

**CULLMAN CITY COUNCIL MEETING ON SEPTEMBER 27, 2021
IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:00 o'clock p.m. on Monday, September 27, 2021. Fire Chief Brian Bradberry led the Pledge of Allegiance and presented the invocation.

A roll call by City Clerk Wesley Moore reflected the following: Present - Mayor Woody Jacobs, Council Member Andy Page, Council Member David Moss, Council Member Clint Hollingsworth and Council President Jenny Folsom. Also present were Attorney Roy Williams and City Clerk Wesley Moore. Absent: Council President Pro Tem Johnny Cook

Council President Jenny Folsom asked the Council to consider the minutes from September 13, 2021. Council Member Page made a motion to suspend the rules to consider the minutes. Council Member Moss seconded the motion to suspend the rules, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye. Council Member Page made a motion to approve the minutes from September 13, 2021, as written. Council Member Moss seconded the motion to approve the minutes, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

ADDITIONS/DELETIONS TO AGENDA – None.

REPORTS OF STANDING COMMITTEES

1. Public Safety (Fire, Police, etc.) - Chairman Andy Page reported that both the Fire Chief and Police Chief worked hard developing new pay structures for their department; as well as new vehicles and equipment are included in their departmental budgets. Dispatch has been created as a new Telecommunications Department and are recognized as First Responders.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss shared there was great effort and focus on pay scales to remain competitive, Wastewater received major adjustments in pay as well as other departments.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook – absent.
4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth shared the Parks and Recreation department has big projects going on, such as the new civic center, the RV park is and the water park. Upcoming projects are a new skate park, a new gymnastics center and restroom upgrades at Heritage Park; and the department is doing well under the Interim Park Director, Kyle Clark. The museum is looking forward to getting new displays for their historical items. Airport Manager Ben Harrison reported the airport is at the beginning of a large 120 day project to completely rebuild the runway.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom reported the end of the current fiscal year shows a 26% increase in revenues, allowing a \$48 million budget which is an increase over the current year budget of \$38 million. New employees will receive a \$2.00 an hour increase in pay and all employees will receive a 4% cost of living increase. All full-time employees will receive an \$800 supplement and added an additional paid holiday. All insurance premium increases will be absorbed by the city instead of passing the cost to the employees and have continued the AirEvac membership for all families of the employees. The city schools have received \$8.6 million from local property and sales taxes and the city has pledged an additional \$600,000 per year for ten years for school capital projects.

REPORT FROM THE MAYOR

Mayor Jacobs presented a Certificate of Appreciation to Marine Jacob Patrick Ray, proudly accepted by his parents, commending him for his bravery and action in the deployment of troops out of Afghanistan.

In full support of the prepared budget, Mayor Jacobs presented it to the council for consideration for passage.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Night Shift Police Officer Spinks commented on the Police Department pay scale. Kerry Zozoka, parent of a freshman student, requests an adjustment on the timing of the traffic light during school traffic times at the intersection of Eva Road and 13th Street NE.

PUBLIC HEARINGS – None.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS, AND OTHER

Council Member Moss made a motion to approve a special event request Lauren Rainwater of Tally Ho Fitness for a fitness competition on Saturday, October 23, 2021 from 9:00 am until 2:00 pm. Council Member Hollingsworth seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

Council President Jenny Folsom held the first reading of Ordinance No. 2021-53 designating the officers of the City of Cullman. Council Member Moss made a motion to suspend the rules to consider Ordinance No. 2021-53. Council Member Hollingsworth seconded the motion to suspend the rules, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye. Council Member Page made a motion to adopt Ordinance No. 2021-53 designating the officers of the City of Cullman.

ORDINANCE NO. 2021 – 53

TO AMEND ORDINANCE NO. 2021 – 05 DESIGNATING OFFICERS OF THE CITY OF CULLMAN, ALABAMA
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

1. That SECTION IV is deleted in its entirety and replaced with the following:

SECTION IV. The following officers of the City, all of which have some level of authority over employees of the City, exercise some discretionary policy making authority, or a portion of their duties is the ability to discharge some portion of the sovereign power of the City, shall be appointed by the majority of the City Council:

- A. Police Chief.
- B. Fire Chief.
- C. Director of Economic Development.
- D. Sanitation Superintendent.
- E. Street Superintendent.
- F. Wastewater Treatment Plant Superintendent.
- G. Water and Sewer Superintendent.
- H. Garage Superintendent.
- I. Chief Building Official.
- J. Director of Risk Management.
- K. Director of Information Technology.
- L. ROW Maintenance Superintendent.
- M. City Engineer.
- N. Director of Parks and Recreation.
- O. Director of Human Resources.
- P. Court Clerk.

All officers set out in this Section shall serve for one year or until their successors are appointed. All officers set out in this Section shall be directed by the Mayor, and shall report to the Mayor and the designated Committee Chair to keep the Council informed of the operations of their departments. In addition to the normal duties of their respective departments, these officers shall set formal procedures for personal conduct of the employees within their departments not inconsistent with the policies set by the Council and Mayor. All officers set out in this Section are exempt employees (employees at will) and may be removed prior to their term of service without cause by the Council. The Mayor may temporarily suspend or remove any officer, superintendent, chief, or department head in this Section; the suspension or removal of any of the above officials, if sustained by a majority of the Council, shall be final. The Mayor may temporarily fill the vacancy of any office in this Section until a permanent replacement is appointed by a majority of the Council.

3. This Ordinance shall be effective following its passage, approval, and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth seconded the motion to approve the Ordinance, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

Council Member Moss made a motion to adopt the following resolution:

RESOLUTION NO. 2021 - 143

TO APPOINT OFFICERS OF THE CITY OF CULLMAN

BE IT RESOLVED BY THE CITY OF COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

SECTION 1. The City Council of the City of Cullman designates the following officers to be appointed; said officers will serve until their successors are appointed:

Kenny Culpepper	Chief, Police Department.
Brian Bradberry	Chief, Fire Department.
Dale Greer	Director of Economic Development.
Sam Dillender	Superintendent, Sanitation Department.
Scotty Talley	Superintendent, Street Department.
Jeff Adams	Superintendent, Wastewater Treatment Plant.
Chris Freeman	Superintendent, Water and Sewer Department.
Joshua Brown	Superintendent, Garage Department.
Brandon Lewis	Chief Building Official.
Christopher Dotson	Director of Risk Management.
Jacob Smith	Director of Information Technology.
Rothal (Clain) Fletcher	Superintendent, ROW Maintenance Department.

Erica York
Kyle Clark (interim)
Michelle Bates
Blake Lee Cockrell

Director of Engineering.
Director of Parks and Recreation.
Director of Human Resources.
Court Clerk

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor

Council Member Page seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to adopt the following resolution:

**CITY OF CULLMAN
RESOLUTION NO. 2021 – 144**

**RECOGNIZING THE WORK OF THE PUBLIC SAFETY TELECOMMUNICATORS OF THE CITY OF CULLMAN AND
THE SACRIFICES OF THEIR SERVICE TO THE PUBLIC SAFETY IN THEIR ROLE AS FIRST RESPONDERS**

WHEREAS, the City of Cullman is elevating the status of its Public Safety Telecommunicators to First Responders in a move that outpaces a similar effort on the national level; and

WHEREAS, the Public Safety Telecommunicators play a critical role in public safety, homeland security, and emergency response alongside Police Officers, Firefighters, and Emergency Medical Services; and

WHEREAS, the Public Safety Telecommunicators require specialized training and skills to gather vital information and make split-second decisions to form the foundation of an effective emergency response, prevent the worsening of a situation, provide situational awareness to responders and/or to provide life-saving direction and delivering emergency medical pre-arrival instructions; and

WHEREAS, the Public Safety Telecommunicator works in a uniquely stressful environment, communicating with people in great distress, harm, fear, or injury; and

WHEREAS, the Public Safety Telecommunicator holds strong "the thin gold line," providing selfless compassionate care to all who seek their assistance during good times and bad; and

WHEREAS, the City of Cullman holds all these things to be true.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, that the Council recognizes Public Safety Telecommunicators are far more than clerical and supports the national movement to reclassify telecommunications as first responders and accurately recognize the scope of the work they do. Additionally, the City of Cullman supports the 911 Saves Act to properly classify the profession of 911/Public Safety Telecommunicators. The Public Safety Telecommunicators shall hereby be designated as First Responders in all policy and procedural considerations in the City of Cullman.

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor

Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Moss made a motion to adopt the following resolution:

**CITY OF CULLMAN
RESOLUTION NO. 2021-145**

WHEREAS, the City of Cullman wishes restructure the work cycle in accordance with the Fair Labor Standards Act (FLSA) for the City of Cullman Fire Rescue Department; and

WHEREAS, this restructuring will serve a conservative, public purpose in reducing the taxpayer burden produced by overtime worked through amending the current work cycle and adding to the executive exempt status of employees; and

WHEREAS, this policy will establish guidelines along with a competitive and comparable work schedule that will ensure the City of Cullman the strongest ability to maintain providing the needed public safety resources, recruit and efficiently train new employees to uphold high departmental standards of excellence and retain qualified employees within Cullman Fire Rescue; and

WHEREAS, employees who work 24-hour shifts within Cullman Fire Rescue will now work under a 26-day cycle with overtime accruing after 197 hours; and

WHEREAS, the adoption of this policy does not imply a contract for employment and does not alter At-Will Employment practices of the City of Cullman.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the City Council of Cullman that the Council, hereby adopts the following attached Cullman Fire Rescue FLSA Work Cycle Policy.

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor



CULLMAN FIRE RESCUE

FLSA 26 Day Cycle

9/27/21

Scope: The Fair Labor Standards Act (FLSA) is a very definitive document with respect to how organizations provide pay and compensation to employees. This policy is designed to provide information and guidance to all employees regarding how Cullman Fire Rescue (CFR) meets/will meet the standard in operational practice as well as record keeping mechanisms for reporting compliance to the act.

Exempt and Non-Exempt Employees: The FLSA allows for certain positions to be held exempt from the payment of overtime and other positions to be held non-exempt from the payment of overtime. Cullman Fire Rescue has defined the posture of all positions with respect to this status. These are listed below.

Executive Exempt Status:

Fire Chief
Deputy Fire Chief
Division Chief
Battalion Chief

Non-Exempt Status

Firefighter
Fire Engineer
Fire Lieutenant
Administrative Assistant

Work Cycle Defined: Cullman Fire Rescue works a 26-day cycle under the 7 K exemption defined for fire departments within the FLSA. Under this cycle, shift personnel are due overtime for all hours worked over 197 hours. However, CFR personnel working regular shifts will not work more than 192 hours in a 26-day cycle as established. Two shifts are scheduled to work nine (9) 24-hour shifts in a cycle (216 hours) and one shift is scheduled to work eight (8) 24 hours shifts in a cycle (192 hours). The two shifts scheduled to work 216 hours will each receive a Kelly day during this cycle which offsets the hours back to the 192 hours worked. As long as Kelly days are taken within established guidelines (not out of cycle for the unit), and shifts are worked on a regular basis, all shift personnel (including swing-positions) will not exceed the hours as defined by the 26-day cycle.

Varied Unit Cycles: If the entire department worked from a single 26-day cycle, then all Kelly days would occur at the same time (Homewood, Vestavia, Hoover, for example operate this way). This would mean that the swing-positions (normally fewer senior members) would all be on-duty at the same time and more senior members would be off on Kelly day. This could impact operations as well as impact leave time opportunities (swing-positions get pegged when staffing is short). The department will move to two cycles: Engine 18 and Engine 1 and/or Rescue 1 will be on cycle #1 (Kelly days the same) and Engine 3 and Rescue 2/Ladder 1 will be on cycle #2 (Kelly days the same). The cycles are one day apart. The dates for the cycles will be provided each calendar year for each unit for record keeping purposes.

A one-time adjustment in the FLSA work cycle length will have to be made for personnel being transferred from one cycle to the other (one-time cycle changes to get in sync with the other 26-day cycle -see below). This adjustment will be based on the day/hour table for 7K exemptions within the FLSA and will be recorded on the time card.

Employee moving from Cycle #1 to Cycle #2: Work Cycle = 27 Days (overtime paid after 204 Hrs.)

Employee moving from Cycle #2 to Cycle #1: Work Cycle = 25 Days (overtime paid after 189 Hrs.)

Summary: Working from a single FLSA cycle would be easier to manage (record keeping), but would make taking leave time more difficult when the swing-position are pegged. Working from two cycles will be more difficult to manage (record keeping), but will give more flexibility in taking leave time during Kelly days when swing-position are pegged.

Overtime: The FLSA provides that departments that use the 26-day cycle can wait until the end of the cycle to “ring up” the total hours to see if overtime has been earned. This will be the practice of our department and any overtime hours earned will be paid in the payday following the end of the 26-day cycle.

On-Premise Rule: The FLSA states that any leave time taken during the 26-day cycle can be balanced against whether hours worked above 197 hours will be paid at the time and one-half rate or the straight time rate. Employees who are required to report in for an unscheduled shift shall receive straight pay up to the 197 hours under a 26-day work cycle. This is known as the on-premise rule. We will use the on- premise rule when calculating employee overtime.

Schedule Changes/Adjustments: Occasionally, the department will require an employee to attend a training class which is held on a different schedule than the normal 24 hours on-duty and 48 hours off-duty (for example a 40-hour certification course at the AFC). This schedule change by its very nature will change the number of hours worked for the employee. The FLSA allows for time adjustments to be made to balance the hours worked during the work cycle. However, the time adjustments brought about by the schedule changes must be made within the same 26-day cycle so that the total hours worked do not exceed 197 hours. This will be the practice of our department.

Employees that request/volunteer to attend training classes do not fall under the FLSA requirements with respect to OT or time adjustments. Therefore, compensation/time balance for hours worked beyond the normal cycle is not mandatory. However, one of our established core values is education; therefore, our department will balance time for those approved for training in the same FLSA cycle as well.

Required Record Keeping: The FLSA is fairly clear on its requirements for the keeping of records as they relate to work hours, etc. The FLSA requirements govern records that the fire department maintains as well as the payroll department. Cullman Fire Rescue will have in place, and maintain, a record keeping system that meets the requirements of the FLSA.

The primary instrument for adequately keeping employee time records for the fire department will be the employee time cards that each supervisor completes at the end of each shift. The card has been revised to include required relevant information which relates to the 26-day cycle and the hours worked in each cycle. To be effective, supervisors must follow the below process:

- < Employee leave-time and hours worked must be logged on the day that they actually occur. In other words, if an employee works a 24-hour shift, then 24 hours should show in the square for that particular day. If an employee is attending a 40-hour certification class, then there should be 8 hours showing for each of the five days in attendance. Also, if an employee worked overtime for 2 hours, then 2 hours overtime should be listed on the day that it was earned. If a time adjustment was made due to a schedule change, then this amount of time should be shown as well in the appropriate date square. We must account for each hour worked and the date on which it was worked. The FLSA does not allow exceptions to this fact. This information will be logged before the supervisor leaves the shift to go off duty.
- < The begin date and the end date of the 26-day cycles must be listed on the card in the space provided. These dates will be provided to each unit.
- < At the end of each 26 day cycle the hours worked during the cycle must be totaled by the supervisor and entered in the appropriate space. Kelly days, Time Adjustments (time given off to balance hours) and leave time will not be calculated as time worked. If the employee has worked overtime during the cycle, then this will reflect with an hourly total exceeding 197 hours. The employee should have already been paid for the overtime or at least have an overtime card already in process to be paid for the time. It would be advisable to check with the employee to confirm this or check the computerized leave time system to see that OT has been listed for the employee on the appropriate date.
- < After the 26-day cycle has been totaled, the supervisor and employee should review the hours and the employee place his/her initials in the appropriate space if he/she concurs. If there is a discrepancy, the Shift Commander should be involved.
- < At the end of the year, the Shift Commanders will sign the card of their subordinates and turn the card in to the office for historical records purposes.

Shift Commanders will perform a visual audit of the time cards at least on a quarterly basis to make sure that information is being entered in the prescribed fashion to meet the FLSA requirements.

Shift Time Calculation Information

Shift personnel can earn pay based on 103.38 hours bi-weekly (every 14 days). This is the hours (103.38) that is used to calculate the FF base pay per hour. It is also the hourly rate that is used to calculate overtime and holiday time pay.

Example: A firefighter earns \$1,570.34 per payday. If we divide this amount by 103.38 hours we get the hourly rate of \$15.19 This figure is reflected on the current pay matrix.

How does this pay situation relate to the Fire Department’s 26-day FLSA work cycle? If we divide the pay period hours (103.38) by 14, we will get the hours that shift personnel are paid for each day. If we then multiply the daily hours paid by the 26 days in our cycle, we can get how many hours shift personnel would be paid in a 26-day period.

Example: 103.38 hours per payday divided by 14 days in the pay period equals 7.385 hours that would be paid each day. 7.385 hours per day times 26 days in our FLSA cycle equals 192.01 hours. This is the exact number of hours that our work cycle is based on. Therefore, shift personnel are working 192 hours in our FLSA cycle and are being paid for 197 hours in our FLSA work cycle.

Based on this information, when changes are made between shifts (transfers, etc.), the only critical factor that has to be reviewed is that each person must work at least 192 hours (26-day cycle), or if their hours exceed 197 hours that a time adjustment due to the schedule change (staffing permitting) be made to reduce the hours to 192.

FLSA CYCLES FOR PLACING NEW HIRES AND DAYS-TO-SHIFT TRANSFERS

Days in Period	Hours (rounded)	Days in Period	Hours (rounded)
7	52	18	133
8	59	19	140
9	66	20	148
10	74	21	155

11	81	22	162
12	89	23	170
13	96	24	177
14	103	25	185
15	111	26	192
16	118	27	199
17	126	28	207

Note: Time adjustment or OT must be used to keep the hours from exceeding those listed for each work period.

Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to adopt the following resolution:

**CITY OF CULLMAN
RESOLUTION NO. 2021-146**

WHEREAS, the City of Cullman desires to adopt a new employee handbook which had been adopted in 2009, and revised in 2017; and

THEREFORE, be it resolved by the City Council of Cullman that the Council, upon a favorable recommendation from the City of Cullman Personnel Board, hereby replaces the 2017 revised Employee Handbook (2009) with the following attached handbook.

Section I. This Resolution shall become effective upon its passage and publication as required by law.

Section II. If anything in this Resolution is declared unconstitutional or void, the remaining portion of the order shall be in full force and effect.

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor

**CITY OF CULLMAN
EMPLOYEE HANDBOOK
Revised September 27, 2021**

**CITY OF CULLMAN PERSONNEL HANDBOOK
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INTRODUCTION

TO THE CITY EMPLOYEES:

This handbook is provided as your guide to the personnel rules and practices in effect at this time. The City of Cullman considers you as its most valuable asset and always strives to provide the best working conditions possible. You need to understand, however, that the Personnel Board, Mayor, and the City Council may change any personnel rules, regulations, job classifications, job descriptions, pay ranges, employees' benefits and other personnel-related matters at any time, with or without notice. If any provisions in the handbook are changed or if there are additions or deletions, you will be given updates to attach to your copy. The human resources department, the administration department, and the various department heads are always ready to answer any question or help you in any way. Best wishes from the Mayor, the City Council, and the Personnel Board of the City of Cullman.

FOREWORD

This handbook has been prepared for the employees of the City of Cullman to provide them with information about the rules and regulations followed by the City in personnel administration. These rules apply to all classified positions and unclassified positions of the City. Certain policies, including employee benefits and other matters, may also be applicable to employees not covered by the Civil Service System. These rules, drafted by the Personnel Board in consultation with the Mayor and City Council, become effective when adopted by the Council; and upon adoption, they have the force and effect of law. Amendments and revisions of the rules, and changes in any personnel policies, rules, procedures, job descriptions, and/or employee benefits may be made from time to time, when necessary or desirable, in accordance with the same procedures. Amendments and revisions shall also become effective upon approval by the City Council. Any questions that you may have about this handbook or other similar matters may be addressed to your supervisor, department head, human resources officer, or the personnel director.

HISTORY OF CULLMAN

Cullman was settled in 1873 by Col. Johann G. Cullmann, an immigrant from Frankweiler, Germany. Col. Cullmann's dedication and pride in the community are reflected today in the excellent schools, state-of-the-art medical facilities, and industries that make up the present day Cullman County. We are ideally located in north central Alabama at the center of two-thirds of the population of the State and within 600 miles of half of the population in the United States. Cullman has grown from a community totally dependent upon farming to one that blends agriculture and industry to rank among the most diverse in Alabama. The Cullman area has been a leader in Alabama for new and expanding industry for many years. A 15-foot bronze statue of Col. Cullman, sculpted by Branko Medenica and funded by the citizens of Cullman and Frankweiler, stands at the heart of the community. Col. Cullmann's presence serves as a welcome

to those around the world who share his dream of a better place to live and work. According to the U.S. Census Bureau, the City of Cullman's estimated population was 18,213 in 2020.

FORM OF GOVERNMENT

The City of Cullman has the Mayor/Council form of government. The Mayor is the official head of the City government with Council as the legislative policy making body. The Mayor and five (5) Council members are elected on a nonpartisan ballot. Council President is elected by the other Council members. Council actions are in the form of ordinances and resolutions that establish policies and give directives to the professional staff. Council Meetings are held on the second and fourth Mondays at 7:00 p.m. of each month but are subject to change due to holidays, or other reasons necessary. Council conducts public hearings on zoning changes, grant applications, and other special subjects and holds special meetings as necessary.

EQUAL EMPLOYMENT OPPORTUNITY

In order to provide equal employment and advancement opportunities to all individuals, employment decisions for the City of Cullman will be based on merit qualifications and abilities. Equal opportunities are provided to all applicants or employees regardless of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law. The City of Cullman will make reasonable accommodations for qualified individuals with known disabilities. Investigation of complaints filed under the Americans with Disabilities Act will be conducted by the ADA Coordinator. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Employees with questions or concerns about discrimination in the workplace are encouraged to bring these to the attention of the Human Resources Department. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination.

ORGANIZATION

GENERAL PROVISIONS

The purpose of these rules is to augment and give effect to the Civil Service Law. For the purposes of this handbook, reference to Personnel Department, Personnel Director and or anything referring to Personnel information, shall be construed to be under the control of the Human Resources department. They set forth principles and procedures that are to be followed by the City in order that personnel administration in the City may be conducted in accordance with sound and effective principles and practices of public personnel administration. These rules shall apply to all classified and unclassified positions of the City. These rules which have the force and effect of Law become effective when adopted by the City Council. The City Personnel Board with the assistance of the Personnel Director, the Human Resource Officer, and the Administrative Officer is charged with administration of these rules unless otherwise provided by the Law. Amendments and revisions of these rules may be made from time to time in accordance with the same procedures for the adoption of rules. Amendments and revisions shall become effective upon approval by the City Council. Records shall be maintained by the Board, which shall be open for public inspection, showing positions in each department and the qualifications and requirements of each class of employment. Permanent records of the proceedings of the Board and pertinent employment records of each employee shall be maintained. Adequate examination records of each candidate shall be maintained for a reasonable time after the administration of each examination, such period of time to be determined by the Board, but in no event for less than three years.

ORGANIZATIONS AND FUNCTIONS

The Human Resources Department shall consist of the City Personnel Board, the Human Resources Director, the Human Resource Officer, and such other employees as are required to provide necessary and adequate services. The City Personnel Board, hereinafter referred to as the Board, shall consist of three members appointed by the governing Body. The members shall serve staggered six-year terms so that the term of one member of the Board will expire at the end of every two years. Vacancies occurring during a term of office shall be filled for the balance of the term by the governing body in the same manner as original appointments. The Board shall elect from its own members a chairman, a vice-chairman and a secretary-treasurer.

- 1) Qualifications - No person shall be appointed to the Board who is not a resident and qualified elector of the City of Cullman and over the age of twenty-one years. No member of the Board shall hold any office or profit under the City, the County, or the State of Alabama. Members of the Board shall take the constitutional oath of office, which shall be filed in the office of the probate judge.
- 2) Meetings - The board shall fix the times for its regular meetings and such other meetings as it deems necessary; however, the governing body shall have the right to control the appropriations to the Board and to regulate the expenses of the Board as it deems necessary. Special meetings may be called by the chairman and a majority of the Board shall constitute a quorum for the transaction of business. The board shall keep minutes of its meetings and record all business transacted by it. Its records shall be open for inspection by any resident of the City at any reasonable time, except those which are required to be held confidential for reasons of public policy.
- 3) Functions of the Board – (a) To represent the public interest in the improvement of personnel administration in the City Service, (b) To act in an advisory capacity to the Mayor and governing body on problems concerning personnel administration, (c) As provided by the Law and by the Rules, to hear and decide appeals and protests of disciplinary action taken against a permanent employee, (d) In any investigation or hearing conducted by the Board, they shall have the power to examine witnesses under oath and to compel their attendance or the production of evidence before it by subpoena issued in the name of the Board. Any employee

refusing to appear or testify shall be subject to disciplinary action as provided by Section 18 of the Act, and (e) to do and perform such other acts and duties as shall devolve upon it by the terms and provisions of the Act.

The Human Resources Director appointed by the City Council is required to assist the Board in carrying out the provisions of the Law and these Rules. The duties of the Human Resources Director are: (1) To attend meetings of the Personnel Board and keep the records of the Board, (2) To act for the Board in administering all provisions of the Law and these rules in accordance with specific directions of the Board, (3) Under direction of the Board, to prepare rules and revisions and amendments thereto for the consideration of the Board, the Mayor, and the City Council, (4) To establish and maintain a roster of all employees of the City, (5) To prepare and instruct in the use of such forms, reports, and procedures as are necessary and appropriate to carry out the provisions of the Law and these Rules, (6) To provide for a system of checking payrolls, so as to determine that all persons in the classified service have been appointed in accordance with the Law and these Rules and are being paid proper amounts for the duties of the class, (7) To administer the examination program, evaluate the qualifications of applicants, establish employment lists, and certify eligibility of applicants to the appointing authority for the filling of vacancies, (7) To assist in carrying out administrative and technical activities of the Human Resources Department, (8) To promote employee morale and raise the standards of performance in the City Service, (9) To assist in establishing and administering a service rating system and to perform such other activities with reference to personnel administration consistent with the Law, as required by these Rules, as directed by the Board, or as may be deemed necessary or desirable for effective personnel administration, and (10) The Human Resource Officer shall work aside and help the Human Resources Director in carrying out the duties assigned by the Board, as well as other necessary duties associated with personnel and payroll administration.

EXEMPT SERVICE AND CLASSIFIED SERVICE

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

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

THE CLASSIFICATION PLAN

The classification plan provides for the grouping into single class positions which involve substantially the same kind of work, work of equal difficulty or responsibility, and/or comparable qualification for work performance. The classification plan consists of: (a) A schedule of class titles appropriately descriptive of the nature of the work of the several classes, (b) Written specifications describing the nature and requirements of work of positions of each class, and (c) Materials regarding the interpretation and application of the class specifications.

The class titles, or designated code symbols shall be used in all personnel, accounting, appropriation, and financial records. No person may be appointed to or employed in a position in the classified service under a title not included in the classification plan. However, descriptive titles used in the course of departmental routine to indicate authority, status, or administrative rank may be used as required for these purposes. The specifications of classes of positions in the classification plan and their various parts have the following force and effect: (a) The specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated in the several classes as determined by their duties and responsibilities. It shall not be construed as declaring to any extent or in any way what the duties or responsibilities of any positions shall be, limited to, or in any way modifying the power of any appointing authority or administrative officer to assign, direct, and control the work of employees under his supervision. The use of a particular expression or illustration shall not be held to exclude others not mentioned that are of a similar kind of quality. (b) In determining the class to which any position should be allocated, the specifications of each class shall be considered as a whole. Consideration shall be given to the duties, specific tasks, responsibilities, qualification requirements, and relationships to other classes as together affording a statement of the employments that the class is intended to embrace.

The Personnel Board, through the Human Resources Director and Human Resource Officer, is responsible for continuous administration of the classification plan and as changes in organization and assignments of work require, shall recommend amendments to the classification plan to the City Council. The Personnel Board shall allocate each position to the proper class in the classification plan. When the duties and responsibilities of a position change significantly, the department head may make a written request for a study of the position. Such request shall contain the reasons for the review and carry the approval of the appointing authority. If after a study is completed, it is found that the position is not in the most appropriate class, the Board shall reallocate it to the proper class. The Personnel Board shall make recommendations to the appointing authority concerning appropriate salary changes to be made in the reallocation of positions.

APPOINTMENTS AND PROBATIONARY PERIODS

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

New Hire: When you initially accept an appointment in city government you are considered a new hire. As a new hire, you will be required to serve a probationary period of no more than twelve (12) months, which may be reduced to a term of not less than six (6) months. Any person whose probationary period is reduced to six (6) months shall be notified in writing of the reduction by the Mayor or Mayor Designee. Any person who during any portion of his or her probationary period is placed on or takes leave due to FMLA, Workman's Compensation, lay off, sick leave, military leave, leave without pay or personal leave, his/her probationary period will be automatically extended for the period of time past the original probation period that employee is on FMLA, Workman's Compensation, lay off, sick leave, military leave, leave without pay or personal leave, after the twelve (12) month minimum period or any period of a probationary period. Any person employed as a police officer or firefighter who has not completed the minimum training required by law within the twelve (12) months probationary period shall not become a permanent employee until after the training is complete. At any time during the probationary period thereof by written notice or failure to complete training (in case of police or firefighter), the appointing authority may notify the probationary employee that his/her employment is terminated with or without cause.

Reemployment

1. Military re-employment
2. Permanent employees who have been laid off
3. Reclassification of position to a lower class
4. Seasonal Employees
5. Permanent disability arising from an injury sustained at work

Reinstatement – If you have been separated from the City for more than two (2) years, reinstatement will require the approval of the Department of Personnel.

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

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

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

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

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

CHANGES IN EMPLOYMENT STATUS

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

- 1) **TRANSFERS** - Any employee who has demonstrated satisfactory performance within his own department may request a transfer to a vacancy in another department.
 - a. If the employee's rate of pay in his current position is less than the minimum pay for the new position, his pay shall be adjusted to the minimum for the new position.
 - b. If employee's present rate of pay is more than the maximum for the new position, his rate of pay shall be reduced to a point within the range for the new position, as determined by the administrative officer.
 - c. If employee's current rate of pay falls within the pay range for the new position, his pay rate may remain unchanged, or may be changed on recommendation of the administrative officer.
- 2) **VACANCIES AND PROMOTIONS** - Vacancies in positions above the entry level will be filled so far as practical by the promotion of qualified employees of the City. Generally, the most senior qualified person will be given the opportunity to fill the vacancy. Promotions: (other than police officers and firefighters)
 - a. If employee's present pay rate is less than the minimum rate established for the new position, then his pay shall be set at the minimum rate for the new position, but not less than five percent (5%) above his pay rate before promotion.
 - b. If employee's present rate of pay falls within the range of pay established for the new position, employee shall receive a five percent (5%) increase in pay.
- 3) **DEMOTIONS** - An employee may be demoted to a position of lower grade for which he/she is qualified for any of the following reasons:
 - a. Employee's position is being abolished and he/she would otherwise be laid off, there is a lack of work, or there is a lack of funds. Within a class in which such demotions are necessary, seniority shall be considered in determining the order of demotion.
 - b. The employee's performance in the position is not considered satisfactory
 - c. The employee voluntarily requests such demotions.

If employee's present rate of pay is more than the maximum for the lower position, his rate of pay shall be reduced to a point within the range for the lower position to be determined by the administrative officer, subject to approval of the Personnel Board.

- d. If employee's rate of pay is within the range for his lower position, employee's salary may remain the same or may be change on the recommendation of the administrative officer.
- e. If the demotion is the result of the employee's failure to successfully complete a probationary period associated with a promotion, then employee's rate of pay shall be returned to his rate of pay before promotion, as adjusted by any cost of living or across-the board raises that may be applicable.

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

RESIGNATION

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

LAYOFFS

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

Employment of Relatives

The City of Cullman is committed to a policy of employment and advancement based on qualifications and merit and does not discriminate in favor of or in opposition to the employment of relatives.

Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment, which can be carried into the daily working relationship, the City of Cullman will hire relatives of persons currently employed only if: a) candidates for employment will not be working directly for or supervising a relative, and b) candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative. Such decisions include hiring, retention, transfer, promotion, wages and leave requests.

This policy applies to all current employees and candidates for employment.

Definitions

"Family member" is defined as one of the following: spouse or significant other, parent/step parent, child/step child, grandparent, grandchild, brother/brother-in-law, sister/sister-in-law, uncle, aunt, nephew, niece, first cousin, in-laws (father, mother, son daughter).

Procedure

Employee and applicants are responsible for reporting any relationship covered by this policy. The appointing authority is responsible for ensuring policy compliance. Department directors are responsible for monitoring changes in employee reporting relations after initial hire to ensure compliance with this policy. Employees are responsible for immediately reporting any changes to their supervisor.

If any employee, after employment or change in employment, enters into one of the above relationships, one of the affected individuals must seek a transfer or a change in the reporting relationship. Such changes must be approved by the Human Resources Director and the Appointing Authority.

Employees must also disclose the existence of a romantic or sexual relationship with another co-worker which is not included under the definition of "family member." Disclosure may be made to the individual's immediate department head, supervisor or the director of HR. If made to an immediate supervisor or department head, it must then be reported to HR. The city will review the circumstances to determine whether any conflict of interest or a hierarchical association between the two exists. Our workplace is a professional setting. We expect our employees to treat each other with respect and avoid hindering other people's work.

EMPLOYEE BENEFITS

Full time employees of the City of Cullman may participate in a wide range of benefits. A number of the programs, such as social security, worker's compensation and unemployment insurance, cover all employees in the manner prescribed by law. The following benefit programs are available to employees: Cafeteria Plans, Deferred Compensation Plans, Dental Insurance, Family & Medical Leave, Holidays, Jury Duty Leave, Life Insurance, Major Medical Insurance, Membership Dues, Military Leave, Retirement Benefits, Direct Deposit, Savings Plans, Sick Leave Benefits, Vacation Benefits, and Uniforms & Uniform Maintenance (not all employees are eligible

for uniforms). Medical and life insurance premiums for the employee are paid by the City of Cullman. Family coverage for medical and life insurance requires contributions from the employee. Employees may elect to participate in group insurance, savings and savings bond plans, FLEX plans, deferred compensation plans, etc. which may be available and may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

THE PAY PLAN

The Personnel Board is responsible to recommend a pay plan for all classified positions and for rules for its administration, which may or may not be approved by the City Council. The pay plan shall consist of: (a) A schedule of rates of pay in bi-weekly amounts which reflects the minimum and maximum rates for each range. (b) A schedule showing the pay range to which each class is assigned and the job titles contained in each class, and (c) Policies showing the interpretation and application of the scheduled ranges of pay.

The Board may prepare and recommend a revised pay plan for each class of employment in the classified service based on economic factors. After the Board develops a revised pay plan, the governing body may or may not adopt the plan. The governing body may incorporate any modifications, changes, or amendments to the revised pay plan. When the governing body adopts the revised pay plan, it shall be implemented. Full-time employment in a class shall be considered to be service for that number of hours per day and days per week, or other work period, which represents the established working schedule for employment in the class. Whenever a classified employee works for a period less than the regularly established number of hours a day, days a week, or weeks per pay period, the amount paid shall be proportionate to the time actually employed. As a part of the budget process each year, the City Council will determine financial guidelines for increases or decreases in salary, in accordance with the pay plan in effect at the time or a proposed amended pay plan, based on the financial condition of the City. Increases may take the form of a flat amount or percentage increase. Decreases may take the form of a flat amount or percentage decrease. The Personnel Board and its Director shall administer regulations for maintaining uniform and equitable hours of work required of all employees in the City service as approved by the Administrative Officer and City Council. The standard work week is a forty (40) hour week beginning at 12:01 A.M. Wednesday and ending at 12:00 Midnight Tuesday. A 14-day work period has been established for law enforcement officers and for firefighters working 24 hour shifts in accordance with the Fair Labor Standards Act. Supervisors will advise employees of the times their shift will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending time, as well as variations in the total hours that may be scheduled each day and each week. An employee who works more than the number of hours for which he/she may legally be paid straight time will be compensated for overtime hours at one and one-half his normal hourly rate of pay. All overtime worked must be approved by the department head and the Mayor prior to the overtime being worked. Overtime will be paid to each employee according to the pay cycle or period of their job. Employees who work unapproved overtime may be disciplined. When such work becomes necessary all provisions of the Fair Labor Standards Act including the following exceptions, exemptions, and modifications shall be observed and utilized in determining overtime and the proper compensation for this additional service.

- 1) Fire Fighting Employees - All regular fire fighting employees shall be paid time and one half for all hours of unscheduled work performed in excess of their regular work schedule in the pay period in which unscheduled work is performed; otherwise, hours for premium pay (time and one half) will be reduced by the number of hours not worked in the pay period and payment shall be made on a straight time basis for these hours. A 14 day work period was established effective February 19, 1985, for all Fire Fighting Employees working 24-hour shifts whereby they shall receive an additional one-half time the regular rate of pay for all regular scheduled hours actually worked in excess of 106 hours in the 14 day work period. However, in calculating overtime for all fire fighting employees, including those whose duties require them to work a 5 day-40 hour work week, hours off on leave will not be counted as time worked for the purpose of calculating overtime.
- 2) Law Enforcement Officers - All law enforcement officers shall be paid time and one-half for all hours of unscheduled work performed in excess of their regular work schedule, provided employee actually works all regularly scheduled hours in the pay period in which unscheduled work is performed; otherwise, hours for premium pay (time and one half) will be reduced by the number of hours not worked in the pay period and payment shall then be made on a straight time basis for these hours. A 14 day work period was established effective April 14, 1985, for all law enforcement employees qualified under the 207(k) exemption. However, in calculating overtime for all law enforcement officers, including those in positions where their duties require them to work a 5 day-40 hour work week, hours off on leave will not be counted as time worked for the purpose of calculating overtime.
- 3) Executive, Administrative, Professional Employees – Department Heads and other persons determined to be exempt under the provisions of the Fair Labor Standards Act shall be exempt from those overtime provisions.
- 4) Non-Exempt Employees - All employees not covered in the three (3) exemption or exception areas herein set out shall receive time and one half for all hours of unscheduled work performed in excess of their regular work schedule each week of the biweekly pay period, provided employee actually works all regularly scheduled hours in the week in which unscheduled work is performed; otherwise, hours for premium pay (time and one half) will be reduced by the number of hours not worked in the week and payment shall then be made on a straight time basis for these hours.

It is the City's policy to pay for overtime when earned, rather than to grant compensatory time off. Notwithstanding this policy, these rules recognize the following provisions applicable if compensatory time were granted:

- 1) For regular fire fighting employees and law enforcement officers granted compensatory time off, calculated in the same manner as overtime pay, the maximum compensatory time off which might be accrued could not exceed 360 hours.
- 2) For all other non-exempt employees granted compensatory time off, calculated in the same manner as overtime pay, the maximum compensatory time off which might be accrued could not exceed 240 hours.
- 3) Upon separation from service employees shall be paid in cash for any unused compensatory time off at a rate of compensation not less than the average regular rate received by such employee during the last three (3) years of the employee's employment or the final regular rate received by such employee, whichever is higher.

- 4) These rules are designed to comply with the federal minimum wage and overtime law; however, should a conflict arise the provisions of the Fair Labor Standards Act shall govern.
- 5) Paid time off for a holiday, vacation, sick leave, personal leave, military time taken, compensatory time taken, will not count as time worked for the purpose of calculating overtime.

On Call:

When a non-exempt employee is called out to return to duty outside scheduled working hours to perform emergency or necessary services on behalf of the City, as directed by his/her supervisor, he/she will be paid a minimum of two hours work at the employee's current regular rate of pay. If the actual time worked is less than two hours, the employee will be compensated for two hours; if the actual time worked exceeds two hours, the employee will be compensated for actual time worked.

Employees on call will only be paid when time is actually worked. Employees on call shall maintain a reasonable distance per job requirements in order to produce reasonable response times when job related situations arise.

Department heads shall make reports to Human Resources office of all absences of each employee during the payroll period. Such other forms and reports shall be prescribed as are necessary to properly implement these Rules.

At times emergencies such as severe weather, fire, power failure or other disasters may disrupt City operations. In extreme cases these emergencies may require the closing of City facilities. In the event that such an emergency occurs during nonworking hours, local radio and television stations will be asked to broadcast notification of the closing. When operations are officially closed due to emergency conditions, the time off from scheduled work will be unpaid. However, with supervisory approval, employees may use available paid leave time, such as unused vacation or personal leave. Employees in essential operations who work on a day when facilities are officially closed will receive regular pay for time worked.

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

Any employee who earns an associate degree from an accredited institution will be entitled to an additional five (5) percent over the employee's current base pay. Any employee who earns B.S. or A.B. degree from an accredited institution will be entitled to ten (10) percent over the employee's base pay. Any employee who is an active member of, or has received an honorable discharge from any branch of the United States Military service will be entitled to an additional five (5) percent over the employee's current base pay. The educational allowances shall not be cumulative and an employee shall only be entitled to one of the above named allowances. No educational allowance shall be added to the compensation of department heads or assistant department heads.

HOLIDAYS

Classified employees are entitled to the following holidays: New Year's Day, MLK, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day (Thursday & Friday), Christmas Eve, and Christmas Day.

Holidays falling on Sunday will be observed on the following Monday. Holidays falling on Saturday will be observed on the preceding Friday. No employee will be eligible to receive holiday pay if he/she has an unapproved absence on the last scheduled work day before the holiday or the next scheduled work day after the holiday.

Each employee will receive the amount of holiday hours that correlates to their regularly scheduled amount of hours for the shift on which the holiday occurs.

If an employee is scheduled to work on a city observed holiday, that employee will be paid holiday time in addition to hours worked. If an employee is scheduled to work on a city observed holiday, but does not work his shift, that employee will receive holiday pay, but may not use any paid leave time in addition to holiday pay.

VACATION LEAVE

Probationary employees do not earn vacation leave for the first year of employment. However, after successfully completing the probationary period, the employee may be credited with the vacation which he/she would normally have earned. No vacation benefits are provided for temporary or part-time employees. Vacation shall be scheduled each year at the mutual convenience of the employee and his department head or supervisor. Vacation leave may be used as sick leave if sick leave benefits are exhausted. An employee on vacation who demonstrates to his supervisor's satisfaction that he was sick during his vacation may have that portion of his vacation leave converted to sick leave, with approval of the administrative officer.

Unused vacation leave may be carried over from one calendar year to the next up to a maximum of 240 hours, except those employees working 24 hour shifts may carry over a maximum of 360 hours.. Any vacation leave in excess of 240 hours must be taken or will be lost, (360 hours for those employees working 24 hour shifts). In charging vacation leave, each hour absent shall be counted as one hour of vacation. Regular days off occurring during vacation leave will not be charged as vacation.

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

- 1) During the first five (5) years of continuous service – 6 2/3 hours per month. (24 hour employees: 10 hours per month)
- 2) After five (5) and through ten (10) years continuous service- 8 2/3 hours per month (24 hour employees: 13 hours per month).

- 3) After ten (10) and through fifteen (15) years of service – 12 hours per month. (24 hour employees: 18 hours per month)
- 4) After fifteen (15) years of continuous service – 13 1/3 hours per month (24 hour employees: 20 hours per month)

Upon separation permanent employees who have successfully completed their one year probationary period, shall be paid for any unused portion of earned vacation leave.

SICK LEAVE

Each employee shall earn sick leave at the rate of four (4) hours for each full bi-weekly pay period, except that employees working twenty-four (24) hour shifts will earn sick leave at the rate of six (6) hours bi-weekly. Sick leave shall be computed as earned, but may not be accumulated in excess of 960 hours, except those employees working 24-hour shifts may accumulate up to 1440 hours.

If a fire fighting employee working 24 hour shifts transfers or is promoted to another position within the fire department or in another City department where he/she will not work 24-hour shifts, employee's accumulated sick leave shall be converted to an equivalent number of hours to provide equivalent benefits.

Sick leave may be granted for absences due to personal illness including pregnancy or childbirth or illness or death in the immediate family. Immediate family with respect to illness is hereby defined to include husband or wife, children of each and parents of each. Immediate family with respect to death is hereby defined to include husband and wife, children of each, parents of each, grandparents of each, brothers and sisters of each, grandchildren of each, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law of each. Absences for appointments with physicians, dentists, optometrists, therapists, and other medical personnel for examination or treatment shall be charged to sick leave, unless vacation leave is used. For absences of three (3) consecutive days or more, an employee must present a doctor's excuse to be paid sick leave. A total of five (5) absences within a 30 day period, consecutive, or non consecutive, will require a doctor's note for paid sick leave. An abuse/misuse of sick leave shall result in insubordination and will be dealt with according to the extent of the offense. The Appointing Authority may approve alternative uses of sick leave under extenuating circumstances.

In charging sick leave, each hour absent shall be counted as one (1) hour of sick leave. Regular days off occurring during sick leave will not be charged as sick leave. Sick leave with pay is not a right for which employees may make a demand, but a privilege granted in accordance with prescribed rules and regulations to which the Board, with approval of the governing body, may make exceptions as the best interest of the City demands.

Employees may use up twenty-four (24) hours of sick leave earned during any one year as personal leave, except those employees working twenty-four-hour shifts may use up to thirty-six (36) hours of sick leave during any year as personal leave. Personal leave must be taken during the year earned, and may not be carried over into successive years. Personal leave is given for the purpose of conducting personal business, and personal leave days may not be taken in succession.

Upon separation from the service of the City, no employee shall receive any pay for accumulated sick leave except for those employees who retire through the State Retirement System, those that terminate employment due to death, who, at the time of death were vested with at least ten years of service in the State Retirement System, and those employees who voluntarily separate from the City in good standing and are vested with at least ten years service in the State Retirement System. Employees who meet these requirements shall be compensated for one-half (1/2) of their accumulated sick leave not to exceed one-half of 1,440 (720 hours) for employees working twenty-four hour shifts or one-half of 960 hours (480 hours) for other employees, upon separation as defined above. Payment shall be based on the employee's regular hourly rate of pay at separation.

Effective with 1993 and each calendar year thereafter, any employee who has accumulated the maximum hours of sick leave which can be carried over to the next year will be paid for one-half of the excess sick leave earned during the year and not taken or carried over and which employee would otherwise lose, such pay to be calculated at employee's regular hourly wage.

Qualified employees of the City of Cullman are entitled to take up to 12 weeks of unpaid leave per year, as provided in the Family and Medical Leave Act for: birth of employee's child, placement of a child with the employee for adoption or foster care, to care for employee's spouse, child or parent with a serious health condition, or for a serious health condition rendering the employee unable to perform his or her job. Employees should provide at least 30 days notice, if possible, of their intention to take leave. During family or medical leave, employee's health insurance will be continued under the same terms and conditions as if the employee were working. Employees will not accrue sick or vacation leave during this period. FMLA rights are included at the end of this handbook.

MILITARY LEAVE

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

LEAVE WITH PAY

Leave with pay may be authorized by the Appointing Authority for the attendance of official meetings, or as a required witness for job related matters only, provided such leave is reported to the Human Resources Director. Leave with pay shall be authorized by the Appointing Authority for jury duty and any professional education required for an employee's job.

LEAVE WITHOUT PAY

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

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

EMPLOYEE SAFETY

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

SUBSTANCE ABUSE POLICY

Section 2. Prohibited Conduct and Removal from Duties - For the purpose of this policy "substance" is defined in the broadest sense to mean any mood-altering drug or chemical, including alcohol that may result in physical, mental, emotional, or other impairment to normal function and performance. The following conduct is expressly prohibited and violations shall result in disciplinary action which may include termination:

- 1) Unauthorized use, consumption, possession, manufacture, growth, distribution, dispensation or sale of controlled substances or illegal drug paraphernalia on City of Cullman premises, in City supplied vehicles, or in any City work areas.
- 2) Unauthorized use, consumption, possession, manufacture, distribution, dispensation or sale of alcohol, while on duty, on City premises, in City supplied vehicles, or in any City work areas.
- 3) Any employee who arrives for work impaired to work due to use of alcohol or illegal drugs will be subject to discipline or immediate discharge.
- 4) Employees shall not report to work while taking any prescribed medicine which known side effects may affect the employee's ability to perform his/her job duties unless employee has written statement from his/her physician that such medication will not impair the employee's judgment or ability to perform job tasks.
- 5) The unlawful involvement with drugs or narcotics off of City property during non-working time will constitute grounds for discipline or termination, if this involvement adversely affects the City of Cullman's interests or reputation.
- 6) An employee who knows or believes that there is unlawful involvement with drugs or narcotics or involvement with alcohol contrary to this policy should refer the information promptly to the Substance Abuse Administrator. The City will utilize all legal investigative techniques available, including testing and analysis which are required, to detect policy violations. Any employee who refuses to submit to the tests will be subject to discipline or termination.
- 7) Employees must notify the Substance Abuse Department if they are convicted of a criminal drug offense occurring in or out of the workplace within five (5) days of the conviction. Such an occurrence may constitute grounds for discipline or termination.

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

Section 4. Types Testing

Applicant Screening - (1) Once an applicant for a position covered by this policy is considered “otherwise qualified” for employment, he/she will be required to undergo a drug screening test as part of routine pre-employment requirement. Employment will be denied any applicant whose drug screen test reveals the presence of any of, but not limited to, prescription medication, heroin, cocaine, morphine, and its derivatives, P.C.P., methadone, barbiturates, amphetamines, marijuana, other cannabinoids and alcohol. (2) There will be a notification policy for all pre-employment applicants. Posting in the Human Resources Department and Risk Management will state: “Applicants for employment will be required to undergo a drug screening test before employment.” (3) The employment application will contain the following or similar language: “Employment with the City of Cullman is contingent upon the successful completion of a drug screening test. Successful completion of the test is not a guarantee of employment.” (4) Any offer or acceptance of employment is contingent upon the applicant successfully completing the drug screening. No one shall be permitted to begin work until the results of the drug tests have been obtained. (5) Safety-sensitive employees are those employees who discharge duties so fraught with risks of injury to others that even a momentary lapse of attention can have disastrous consequences. Factors which have been considered in determining whether a position is safety sensitive include handling of potentially dangerous machinery and handling of hazardous substances in an environment where others can be injured. Positions which have been found to be safety sensitive include firefighters, law enforcement officials who carry firearms, fire and police dispatchers, heavy machinery operators, transportation workers, water, sewer and street labor, jail officers and general labor employees. Unless an employee comes under drug-testing regulations related to a federal agency, each person will be evaluated to determine whether his job is safety sensitive. The City will determine through job classification safety sensitive employees for purposes of its Drug-Free Workplace program.

Unannounced Random Testing - All full-time employees working for the City of Cullman in safety sensitive positions covered by this policy are subject to unannounced testing based on random selection. (1) The City of Cullman will test at least fifty percent of covered employees every twelve months. All persons will be subject to being randomly picked for drug testing at each random testing date. (2) To assure that the selection process is random, the names of all employees covered by this policy will be placed in a common pool. All full-time, safety sensitive employees will be in the pool. (3) The random selection procedure will consist of the selection of a random number of employees from the payroll master list. (4) The selection procedure will provide for selection of a sufficient, additional number of employees to be used to reach the appropriate testing level during each test period. These alternate numbers will be tested in order of selection only if persons initially selected are unavailable for testing due to vacations, medical leave, or travel requirements.

Reasonable Suspicion of Substance Abuse Testing – (1) Whenever a City of Cullman Department Head, Manager or Supervisor has a reasonable suspicion to believe that an employee on duty is intoxicated or under the influence of alcohol or drugs, the employee may be ordered to submit to a drug and/or alcohol test. Refusal of an employee to submit to the test will be cause for discipline including termination. (2) “Reasonable suspicion” is that quantity of proof or evidence that is more than intuition or strong feeling, but less than probable cause. Such “reasonable suspicion” must be based on specific, objective facts or reasonable inferences drawn from facts that would cause a reasonable person to suspect that the employee is or has been using drugs or alcohol. The guidelines for such “reasonable suspicion” include but are not limited to anyone or more of the following: (a) Direct observation of prohibited drug or alcohol use; (b) Slurred speech; (c) Alcohol beverage odor on breath; (d) Unsteady walking and movement; (e) An accident involving city property; (f) Physical altercation; (g) Verbal altercation; (h) Lapse in cognitive abilities; (i) Aggressive, hostile, threatening, disruptive or unusual behavior; (j) A report of prohibited drug or alcohol use provided by a reliable and credible source; (k) Evidence that a drug or alcohol test of the employee has been tampered with; (l) Evidence that the employee is involved in the use, possession, sale, solicitation or transfer of prohibited drugs; (m) Reddened eyes or dilated pupils; (n) Changes in appearance and demeanor; (o) Unexplained absences from normal work, excessive absenteeism or tardiness; or (p) Unexplained significant deterioration in job performance. (3) When possible, the conduct that is the basis for the request for an alcohol/drug screen test shall be observed by two supervisors who have been trained in detecting symptoms and indicators of drug/alcohol use. If, however, only one supervisor is available to observe the conduct, that shall be sufficient basis upon which to request a drug/alcohol test. That supervisor shall be trained in the detection of the possible symptoms of drug/alcohol use. The observed conduct that arouses suspicion of drug/alcohol use shall be documented in writing by the supervisor’s witness or witnesses as soon as possible following observation. This documentation shall occur within twenty-four hours of the observed behavior or before the result of the drug/alcohol screen test results are released, whichever is earlier. The documentation shall be submitted to the Medical Review Officer. After testing for reasonable suspicion, a City representative will then transport the employee back to the City premises, where a spouse, family member or other individual will be contacted to transport the employee to his/her home. In the event no such individual is available, the City will contact a taxi to transport the employee home. If the reasonable cause test result is negative, the City will reimburse the employee for the cost of the taxi. If the employee refuses to assent to any of these procedures and attempts to operate his own vehicle, the City will take appropriate efforts to discourage him from doing so, up to and including contacting local law enforcement officials. Any employee failing to cooperate with any of the procedures described above will be subject to discipline; up to and including termination.

Accident or Incident Testing – (1) When an employee is involved in an accident or incident which causes or could have caused personal injury or property damage, that employee will be considered for testing if the employee's performance caused, contributed to or cannot be completely discounted as a contributing factor to the accident. Such a test shall be administered within twenty-four hours for drugs, and three hours for alcohol of the accident or incident. (2) For testing following an accident the Supervisor or Department Head making the decision shall be guided by the seriousness of the accident event, such as whether the accident produced significant damages or injuries or death to any person; the degree of negligence or fault of the employee in the accident, as related by witnesses, circumstances and best information; any direct or circumstantial evidence indicating recent drug or alcohol use by the employee involved in the accident. (3) All cases involving post-accident testing must be immediately reported by the supervisor in writing to the Substance Abuse Administrator. Such reports shall detail the specific facts, symptoms, or observations which formed the basis for the determination to

require testing. The facts underlying the determination to require testing shall be disclosed to the employee at the time the order is given. Safety Sensitive employees will be tested after any work-related injury or accident where: (a) an employee is injured beyond the need for simple first aid; or (b) property or vehicles are damaged; or (c) an employee has caused or contributed to an on-the-job injury which results in loss of work time; or (d) an injury which is a worker's compensation injury; or (e) if there is reasonable suspicion of drug or alcohol use. Non-Safety Sensitive employees will be screened or tested after any work-related injury or accident (as described above) where a supervisor has a reasonable belief based on specific facts that the employee's acts or omissions contributed to the occurrence of or to the severity of the accident, as may be detailed on a Confidential Work-Related Report. Employees are prohibited from using alcohol within eight hours following an accident, or until testing or initial screening is completed. Any test screen for alcohol should be completed within two hours of a work-related accident, or as soon thereafter as is practicable. All employees are put on notice that a positive, confirmed drug test following an on-the job accident is evidence of "willful misconduct" under this policy and disqualifies the employee from receipt of workers' compensation benefits. (4) An employee who is so seriously injured as to be unable to provide a specimen at the time of the accident will afterwards be required to authorize release of hospital or medical facility tests results that would reveal the presence of controlled substances. (5) Refusal to submit to a drug/alcohol test or to allow access to the medical records that would reveal the presence of controlled substances will result in removal from duty and possible disciplinary action, including termination.

Section 5. Employee Assistance – (1) An employee who tests positive for drugs or alcohol will be referred to the Employee Assistance Program for referral to counseling or rehabilitation. An employee whose drug screen test is positive will, however, not be permitted to perform his/her duties until he/she successfully completes a rehabilitation program evaluation. The employee's return to work following successful completion of a rehabilitation program evaluation and a negative drug screen will be determined by the Substance Abuse Administrator in consultation with the employee's counselor and the Medical Review Officer. (2) Employees who have been referred for counseling or rehabilitation under this policy shall be required to fully cooperate with and participate in their rehabilitation and with the recommendations of the program administrator. Failure to cooperate with the rehabilitation efforts may result in termination. Work time lost for counseling and rehabilitation will be paid based on the availability of sick leave or vacation leave. Medical benefits will be available as provided under employee's medical insurance, depending on the medical diagnosis by the counselor or physician. (3) Employees with positive drug screen testing results will be required to sign the Last Chance Assistance Agreement. (4) Unscheduled and observed urinalysis testing of employees who have previously tested positive may continue for up to sixty months as scheduled by the Medical Review Officer. Failure to cooperate with these periodic uncheduled tests will result in discharge. Employee entering into a Last Chance Agreement will be subjected to random Color-Coded Testing by a listed facility. Throughout their sixty-month commitment the cost of the testing will be the employee's responsibility. This cost shall in no way reduce the employee's effective wage below minimum wage. The frequency to testing will be determined by the Substance Abuse Administrator. A positive drug screen test result following an opportunity for rehabilitation will result in termination of employment. (5) Confidentiality - All information involving medical examinations, counseling, rehabilitation or treatment of an individual employee or applicant shall be treated as confidential medical information. All such information will be accessible only to the Mayor, the Health and Risk Management Officer, the Substance Abuse Administrator and designated (medical or professional persons as have been approved on a valid need to know basis. It will not be provided to any other party without the written consent of the applicant or employee except pursuant to the administrative or legal procedure or process. Any employee who willfully discloses such information in violation to City policy will be subject to discipline. In response to subsequent inquiries regarding an employee's discharged for any violation to City Substance Abuse Policy, the Human Resources Department shall state that the employee was terminated for violation of the City policy unless the City can legally provide additional information. (i.e., where an employee has clearly consented to the release of such information in writing or a privilege exists).

Section 6. Drug Testing Procedures

- 1) Applicants and employees subject to testing will be requested to sign, prior to testing, an approved form consenting to the testing and to the release of the test results to the City's Substance Abuse Administrator. If absent of such signature, the testing provider will note on the form the individual's refusal and attempt to go forward with the test. Continued refusal by the employee constitutes failure to obey an order to submit to the test and is a ground for disciplinary action including termination.
- 2) The drug and/or alcohol analysis may test for alcohol or a controlled substance which could impair an employee's ability to safely or effectively perform the functions of his/her job. Controlled substance means any drug listed in 21 U.S.C. 812 and as amended, other pertaining Federal Regulations to drug listings. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, prescription medications, heroin, cocaine, morphine and its derivatives, P.C.P., methadone, barbiturate, amphetamines, marijuana, and other cannabinoids.
- 3) A protocol for drug testing will be followed to insure that a suitable specimen is collected, the chain of custody is maintained, and the personal integrity of the applicant/employee is considered. All activities associated with drug testing will be considered highly confidential and personal.
- 4) The goals of protocol are to: (a) Prevent adulterating or tampering with the specimen. (b) Provide documentation of all personal who handle the sample. (c) Insure that no unauthorized access to the specimen is possible. (d) Insure the specimen is handled in a secure manner. (e) Insure the specimen belongs to the individual whose information is printed on the label. (f) Maintain the employee/applicant's confidentiality.

- 5) The facilities used to collect the specimen will: (a) Have bluing agent in the toilet bowl. (b) Not have tempered water available in the room. (c) Have the transfer/documentation location within five feet of the collection station. (d) Provide a secure area for the individual to leave his/her coat, purse or personal property.
- 6) The collection procedure will be: (a) The individual will report to the designated facility at a specified time with two forms of identification. At least one of them will have a picture of the individual being tested on it. If the basis for the drug test is "reasonable suspicion", the employee will be transported to the facility. The employee will not be allowed to drive. Failure to report to the test site as directed will be considered a refusal to take the test. (b) The identification will be presented to the laboratory agent who will compare the picture with the individual reporting for the test. (c) The employee/applicant will be responsible for providing the laboratory agent with a list of prescribed medications taken during the last three weeks. (d) The laboratory agent will ask the person being tested to remove all unnecessary outer garments and bags. (e) The person being tested will then wash and dry their hands. (f) The person being tested will then be provided with a specimen collection container at the door of the test area. (g) The person will be given an adequate time to provide the specimen. In the event that the person will remain at the test site for up to two hours, if a suitable specimen is not provided in that time it will be considered that the person is refusing to provide a specimen and that person will be taken "out of service" until the matter is resolved. Disciplinary action will be taken unless a letter of explanation, acceptable to the Substance Abuse Administrator or Mayor, is submitted. (h) The collector will receive the specimen from the person being tested. (i) The collector will transfer the specimen from the collection container to a specimen bottle, while being observed by the individual being tested.
- 7) Duties of the collector are to: (a) Ensure that a minimum of 60ml (two ounce) of urine is in the specimen bottle. (b) Measure the temperature of the specimen and determine that it is within 90.5 to 99.8 degrees Fahrenheit. (c) Inspect the specimen's color and look for any signs of contaminants. (d) Place a tamper proof seal over the bottle's cap and down the sides of the bottle. (e) Have the person being tested place their initials on the security tape (seal) verifying that the sample was sealed in their presence. (f) Enter all information on the chain of custody form and have the person being tested sign to certify that the specimen being collected is of the person provided. (g) A Medical Review Officer (MRO) is a licensed physician with knowledge of drug abuse disorders, who is under contract to the City. The MRO is responsible for reviewing the results of the initial and confirmatory tests and exploring alternative explanations for a positive result. The MRO will contact each applicant or employee whose drug screen test is positive and will provide them with an opportunity to discuss the positive test result. Following this conversation, the MRO will make an independent decision as to whether the drug screen test results, together with the employee's/applicant's explanation, supports a finding of positive drug test result. Although the laboratory shall initially only supply the MRO with information concerning which drugs, if any, appeared in the specimen at or in excess of reportable levels, the MRO may secure, upon request, a quantification of those results. (h) The MRO, following his analysis of the test results, will report to the City whether an employee's or applicant's drug screen test result was positive or negative, to the Administrator of the Substance Abuse Department. (i) Negative Result - If the tested individual was an applicant for employment and the test result was negative, the City may continue with the employment process. If the tested individual was an employee and the test result was negative, the City need not contact the employee with the test results. Upon request of the employee, the Substance Abuse Administrator shall advise the employee his/her drug screen test result was negative. (j) Positive Result - If a drug screen test result is positive, the tested individual will be offered an opportunity to submit a second confirmatory test at his or her own expense. If the tested individual requests a second confirmatory test, it shall be performed on the original specimen using GC/MS or equivalent technology, and shall be performed by a DHHS-NIDA certified laboratory. The cost of the second confirmatory test (as determined by the laboratory) shall be paid before retesting is done. If the results of the second confirmatory test are negative, the tested individual will be reimbursed the cost of the second confirmatory test and the results of the initial positive test will not be used to deny employment or as a basis for discipline. If no second confirmatory test is requested; or if the second confirmatory test is again positive and the tested individual is still unable to provide the MRO with satisfactory explanation for the result, the tested individual will be advised of the result of the second confirmatory test. If the tested individual is an applicant, he/she will again be informed that he/she is not qualified and denied employment. (k) If the tested individual is an employee, he/she will be referred to the Employee Assistance Program for referral to counseling or rehabilitation. An employee whose drug screen is positive will, however, not be permitted to perform his/her duties until he/she successfully completes a Substance Abuse interview by the approved Rehabilitation Center. During the term of the Last Chance Agreement, the employee will not be allowed to drive a City vehicle home and after evaluation by the drug counselor, it will be at the employee's Department Head's discretion as to whether or not the employee is allowed to operate a City vehicle while on the job. The employee's return to work following successful completion of the substance abuse rehabilitation interview and a negative drug screening, will be determined by the Substance Abuse Administrator, the employee's department superintendent/director and the MRO. (l) Employees who have been referred for counseling or rehabilitation under the City policy shall be required to fully cooperate and participate in their rehabilitation and the recommendation of the program administrator. Failure to cooperate with the rehabilitation efforts may result in termination. Work time lost for counseling and rehabilitation will be paid according to eligibility of sick days, applicable short-term disability benefits, and eligible vacation pay. Medical benefits are available as provided in the Medical Insurance program, depending on the medical diagnosis by the counselor or physician. Unscheduled and observed urinalysis testing of employees who have previously tested positive may continue for up to sixty months as scheduled by the MRO. Failure to cooperate with these periodic unscheduled tests will result in discharge. (m) Employees with positive drug screen testing results will be required to sign the Last Chance Agreement. A positive drug screen test result following an opportunity for rehabilitation will result in the termination of employment without eligibility for rehire. (n) Adulterated or unreadable specimens - When a sample is adulterated through the actions of the tested individual, the MRO shall contact the tested individual and provide him/her with an opportunity to explain. If no satisfactory explanation is given, it will be presumed that the tested individual could not have given a negative specimen and he/she may be deemed non-cooperative by the City. If the specimen is unreadable due to

circumstances not caused by or contributed to by the tested individual, the MRO will advise the tested individual and the City of that fact. Any employee submitting an adulterated specimen is subject to disciplinary action up to and including termination.

- 8) Drug/Alcohol Tests and Equipment – (a) All drug tests will be performed by a state approved certified lab. (b) The test equipment used shall be any of the following: Enzyme Immunoassay (EIA), Radioimmunoassay, Fluorescence Polarization Immunoassay, Mass Spectrometry (MS), Intoxilyzer (for alcohol), and Field tests such as ABU screen. Other tests may be added as soon as they are generally accepted as accurate and reliable. Thresholds have been established which set the limit at which a drug test may be called positive. Specimens containing the drug Metabolite above the threshold are identified as “positive” and below the threshold identified as “negative”. All specimens identified as positive on the initial test shall be confirmed. The initial and confirmatory drug test cut-off values promulgated by the Department of Health and Human Services (Federal Register, Vol. 53, No. 69 published April 11, 1933), and as amended, are hereby adopted as the cut-off values for this policy. These test levels are subject to change by The Department of Health and Human Services as advances in technology or there considerations warrant identification of these substances at other concentrations. Threshold levels specified by the Reagent Manufactures will be used for drugs or compounds not listed in the Federal Register, or specified by law.
- 9) Alcohol Screen Analysis – (a) For purposes of this prohibition, an employee shall be deemed to be “under the influence” of alcohol where a blood content by weight alcohol exists in the person's blood alcohol content by weight of alcohol exists in a person's blood as follows: Employees employed by the City of Cullman shall not have an alcohol level of .04 or more on the job. An employee may be found to be “under the influence” where the blood alcohol content by weight of alcohol exists in the person's blood is less than the foregoing amounts, and other competent evidence shows job performance or employee safety to be affected. (b) Testing for alcohol violations will be performed by the City’s Third-Party Drug and Alcohol testing site. Such testing will be conducted in accordance with the usual protocol of the department. Tests will be performed on the Breathalyzer by a certified operator. Other alcohol testing devices that become available for use by the City’s Third-Party Drug and Alcohol testing site in its normal operations may also be used for this policy. Test results shall be provided to the City Mayor, MRO, and the Substance Abuse Administrator.

Section 7. Condition of Employment

- 1) Compliance with the alcohol and drug testing policy is a condition of full-time employment with the City of Cullman. Compliance with the reasonable suspicion testing policy shall include part-time, seasonal, summer, and/or any temporary employee whose employment with the City of Cullman is expected to last 120 calendar days or less. Failure or refusal of an employee to fully cooperate, including failure to submit to inspections or tests called for by the policy or to fulfill agreements will be grounds for disciplinary action, including termination.
- 2) If any part of this policy is determined to be void or unenforceable under State or Federal Law, the remainder of the policy, to the extent possible, will remain in full force and effect. No part of this policy or any of the procedures herein are intended to affect the City’s right to manage its workplace or to discipline its employees. Nor is it a guarantee of employment, continued employment, or of any terms or conditions of employment. This policy does not create a contract, either express or implied; between the City and any employee.
- 3) The City's Employee Assistance Program is a part of the Personnel Policy. It is the City's policy to encourage any employee with an alcohol or drug dependency or concern to seek professional assistance before the problem leads to an incident that may result in discipline or termination. An employee's request to submit to an alcohol or drug rehabilitation program or participation in the Employee Assistance Program does not waive the application of this policy to the employee.
- 4) The City reserves the right to interpret, change, modify, amend, or rescind this policy in whole or in part. Exceptions to this policy may be granted in unusual or extenuating circumstances, but only with the approval Mayor of the City of Cullman.
- 5) Workers Compensation - As provided by Section 25-5-51, Code of Alabama 1975, as amended, a worker injured at the workplace or in the course of employment will not be paid benefits under the Alabama Workers Compensation Law if the injury is a result of an accident caused by the employee's impairment by drugs and/or alcohol. Further, a positive drug test conducted and evaluated pursuant to Section 25-5-51 shall be a conclusive presumption of impairment resulting from use of illegal drugs.
- 6) Unemployment Compensation - Section 25-4-78, Code-of Alabama 1975, as amended provides that no unemployment compensation will be paid to an employee dismissed after testing positive for drugs or alcohol, refusing to submit to a test for drugs or alcohol, or knowingly altering or adulterating any test sample. Any section or subsection of the Personnel Rules of the City of Cullman, Alabama, dated September 2000, as amended November 22, 2004, not specifically amended herein shall remain in full force and effect and are ratified this date.

OCCUPATIONAL ILLNESS AND INJURY REPORTING POLICY

It is important that all workplace injuries and illnesses are reported to the City Risk Management Department as soon as reasonably possible after they occur. Prompt reporting allows for prompt identification and correction of hazards and prompt medical attention for injuries. In some instances, an employee may not immediately realize that s/he has been injured or made ill. In such circumstances, the employee must report the injury or illness as soon as reasonably possible after becoming aware of the injury or illness.

Therefore, the following policy applies to work-related injury and illness reporting:

- An employee who is at work when s/he becomes aware of an injury or illness must report it as soon as reasonably possible, but in no event later than leaving the workplace or 8 hours after becoming aware of the injury or illness, whichever is earlier. The report must be made to the employee's supervisor.
 - Supervisors must report such injuries and illness, immediately, if possible, but not later than 8 hours, to the Risk Management Dept. Failure to do so may result in disciplinary action taken against the supervisor, for failing to report.
- An employee who is not at work when s/he becomes aware of an injury or illness must report it as soon as reasonably possible, but in no event later than 8 hours after becoming aware of the injury or illness. The employee must report the injury or illness by calling his/her supervisor and explaining that s/he is reporting a work-related injury or illness.
- No employee who complies with this policy will be disciplined for not promptly reporting an injury or illness.

Supervisors must not interfere with, or attempt to discourage, reporting under this policy.

SMOKING OR SMOKELESS TOBACCO POLICY

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

FITNESS FOR DUTY POLICY

The City of Cullman is committed to maintaining a safe work environment for all employees. In order for the City to maintain a safe working environment, every employee must be able to perform his or her job duties in a safe, secure, and effective manner in order to ensure that the health and safety of those around them is not jeopardized.

This policy does not limit the City's right to take employment action under its normal disciplinary policies and procedures. Employees who fail to perform his/her job functions and/or engage in misconduct may face disciplinary action up to and including termination notwithstanding a referral for a fitness for duty evaluation.

Employees who refuse to undergo a fitness for duty evaluation may face disciplinary action, including suspension or termination. Additionally, the employee's participation in a recommended treatment or rehabilitation program does not guarantee continued employment and may not necessarily prevent disciplinary action for violation of City policies.

Purpose of Fitness for Duty Evaluation

The purpose of a fitness for duty evaluation is to address whether an employee has a medical or psychological condition that may pose a potential threat to the employee or others in the workplace.

An employee may be required to undergo a fitness for duty evaluation (either medical or psychological) when an employer has objective evidence that an employee either:

- is unable to perform the essential functions of his or her job due to a medical or psychological condition, or
- poses a direct threat to himself/herself or others.

The grounds for seeking a fitness for duty evaluation may come from a supervisor's own observations and/or receipt of a reliable report of the employee's possible lack of fitness for duty from a third party. Examples of the types of impairments that may warrant the request for a fitness for duty evaluation include:

1. Use, possession, or influence of alcohol or illegal drugs;
2. Use of legal drugs that adversely affect the employee's ability to perform his/her job functions safely;
3. Slurred or incoherent speech;
4. Observed problems with vision, awareness, coordination or dexterity;
5. Aggressive or threatening behavior;
6. Unpredictable mood or behavioral changes;
7. Drowsiness, sleepiness or other signs of fatigue; or
8. Any other physical or psychological condition or behavior that affects the employee's ability to perform his or her job functions successfully and safely.

Independent Medical Evaluator

The fitness for duty evaluation, if required by City, will be referred to and conducted by an independent, licensed health care practitioner ("Independent Medical Evaluator") chosen by the City. The Independent Medical Evaluator will not be a treating physician of the employee. The City is responsible for paying the cost of any fitness for duty evaluation(s) required by the City. If the employee wishes to get a second opinion, or an additional evaluation from another provider, the employee is responsible for paying the cost of any additional evaluations.

Results of Fitness for Duty Evaluation

The Independent Medical Evaluator will perform the evaluation of the employee, and any necessary testing, and will provide the City with his or her medical opinion as to the employee's fitness to perform his/her job functions. The City may use the fitness for duty evaluation results to make decisions regarding the employee's employment status, including, without limitation, and as applicable, whether employee maintains his/her job, termination or provision of reasonable accommodation.

Confidentiality

To the extent allowed by law, the City shall protect the confidentiality of the evaluation and the results. Employee medical information provided by the employee to the City is maintained on a confidential basis in accordance with applicable law.

When conducting a mandated fitness for duty evaluation, the city may ask employee to sign consent forms that permit production of medical health information to the Independent Medical Evaluator. If the employee releases medical health information to the Independent Medical Evaluator, the employee may opt to not have the medical health information released to the City.

EMPLOYEE RESPONSIBILITIES

EMPLOYEE CONDUCT POLICY

To ensure orderly operations and provide the best possible work environment, the City expects employees to follow rules of conduct that will protect the interests and safety of all employees of the City. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- *Theft or inappropriate/unauthorized removal or possession of property not belonging to the employee.
- *Recording of any conversation without the written authorization of all parties.
- *Falsification of documents including timekeeping records.
- *Intentional omission or false statements made with the intent of distorting the results of an investigation.
- *Working under the influence of alcohol or use of illegal drugs.
- *Fighting or threatening violence in the workplace or violence away from the workplace that arises out of workplace situations.
- *Use of inappropriate or disrespectful speech such as profanity, sexual innuendo, etc.
- *Boisterous or disruptive activity in the workplace.
- *Negligence or improper conduct leading to damage of employee-owned or city-owned property.
- *Insubordination or other disrespectful conduct.
- *Violation of safety or health rules.
- *Smoking or using smokeless tobacco in prohibited areas.
- *Sexual or other unlawful or unwelcome harassment.
- *Possession of dangerous or unauthorized materials, such as explosives or firearms, on City property.
- *Unauthorized absence from workstation during the workday.
- *Absent from work for three or more days without notification.
- *Unauthorized use of telephones, mail system or other city-owned equipment.
- *Unsatisfactory performance or conduct.
- *Abuse of computer, city furnished phone, internet or internet access.
- *Abuse of city vehicle policy.

Each employee must comply with the City and Departmental Accident Prevention Rules and Requirements. Unsafe conditions and/or acts should be reported to your immediate supervisor. All accidents resulting in injury and/or property damage should be reported promptly to your supervisor. Failure to report such injury or property damage may result in disciplinary action, up to and including termination of employment. Each employee must keep his/her immediate work area clean and free from hazardous conditions. An employee not adhering to the City of Cullman Safety Rules and Requirements is subject to disciplinary action up to and including termination.

HARASSMENT

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

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

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

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

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

Some examples of conduct that may constitute sexual harassment include: (a) making unwelcome sexual flirtations, advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature a condition of employment; or (b) creating an intimidating, hostile or offensive working environment by such conduct as:

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

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

Section 4. Other Harassment - Statements, behavior or the display or use of words, objects or pictures that others could interpret as being insulting, derogatory or slurs toward persons based upon their race, color, national origin, religion, sex, age, or disability are also prohibited by this policy.

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

Section 5. Reporting Instances of Harassment - The City of Cullman takes very seriously its prohibition against harassment. An employee who has a complaint or concern relating to sexual harassment, or any other form of harassment, abusive, taunting, or demeaning behavior, including concerns about such conduct from non-employees, should report the conduct to Human Resources. Employees who feel they have been subjected to sexual harassment or harassment on any other basis, or who witness such conduct should immediately report the incident directly to Human Resources. An employee should report the behavior or concern even if the behavior complained of, is not directed toward the employee who reports it. If the employee does report the matter to a supervisor or management representative, this person should forward the complaint immediately to Human Resources.

Section 6. Investigation of Complaint - Complaints of discrimination or harassment will be promptly investigated by the City under the direction of the Human Resources Director. The investigation will be conducted as impartially and confidentially as possible. If it is determined that a complaint is valid, the City will take appropriate disciplinary action against the offender based on the severity of the harassment and the individual's employment history. Disciplinary action may include a written warning, suspension, demotion, and/or termination of employment.

Section 7. Employee's Commitment to an Effective No Harassment Policy - (a) Comply with this policy, (b) Report any violations, and (c) Cooperate with any investigation by providing complete and truthful responses to questions.

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

AWOL AND LATENESS POLICY - City of Cullman employees are expected to report to work at the time and place specified by their supervisors.

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

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

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

Absence from Job Site – City employees are expected to report to their workplace on time when scheduled to work and to remain on the job unless authorized to leave by their supervisor. Unauthorized absences may result in progressive disciplinary action.

To ensure the proper administration of this Rule, each department head is responsible for designating the supervisory personnel to whom employees in his or her department are to report absences or lateness and the sequence in which these persons shall be contacted by the employee.

Absent Reports – Department heads shall make reports to the Human Resource Department of all absences of each employee during the payroll period.

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

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

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

General Guidelines - While specific types of clothing may vary based on work location, duties and the amount of public contact to which employees are exposed, the following general guidelines apply to all City employees: a) Dress in a manner appropriate to your job. Your method of dress should create a positive image of the City. b) Clothing and shoes should be neat, clean, and in good repair. c) Hair should be clean and neat. Beards and mustaches should be clean and trimmed. d) Tight fitting, see-through, and revealing clothing are unacceptable. e) Clothing should not be above the bend of knee when standing.

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

Office Staff - Office staff shall dress in a manner which reflects an impression of neatness, cleanliness and professionalism, as these employees may have frequent, direct contact with the public. Examples of inappropriate apparel include the following: a) Leisure, recreational, and party-type apparel, casual shorts, miniskirts, strapless or backless dresses or tops, midriff shirts, halters, T-shirts/undershirts, muscle shirts/tank top, spandex pants, leggings, jogging outfits, and sweat suits. b) Shower shoes, slippers, and other inappropriate styles of footwear. c) Jeans are not acceptable unless approved by your Department Head or worn on designated "dress down" days.

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

INFORMATION SYSTEMS POLICY - COMPUTERS, INTERNET, AND NETWORK ACCESS

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

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

All messages and information (including but not limited to e-mail, instant messaging, browser history documents, and similar uses) stored, created, sent, retrieved, or viewed are not to be considered private or confidential. Incoming or outgoing data may be archived by the City of Cullman or the Internet Service Provider. Messages are not typically archived, viewed, or maintained internally by the City of Cullman, but the right is reserved by the City. Any e-mails sent from a City of Cullman provided account shall be business-related and not used for personal communication. Any personally identifiable information (PPI) such as social security numbers, driver's licenses, banking or credit card information, etc., sent via email must be encrypted prior to sending within or outside of our organization. City e-mail accounts shall not be automatically forwarded or redirected to personal e-mail accounts. The City of Cullman strongly condemns the illegal distribution, sharing or downloading of media files such as music and video. In addition, all users shall be aware

that piracy is a federal offense and is punishable by fine or imprisonment. Outside software or data files introduced onto City of Cullman information systems over any type of transfer medium must comply with all license requirements and should be approved by the Information Technology Department and the department head. Files of a personal nature, whether documents, photos, music, or otherwise, that are unrelated to business of the City of Cullman or any employee's job tasks shall not reside on the City of Cullman's information systems. These files take excessive space not only on computer systems but also on system backups. Software license information is maintained by Information Technology; and reports of any software changes, additions, or removals shall be reported to Information Technology. If a Department Head permits it in his or her department, an employee may bring in laptop, PDA, netbook, or related device to work but they are not to attempt to connect, bridge, interface, or log into the City's local area network with those personal devices. The city network is provided for City-owned equipment which is properly addressed, authorized, and licensed for use on the business network and its servers. Note that utilizing a permissible personal device does not exempt the employee from policies of acceptable use of the internet in the work place as outlined above. Work products such as documents or other digital information shall reside on City equipment, not on personally owned external storage devices other than disposable media, and that media is considered work product, should it be used voluntarily by the employee. Employees and departments are required to notify Information Technology of any possible viruses or spyware infections on City computers whether or not the employee thinks the situation has been resolved. Any issues or requests related to Information Technology equipment such as computers, printers, phones, two-way radios, or other related items shall be routed through Information Technology for evaluation to ensure that it does not interfere with Information Technology operations or violate this or other City policies. Remote access to city network assets must be authorized by the Department Head and the Mayor's office in writing prior to any access being granted. Users shall be issued a unique username and password with which to log-on to City of Cullman computer systems; this username and password are to be used only by the user to which they are issued. Once assigned credentials for computer use to include system login, and specific application login, employees shall work from the assigned account and not share account information with any other employee other than I.T. staff as needed for maintenance. Should access be needed by another employee, the request must come from a supervisor and be directed to the I.T. department; such access shall be accomplished through the issuance of a new password. Shared terminal login may be configured by the I.T. department in cases as a matter of practicality of operations. In all other instances, sharing one's password or the use of a username and password issued to another employee shall be grounds for disciplinary action, up to and including dismissal. Any

In Facility Wireless Internet Access - In certain department areas, wireless internet access, also known as Wi-Fi, is provided primarily to be used for conferences, meetings, and training sessions. For example, inside training areas in the public safety departments, the auditorium of City Hall, and meeting areas in certain other departments. This internet access is segregated outside of the City local area network, and is strictly unmanaged internet access to be used on outside systems for the purpose of education, training, or similar activities. The network is encrypted for safety and security of users, and the key code is available from the I.T. department or the Mayor's office. Performance, speed, reliability, and content are not guaranteed in any way on this external connection. City I.T. staff will not be able to support outside laptops or other equipment, and the connection to the internet of such devices is solely the responsibility of the owner of the device. Employees are subject to all the requirements and limitation of this policy when utilizing the wireless connection.

City Websites - The City of Cullman shall have a single primary domain which is the main portal for citizens and employees. That website shall be primarily maintained by the designee of the Mayor with assistance of the I.T. department as required. Departments shall not be permitted to setup additional internet domains. Any department wishing an exception to this policy must first receive permission from the Mayor.

Social Networking Policy - Social networking is defined as the use of social network sites that use internet services to allow individuals to construct a public or semi-public profile within that system, define a list of other users with whom they share some connection, and view and access their list of connections and those made by others within that system. Some employees of the City of Cullman, may, on personal time and personal computers, have accounts or profiles on social networking or blog type websites. Employees are strongly cautioned that such information on the internet is widely accessible with unlimited communication potential. Officially approved use of social networking or blog websites may also be adopted by the City and used for communication to the public.

Personal Use of Social Networking Sites by Employees - City equipment shall not be used for personal social network or blogging purposes, except as noted below. It is the choice of the employee whether or not to, in any way, reference or list the City of Cullman or its departments as employer on the employee's personal site, blog, profile, or account. If the employee identifies themselves as a City employee on social media platforms, then they must indicate that the views are not the official view of the City of Cullman. If the employee publishes content on any website that relates to their work or subjects associated with the City, then they should use a disclaimer such as, "The views expressed are my own and do not necessarily represent the City of Cullman's positions or opinions." Personal accounts shall not display official logos, seals, badges, equipment, buildings, uniforms, or any property of the City of Cullman so as to endorse any cause or product. Posts on personal websites shall not contain information which is law enforcement- sensitive related to the medical treatments of patients, related to confidential information provided to a City department in the course of its operations, or regarding internal agency happenings that might be considered to be a breach of privacy and confidentiality of another City employee or any other individual or entity.

Sanctioned Use of Social Networking by the City of Cullman - Primary communications from the City and its departments to the public will remain on official websites; however social network or blog type sites provide an effective means to quickly reach large numbers of individuals with information. The decision to operate a social network profile comes with risk and responsibility and a request to operate a sanctioned account must be fully supported with specific goals, an intended audience, and capabilities of the department. It is not desired for every branch or division of the City to operate such a site as this would likely create more confusion with regard to

communication to the citizens. The following approval and operational regulations shall apply to the use of City sanctioned and City operated social networking type sites:

- Official use of a social network account shall be in the name of the City of Cullman and its department, and not be a personal account. The account will also be registered, associated with, and maintained with an official City e-mail account.
- Official use of social networking type sites must be approved by the Mayor, must be requested by the department head, and must receive a technical clearance from the I.T. department and address any concerns with regard to the technical abilities or resources from that department. Social network sites are often breeding grounds for malicious software to include adware, spyware, and viruses which pose a grave security risk to the City of Cullman's information systems. No social media or website shall be created for the City of Cullman except by an I.T. department employee or approved designee of the Mayor.
- The department head or the designee of the department head will be required to maintain the site on a regular basis so as to avoid misinformation to the public, and to avoid stagnant information or incorrect assumptions based upon the lack of information posted. Failure to maintain the site or profile will result in revocation of authorization.
- The department head and department designee shall be responsible for all postings or social sites maintained by the department.
- Account information and passwords for all City of Cullman social media sites will be required and maintained by the designee of the Mayor in addition to the department designee.
- Sanctioned sites will clearly and visibly display and official seal or logo of the department or the City, and shall also contain website and phone contact information for the City of Cullman.
- Sites will not be allowed to display solicitations of commerce when avoidable.
- The City reserves the right to remove any comments or posts places on the site by any party, or prevent external posting entirely.
- Compliance with all laws and all existing regulations, including the City of Cullman Information Technology Systems policy, that applies with regard to content posted, linked, displayed, or used on the approved social network or blog page.
- Posts on official websites shall not contain information which is law enforcement sensitive related to the medical treatments of patients, related to confidential information provided to a City department in the course of its operations, or regarding internal agency happenings that might be considered to be a breach of privacy and confidentiality of another City employee or any other individual or entity.
- It shall be officially authorized for employees of the Police Department to utilize social networking sites in any way necessary, and on any system, so as to further official operations, duties, or investigations and all other use of social networking sites by Police Department employees must comply with all requirements and limitations of the I.T. policy.
- The mayor may revoke the authorization of any website at any time.

Employee Identification and Proximity Access Devices - All permanent employees of the City of Cullman, regardless of department, shall be issued an employee ID card. Employees who frequent City facilities which require proximity access may be issued a card which is programmed to open certain facility doors. All City employees who have been issued an ID card are expected to wear that ID card while on duty for the City of Cullman in cases where they will interact with the public, whenever other standard uniform may not clearly reflect official duties. Employees are not to share or loan any proximity access device, to include but no limited to their ID card, to anyone else for any reason. Misplaced, stolen, or damaged proximity devices shall be immediately reported to the IT Department so that the access can be suspended in the computer system. At the request of a department head, access may be granted to contract employees. Should one's employment with the City of Cullman end for any reason, the IT department shall be immediately notified so that access to facilities will be suspended in the computer system. All I.T. policies apply to all information systems equipment owned by the City of Cullman, and include any laptops or portable computers which may be issued out to employees for official use.

Wireless Phones - Each User of a City provided cell phone must be classified as either: a) A field worker, who predominantly works outside the office, or is otherwise frequently mobile as part of his or her regular duties; b) On-call personnel who need to be contracted outside of hours for City business; and c) Mayor, City Council or other persons designated by the Council. Just because an employee may, upon occasion, work outside of the office does not automatically justify a City cell phone. A single departmental cell phone may be issued to a department for use of employees when it is necessary for them to be outside the office and in contact with the office, but may only be carried outside business hours by an office point-of-contact with permission of the supervising Department Head and Mayor. In an office with several clerical employees, the departmental office cell phone will be shared for that department or division. The primary purpose of the phone is to be "on network" for cellular calling, long-distance calls and backup to land line communications. To request a cell phone for an employee, a signed memorandum from the Department Head should be submitted to the Information Technology Department to assure proper accountability. City owned cell phones are to be used for official business only; personal use is to be de minimis in nature (defined as: small, minor, or insignificant; negligible.) De minimis use of a city-owned cell phone is not taxable to the employee. Any fees incurred by the employee that cannot be plainly justified as official use are to be reimbursed by the user to the City of Cullman as soon as possible, but no later than the following paycheck. Employees responsible for operating vehicles and potentially hazardous equipment shall refrain from using cellular phones while operating such vehicles, except in emergency situations or when doing so is in the best interest of public safety. Cell phone "ring tones," voicemail greetings, background logos, or similar multimedia shall be basic and professional. Users are not to download, at cost or at no charge ringtones, multimedia, or applications to the City's cell phones which are not part of official business and approved by the department head. "Ring back tones," or music which plays while a caller is waiting to reach a City phone, is not permitted on City of Cullman owned cell phone lines. All content associated with a City of Cullman owned cell phone is considered accessible by the City and its employees and is not to be considered private by the user of the device. All cell phones provided by the City of Cullman must be password protected.

CITY VEHICLE POLICY - The City-owned vehicles shall not be used by officers or employees of the City for personal purposes, except as authorized. The Mayor of the City of Cullman may authorize, in the interests of the City, the use of City vehicles by certain

officers or employees for commuting to and from work, with the understanding that this use of non-exempt vehicles shall be taxable to the officer or employee in accordance with the IRS regulations. Internal Revenue Service Rules will be complied with for those driving vehicles not exempted from the fringe benefit guidelines. (Exemptions include emergency vehicles or service vehicles driven by employees on call.) Employees, except for department heads, approved for take-home vehicles who live more than eight (8) miles from their workplace will reimburse the City for the mileage in excess of eight (8) miles at the prevailing rate paid to employees driving a private vehicle on city business with the reimbursement to be deducted from the employee's salary.

A person appointed to a position that involves the operation of a motor vehicle must present a valid State of Alabama driver's license at the time of employment. On a yearly basis, employees whose positions involved the operation of a motor vehicle must submit a copy of their driver's license to their department head who will submit the copy to the Human Resource Department. Employees are required to notify their superintendent if their driver's license has been revoked or suspended for any reason, who shall in turn notify the Human Resources Department. This notification must be submitted in writing as soon as possible. Any employee convicted of a DUI charge will not be eligible to drive a City of Cullman vehicle for a period of five years following conviction. Please see the Driver Acceptability Matrix located at the back of this handbook for information regarding moving violations and accidents.

Use Of Cell Phones and Mobile Devices in Motorized Vehicles

Using cell phones or other electronic devices while driving leads to increased risk of accident and liability to the City of Cullman and the employee. Distracted driving is a serious safety risk, not only to the driver, but also to other occupants in the vehicle, other vehicles on the road and pedestrians. In order to reduce the risks associated with distracted driving, certain conduct is prohibited while driving a City of Cullman owned motor vehicle or while driving a personal vehicle while on duty. All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones at all times.

All employees must refrain from using cell phones, mobile devices, laptops and tablet devices or participating in any activity that may distract them from safely operating a motor vehicle. This policy also applies to the use of all other electronic devices including but not limited to PDA's, MP3 players, smart watches or other wearable electronics. GPS Devices are permitted, so long as the navigation is set prior to driving, and the GPS is secured in a safe place that does not obstruct the driver's view of the road. This policy applies to both personal and City provided devices.

Drivers must pull over safely to the side of the road or another safe location before checking messages, returning calls, text messaging, emailing, reading maps for directions, or programming/resetting GPS devices.

- Employees are not permitted to read or respond to e-mails or text messages, while operating a motor vehicle (in motion or stopped in traffic) while on duty or operating a City of Cullman owned motor vehicle.
- Employees are not permitted to use the internet (including mobile applications and social media) while operating a motor vehicle (in motion or stopped in traffic) while on duty or operating a City of Cullman owned motor vehicle.
- Employees are not permitted to read maps or any type of document, printed or electronic while operating a motor vehicle (in motion or stopped in traffic) while on duty or operating a City of Cullman owned motor vehicle.
- Employees are never permitted to use headphones or earbuds while operating a motor vehicle while on duty or operating a City of Cullman owned motor vehicle.
- Employees are permitted to use a hands free device to talk on their cell phone. Hands free calls must be completely hands free, meaning that your phone cannot be touched in order to place, alter or end the phone call.

The City of Cullman recognizes authorized emergency public safety personnel, while performing official duties, have access to in-vehicle mobile devices. Personnel are expected to stop in a safe spot when using their phones, laptops and tablets except in emergency instances when they have no choice but to use the devices on the move. Outside of emergency situations all City cell phone and mobile device policies apply and are encouraged for both the safety of the public and the city's personnel.

Employees violating this policy will be subject to discipline, up to and including termination of employment.

EMPLOYEE TRAVEL POLICY - A written employee travel request must be approved by the Mayor or City Council before any travel occurs. No official or employee of the City of Cullman will be reimbursed for the expenses incurred while traveling in the performance of their duties unless an itemized statement of all expenses has been submitted to the City's accounting department and approved by the Department Head. Only expenses for the official or employee will be reimbursed. The expenses for others traveling with the official or employee will not be reimbursed. The official or employee must use the correct form available in the City's administration department. All employee travel-related expenses must be within reason.

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

POLITICAL ACTIVITY REGULATIONS - No person in the employment of the City of Cullman, whether classified or unclassified, shall be denied the right to participate in, or denied the right to refrain from engaging in, city, county, or state activities to the same

extent as any other citizen of the State of Alabama, including endorsing candidates and contributing to campaigns of his/her choosing. All persons in the employment of the City of Cullman shall have the right to join local political clubs or organizations and state or national political organizations. All persons in the employment of the City shall have the right to publicly support issues of public welfare, circulate petitions calling for or in support of referendums, and to contribute freely to those of his/her choosing. No person in the employment of the city shall attempt to use his/her official authority or position for the purpose of influencing the vote or political action of any persons. Any person who violates this Section shall be subject to punishment as provided by the laws of the State of Alabama. No person in the employment of the City, whether classified or unclassified, shall use any city funds, property, or time for any political activities. Any person who is in the employment of the City shall be on approved leave to engage in political action, or the person shall be on personal time before or after work or on holidays. It shall be unlawful for any officer or employee to coerce or attempt to coerce any subordinate employee to work in any capacity in any political campaign or cause. Any person who violates this section shall be subject to fine or imprisonment as provided by law. Any employee of the City, whether in the classified or unclassified service, who qualifies to seek a political office with the City of Cullman shall be required to take an unpaid leave of absence from his/her employment, or use accrued overtime leave or accrued vacation leave time with the City. This extends from the date he or she qualifies to run for office until the date on which the election results are certified, or the employee is no longer a candidate, or there are no other candidates on the ballot. Any employee who violates this subsection shall forfeit his/her employment position. In no event shall this Section apply to elected officials. When off duty, out of uniform, and acting as a private citizen, no law enforcement officer or firefighter shall be prohibited from engaging in city, county, or state political activity or denied the right to refrain from engaging in political activity so long as there is compliance with this Rule.

ETHICS POLICY - The City of Cullman, Alabama and its employees must comply with the current Alabama Ethics Law.

Progressive Discipline Policy - Single Disciplinary Process

Purpose

The City of Cullman's progressive discipline policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues.

Outlined below are the steps of The City of Cullman's progressive discipline policy and procedures. The City of Cullman reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training; the employee's work record; the severity of the offense, and the impact the conduct and performance issues have on the organization.

Nothing in this policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between The City of Cullman and its employees.

Procedure

Step 1: Counseling and verbal warning

Step 1 creates an opportunity for the immediate supervisor to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the problem or the violation of company policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve his or her performance or resolve the problem.

Within five business days, the supervisor will prepare written documentation of the verbal counseling. The employee will be asked to sign this document to demonstrate his or her understanding of the issues, the notice of the violation and the corrective action.

Step 2: Written warning

The Step 2 written warning involves more-formal documentation of the performance, conduct or attendance issues and consequences. During Step 2, the immediate supervisor and a department head will meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations.

A formal performance improvement plan (PIP) requiring the employee's immediate and sustained corrective action will be issued within five business days of a Step 2 meeting. The written warning may also include a statement indicating that the employee may be subject to additional discipline, up to and including termination, if immediate and sustained corrective action is not taken.

Step 3: Suspension/Demotion and final written warning

Some performance, conduct or safety incidents are so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the Appointing Authority may suspend the employee pending the results of an investigation.

Suspensions that are recommended as part of the normal sequence of the progressive discipline policy and procedures are subject to approval from the Appointing Authority and HR.

Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state and local wage and hour employment laws. Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. In compliance with the Fair Labor Standards Act (FLSA), unpaid suspension of

salaried/exempt employees is reserved for serious workplace safety or conduct issues. HR will provide guidance to ensure that the discipline is administered without jeopardizing the FLSA exemption status.

Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee of wrongdoing.

Step 4: Recommendation for termination of employment

The last and most serious step in the progressive discipline process is a recommendation to terminate employment. Generally, The City of Cullman will try to exercise the progressive nature of this policy by first providing warnings, issuing a final written warning or suspending the employee from the workplace before proceeding to a recommendation to terminate employment. However, **The City of Cullman reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense.** Furthermore, employees may be terminated without prior notice or disciplinary action.

Management's recommendation to terminate employment must be approved by human resources (HR) and final approval shall be required from the Appointing Authority or designee. The appointing authority who proposes to demote or dismiss an employee, is to provide the employee with at least seven (7) working days written notice. A pre-disciplinary hearing with the appointing authority or a representative is required. Following the hearing, the employee must be informed in writing of the decision regarding the proposed action on or before its effective date.

Employees will have the opportunity to present information to dispute information management has used to issue disciplinary action. The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the employee's performance or conduct issues while allowing for an equitable solution.

If the employee does not present this information during any of the step meetings, he or she will have three business days after each of those meetings to present such information.

Performance and Conduct Issues Not Subject to Progressive Discipline

Behavior that is illegal is not subject to progressive discipline and may result in immediate termination. Such behavior may be reported to local law enforcement authorities.

Similarly, theft, substance abuse, intoxication, falsification of documents, fighting and other acts of violence at work are also not subject to progressive discipline and may be grounds for immediate termination.

Documentation

The employee will be provided copies of all progressive discipline documentation, including all PIPs. The employee will be asked to sign copies of this documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents. Copies of these documents will be placed in the employee's official personnel file.

RIGHTS OF APPEAL

Section 1. Appeal to the Personnel Board - An employee with permanent status shall have the right to appeal any disciplinary action taken against him which affects his classification or pay. A permanent employee receiving such disciplinary action shall be given a written statement of the reason for such action within three (3) working days. A copy of such report shall be submitted simultaneously to the Personnel Board.

If the employee wishes to appeal the action against him, he must file a written appeal with the Board and the administrative officer within seven (7) working days after the disciplinary action is made final. Within seven (7) working days after receipt of the appeal the administrative officer shall file with the Chairman of the Personnel Board and mail to the employee by certified mail a complete set of charges and complaints against the employee and any other pertinent information on which disciplinary action was based. After specific charges and complaints have been filed, the Chairman of the Board shall call a meeting of the Board to be held within thirty (30) days after receipt of such charges for the purpose of hearing the protest or appeal. The employee and the administrative officer shall be notified by certified mail, at least ten (10) days prior to the meeting date, of the time and place of such meeting.

The Board shall have the power to continue the hearing from time to time as may be necessary. The members of the Board shall have the power to administer oaths, take depositions, and certify official acts and to subpoena and compel attendance of witnesses, and the production of books, documents, accounts and records pertaining to the matter under investigation. The City Attorney may be called upon to appear in all proceedings before the Board to represent the interest of the City. Subpoenas issued as provided herein shall be served and the service fee shall be the same as that provided by law for the service of subpoenas issued by a court. Payment of fees for witnesses summoned at the request of the City or the Board shall be considered expenses of the Board and shall be paid from the treasury of the City. The Board shall have the right to invoke the aid of a court of law in the event a person who is duly summoned to appear and testify or produce evidence refuses to attend or testify or produce such evidence in obedience to such summons. Any employee of the City who fails to obey any subpoena may be dismissed by the Board or receive such other disciplinary action as the Board deems proper.

The employee and the administrative officer shall have the right to be represented by counsel. The Board shall adopt its own rules of practice and procedures and shall not be bound by technical rules of evidence. The Board shall have the power to (a) affirm the disciplinary action, (b) reverse the action of the administrative officer, or (c) modify the disciplinary action taken and prescribe the proper penalty if it is satisfied the employee should receive some disciplinary action. If the Board decides the employee shall be

reinstated, they may order him reinstated with or without pay. If they order him reinstated with pay, such pay shall not exceed the amount the employee earned during the thirty-day period next preceding the disciplinary action taken against him.

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

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

PERSONNEL FILES - The City of Cullman maintains a personnel file on each employee. This file includes such information as the employee's job application, resume, training records, documentation of performance appraisals and salary adjustments, classification changes and other employment records. Access to personnel files is restricted and only those who have a legitimate reason to review information in a file are allowed to do so. No files may be removed from the Human Resources office. No files or records in the Human Resources office may be copied, except to furnish an employee with a copy of their own information. All employees wishing to inspect their file should contact the Personnel Officer and make arrangements to do so. All employee medical records are retained in separate files in the personnel department under the custody of Human Resources and the Risk Management Office.

Family Medical Leave Act (FMLA) Leave **Generally**

This policy is meant to provide employees with a basic framework concerning when FMLA Leave can be taken, how much FMLA Leave may be taken, and how the Leave may be requested. By no means is this Policy intended to be all-inclusive. Each case is unique. Employees should contact Human Resources with specific questions about FMLA Leave.

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a rolling 12-month period for the following reasons:

- Birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

Eligibility

Employees are eligible for FMLA Leave once they have worked for the City for at least one year and performed at least 1,250 hours of work during the previous 12 months, subject to other legal requirements.

The City must also employ at least 50 employees within 75 miles from the Employee's worksite for the Employee to be eligible for FMLA Leave.

Use of Leave

Except for employees taking leave to care for a newly born or newly placed child, employees are not required to use their leave entitlement in one block. Leave may be taken intermittently or on a reduced leave schedule where medically necessary. Employees must make reasonable efforts to schedule leave for medical treatment so as not to unduly disrupt the employer's operation. Leave due to qualifying exigencies may also be taken intermittently.

Employee Responsibilities when Requesting Leave

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, Employees must provide notice as soon as practicable. Employees requesting leave should qualify with the City's call-in procedure. Excessive delay could lead to delay in designation of absences as FMLA-protected Leave.

Employees must provide sufficient information for the City to determine if the leave requested qualifies for FMLA protection. Sufficient information may include that the Employee is unable to perform job functions, the Employee's family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. The employee is not required to provide a medical diagnosis as long as sufficient information is given. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees may be required to provide a certification and periodic recertification supporting the need for leave. If the City determines a written certification is incomplete, it will provide a written notice indicating what additional information is required.

Employer Responsibilities in Responding to Requests for Leave

The City will inform an Employee requesting leave whether they are eligible under FMLA. If the Employee is eligible, the City will also specify any additional required information as well as provide a description of the Employee's rights and responsibilities. If the Employee is not eligible, the City will provide a reason of ineligibility.

The City will inform Employee if leave will be designated as FMLA-protected and the amount of leave counted against the Employee's leave entitlement.

Substitution of Paid Leave or Unpaid Leave

Depending on the type of leave an Employee takes, Employees may choose or the City may require use of accrued paid leave while an Employee is taking FMLA leave. In order to use paid leave for FMLA leave, an Employee must comply with the City's normal paid leave policies.

Benefits

Subject to limitations under the law, while employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Employees on unpaid leave must make arrangements with the City to pay their share of the premium.

On return from FMLA leave, most employees must be restored to his or her original or equivalent position with equivalent pay, benefits and other employment terms as if he or she had remained in the workplace.

The FMLA does not affect federal or state law prohibiting discrimination, nor does it supersede greater family or medical leave rights that are granted by State or local law or collective bargaining agreement. An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. An employee may file a complaint with the U.S. Department of Labor, Wage and Hour Division (1-866-487-9243; TTY: 1-877-889-5627; www.dol.gov/whd or may bring a private lawsuit against an employer if his/her FMLA rights are abridged.

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

- 1) Act means Act No. 2123 of the 1971 Legislature of the State of Alabama.
- 2) Administrative Officer means the Mayor of the City of Cullman, or such officer of the City who might be delegated by law the authority to manage personnel administration for the City.
- 3) Allocation means the assignment of positions to a class on the basis of the kind, difficulty and responsibility of work of the positions.
- 4) Appointing Authority means the Mayor of the City of Cullman.
- 5) Board means the Personnel Board of the City of Cullman.
- 6) Certify or Certification means the act of supplying the appointing authority with names of applicants deemed eligible for appointment to the class or position to be filled.
- 7) City means the City of Cullman, Alabama
- 8) Class means a position or group of positions that involve similar duties and responsibilities and require similar qualifications and are designated by a single title indicative of the kind of work.
- 9) Court means the Circuit Court of Cullman County, Alabama.
- 10) Demotion means removal of an employee from a position in one class to a position in another class having a lower maximum salary limit than the position from which he was removed.
- 11) Eligible List is a list of names of persons who have successfully competed by examination, written or oral, arranged in the order of their final ratings.
- 12) Governing Body means the City Council of the City or any governing authority which is a successor thereto.
- 13) Laid-Off or Lay-Off means separated from the classified service of the City because of lack of work or funds or other reason not related to fault, delinquency or misconduct on the part of the employee.
- 14) Lay-Off List or Register means the list of former employees who had permanent status who were laid off, arranged in inverse order of separation.
- 15) Merit System means the same as "Civil Service System" within the meaning of these rules.
- 16) Original Appointment means the appointment of a person to a position in the classified service who is not being reemployed from a reemployment list, nor being promoted from the promotional eligible list, and who, except for those in the exempt service and those serving under temporary appointment, is not an employee of the City.
- 17) Part-time Employee means involving or working less than customary or standard hours.

- 18) Permanent Employee or Permanent Status means an employee who has satisfactorily completed the probationary period of employment, or otherwise obtained permanent status pursuant to the Act.
- 19) Personnel Director means a person employed by the Personnel Board, with the approval of the governing body, who is required to perform such duties as may be authorized, assigned, and designated by the Board, except those duties that require action by the Board in accordance with provisions of the Law.
- 20) Human Resource Officer means a merit system employee designated to assist the Personnel Board and the Director in the maintenance of personnel records and monitoring compliance with the Personnel Rules and Regulations.
- 21) Position of Job means a group of current duties and responsibilities assigned or delegated by job description and requiring the full or part-time services of at least one employee.
- 22) Promotion means a change of employment from a position of one class to a position of another class which has a higher maximum salary rate.
- 23) Promotional Eligible List means the list of eligible persons qualified for promotion to a higher position.
- 24) Reallocation means the official determination that a position be assigned to a class different from the one in which it has previously been assigned
- 25) Reemployment List means the list of names of former employees who had permanent status and who voluntarily terminated their services with the City in good standing at any time within the past two (2) years.
- 26) Seasonal Employee means employees who are employed for a specific portion of a year.
- 27) Transfer means a change of an employee from one position to another position of the same class.
- 28) Vacancy means a position duly created, with funds provided for payment of salary, which is not occupied.

DISCLAIMER

The information contained in this handbook does not in any way constitute an employment contract. This handbook is not intended to create or imply any contract rights nor is it an invitation to contract. The City of Cullman is an at-will employer. Employees of the City are not employed for any specified length of time. An employer at-will is not required to have cause for termination. The information contained in this handbook will apply to labor agreement personnel except in cases where state legislation or collective bargaining agreements take precedence. This handbook provides guidelines which serve as a means of communication on broad/general administrative policies, operational procedures and rules and/or regulations. The Manual serves as the primary means of communication on specific administrative policies, operational procedures and rules and/or regulations. It is expected that amendments and revisions will be made as necessary to meet the ever-changing conditions and business needs of the City. The Mayor will be the final authority on interpreting policy, approving amendments or granting exceptions to policy guidelines in order to more efficiently promote the interest of the City. It is the responsibility of each employee to remain aware of policy changes by reading any rule/policy changes posted on bulletin boards at their respective locations or requesting rules or policies from appropriate City personnel. The City of Cullman provides equal employment opportunities (EEO) to all applicants and employees.

Please return this signed page to Human Resources at City Hall.

I certify that I have received and understand the City of Cullman Personnel Handbook. (Updated September 7, 2021)

Employee Signature

Date

Employee Printed Name

Witness Signature

Date

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to adopt the following resolution:

**RESOLUTION NO. 2021 - 147
 TO ADOPT THE ANNUAL BUDGET FOR THE CITY OF CULLMAN
 BEGINNING OCTOBER 1ST, 2021 AND ENDING SEPTEMBER 30TH, 2022**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

1. That the General Fund Budget in the amount of \$48,338,554 or so much as may be necessary to defray the expenses and liabilities of the City of Cullman, is hereby appropriated for said purposes as therein specified.
2. That the budget in the amount of \$8,630,000 for the Property and Sales Tax Fund, a major fund, is hereby appropriated for the purposes as therein specified.
3. That the Miscellaneous and Special Fund Budgets in the following amounts: Rebuild Alabama Gas Tax Fund - \$245,000; Four Cent Gas Tax Fund - \$214,700; Seven Cent Gas Tax Fund - \$384,000; Industrial Purpose Fund - \$164,000; Lodging Tax Fund - \$1,270,000; Industrial Purpose Fund - \$92,000; Alabama Trust Fund - \$450,000; Corrections and Court Fund - \$71,000; Court

Judicial Fund - \$44,000; Industrial Park Fund - \$63,500; Industrial Access Road Fund - \$35,000; Cullman Building Account - \$5,000; Parks and Recreation Construction Fund - \$37,470,000; Transportation Enhancement - \$75,000; Downtown Revitalization Fund - \$1,200,000; CDBG Neighborhood Projects - \$1,350,000; and Debt Service Funds - \$35,196,789 or so much thereof as may be necessary to defray the expenses and liabilities of the City of Cullman, are hereby appropriated for the purposes specified therein.

4. That the budget for the Sewer Fund in the amount of \$8,203,000; the budget for the Water Fund in the amount of \$20,142,400; the budget for the Utilities Board Water Division in the amount of \$12,286,800; and for the Airport Fund in the amount of \$1,234,426 or so much thereof as may be necessary to defray expenses and liabilities, is hereby appropriated for such purposes as therein specified, together with such expenditures for principal payments and for equipment and capital improvements as authorized by the City Council.

5. That a budget for expenses for the Parks and Recreation Fund in the amount of \$5,220,000 or so much thereof as may be necessary to defray expenses and liabilities, is hereby established for such purposes, together with such expenditures for principal payments and for equipment as may be required.

6. That such amounts as are required to be transferred between funds for various purposes are hereby appropriated.

7. That adjusted classifications, changes in pay and employee benefits, and changes in the positions and structure of departments as implemented in these budgets are hereby adopted.

8. This Resolution, if approved by the City Council, shall become effective on the 1st day of October, 2021.

BE IT FURTHER RESOLVED that the Mayor, the City Treasurer, and the City Clerk are hereby authorized (1) to expend such funds as are herein allocated and as directed by the Cullman City Council and (2) to make such line item adjustments as are necessary to accurately reflect the expenditures of each department and any other changes as directed by the Cullman City Council.

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor

Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Moss made a motion to adopt the following resolution:

RESOLUTION NO. 2021 - 148
TO ADOPT THE PAY MATRIX, JOB DESCRIPTIONS, AND JOB CLASSIFICATIONS
FOR THE CITY OF CULLMAN, ALABAMA

BE IT RESOLVED BY THE CULLMAN CITY COUNCIL that the Mayor is hereby authorized to take any and all personnel actions necessary to execute the new employee pay matrix, job descriptions, job classifications, and annual pay increases for city employees approved by the Cullman City Council in the fiscal year 2022 budget which will become effective for the pay period beginning October 1st, 2021.

BE IT FURTHER RESOLVED BY THE CULLMAN CITY COUNCIL that the Administrative Training Officer position created by Resolution No. 2012-57 is hereby abolished.

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to adopt the following resolution:

RESOLUTION NO. 2021 - 149
TO ENTER INTO AN AGREEMENT WITH AFLAC

BE IT RESOLVED by the City Council of the City of Cullman, in the State of Alabama, that the Mayor is hereby authorized and directed to enter into an agreement with the AFLAC Group to provide supplemental insurance covering critical illness plus cancer, accidental, short term disability, and hospital indemnity for city employees, through Byars Wright Insurance, effective January 1, 2022.

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Moss made a motion to adopt the following resolution:

RESOLUTION NO. 2021 - 150

TO ENTER INTO SERVICE CONTRACT AGREEMENTS

WHEREAS, the Cullman City Council recognizes that public services are provided to the citizens of the City of Cullman, Alabama, which improving their quality of life including but not limited to educational services, rehabilitation services, medical services, promotion of tourism and commerce, mental healthcare, and personal wellness by the following:

- a) American Legion Post No. 4 of Cullman,
- b) Child Advocacy Center of Cullman,
- c) Childhaven,
- d) Cullman 310 Authority,
- e) Cullman Agriplex,
- f) Cullman Area Mental Health (Wellstone),
- g) Cullman Caring for Kids,
- h) Cullman Area Chamber of Commerce,
- i) Cullman City Board of Education,
- j) Cullman Community Band,
- k) Cullman Community Theater,
- l) Cullman County Commission on Aging,
- m) Cullman County Emergency Management Agency,
- n) Cullman County Extension Service,
- o) Cullman County Health Department,
- p) Cullman County Historical Society,
- q) Cullman County Public Library,
- r) Cullman County Soil & Water Conservation,
- s) Cullman Farmers Market Steering Committee,
- t) Cullman Regional Medical Center,
- u) First Source for Women of Cullman County,
- v) Good Samaritan Clinic,
- w) Hope Horses,
- x) Pilot Light of Cullman County,
- y) The Link of Cullman County,
- z) United Way of Cullman County,
- aa) Veterans of Foreign Wars Post No. 2214 of Cullman,
- bb) Victim Services of Cullman,

BE IT RESOLVED that the Mayor is hereby authorized and directed to execute contracts with those listed above hereinafter referred to as the "Contractor", for services as described therein, and the City Clerk is authorized to affix the City seal thereto: and

BE IT FURTHER RESOLVED that, prior to the release of any funds in connection with this contract for Fiscal Year 2022, the following documentation must be submitted annually to the City of Cullman:

- Resolution of the Board of Directors (or other governing body) authorizing the Contractor to enter into this contract;
- Copy of the current by-laws of the Contractor;
- Copy of the determination letter from the IRS or Alabama Legislative Act creating the Contractor which states their tax status;
- Copy of the Contractor's most recent audited financial statements;
- Copy of the Contractor's most recent budgeted-to-actual reports including revenues and expenditures;
- Copy of the Contractor's most recent balance sheet detailing cash, cash equivalents, certificates of deposits, investments, reserves, and other like assets;
- Copy of the Contractor's most recent budgets to actual reports (detailed by line item);
- Copy of the Contractor's most current certificate of insurance indicating General Liability and Worker's Compensation insurance.

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to adopt the following resolution:

RESOLUTION NO. 2021-151

TO AWARD THE BID FOR CLASS III PIPE RCP PIPE

WHEREAS, bids (R-01856) were opened on September 24, 2021 at 2:00 p.m. for Class III RCP pipe for the City of Cullman,

WHEREAS, the following bids were opened:

Foley Products	Cullman, AL	\$ 195,102.88
Harvey Culvert	Cleveland, AL	No Bid

WHEREAS, the low bidder for Class III RCP pipe was Foley Products; and

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Foley Products, is the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for water inventory materials be awarded to Foley Products.

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor

Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to adopt the following resolution:

RESOLUTION NO. 2021-152

TO AWARD THE BID FOR FURNITURE AT WILD WATER WATERPARK

WHEREAS, bids (R-01858) were opened on September 24, 2021 at 2:00 p.m. for furniture at Wild Water Waterpark for the City of Cullman,

WHEREAS, the following bids were opened:

Telescope Casual	Granville, NY	\$ 161,161.87
USA Outdoor Furniture	Burr Ridge, IL	No Bid
Patio.com	Boca Roca, FL	No Bid

WHEREAS, the low bidder for furniture at Wild Water Waterpark was Telescope Casual; and

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Telescope Casual, is the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for furniture at Wild Water Waterpark be awarded to Telescope Casual.

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Moss made a motion to adopt the following resolution:

RESOLUTION NO. 2021-153

TO AWARD THE BID FOR CULLMAN REGIONAL AIRPORT TREE TRIMMING AND REMOVAL

WHEREAS, bids (R-01857) were opened on September 24, 2021 at 2:00 p.m. for Cullman Regional Airport tree trimming and removal for the City of Cullman,

WHEREAS, the following bids were opened:

Colburn's Tree Service	Cullman, AL	\$ 38,200.00
Michael's Tree Service	Cullman, AL	\$ 23,600.00

WHEREAS, the low bidder for tree trimming and removal was Michael's Tree Service located in Cullman, AL; and

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Michael's Tree Service, is the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for tree trimming and removal be awarded to Michael's Tree Service.

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to adopt the following resolution:

**RESOLUTION NO. 2021-154
TO AWARD BID FOR TRENCH BOX**

WHEREAS, bids (R-01859) were opened on September 24, 2021 at 2:00 p.m. for a trench box for the City of Cullman,

WHEREAS, the following bids were opened:

Core & Main	Pelham, AL	\$22,098.86
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WHEREAS, the low bidder for a trench box was Core & Main; and

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Core & Main, is the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for a trench box be awarded to Core & Main.

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Moss made a motion to adopt the following resolution:

**RESOLUTION NO. 2021 – 155
TO ENTER INTO CONTRACT WITH CDG ENGINEERS AND ASSOCIATES FOR
CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE SIDEWALK IMPROVEMENT PROJECT
2ND AVENUE FROM ARNOLD STREET TO OAK DRIVE NE**

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into a contract with CDG Engineers and Associates for construction engineering and inspection services related to the sidewalk improvements along 2nd Avenue NE from Arnold Street to Oak Drive NE – ALDOT Project No. TAPAA-TA21(907).

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to enter into a contract with CDG Engineers and Associates for construction engineering and inspection services related to the sidewalk improvements along 2nd Avenue NE.

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to adopt the following resolution:

RESOLUTION NO. 2021 – 156

TO ACCEPT COLONIAL DRIVE AS A PART OF THE PUBLIC STREET SYSTEM

WHEREAS, Developer FOX RIDGE DEVELOPMENT, LLC., has recorded a final plat of The Grove at Fisher Farms, Phase II, located in Cullman County Map Book 2018., P32; and

WHEREAS, said Plat shows public road proposed for dedication to the City of Cullman; and

WHEREAS, an Offer of Dedication, Deeds of Conveyance and a Maintenance Surety have been submitted pursuant to the Subdivision Regulations, or as the City requires; and

WHEREAS, a Letter of Satisfactory Completion has been furnished by the City of Cullman indicating that through inspections of the road, the design intent has been achieved, and the road is in acceptable condition and that the infrastructure work was constructed per the approved plans by the City; and

WHEREAS, the Mayor and Cullman City Council deem it in the best interest of the City of Cullman that the Letter of Dedication of the public road, Colonial Drive be accepted and the same become a part of the public street and thoroughfare system of the City of Cullman; and

WHEREAS, by accepting the above-mentioned public road as a city street, the City shall maintain and upkeep the portion(s) of the road described in the following legal description:

25 feet off either side of the centerline of Colonial Drive as shown by the Plat of the Grove at Fisher Farms, Phase II, as shown by map or plat on file of record in Map Book 2018, Page 32 in the Probate Records of Cullman County, Alabama.

Property Address: Fisher Farms Subdivision, Phase II, Cullman, AL 35055

FOR SOURCE OF TITLE, SEE DEED BOOK 637, PAGE 956, RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF CULLMAN COUNTY, ALABAMA.

WHEREAS, the acceptance of this dedication is made in accordance with the statutes made and provided for such dedications.

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the City is hereby authorized to accept the public road of Colonial Drive as a city street.

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor

Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Folsom held the second reading of Ordinance No. 2021-44 to annex property on Old Highway 147 owned by Hays Properties as R-4. Council Member Page made a motion to adopt Ordinance No. 2021-44.

ORDINANCE NO. 2021 – 44

TO ANNEX CERTAIN PROPERTIES INTO THE CITY LIMITS OF THE CITY OF CULLMAN, ALABAMA

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

SECTION 1. The City Council of the City of Cullman finds that the following property owner, **HAYS PROPERTIES, LLC**, has petitioned the City under the provisions of Section 11-42-21 of the Code of Alabama, 1975, as amended, that the following described property, owned by the petitioner, be annexed into the City of Cullman:

PPIN: 34034. Parcel No.: 09-09-32-0-001-017.000. Property Address: Old Hwy 157.

Legal Description: A tract of parcel of land containing 30.12 acres of land, more or less, and being a part of the Northeast Quarter of the Southwest Quarter of Section 32, Township 9 South, Range 3 West, Cullman County, Alabama and being more particularly described as follows: Begin at a found axle marking the accepted Northeast corner of said Quarter-Quarter, having an Alabama State Plane, West zone, NAD 83, coordinate value of N. 1533561.00', E. 2157926.31' and run North 89 degrees 30 minutes 29 seconds West (bearing based on Alabama State Plane, West zone, NAD 83 grid), a distance of 1,151.55 feet to a set rebar on the East right-of-way line of Alabama Interstate Highway No. 65; thence South 05 degrees 56 minutes 51 seconds East, a distance of 39.20 feet to a set rebar marking a transition point in said right-of-way line; thence South 20 degrees 37 minutes 03 seconds West, a distance of 156.13 feet to the point of curvature of a curve to the left having a central angle of 02 degrees 09 minutes 29 seconds, a radius of 3519.72 feet, a chord bearing of South 19 degrees 32 minutes 19 seconds West and a chord length of 132.56 feet; thence run along the arc of said curve an arc distance of 132.57 feet to a set rebar marking another transition point in said right-of-way line; thence South 44 degrees 10 minutes 44 seconds West, a distance of 120.62 feet to a set rebar on the accepted West line of said Northeast Quarter of the

Southwest Quarter; thence South 00 Degrees 48 minutes 21 seconds East and run along said West line, a distance of 732.52 feet to a set rebar on the North right-of-way line of Old Highway No. 157; thence South 44 degrees 26 minutes 24 seconds East and run along said right-of-way line, a distance of 172.89 feet to a set rebar on the accepted South line of said Quarter-Quarter; thence South 89 degrees 17 minutes 28 seconds East and run along the accepted South line, a distance of 659.23 feet to a found 5/8 inch rebar; thence North 00 degrees 49 minutes 06 seconds West, a distance of 551.38 feet to a found capped corner (Conn-17831); thence South 89 degrees 24 minutes 59 seconds east, a distance of 552.24 feet to a sound capped corner (Conn – 17831) marking the East line of said Quarter-Quarter; thence North 00 degrees 19 minutes 44 seconds West, a distance of 705.02 feet to the point of beginning. Subject to any rights-of-way and/or easements of record. **TO BE ZONED AS R-4 RESIDENTIAL DISTRICT.**

SECTION 2. That the Council has before it a map showing the relationship of the property proposed to be annexed to the corporate limits of the City of Cullman, and that said map is on file in the office of the City Clerk along with an acknowledgment by the property owners that they want it to be annexed into the City of Cullman.

SECTION 3. That the City of Cullman does hereby annex as a part of its corporate limits the above described tracts or parcels of land as **R-4 Residential District.**

SECTION 4. That a copy of this ordinance after its adoption, which ordinance includes a description of the property annexed to the City of Cullman, be filed in the office of the Judge of Probate of Cullman County, Alabama, the county in which the municipality is located.

SECTION 5. That this ordinance shall take effect upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 27th day of September, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 27th day of September, 2021.

/s/Woody Jacobs, Mayor

Council Member Moss seconded the motion to approve the Ordinance, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

BOARD APPOINTMENTS – None.

Council President Folsom asked for a motion to adjourn. Council Member Moss made the motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 7:46 p.m. by a voice vote. Ayes: All. Nays: None.