officers Retirement System (PORS) and the SC Retirement System (SCRS). Each employee is required to contribute a certain percentage of their gross salary to the Retirement Systems. The employee's contributions are deducted on a pre-tax basis. Employee contributions earn interest.

In addition, the City pays a certain percentage of an employee's salary for a group life insurance policy for all members of SCRS and PORS valued at one times the employee's annual salary as well as a disability retirement benefit should the member become disabled. PORS members also have an accidental death benefit paid by the City should the member die in the line of duty.

For more information about the terms and conditions of participation in the plan, please see your SC Retirement System handbook. Please note that the information supplied in this section is governed by South Carolina law and is subject to change at any time.

## **4.6 SC DEFERRED COMPENSATION (401K, ROTH 401K AND 457 PLANS)**

The City strongly encourages its employees to take advantage of this important benefit. This voluntary program offers three tax-sheltered retirement savings plans: 401(k), Roth 401(k), and 457. Employees may choose the amount they wish to be deducted from their paychecks subject to IRS regulations. This money is deducted pre-tax and saved as a supplemental retirement plan. The employee may choose from a variety of investment options including mutual funds and certificates of deposit. Additionally, you may be able to use accumulated funds to buy service time in the SC Retirement Systems (see the SC Retirement Systems handbook for more information).

## **4.7 BASIC GROUP TERM LIFE & AD&D INSURANCE**

In addition to the life insurance policy provided by the SC Retirement Systems, the City provides and pays the cost of an additional group term life insurance policy valued at one times the employee's annual salary. You must enroll in the program and name your beneficiary(ies) on the appropriate forms included in your new employee information kit. AD&D coverage is also included which provides additional coverage should you die or become dismembered as the result of an accident. Please see your policy for detailed information.

## **4.8 SHORT TERM DISABILITY INSURANCE**

The City provides Short Term Disability Insurance (STD) for regular full-time employees. This insurance pays sixty percent of your base weekly salary after a fourteen (14) day elimination period if you are out of work due to an off-the-job disability. The City pays the full cost of this benefit. As soon as you think you may need this benefit, it is important that you notify Human Resources so that a smooth transition in benefits will occur. For details relating to the terms and conditions of coverage, you should contact Human Resources.

## **4.9 LONG TERM DISABILITY INSURANCE**

The City provides Long Term Disability (LTD) insurance for regular full-time employees. This insurance pays sixty percent of your base salary after a six-month waiting period if you are unable to work due to a disability. The City pays the full cost of this benefit. As soon as you think you may need this benefit, it is important that you notify Human Resources so that a smooth transition in benefits will occur. For details relating to the terms and conditions of coverage, you should contact Human Resources.

## **4.10 SUPPLEMENTAL INSURANCE PRODUCTS**

The City makes the following supplemental insurance products available through payroll deduction:

**Additional Group Term Life Insurance & AD&D** – In addition to the basic group term life insurance & AD&D policy, the City offers the option of purchasing additional coverage for up to \$250,000 for a nominal premium paid through payroll deduction. Spouse and dependent coverage may also be purchased.

Other programs may be available during the open enrollment period. Please contact human resources for more information.

## **4.11 WORKERS' COMPENSATION INSURANCE**

The City provides insurance coverage for all employees for expenses incurred from accidents and injuries that occur in the course of job duties. Benefits and waiting periods apply according to state law. If you qualify, the authorized medical bills you incur will be paid by the City (the City is not responsible for medical bills incurred from doctors other than the City's authorized physician) and you will be paid two-thirds of your salary for the authorized time you miss from work due to a comparable injury.

During a worker's compensation absence, your City-provided insurance benefits will remain in effect under the provisions of the Family and Medical Leave Act explained in this handbook. Employees who are not eligible for FMLA leave or have exhausted their FMLA entitlement may continue their group coverage under the City's non-FMLA leave policy for so long as they remain in a workers' compensation paid status and until all available leave has been exhausted. You will not receive holiday pay while you are out due to a worker's compensation absence nor will you accrue hours toward vacation or sick-leave benefits while you are receiving workers' compensation benefits. The leave you take and the terms and conditions of reinstatement will be governed under the City's leave policies found in this handbook.

## **4.12 UNEMPLOYMENT INSURANCE**

The City provides unemployment insurance in case an employee should lose his job through no fault of his own. The cost is paid entirely by the City. Benefits are paid according to federal and state law and are determined by the Department of Employment and Workforce.

## **4.13 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

Employees of the City of Charleston and their family members are eligible to utilize the Employee Assistance Program. The EAP provides counseling in both individual and group settings to assist employees or their family members with personal problems that may be affecting the employee's job performance or just life in general. The EAP can help with personal problems such as drug or alcohol abuse, marital issues, financial problems and many others. Contact with the EAP is held strictly confidential and not reported to the City in any manner whatsoever except in the case of a mandatory referral by management as explained below. Our EAP provider at the time of this publication offers the first (5) visits at no cost as are most other services provided by the EAP. Voluntary EAP sessions should take place outside of the employee's work schedule. You may contact the EAP at 1-888-371-1125.

The City of Charleston reserves the right to require employees through a "management referral" to attend the EAP as a condition of their continued employment. In such cases, the EAP will report the employee's progress to the Department of Human Resources. If a management-referred employee fails to complete the program or to comply with the instructions of the EAP counselor, further disciplinary action up to and including discharge may be taken.

## **4.14 RECERTIFICATION REIMBURSEMENT**

Regular, full-time employees whose job description requires them to maintain a specific form of certification are eligible to have the cost of recertification reimbursed to them. The employee must reimburse the City for the cost of recertification if the employee voluntarily leaves the City within one year of recertification.

## 4.15 TUITION REIMBURSEMENT

The City encourages and supports the professional and personal development of its employees by funding certain voluntary educational pursuits. Although educational achievement can help to enhance the attainment of career aspirations, taking advantage of this benefit does not guarantee a promotion, salary increase, or any form of advancement. The City reserves the right to modify or cancel the Tuition Reimbursement program at any time.

The City will pay a percentage of tuition up to the maximum allowable calendar year limit (subject to change) and certain related costs for courses of study which will enhance the employee's relevant skill sets or potential for job advancement to a position within the City which the individual has a reasonable expectation of achieving. Requests for approval degree program for tuition reimbursement should be submitted at the time of enrollment in a degree seeking program to be considered for approval. An employee may request approval for a degree higher than their current level of education. Courses taken towards a degree must be publicly offered by accredited institutions of learning and recognized by the U.S. Department of Education. The following online tool is available to assist in determining accreditation: U.S. Department of Education Office of Postsecondary Education, <https://ope.ed.gov/dapip>.

Types of courses not approved for reimbursement include, but are not limited to:

- *Courses taken for auditing purposes with no grade*
- *Courses not related to advancement to other City position(s)*
- *Courses that are related to a hobby*

### Budgeting

Anyone seeking tuition reimbursement must submit a *Request for Approval of Degree Program for Tuition Reimbursement* form to Human Resources for approval at the time of enrollment.

### Eligibility

To be eligible for tuition reimbursement each employee must:

- be a regular, full-time or part-time employee;
- have at least one year of uninterrupted employment;
- complete and obtain approval of *Request for Approval of Degree Program for Tuition Reimbursement* form prior to participation in the course;
- complete the course or courses of study at an accredited institution with a grade of "C" or better; and
- have received a satisfactory job performance review and no disciplinary actions in the preceding twelve months.

Class attendance and completion of study assignments shall be accomplished outside of the employee's regular working hours. It is expected that educational activities will not interfere with the employee's work.

Employees must remain employed with the City in order to receive reimbursement. Employees who are separated from service for any reason are not eligible to receive reimbursement regardless of the completion of the course or the grade attained.

### Scope of Assistance

Tuition reimbursement may be made for the following subject to limitations discussed above:

- *Application Fees*
- *Registration Fees*
- *Lab Fees*
- *Technology Fees*
- *Tuition*
- *Books*

Tuition reimbursement **does not** cover:

- Admission Tests
- Graduation Fees
- Late Fees
- Parking
- Kits and hardware
- Any tuition or fees paid for by scholarship or grant
- Cost of tuition or fees for courses that were not completed
- Any other fees not previously listed
- Student Fees
- Insurance Fees
- Convenience Fees
- Supplies
- Travel, meals or lodging

### **Reimbursement**

To obtain reimbursement, the employee must be employed at the time of the request and complete a *Request for Tuition Reimbursement* form, attaching appropriate documentation of satisfactory completion of the course with a grade equivalent of "C" or better plus all applicable receipts. The employee will be reimbursed according to the following schedule:

Grade	Reimbursement %
A	85%
B	85%
C	75%
Pass	75%
D, F or Fail*	0%

*\* Applies only to courses with a pass/fail grading system rather than a letter-grading system.*

First, the employee must have a degree approved to submit a request for reimbursement. Upon completion of any course(s), the employee shall submit a completed Request for Tuition Reimbursement form within 120 days of the completed course, along with a certified transcript of grades received and original receipts for expenses incurred. The City will then reimburse the employee the applicable amount of the tuition costs and related fees according to the above reimbursement schedule up to a maximum of \$3,000 for all courses completed in any one calendar year. The calendar year in which the course is completed is the calendar year for which the employee may request reimbursement. Please contact Human Resources for more details or review information on the intranet.

If an employee leaves employment with the City, they will reimburse the City for all tuition payments received within the previous twelve (12) months. By applying for and accepting reimbursement, the employee expressly authorizes the deduction of the reimbursement from any final paycheck(s) or annual leave payout.

---

## **5. TIME AWAY FROM WORK**

## 5.1 PAID TIME OFF

Unless specifically noted below, each leave benefit is available only to full-time employees.

### 5.1 a Annual Leave

The City recognizes the hard work of its employees and encourages the opportunity for rest and relaxation. The City offers an annual leave benefit to allow employees scheduled rest away from work with pay.

In order to provide sufficient opportunities for rest, relaxation and personal pursuits, the City encourages each employee to take at least one vacation per year of seven consecutive calendar days.

Accrual and Carryover: Annual leave accrues at the end of each payroll period and is reflected on your paycheck stub. Annual leave may not be used until it has accrued. Accrual rates increase as length of service increases according to the following table:

Non-Sworn 37.5 Hour Schedule Positions

Years of Service	Accrual Rate per Pay Period Biweekly	Maximum Accumulation in Hours
0 - 4	3.46	192
5 – 9	4.33	240
10 – 14	5.19	288
15 – 19	6.06	336
20 +	6.92	384

Sworn Police and Fire 40 Hour Schedule Positions

Years of Service	Accrual Rate per Pay Period Biweekly	Maximum Accumulation in Hours
0 - 4	3.69	192
5 – 9	4.62	240
10 – 14	5.54	288
15 – 19	6.46	336
20 +	7.38	384

Firefighting 24 Hour Schedule Positions

Years of Service	Accrual Rate per Pay Period (Biweekly)	Maximum Accumulation in Hours
0 - 4	5.54	288
5 – 9	6.92	360
10 – 14	8.31	432
15 – 19	9.69	504
20 +	11.08	576

Part-time employees accrue annual leave on a pro-rated basis based on the number of hours worked in each pay period.

Effective December 17, 2016, full-time employees will accrue annual leave on a pro-rated basis based on the number of hours worked or in a paid sick leave or paid annual leave status in each pay period.

Any number of hours equal to or less than two-times your annual accrual rate (see "Maximum Accumulation in Hours" column in table above) may be carried over from the last pay period in one year to the first pay period in the following year.

Annual leave does not accrue while an employee is on any type of unpaid leave status (including workers' compensation, Family and Medical Leave and active military duty).

Use and Approval: Annual leave may be used for vacations, personal days, etc. All annual leave must be approved in advance by your supervisor on a *Request for Leave* form. Be aware that your supervisor may deny your request for annual leave especially if not requested in advance. Consecutive days should be requested at least two weeks in advance. Annual leave should be used in lieu of sick leave once sick leave is exhausted, but sick leave may only be used for qualifying absences. Unpaid leaves will be granted only when all available paid leave is exhausted.

Annual Leave Donation: Annual Leave Donation allows employees to voluntarily donate annual leave hours to employees experiencing a personal or family medical situation. This leave is to be used as sick leave for the serious health condition of an eligible employee, or for a member of the eligible employee's family. For this program, we are adopting the definition of "family member" and "serious health condition" from the Family and Medical Leave Act (which includes pregnancy) and have the same requirement that it be certified by a healthcare provider. Under no circumstance is this leave to be used for an extension of an employee's annual leave.

Annual Leave Donation is available to all regular part-time and full-time employees. To be eligible for donated annual leave, employees must exhaust all of their own available sick and annual leave to be eligible to receive donated annual leave. Eligible employees may receive up to 240 hours of donated annual leave during a one year, rotating period. Employees wishing to donate leave to eligible employees must donate a minimum of (4) four annual leave hours. This is a voluntary program. As such, neither the City (including all levels of management) nor other employees shall attempt to coerce an employee to donate their leave.

Employees wishing to donate leave should make a request through Human Resources. HR will review eligibility, the availability of hours, and verify that the employee receiving the leave has submitted a Family and Medical Leave (FMLA) or Physical Disability Leave (PDL) request. If the donation request is not approved for any reason, the donating employee will be notified. Once the donation has been approved, the request will be forwarded to payroll, and the employee receiving the leave will be notified. The payroll division will then complete the transfer.

Donated annual leave hours will be converted to sick leave hours for the receiving employee, and these hours will be subject to the conditions and terms of sick leave as defined by City policy. Donated leave will not extend the leave limitations set forth in the City's Time Away From Work policies, specifically Family Medical Leave and Physical Disability and Personal Leave. In addition, donated leave will not affect job protection limits as defined in the Family and Medical Leave Act. Once the transfer has been made from the donating employee to the employee receiving the donation, under no circumstances will the leave be returned to the donating employee. These leave transfers are irrevocable, and will not be subject to any "pay back" terms.

Payment at Separation: Employees separating from the City should be reimbursed for any unused annual leave that was accrued prior to June 24, 2000 (noted as "Annual Lv Bk 2000" on your pay stub). Annual leave that was accrued on or after June 24, 2000 (noted as "Annual Lv Balance" on your pay stub) should be reimbursed upon termination subject to the following restrictions:

- 1) Employees discharged for disciplinary reasons are not eligible for reimbursement of any annual leave accrued on or after June 24, 2000 (disciplinary reasons include but are not limited to: violation of the City's drug or alcohol policies; sexual or other harassment or discrimination; workplace violence; embezzlement of City funds; theft of City or coworker property; falsifying work records or other City records; and criminal conduct on work time, on City property or in

uniform).

2) Employees who resign without giving and properly working at least a two-week notice period are not eligible for reimbursement of any annual leave accrued on or after June 24, 2000. Where it serves operational needs, the City may elect to waive all or any part of a notice period. If the notice period is shortened at the City's discretion, the employee will be treated as having worked sufficient notice to be eligible for the pay out of annual leave.

Except as noted below, under no circumstances shall an employee be reimbursed for any accrued annual leave that exceeds the employee's maximum carryover (taking into account both banks combined) as detailed in the table above. Employees hired prior to May 1978, with continuous service, are "grandfathered" under a previous rule which allows them to be reimbursed for all unused accrued annual leave regardless of the maximum carryover detailed in the table above. This exception does not exempt these employees from the maximum carryover limits or the reimbursement restrictions detailed above for annual leave accrued on or after June 24, 2000.

Annual leave is not intended to extend the employment status beyond the last date of the individual's availability to work.

**Introductory Employees:** Initial introductory period employees (not to include transfers and rehires) accrue annual leave from the first day of employment but its use is prohibited for the first 90 days of employment. Employees who separate for any reason during the introductory period are not eligible to receive pay for their accrued but unused leave balances.

**Option for Corrective Action:** The City reserves the right to use the reduction of annual leave balances as a method of corrective action. For example, the employee's annual leave balance may be reduced by the number of days that the employee would have otherwise been suspended as a means of corrective action. The amount of reduction in any particular situation will be determined at the City's discretion based on the facts and circumstances. The employee will be required to sign a form indicating the amount of time that is being reduced from their annual leave balance in lieu of the suspension.

## **5.1 b Sick Leave**

The City recognizes that our hard working employees and their immediate family members sometimes become ill. Thus, the City offers a sick leave benefit that provides paid time away from work during illness and recovery.

**Accrual and Carryover:** Sick leave accrues at the end of each payroll period and is reflected on your paycheck stub as "Sick Leave Balance". Sick leave may not be used until it has accrued. Full-time Non-Sworn employees on the 37.5 hours schedule accrue 3.46 hours each bi-weekly pay period. Full-time sworn employees on the 40 hours schedule accrue 3.69 hours each bi-weekly pay period. Part-time employees accrue sick leave on a prorated basis based on the number of hours worked or in a paid status each pay period. Effective December 17, 2016, full-time employees will accrue sick leave on a pro-rated basis based on the number of hours worked or in a paid sick leave or paid annual leave status in each pay period. Effective December 14, 2019, employees in firefighting positions will accrue 5.54 hours of sick leave each pay period.

A maximum of 720 hours may be carried over from the last pay period in one year to the first pay period in the following year. Effective December 11, 2020, employees in firefighting positions may carry over 1008 hours of sick leave from the last pay period in one year to the first pay period in the following year. Employees hired prior to November 1976, with continuous service, are "grandfathered" under a previous rule that allows them to carry over no more than 1440 hours.

**Use and Approval:** Sick leave may be used for personal or an immediate family member's (spouse, child, or parent) illnesses, medical appointments, and like purposes provided the employee's presence is required. The City reserves the right to require appropriate certification or confirmation that the employee's presence is in fact required. In the case of FMLA leave that requirement is automatically met when the physician's certification is submitted. For information about requesting FMLA, see the Family and Medical Leave Act (FMLA) section of this handbook or contact the HR Department. Unless department policy dictates otherwise, in the event you cannot attend work due to illness, injury or emergency, you must notify your supervisor as soon as possible and, except under extreme circumstances, one (1)

hour before your scheduled start time. Unless you are on an approved and excused leave of absence, you should inform your supervisor daily if the absence exceeds one day. Once you have exhausted your available sick leave, annual leave should be used in lieu of sick leave. Unpaid leaves will be granted only when all available paid leave is exhausted.

Sick leave is not a right that an employee may demand but a privilege granted by the City. Your supervisor may at any time request a doctor's statement before excusing the absence. Just because the City has allowed you to accrue your sick leave benefit does not mean that any absence will be excused and/or paid. All accrued leave usage must be requested by the employee and approved by the employee's supervisor. Excessive absences or failure to properly follow leave rules and procedures can result in disciplinary action up to and including termination. FMLA leave and other protected absences are not counted for the purposes of evaluating whether absenteeism is excessive.

The City does not allow employees to give or receive "donated" sick leave to or from other employees. However, under some circumstances annual leave may be donated for use as sick leave. See the *Annual Leave Donation* section of this handbook.

Sick leave is not intended to extend the employment status beyond the last date of the individual's availability to work.

Payment at Separation: Unused sick leave has no cash value and is not reimbursable upon termination.

Introductory Employees: Initial introductory period employees (not to include transfers and rehires) accrue sick leave from the first day of employment but its use is prohibited for the first 90 days of employment.

## **5.1 c Partial Day Absences**

Exempt Employees:

Salaried exempt employees often must work outside of regular office hours on nights, weekends, holiday, etc. In recognition of that, the City generally permits them to take certain small increments of time off during office hours without requiring that the hours be charged against paid leave.

The general rule is: If the salaried exempt employee will be out of the office for LESS THAN FOUR HOURS during the regular work day for personal reasons, the absence normally is not charged against paid leave. If the exempt employee is absent for FOUR HOURS OR MORE during regular office hours for personal reasons, the leave must be charged to the appropriate paid leave balance.

In extenuating circumstances, the appropriate supervisor may make an exception to the general rule to permit additional partial day absences of four or more hours without charging leave to offset an inordinately high number of work hours, such as after a storm or completion of a large project.

This leave practice is a courtesy and not a right. If any employee has abused the privilege or where otherwise appropriate, a supervisor may impose a requirement that all leave be charged to paid leave balances.

Non-exempt Employees:

Just as all additional work hours result in additional pay, all leave hours are charged against paid leave balances.

## **5.1 d Paid Holidays**

For the purpose of enjoying holidays away from work without a loss in pay, the City provides the benefit of paid holidays. The City of Charleston generally observes ten (10) paid holidays per year. These holidays include the following:

<i>New Year's Day</i>	(January 1 <sup>st</sup> )
<i>Martin Luther King, Jr. Day</i>	(3 <sup>rd</sup> Monday in January)
<i>President's Day</i>	(3 <sup>rd</sup> Monday in February)

<i>Memorial Day</i>	(Last Monday in May)
<i>Juneteenth</i>	(June 19 <sup>th</sup> )
<i>Independence Day</i>	(July 4 <sup>th</sup> )
<i>Labor Day</i>	(1 <sup>st</sup> Monday in September)
<i>Veterans Day</i>	(November 11 <sup>th</sup> )
<i>Thanksgiving Holiday</i> (4 <sup>th</sup> Thursday & Friday in November)	
<i>Christmas Day</i>	(December 25 <sup>th</sup> )

In addition, regular full-time employees may take two (2) Personal Holiday per calendar year. Personal Holidays are used similar to an annual leave day except that they must be taken in full-day increments. Use of a Personal Holiday requires pre-approval and a *Request for Leave form*. Personal Holidays do not count as hours worked for the purposes of calculating overtime, they are not redeemable at the end of employment, nor can they be carried over from year to year. Regular full-time employees are not eligible for the personal holiday benefit during their first 90 days of employment.

If a scheduled holiday falls on a Saturday, then that holiday normally will be observed on the preceding Friday. If a scheduled holiday falls on a Sunday, then that holiday normally will be observed on the following Monday.

Extra Holidays may be designated at the Mayor's discretion. Extra Holidays do not require a *Request for Leave form* unless the employee is scheduled to work that day. These Extra Holidays are not redeemable at the end of employment, nor can they be carried over from year to year.

**NOTE:** Holiday scheduling and pay are handled differently in the City's Fire and Police Departments due to their 24/7 schedule.

## **5.1 e Holiday Pay**

Regular full-time and part-time employees will be paid holiday pay at their regular rate of pay for the regularly scheduled hours they would have worked had the holiday been a regular workday. Employees will receive pay for a holiday if they are either at work or on an approved paid leave status on both the workday before and the workday after the date on which the holiday is observed. For an employee on approved paid leave, the holiday shall not be charged against sick or annual leave balances. Employees will not be paid for a holiday if they are on unpaid leave on the holiday. Also, if a period of unpaid leave begins the day after the holiday in question or if the employee is on workers' compensation during a holiday, he will not be paid for that holiday.

If a holiday falls on a day that is not the employee's normal scheduled workday, then the paid holiday will not affect the employee since he has suffered no loss of pay.

The City's declared regular observed holidays are paid as holiday pay and associated hours count as hours worked (other than for Police and Fire) for the purposes of calculating overtime pay if the employee was required to work on the holiday. This does not include the Personal Holiday, which is utilized similar to an annual leave day.

Employees required to work on a day on which the City observes a holiday will be paid according to the following guidelines:

- Employees who work in seven day operations (e.g., Police and Fire Departments) will be given a day of leave in lieu of the holiday according to their departmental policies and the information below does not apply.
- Paid holiday hours will be counted as hours worked for the purposes of calculating overtime if the employee was required to work on the holiday.
- Employees who work on a declared regular observed holiday will be paid for the hours actually worked on the holiday plus holiday pay for the normal hours they would have worked had the day not been a holiday.
- Any alternate leave days granted in lieu of the actual holiday will not be counted as time worked for the purposes of calculating overtime. (This provision applies to all City employees, including Police and Fire.)

## **5.1 f Funeral and Bereavement Leave**

The City allows you to be absent from work with your normal pay for up to three consecutive calendar days (one shift for sworn firefighters) due to a death in your immediate family. For the purposes of this policy, immediate family member includes: spouse, parent, child, grandparent, grandchild and sibling as well as in-laws and steps of those family members. Funeral/ Bereavement Leave must be approved as soon as possible, preferably in advance, on the *Request for Leave* form. Supervisors may require proof of death before funeral leave is approved. Additional time in the form of annual leave may be taken if available and approved by your supervisor.

## **5.1 g Jury or Court Duty**

So regular employees may serve on a jury or testify in court without loss of earnings, the City will pay an employee's normal earnings for jury or court service as follows. Paid time off for jury or court duty under this policy is limited to no more than 10 workdays (3 shifts for firefighters) per calendar year. This leave may be used for jury duty or when an employee is subpoenaed to serve as a witness in litigation in which he has no personal interest in the outcome. Employees must report to work on any day, which they were excused by the Court at 12:00 noon or earlier (or could return to their job and work half of their shift). At the end of the court duty, the employees must submit a statement from the Court documenting time served. Any available vacation may be used for court duties not covered under this policy. Additionally, the City's paid or unpaid leaves may be used.

To receive pay for court or jury duty, an employee must:

- 1) provide a copy of the subpoena as a witness or notice of jury duty;
- 2) return to work on any day on which the employee is excused from court prior to 12:00 noon; and
- 3) submit to the City a statement from the court confirming time served.

## **5.1 h Military Leave**

Employees are entitled to such leave of absence and reinstatement upon return from leave of absence for military service (including Reserve and National Guard duty) as may be provided by applicable state and federal law. The provisions of such laws change from time to time and as such, the guidelines provided herein are subject to change at any time. As for regular reserve duty, the City provides paid military leave for up to 15 shifts per year. Additional paid and/or unpaid military leave benefits may also be provided, according to federal and/or state law, if an employee is called to active military duty. In addition, if an employee is called upon to serve during a qualifying emergency the employee will receive a paid leave of absence for up to thirty additional days. The employee should submit a copy of the military orders to his/her supervisor and Human Resources prior to beginning Military Leave or as soon as received. Please contact Human Resources for further guidance on military leave. For additional information as to current (as of time of publication) practices, see Appendix H.

## **5.1 i Maternity and Parental Leave**

The City of Charleston will provide four weeks paid maternity and two weeks of paid parental leave to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or the initial placement foster care. The leave granted in connection with a qualifying birth or placement is available during the 12-month period beginning on the date of the birth or placement involved. The paid leave is available as long as an employee has a continuing parental role with the child whose birth or placement was the basis for the leave entitlement. The purpose of paid maternity leave is to allow the mother to recover after giving birth. The purpose of parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave. This policy will be in effect for births, adoptions or placements of foster children occurring on or after January 1, 2023.

### Eligibility:

To be eligible, employees must be eligible for FMLA leave and meet the following criteria:

- Have been employed with the City for at least 12 months (the 12 months do not need to be consecutive).
- Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin.
- Be a full- or part-time, regular employee (temporary, occasional, and seasonal employees are not eligible for this benefit).
- If both parents are employees of the City at the time of the birth or adoption of the child, both parents are eligible for the paid parental leave.

In addition, employees must meet one of the following criteria:

- Have given birth to a child.
- Be a spouse or committed partner of someone who has given birth to a child.
- Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger). The adoption of a spouse's child is excluded from this policy. While, adoption or foster care proceedings prior to placement are not eligible for this leave, they may be eligible for FML or other types of leave.

#### Amount, Time Frame and Duration of Leave:

- Maternity Leave- An eligible employee will receive a maximum of 4 consecutive calendar weeks of paid maternity leave for medical recovery after giving birth. Maternity leave starts the day of birth. Approved paid maternity leave must be used prior to other accrued leave or paid short term disability and must taken in one continuous period of leave. Any unused leave will be forfeited. In no case will an employee receive more than 4 weeks of paid maternity leave in a rolling 12-month, regardless of whether more than one birth occurs within that 12-month time frame.
- Parental Leave- An eligible employee will receive a maximum of two consecutive calendar weeks of paid parental leave for the birth, adoption, or placement of a child/ children. An employee who received paid maternity leave is also eligible for paid parental leave. Paid parental leave must be taken in one continuous period of leave at any time during the 12-month period immediately following the birth, adoption or placement of a child with the employee. Paid parental leave must be used prior to an employee using accrued annual leave. Any unused leave will be forfeited. In no case will an employee receive more than 2 weeks of paid parental leave in a rolling 12-month, regardless of whether more than one birth, adoption or initial foster care placement event occurs within that 12-month time frame.
- Each week of paid maternity or parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay and does not count as hours worked for purposes of calculating overtime.
- Upon termination of employment, the employee will not be paid for any unused paid maternity or parental leave for which they were eligible.

Leave Type	Eligibility	Timeframe
Maternity Leave	Employee who gave birth and is eligible for FMLA	4 consecutive weeks beginning day of the birth
Parental Leave*	Employee following the birth, adoption or initial foster care placement and is for FMLA.	2 consecutive weeks to be used within 12 months of the birth, adoption or foster care placement

\*An employee who gives birth is eligible for 4 weeks of maternity leave and 2 weeks of parental leave.

#### Coordination with Other Policies:

- Paid maternity and parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period.
- Paid maternity and parental leave does not take the place of FMLA. An employee should apply for FMLA separately. Please refer to the City's intranet for further instructions on this process.

- After the paid maternity is exhausted, the balance of FMLA leave (if applicable) will be compensated through employees' accrued sick leave, annual leave or short-term disability. Upon exhaustion of available paid leave, any remaining leave will be unpaid leave.
- After the paid parental leave is exhausted, the balance of FMLA leave (if applicable) will be compensated through employees' accrued annual leave. Upon exhaustion of annual leave, any remaining leave will be unpaid leave.
- The City will maintain all benefits for employees during the paid maternity and parental leave period just as if they were taking any other paid leave such as annual or sick leave.
- If a City holiday occurs or the City closes for an emergency situation while an employee is out on paid maternity or parental leave, the day will be charged against the employee's paid maternity or parental leave entitlement.

Requests for Leave:

- The employee will provide their supervisor and Human Resources with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). If 30 days advance notice is not provided, the employee may be required to explain why it was not provided. The City can deny maternity or parental leave until at least 30 days after the date the employee provides notice (if the employee fails to give 30 days' advance notice), where the need for pay and the approximate event date were clearly foreseeable with no reasonable excuse for the delay.
- The employee must complete the Paid Maternity and Parental Leave Request Form along with required documentation to the HR department to substantiate the request.
- The employee must complete a request for FMLA leave for the same period of leave. (NOTE: FMLA leave may be greater in duration than the period of leave paid under this policy, but the reverse is not allowed.)
- If it is foreseen that business needs will be adversely affected during the employee's requested time off, the employee's supervisor may require the employee to select different dates for use of Parental Leave.

## 5.2 UNPAID TIME OFF

### 5.2 a Religious Observance

You may be excused during working hours so that you can participate in services conducted in connection with the religious holidays of your faith, with prior notification to and approval of your supervisor. A *Request for Leave* form must be submitted to your supervisor in advance for this purpose. This guideline is not authorization for absence merely because of a religious holiday, but is limited to participation in religious holiday services. You may request to use your annual leave or paid personal holiday for religious holiday observances.

### 5.2 b Family and Medical Leave Act

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

General: Employees who meet the length of service and hours worked requirement described above have rights under the Family and Medical Leave Act. As a general rule, employees must request leaves of absence under this law and policy, but in appropriate situations (including, but not limited to, on-the-job injuries), employees may be placed on leave status without application. Generally, FMLA leaves will begin on the first day of the absence. The employee will be informed in writing of the start date of the FMLA leave.

Reason for Leave of Absence: An eligible employee will be granted a leave of absence under this law and policy if his own serious health condition, including impairment resulting from an on-the-job injury, prevents the employee from being able to perform his job; if the employee's spouse, child or parent has a serious health condition and the employee must be absent from work in order to care for that relative; or to bond with a natural child, adopted child, or formally placed foster child, provided that entitlement to leave to bond with a child who is newly born or newly received in the employee's household shall end 12 months after a natural child is born or 12 months after an adopted or foster child

is received in the employee's household.

In addition to the types of covered absences discussed above, eligible employees or their family members in the military who are called to active duty may also take leave in the event of a "qualifying exigency." Qualifying exigencies include: (1) short-notice deployment (seven or less days of notice); (2) certain military events and related activities that are related to the active duty or call to active duty; (3) childcare and school activities which arise out of the active duty or call to active duty; (4) absences to make or update financial and legal arrangements needed because of a covered member's deployment or absence; (5) attending personal or family counseling which is needed because of the active duty or call to active duty status of the covered military member; (6) taking up to five days to spend time with a covered military member who is short-term, temporary rest and recuperation leave during deployment; (7) attending certain post-deployment activities including arrival ceremonies and other official programs sponsored by the military during the first 90 days following deployment.

Eligible employees who are the "next of kin" to a military service member on active duty who has suffered a serious illness or injury in the line of duty may also use FMLA leave to care for that covered service member. **Proof of need for leave may be required.**

Length of Leave: An eligible employee is entitled to the equivalent of a total of 12 work weeks of leave during any 12 consecutive months (using a rolling 12-month period measured backward from the date an employee takes FMLA leave). Leave to care for a newly born or newly received child must be taken consecutively in not more than two blocks of time within the 12-month period following birth or placement. Leave required because of the employee's own serious health condition or that of a spouse, child or parent, may be taken intermittently or by means of a modified work schedule when necessary.

An employee's entitlement to leave may be extended from 12 to 26 weeks if he is the qualified next of kin to a military service member on active duty who becomes seriously ill or is injured in the line of duty *and* the reason for the leave qualifies for leave under that provision. This 26-week maximum includes all FMLA leave taken for any reason.

Effect of Leave on Paid Time Off: FMLA leave will run concurrently with available paid leave balances. This means that any leave taken under the FMLA will be paid and charges against your paid leave balances. If your available balances are exhausted before the FMLA leave ends, the remainder of the leave will be unpaid. A leave due to your own serious health condition or the serious health condition of a covered family member will be charged first against sick leave then to annual leave. FMLA leave due to an absence that does not qualify for the use of sick leave (such as to bond with a healthy newborn) will be charged against any available annual leave and thereafter unpaid. [NOTE: This provision does not apply to leaves which are being paid through the worker's compensation program or through the short-term disability plan.]

As with non-FMLA absences, an employee who has exhausted his available paid leave does not continue to accrue additional paid leave during the unpaid portion of the leave. Leaves which are being compensated through other programs, like worker's compensation or disability insurance, are treated as unpaid leave for the purpose of this provision.

Leave taken under this policy counts toward the employee's 12-weeks (or 26-weeks, where appropriate) of leave regardless of whether all or part of the employee's leave is paid.

#### Effect of Leave on Accrual of Fringe Benefits

1. Benefit Plans. If you take leave under this policy, you must continue to pay your portion of benefit plan premiums. Provided that you are on a paid status (using sick, annual or other paid leave), the premiums will be deducted from your paycheck as normal. Once you go on unpaid leave, you must continue to pay the premiums that would normally be deducted from your paycheck. In situations where your return to work date is foreseeable (e.g. birth or adoption of a child), you and HR may agree that your portion will not be paid while on approved leave but, upon return to work, the normal bi-weekly deduction will be increased to satisfy the accrued premium arrears. In situations where your return to work date is not known, you and HR will arrange a payment plan whereby you will pay on at least a monthly basis.

**2. Failure to Pay Required Premiums:** If you fail to adhere to the agreed upon payment plan (explained above), you will be subject to cancellation of the associated benefit plans. You will be provided a 30 calendar day grace period to remit past due premiums. At that point, you will be mailed a letter giving an additional 15 calendar days to bring your premium payments current (past due and current amounts). If the account is not brought current, then the associated benefit plans will be cancelled retroactive to the last day for which premiums were paid. The insurance plan will recoup any claim payments made after the date of cancellation and you will be responsible for such claims.

3. Unpaid time lost from work due to leave granted under this policy is not considered time worked for the purpose of accrual of paid time off.

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

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

**Reinstatement:** At or before the conclusion of the FMLA leave of absence, the employee is entitled to reinstatement to his former position or to a position equivalent to his former position. The employee must give reasonable notice of intent to return to work and comply with the City's return to duty release requirements. As set forth later in this section of the handbook.

**Extension of Leave Without Benefits:** An employee who is unable to perform the duties of his position due to his own disability and who has exhausted his entitlement to leave under the Family and Medical Leave Act by taking 12 consecutive weeks of leave may, upon written application, be granted up to an additional 14 weeks of leave described in the PDL section. This additional leave of absence does not entitle the employee to guaranteed reinstatement. If the employee is able to return to work prior to the exhaustion of his extended leave, he will be returned to his previous position if it is available and to be filled or if that position is not available he may be reinstated to another position of equal or lesser compensation for which he is qualified and in which there exists a vacancy which is to be filled. If the employee is not returned to active employment for any reason including no available position, he will be continued on extended leave of absence status until he is returned to active duty status or his extended leave of absence expires, whichever occurs sooner. Extended leave taken under this provision will be subject to the terms and conditions of the PDL policy below.

**Termination of Employment:** An employee's employment may terminate if he does not return to full active employment status at the conclusion of his leave of absence. Prior to separating from service, if the reason the employee cannot return is his own medical condition, the situation will be reviewed to determine if ADA reasonable accommodation or other similar circumstances would enable continued employment. An employee separated under this provision remains eligible to reapply for future employment.

**Special Situations:**

1. **Spouses.** When both a husband and wife are employed, their combined right to a leave of absence to care for a child or parent is 12 weeks in a 12-month period. Similarly, their combined right to leave of absence to care for an ill or injured military member is 26 weeks in a 12-month period.
2. **Key Employees (salaried employee in highest paid 10% of all employees).** Such employees may be denied reinstatement rights if reinstatement would cause substantial and grievous economic injury to operations.
3. **Intermittent Leave.** Intermittent leave presents different circumstances than continuous leaves.

When an employee is on intermittent leave, the City reserves the right to temporarily transfer the employee to a position that better accommodates the employee's temporarily reduced schedule or intermittent absences. In such a case, the alternative position will have equivalent pay and benefits. Once intermittent or reduced schedule need is no longer needed, the employee will be returned to his regular position.

Normally, a salaried exempt employee is paid for a full day of work for any hours that day (though the hours of leave may be charged against his paid leave). FMLA intermittent leave provides an exception to that rule. Hours taken as

intermittent or reduced schedule FMLA leave may be deducted from the salary of an exempt employee in the workweek(s) in which the leave is taken. Because paid leave and FMLA run concurrently, this will only happen when available leave is exhausted.

Additional information about FMLA is available on the Human Resources website or by contacting the Human Resources Department.

## **5.2 c Physical Disability Leave (Non-FMLA Leave)**

(Applies only to employees employed fewer than 12 months and to employees who have worked fewer than 1250 hours in the preceding 12 months and to employees whose reasons for leave are not covered by the Family and Medical Leave Act)

1. An employee who has completed his initial probation (and any extension thereof) is entitled to a leave of absence for up to six months when unable to work because of their own physical disability including sickness, pregnancy, or injury on or off the job.
2. Employees are requested to apply for leaves of absence as far in advance of need as is possible, but an employee may be placed on leave status without application when the circumstances warrant such action.
3. Physical disability leaves will begin on the first day of absence.
4. After the employee has exhausted his annual and/or sick leave, as a general rule, an employee on leave of absence is not entitled to wages or fringe benefits and does not accrue fringe benefits. However, participation in the City's Health Plan may be continued as provided below. Certain exceptions may be established by law.
5. Employees desiring to return to work from an unpaid leave of absence should notify Human Resources Director in writing at least ten (10) days prior to their desired date of return. If the City finds that the employee is fit to resume his duties, the employee shall be recalled to his former job if a vacancy exists which is to be filled. If no such vacancy exists, the employee shall be recalled to any job in which there is a vacancy which is to be filled and for which he is qualified. If no such vacancy exists at the time the employee desires to return to work, the employee's leave of absence shall be continued. Any employee who had not been reinstated within six (6) months following the commencement of a leave of absence shall be terminated. This action shall not affect the employee's eligibility to be considered for hire as a new employee at some future time. See also, the Return to Work policy at the end of this section of the handbook.

### Effect of Leave on Accrual of Fringe Benefits:

1. Benefit Plans: If you take leave under this policy, you must continue to pay your portion of benefit plan premiums. Provided that you are on a paid status (using sick, annual or other paid leave), the premiums will be deducted from your paycheck as normal. Once you go on unpaid leave, you must continue to pay the premiums that would normally be deducted from your paycheck. In situations where your return to work date is foreseeable (e.g. birth or adoption of a child), you and HR may agree that your portion will not be paid while on approved leave but, upon return to work, the normal bi-weekly deduction will be increased to satisfy the accrued premium arrears. In situations where your return to work date is not known, you and HR will arrange a payment plan whereby you will pay on at least a monthly basis.
2. Failure to Pay Required Premiums: If you fail to adhere to the agreed upon payment plan (explained above), you will be subject to cancellation of the associated benefit plans. You will be provided a 30 calendar day grace period to remit past due premiums. At that point, you will be mailed a letter giving an additional 15 calendar days to bring your premium payments current (past due and current amounts). If the account is not brought current, then the associated benefit plans will be cancelled retroactive to the last day for which premiums were paid. The insurance plan will recoup any claim payments made after the date of cancellation and you will be responsible for such claims.
3. Unpaid time lost from work due to leave granted under this policy is not considered time worked for the purpose of accrual of paid time off.

## **NOT A CONTRACT**

1. This policy does not create contract rights.
2. In no case will an employee have a greater right to a job than he would have had if he had not taken leave under this policy.

## **5.2 d Personal Leave of Absence**

The City recognizes that extenuating or emergency situations may arise and the City will attempt to accommodate requests from employees who have completed the initial introductory period for a personal leave of absence without pay. Only employees who have completed their initial probation period (and any extension thereof) are eligible for leave under this policy.

Leave may be taken under this policy only for reasons that do not qualify for leave under either the FMLA or PDL leave policies above. Examples of such reasons might include, are not limited to: (1) to care for a relative not covered as a "family member" under the FMLA, (2) to further education; or (3) to settle the estate of the relative.

The maximum amount of leave available at any time under this policy is ninety days. Leave is not available under this policy to any employee who has taken 26 weeks of FMLA and/or PDL leave in the rolling 12-month period. An employee who has taken less than 26 weeks of leave may take leave under this policy only to the extent that all leaves combined do not exceed 26 weeks.

Requests for leave under this policy must be in writing for review and approval by the Department Head and Human Resources. The City will generally require proof of the reason for the leave (such as educational enrollment documents, or certification of health needs, etc.)

Requests will be considered on a case-by-case basis, taking into consideration factors such as:

- Effect on departmental staffing and operational needs
- Length of service, past performance, and disciplinary record
- The amount of advance notice provided
- Any other business operational concerns

Leave under this policy does not include guaranteed reinstatement. When the employee desires to return, he will be reinstated to his same position if that position is available and to be filled. If that position is not available, he may be reinstated to any available opening with the same or lesser compensation for which he is qualified. If no such position is available, leave may be continued for up to the maximum available leave. If the employee is not reinstated at the exhaustion of leave for any reason, employment will normally end.

An employee desiring to return from leave under this policy should notify his immediate supervisor no less than 5 days prior to the desired return date.

Employees are responsible for paying benefit premiums to Human Resources for each pay period when in a leave without pay status. Additionally, leave accruals will not be given during the unpaid time.

## **5.3 RETURN TO WORK**

It is important to us that we take every measure to ensure the safety and well-being of City employees. Only a medical doctor is qualified to determine your medical fitness or limitations so that we may make reasonable accommodations when applicable. To this end, any employee who wishes to return to work after an absence due to his own illness or injury may be required to submit a release to duty from his health care provider. Employees returning to work from FMLA or PDL absence due to their own illness or injury (whether paid or unpaid) must provide a release to duty in

order to be allowed to return to the workplace. Employees who take shorter absences for which sick leave is used may be required to provide a release to duty in order to be allowed to return to the workplace. Also, if an employee is taken away from the worksite by emergency services, a physician's release to work may be required in order to return to the workplace. If the health care provider places restrictions on the duties, which may be performed, the employee may be placed on light duty, if available, or allowed to use any available leave subject to the City's leave policies.

We reserve the right to require a verifying opinion by a health care provider of our choice, and if the two disagree, appropriate medical personnel chosen by the City will make the final determination.

If you have a disability protected under the Americans with Disabilities Act and wish to request a reasonable accommodation so that you may continue working, you can make this request directly through Human Resources.

---

## **6. LEAVING EMPLOYMENT**

## LEAVING EMPLOYMENT

Because the circumstances of every employment separation are different, no guideline can address every situation. These policies cover some of the more common issues relating to separation from service.

### 6.1 FINAL PAY

You will be paid through your last day of actual work for all hours worked, including any hours of unused compensatory time. If eligible, you may be paid for certain unused accrued annual leave. Your final pay will be paid on the next regular pay day following your separation.

### 6.2 SEPARATION PAPERWORK

If you wish to resign employment, you should submit a letter of resignation or a *Voluntary Resignation* form to your supervisor. If you want to be eligible for payout of unused annual leave you must give and properly work at least a two week notice. Payout is subject to the limitations and restrictions set forth in the annual leave policy found in this handbook. Where it serves operational needs, the City may elect to waive all or any part of a notice period. If the notice period is shortened at the City's discretion, the employee will be treated as having worked sufficient notice to be eligible for the pay out of annual leave.

You and your supervisor share joint responsibility for ensuring that all required separation paperwork is completed and forwarded to Human Resources upon separation. As an employee, you are specifically responsible to complete the required separation form and to have it signed off by all required offices and your supervisor. The purpose of this process is to ensure that all City property is returned to the City in proper working order. Failure to timely turn in any issued property, including uniforms, may result in deduction from or delay of issuance of all or part of your final paycheck and/or annual leave payout. Cash, debts owed to the City, fringe benefits, uniforms, tools, equipment, vehicles, instruction manuals, keys, identification badges and other items belonging to the City and advanced or issued to you and not repaid or returned by you at the time of your separation are considered advances of wages, the value of which may be deducted from your final pay check(s) or annual leave payout. By accepting and retaining any such property, you expressly authorize such deductions.

### 6.3 BENEFITS UPON RESIGNATION OR TERMINATION

In the event of resignation or termination of employment, your health insurance will terminate on the last day of the calendar month in which your employment ends unless you request COBRA continuation benefits as explained in your summary plan description. Upon resignation or termination, you will be sent a COBRA Notice of Continuation Rights and a COBRA continuation application that you must complete and return if you elect COBRA continuation benefits. In addition, Human Resources will provide information about converting to individual policies certain insurance policies, including life insurance and short-term disability insurance as well as information regarding your options under the SC Retirement System and the SC Deferred Compensation Program.

## **6.4 BENEFITS UPON RETIREMENT**

Upon retirement you are eligible to continue your health insurance through our retiree insurance program if you qualify as a Retiree under the South Carolina Retirement System and have at least 15 years of service with the City of Charleston. An Eligible Retiree is a former eligible employee of the City of Charleston who retired (with at least 15 years of service with the City of Charleston) from the City of Charleston and who timely elects coverage and pays the contribution required to the Plan. The City may change the contribution at any time. For the purpose of this definition, "former eligible employee" includes a full time Mayor who otherwise meets the requirements, but does not include Council members, judges or attorneys. Retirees may only cover eligible dependents who were covered by the Plan at the time of retirement. An eligible retiree who does not elect coverage within 60 days of retirement loses eligibility and may not subsequently become covered on a retiree basis. When a retiree or Spouse reaches the age of sixty-five (65), they are eligible for Medicare and will terminate medical coverage on the plan. Dependent children may remain in the medical, dental, and vision plans until the earlier of the date on which they reach age 26 or until both the retiree and covered spouse become Medicare eligible and lose retiree medical coverage. A retiree who elects retiree coverage may elect to end that coverage at any time. However, once coverage is ended, the retiree and any covered dependents become ineligible and may not subsequently become covered on a retiree basis.

If eligible, you will be billed monthly for premiums. Your coverage will be terminated if you become 30 days delinquent in payments. Also, certain benefits including additional life insurance may be eligible for conversion to individual policies. Please see your policies for more details. These programs, like all City benefits, are subject to modification or termination at the City's discretion and subject to applicable law.

## **6.5 BREAK IN SERVICE**

If your employment ends and you are re-hired with a break in service that is less than 30 calendar days from the termination date, you can normally be re-hired with full benefits as though no break had occurred. However, if you are gone 30 days or more, you will be considered a "new hire" for purposes of all benefit eligibility and benefit accrual rates and will have to meet all applicable waiting periods. When you are on an approved leave of absence, whether paid or unpaid, you do not have a break in service. Rehires in the same position they left are not subject to an Introductory Period.

Generally, positions becoming vacant, regardless of the reason, will not be released until there is an operational need and filling the position is authorized by BFRC and approved by the Mayor. Once approved, the position will be posted, and all interested applicants, including retired former employees, will need to apply and participate in the City's normal recruitment process. If a former employee is selected, their salary will be subject to the approved hiring range, and may be hired at the minimum of the pay grade. Where appropriate, posting may be done internally (either departmentally or City-wide) prior to external recruitment. Certain official or Executive level positions may be filled without posting where deemed to be in the City's best interests.

## **6.6 RETURNING TO SERVICE**

If your employment ends on good terms you may be permitted to return to work for the City at any later time. The rules for returning are explained in the Break in Service section above. However, if your employment is terminated by the City of Charleston for performance or conduct issues, you are usually not eligible to return to work for at least twelve months from the date of separation. Of course, as an at-will employer, the City of Charleston is not required to rehire any former employee at its sole discretion.

## **6.7 FILING A GRIEVANCE**

If you believe you were separated from service unfairly or unlawfully, you may file a request to have your concerns heard by the City's Grievance Committee. For further information, refer to the section of this handbook entitled "Grievance Procedure" or contact Human Resources.

---

## **7. ABOUT THIS HANDBOOK**

## **7.1 ABOUT THIS HANDBOOK**

As stated previously, the City reserves the right to modify this handbook or any of its policies or procedures at any time. We have made every effort to make this handbook as complete and as helpful to you as we can, but we live in a rapidly changing world, and further revisions will undoubtedly be necessary. Future revisions will be announced in a manner appropriate to the revision(s) in question.

Additional and/or updated information also can be found on the HR Department's internal website.

If you need clarification on any of the matters covered in this handbook, please do not hesitate to make inquiries with your supervisor or contact Human Resources.

---

# APPENDICES

## **APPENDIX A-OPEN DOOR PROCEDURE**

Any employee who has reason to believe that he/she has been discriminated against because of race, color, religion, sex, national origin, age, disability, veterans status or other status protected by applicable federal, state or local discrimination law, or has been subjected to sexual harassment is encouraged to discuss these concerns within the City in the following manner:

1. Bring the matter to the attention of your immediate supervisor, division head and/or department head whichever is/are appropriate.
2. If the matter cannot be discussed with your supervisor, division head, deputy director or department head, contact the City's EEO Officer / Director of Human Resources.
3. If, at the discretion of the EEO Officer / Director of Human Resources, the matter warrants further review, you will be informed of the procedures to be followed in any such review.
4. Any information disclosed or discovered in the course of the investigation of matters brought to the City's attention under this policy will be communicated by the City only to persons who have a "need to know" at the discretion of the person conducting the investigation, except as may otherwise be directed by law.
5. Additionally, the employee may utilize the City's grievance procedure by submitting a Grievance Request and Checklist form to the EEO Officer / Director of Human Resources.

## APPENDIX B-CODE OF CONDUCT

The following is a list of offenses that will reflect against your Performance Review and promotion opportunities and may require disciplinary actions up to and including termination. This list is not inclusive of all behaviors that may potentially result in disciplinary action. The City reserves the right to discipline employees for any reason. Failure of management to discipline an employee shall not constitute a waiver of the City's future right to discipline its employees. At the time of the disciplinary action, your supervisor will inform you of the conduct that is the basis for the action.

- 1) Violation of the City's EEO policies prohibiting discrimination against any employee based on race, age, color, creed, sex, religion, disability, or national origin; and any other status protected by applicable local, state, or federal nondiscrimination laws; harassment of any employee, which may include slurs, provocative conduct, or offensive jokes or stories; or other acts that make the working environment unpleasant for fellow workers. In addition to prohibiting unlawful harassment or discrimination, our code of conduct and policies prohibit harassment or discrimination based on sexual orientation or family obligations. Sexual orientation means a person's real or perceived heterosexuality, homosexuality or bisexuality or gender identity or expression.
- 2) Sexual harassment of fellow employees or customers.
- 3) Violating the City's Drug or Alcohol Policies.
- 4) Falsification of employment applications, time sheets, expense accounts, inventories, or other City records or reports, including untimely or incorrect coding of fieldwork. This includes punching other employee's timesheets or allowing them to do so for you.
- 5) If you drive for the City or operate a City vehicle, failure to notify management if your driver's license is suspended or revoked, if you receive a citation for a moving violation while in a City vehicle, or if you are convicted of a moving violation whether in a City or personal vehicle.
- 6) Failure to report a work-related accident to your supervisor.
- 7) Giving misleading or false information during an investigation; or obstructing or otherwise not cooperating with an investigation.
- 8) Theft, misappropriation or destruction of City property or equipment or the property or equipment of other employees or customers.
- 9) Lying to a supervisor or other member of management, or any form of dishonesty.
- 10) Mishandling of customer payments or deposits, cash on hand, receipts, or financial records.
- 11) Abusing, defacing, vandalizing, or destroying City property or the property of other employees or customers.
- 12) Behavior that endangers the safety, health or well-being of other employees or the public, or that violates the safety standards established by the City.
- 13) Carrying weapons in the workplace unless specifically authorized by the City.
- 14) Failure to report to his supervisor any arrest and/or conviction of illegal or unlawful conduct that has the potential to affect the employee's job or could bring discredit on the City.
- 15) Misuse of City Intellectual Property, specifically including confidential and proprietary information about the City's business activities, plans, or employees which is not publicly known or disclosed by the City or violation of the City's Internet/Intranet Policy.
- 16) Insubordination, including, but not limited to, refusal to comply with instructions from an authorized supervisor.
- 17) Rudeness, including insolence or offensive behavior to a customer, supervisor or another employee.
- 18) Excessive or unexcused absenteeism and/ or tardiness, absence from assigned duties without permission, or failure to return to work as scheduled after a vacation or approved leave of absence. Whether absenteeism or tardiness is excessive is determined at the City's sole discretion. [NOTE: FMLA, Military, and other protected absences are not included for this purpose.]
- 19) Inability, unwillingness or failure to perform the duties assigned to you in a satisfactory manner.
- 20) Behavior that interferes with operations, brings discredit to the City, or is offensive to customers or other employees.
- 21) Illegal copying of copyrighted materials including but not limited to, books, magazines, reports, or computer software.
- 22) Unauthorized use of a City vehicle.
- 23) Failure to provide proper notice of absences or follow City leave procedures.
- 24) Failure to maintain any license or certification required for your position.
- 25) Use of City time, computers, information systems, equipment, vehicles or other resources for any outside business

or enterprise, whether your own or someone else's.

- 26) Excessive use of work time on personal matters.
- 27) Physical violence, threats of physical violence or assault or other behavior that would cause other City employees, citizens or others to be concerned for their personal safety.
- 28) Failure to comply with City policies and standards as outlined in the Employee Handbook, Safety Manual, Personnel Policies, and other City publications.

## APPENDIX C-HARASSMENT REPORT

### HARASSMENT REPORT

(Return or mail to the Department of Human Resources and Organizational Development at 75 Calhoun Street, Suite #3600, Charleston, SC 29401, Attn: HR Director)

Correct name of complainant (optional) \_\_\_\_\_

“Code name” of complainant (mandatory if correct name not given) \_\_\_\_\_

Date of Report \_\_\_\_\_

Date of Incident(s) \_\_\_\_\_

Name or description of person(s) who engaged in harassment:

---

---

What happened (attach additional sheets if necessary)? \_\_\_\_\_

---

---

---

Names of witnesses: \_\_\_\_\_

Names of people who say that the same person harassed them at another time: \_\_\_\_\_

---

If harassment is found to have occurred, what action do you want to have taken? \_\_\_\_\_

---

If your complaint comes down to your word against that of the person who you say harassed you, would you be willing to take a polygraph exam? \_\_\_\_\_

---

Date Copy received by City official: \_\_\_\_\_

Name of Official: \_\_\_\_\_

Signature of Official: \_\_\_\_\_

---

## APPENDIX D-WHISTLEBLOWER POLICY

### I. Policy

The City of Charleston (“City”) is committed to providing a safe workplace with high standards of personal ethics and legal conduct. This policy is intended to protect any individual who engages in good faith disclosure of alleged wrongful conduct to a designated City official, anonymous hotline, Human Resources, or the internal auditor. City employees are encouraged to report good faith suspicions of misconduct by City employees and any misuse of City property or resources. The City investigates all complaints by employees of violations of City policies, as well as unethical or illegal conduct. This policy establishes procedures for City employees to report alleged illegal, fraudulent, or improper activity by City employees and to assure that such reports do not result in retaliation by the City.

### II. Whistleblower

A whistleblower is an employee of the City of Charleston who, in good faith, reports a violation or suspected violation. It is important that a whistleblower feels safe and protected from retaliation when a good faith report of known or suspected violations are made. The whistleblower has neither the authority, nor the responsibility, for investigating any questionable activity or for determining fault or corrective measures.

Whistleblower protection includes confidentiality and protection against retaliation as allowed by State and Federal law/legislation. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged or is being investigated.

### III. Prohibited Activities

A violation may consist of any of the following:

- a) A violation of federal, state or local laws.
- b) Conflict of interest or abuse of authority.
- c) Discrimination or harassment.
- d) Fraud, waste, or misuse of City property, resources or time.
- e) Creation of or contribution to a specific and substantial danger to public health or safety by failing to perform duties required by the City position held.
- f) Theft, misuse of, or misappropriation of City resources, property, information, assets or funds.
- g) Intentional falsification of records or the willful and unauthorized destruction of any City document or other official document, report, or form, including financial records.
- h) Any attempt to conceal a potential violation or evidence of a potential violation.
- i) Any retaliation for any report, complaint, allegation, or other disclosures made pursuant to this policy.

### IV. Protection from Retaliation

No City officer or employee, or any person acting on behalf of the City, shall influence, restrain, or prevent any employee from disclosing information that the employee has reasonable cause to believe relates to or is evidence of misconduct. Any employee acting in good faith and upon a reasonable belief as a whistleblower that misconduct has occurred, or who the city believes has disclosed or may disclose such information will be protected from threats or retaliation, including but not limited to, discharge, demotion, suspension, harassment, reduced compensation, changes in the terms and conditions of employment, or other forms of discrimination.

However, this Policy does not prohibit the City from taking adverse action for legitimate, non-discriminatory reasons that are unrelated to the disclosure. Such legitimate or non-discriminatory actions may include discipline for a legal cause or refusing to hire/promote transfer or to take any other legitimate personnel action based on inadequate qualifications or poor performance reviews.

### V. Procedure for Filing a Whistleblower Complaint

All reports should be sent to either the City of Charleston anonymous hotline, Human Resource department, or the internal auditor. There is no appeal from this process except as otherwise provided by law.

## APPENDIX E-EMPLOYEE SUBSTANCE ABUSE AND TESTING POLICY

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

For these reasons, the City of Charleston adopts the following policy:

### I.GENERAL RULE

All employees of the City of Charleston are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using illegal drugs and substances (such as marijuana, cocaine, LSD, heroin, etc.) and the unlawful use of prescription drugs. This prohibition applies to use at any time, both on-the-job and off-the-job. City of Charleston employees are, of course, permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

All employees of the City of Charleston are prohibited from consuming or otherwise using alcohol either on City time or City property, and are prohibited from being under the influence of alcohol when reporting to or while on duty. For the purposes of this policy, an employee is considered to be under the influence if there is any detectable amount revealed by breath testing.

Employees may use prescription drugs in the dosage and manner lawfully prescribed to them provided that use does not prevent or impair the employee's safe performance of his job duties. It is the employee's obligation to inform the City if he is taking a prescription drug that might impair the safe performance of duty or for which some accommodation is needed.

Employees whose jobs require them to have a Commercial Driver's License are subject to DOT's drug and alcohol testing. DOT sets the minimum requirements for testing. The City's policy, in certain instances, may be more stringent. In such cases, the City policy controls.

Certain police and fire department employees are or may be subject to additional policies and procedures relating to drug and alcohol use and testing. To the extent that those special departmental policies/procedures are more stringent or job specific than this general policy, the special or departmental policy shall govern with regard to the affected employees.

### II.APPLICANTS FOR EMPLOYMENT

The City will conduct pre-employment drug tests for all applicants tentatively selected for employment. The City shall not hire any applicant tentatively selected for employment who refuses to submit to a drug test, tampers with or attempts to tamper with a drug test, or who tests positive for use of illegal or unauthorized substances. However, the City recognizes that applicants are residents of various states, and that in some states Marijuana is legal for medical and/or recreational use. For this reason, some leniency may be granted for non-safety sensitive employees who test positive for Marijuana. The department will consider all relevant circumstances, such as the urgency of filling the position, and may allow the applicant to continue in the hiring process subject to the following:

1. The applicant must successfully complete a drug and alcohol on-line education course. The minimum number of hours required is 12 hours, and the applicant will be responsible for paying the cost of the program. The link to the approved program will be provided.
2. The applicant must wait a minimum of 30 days before retesting. If the result is negative, the applicant may continue in the hiring process. Applicants testing positive for a 2nd time will be required to wait a period of one (1) year before reapplying with the City of Charleston.
3. The applicant must agree to unannounced drug testing for a period of one year. This requirement will be included in the applicant's offer letter. A positive drug test during this period of time will result in separation of employment.

Any applicant who is rejected solely because of this policy may be considered for future vacancies if he can demonstrate he is no longer a user of any unlawful substances. (This may include participation in and successful completion of an acceptable rehabilitation program as well as a negative drug test(s) result.)

### **III. CURRENT EMPLOYEES**

All City employees will be subject to testing under the following conditions.

**A. Post-Accident:** Post accident testing will be conducted following a serious accident which appears to have been caused or contributed to by the employee's own act or omission.

1. A "serious accident" is one involving any one or more of the following:
  - a) an accident involving a fatality;
  - b) an accident causing bodily injury which requires medical care away from the scene of the accident;
  - c) an accident causing total aggregate property damage of at least \$2500.00, based on reliable estimates; or
  - d) an accident in which one or more motor vehicles incurs disabling damages as a result of the accident, requiring the towing of one or more of the vehicles from the scene by a tow truck or other vehicle.
2. Sworn firefighters and police officers may be subject to additional post-accident/injury testing guidelines.
3. In the case of involvement in motor vehicle accidents, the employee will be tested for drugs and/or alcohol as soon as practicable following the accident. The employee must remain readily available for testing. If an alcohol test cannot be administered within eight hours following the accident, attempts to administer the test will end and the City may document the reason the testing could not be administered. Of course, an employee involved in an accident is expected not to consume alcohol for eight (8) hours or until testing is completed. If a drug test could not be administered within 32 hours, attempts to test the driver will end. The City of Charleston may document the reason why the test was not administered within the allotted time frame.

**B. Reasonable Suspicion:** Reasonable suspicion testing may be conducted where the presence or occurrence of specific objective facts and the reasonable inferences drawn from them indicate a violation of this policy. Reasonable suspicion testing may be conducted only with the approval of the Director of Human Resources or that person's designee.

It is not possible to list all acts or omissions that might constitute reasonable suspicion, but the following are examples:

1. information from a reliable source that an employee has used illegal drugs or substances or has illegally used prescription drugs;
2. observed possession or use of drugs or alcohol by an employee either on the job, or before reporting for duty;
3. smell of alcohol or marijuana on an employee's person;
4. an employee exhibits abnormal or erratic behavior that is not characteristic of that employee, such as: extreme mood swings, slurred speech, staggering or unusual coordination problems, dilation of pupils, sleeping or unusual lethargy or hyperactivity while on duty, combativeness or explosive or violent behavior, or other remarkable behavior that is not characteristic of the individual;
5. An employee has been arrested for violation of drug laws.

**C. Random Testing:** Employees occupying positions designated by the City as "safety sensitive."

1. All sworn police officers or non-sworn police employees whose duties include drug interdiction;
2. All certified firefighters and firefighter trainees participating in recruit school;
3. All employees whose positions require that they have a Commercial Driver's License (CDL).
4. Because different departments have different scheduling needs, each affected department will create and implement its own guidelines for timing and logistics of random testing. These guidelines will be provided to Human Resources in writing, including updates as changes are made.

**D. Employees who are required by their jobs to possess a Commercial Driver's License also are subject to DOT testing, including random testing. The terms and conditions of DOT testing are proscribed by law and are not**

included in this policy. When an employee is subjected to DOT testing, DOT testing rules will govern and that testing process, and the sample used for that process shall not be used in any manner for City policy testing. However, employees subject to DOT policies are also subject to all of the terms and conditions of this policy as are all City employees. Any employee who undergoes DOT testing for any reason will remain at the testing facility following completion of the DOT test and will immediately thereafter be tested under the terms and conditions of this policy using a separately provided sample.

**E.** If an employee refuses to submit to a drug and/or alcohol test when ordered to do so or tampers with or otherwise interferes with a test or test result, the City shall terminate the employee. Refusal to submit to or tampering with a test includes, but is not limited to:

1. Failure or refusal to report to or remain on the testing site within the prescribed time period;
2. Failure or refusal to sign the consent form for testing;
3. Failure or refusal to provide an adequate sample of the type required (breath, urine, hair, etc.,) for testing;
4. Engages in conduct that obstructs the testing process including violating the testing facility's policy to the extent that the facility refuses to test or discontinues the testing process; or
5. Any form of tampering with or falsifying test results including, but not limiting to, substituting or diluting samples.

#### **IV. TESTING PROCEDURE**

**A.** Drug testing generally will be by urinalysis. Alcohol testing may also be performed using evidential breath test (EBT). The City reserves the right to use other testing methods when the City deems appropriate.

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

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

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

**E.** Specimens for **non-DOT** testing will be checked for at least the following substances (DOT tests will be tested only for the substances identified in DOT regulations):

1. Marijuana

Warning: Use of any substance containing any trace of THC, such as CBD oil, could produce a positive drug test resulting in termination from employment.

2. cocaine

3. opiates

4. amphetamines

5. phencyclidine

6. barbiturates

7. methamphetamines

8. benzodiazepines

9. methadone

10. propoxyphene

11. Specimens may also be tested for alcohol. However, in the event of the random test of a safety-sensitive employee, that sample will not be tested for alcohol unless the employee is on duty, just arriving for duty, or just leaving from duty.

12. Sworn police officers may also be tested for anabolic steroids, androgenic steroids, or any other controlled substances used to enhance physical development and/or athletic performance.

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

**G.**Samples which initially result in a positive finding for drug use will be re-tested by the gas chromatography/mass spectrometry (GCMS) method. If the GCMS test results in a positive finding of drug use, and is verified by the Medical Review Officer, the written report of the Medical Review Officer shall be conclusive for all employment-related purposes. The Medical Review Officer may be any third party service provider chosen as deemed appropriate by the City.

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

**I.** Any employee for whom additional testing under section G or investigation under section H must be performed will remain in a leave status until a final determination is made with regard to test results.

**J.** An employee wishing to challenge a positive test result may request a split sample test. Split sample testing is at the employee's expense and must be requested within the time period and other parameters established under the testing facility's procedures.

#### **V.NOTICE TO EMPLOYEES**

The City shall attempt to distribute to all employees a copy of this policy. Additional copies of this policy are available upon request. By continuing to work, the employee agrees that he will abide by the policy as a condition of employment.

#### **VI.NOTICE TO EMPLOYER, STATE AND FEDERAL GRANTOR/CONTRACTING AGENCIES, AND LAW ENFORCEMENT AUTHORITIES**

**A.**As a condition of employment, employees agree to notify the City within five calendar days after any criminal conviction for the workplace manufacture, distribution, dispensation, possession, or use of illegal drugs and prescription drugs not prescribed for the individual employee's use. The City shall notify all state and federal grantors/contracting agencies of such employee convictions as required by the state and federal Drug Free Workplace Acts. "Conviction" means a finding of guilt, imposition of a sentence, a plea of no contest, or a plea of guilty.

**B.**The City shall notify law enforcement authorities whenever illegal drugs are found in the workplace.

**C.**The time periods and reporting requirements here are the minimal required to comply with state and federal laws. They do not void or replace the City's other policies that require immediate report of arrests. See Code of Conduct.

#### **VII.CONSEQUENCES OF VIOLATING THIS POLICY**

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

**A.** For introductory employees and/or employees in safety-sensitive positions, the following rules shall apply:

1.Positive Drug Test: Any introductory or safety sensitive employees who tests positive for illegal use of drugs will be separated from employment.

2. Positive Alcohol Test:

a)For test results showing less than .02 on the Evidential Breath Testing device (EBT), the employee is subject to immediate discharge if the totality of circumstances indicates that is the most appropriate action. However, in these cases, the City has discretion to take such lesser action as it may deem warranted under the circumstances.

b)For test results of .02 or greater, the introductory or safety sensitive employee will be separated from employment.

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

1.The City, in lieu of terminating an employee, may condition the continued or future employment of an employee who tests positive for or admits to or is convicted of the illegal use of drugs, or who otherwise violates this policy, upon the successful completion of a drug counseling/rehabilitation program.

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

- a) Refer the employee for drug abuse counseling. The employee normally be placed on a Leave of Absence until the successful completion of the program. The program must be approved by or satisfactory to the City. Except to the extent that the treatment is covered by the EAP or group health program, the employee will be responsible for the cost of the program. To the extent that the condition leading to the need for leave is eligible for use of sick leave, that leave will be paid first from available sick leave. If sick leave is exhausted or not available, the leave will be paid from any available annual leave. Once paid leave has been exhausted, any additional leave under this policy will be unpaid.
- b) Retest the employee for controlled substances before allowing the employee to return to duty;
- c) Require the employee to authorize the Employee Assistance Program or other facility to report periodically to the City during the course of treatment/counseling;
- d) Require the employee to submit to unannounced follow-up drug testing for a period not to exceed one year.

C. Should an employee, whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program, refuse or fail to participate in any portion of the required program or fail to successfully complete the program, the employee will be terminated.

D. An employee whose return to duty test sample does not indicate that the employee is in compliance with this policy will be terminated.

E. An employee who is discharged because of non-compliance with this policy is not eligible for re-hire for a minimum period of 12 months after discharge. After the expiration of the 12-month period, the employee is eligible to apply for re-employment but may be required to show proof of successful completion of a rehabilitation program and will be subject to pre-employment and other testing provisions of this policy. Nothing in this provision or policy guarantees any individual re-hire at any time.

#### **VIII. COMING FORWARD WITH SUBSTANCE ABUSE PROBLEMS**

A. All employees (other than sworn police officers) who have substance abuse problems and report them to the City before being selected for testing, and before the occurrence of an event which normally would result in testing, normally will not be disciplined upon the first violation but will be subject to Part VII (B)(2) of this policy. Employees who have come forward under this policy may be allowed to use any available accrued vacation leave to receive pay during the leave of absence imposed under Part VII (B)(2)(a) above. Although sworn police officers are not covered under this provision for the purposes of the illegal use of drugs, they may be permitted to use this provision for the treatment of problems relating to the lawful use of alcohol.

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

#### **IX. CONFIDENTIALITY**

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

#### **X. TESTING COSTS**

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

#### **XI. NOTIFICATION OF TEST RESULTS**

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

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

**XII.EMPLOYEE ASSISTANCE PROGRAM**

The use of illegal drugs and similar substances is a serious threat to our nation's collective health, safety, and welfare. Drug and alcohol abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. In order to prevent these consequences of drug abuse, the City has implemented the above policy and made available to its employees an Employee Assistance Program. The program provides employees with professional help for problems such as alcohol and drug abuse, emotional stress, money management difficulties and unpleasant family situations. Information about the Employee Assistance Program is available through the Human Resources department.

**XIII.NOT A CONTRACT**

This policy creates neither a contract nor a property interest in employment.

## **APPENDIX F-DRUG FREE WORK PLACE POLICY**

### **Drug Free Workplace Policy**

#### **USE OF DRUGS IN THE WORKPLACE**

- A. The illegal manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or other controlled substances is strictly prohibited on City premises.
- B. Violation of this policy will result in immediate disciplinary action up to and including discharge.
- C. Employees will be given a copy of this policy. By continuing to work, the employee agrees that he will abide by the policy as a condition of employment. Failure to abide by the policy will result in disciplinary action up to and including discharge.
- D. As a condition of employment employees agree to notify the city within five calendar days after any criminal conviction for the manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or other controlled substances at the workplace. Criminal conviction means a finding of guilt, an imposition of a sentence, a plea of no contest, or plea of guilty.
- E. The City will notify all federal contracting agencies or grantors of such conviction within ten days after receiving notice of the conviction.
- F. Law enforcement authorities will be notified whenever illegal drugs are found in the workplace.

#### **USE OF DRUGS WHILE NOT AT THE WORKPLACE**

- A. The illegal manufacture, distribution, dispensation, possession or use of narcotics, drugs or controlled substance either off the premises or on non-work time, or both, is in no way condoned, and an employee engaging in such behavior, upon conviction may be subject to disciplinary action including termination.
- B. "Conviction" means a finding of guilt, imposition of sentence, a plea of no contest, or a plea of guilty.

#### **DRUG FREE AWARENESS PROGRAM**

- A. Drug abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury or possible death.
- B. In order to prevent these consequences of drug abuse, the city has implemented the above policy to ensure that the workplace remains drug free.
- C. Instead of termination, or as a part of the disciplinary action for a drug-related conviction in the workplace, the employee may be required to enter a drug rehabilitation program.

## **APPENDIX G-EMERGENCY/EXTRAORDINARY PAY POLICY**

Issued 08/17/17, Modified 07/01/19, 8/5/2022

When inclement weather, natural disasters, or other emergency situations require City office closings and/or additional working hours are required for essential City personnel, the Office of the Mayor will declare the implementation of Emergency / Extraordinary Pay Status. This policy will be activated at Emergency level OpCon 2. A no-notice event such as an earthquake may result in moving directly to Emergency level OpCon 1.

When Emergency/Extraordinary Pay Status has been declared, special pay rules, as set forth in this policy will take effect. It is not possible to anticipate every possible contingency, so additional measures may be taken on a case-by-case basis, but most pay situations will be addressed herein.

The rules in this policy apply only to hours worked or scheduled to be worked **after** the Emergency / Extraordinary Pay Status has been implemented and **before** it has been discontinued. For non-exempt personnel in departments which may work increased hours in preparation for the anticipated emergency or in clean up or other post-emergency work, those extra hours will be paid in accordance with regular rules for compensating additional hours. For exempt personnel working additional pre- or post-emergency hours, those hours should be documented, and additional City or department-wide measures can be considered and approved as deemed appropriate.

There may be brief, occasional early closings or late openings that do not warrant Emergency/Extraordinary Pay Status, such as permitting early departures to avoid anticipated flooding during an unusually high tide. In those cases where no Emergency/Extraordinary Pay Status is declared, regular rules for pay for hours worked will apply unless special rules are announced by Human Resources.

### **Emergency / Extraordinary Pay Status Protocol**

Employees whose offices are closed and who are instructed not to report for regularly scheduled duty will be paid for the number of hours they were scheduled to work. Those hours will be coded administrative leave with pay. Pay for these hours not actually worked will not be counted as hours worked for the purposes of calculating overtime. These employees are required to return when the office or location reopens. If they cannot do so, they may use any available accrued annual leave for their continued absence, or take leave without pay for all hours missed between the re-opening and their return.

Employees who are in an approved leave status will not be affected by this policy, and their leave will not be converted to paid administrative leave.

This policy applies to regular part-time and regular full-time employees.

Employees who are required to stay and work during this Emergency/Extraordinary Pay Status period will be compensated as follows:

### **Non-exempt Non-Sworn Employees**

Employees in this classification who are required to stay and perform work will be paid for all hours worked, including any applicable overtime. In addition to the pay received for the hours they actually work, they will receive emergency accrued leave for each hour worked up to 8 hours per day.

### **Exempt Non-Sworn Employees**

Although exempt employees normally are expected to work the number of hours needed to perform their duties without additional pay, work performed while the City is in Emergency/Extraordinary Pay Status will be treated as an exception to that rule. During these periods, exempt employees who are required to stay on the job and who must work more than their regularly scheduled hours will be paid for those additional hours of work at a straight hourly rate which will be determined by dividing the employee's normal weekly salary by forty (40). In addition to the pay received for the hours they actually work, they will receive emergency accrued leave for each hour worked up to 8 hours per day.

### **Non-exempt Sworn Employees**

Non-exempt sworn employees who are required to perform work will be paid for all hours worked, including applicable overtime. In addition, sworn employees required to work beyond their normal schedule (on a normally scheduled day off or beyond their normal shift hours) will receive emergency accrued leave for each hour worked up to 8 hours per

day.

### **Exempt Sworn Employees**

Exempt sworn employees normally are expected to work the number of hours needed to perform their duties without additional pay. For work performed while the City is in Emergency/Extraordinary Pay Status, exempt employees who must work more than their regularly scheduled hours or work on a normally scheduled day off will be paid for those additional hours of work at a straight hourly rate which will be determined by their normal method of compensation. In addition, during these periods, sworn employees required to work beyond their normal schedule (on a normally scheduled day off or beyond their normal shift hours) will receive emergency accrued leave for each hour worked up to 8 hours per day.

### **On Call Pay – Non-Sworn Employees**

When the City has made the decision to close City offices, employees who are not assigned emergency duties, generally Emergency Class "C" employees, are allowed to leave the area. Emergency Class "A" and Emergency class "B" employees, unless otherwise directed, are required to remain in the area and are subject to recall. In the unlikely event that these employees subject to recall are not actively engaged in performing work for the City, they will be paid a flat daily amount of \$50.00 for on-call pay. These employees should be in work ready status, and able to report to work within one hour's notice. If called in to work, you will be paid for hours worked and on-call pay does not apply.

### **Accrued Emergency Leave**

Emergency accrued leave must be used within 6 months. If these hours are not used within this time period, the leave will be paid out. This leave does not have a cash value and will not be paid out upon separation.

### **Sleep Time**

All employees who must stay overnight and sleep on site will be paid for sleep hours. Sleep hours will be paid at the City's minimum hourly rate of pay.

For non-exempt employees, sleep hours will be counted as hours worked for the purpose of calculating overtime. Although sleep hours will count as hours worked for the purpose of calculating overtime, the two different pay rates will be a blended rate.

Overtime is not applicable for exempt employees.

Sworn Fire employees on duty will follow their normal pay practices for sleep time.

Sleep time will only be paid to employees required to stay on site. Any employee who voluntarily chooses to stay on-site will not be paid for sleep time.

Sleep time does not generate accrued leave.

### **Points of Clarification**

#### **Administrative Leave with Pay**

During an emergency, an employee may be required to work a different schedule or shift. The emergency pay policy will apply to those hours worked, however, employees will not receive paid administrative leave for hours worked on a different schedule *unless* the hours worked are less than their normally scheduled hours. In that situation, paid administrative leave will be used for the partial day the employee was not working to make the employee "whole". Administrative leave is never used to provide pay for more hours than an employee's normally worked hours.

#### **Working from home**

Under the City's Telecommuting Policy, employees who are approved to work from home will be expected to do so in an emergency situation.

## APPENDIX H-MILITARY LEAVE GUIDELINES

Military leaves of absence will be provided to employees in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable South Carolina law. Military leaves of absence may be paid or unpaid in accordance with USERRA and applicable South Carolina law, including S.C. Code Sections 8-7-10 through 8-7-90. These military leave guidelines provide general information only about military leave, related benefits and requirements. These guidelines are not intended to substitute for or conflict with USERRA or applicable South Carolina law. Finally, these military leave guidelines are not intended to and do not provide leave or related benefits beyond those required by USERRA and South Carolina law.

### **Military Leave Provided by South Carolina Law**

#### **General Benefit**

Pursuant to S.C. Code Section 8-7-90, all enlisted and commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, or the United States Coast Guard Reserve are entitled to take up to fifteen (15) regularly scheduled work days in any "one year" for training or any other ordered duties. Any of those National Guardsmen or Military Reservists who are called to service due to an emergency are entitled to additional paid leave of up to thirty (30) days. , "One year" means the calendar year, unless a statutory exception applies.

The maximum amount of paid military leave available per year in an emergency situation is forty-five (45) days (fifteen plus thirty). These military leave days are in addition to other paid leaves such as annual leave and are not charged against any other paid leave balances.

Military leave provided for by South Carolina law cannot be used for travel time outside of the dates on the orders. An employee may however, request annual leave, compensatory time, or leave without pay for travel time to get to the assignment outside of the dates on the orders.

#### **Eligibility**

Employees who meet the following criteria are eligible for military leave provided by South Carolina law:

- Employees called to active duty or authorized military training for the State's military forces or any reserve branch of the U.S. armed forces.
- Employees who are members of a reserve branch of the U.S. armed forces and who are called to duty due to a national emergency.
- Employees, who are members of the state military forces called to state active duty by the Governor.

#### **Effect on Annual Leave and Sick Leave**

The employee accrues annual leave and sick leave while out on paid military leave. After exhausting available paid military leave, an employee may use accrued annual leave to the extent available or be placed in a military leave without pay status, or a combination of the two, for the remainder of the active duty period.

#### **Notification or Request for Military Leave**

The employee must notify the supervisor of the call to military service as soon as the information is known. It is recommended that the notice be given to the supervisor at least two weeks before the military-leave-of-absence start date. Service members must provide advance written or verbal notice to their employers for all military duty, unless giving notice is impossible, unreasonable, or precluded by military necessity. The employee should submit a Leave Request Form and a copy of the orders. If you have not received your orders, you should submit the form as soon as possible and then supplement when your orders arrive. Orders may be provided at the end of such leave should

circumstances prevent the employee from providing it in advance. The employee shall promptly and accurately record the use of military leave on their timesheets. If orders are not submitted, the employee should record the time as leave without pay. Once orders are submitted, the leave without pay can be converted to military leave with pay if available.

### **Benefits During Military Leave**

An employee on military leave may elect to continue the health plan coverage and is required to pay only the employee's portion of the insurance premium when on military leave for an extended period of time. However, if coverage is terminated at the employee's option, the City may not impose a waiting period for benefit reinstatement upon return to employment. For more specific information regarding the status of Health Plan coverage, Group Term Life/AD&D and other benefits during military leave, contact the Benefits Team. An employee who elected not to continue health insurance during a military leave is responsible for notifying Human Resources in writing at the time resuming insurance coverage is desired. As long as the employee is in a paid status (whether it is paid military leave or elected paid annual leave), the employee will continue to make their retirement contributions through payroll deduction and the City will continue to make its required contributions. Once all paid leave is exhausted, the employee may elect to continue to make their contributions, thus maintaining uninterrupted service credit, through one of the following methods: 1) contact the Payroll Office to determine their contribution and submit a check monthly payable to the City of Charleston continue to pay their contribution to the State Retirement System during their absence, or 2) when the employee returns from military duty, elect to have additional money deducted from their paycheck to cover the contributions they would have made. Option 2 allows you to take advantage of pre-tax contributions. Employees who seek reinstatement after a long-term military leave (more than 45 days) should contact Human Resources upon return to ensure that all benefits have been restored in accordance with the federal USERRA requirements.

### **USERRA**

To be eligible for protections under USERRA, the employee must report back to work or apply for reemployment within the following general guidelines:

- 1) If the employee served fewer than 31 days or was away from City for other qualified reasons, the employee must return to work the next regularly scheduled workday.
- 2) If the employee served more than 30 days but fewer than 181 days, the employee must notify their supervisor of their intention to return to work within 14 days after completion of service.
- 3) If the employee served more than 180 days, the employee must notify their supervisor of their intention to return to work within 90 days after completion of service.
- 4) Upon notification of intent to return to work, the employee must provide military discharge documentation to their supervisor that establishes timeliness of application for reemployment and length and character of the staff member's military service.

## **APPENDIX I-INTERNET ACCEPTABLE USE POLICY**

**UPDATED 08/30/2018**

### **1.0 PURPOSE:**

To establish a common, uniform policy for the City of Charleston regarding use of the Internet by its public officials, employees and consultants using City computer equipment and/or network infrastructure resources.

### **2.0 SCOPE:**

All City Departments, City Council, City officials, consultants, boards and commissions using the Internet accessed from City of Charleston computer equipment and/or network infrastructure resources.

**3.0 OFFICIAL CITY INTERNET USE** is defined as the access to or distribution of information via the Internet by its public officials, employees and consultants using City computer equipment and/or network infrastructure resources. This shall be in direct support of official City of Charleston business. Official City business is defined as the pursuit of a goal, obligation, function, or duty imposed upon or performed by a City official, employee or consultant as required by his or her duties associated therein. Though not exhaustive, the following are examples of both acceptable and unacceptable use under the guidelines of this policy.

#### **3.1 ACCEPTABLE USES:**

- Communications with and/or access to federal, state or local governments, vendors and other private businesses related to City business and operations.
- Communications and access of information for professional development or to maintain knowledge or skills related to one's position with the City and as approved by a supervisor.
- Communications with and/or access to any information or entity directly related to an employee's business duties and responsibilities.

#### **3.2 UNACCEPTABLE USES:**

- Use for private or personal for-profit activities.
- Use for private or personal activity, business and/or gain.
- Use for any illegal purposes, including communications which violate any laws, rules or regulations.
- Transmitting threatening, obscene or harassing messages or information.
- Intentionally seeking information about, obtaining copies of, or modifying files, other data or passwords belonging to another user.
- Interfering with or disrupting network users, services or equipment. Such disruptions could include, but are not limited to: (a) distribution of unsolicited advertising or messages, (b) propagation of computer worms or viruses, (c) using the network to gain unauthorized entry to another machine on the City's network or an outside entity, and (d) accessing and/or downloading information such as streaming audio and video or other programs and files not directly related to employee's business duties and responsibilities.
- Seeking/exchanging information, software, etc. which is not directly related to one's business duties and responsibilities.
- Use of another network or service – use of another network or service will subject the user to that network's or service's acceptable use policy.
- Accessing information of a sexually-oriented and/or inappropriate nature/content.

#### **3.3 OTHER APPROPRIATE USE:**

A department head has the authority and responsibility to determine when and under what circumstances the use of the Internet by employees of his or her department is appropriate in the performance of the employee's duties and responsibilities and within the guidelines of this policy.

**4.0 POLICY:** In order to establish a common, uniform policy for all City of Charleston officials, employees and consultants regarding use of the Internet accessed from City computer equipment and/or network infrastructure resources, the

following procedures are established:

- 4.1. All City officials, employees and consultants shall review this policy in writing before the official, employee or consultant shall be permitted to use the Internet, and shall by signing the handbook acknowledgement form agrees that the City will be properly reimbursed for any costs associated with UNACCEPTABLE USES as outlined above in 3.2. The City official, employee or consultant shall further agree by signature that the Internet Acceptable Use Policy prohibits illegal, unethical practices including accessing information on the Internet that is sexually oriented in nature.
- 4.2 Any official, employee or consultant of the City of Charleston who violates the provisions of this policy shall be subject to disciplinary and/or legal action, up to and including termination of employment. In every case, the offending City official, employee or consultant shall be required to reimburse the City for the total cost of any fees incurred as a result of unacceptable and inappropriate Internet use.

## APPENDIX J-EMAIL ACCEPTABLE USE POLICY

Revised March 22, 2021

The City of Charleston (City) provides electronic mail (email) to employees for business purposes. All electronic messages are the property of the City and therefore are not considered private. The infrequent, occasional use of City email by employees for personal reasons to communicate with relatives/friends is allowed provided such use does not violate Section (A) "Use of Email" provisions stated below. It is the responsibility of Department Heads to determine if the personal use of email causes productivity issues in their areas of responsibility and to manage that Email activity appropriately.

### A. Use of Email

#### **The following uses of the City's Electronic Mail System are PROHIBITED:**

1. Use of the email system to send/forward commercial advertisements, chain letters, jokes, pictures, videos, or other personal and/or non-business information.
2. Use of the email system to send copies of documents/programs in violation of copyright laws.
3. Use of the email system to compromise the integrity of the City and its business in any way.
4. Use of the email system for "moonlighting", job searches, or the advertisement of personal business.
5. Use of the email system to send messages containing offensive, abusive, threatening, or other language inappropriate for the business of the organization.
6. Use of the email system to send messages that violate the City's Anti-Harassment and Anti-Discrimination Policy, Information Technology Policies or any other policy set forth in the City of Charleston Employee Handbook. This includes emails that are harassing or discriminatory regarding race, sex (gender, sexual orientation, and gender identification), religion, national origin, age or disability.
7. Forwarding City email, manually or automatically, to external and/or personal email accounts.

### B. Email Signatures

To ensure the uniformity and professionalism of the City of Charleston's electronic communications, the following policy exists regarding all employee use of the City of Charleston's email system, specifically email "signatures". This required email signature format will be in addition to the Confidentiality Statement that is automatically appended to the end of all outbound City emails by the email system.

All employees using City email are REQUIRED to use one of the following two email signature options:

- **Full format** – using the format/template as provided below (recommended for external emails).
- **Name only** – can be just your first name, or full name (recommended for internal emails).

**Employees should not make any additions or changes to this format, including, but not limited to, different fonts, colors or backgrounds, or adding icons, pictures, graphics, quotes, comments or links.**

The easiest way to set up the new signature format in your email is to copy, paste and then edit the sample signature provided below into the email signature configuration window. Steps for completing this task are provided in the “Creating an Email Signature” document which can be found on the City’s Intranet site under IT’s “Training and Information” page.

**EMAIL SIGNATURE FORMAT (Times New Roman Font 11pt is used for text):**

**John Smith** | Position Title

City of Charleston | Department of .....

Division Name (*optional*)

123 Main Street | Charleston, SC 29401

T:(843) 987-6543 | [name@charleston-sc.gov](mailto:name@charleston-sc.gov) | [www.charleston-sc.gov](http://www.charleston-sc.gov)



### **Mobile Device Email Signatures**

Email Signatures on mobile devices using the device’s email client (smartphones, iPads) use basic text formatting versus HTML and can be reduced as desired (name, title, department, organization) but should still adhere to one of the two formats above (Full Format or Name Only) without the special formatting or City logo.

### **Review Committee for Requested Email Signature Changes**

Employees who feel they have a business-related need to make a change or addition to their email signature may submit a request with details to the Help Desk. This request will then be reviewed for potential approval by a review committee composed of representatives from the Office of Public Information, the Legal Division, and the Department of Information Technology.

### **C. Personal Photos**

Employees can add a personal photo to their email account for automatic insertion into their emails but it must be your personal City ID photo taken and provided by the City’s Department of Human Resources. No other photos are approved or can be used. You can contact Human Resources to get an electronic copy of your ID photo, or to have a photo taken.

### **D. Email Encryption**

Email encryption is currently available to users on a by-request basis. This capability will be added for all email accounts as an available feature within the email client in the near future. If you currently need to use email encryption, please contact the Help Desk.

## **E. Email and Cyber Security Awareness Training**

All employees who use the City's email system will be required to complete regular email and cyber security awareness training as provided by the IT Department. This training will be tracked and any employees failing to complete the training will lose use of the City email system until such time they successfully complete the prescribed training. This training will generally be an online process administered quarterly or semi-annually to employees by the IT Department or a contracted partner/service.

## **F. Monitoring of Electronic Mail**

All email messages sent or received on City computers and mobile devices (laptops, tablets, smartphones, etc...) are the property of the City of Charleston. The City reserves the right to access messages whenever there is a legitimate purpose to do so or under the following circumstances:

1. Upon leaving the employ of the City for any reason. This access will be granted only upon written notification from the associated department head to the Information Technology Department.
2. If required by law to do so.
3. In response to a Freedom of Information Act (FOIA) request.
4. In the course of an audit or investigation triggered by indications of impropriety or as necessary to locate substantive information.
5. When necessary to investigate a possible violation of a City policy or a breach of the security of the electronic mail system.
6. In the event there is reasonable suspicion that a user has committed or is committing a crime against the City or for which the City could be held liable.

## **G. Disclosure of Electronic Mail**

The contents of electronic mail, properly obtained for legitimate business purposes, may be disclosed within the organization without the permission of the user. However, any internal disclosure without the consent of the employee who sent the message shall be limited to those employees who have need for access to the information or in the course of an investigation.

The City will disclose any email message(s) to law enforcement officials if legally required. The Chief Information Officer, Director of Human Resources and the City Corporate Counsel will review any requests to provide the contents of email without the consent of a sender or recipient.

## **H. Disciplinary Actions**

Anyone found in violation of this policy may be subject to disciplinary action including and up to termination of employment and/or criminal prosecution.

## **APPENDIX K-CITY OF CHARLESTON GENERAL DRIVER POLICY**

Effective January 2019, Revised August 2019

### **Employment-at will**

*Nothing in this policy changes the at-will nature of City employment. Depending upon the circumstances surrounding a first or second offense of City point rule, additional discipline up to and including discharge may be imposed.*

*Discipline for other violations or non-compliance with this policy will be determined based on the facts and circumstances presented.*

### **I. PURPOSE**

To establish policies that apply to all vehicles or motorized equipment used for official City business.

### **II. SCOPE**

This policy applies to all City of Charleston employees who drive a vehicle or operate motorized equipment owned, leased or rented by the City of Charleston. Additional policies may apply for the Fire or Police Departments.

Failure to comply with these policies and procedures may subject an employee to disciplinary action, including termination.

### **III. DRIVER ELIGIBILITY**

- a. In order to be eligible to drive a City vehicle a driver must have a driver's license valid in the State of South Carolina and appropriate for the class of vehicle driven, and a driving record acceptable to the City.
- b. Human Resources conducts a driving record review as part of the pre-employment screening process for all positions for which driving is an essential function. A driving history request will be made and the employment offer will be contingent upon receiving an acceptable driving record check.
- c. A copy of the signed Acknowledgement Statement shall be retained by the Human Resources Department. Drivers who do not sign the Acknowledgement Statement are NOT authorized to drive City vehicles or motorized equipment.
- d. Any employee who has a driver's license revoked or suspended even temporarily for any reason, shall immediately notify Human Resources and the employee's supervisor within 24 hours. The employee should immediately discontinue driving a City vehicle or motorized equipment if a driver's license is revoked or suspended for any reason.
- e. Drivers who have had their driving privileges suspended shall remain ineligible to drive until the State approves the driver's reinstatement of eligibility, and HR confirms.
- f. The City participates in the South Carolina Department of Motor Vehicles Employer Notification program. This program monitors an employee's driving status and alerts the city weekly of any driving violations, suspensions, and driver's license changes for one calendar year from the date the report is executed.

### **IV. AUTHORIZED USE OF NON-PUBLIC SAFETY CITY VEHICLES AND PROHIBITED CONDUCT**

- a. City vehicles are to be used to conduct official City business. For non-public safety

employees, City vehicles shall not be used for personal reasons, including transporting friends or members of the family. Passengers in City automobiles are limited to persons being transported for work-related business.

- b. The City prohibits tobacco use in all City-owned vehicles (including take-home vehicles) and equipment. This policy also applies to e-cigarettes.
- c. No driver may consume alcohol or illegal drugs while driving a City vehicle, while on City business, while in a City vehicle, or prior to the employee's shift if such consumption would result in a detectable amount of alcohol or illegal drugs being present in the employee's system while on duty. In addition, no driver may consume or use any substance, regardless of legality or prescription status, if by so doing, the driver's ability to safely operate a motor vehicle.

## **V. SAFETY**

- a. Prior to daily use, the driver shall check to make sure that all equipment is working and in safe operating conditions. Drivers who operate a commercial motor vehicle shall comply with pre and post trip inspections according to Department of Transportation requirements.
- b. All drivers shall operate vehicles in compliance with the motor vehicle laws of the State of South Carolina and jurisdiction in which the vehicle is being driven and in a manner that reflects concern for safety and courtesy towards the public. Motorized equipment shall be operated according to manufacturer recommendations.
- c. Any illegal, dangerous, or other conduct while driving that would tend to place the lives or property of others at risk is prohibited. Drivers should familiarize themselves with the Defensive Driving Guidelines (Appendix 2).
- d. An authorized driver shall operate a City vehicle in accordance with any license requirements or restrictions, such as corrective lenses, daytime only, etc.
- e. The driver of a City vehicle should take every precaution to ensure the safety of passengers and him or herself. No person may ride in a City vehicle unless properly restrained by a seat belt or, in the case of children, an appropriate child safety seat. It shall be the driver's responsibility to ensure that all passengers are properly restrained.
- f. All traffic and parking violations and fines, including any late fees or penalties, are the responsibility of the driver involved. Failure to promptly pay a violation or fine may result in disciplinary action.
- g. Whenever possible, employees should not make or receive calls while driving a City vehicle. If a call needs to be made or answered while driving, a hands-free device must be used. All state and local laws regarding the use of a mobile communications device while driving must be followed. This includes text-based communication such as text messaging, instant messaging, and emailing. If an employee travels out of state, it is their responsibility to obey those local and state laws. Only in the case of an emergency is the use of a hand-held mobile communications device without a hands-free device permitted. This requirement does not apply to law enforcement officers or operators of authorized emergency vehicles.
- h. The driver of a City vehicle shall take every precaution to ensure the safety of the vehicle and its contents. The driver shall lock the vehicle and take the keys, except in those instances when a commercial parking garage requires the keys be left with the vehicle.

- i. Authorized drivers of City vehicles are personally responsible for vehicles operated by them.

## **VI. REPORTING RESPONSIBILITIES FOR COLLISION OR DAMAGE**

Employees are required to comply with the reporting procedures which will allow the City to document incidents, make timely repairs, determine if medical attention is needed, if drug testing is required, identify incident trends, and coordinate training to reduce employee exposure.

Additional written collision or damage reporting policies may apply to the Fire or Police Departments.

Employees must follow the Vehicle or Motorized Equipment Collision or Damage Reporting Procedures C-BF 5.26.

## **VII. DISCIPLINARY ACTION**

Collisions and damages to City vehicles or motorized equipment will be investigated by law enforcement, Fleet Management, Safety Management and the Vehicle Review Subcommittee depending on the events of the incident. Police and Fire Departments may follow separate post collision or damage procedures.

Employees will be accountable for incidents found to be in violation of laws and/or City policies and procedures. Furthermore, employees who come before the Vehicle Review Subcommittee will be assessed City points. The City points are as follows:

<b>City</b>	<b>Points</b>	<b>Description</b>
Zero		Non-preventable / Inconclusive
Two		Preventable / No law violation
Four		Preventable / Law violation

Any employee who accumulates six (6) City points in one (1) year or ten (10) City points in two (2) years shall have their City driving privileges suspended. Drivers who completed the City sponsored driving course shall have one-half of the points from the last assessment removed from the record. Employees are eligible for this reduction after the first suspension and only one other time during employment.

### For a First Offense

If an employee's driving privileges are suspended under this provision, the employee will be transferred to a non-driving position if available. Upon transfer, the employee will be paid the lesser of his current rate of compensation or the compensation of the position to which the transfer is made. If there is no alternative position available for which the employee is qualified, the employee will be separated from service.

After 180 days, the employee may apply for transfer back to the initial driving position if it is (1) the position is open and to be filled, (2) employee has passed DOT physical and drug screen (if applicable) and (3) completed the City sponsored driving course. If there is no such availability, the employee will remain in the non-driving position. An employee on an unpaid leave whose prior driving position is not available and for whom there is no non-driving position after 180 days will be separated from service.

#### For a Second Offense

An employee whose driving privileges are suspended for a second time under this provision will be transferred to a non-driving position if available. In the event of such a transfer, the employee will be paid at the lesser of his current rate of compensation or the compensation of the position to which the transfer is made. If no such non-driving position is available, the employee will be separated from service.

An employee who is transferred due to a second offense under this position is not eligible for future selection for a driving position with the City.

### **VIII. APPEAL PROCESS**

Any City employee who feels that he or she has been unjustly charged in accordance with the above policies shall have the right to appeal to the City Grievance Committee, but only after such a time as the employee's position has been directly affected by the course of action recommended by the Vehicle Review Subcommittee. All appeals shall be made in writing by the employee involved to the Human Resources Director with fourteen (14) days of being notified by his/her department/division head of the decision of the Vehicle Review Subcommittee. Charges shall be effective, but shall remain unimplemented, until the City Grievance Committee renders a recommendation which shall be forwarded to the Mayor for a decision.

**APPENDIX 1 - GENERAL DRIVING POLICY  
CITY OF CHARLESTON  
ACKNOWLEDGEMENT**

**TO: ALL DRIVERS OF CITY OF CHARLESTON VEHICLES OR MOTORIZED EQUIPMENT**

Drivers are required to read the General Driver Policy for City of Charleston and sign this Acknowledgement Statement at the bottom of this page. The signed statement must be retained by Human Resources. Only drivers who have signed this Acknowledgement Statement may operate City vehicles or motorized equipment.

.....  
The undersigned certifies he/she has read the General Driver Policy for City of Charleston. I am aware that a violation of these rules may be cause for disciplinary action.

SIGNED: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

DATE: \_\_\_\_\_

## APPENDIX 2 - GENERAL DRIVING POLICY

### Defensive Driving Guidelines

It is not possible to list every potential defensive driving practice. However, in addition to obeying all relevant laws, drivers should use the following practices:

- Drivers are required to maintain a safe following distance at all times. Drivers should keep a three second interval between their vehicle and the vehicle immediately ahead. During slippery road condition, the following distance should be increased to at least five seconds.
- Drivers must yield the right of way at all traffic control signals and signs requiring them to do so. Drivers should also be prepared to yield for safety's sake at any time. Pedestrians and bicycles in the roadway always have the right of way.
- Drivers must honor posted speed limits. In adverse driving conditions, reduce speed to a safe operating speed that is consistent with the conditions of the road, weather, lighting, and volume of traffic. Tires can hydroplane on wet pavement at speeds as low as 40 mph.
- Turn signals must be used to show where you are heading: while going in to traffic and before every turn or lane change.
- When passing or changing lanes. View the entire vehicle in your rear view mirror before pulling back into that lane.
- Be alert of other vehicles, pedestrians and bicyclists when approaching intersections. Never speed through an intersection on a caution light. When the traffic light turns green, wait two seconds, look both ways for oncoming traffic before proceeding.
- When waiting to make left turns, keep your wheels facing straight ahead. If rear ended, you will not be pushed into the lane of oncoming traffic.
- When stopping behind another vehicle, leave enough space so you can see the rear wheels of the car in front. This allows room to go around the vehicle if necessary and may prevent you from being pushed into the car in front of you if you are rear-ended.
- Avoid backing where possible, but when necessary, keep the distance traveled to a minimum and be particularly careful.

## APPENDIX L-GRIEVANCE REQUEST FORM

I \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_  
(Print Name) (full address) (contact phone)

Do respectfully request a grievance hearing.

My grievance request concerns the following \_\_\_\_\_.

(Termination/Demotion)

I will be prepared to discuss this issue at this hearing. In addition:

a) The reason for my request is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b) I would like the following outcome: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c) Here is a list of city employees or other witnesses that I wish to be present. These witnesses have firsthand knowledge of this case. I understand that character witnesses are not permitted.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d) If I am or become represented by legal counsel, I will notify you of my Attorney's name, address and phone number:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

Signature

Date

---

## IMPORTANT HR CONTACT INFORMATION

**Address:** City of Charleston  
Human Resources & Organizational Development  
75 Calhoun Street, Suite 3600  
Charleston, SC 29401

**Phone:** (843) 724-7388

**Fax:** (843) 724-7358

**Employee Emergency Line:** (843) 579-7549

**Harassment Hotline:** (877) 879-9803

To report discrimination or harassment, leave a message in the confidential voice mailbox accessible only by HR.

**Email:** [HR@charleston-sc.gov](mailto:HR@charleston-sc.gov) for general HR questions and [Benefits@charleston-sc.gov](mailto:Benefits@charleston-sc.gov) for Benefits questions.

**Internal Webpage:** <http://intranet/department-pages/human-resources-organizational-development/>  
Contains internal job postings, HR forms and a variety of employee information. Accessible only via the City's Intranet.

**External Webpage:** [www.charleston-sc.gov](http://www.charleston-sc.gov)

**Workplace Solutions Webpage:** <https://wpsenroll.com/enroll/Lib/loginWPS.aspx>

**Employment Postings:** <http://www.charleston-sc.gov/employment>

**Audit Hotline:** (877) 879-9803

Report any unethical, illegal, or irresponsible activities involving City property, funds, or records by calling this 24 hour, 7 days a week hotline or report online at:  
[www.InTouchWebsite.com/CharlestonHelpline](http://www.InTouchWebsite.com/CharlestonHelpline).