



FINANCE AND POLICY COMMITTEE MEETING

MONDAY, JUNE 3, 2024 | 6PM

3rd committee meeting

The Committee will meet in Mauldin City Hall at 5 East Butler Road in the Council Chambers at 6 p.m.

The meeting will be available remotely through Zoom. Please visit the City's website at <https://cityofmauldin.org/your-government/meeting-minutes-agendas/> to access the meeting via audio and videoconferencing.
A quorum of Council will be present.

**FINANCE AND POLICY COMMITTEE
MEETING
JUNE 3, 2024, 6PM
CITY HALL - COUNCIL
CHAMBERS 5 E. BUTLER
ROAD**

Committee Members: Michael Reynolds (Chair), Members Carol King and Taft Matney

- | | |
|---|----------------------|
| 1. <u>Call to Order</u> | Chairperson Reynolds |
| 2. <u>Public Comment</u> | Chairperson Reynolds |
| 3. <u>Reading and Approval of Minutes</u> | Chairperson Reynolds |
| a. Finance Committee Minutes-February 5, 2024
[Pages] | |
| 4. <u>Reports or Communications from City Officers</u> | Chairperson Reynolds |
| a. City Administrator Seth Duncan | |
| b. Finance Director Holly Abercrombie
Budget Review | |
| c. HR Director Mark Putnam | |
| 5. <u>Unfinished Business</u> | Chairperson Reynolds |
| There is no unfinished business. | |
| 6. <u>New Business</u> | Chairperson Reynolds |
| a. Employee Handbook [Pages | |
| b. Indigo Point Pump Station Fee [Pages | |
| 7. <u>Public Comment</u> | Chairperson Reynolds |
| 8. <u>Committee Concerns</u> | Chairperson Reynolds |
| 9. <u>Adjournment</u> | Chairperson Reynold |

MINUTES
FINANCE AND POLICY COMMITTEE MEETING
MAY 6, 2024, 6PM
CITY HALL - COUNCIL CHAMBERS 5 E. BUTLER ROAD
5th committee meeting

Committee Members present: Michael Reynolds (Chair), Members Carol King and Taft Matney
Others present: Finance Director Holly Abercrombie, HR Director Mark Putnam and City Administrator Seth Duncan

1. Call to Order- Chairman Reynolds

2. Public Comment- None

3. Reading and Approval of Minutes

a. Finance Committee Minutes-February 5, 2024

Motion: Councilman Matney made a motion to approve the minutes with Councilwoman King seconding.

Vote: The vote was unanimous (3-0).

4. Reports or Communications from City Officers

a. City Administrator Seth Duncan

Mr. Duncan mentioned the County roads project list. All City resurfacing projects will be handled in either Tier 1 or Tier 2, which are the first projects to be done if approved.

The City will start actively creating a position for an Assistant City Administrator. A job description will be forthcoming.

b. Finance Director Holly Abercrombie-Budget Review

Ms. Abercrombie reported the budgets look good. Revenues are coming in strong.

c. HR Director Mark Putnam

Mr. Putnam advised the employee handbook is almost ready to bring to Committee for consideration.

5. Unfinished Business- There is no unfinished business.

6. New Business

a. Ordinance 2023-2024 Budget Amendment

Throughout the year Council has approved various expenditures, projects, and grants. Staff has accumulated all items to present in one budget amendment. Mr. Duncan said there will be a public hearing scheduled for June. The public hearing for the FY25 budget will be this month.

Motion: Councilwoman King made a motion to send this ordinance to Council with Councilman Matney seconding.

Vote: The vote was unanimous (3-0).

b. Ordinance 2024-2025 Budget

Chairman Reynolds thanked Council and staff for all the work that has been put into this budget.

Motion: Councilman Matney made a motion to send this ordinance to Council with Councilwoman King seconding.

Vote: The vote was unanimous (3-0).

7. Public Comment- None

8. Committee Concerns- None

9. Adjournment- Chairman Reynolds adjourned the meeting.

Respectfully Submitted,
Cindy Miller
Municipal Clerk

FINANCE AND POLICY COMMITTEE

AGENDA ITEM

MEETING DATE: June 3, 2024

AGENDA ITEM: Employee Policy Manual Updates

TO: City Council

FROM: Human Resources Director

ITEM NUMBER: 6a

SUBJECT: Presentation and Discussion of Employee Policy Manual Updates

REQUEST

Brief overview of the proposed updates to the Employee Policy Manual (also known as the employee handbook).

HISTORY/BACKGROUND

Mauldin's current employee handbook was revised and adopted in 2020. The employee handbook is four (4) years old and needs to be revisited and revisions made where needed. Revisions are necessary due to changes in employment law, Council authorized changes, revisions based on best practices, and to ensure the City's benefits are market competitive.

ANALYSIS

Staff have made various revisions to the employee handbook utilizing a variety of sources including the MASC model handbook, best practices from other local jurisdictions, and more to enhance the City's Employee Policy Manual. Several new policies are being proposed for incorporation relating to Equal Opportunity, Workplace Safety, Workplace Guidelines, and Wages/Hours of Work. Many of these restate and detail either state or federal employment laws/regulations, are being recommended due to changes in law, or best practices.

Additionally, several policies have been updated to clarify and accurately reflect nomenclature used by the organization. These include updating "vacation leave" to "annual leave", Jury Duty, Bereavement Leave, just to name a few. Clarification has also been added to use of Floating Holiday and excess leave forfeiture dates. Both are pegged, as proposed, to the Calendar Year instead of the Fiscal Year, like all other holidays.

One policy, Grievance Procedure, is recommended to be dropped from the handbook due to the repetitive nature of the process. When utilized, the Grievance Committee hears a grievance by a grieving employee (mostly used for dismissal, suspensions, involuntary transfers, promotions, and demotions), receives testimony and issues an opinion to the City Administrator. The City

Administrator may then accept or reject that opinion. Typically, in cases involving the common grievances listed above, the City Administrator, as well as the HR Director are directly involved in the decision-making process along with the Department Head. Therefore, this policy (which is optional by state statute) is repetitive in nature. Employees disagreeing with an employment action above, are still able to file a complaint under existing (and continuing) procedures (Article II, Section 6).

Staff is proposing revisions to a few policies related to employee benefits to enhance the City's competitive benefits package. One revision centers around an idea of consolidating annual leave from 7-steps to 5-steps. The proposed change would allow new employees to 4 years of service to earn leave at 96 hours per year, and those with more than 20 years of service to earn 200 hours per year (firefighters leave is similarly adjusted). This consolidation makes our leave accrual like other jurisdictions and more market competitive.

Lastly, staff is proposing a limited annual leave buyback program as a benefit enhancement and to limit the amount of leave some employees must forfeit when unable to use accrued leave due to operational needs. As designed, only employees with more than the maximum accrual as of November 1st will be eligible for the buyback program, and will only be able to sell to the City up to 40 hours (32 for firefighters with max of 213.75). Payouts would occur on or around December 1st (closest payroll). Any amounts of annual leave above the maximum at the end of the calendar year will be forfeited. This policy, as designed, would be limited in scope (only applicable to about 16 when tested in April) and easily covered with existing appropriations.

Contained in the pages hereafter, is a document that will help in reviewing all the changes at a glance and the redline mark-up of the proposed Policy Manual. The markups have been sent to our labor attorney Kevin Strum to review all revisions. We anticipate his comments in a few weeks.

FISCAL IMPACT

If adopted as presented, a minimal fiscal impact is expected.

DISCUSSION

The Committee will be presented an overview of proposed changes and asked to take additional time to review the full document. Staff anticipates this item being held over until July pending final legal review and Committee discussion.

ATTACHMENTS

Cheat sheet explaining revisions.
Complete Revised Handbook

New Policy/Change to Existing Policy	Change Details	Reasoning for Change
American with Disability Act (ADA)	Addition Policy that states the City's commitment to abide by all ADA regulations.	Current Handbook does not mention ADA.
Confidential Information	Addition Policy that addresses possible types of City confidential information and employee's responsibility in protecting such information.	Current Handbook does not mention Confidential Information.
Retaliation	Addition Policy that specifically addresses retaliation.	Retaliation was briefly mentioned in the current handbook in Open Door Policy. It was deemed appropriate to establish a section solely dedicated to Retaliation.
Random Drug Screening	Rewording of random testing section to simply state that all City Employees are subject to random testing.	The current section covers CDL drivers, new section states "all employees are subject to random testing". The new wording states exactly what the City does.
Workplace Violence	Addition Policy That addresses the City's commitment to a safe work environment for all employees.	This section directly articulates the manner in which the City expects both it's employees, customers and those doing business with the City to conduct themselves in regards to working with each other.
Anti-Bullying	Addition Policy that addresses the City Stance on Anti-Bullying.	This section directly articulates the City's stance to Bully in the workplace.
Weapons	Addition Section to address Weapons in the workplace.	This section addresses that weapons are prohibited in the workplace other than City issued firearms, regardless of State CWP license.
Visitors	Addition to address visitors.	The section directs that only authorized visitors are allowed in City Facilities and that all visitors must enter any facility at it's main entrance and that employees are responsible for their visitors conduct and safety.

Vehicle Safety and Compliance	Addition section to address the City's commitment to the safe operations of all City owned vehicles.	This section explains the basic safety requirements that the City expects its employees to adhere to and what measures the City will take to ensure that stated requirements are met.
Reporting Work Related and Lost Time Injuries	Addition Section to address steps an employee should follow to report a workplace injury and a brief explanation of Worker's Compensation Insurance.	The section explains that no matter how slight a workplace injury is it must be reported to their immediate supervisor as soon as possible. The section also covers the supervisor and department heads responsibility in reporting the incident to HR.
Attendance	A re-wording to clearly explain the employee's responsibility to be at work and they must call and speak directly with their supervisor in case they need to be absent.	This rewording is needed to remove texting, using voice mail or email as a way to call in an absence. In addition, spells out 3 day no call no show as termination.
Dress Code	A re-wording of our current dress code section.	This re-wording brings the section with up-to-date dress examples and allows for a professional appearance with business casual attire. The section also allows for departments to have their modified dress code where needed.
Probationary Period for New Employee	Rewording of existing section	Changes probationary period for new employee from 1 year to 6 months (except for Fire employees).
Examples of Conduct Warranting Disciplinary Action	Rewording of existing section	These rewording states that the City will handle each disciplinary case on its own merits and is not tied to handling similar cases the same.
Social media Acceptable Use	Addition Section to address Social Media use.	This section explains when and how employees can use social media at work and how personal social media accounts may affect employment. The section also

		covers using social media on behalf of the City.
Solicitation and Distribution of Literature	Addition section to address solicitation and distribution of literature by employees and non-employees.	The section lays out that solicitation by non-employees is always prohibited. In addition, the section describes when and where employees may solicit or distribute literature.
Bulletin Boards	Addition section to address City Bulletin Boards	The section explains what can and cannot be posted on City bulletin boards.
Internet Remote Access	Re-wording of existing section.	Rewording states that remote access is restricted to business use and only on City devices.
Outside Employment	Re-wording of existing section	In sharper wording the section states that employees may not engage in private or other outside activity while on City work time.
Travel Policy	Re-wording of first portion of section.	Rewording more clearly states the purpose of the section.
PTO section: Holidays	Addition of new Holiday adopted for 2024.	Holiday list now includes Juneteenth.
PTO section: Vacation	Realignment of vacation accrual levels and moves holiday and vacation cut off periods to a calendar year instead of a fiscal year.	This realignment of vacation accrual levels brings the City in line with the State and local public agencies with new employee vacation levels. Holiday and vacation would be based on a calendar year.
PTO section: Vacation Maximum Accumulation	Continues current levels of yearly accumulation levels but allows for up to 40 hours of time above yearly accumulation to be paid out at year end.	Accumulations will stay the same (240 for most employees, 213.75 for firefighters) but will allow an employee to sell up to 40 hours max for any time above allowed accumulation levels. Example: an employee has 300 vacation hours at the end of November (240 is the max allowed to carry over), they can sell 40 hours back to the City, but 20 hours would be forfeited.

		Currently only 16 employees would be eligible for the payout.
PTO Section: Termination Vacation Payout	Re-wording to state true intent of section more clearly.	New wording states that only employees that voluntarily separate from the City shall receive vacation payout.
PTO Section: Sick Leave	Re-wording of time frame to use accumulated sick time.	New wording removes the 3-month time frame to use sick time. Emergencies happen and sick time may be required. In addition, if an employee begins to use unwarranted sick time early, a problem can be identified, and appropriate actions taken.
PTO Section: Civil Leave	Re-wording to classify what Civil leave is.	Renaming Civil Leave to Jury Duty.
PTO Section: Funeral Leave	Renaming Funeral Leave	Renaming Funeral Leave to Bereavement Leave.
PTO Section: Inclement Weather Leave	Adding wording “upon consultation with Mayor” and removing “no employee is expected to work when he or she feels unsafe”.	The word consultation means keeping the mayor apprised. The unsafe section could be missed used.
Wages and Hours of Work	Re-wording	Simply and clearly states that City will adhere to Federal and State employment laws. Also states that the City has some departments that must operate outside normal business hours.
Overtime	Re-wording	More clearly states how non-exempt employees are paid overtime (including PD and FD personnel).



CITY OF MAULDIN
EMPLOYEE POLICY MANUAL

Revised May 2024

NOT A CONTRACT



DISCLAIMER

ALL EMPLOYEES OF THE CITY ARE EMPLOYED AT-WILL AND MAY QUIT OR BE TERMINATED AT ANY TIME AND FOR ANY OR NO REASON. NOTHING IN ANY OF THE CITY'S RULES, POLICIES, HANDBOOKS, PROCEDURES OR OTHER DOCUMENTS RELATING TO EMPLOYMENT CREATES ANY EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT. THIS HANDBOOK REPLACES ANY PREVIOUSLY ISSUED POLICIES, WRITTEN OR ORAL, GOVERNING EMPLOYMENT. NO PAST PRACTICES OR PROCEDURES, WHETHER ORAL OR WRITTEN, FORM ANY EXPRESS OR IMPLIED AGREEMENT TO CONTINUE SUCH PRACTICES OR PROCEDURES. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, THAT ARE CONTRARY TO OR INCONSISTENT WITH THE LIMITATIONS SET FORTH IN THIS PARAGRAPH DOES NOT CREATE ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE PUT IN WRITING; 2) THE DOCUMENT IS LABELED "CONTRACT"; 3) THE DOCUMENT STATES THE TERM OF EMPLOYMENT; AND 4) THE DOCUMENT IS FORWARDED BY THE CITY ADMINISTRATOR FOR CONSIDERATION FOR APPROVAL BY VOTE OF COUNCIL.

I ACKNOWLEDGE RECEIPT OF THE CITY'S PERSONNEL HANDBOOK AND UNDERSTAND THAT IT IS NOT A CONTRACT OF EMPLOYMENT.

[Signature]

Date

Printed Name

Original to be signed and returned to Human Resources.

DISCLAIMER

ALL EMPLOYEES OF THE CITY ARE EMPLOYED AT-WILL AND MAY QUIT OR BE TERMINATED AT ANY TIME AND FOR ANY OR NO REASON. NOTHING IN ANY OF THE CITY'S RULES, POLICIES, HANDBOOKS, PROCEDURES OR OTHER DOCUMENTS RELATING TO EMPLOYMENT CREATES ANY EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT. THIS HANDBOOK REPLACES ANY PREVIOUSLY ISSUED POLICIES, WRITTEN OR ORAL, GOVERNING EMPLOYMENT. NO PAST PRACTICES OR PROCEDURES, WHETHER ORAL OR WRITTEN, FORM ANY EXPRESS OR IMPLIED AGREEMENT TO CONTINUE SUCH PRACTICES OR PROCEDURES. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, THAT ARE CONTRARY TO OR INCONSISTENT WITH THE LIMITATIONS SET FORTH IN THIS PARAGRAPH DOES NOT CREATE ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE PUT IN WRITING; 2) THE DOCUMENT IS LABELED "CONTRACT"; 3) THE DOCUMENT STATES THE TERM OF EMPLOYMENT; AND 4) THE DOCUMENT IS FORWARDED BY THE CITY ADMINISTRATOR FOR CONSIDERATION FOR APPROVAL BY VOTE OF COUNCIL.

I ACKNOWLEDGE RECEIPT OF THE CITY'S PERSONNEL HANDBOOK AND UNDERSTAND THAT IT IS NOT A CONTRACT OF EMPLOYMENT.

[Signature]

Date

Printed Name

Signed duplicate copy to stay in Employee Policy Manual.

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Black text means existing

Red text means new

~~Red text with strikethrough means removed~~

Article I. General Provisions

Section 1. Purpose

The purpose of these employee policies is to establish a personnel system that will recruit, select, develop, and maintain an effective and responsible work force. Employment with the City of Mauldin shall be made based on merit, fitness, and demonstrated ability. This policy covers work expectations and rules, employee benefits, position classification, pay administration, discipline, grievance procedures, and employment policies.

Section 2. Coverage

These policies shall cover all employees except as specifically exempted.

Section 3. Definitions

- A. **Probationary employee.** A person appointed to a position who has not yet completed the probationary period.
- B. **Part-time employee.** An employee who is regularly scheduled less than 30 hours per work week.
- C. **Full-time employee.** An employee who is scheduled to work the number of hours per workweek designated by the City Council as full-time. This is 2080 hours per year for all employees except for fire employees, which is 1735 hours per year.

Section 4. Hiring/Recruiting

The City endeavors to hire the most suitable candidate for open positions and encourages current employees to apply for positions for which they are qualified. The City may also solicit and consider applications from external applicants. Information on job openings and hiring practices shall be provided to recruitment sources including organizations and news media. Decisions to fill an open position that are made by lower levels of management require prior approval by the Department Head.

Human Resources is responsible for the following before the employee may enter the workforce:

1. Payroll data
2. Explanation of benefits, policies, and *Introductory Periods
3. Overall operations of the City

The Hiring Department is responsible for the following after Human Resources' orientation, but before the commencement of duties:

1. Work standards and regulations
2. Attendance requirements and notice of normal hours of work
3. Duties of the position
4. Safety rules and procedures, location of safety or protective equipment
5. Tour of the work area including location of equipment, supplies, etc.
6. Introduction to co-workers
7. Schedule for lunch and breaks
8. Issuance of the **Employee Identification Card

Article II. Equal Opportunity

Section 1. Equal Employment Opportunity

The City provides equal opportunity to all applicants for employment as well as employees and administers hiring, conditions and privileges of employment, compensation, training, promotions, transfers and disciplines without discrimination because of race, color, religion, gender, disability, age, national origin or other similar distinctions protected by law. The City also prohibits retaliation against employees who have reported discrimination in good faith. Any employee who believes that he has been harassed or discriminated against in violation of this policy should report the matter to the City Administrator or Human Resources Director.

Section 2. Anti-Harassment

Various laws and regulations generally prohibit employment decisions from being made on the basis of race, sex, religion, national origin, color, age, disability or similar distinctions. In addition, it is our desire to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, threats and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being.

The City does not tolerate harassment of any kind and forbids retaliation against anyone who has reported harassment in good faith. The City also offers protection under the guidelines of the South Carolina Whistleblower Protection Act based on the employee's filing of a protected report of wrongdoing. S.C. Code § 8-27-20(A)

Section 3. Sexual Harassment

Sexual harassment warrants special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitute sexual harassment when:

1. Submission to the conduct is an explicit or implicit term or condition of employment; or
2. Submission to or rejection of the conduct is used as the basis for an employment decision; or
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, "put-downs" or condescending or derisive comments or terms based on gender, and physical conduct, such as patting, pinching or brushing against another person. Although most commonly the "perpetrator" of such conduct is male and the "victim" is female, this policy prohibits such conduct regardless of the gender of the perpetrator or victim. Disputes sometimes arise as to whether conduct was "welcome" or "unwelcome." Conduct that would violate this policy if it were unwelcome violates the policy if anyone complains of it. However, not all conduct prohibited by this policy constitutes a violation of the law.

Section 4. Americans with Disabilities Act (ADA), Americans with Disabilities Amendments Act (ADAAA) and Reasonable Accommodation:

To ensure equal employment opportunities to qualified individuals with a disability, the City of Mauldin will make reasonable accommodations for the known disability of an otherwise qualified individual, unless undue hardship on the operation of the business would result. Employees who may require reasonable accommodation should contact the Human Resources Department.

Section 5. Confidential Information:

The protection of confidential business information and protected information is vital to the interests and success of the City of Mauldin. Confidential information is any and all information disclosed to or known by you because of employment with the City that is not generally known to people outside the City about its business. This includes but is not limited to:

- Compensation and employee data
- Financial information
- Labor relations strategies
- Pending projects and proposals
- Computer logins and passwords
- Information about other employees obtained by the City

- E-mail correspondence
- Names, addresses, telephone numbers of the City's clients or prior clients
- Any information given to or obtained from the City during meetings, interviews, etc.
- Any other information deemed private or confidential by the City administrator, Human Resources or corresponding Supervisor including but not limited to:
- Economic development (potential new business) information obtained in official capacity and not confirmed as public.

An employee who improperly uses or discloses confidential business information or protected information will be subject to disciplinary action up to and including termination of employment and legal action, even if he or she does not actually benefit from the disclosed information. All inquiries from the media must be referred to the City Communications Manager or City Administrator.

Section 6. Complaint Procedure and Investigation

If you believe this policy has been violated by anyone with whom you come in contact on the job, regardless of whether it is by a fellow worker, a supervisor or a member of the general public, you should immediately report the incident(s). You may do this by:

1. Reporting to your supervisor or to a higher level in your "chain of command". Complaints against the Administrator should be made to the Mayor; or
2. Reporting to the Human Resources Director.

Harassment allegations will be investigated, and the investigatory process may vary from case to case. The investigation is conducted as confidentially as possible consistent with the effective handling of the complaint and the goals of this policy. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential, whether the employee is the accused person, the complaining one or merely a potential witness. Persons who are interviewed will be asked not to discuss the matter with co-workers, friends or management. This does not mean, however, that employees may not complain to civil rights agencies.

To avoid misunderstandings, complaints made to members of management or to the Human Resources Director require the completion of a complaint statement, either by you or by the person, to whom the complaint is made, detailing the allegations and listing any witnesses to the alleged harassment. You should be sure to get a copy of this initial complaint statement to confirm you have complied with this procedure.

Section 7. Open Door Policy

The City of Mauldin is committed to promoting a positive employment relationship. In keeping with the spirit of open/honest communication and fair dealing, the City of Mauldin believes in operating with an Open Door Policy. The following outlines the

manner in which an employee can freely voice an opinion or discuss a problem with management without prejudice or fear of retaliation.

If an employee has a problem or complaint, the employee should discuss it with his or her immediate supervisor as soon as possible.

If the problem is not satisfactorily resolved or the problem is with the supervisor, the employee is encouraged to discuss it with their department head.

Once these two avenues have been completed by the employee and the problem/issue is still not resolved, the employee is encouraged to discuss the situation with the Human Resources Director.

Not all complaints can be resolved to everyone's satisfaction. However, in each case, the reason for the decision will be explained clearly to the employee. Also, the City's Human Resources Director is available to discuss and/or provide assistance to any employee regarding any complaint, problem, or concern.

Complaints or reports of unlawful discrimination or harassment may be made either to your direct supervisor, the Human Resources Director or directly to the City Administrator.

~~There shall be no retaliation against any employee who in good faith reports any issue or problem under this policy.~~

Section 8. Retaliation

~~The City forbids retaliation against anyone who has reported discrimination or harassment in good faith, and it will not tolerate retaliation or harassment against an employee for reporting a violation of this policy or who participates in an investigation. If an employee witnesses or engages in conduct they believe is retaliatory, they should report it immediately to their department head, Human Resources or the City Administrator.~~

Article III. Workplace Safety

Section 1. Substance Abuse Policy

~~Statement of Policy:~~

The City of Mauldin is committed to providing a safe work environment and fostering the well-being and health of its employees. That commitment is jeopardized when any City employee illegally uses drugs on or off the job, comes to work under the influence, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. Therefore, the City of Mauldin has established the following policy:

1. It is a violation of policy for an employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.

2. It is a violation of policy for an employee to report to work under the influence of or while possessing in his or her body, blood, or urine, illegal drugs of any detectable amount.
3. It is a violation of policy for an employee to report to work under the influence of or impaired by alcohol, legal medications or illegal drugs.
4. It is a violation of the policy for an employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications.
5. Violations of this policy are subject to disciplinary action up to and including termination.

The goal of this policy is to balance a respect for individuals with the need to maintain a safe, productive and drug free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment for the City of Mauldin.

As a condition of employment, employees must abide by the terms of this policy and must notify the City of Mauldin in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.

The City of Mauldin offers an Employee Assistance Program (EAP) benefit for employees and their dependents. The EAP provides confidential assessment, referral and short-term counseling for employees who need or request it. If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by the employee's medical insurance; but the cost of such outside service is the employee's responsibility.

Confidentiality is assured. No information regarding the nature of the personal problem will be made available to department heads and supervisor, nor will it be included in the employee's personnel file.

The EAP can be accessed by any employee through self-referral or through referral by a department head and/or supervisor. Information about the EAP is available from the Department Heads and the Human Resources Director.

General Procedures

Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible, the employee's department head or supervisor will seek the City's Human Resource Director's opinion to confirm the employee's status. Next, the Director of Human Resources or the department head will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the Human Resources Director or department head, the employee is considered impaired or if there is reasonable suspicion of substance abuse, the employee will be sent home or to a medical

facility by taxi or other safe transportation alternative - depending on the determination of the observed impairment - and accompanied by the department head or supervisor or another employee if necessary. A drug or alcohol test may be in order, and should be administered in accordance with the provisions of this policy.

Confidentiality

Except as otherwise provided by law and in accordance with applicable South Carolina and Federal law, the result of any test performed pursuant to this policy shall be kept confidential and the result shall not be disclosed, except to the extent necessary to administer and enforce this policy.

Job Applicant Drug Testing

All job applicants for the City of Mauldin will undergo testing for substance abuse as a condition of employment. The offer of employment is conditioned upon the prospective employee's consent in writing to such testing, and on the prospective employee's testing negative on the pre-employment drug screen. Any applicant with a confirmed positive test result will be denied employment.

Applicants will be required to submit voluntarily to a urinalysis test (or any other testing process approved by the City) at a laboratory chosen by the City of Mauldin, and signing a Consent Agreement to release the City of Mauldin from any liability.

If the physician, official, or lab personnel has a reasonable and articulable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.

The City of Mauldin will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly that the City of Mauldin will not tolerate.

Employee Drug Testing

The City of Mauldin has adopted testing practices to identify employees who illegally use drugs on or off the job or who abuse alcohol on the job. It shall be a condition of employment for all employees to immediately submit to substance abuse testing under the following circumstances:

1. Reasonable and Articulable Suspicion: When there is reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol. "Reasonable suspicion" is based on a belief that an employee is using or has used drugs or alcohol in violation of the City of Mauldin's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:

- A. Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations that would lead a reasonable person to believe that the individual is impaired due to substance use and/or abuse.
 - B. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
 - C. Evidence that an individual has tampered with any substance abuse test during his or her employment with the City of Mauldin.
 - D. Credible and verifiable information from a reliable source that an employee has caused or contributed to an accident while at work; or
 - E. Reliable and credible evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises, or while operating the employer's vehicle, machinery, or equipment.
2. Post Accident Testing: The City may send employees for a substance abuse test if they are involved in on-the-job accidents where it has been reasonably determined that the employee has caused or contributed to an on-the-job accident that results in property damage to City-owned property and/or personal injury to either themselves, another City employee, or to a third party, resulting in the need for the injured party to seek immediate medical care.
 3. Drug Treatment Program: Any employee who has voluntarily completed, or one who has been required to complete a drug or alcohol treatment program, shall be required to give written consent to, and to undergo, periodic testing for a period to be determined between the City and the employee, but not to exceed one year.
 4. Medical Examination: The City may require an employee to supply a blood, urine, or breath sample for testing during any medical examination required by the City for all employees, including USDOT and SCDOT mandated examinations, or during any medical examination to determine the employee's entitlement to worker's compensation benefits, disability benefits, or return to work from an extended and continuous leave of absence.
 5. ~~Random Testing: Employees in safety sensitive jobs and those employees having a job that requires a commercial driver's license (CDL) shall be subject to periodic random testing. Employees of the City of Mauldin whose position requires a CDL will be in a separate pool from the rest of the employees in order to meet State of South Carolina guidelines. All City employees shall be subject to periodic random testing.~~

If an employee is unavailable (i.e., vacation, sick day, out of City, work-related causes, etc.) to produce a specimen on the date random testing occurs, the City may omit that employee from that random testing.

Alcohol Testing

The consumption or possession of alcoholic beverages on City of Mauldin's premises while on duty or otherwise operating within the course and scope of that individual's employment is prohibited. An employee whose normal faculties are impaired due to illegal drugs, prescription drugs, or alcoholic beverages, or whose blood alcohol percentage level is .04% or greater (as determined by a law enforcement approved breath-alcohol testing device) while on duty/City business shall be guilty of misconduct, and shall be subject to discipline up to and including termination.

Refusal to Submit

Failure to submit to a required substance abuse test will constitute misconduct and shall be subject to discipline up to and including termination. If an employee refuses to submit to post-accident drug or alcohol testing they may lose eligibility for medical and disability benefits under the Workers' Compensation Laws of South Carolina.

Important Information for Job Applicants and Employees

When an employee or job applicant submits to a drug and/or alcohol test, they will be given a form by the specimen collector that contains a list of common medications and substances which may alter or affect the outcome of a drug or alcohol test. This form will also have a space for the donor to provide any information that he/she considers relevant to the test, including the identification of currently or recently used prescription or non-prescription medication or other relevant information. The information form should be kept by the job applicant or employee for their personal use. If the job applicant or employee has a positive confirmed test result, the 3rd party medical provider will attempt to contact the individual in order to privately discuss the findings with that person. The job applicant or employee should keep the form as a "reminder" to discuss this information at that time. The 3rd party medical provider will take this information into account when interpreting any positive confirmed test result. The information shall be treated as confidential and will not be given to the employer. Employees and job applicants have the right to consult with a Medical Review Officer for technical information regarding prescription and non-prescription medicine.

It is the responsibility of every employee or job applicant to notify the testing laboratory of any administrative or civil action brought pursuant to South Carolina Drug Free Workplace Programs.

Substance abuse testing for job applicants and employees will include a urinalysis screen or any other methodologies deemed acceptable by the City for the following drugs (or other drugs that may be deemed appropriate by the City):

Alcohol:

Any "alcoholic beverage", all liquid medications containing ethyl alcohol (ethanol). Please read the label for content. For example, Vicks Nyquil TM is twenty-five percent (25%) (50 proof) ethyl alcohol, Comtrex TM is twenty percent (20%) (40 proof), Contac

Severe Cold Formula Night Strength TM is twenty-five percent (25%) (50 proof), and Listerine TM is twenty-six point nine percent (26.9%) (54 proof).

Amphetamines: “Speed”, “uppers”, etc.

Barbiturates

Cannabinoids: THC, marijuana, hashish, “pot”, “grass”, “hash”, etc.

Cocaine: “Coke”, “crack”, etc.

Phencyclidine: PCP, “angel dust”.

Opiates: Narcotics, “heroin”, “codeine”, “morphine”, “smack”, “dope”, etc.

Section 2. Workplace Violence

The City believes that every individual has the right to be treated in a courteous manner, and it is the responsibility of each of us to ensure that this happens. Everyone on our team is expected to be courteous, polite, and friendly to customers, vendors and fellow employees. No one should be disrespectful or commit any action which endangers the image and reputation of both the City and its employees. The use of vulgar, obscene, or threatening language is forbidden at work. Any such language, whether in jest, anger or for any other reason has no place in our organization.

To provide a safe workplace for our employees and to provide a comfortable and secure atmosphere for our customers and others with whom we do business, the City will not tolerate any violent acts or threats of violence. Any employee who commits or threatens to commit any violent or destructive act against any person or property while on City premises will be subject to immediate discharge. Any person who, while engaged in City business off the premises, commits or threatens to commit any violent or destructive act against another person or property will be subject to discharge if that threat or act of violence could adversely affect the City or the reputation of the City in the community.

Any employee who is threatened with or subjected to violence or destruction must notify his or her manager or another member of Management immediately. Employees are urged to take all threats seriously. Reports of threats, violence and destruction will be carefully investigated. Your report will be kept as confidential as possible. You will not be penalized in any way for reporting threats, violence, or destruction and reports in good faith.

Section 3. Anti-Bullying

In addition to the Anti-Harassment Policy adopted by the City, other behaviors, which may not technically be considered unlawful harassment, are also considered inappropriate.

The following is a list of some behaviors which the City may consider a violation of this policy. The list is not all inclusive, and the City reserves the right to handle each matter as it deems appropriate.

- Singling out a person for conduct others engage in
- Shouting or raising one's voice toward an individual either in public or private
- Verbal or obscene gestures
- Insults and use of offensive nicknames. Whether such language is deemed offensive is determined by the person to whom it is directed.
- Public humiliation or reprimands
- Ignoring or interrupting employee
- Spreading rumors or gossip.
- Manipulating the ability of another to complete his work. For example, overloading work; withholding information; setting unreasonable guidelines; excluding an individual or isolating him/her from work related activities and meetings; encouraging others to disregard or ignore an employee.

Section 4. Weapons

Regardless of licensure, employees are prohibited from possessing or carrying weapons of any kind while in performance of their assigned duties.

This includes:

- Any form of weapon or explosive.
- All firearms
- All illegal knives or knives with blades that are more than six (6) inches in length or that are not intended for legitimate work-related purposes.

This policy does not apply to City issued firearms, or other devices, for employees authorized to use said equipment in the performance of their assigned duties. If an employee is unsure whether an item is covered under this policy, they should contact their supervisor or Human Resources. Employees are responsible for making sure that any item they possess is not prohibited by this policy. If an employee becomes aware of anyone violating this policy, they should notify their supervisor or Human Resources immediately. Failure to comply with this policy may subject an employee to disciplinary action, up to and including immediate termination.

Section 5. Visitors

To provide for the safety and security of Employees and the facilities at the City, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures the security of Employees, protects confidential information, and avoids potential distractions and disturbances.

All visitors should enter City facilities at the main entrance. Employees are responsible for the conduct and safety of their visitors. If an unauthorized individual is observed in City facilities, Employees should direct the individual to the receptionist and immediately notify their supervisor.

In the event of an emergency, notify the appropriate emergency personnel by dialing 911 to activate the medical emergency services.

Section 6. Vehicle Safety and Compliance

To remain in compliance with State Law and with our Risk Management Guidelines, all employees are required to wear their seat belts while conducting City business.

City Police Officers will randomly perform seat belt checks on a semi-annual basis for city employees driving city vehicles. Employees found not wearing a seatbelt will be ticketed.

Report inoperable seat belts immediately.

On the recommendation of the city's insurance provider, the City of Mauldin will conduct an annual check of driver's license records of all employees who operate a city vehicle as part of their job duties (including those using their personal vehicle for city business).

All employees driving a city vehicle or using personal vehicles for City business shall have a valid South Carolina driver's license issued for the class of vehicle being operated, to be verified prior to employment and annually thereafter by a motor vehicle record (MVR) check through the S.C. Department of Motor Vehicles (DMV).

Failure to qualify or to comply with the above requirements will disqualify an employee from operating a municipal-owned vehicle or the employee's vehicle for municipal business.

Criteria Parameters:

The following MVR evaluation criteria (on and off the job violations) will disqualify all persons as authorized drivers:

- Three (3) or more moving violations within the preceding 24 months.
- Driving under the influence of alcohol or drugs.
- Hit and Run accident.
- Failure to report an accident.
- Operating a vehicle under a suspended or revoked license.
- Homicide, assault or a felony arising from the operation of a motor vehicle.
- Reckless Driving/Speed Contest/Racing.

Section 7: Reporting Work Related & Lost Time Injuries

When an accident does occur, no matter how slight, the injury must be reported to the employee's supervisor immediately, or as soon as possible after medical attention has been received. The Department Head should be notified immediately of any accident involving personal injury or property damage.

The supervisor should obtain as much information as possible regarding the accident from the injured employee and witnesses in order to thoroughly complete the First Line of Injury Form to be submitted to the assigned Risk Management employee within 24 hours.

Worker's Compensation Insurance:

The City provides comprehensive workers' compensation insurance program at no cost to Employees. Employees who sustain any work-related injuries or illnesses must inform their Supervisor of the injury or illness immediately, no matter how minor an on-the-job injury may appear at the time. Employees are required to attend the health care provider of the City's choice. Failure to report an accident or injury within the required timeframe may result in loss of benefits eligible under workers compensation and may also result in the claim being denied.

All questions concerning workers' compensation coverage should be directed to Human Resources.

If you experience a work-related injury or illness, you must notify your supervisor immediately. Please note that all work-related injuries or illnesses must be immediately reported regardless of the severity.

Supervisors must report injuries to Human Resources for compliance reporting according to the City's insurance carrier.

In cases of a work-related injury or illness, an immediate drug test will be required. Workers' compensation covers only work-related injuries and illnesses. Neither the City nor its insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an Employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.

Article IV. Workplace Guidelines

Section 1. Attendance

All employees are expected to arrive on time, ready to work, every day they are scheduled to work. If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact the supervisor as soon as possible. Voice mail, text messages and e-mail messages are not acceptable unless specifically approved by the supervisor and except in certain emergency circumstances. Excessive absenteeism

or tardiness will result in discipline up to and including termination. Failure to show up or call in for a scheduled shift without prior approval may result in termination. If an employee fails to report to work or call in to inform the supervisor of the absence for 3 consecutive days or more, the employee will be considered to have voluntarily resigned from employment.

Section 2. Performance Appraisal

The City may periodically conduct oral or written evaluations of employees' performance. Employees must sign written evaluations. The employee's signature does not necessarily indicate agreement with the contents of the evaluation, only that he has been made aware of it. Employees may attach comments to their evaluations. While favorable performance evaluations may be a factor in determining wage increases, no employee is entitled to a wage increase because he receives a favorable evaluation.

Section 3. Dress and Grooming

Every employee is a public representative of the City. Each of us must report to work properly groomed and wearing appropriate clothing according to their position and department. The City of Mauldin observes a business casual dress code in the absence of position or department requirements. Business casual clothing is less formal than traditional business wear but is still intended to give a professional and businesslike impression.

Consult your supervisor if you have questions concerning this policy. Any employee who does not meet the standards of this policy will be subject to corrective action, which may include leaving the premises. Employees will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy may result in disciplinary action, up to and including termination of employment.

Section 4. Probationary Period – New Employee

New employees, including former employees who have been rehired, are considered to be on probation for the first six months, except for firefighters which will observe a one-year probation period. This period is a continuation of the selection process and is a time in which the new employee should demonstrate that they are suited for the position. This period is not a guarantee of employment for the full duration of the probationary period. If the department head concludes at any time that the employee is not suited for the position, the employee may be terminated or may be placed on extended probation, if approved by the Human Resources Director.

Promoted Employee

All newly promoted employees are considered on probation in their new jobs for three months. This period is a continuation of the selection process and is a time in which the newly promoted employee should demonstrate that they're well suited for the promotion. It is not a guarantee of employment for three months.

If the department head concludes at any time during the promotion probationary period that the newly promoted employee is not suited for this new position, the employee may be removed from that position. If there is a vacancy in the former position that is to be filled, the employee may be returned to it. If there is no such vacancy, the employee may be considered for the filling of other vacancies for which the employee is qualified. If no other position is found, the employee may be terminated. This action does not prohibit an employee from applying for future vacancies with the City.

Section 5. Discipline

As is the case with all organizations, instances arise when an employee must be disciplined. The discipline which may be imposed includes but is not limited to oral reprimand, written warning, probation, suspension without pay, demotion and discharge. In addition, the City may procedurally suspend an employee pending investigation to determine if disciplinary action is appropriate. If the City determines an unpaid suspension is appropriate discipline, exempt employees will be suspended in full-day increments; non-exempt employees will be suspended in partial or full-day increments. In addition, the City may impose a combination of disciplinary measures. The discipline imposed in any situation is at the sole discretion of the City. Nothing in any of the City's policies or by virtue of any past practice of the City requires the City to follow any course of discipline. Supervisors and Department Head must submit terminations to the City Administrator for review.

Examples of Conduct Warranting Disciplinary Action

It is not possible to list all acts and omissions which may result in disciplinary action. The disciplinary action that is appropriate for any misconduct is at the sole discretion of the City. The following are merely examples of some of the more obvious types of misconduct which may result in disciplinary action, up to and including discharge. **THE CITY RESERVES THE RIGHT TO TREAT EACH EMPLOYEE INDIVIDUALLY WITHOUT REGARD FOR THE WAY IT HAS TREATED OTHER EMPLOYEES AND WITHOUT REGARD TO THE WAY IT HAS HANDLED SIMILAR SITUATIONS.**

- A. conviction of or plea of guilty or no contest to a charge of theft, violation of drug laws, sexual misconduct, offense involving moral turpitude or offense which affects the City's reputation, or which reasonably could create concern on the part of fellow employees or the community.
- B. incompetence
- C. unauthorized absenteeism or tardiness
- D. insubordination, including disrespect for authority, or other conduct which tends to undermine authority.
- E. failure or refusal to carry out instructions.
- F. unauthorized possession or removal, misappropriation, misuse, destruction, theft or conversion of City property or the property of others
- G. violation of safety rules; neglect; engaging in unsafe practices
- H. interference with the work of others

- I. threatening, coercing, or intimidating fellow employees, including “joking” threats.
- J. dishonesty
- K. failure to provide information; falsifying City records; providing falsified records to the City for any purpose
- L. failure to report personal injury or property damage.
- M. neglect or carelessness
- N. introduction, possession, or use of illegal or unauthorized prescription drugs or intoxicating beverages on City property or while on duty anywhere; working while under the influence of illegal drugs or intoxicating beverages; off-the-job illegal use or possession of drugs. For purposes of this policy, an employee is "under the influence" if he has any detectable amount of any such substance in his system.
- O. unsatisfactory performance
- P. violation of City policies
- Q. lack of good judgment
- R. any other reason that, in the City’s sole determination, warrants discipline.

Section 6. Social Media Acceptable Use

Social networking, personal websites, and blogs have become common methods of self expression. The City respects the right of employees to use these media during their personal time. Employees may not access social media sites, other than for business use, during working hours or using City equipment. Employees must understand that material posted on these media may be read by persons other than those for whom it is intended. Employees are cautioned that they are responsible for the contents of social media posts they make. Posts that contain obscene or harassing material, that are unlawful, that contain personal attacks on coworkers, that reasonably call into question the employee’s judgment, or that reasonably cause concern among the public may result in discipline, up to and including termination from employment. Similarly, conduct that would violate City policies if done in person also violates City policy if done through social media. Employees may not disclose confidential information over social media or similar sites. Employees who post on media sites and who have identified themselves as a member or employee of the City on those sites must make it clear that they are expressing their own views and not those of the City.

Social Media on Behalf of the City: Creation & Maintenance of Sites

Creation of all/any social media sites on behalf of the City must be approved by the Communications Manager and the City Administrator. The Communications Manager will maintain a roster of all approved sites and editors accordingly. Requests for additional users on social media sites must be made to the Communications Manager for approval. The Communications Manager will have access and editor rights to all approved social media sites.

Section 6. Solicitation and Distribution of Literature

Solicitation and/or distribution of literature by non-employees on City property is always prohibited.

Solicitation and/or distribution of literature by employees that, in any way, interfere with work on City property during working time is prohibited. For the purposes of this policy, the term "working time" includes any time an employee spends performing work duties but excludes breaks and meal periods.

Distribution of literature by employees in working areas is always prohibited. "Working area" is defined as any place where work is normally performed.

Section 7. Bulletin Boards

Bulletin boards on City premises are reserved for official organization communications including, but not limited to:

1. All local, state, or federal required notices
2. Internal memoranda
3. Job openings
4. City announcements
5. Workers' compensation insurance information
6. State disability insurance/unemployment insurance information

All bulletin board notices must be approved and signed by Management prior to posting. Each notice posted will note on the face of the notice the date posted and the date it will be removed. Unless approved by Management, the posting of written solicitations or notices on City bulletin boards is prohibited. All bulletin boards are City property and are to be used for business purposes only. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment.

Section 9. Political Activity

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

In certain circumstances involving real or potential conflicts, employees who run for public office may be placed on an unpaid leave of absence until after the election. If an employee is placed on leave of absence, his employment will terminate upon his election to a public office.

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

Section 10. Electronic Mail and Internet Access Policy

Use of Technology During Work Hours

During work hours, employees should only participate in business pertaining to the City. However, the City consents to incidental personal use of City-owned and personal computer systems and telecommunications devices during work hours as defined in the Hours of Work policy. The term incidental as used in this context means infrequent and of limited duration, but what is considered incidental is determined at the sole discretion of the Human Resources Director. The only sure way to avoid violating this policy is to refrain from any personal activity during work hours.

Participating in social media games or technology supported games during work hours is strictly prohibited.

Use of City-Owned Technology During Work or Non-work Hours

The City's technology systems (including but not limited to telecommunications devices; computer equipment; software; email, internet browsing, File Transfer Protocol; and networking and intranet systems) are to be used for business purposes in serving the interests of the City and in the course of normal operations.

Prohibited Activities

The display of any kind of sexually explicit image or document on any City system is prohibited. Sexually explicit material may not be archived, stored, distributed, edited or recorded using the City's network of technology resources.

Employees may not engage in any activity that violates the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations.

Employees may not engage in any activity that violates the rights to privacy of protected healthcare information or other confidential City information.

Employees may not engage in any activity to introduce malicious software purposefully into a workstation or network (e.g. viruses, worms, Trojan horses, etc.).

Employees may not circumvent or attempt to avoid the user authentication or security of workstations or accounts. Employees may not access or try to access electronic data for which they are not authorized nor log into an account that they are not authorized to access.

Streaming video and music for personal use are not allowed on City computers.

When using City-owned telecommunications devices, employees are prohibited from calling 1-900, 1-976 or other similar "pay per minute" services or making personal long distance calls on office telephones (land lines).

Personal Use

The City consents to the incidental personal use of its computers, Internet connection, email and telecommunications devices (land line phones, cell phones, smart phones, etc.) as long as it does not conflict with the City's business use. The term incidental as used in this context means infrequent and of limited duration, but what is considered incidental is determined at the sole discretion of the Human Resources Director. The only sure way to avoid violating this policy is to refrain from any personal activity using City-owned technology systems.

Use of City-owned systems, including information stored on those systems, to conduct privately owned business activities is not authorized and is strictly forbidden.

Any use of the Internet or Municipal City Intranet for conducting job searches; forwarding chain emails; soliciting or proselytizing for commercial ventures, religious or personal causes, or outside organizations is strictly prohibited.

Use of Municipal City Email Addresses

Employees must not use Municipal City email addresses to create or manage personal accounts (i.e. shopping websites, personal bank accounts, social media accounts). Municipal City email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

Privacy of Communications

Employee communications, both business and personal, on the City's computer and telecommunications systems are not private. Users should be aware that the data they create on the City's systems is the property of the City and usually can be recovered even though deleted by the user.

Monitoring

The City reserves the right to monitor all employee usage of City-owned technology systems to ensure proper working order, appropriate use by employees and the security of the City's data. The City's management reserves the right to access and inspect any or all user files, for any purpose, including but not limited to, archived material of present and former employees without the user's consent.

Software and Applications

All software and applications on City systems are owned or licensed by the City. No City-owned or licensed software or applications may be copied, deleted, distributed or used on any systems other than those owned by the City without notification of and written consent from the HR Director. No software or applications may be downloaded, installed, distributed from or copied to City systems without the approval of the HR Director.

Remote Access

~~When accessing the City's systems remotely using personal devices, employees must follow the security guidelines published on the MASC Intranet under the resource center~~

~~tab in the technology section.~~ Generally, employees are prohibited from accessing City systems remotely while using personal devices. Remote access is restricted to business use only and should be done with only approved and assigned City devices.

Security

Although safeguards are in place to protect the City's systems and the confidentiality and integrity of the City's information stored on its computer systems, employees are responsible for all activities that originate from their computer accounts, systems or telecommunications devices and are responsible for protecting data and information stored on the City's electronic equipment from unauthorized access and disclosure. In addition to sensitive information such as social security and credit card numbers, the City processes data which must remain confidential because of governmental rules and regulations.

Employees should lock their computers when not in use and should log off at the end of each work day.

Employees must not share their technology passwords with anyone other than the authorized City IT support staff personnel whether by phone, print, in-person, electronically or any other means.

Employees must immediately report loss or theft of any technology device to their supervisor.

Archiving and Backup of Systems

Employees are responsible for ensuring that data is stored in the proper location to allow centralized data backups. No City data should be stored on the employee's local drive. An employee with questions about the proper location and storage of City data should contact his supervisor.

Section 11. Nepotism

People in the same immediate family may not be employed or continue to be employed if one directly or indirectly supervises another or interacts with another in the handling of money or compensation. The City may also use its discretion in not hiring family members. For purposes of this policy, immediate family is defined as spouse, parent, child, grandparent, grandchild, brother or sister, parent-in-law, grandparent-in-law, son-in-law, daughter-in-law, brother-in-law and sister-in-law. The immediate family is also considered to include stepparents, stepchildren, stepbrothers and stepsisters when the employee and the step-relative have lived together regularly in the same household. Unrelated employees residing together or otherwise engaged in a close personal relationship (such as domestic partner, co-habitant or significant other) are treated as being within the immediate family of each other for the purposes of this nepotism policy. Members of the immediate family of elected officials of the City are not eligible for City employment.

If employees become related by marriage and create a situation prohibited by this policy, one of the employees may be asked to give up his position. If the employees cannot choose which of them it will be, the employee having the lower budgeted annual compensation may be removed. The removed employee may be considered for other positions within the City for which he is qualified. Situations not specifically addressed in this policy that, in the City's opinion, create a conflict of interest or give the appearance of a conflict of interest, will be handled at the City's discretion.

Section 12. Smoking/Vaping

Smoking/Vaping is prohibited in and about any municipal property or on any park or recreational facility except outdoors in designated smoking areas. Refer to Municipal Code Section 18-39.

Section 13. Outside Employment

The City expects an employee's work for the City to take precedence over any outside employment engaged in by an employee. Employees must get prior written approval from the City Administrator before engaging in other employment. The employee must obtain the "Outside Employment Authorization" form from HR, complete and return to their department head. Should the City, in its sole discretion, determine that the outside employment interferes with or is otherwise incompatible with employment for the City, the employee may be asked to choose between the jobs. ~~Employees may not engage in any private business or activity while on City work time or create any conflict of interest with the City of Mauldin.~~ Employees may not engage in any private business or activity while on City work time or at City workplaces. Employees may not use City equipment or resources to engage in private business or activities.

Section 14. Gifts and Gratuities

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

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

Section 15. Conflict of Interest

City employees are covered by state ethics laws that prohibit public employees from using their public position for their own personal gain or to benefit a family member or business associate. State law also prohibits employees from making governmental

decisions on matters in which they, their family or business associates have an economic interest. Employees must notify their supervisors in writing of any matter in which they, their family or business associates have an economic interest and in which they must act on behalf of the City. The supervisor must send the notification to the Human Resources Director for review. If the City determines a potential conflict or appearance of conflict of interest exists, the matter will be reassigned to another employee.

Section 16. Travel Policy

It is necessary from time to time for employees to travel outside the City for meetings, conferences, and other City-related business. The following policy is to provide a framework for travelers, reimbursements, and reporting.

- A. The term "traveler" or "authorized traveler" includes the Mayor, members of Council, appointed municipal officers, employees, or persons appointed to serve the City including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this ordinance. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on City business, unless the person(s) otherwise qualifies as an authorized traveler under this ordinance.
- B. Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the City. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the City Administrator. Under certain conditions, entertainment expenses may be eligible for reimbursement.
- C. Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the City for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the City. It will be the responsibility of the City Administrator to initiate action to recover any undocumented travel advances.

- D. Travel advances are available only after completion and approval of the travel authorization form.
- E. The travel expense reimbursement form will be used to document all expense claims.
- F. To qualify for reimbursement, travel expenses must be
 - Directly related to the conduct of the City business for which travel was authorized, and

- Actual, reasonable, and necessary under the circumstances. The HR Director may make exceptions for unusual circumstances.

Expenses considered excessive will not be allowed.

- G. Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt including, but not limited to, lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.
- H. Any person attempting to defraud the City or misuse City travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.
- I. Mileage and motel expenses incurred within the City may be considered eligible expenses for reimbursement provided that detailed documentation regarding date, time, purpose of trip, miles driven, etc., is provided.

TRAVEL REIMBURSEMENT RATE SCHEDULES

Authorized travelers shall be reimbursed according to the federal travel regulation rates. The City's travel reimbursement rates will automatically change when the federal rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs.

Section 17. Dating Policy

The City of Mauldin strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is necessary for effective business operations. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours.

Individuals in supervisory or managerial roles, and those with authority over others' terms and conditions of employment, are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to affect the employment of individuals in subordinate positions.

This policy does not preclude or interfere with the rights of employees protected by the National Labor Relations Act or any other applicable statute concerning the employment relationship.

Article V. Benefits

Section 1. Insurance

The City offers medical, dental, vision, long term disability, and life insurance to all full-time employees.

The City may make other group insurance plans available for its employees upon authorization of the City Council.

Employees who do not wish to carry City insurance will be paid \$100.00 a month at the end of every quarter.

Section 2. Retirement benefits

The City provides retirement benefits for its employees. This plan is through the South Carolina Retirement System, which also offers optional 401K and 457 plans.

To the extent required by the retirement plan, each employee appointed to a position shall be required to join the City's retirement plan.

Section 3. Educational reimbursement

The City of Mauldin believes in the continued development of all employees and that education is the cornerstone of any development plan. As a result of this belief, The City of Mauldin endorses the following educational reimbursement program:

An employee may receive reimbursement for courses (no more than 3 courses at a time) taken outside of working hours that will help the employee professionally develop themselves, subject to the approval of the department head and the City Administrator. The City shall reimburse the employee for tuition, fees, and books for the courses, provided the employee submits a receipt of course expenses and a notice of successful completion (passing grade of "B" or better) of the course. An employee can receive reimbursement for up to six (6) courses per calendar year as Council appropriated budgets allow.

If an employee receiving educational reimbursement does not remain employed with the City for a period of three years after the completion of the course, the employee shall reimburse the City for all expenses paid under this provision.

Article VI. PTO and Leaves of Absence

The City provides several benefits to ensure a high quality of work and life balance. These benefits include paid holidays, annual leave, paid sick leave, and other types of paid and unpaid time off (PTO).

Section 1. Holidays

The following days and such other days as the City Council may designate are holidays with pay for full-time employees and officers of the City working the basic workweek.

New Year's Day

Good Friday

Martin Luther King, Jr. Day

Memorial Day

Juneteenth	Day after Thanksgiving
Independence Day	Christmas Eve
Labor Day	Christmas Day
Veteran's Day	Floating holiday*
Thanksgiving Day	

*Use of an employee's Floating Holiday must occur during the calendar year. New full time employees are eligible to use their Floating Holiday after six months of employment.

Holidays that fall on Saturday will be observed on Friday and Holidays that fall on Sunday will be observed on Monday.

As the fire department and police department are 24 hour operations, they observe holidays differently. The fire department shift employees receives 7 shifts per calendar year for allotted holidays (this includes the floating holiday).

- A. All employees required to work on an observed holiday shall be paid at their regular rate of pay for actual hours worked on the holiday and will also receive 8 hours holiday pay. Department heads shall submit a roster to the payroll office including names of employees, position classification, and actual hours worked on the holiday.
- B. When a holiday falls on an employee's regular day off, the employee shall receive another day off in lieu of the holiday. Days of in-lieu of holidays must be taken by the next pay period.
- C. Only regular full-time employees who are in pay status on the scheduled workday before and after the holiday shall be eligible for holiday pay.

Regular holidays, which occur during use of annual, sick, or other leave period of any regular full-time employee of the City shall not be considered a annual, sick, or other leave.

Section 2. ~~Vacation~~-Annual Leave

Annual leave (~~formerly known as vacation leave~~) is used for rest and relaxation, and may be used for medical appointments and other personal needs.

- A. Initial appointment.
 - 1. Employees serving a probationary period following initial appointment shall earn ~~vacation annual~~ leave. ~~Vacation Annual~~ leave may be taken during the probationary period only with the prior approval of the department head.
 - 2. Persons employed for partial months will earn ~~vacation annual leave~~ for that month on a prorated basis.
- B. ~~Vacation annual~~ leave – manner of accumulation.

1. Any regular full-time employee working 40 hours including police shall earn ~~vacation~~ **annual leave** at the following rates:

Years of service	Hours per month	Hours per year
1st year	6 2/3	80
2 – 5 years 0 – 4 years	8	96
5 – 9 years	10	120
10 – 14 years	12	144
15 – 19 years	13.33	160
20 – 24 years years or more	14.67 16.67	176 200
25 years or more	16.67	200

2. All Department Heads will accrue ~~vacation~~ **annual leave** at the rate of 160 hours per year up to 15 years or more of service, then the above rates apply.
3. Firefighters shall earn ~~vacation~~ **annual leave** at the following rates:

Years of service	Hours per month	Hours per year
1st year	5.94	71.25
2 – 5 years 0 – 4 years	7.13	85.50
5 – 9 years	8.91	107
10 – 14 years	10.69	128.25
15 – 19 years	11.88	142.50
20 – 24 years years or more	14.04 14.84	163.88 178.13
25 years or more	14.84	178.13

4. An employee cannot use ~~vacation~~ **annual leave** that has been earned by another employee.

C. ~~Vacation~~ **Annual leave** – maximum accumulation.

~~Vacation Annual~~ leave may be accumulated to a maximum of 240 hours per ~~fiscal year~~ calendar year. The maximum amount of ~~vacation annual~~ leave for a firefighter to carry forward is 213.75 hours. At the end of the ~~fiscal year~~ calendar year, any employees with hours greater than the allowed accumulated ~~vacation annual~~ leave for his/her position will lose all hours above the maximum level.

Employees are cautioned not to retain maximum accumulation of ~~vacation annual~~ leave. Due to the necessity to keep all City functions in operation, large numbers of employees cannot be granted leave at any one time. No employee shall be allowed to schedule ~~vacation annual leave~~ at a time that will create a burden for the remainder of the staff. If a conflict arises between employees wishing to schedule ~~vacation annual leave~~ during the same period, the conflict will be resolved based on employee seniority and/or the order in which the ~~vacation~~ requests are received and/or needed.

No employee may take more than six weeks of ~~vacation annual leave~~ in a calendar year regardless of the amount of ~~vacation leave~~ accrued. ~~Vacation Annual~~ leave may be taken in increments of 2 hours, subject to the approval of the department head.

D. ~~Annual leave – payment of annual leave in excess of maximum accumulation.~~

Employees whose annual leave balance is more than the maximum accumulation (240 for most employees, 213.75 for firefighters) on November 1st each year will be eligible to sell back to the City up to 40 hours of annual leave (32 for firefighters). Employees must submit a written request to the Human Resources Department by November 15th (or other date established by the department) to determine eligibility. Payment to employees for excess annual leave will be processed and paid on or around December 1st through the standard payroll process. Annual leave balance exceeding the maximum accumulation on December 31st will be forfeited.

E. ~~Vacation Annual~~ leave – manner of taking leave.

~~Vacation Annual~~ leave may be taken as earned by an employee subject to the approval of the supervisor. Such leave should be scheduled in advance (15 days if possible). Leave records will be maintained by the Human Resources Director.

Use of ~~vacation annual~~ leave shall not cause pay period hours to exceed normally scheduled hours.

F. ~~Vacation Annual~~ leave – terminal pay of ~~vacation annual~~ leave.

An employee who ~~is separated without failure in performance of duties or personal conduct~~ voluntarily separates from the City, shall be paid for ~~vacation annual~~ leave accumulated to the date of separation not to exceed the maximum of 213.75 hours for firefighters and 240 hours for all other employees, provided

completion of twelve months or more of continuous service has occurred and that written notice has been submitted to the employee's immediate supervisor at least two weeks (30 days for Department Heads) in advance of the effective date of separation. To receive accrued leave the employee must **actually** work the notice period. The notice period shall not include ~~vacation annual~~ or sick leave or leave without pay.

For involuntary separation due to failure in performance of duties, failure in personal conduct, or failure to follow **established** guidelines ~~in the Safety Program~~, accumulated ~~vacation annual~~ leave shall be withheld at the time of the employee's separation unless approved by the City Administrator.

Employees who do not give proper notice (2 weeks for most employees, 30 days for department heads) will not be paid for their accumulated ~~vacation annual leave~~ upon termination. Notice period shall not include ~~vacation annual~~ or sick leave or leave without pay.

G. ~~Vacation Annual~~ leave – payment for accumulated ~~vacation annual leave~~ upon death.

The designated beneficiary of an employee who dies while employed by the City shall be entitled to payment for all the accumulated ~~vacation annual~~ leave credited to the employee's account not to exceed 240 hours at the time of death.

Section 3. Sick Leave Pay

Sick leave with pay is not a right that an employee may demand, but rather a privilege granted by the City of Mauldin for the benefit of an employee when sick. Sick leave shall be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, quarantine, required medical or dental examinations, or treatment or exposure to contagious disease, when continuing work might jeopardize the health of others. Sick leave pay may also be used when an employee must care for a spouse, child, or parent.

Notification of the desire to take sick leave should be submitted to the employee's supervisor before the leave, when possible. Unexcused absences are serious matters and must be avoided.

1. Sick leave – manner of accumulation.

A Any regular full-time employee, including police officers, working the basic work period of 40 hours will accrue sick leave pay computed at the following rate:

Hours each month	Hours accrued each year
8	96

B. Regular Full-Time Firefighters shall earn at the following rate:

Hours each month	Hours accrued each year
7.1	85.5

C. Persons employed for a partial month will earn sick leave pay for that month on a prorated basis.

~~D. An employee must be employed for three months before he or she is eligible to use accumulated sick leave pay.~~

2. Sick leave pay – maximum accumulation.

Sick leave pay is allowed to accumulate to a maximum of 720 hours. Credit for unused sick leave may be added to length of service at retirement in accordance to State Retirement System guidelines.

3. Use of sick leave pay.

Paid sick leave is not to be abused and will only be granted with pay only when the employee:

1. Contacts his or her supervisor and gives notice at least 30 minutes before their scheduled shift time.
2. Tells his or her supervisor the general nature and expected duration of the illness. If the duration is 5 days or more, please refer to the FLMA section.
3. Provides a physician's certificate, if requested by the department head or Human resources Director.
4. Keeps the supervisor informed as routinely or as requested of the status of the illness.
5. Failure to give proper notice, keep the supervisor informed, or give an expected return date may cause the employee to be placed on leave without pay status.
6. An employee will not work while he or she is on paid sick leave, nor will an employee engage in any activity that might result in financial gain to the employee or his family.
7. Using sick leave under false pretenses is a serious violation of City policy and is grounds for dismissal. The Human Resources Director is responsible for monitoring sick leave usage. The City Administrator has the right to deny use of sick leave for any claim that is not substantiated.
8. No employee shall be paid for unused sick leave upon separation of employment.

Section 4. Leave without pay

In situations not covered by the FMLA, the Human Resources Director may grant a full-time employee a leave of absence without pay for up to six months. The leave shall be used for reasons of personal disability after both sick leave and desired amount of annual leave has been exhausted, continuation of education, special work that will permit the City to benefit by the experience gained or the work performed, or for other reasons deemed justified by the City Administrator.

The employee shall apply in writing to the supervisor for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the Human Resources Director. The employee shall be entitled to return to the same position held at the time leave was granted if available. If it is not available, the employee may be given an open position for which the employee is qualified. If there are no open positions, the employee may be terminated. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the City's group insurance plans, subject to any regulations adopted by the City Council and the regulations of the respective insurance carriers.

Section 5. Military leave

Employees are entitled to leave of absence and reinstatement upon return from leave of absence for military service (including Reserve and National Guard duty) as may be provided by applicable state and federal law. The provisions of these laws change from time to time and for that reason no effort is made to set forth the law in this policy.

Section 6. ~~Civil~~Leave Jury Duty

An employee will be paid for wages lost from scheduled straight time work due to jury duty up to a maximum of 80 hours per calendar year.

To qualify for this payment, an employee called for jury duty must:

- A. Give his supervisor notice of such service within two work days of the time the employee is called for such service,
- B. Report for work when released by the court on any day of jury service,
- C. Submit a written statement from the court indicating the days of jury service and the time released each day.

Section 7. ~~Funeral~~Leave Bereavement Leave

An employee will be paid for time actually lost from straight time scheduled work up to three (3) work days for bereavement leave for the death of a member of his immediate family. For purposes of this bereavement policy, immediate family members shall

include: spouse, child, parent, brother, sister, aunt, uncle, grandparent, grandchild, parent-in-law, grandparent-in-law, daughter-in-law, son-in-law, brother-in-law, and sister-in-law. Step-relatives are included in the definition of immediate family members. The death of a permanent resident in the employee's home, regardless of legal relationship, will also qualify the employee for bereavement leave.

Bereavement leave must be approved by the employee's supervisor and recorded on the employee's timecard. Bereavement leave must be taken within five (5) days after the death, unless extended by the City Administrator.

Section 8. Inclement Weather Leave

The City Administrator, may declare when administrative leave will be given for adverse weather conditions. ~~No employee is expected to work when he or she feels unsafe.~~ Up to three days per calendar year may be designated administrative leave. If the adverse weather is still present after three days, annual leave will be required to be taken.

Essential employees who must work such as police, fire, or public works employees will receive pay for the hours worked in addition to the administrative leave non-essential employees receive.

Section 9. FMLA

FAMILY AND MEDICAL LEAVE ACT (Applies Only to Employees Employed 12 Months Or Longer And Who Have Worked 1250 Hours or More in the Preceding 12 Months, Both Prior to Commencement of Leave.)

General: Employees who meet the length of service and hours worked requirement described above have rights under the Family and Medical Leave Act. As a general rule, employees must request leaves of absence under this law and policy, but in appropriate situations, employees may be placed on leave status without application.

The City uses a rolling 12-month period in order to determine an employee's eligibility for leave on any given date. The 12-month period is measured backward from the date an employee wishes to use FMLA leave. Each time an employee wants to use FMLA leave, the City will look backward in time to determine how much FMLA leave the employee has used during the preceding 12 months.

An employee's employment will automatically terminate if he does not return to full active employment status at the conclusion of his leave of absence or extended leave of absence. The circumstances of any employee's situation will be evaluated prior to any decision to terminate their leave.

Reason for Leave of Absence

1. **Medical and Family Leave.** An eligible employee may be entitled to a leave of absence under this law and policy if a serious health condition, including disability resulting from an on-the-job injury, prevents the employee from being able to perform his job; if the employee's spouse, child or parent has a serious health condition and the employee must be absent from work in order to care for that relative; or to care for a natural child, adopted child, or formally placed foster child, provided that entitlement to leave to care for a child who is newly born or newly received in the employee's household shall end 12 months after a natural child is born or 12 months after an adopted or foster child is received in the employee's household.
2. **Military Caregiver Leave.** An eligible employee whose spouse, parent, child or next-of-kin is a covered service member of the Armed Forces of the United States may be entitled to leave of absence to care for the service member if he is injured while on covered active duty.
3. **Qualifying Military Exigency Leave.** An eligible employee whose spouse, parent or child is a member of the Armed Forces of the United States (including the National Guard and Reserves) who is either on active duty or called to active duty, and is deployed to a foreign country may be entitled to a leave of absence due to one or more qualifying exigencies arising out of the active duty or call to active duty. Qualifying exigencies are: (1) Short-notice deployment (i.e., notice of 7 days or less); (2) Military events and related activities; (3) Childcare and school activities (regular or routine childcare by the employee does not count); (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; (8) Parental care, and (9) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

Proof of need for leave of absence may be required regardless of the type of leave taken.

Length of Leave

1. **Medical and Family Leave.** An eligible employee may take the equivalent of a total of 12 work weeks of leave during any 12 consecutive months for his own serious health condition, that of a parent, spouse or child, or to care for a newly born or newly received child. Leave to care for a newly born or newly received child must be taken consecutively. Leave required because of the employee's own serious health condition or that of a spouse, child, or parent, may be taken intermittently or by means of a modified work schedule when necessary.
2. **Military Caregiver Leave.** Leave to care for an injured service member may be taken for up to 26 work weeks in a single 12-month period. Any leave taken by the employee for any other FMLA-qualifying reason will count against the 26 weeks of leave permitted to care for an injured service member.
3. **Qualifying Military Exigency Leave.** Leave taken because of a qualifying exigency is available for up to 12 work weeks in any 12 consecutive months. Leave taken because of a short notice deployment is limited 7 days from the date

of notice, and leave taken to be with the service member during periods of rest and recuperation are limited to 15 days per period of rest and recuperation. Leave taken to attend post-deployment activities must be taken within 90 days of the end of active duty service.

Coordination of Leave and Paid Time Off

An employee who must be absent due to his own serious health condition will be paid for time lost from work from accrued sick leave and/or accrued ~~vacation~~ annual leave balances, if any. An employee who must be absent for any other FMLA-qualifying reason will be paid for time lost from work from accrued ~~vacation~~ annual and sick leave balances, if any. Leave taken under this policy counts towards the employee's 12 weeks of leave (or 26 weeks, where appropriate) regardless of whether all or part of the employee's leave is paid.

Effect of Leave on Accrual of Fringe Benefits

1. Health benefit plan. Employees taking leave under this policy must continue to pay their portion of health benefit plan premiums on the same date that such portion of premiums would be deducted from the employee's wages.
2. Accrual of paid leave. Unpaid time lost from work due to leave granted under this policy is not considered time worked for the purpose of accrual of paid time off.

Employee Responsibility

Employees who request leave under this policy must give 30 days advance notice or such lesser amount of notice as is possible in the particular circumstances. When the need for leave is unforeseeable, the employee must follow the normal procedure for reporting an absence. Employees may not engage in side employment or work for another employer without the express written permission of the City Administrator during this leave period.

Termination of Leave of Absence

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

Reinstatement

At or before the conclusion of the FMLA leave of absence the employee is entitled to reinstatement to his former position or to a position equivalent to his former position. The employee must demonstrate that he is fit for duty and must give reasonable notice of intent to return to work.

Extension of Leave Without Benefits

An employee who is unable to perform the duties of his position due to his own disability and who has exhausted his entitlement to leave under the Family and Medical Leave Act by taking 12 weeks of leave during any rolling 12-month period may, in the discretion of

the City Administrator, upon written application, be granted up to an additional 14 weeks of leave. This additional leave of absence does not entitle the employee to reinstatement or to payment of any portion of his health benefit plan premiums. If the employee is able to return to work prior to the exhaustion of his extended leave, he may be returned to his previous position if it is vacant and is to be filled, or to some other position of equal or lesser compensation for which he is qualified and where there is a vacancy to be filled. If the employee is not returned to active employment, he may be continued on extended leave of absence status until he is returned to active duty status or his extended leave of absence expires, whichever occurs sooner.

Employees who have exhausted their FMLA leave under other circumstances, but who continue to require leave which would qualify for FMLA leave if such leave had not been exhausted, may apply for an extended leave of absence. Such extended leaves are granted only at the discretion of the City Administrator.

An employee's employment will automatically terminate if he does not return to full active employment status at the conclusion of his leave of absence or extended leave of absence. The circumstance of each employees leave will be reviewed by HR Director.

Special Situations

1. Spouses. When both a husband and a wife are employed, their combined right to a leave of absence because of the birth or placement of a child, or to care for a newly born or placed child or to care for a parent with a serious health condition is 12 weeks in a 12-month period, or 26 weeks in a single 12 month period to care for an injured service member.
2. Key Employees (salaried employee in highest paid 10% of all employees). Such employees may be denied reinstatement rights if reinstatement would cause substantial and grievous economic injury to operations.

Article VII- Wages and Hours of Work

The City utilizes a number of policies to ensure employees are paid for hours worked, are compensated for overtime (when appropriate), and that each position is classified according to state and federal employment laws.

Section 1. Hours of Work

The City's normal hours of business are from 8:30 a.m. to 5:00 p.m. However, some departments must operate outside the City's normal hours of business, and schedules of employees of those departments may differ from the City's normal hours. Each department is responsible for scheduling its employees to meet the needs of the City. Employees may be required to work overtime.

Section 2. Classification System

The Human Resources Director shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties

performed by employees in the classes to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the Human Resources Director (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions.

New positions shall be established only with the approval of the City Council after which the Human Resources Director shall either (1) allocate the new position to the appropriate class within the existing classification plan, or (2) recommend that the City Council amend the position classification plan to establish a new class to which the new position may be allocated.

When the Human Resources Director finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the City Human Resources Director shall (1) direct that the existing class specification be revised, (2) reallocate the position to the appropriate class within the existing classification plan, or (3) recommend that the City Council amend the position classification plan to establish a new class to which the position may be allocated.

Section 3. Payment of Wages

Employees are paid biweekly. Employees should examine their paychecks/pay stubs immediately to ensure they have been properly paid for all hours and that no improper deductions have been made. Any payment errors must be reported to payroll within 14 days. All employees hired after this policy goes into effect will be paid via direct deposit.

The City deducts from employees' gross pay taxes and withholding required by the taxing authorities. The City may also deduct from employees' pay the employees' share of any premiums or plan contributions for insurance, retirement and similar plans that are elected by the employee. The City may make other deductions as required by law or court order. The City does not make unauthorized deductions and will reimburse employees if such deductions are made inadvertently.

Cash, debts owed the City, fringe benefits, uniforms, tools, equipment, vehicles, instruction manuals, keys, City identification cards and other items belonging to the City that are advanced or issued to an employee but not repaid or returned by him at the time of his termination are considered advances of wages, the value of which may be deducted from the employee's final pay check(s).

Section 4. Overtime

Non-exempt employees, with the exception of law enforcement and fire suppression personnel, receive overtime premiums at 1.5 times their regular hourly rate for all hours worked in excess of 40. Law enforcement personnel receive overtime premiums after 86 hours in 14 days. Fire suppression personnel receive overtime premiums after 212 hours in 28 days.

Employees must accurately record all hours worked and must have worked all hours recorded. Employees may not work “off the clock,” and employees may not work overtime without the permission of their supervisor except in cases of emergency. If an employee is instructed not to record all work hours, he must immediately report such instruction to the Human Resources Director.

Employees who are exempt from overtime receive a salary that compensates them for all hours worked in the workweek. Such employees do not receive overtime pay.

FINANCE & POLICY COMMITTEE

AGENDA ITEM

MEETING DATE: June 3, 2024

AGENDA ITEM: 6b

TO: Finance & Policy Committee

FROM: Seth Duncan, City Administrator

SUBJECT: Ordinance: Indigo Point Pump Station Fee

REQUEST

Council is being asked to approve an Ordinance to establish a Pump Station Fee on an additional parcel at Indigo Pointe subdivision.

HISTORY/BACKGROUND

In 2020, Mauldin City Council established an ordinance to assess a fee on an annual basis to developed parcels contained within the Indigo Point subdivision for the purpose of maintaining certain sewer capital improvements, including a sewer pump station. The final development plan of this subdivision will consist of 223 detached single-family lots and 92 townhome lots. The initial fee was set at \$135 in Fiscal Year 2020-2021, then lowered to \$100 in FY 2021-2022, and \$73.00 in FY 2022-2023. In FY 2023-2024, the City added the fee to an additional 93 parcels, and now needs to add one more for the subdivisions pool and clubhouse. The pool and clubhouse, which is located on parcel 176, was not included in Ordinance 974 adopted in June 2021 due to the fact that the pool and clubhouse had not been built. This will constitute the final parcel to be assessed a pumpstation fee in Indigo Point.

ANALYSIS or STAFF FINDINGS

Staff is presenting an Ordinance that will add the Pump Station Fee to the final lot in Indigo Point and maintain the fee at \$73.00 per year. The fee will be assessed annually on the property tax bill.

FINANCIAL IMPACT

Expenses for the maintenance and operation of the Indigo Pointe pump station are included in the FY2024-2025 Budget and would be offset by the revenue collected.

RECOMMENDATION

Staff recommends Council approval of the Ordinance.

ATTACHMENT(S)

- Ordinance establishing Pump Station Fee on affected parcel
- Plat for Parcel 176

AN ORDINANCE

ESTABLISHING A SEWER PUMP STATION FEE FOR AN ADDITIONAL PARCEL OF THE INDIGO POINT DEVELOPMENT.

WHEREAS, the City of Mauldin, South Carolina (the “*City*”), a body corporate and politic and a municipal corporation of the State of South Carolina, operates a sewer collection system that serves residents in the City;

WHEREAS, the City has previously entered into a Sewer Infrastructure Agreement (the “*Agreement*”) dated October 9, 2019 with IBI Forrester, LLC (the “*Owner*”) whereby the Owner agreed to acquire and install, at its expense, certain sewer capital improvements, including a sewer pump station (collectively, the “*Sewer Infrastructure*”) as part of its developing an approximately 90 acre tract of land in the City into a residential development consisting of approximately 315 parcels, containing approximately 223 detached single-family lots and 92 townhome lots once completed over one or more phases to be known as Indigo Point (the “*Development*”);

WHEREAS, pursuant to the Agreement, the Sewer Infrastructure, upon completion, was donated to the City, and the City owns and operates the Sewer Infrastructure;

WHEREAS, operating and maintaining the Sewer Infrastructure, as well as capital improvements related to the Sewer Infrastructure, result in the City incurring additional expenses, which the City has determined to fund through the establishment of a sewer pump station fee (the “*Pump Station Fee*”) to be assessed only on the real property parcels (the “*Parcels*”) in the Development, which descriptions of the Parcels are attached hereto and incorporated herein by reference as *Exhibit A*;

WHEREAS, on June 15, 2020 the City enacted an ordinance (the “*2020 Ordinance*”) establishing a Pump Station Fee on certain parcels in the Development, as more particularly described in the 2020 Ordinance;

WHEREAS, on June 21, 2021 the City enacted an ordinance (the “*2021 Ordinance*”) establishing a Pump Station Fee on certain additional parcels in the Development, as more particularly described in the 2021 Ordinance;

WHEREAS, on June 20, 2022 the City enacted an ordinance (the “*2022 Ordinance*”) establishing a Pump Station Fee on certain additional parcels in the Development and on certain other parcels, as more particularly described in the 2022 Ordinance;

WHEREAS, on June 17, 2023 the City enacted an ordinance (the “*2023 Ordinance*”) establishing a Pump Station Fee on certain additional parcels in the Development and on certain other parcels, as more particularly described in the 2023 Ordinance;

WHEREAS, the Developer has created an additional Parcel on the Development which have been incorporated into the Development and will now be assessed a Pump Station Fee pursuant to the terms of this Ordinance;

WHEREAS, pursuant to Section 6-1-330 of the Code of Laws of South Carolina, 1976, as amended, the City desires to establish and revise whenever it so wishes or may be required a Pump Station Fee, the revenues of which will be used for the operation, maintenance, renovation and repair of the Sewer Infrastructure as well as the acquisition and construction of related capital improvements;

WHEREAS, given the small number of Parcels in the Development on which the Pump Station Fee will be assessed, having the Pump Station Fee collected by the third-party water provider that currently collects the City’s sewer collection fee is impractical and not cost effective;

WHEREAS, on June __, 2024 the City caused to be published a notice of public hearing in the *Greenville News* informing the public of the public hearing to be held at the July 17, 2023 City Council meeting;

WHEREAS, on July 15, 2024 the City Council conducted a public hearing on the establishment of the Pump Station Fee, allowing Parcel owner(s) and the public an opportunity to appear and be heard in person or by counsel before the City Council, prior to the enactment of this Ordinance, at which public hearing the Pump Station Fee was presented, discussed, and made available to the public for inspection; and

WHEREAS, this Ordinance has been approved by a positive majority of the City Council following such public hearing;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAULDIN, SOUTH CAROLINA, AS FOLLOWS:

SECTION 1. Establishment of Pump Station Fee

The City hereby enacts, as of the date of enactment of this Ordinance, the Pump Station Fee on the Parcel in the Development set forth on the attached *Exhibit A* in the amount of \$73.00 per Parcel per year. The Pump Station Fee will be due annually and assessed on each Parcel owner’s real property tax bill. The City will inform Greenville County of the amount of the Pump Station Fee in order for Greenville County to place the Pump Station Fee on the Parcels’ real property tax bills.

SECTION 2. Authorization

The Mayor and the City Administrator, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the establishment and implementation of the Pump Station Fee including entering into any agreements as may be needed for the collection of such Fee.

SECTION 3. Severability

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. Repealing Clause

All ordinances, resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistencies.

DONE IN MEETING DULY ASSEMBLED, this 15th day of July, 2024.

CITY OF MAULDIN, SOUTH CAROLINA

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

First Reading: June 17, 2024

Second Reading: July 15, 2024

Public Hearing: July 15, 2024

EXHIBIT A

PROPERTY SUBJECT TO SEWER PUMP STATION FEE

INDIGO POINT SUBDIVISION

The following Parcels more particularly described on the attached Plat are subject to the Sewer Pump Station Fee:

Plat #1 – Parcel Numbers

176

