

# MUNICIPAL EMPLOYEE HANDBOOK



City of Crystal Springs, Mississippi

# EMPLOYEE HANDBOOK



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Dear City of Crystal Springs Employee,

Congratulations on your employment with The City of Crystal Springs, Mississippi. We hope you are excited about being a part of the great things happening in our town. Know we want each employee to understand you work for the citizens who reside in our community. Each employee is expected to be professional and courteous in fulfilling his/her job requirements.

This City of Crystal Springs Employee Handbook is intended to answer any questions you may have during your employment with the City. Please read and familiarize yourself with the information contained within this handbook.

Best wishes to you, and if we can assist you in anyway, do not hesitate to contact us.

Welcome!

Sincerely,

Mayor and Board of Aldermen



## **DISCLAIMER of City of Crystal Springs Mayor and Board of Aldermen**

This handbook is intended to provide general information to City employees. The policies and information described in this handbook are not conditions of employment, and the language is not intended to, nor does it, create a contract between the City and the employee. All employees and appointed personnel serve at the will of the Mayor and Board of Alderman.

The City reserves the right to change or eliminate any of the policies or information in this manual at its discretion with or without notice. Also, some of the statements in this handbook are general in nature and should not be read as including all the details on the subject discussed. This handbook is not an exhaustive list of all employee obligations. In addition to the handbook, employees must also abide by federal and state laws, regulations, and administrative rules as well as other statewide and internal departmental orders, policies, guidelines, directives, and instructions.

The City reserves the right to discipline all employees in accordance with the state laws and rules at any time and for any reason that would require discipline. Any employee handbook or manuals previously distributed by the City are revoked and rescinded, and the provisions are null and void.

If you have questions about the employee handbook or this disclaimer, please contact your supervisor, department head, or the City Clerk.

The City's Employee Handbook is updated regularly by the City Board of Aldermen. To receive or review a current copy of the handbook, please contact your City Clerk.

**This handbook has been adopted by ordinance in the minutes of the City of Crystal Springs Board of Aldermen on the December 5, 2017 to become effective January 1, 2018.**





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City of Crystal Springs, Mississippi

# EMPLOYEE HANDBOOK







# **INTRODUCTION**

Welcome to employment with City of Crystal Springs, Mississippi!

Your Board of Aldermen has adopted this handbook in order to help answer many of your questions concerning employment with the Municipality, herein referred to as the City and/or Municipality. After you read the handbook you will have a better understanding of the rules and regulations governing your employment benefits, as well as how your Municipal employers expect you to conduct yourself on the job. If, at any time, you have questions about any rule or regulation established in this handbook, discuss it with your supervisor immediately. This Handbook is not inclusive, and is not a contract of employment. If further information is desired, contact the City of Crystal Springs City Clerk.

The intent of this handbook is to inform you of the current rules, regulations, policies and programs of the City. Statements contained herein are designed to clarify important aspects of your employment with the City. Nothing contained herein should be construed as a guarantee of continued employment. The City of Crystal Springs Mayor and Board of Aldermen reserves the right to amend, modify or cancel this handbook or any of the various rules, regulations, policies or programs described herein.

Should any portion of this handbook be stricken by any reason by a court of competent jurisdiction, all other portions of this handbook shall remain in full force and effect.

## **WHO IS YOUR BOSS?**

It is important that you, as a Municipal employee, remember that the general public is the ultimate boss. Your work and conduct on and off the job are always subject to public scrutiny. Your contact with individual citizens will often be the only basis on which these citizens judge Municipal government. Thus, it is important that you make your best impression at all times. Each job in the City is an essential part of the overall operation of Municipal government. As you begin to work for the City of Crystal Springs, please keep in mind that everyone in the City is relying on you to give honest, efficient and courteous service. The City of Crystal Springs citizens pay your salary!

## **FUNDAMENTAL CONDITIONS OF EMPLOYMENT**

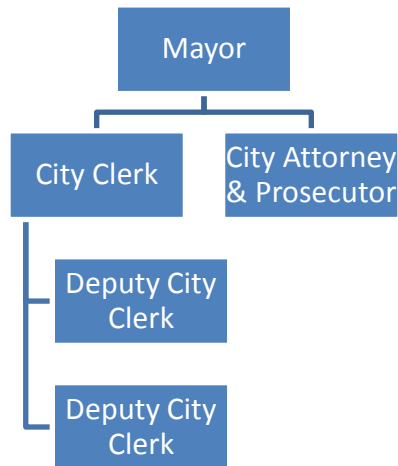
Employees of the City must abide by all personnel policies and procedures contained in this handbook. Violations of any of these policies and procedures may be grounds for discipline up to dismissal from employment or, in the situation of an applicant for employment, rejection of the application. All employees and appointed personnel serve at the will of the Mayor and Board of Alderman. The Municipal has the following expectations of a good employee:

1. Be a good listener.
2. Consider your words carefully.
3. Be diligent in fulfilling your employment responsibilities.
4. Treat all persons with dignity and respect.
5. Demonstrate personal integrity on and off the job.
6. Dress in an appropriate manner for the duties assigned.
7. Understand that you serve the citizens of this City.
8. All employees are hired at the will of the Board.



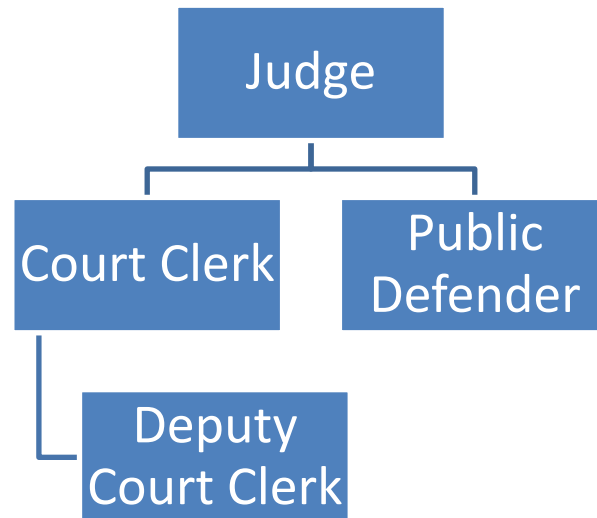
## City of Crystal Springs Organization Charts by Department

### CITY HALL



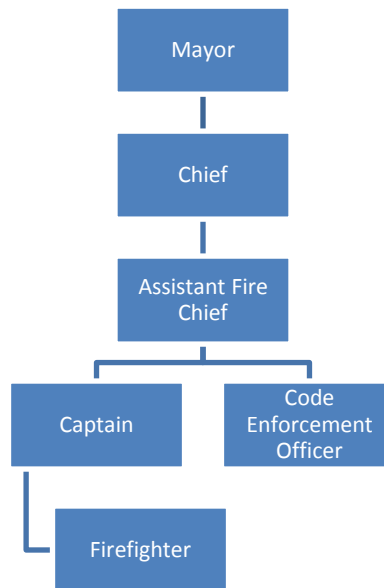
City Hall consists of the City Clerk and City Attorney & Prosecutor. The primary certification in order to become a City Clerk is to pass the City Clerk certification course offered by Mississippi State University's Extension Service. Each Deputy City Clerk has a specific designation. One maintains city accounts, and the other maintains payroll for city employees. The City Attorney & Prosecutor represents the Mayor and Board of Alderman in legal matters, as well as prosecute for the City in municipal court.

## COURT



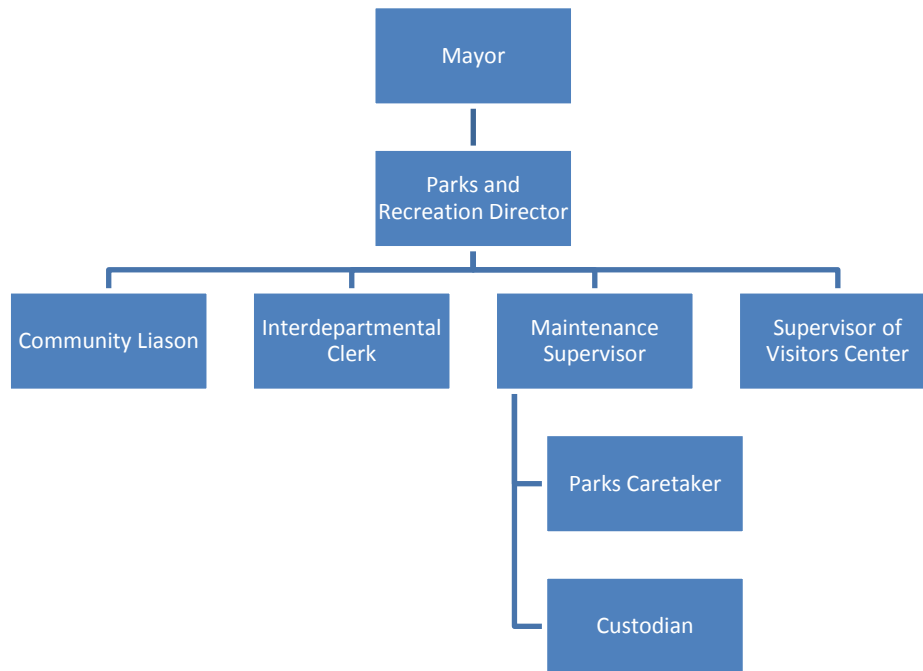
The Municipal Judge hears misdemeanor cases, traffic violations, code enforcement, initial appearances, and preliminary hearings in felony cases. The Public Defender represents all indigent persons charged with crimes within the City of Crystal Springs. The Court Clerk performs complex legal clerical work, as instructed by the City Attorney and the Judge in support of the operations of the Crystal Springs Municipal Court. This position requires a Continuing Legal Education (CLE) certification. The Deputy Court Clerk provides support in a variety of administrative and clerical duties, as well as providing customer service to the public, judicial officers, attorneys, and staff.

## **FIRE DEPARTMENT**



The Fire Chief directs the overall administrative functions of City of Crystal Springs Fire Department. The Assistant Fire Chief maintains the daily administrative and technical operations of the department. The Fire Captain directs the activities of each of the Firefighters during an individual assigned shift. The Captain, Code Enforcement Officer, and all the Firefighters are employed on part-time basis. The Code Enforcement Officer is responsible for securing compliance with fire prevention laws, ordinances, and standards through building inspections and safety programs.

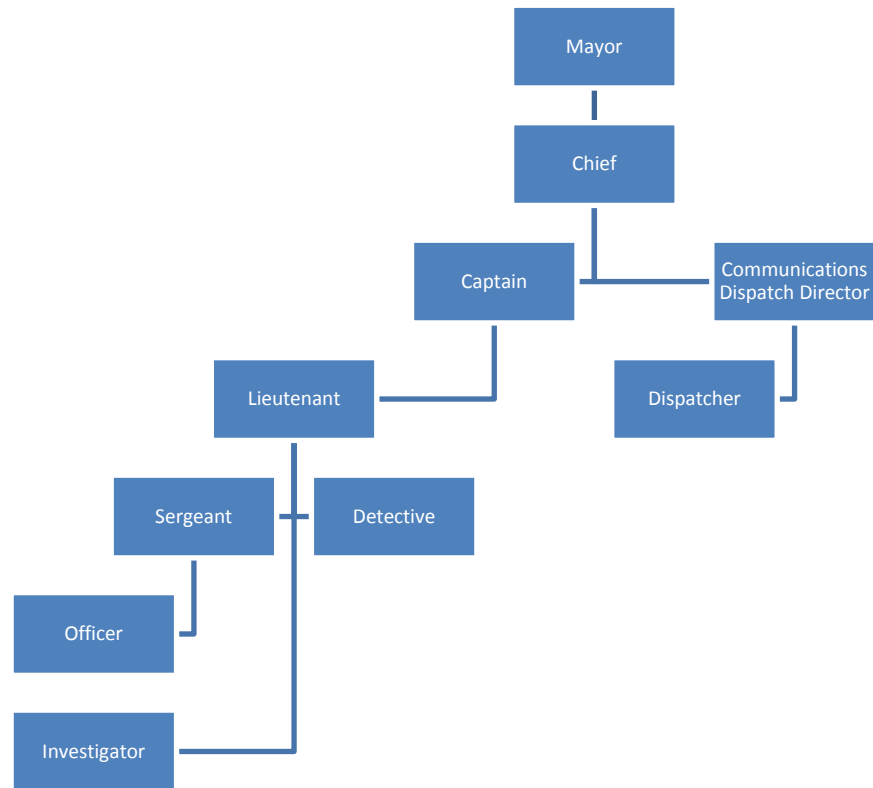
## PARKS AND RECREATION



The Parks and Recreation Director performs managerial functions associated with overseeing operations and activities of the department. The Interdepartmental Clerk performs administrative functions associated with processing documentation and information relating to the department. The Supervisor of the Visitors Center provides administrative support for the department as well as customer service to citizens. The Maintenance Supervisor manages the maintenance of recreational facilities and parks owned and operated by the City with the support of the Parks Caretaker and the Custodian on staff. The Community Liaison is responsible for the coordination of special programs involving fund-raising, and acts as a liaison between the municipality and various community/business organizations and the public.

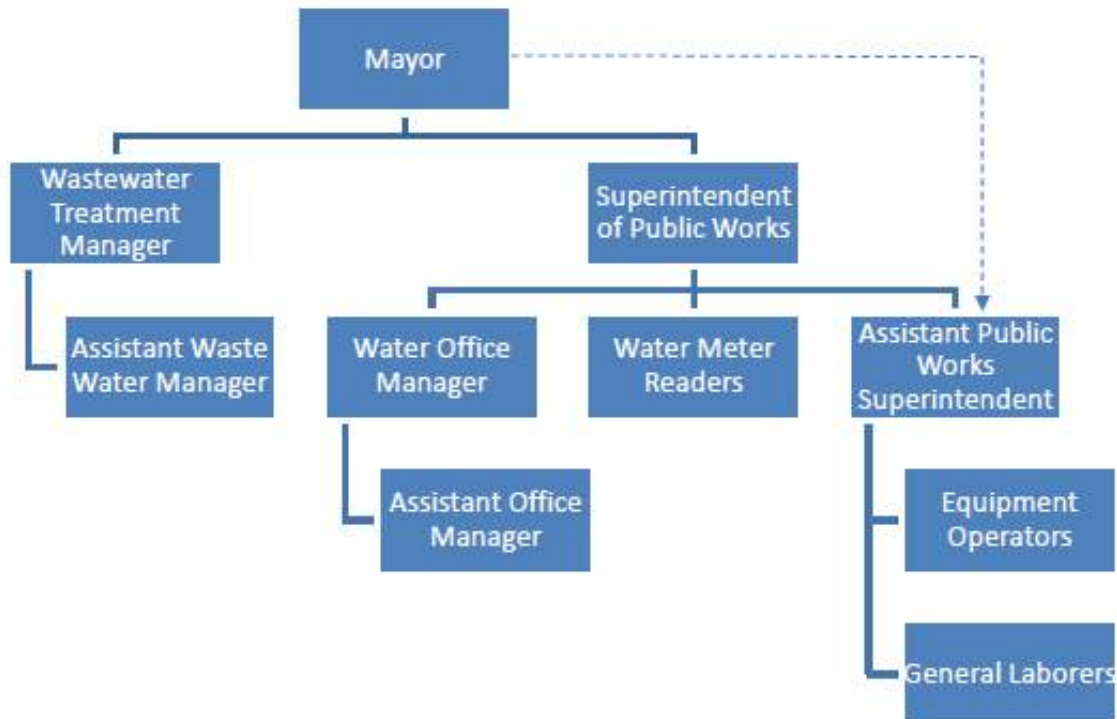


## POLICE DEPARTMENT



The Police Department essentially follows the same ranking system as the U.S. military, starting with Patrol Officer and working upward toward Sergeant, Lieutenant, Captain, and eventually becoming the Chief of Police. Dispatchers essentially work on a tenure system and eventually get promoted into assistant leadership positions up to and including eventually becoming the Dispatch/Communications Director.

## **PUBLIC WORKS, WASTEWATER TREATMENT, AND WATER DEPARTMENTS**



The Superintendent of the Public Works Department and Wastewater Treatment Manager report to the Mayor. The Superintendent of the Public Works Department is essentially the head of the two units: Public Works and the Water Department. The Wastewater Treatment Manager is responsible for the oversight and management of the City's Wastewater Treatment Plant in accordance to Federal and State regulations. The Public Works Office Manager is responsible for billing and collection of fees charged to citizens and businesses for the City's Public Works and Water Services provided. The Assistant Superintendent of Public Works carries out daily assignments as directed by the Mayor and Public Works Superintendent. The Assistant Wastewater Manager, Equipment Operators, General Laborers, and Meter Readers conduct various field work pertaining to their respective division.

# **CHAPTER 1**

## **EMPLOYMENT POLICIES**

### **POLICY 1. EQUAL EMPLOYMENT POLICY**

It is the policy of the City of Crystal Springs to provide equal opportunity in employment to all employees and applicants for employment. There will be no discrimination against any individual based on race, creed, color, religion, national origin, sex, gender orientation, age, veteran status, disability or political affiliation. Equal employment opportunity does not guarantee an employee any rights not otherwise provided by law.

Discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral and other aspects of employment, on the basis of race, color, religion, sex or national origin is prohibited by federal law.<sup>1</sup> Discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance is prohibited by federal law.<sup>2</sup> Discrimination on the basis of sex in education programs and activities that receive federal financial assistance is prohibited by federal law.<sup>3</sup>

The City of Crystal Springs prominently posts on its premises the poster "Equal Employment Opportunity is the Law" for the information of its employees and potential employees.

The City accepts its responsibility to provide a workplace free from harassment with regard to race, color, age, religious creed, sex, national origin, disability or political affiliation or activity. The City, therefore, prohibits remarks, gestures, physical contact, display or circulation of written or electronic materials, pictures or objects derogatory to any person based on the characteristics listed above. Such behavior is strictly forbidden and will not be tolerated at any organizational level. The following is a non-exhaustive list of actions that may be inappropriate: epithets; derogatory or suggestive comments, slurs or gestures; unwelcome or offensive physical touching; and offensive posters, e-mail, cartoons, pictures or drawings aimed at a protected classification.

No employee of The City of Crystal Springs may imply, suggest or threaten that an applicant's or employee's cooperation in any form of harassment or refusal to so cooperate will have any effect on the individual's employment status, including but not limited to assignment, compensation, advancement or any other condition of employment.

Harassment by someone not within the same protected class, as well as harassment or discrimination by someone of another protected class, is prohibited. For example, harassing conduct by a male toward a female because of her sex as well as harassing conduct by a male toward another male because of his sex is prohibited. Likewise, racially harassing conduct by someone of a particular race toward a member of another race or a member of the same race, if the conduct is based on race, is prohibited. No

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<sup>1</sup> Title VII, Civil Rights Act of 1964.

<sup>2</sup> Title VI, Civil Rights Act of 1964.

<sup>3</sup> Title IX, Education Amendments of 1972.

employee or applicant should endure workplace harassment. Any person believing he or she has been illegally harassed should immediately report the incident to his or her supervisor and the City Clerk. The Supervisor, Mayor and/or the City Clerk shall take appropriate corrective action within five (5) working days of initial reporting.

## **POLICY 2. SEXUAL HARASSMENT POLICY**

### **A. Statement of Policy of No Sexual Harassment**

It is the policy of the City of Crystal Springs that there shall be no harassment of any employee on account of the employee's sex, gender or gender orientation. The City of Crystal Springs will not tolerate sexual harassment of its employees by anyone: supervisors, other employees, clients or others. Sexual harassment is an insidious practice. It demeans individuals being treated in such a manner. It creates unacceptable stress for the entire organization. Significant costs are involved. Morale is adversely affected. Work effectiveness declines. Person harassing others will be dealt with swiftly and vigorously.

Anyone who violates this policy will be subject to disciplinary action up to and including discharge. To insure that this policy is effective, the City of Crystal Springs is committed to providing ongoing training regarding what constitutes sexual harassment and how to deal with claims of harassment when they arise. This training shall be the administrative responsibility of the City Clerk and shall be provided at least every 24 months.

### **B. Definition of Sexual Harassment**

Sexual harassment is defined as behavior of a sexual nature which is unwelcome and personally offensive to its recipient. Sexual harassment is a form of employee misconduct, which is demeaning to another person and undermines the integrity of the employment relationship. There are two general types of sexual harassment, overt or "quid pro quo" and hostile environment. "Quid pro quo" behavior involves express or implied demands for sexual favors in exchange for some general benefit (promotion, raise, etc.) or to avoid some detriment (termination, demotion) in the workplace. By definition, this type of harassment can only be perpetrated by an employer, supervisor, or one who has power over the employee. Hostile environment harassment arises from unwanted conduct which is so severe or persistent that it creates an intimidating, hostile, or offensive working environment. This conduct may be physical, verbal or nonverbal. Examples include hugging, kissing, sexual remarks about a person's clothing or body, repeated requests for dates, conversations of a sexual nature, or the display of sexually explicit materials. This type of harassment may be perpetrated by a co-employee as well as someone with power over the employee. Some characteristics of this activity include:

1. Submission to such conduct is made explicitly a condition of an individual's employment
2. Submission to rejections of such conduct is used as a basis for an employment decision affecting the employee

3. The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an environment, which is intimidating, hostile, or offensive to the employee.

The following are also examples of unlawful harassment:

1. Unwelcome sexual advances. This includes patting, pinching, brushing up against, hugging, kissing, fondling, or any other similar physical contact considered unwelcome by another individual.
2. Requests or demands for sexual favors. This includes subtle or blatant pressures or requests for any type of sexual favors accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment status.
3. Verbal abuse or kidding that is sex-oriented and considered unwelcome by another individual. This includes commenting about an individual's body or appearance where such comments are beyond mere courtesy; telling "dirty jokes" that are clearly unwelcome and considered offensive by others; tasteless, sexually-oriented comments, innuendoes, or actions that offend others.
4. Engaging in any type of sexually oriented conduct that would reasonably interfere with another's work performance. This includes extending unwanted sexual attention to someone that reduces personal productivity or time available to work at assigned tasks.
5. Creating a work environment that is intimidating, hostile, or offensive because of unwelcome sexually oriented conversation, suggestions, requests, demands, or physical contacts.

***All City of Crystal Springs employees are responsible for helping to assure that sexual harassment does not occur.***

## **C. Procedures For Reporting Sexual Harassment**

Although an employee may wish to pursue an informal resolution as described below, all employees of the City of Crystal Springs are encouraged to report any act of sexual harassment to the appropriate department head or to the City Clerk. If that person is unavailable or the employee believes that it would be inappropriate to contact the department head, then he/she must contact the City of Crystal Springs City Clerk, City Hall, 210 E. Railroad Avenue 39059, and Phone 601-892-1212 to report the act. If the department head is the City Clerk, then the employee should report sexually harassing conduct to the Mayor or the Board of Aldermen. An employee wishing to pursue a complaint of sexual harassment is required to put that complaint in writing. Any supervisor or department head that becomes aware of any possible sexual harassment should immediately advise the City of Crystal Springs City Clerk, who will handle such matters in a lawful manner and ensure that such conduct does not continue. All complaints of sexual harassment will be investigated in as discreet and confidential fashion as possible. No individuals will suffer retaliation or intimidation, or will be adversely affected in their employment with the City of Crystal Springs as a result of bringing a complaint of sexual harassment or assisting an investigation of sexual harassment being pursued by the City of Crystal Springs.

#### **D. Prompt Attention**

Reports of sexual harassment are taken seriously and will be dealt with promptly. The specific action taken in any case depends on the nature and gravity of the conduct reported and may include intervention, mediation, investigation and the initiation of disciplinary processes as discussed more fully below. Where sexual harassment is found to have occurred, the City of Crystal Springs will act to stop the harassment, act to prevent its recurrence, and discipline those responsible. The City of Crystal Springs, as employer, is committed and required by law to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint.

#### **E. Confidentiality**

The City of Crystal Springs recognizes that confidentiality is important and care will be taken to protect the identity of the person having a complaint of sexual harassment, as well as the identity of the accused party or parties, except as may reasonably be necessary to successfully complete the investigation. It shall be a violation of this policy for any retaliatory action which affects the working environment of any person involved in the investigation. While the City of Crystal Springs will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent reasonably possible, there are situations in which confidentiality cannot be maintained. These situations include when the City of Crystal Springs is required by law to disclose information, in response to legal process or formal discovery requests by the EEOC or discovery requests filed and propounded in pending litigation, or when disclosure is required in the event the City of Crystal Springs's interest in protecting the rights of others outweighs the interest in such confidentiality.

#### **F. Protection against Reprisals or Retaliation**

It is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint for sexual harassment. The City of Crystal Springs will not tolerate reprisal or retaliation against an individual who in good faith reports or provides information in an investigation about behavior that may violate this policy. Intentionally providing false information, however, is grounds for discipline. Every employee has the right to report sexual harassment without fear of reprisal or retaliation. Acts of reprisal or retaliation against an individual should be reported immediately. Reprisal or retaliation occurs if someone threatens an employee or his or her career because the employee filed a complaint or discussed an issue with a Municipal official, supervisor, officer, or agency or provided information relative to a sexual harassment claim when requested by the individual investigating the claim.

#### **G. Investigations**

If significant facts are contested, an investigation may be undertaken. The investigation will be conducted in a prompt manner and respect, to the extent possible, the privacy of all persons involved, including the person making the accusation or complaint of sexual harassment and the person or persons accused of such sexual harassment.



In appropriate cases, professional investigators or outside investigative agencies may be asked to assist in the investigation. The results of the investigation may be used in the third party intervention process, a grievance, mediation or disciplinary action. The ultimate investigative results/report are subject to subpoena in a court of competent jurisdiction.

If the allegations of sexual harassment are found to be credible, the City of Crystal Springs, as employer, will take appropriate corrective and remedial action. The City of Crystal Springs, as employer, will inform the complaining person and the accused person or persons of the results of the investigation and what actions will be taken to insure that the harassment will cease and that no reprisal or retaliation will occur. Any employee, supervisor, official or agent who has been found by the City of Crystal Springs to have harassed another employee will be subject to sanctions appropriate to the circumstances, as described above. To reiterate, anyone who violates this policy will be subject to disciplinary action up to and including discharge.

If the allegation of sexual harassment is not found to be credible, the person with the complaint and the accused person shall be so informed with the appropriate instruction provided to each, including the right of the complainant to contact the Equal Employment Opportunity Commission, Dr. A.H. McCoy, Federal Building, 100 West Capitol Street, Suite 207, Jackson, MS 39369, Phone (601) 965-4537

## **H. Employee Responsibilities**

1. The responsibilities of the employee making a report or claim of sexual harassment include the following:
  - a. The employee may request that the City of Crystal Springs consider using an informal method of resolution if the behavior was minor, and this method of resolution should be used only if the employee feels that it will permanently stop the offensive behavior without reprisal or retaliation and if the employee feels that the offender should be given a chance to change.
  - b. The employee should consider filing a formal complaint with the City Clerk, or with the Mayor of the City of Crystal Springs, within five (5) working days of the occurrence, if the incident and behavior is serious, absolutely unacceptable, or repeated, especially after telling the offending person or persons to stop. Serious behaviors may include asking for sexual favors in return for a good performance appraisal, unwelcome and offensive physical contact, and similar acts of sexual harassment or discrimination.
2. The responsibilities of the offending person who has been charged with sexual harassment are as follows:
  - a. Stop the behavior immediately.
  - b. If the offending person feels that he or she may have been sexually harassed by someone, she/he should come forward to a supervisor, explain the behavior and seek assistance.
  - c. Apologize and ask another person, department head or supervisor for advice and to accompany you to apologize to the recipient of the offending behavior or to intervene on behalf of the offending person.

- d. Talk to the recipient of the harassment and discuss how the parties can communicate more effectively.
  - e. If a formal complaint has been filed, seek legal counsel or assistance to understand your legal rights as a potentially offending person.
  - f. Avoid any appearance of reprisal or retaliation, whether direct or indirect.
  - g. Take responsibilities to see that sexual harassment or sexually harassing behavior is stopped immediately and that there is no reprisal or retaliation.
- 3. The responsibilities of the department head or person having supervisory authority with respect to the recipient and offending person are as follows:
  - a. If the department head observes or is approached about discrimination or sexual harassment, take immediate action.
  - b. Advise the person who was offended of his or her right to seek help through the City Clerk or through the Mayor of the City of Crystal Springs or Board of Aldermen, as the case may be.
  - c. Advise the offending person to stop the harassing behavior immediately, and if the offender is a department head or City Clerk, report it immediately to the Mayor of the City of Crystal Springs or Board of Aldermen and encourage the recipient to do the same.
  - d. Act promptly and take corrective and remedial action if the offending individual is under your supervision or subject to your authority.
  - e. Warn all parties immediately against behavior which may appear to be a direct or indirect reprisal or retaliation.
  - f. Take responsibility to see that sexual harassment or sexually harassing behavior is stopped and that there is no reprisal or retaliation.

#### **4. Dissemination of Sexual Harassment Policy**

While each individual employee has a copy of this handbook containing the City of Crystal Springs's Sexual Harassment Policy, each department head is responsible for ensuring that his/her employees are periodically reminded of this policy. If ongoing training is required or requested, the request may be made to the City Clerk.

## **POLICY 3**

## **POLICY REGARDING EMPLOYEE DISABILITY AND EMPLOYEE AGE**

### **A. DISABILITY**

The Americans with Disabilities Act of 1990 (ADA) was amended in 2008 as Public Law 110- 325. The purpose of the amendment was to overturn a series of United States Supreme Court decisions that interpreted the ADA in a way that made it difficult to prove that impairment is a *disability*. It made significant changes to the ADA's definition of *disability* that broadens the scope of coverage under both the ADA and Section 503 of the Rehabilitation Act.

Be aware that while the ADA Amendments Act (ADAAA) retains the basic definition of a *disability* as an impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment, it broadens the definition of *disability* by modifying key terms of the definition by expanding the definition of "major life activities," redefining who is "regarded as" having a disability, modifying the regulatory definition of the term "substantially limits," specifying that *disability* includes any impairment that is episodic or in remission if it would substantially limit a major life activity when active, and prohibits consideration of the ameliorative effects of "mitigating measures" when assessing whether an impairment substantially limits a person's major life activities. It also adds a new provision restricting the employer's use of qualification standards, tests, or other selection criteria that are based on uncorrected vision standards; clarifies that an individual who satisfies only the "regarded as" prong of the definition of disability is not entitled to "reasonable accommodation;" and modifies the language of the ADA's "General Rule" that prohibited discrimination against "a qualified individual with a disability because of the disability of such individual" to say that discrimination is prohibited against "a qualified individual on the basis of disability."

The expanded definition of "major life activities" is expanded under the ADAAA to include "major bodily functions." The statute itself contains a non-exhaustive list of "major life activities" that adds additional activities to those currently listed in the ADA and Section 503 regulations, and a non-exhaustive list of "major bodily functions" Specifically, the ADAAA provides that major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. It also provides that major bodily functions include, but are not limited to, functions of the immune system, normal, cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

The ADAAA has also expanded the scope of coverage under the "regarded as" prong of the definition of disability. An individual need only show that he or she has been subjected to an action prohibited under the statute because of an actual or perceived impairment. It is no longer necessary that the impairment be perceived by the employer to limit or "substantially" limit a major life activity. This impairment, however, cannot be "transitory or minor." A transitory impairment is defined by the ADAAA as an impairment with an "actual or expected duration of 6 months or less."

Mitigating measures which cannot be considered by an employer when assessing whether the employee or potential employee's impairment substantially limits the person's major life activities include medications, medical supplies, equipment, appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics, including limbs and devices, hearing aids and cochlear implants, or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavior or adaptive neurological modifications.

The ADAAA severely restricts an employer's ability to use qualification standards, employment tests, or other selection criteria that are based on a person's uncorrected vision. These standards can only be used if the employer can demonstrate that the requirement is job-related to the position in question and consistent with business necessity.

Crystal Springs will not discriminate against qualified applicants or employees on the basis of disability. The City will provide a reasonable accommodation to the known physical or mental limitation of a qualified applicant or employee with a disability unless the accommodation will impose an undue hardship on the City.

**Reasonable Accommodation:** The City of Crystal Springs endorses the clear mandate of the Americans with Disabilities Act to remove barriers, which prevent qualified individuals with disabilities from enjoying the same opportunities available to individuals with a disability with regard to any aspects of employment including recruitment, the application process, hiring promotion, demotion, layoff, recall, transfer, employee compensation, termination and all other terms and conditions of employment. Consistent with the above description of the provisions of the ADA, the City of Crystal Springs will provide reasonable accommodations to an otherwise qualified individual who can perform the essential function of a position as long as the reasonable accommodation does not impose an undue hardship on the City of Crystal Springs and the person's disability does not pose a direct threat to the health or safety of others in the workplace. All aspects of the City of Crystal Springs's policy on disabilities and reasonable accommodations shall be defined and construed consistent with the ADA and the case law and regulations promulgated there under.

The Americans with Disabilities Act (ADA) prohibits employers from discriminating against qualified individuals with disabilities in job applications procedures, hiring, firing, advancement, compensation, job training and other terms, conditions and privileges of employment. Title II of the ADA<sup>4</sup> prohibits state and local governments from discriminating against qualified individuals with disabilities. Section 504 of the Rehabilitation Act of 1973<sup>5</sup> prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance and in federally conducted programs. A person with a disability is one who:

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<sup>4</sup> Americans with Disabilities Act of 1990, Title II. 42 USC 12133-12134.

<sup>5</sup> Rehabilitation Act of 1973. 29 USC 793.

1. Has a physical or mental impairment that substantially limits one or more major life activities
2. Has a record of such an impairment
3. Is regarded as having such an impairment

**B.** A qualified employee applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in questions.

Reasonable accommodation may include, but is not necessarily limited to, the following:

1. Making existing facilities used by employees readily accessible to and usable by persons with disabilities
2. Job restructuring, modifying work schedules, or reassignment to a vacant position
3. Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials or policies, and providing qualified readers or interpreters

**C.** An employer under the ADA is required to accommodate the known disability of a qualified applicant or employee if it would not impose an “undue hardship” on the operation of the employer’s business. Undue hardships means an action that requires significant difficulty or expense when considered in light of factors such as the employer’s size, financial resources and the nature and structure of its operation. An employer is not required to lower quality or production standards in order to make an accommodation, nor is the employer obliged to provide personal use items, such as glasses or hearing aids.

## **D. HIPAA**

Since April 14, 2003, a federal law called HIPAA has protected the privacy of health information (called “PHI” or “protected health information”) that is developed and maintained by healthcare providers, employer/plan sponsors, and healthcare clearinghouses. The City of Crystal Springs, as a healthcare sponsor by providing healthcare insurance and workers’ compensation coverage, is covered by HIPAA.

Among other restrictions and requirements, under HIPAA, limitations are placed on the manner in which protected health information can be stored, the persons who can have access to protected health information, and the purposes for which the information can be used and disclosed. HIPAA privacy compliance is mandated. In order to ensure compliance, employers should:

1. Have their plans reviewed by legal counsel, and amended as appropriate
2. Implement policies and procedures as required by HIPAA
3. Execute all necessary agreements, including all business associate agreements
4. Provide all required notices and certifications
5. Train employees with access to protected health information

Generally, government-sponsored plans must comply with all of the provisions of HIPAA. The plan sponsor of a non-federal governmental plan, such as a state or local government employer, however, may elect to be exempted from any or all of the following requirements: (1) limitations on pre-existing condition exclusion periods, (2) special enrollment periods for individuals (and dependents) losing other coverage, (3) prohibitions against discriminating against individual participants and beneficiaries based on health status, (4) standards relating to benefits for mothers and newborns, and (5) parity in the application of certain limits to mental health benefits. However, even though a governmental employer may opt out of many of HIPAA's substantive requirements, it still must provide coverage certificates to individuals when they lose coverage. So, governmental employers should notify their employees of any discretionary decisions concerning HIPAA.

## **E. AGE**

It is unlawful for City of Crystal Springs to discriminate on the basis of age in programs and activities receiving federal financial assistance under the Age Discrimination Act of 1975<sup>6</sup>.

The Age Discrimination in Employment Act of 1967 (ADEA)<sup>7</sup> protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment.

## **E. RESIDENCY REQUIREMENT (See Attachment I/Resolution 1)**

All department heads shall be required as a condition of their employment, to have a place of residence in the 39059 zip code on the date of appointment or acquire such a place of residence within six months of the date of appointment.

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<sup>6</sup> 29 USC § 6101.

<sup>7</sup> 29 USC § 621.



## **POLICY 4          NEPOTISM POLICY: EMPLOYMENT OF RELATIVES**

Under Mississippi law, set forth in Miss. Code Ann 25-1-53 (Supp. 1994), it is unlawful for any elected or appointed official to appoint or employ, as an officer, clerk, stenographer, deputy or assistant who is to be paid out of Municipal funds, any person related by blood or marriage within the third degree, computed by the rule of civil law, to such official having the authority to make such appointment or contract such employment as employer. The City of Crystal Springs adheres to Mississippi law on the appointment of relatives to positions, and at such time as the provisions of this law are amended, the amendments will become immediately in force in the City of Crystal Springs.

Moreover, no employee of the City of Crystal Springs in any capacity can work in a department in which a member of his immediate family is employed. For purposes of policy, immediate family includes children, brothers, sisters, aunts, uncles, parents, grand relatives and in-laws of the employee or his spouse. Exceptions to this policy can be made in emergency employment situations and with the concurrent approval of the Board of Aldermen, but such appointments must have a specified, limited duration. This will not affect those persons employed at the time of adoption of this policy. A relative will not supervise a relative; however, a relative employed at the time adoption of the policy will keep his employment status.

## **POLICY 5                    ALCOHOL & DRUG-FREE WORKPLACE POLICY**

The City of Crystal Springs, Mississippi, certifies that it will maintain an alcohol and drug free workplace, and makes this certification as a material representation of fact upon which reliance will be placed when federal agencies determine to award grants, which certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 44 C.F.R Part 17, Subpart F. The City of Crystal Springs certifies that it will provide a drug-free workplace by:

**A.** Publishing a statement, which is embodied in this alcohol and drug-free workplace policy, notifying all employees of the City of Crystal Springs, Mississippi, that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the City of Crystal Springs's workplace, and that any employee who violates such prohibition will be subject to disciplinary action, including but not limited to written reprimand, suspension, or dismissal, subject to other applicable provisions of the Affirmative Action Plan, Personnel Policy and Procedures and Rules and Regulations Manual governing disciplinary action. It is also unlawful for employees of City of Crystal Springs to come to work with a blood alcohol content, or to bring alcohol of any kind into any workplace under the control of the City of Crystal Springs. The City has specific rules for drug and alcohol testing, which are contained within this Handbook.

**B.** Establishing a drug-free awareness program to inform the City of Crystal Springs employees about:

1. The dangers of drug abuse in the workplace
2. The City of Crystal Springs's policy of maintaining a drug-free workplace
3. Any available drug counseling, rehabilitation and employee assistance programs, including, but not limited to, programs and counseling available through the City of Crystal Springs Mental Health Center, the City of Crystal Springs Alcoholism Counselor, the judicial system of the City of Crystal Springs, Mississippi through the State of Mississippi, as well as through other agencies and departments
4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace
5. Notifying employees that those individuals who are not in compliance with the alcohol provisions of this manual are subject to the same penalties that may be imposed on those individuals who violate the drug-free policy
6. The City of Crystal Springs, Mississippi has given notice to all employees and posted notice of a hearing to allow all employees the opportunity to offer input, objections, or suggestions to the change in personnel policies and procedures and drug and alcohol testing policy prior to its adoption. (See Attachment II/ Resolution 2)
  - a. The personnel policies and procedures of the City of Crystal Springs, Mississippi is hereby readopted with the amendments set forth in this resolution.
  - b. The Department of Transportation Drug and Alcohol Policy of the City of Crystal Springs, Mississippi is hereby re-adopted with the amendments set forth in this resolution.
  - c. Any provision of personnel policies and procedures and Department of Transportation Drug and Alcohol Policy of the City of Crystal Springs, Mississippi which may be found to be invalid by any Court of competent jurisdiction shall be stricken and the remaining provisions shall remain in full force and effect.

d. All employees who are bonded by the City or who will be engaged in the handling of monies belonging to the public or the City, shall be required to have a background check and security clearance and a credit check if deemed necessary by the City.

e. All provisions of the of the City of Crystal Springs, Mississippi Department of Transportation Drug and Alcohol Policy originally adopted on 12.19.1998 and which apply only to City Employees who are drivers of commercial motor vehicles and who are subject to commercial driver's license requirements are hereby amended to include the following additional City employees:

- I. As a condition to employment, where the following categories of jobs are affected, or
- II. The employee is engaged in law enforcement, or
- III. The employee has drug interdiction responsibilities, or
- IV. The City offers a job position which requires the employee to do any of the following:
  - i. To carry a firearm
  - ii. Engage in law enforcement
  - iii. Are required to have a security clearance
  - iv. Gives employee access to sensitive information
  - v. Are required to engage in activities affecting public health and safety

7. The City finds and adjudicates that city employees who are covered under the drug and alcohol policy set forth above shall be deemed to be the following employees:

- a. All City transportation employees who are holders of commercial driver's license
- b. All sworn police department employees are engaged in law enforcement
- c. Police dispatchers who handle emergency calls from or to the public or police officers, or have access to sensitive information.
- d. Municipal Court Clerks and Deputy Clerks who handle public funds and who have authority to accept arrest warrants, monies, and supervise or control or have access to sensitive law enforcement information, files, or confidential court information.
- e. Public works employees who operate heavy equipment, weed eaters, power equipment, or who operate equipment on or near public roadways, streets or sidewalks used by the public.
- f. All water department employees are deemed to engage in activities affecting public health and safety.
- g. Wastewater treatment plant employees who use heavy equipment including tractors, bush hogs, weed eaters are deemed to be engaged in public health and safety.

h. Parks and Recreation employees who operate tractors, bush hogs, weed eaters, or exercise control over areas which must be safely used by children or the public, are deemed to be engaged in public health and safety.

i. All other employees engaged in activities affecting public health and safety.

8. All references in the current Department of Transportation Drug and Alcohol policy to "driver or drivers", "transportation employees" be expanded to mean and shall mean and shall also cover all additional employee set forth in Paragraph 4 and 5 of the City's Drug and Alcohol Policy.

9. The provisions of this resolution shall remain in full force and effect for all drivers of commercial motor vehicles and who are subject to commercial driver's license requirements. The provisions of this resolution which have expanded the policy to other City employees not currently covered by the policy shall be full force and effective thirty days from the adoption of this resolution.

10. All employees covered under this resolution shall be given a copy thereof immediately and all new hires shall be given a copy of the amended personnel policies and procedures and drug and alcohol test policies.

11. Violation of this policy shall be deemed to be employee misconduct and conduct unbecoming to an employee of the City either while on or off duty.

**C.** Making it a requirement that each employee of the City of Crystal Springs, Mississippi, who shall hereafter be engaged in the performance of any federal grant under which certification may be required by the regulations implementing the Drug-Free Workplace Act of 1988, 44 C.F.R. Part 17, Subpart F, be given a copy of the City of Crystal Springs Drug- Free Workplace Policy referred to herein above, whether or not he or she has already received the same. The City Clerk will note in the employee's personnel file on each date that an employee receives a copy of the City Drug-Free Workplace Policy.

**D.** Notifying all employees of the City of Crystal Springs, Mississippi that as a condition of employment under federal grant referred to hereinabove, the employee will:

1. Abide by the terms of the statement
2. Notify the City of Crystal Springs, as employer, of any criminal drug statue conviction for a violation occurring in the workplace no later than 5 days after such conviction.

**E.** The City of Crystal Springs will notify the appropriate federal agency or other agency within 10 days after receiving actual notice of such conviction.

**F.** The City of Crystal Springs will take one of the following actions, within 30 days of receiving notice with respect to an employee who has been convicted:

1. Take appropriate disciplinary/personnel action against such an employee, up to and including termination
2. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency

**G.** The City of Crystal Springs will continue to make a good faith effort to maintain a drug-free workplace through implementation of the above aspirational paragraphs.

## **POLICY 6 SAFETY POLICY**

The City of Crystal Springs adheres to the following safety policy:

1. The highest degree of safety shall be provided to employees at all times, and the same shall be afforded to the general public.
2. Municipal property and property of the general public will be protected and preserved.
3. All safety rules and regulations required by law shall be complied with.
4. All safety rules and regulations set forth in or sanctioned by this handbook shall be complied with.
5. The Municipal and all its employees will cooperate with safety managers associated with the Municipal's workers' compensation carrier and/or self-insurance fund.

### **A. SAFETY POLICY**

Each department head shall establish safety rules and regulations for his/her department. These rules and regulations will contain, at a minimum, the standard by which effective safety will be procured within the department. These safety rules and regulations shall be submitted to the City Clerk, who will review the same and approve or return it to the department head for further work. At such time as the departmental safety rules and regulations are approved by the City Clerk.

The rules will be submitted to the City of Crystal Springs Board of Aldermen for adoption and inclusion in the minutes of the Board.

1. All initial departmental safety rules and regulations established under this handbook shall be delivered to the City Clerk within 120 days of the date on which the handbook is placed in effect.
2. After departmental safety rules and regulations are adopted by the City of Crystal Springs Board of Aldermen and included in the minutes, the rules and regulations shall be reviewed periodically, and at least every 120 days, by each department head. A report of that review, and any suggested revisions of the rules and regulations, shall be delivered to the City Clerk.
  - a. Should a department head suggest revisions to the safety rules and regulations of his/her department during the course of a periodic review, or for any other reason, the City Clerk will act upon the suggested revisions as he/she would the initial submission, ultimately submitting the same to the City of Crystal Springs Board of Aldermen for adoption and inclusion in the minutes of the Board.
3. Periodic safety inspections shall be conducted by the department head or his designee at least every 120 days, and the report of inspection shall be delivered to the City Clerk. The report of inspection shall detail, at a minimum, each standard by which effective safety will be procured within the department, and the condition of the department with respect to the standard.
4. Department heads shall be held responsible for implementing all phases of the departmental safety programs.
  - a. Safety is not the responsibility of the department head alone. *Each individual employee* has the responsibility of identifying any hazardous working condition and bringing any such condition to the department head. The department head shall be responsible for evaluating the condition, which has been identified and take corrective action to eliminate the condition, if necessary.
5. The form for the report of safety inspection is made an exhibit to this handbook.

## **B. MISCELLANEOUS SAFETY ISSUES**

### **1. FIRE**

If a fire or smoke is detected, the employee should pull the nearest fire alarm, where applicable, and evacuate the building. Each employee should personally familiarize him or herself with the exact locations of fire alarms and/or fire extinguishers and exits as soon after his or her employment as possible.

When a fire alarm has sounded, employees should evacuate the building using the nearest stairwell. Do not use elevators in case of a fire alarm.

When evacuating the building, the last person out of each office should close the door behind him or her. Closing doors will help contain the fire.

Should the area an employee is in become filled with smoke, the employee should get down low to the ground and crawl to the nearest fire exit. Check doors before opening.

If a door is hot, do not open it unless absolutely necessary. The best practice is to find another exit.

After exiting the building, go to the location designated by your supervisor in order to be accounted for. DO NOT GO BACK INTO THE BUILDING until notified that the building is safe.

The City Clerk is responsible for organizing periodic fire drills.

## **2. SEVERE WEATHER**

If there is severe weather in the area, stay clear of windows and limit phone use until the weather clears. If time allows, attempt to shut off all electronic equipment. Should an emergency siren on the City's system sound, or a weather radio notify employees of severe weather, all employees should go to a designated location on the lower floor of the building and wait until notified that it is ALL CLEAR.

## **3. STATE OF EMERGENCY**

The Governor and/or the Mayor may declare a state of emergency for reasons of exigency. When a state of emergency is declared, non-essential personnel may leave. Essential personnel are required to stay. For purposes of this policy, essential personnel include employees who have been issued advanced written instructions by the appropriate department head deeming them as "required for the essential operation of the Municipal." These individuals will report to work at their regular time or at a time designated by the Municipal or the Board's designee.

Non-essential personnel are individuals who are not required to work when the Municipal is closed or opening during irregular hours due to a declared state of emergency. Individuals designated as non-essential are encouraged to stay at home and be prepared to report in when required by the Municipal or their department head.

All employees are requested to stay tuned to local radio and television stations where announcements will be made of the Municipal offices opening/closing due to a state of emergency. All non-essential employees should contact their department head as soon as possible after the conclusion of the emergency to get essential information regarding work.

## **4. TERRORISM**

Information regarding suspicious activity that may be related to terrorism should be reported to the Department of Homeland Security by contacting the City of Crystal Springs Chief of Police.

The United States Homeland Security counterterrorism website is an important resource for understanding the mission of Homeland Security, preventing terrorism, and the roles and responsibilities citizens have in helping to prevent acts of terrorism. Please familiarize yourself with <http://www.dhs.gov/keywords/counterterrorism>.



## **5. BOMB THREAT**

The following policy and procedure was developed to provide direction in a time of crisis. The outline will assist the contacted individual to take the necessary steps in getting the affected employees to safety as soon as possible, and to contact the appropriate administrative and security agencies and provide them with the most detailed information possible regarding the bomb threat.

### **THE RECIPIENT OF A BOMB THREAT SHOULD TAKE THE FOLLOWING ACTION:**

1. Take information from caller.
2. If threat indicates less than 20 minutes of detonation of device, use fire alarm system (if available) to evacuate and notify law enforcement (indicate not a fire).
3. If threat indicates more than 20 minutes of detonation of device, notify a senior staff person in your office.
4. That senior staff person must notify law enforcement and evacuate building.
5. The senior staff person is responsible for notifying all state agencies within threatened building to evacuate.
6. Notify department head and chief law enforcement officer of the City about the threat.

## **C. OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION (OSHA)**

OSHA neither has regulations nor jurisdiction over state, Municipal or municipal entities. Section (3) (5) of the Occupational Safety and Health Act of 1970 specifically excludes state and local governmental units from monitoring by Federal OSHA authorities.

OSHA protections are provided by state and local government employees if they work in a state that has an OSHA approved state program. To date, Mississippi has no OSHA approved state program for public employees.

## **D. WORKPLACE VIOLENCE**

The City of Crystal Springs seeks to provide a workplace environment for employees that is free from violence. No employee shall be allowed to harass any other employee or a member of the general public by exhibiting behavior including, but not limited to, the following: harassment, intimidation, threats, physical attacks, domestic related violence, stalking or engaging in activity resulting in property damage.

1. Harassment is engaging in actions that include, but are not limited to, abusive conduct, verbal abuse and/or behavior intended to frighten, coerce, or induce duress.
2. Intimidation is behavior or communication designed or intended to intimidate, menace, or frighten another person.
3. A threat is the expression of an intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional, future or verbal.



4. A physical attack is hostile physical contact or attempted physical contact such as hitting, fighting, pushing, shoving or throwing objects.
5. Domestic related violence is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, live together or date, or who have been married, lived together or dated.
6. Stalking is conduct that places a person in fear for his or her safety and includes any unwanted contact or action which directly or indirectly communicates a threat or places the individual in fear for his or her safety.
7. Property damage is intentional damage to property and includes property owned by the Municipal, employees, visitors or vendors.
8. The workplace environment consists of the building(s), grounds, lighting, and other considerations. It also includes the attitude the employees have about their belief that they will be safe at work. Any violation of the workplace violence policy will subject the perpetrating employee to termination.

## **POLICY 7                    MUNICIPAL VEHICLES**

IT IS THE INTENT OF THE BOARD OF ALDERMEN THAT THIS POLICY APPLY AND BE INCLUSIVE OF ALL MUNICIPAL VEHICLES THAT ARE INSURED THROUGH THE MUNICIPAL'S INSURANCE CARRIER.

A. The operating of City vehicles is a privilege. Municipal vehicles should be treated with care. The following list is not all inclusive, but should at least be use as a benchmark (See Attachment III / Resolution 3):

1. No unauthorized persons will operate or be transported in a Municipal vehicle. This includes unauthorized employees, family members and non-employees.
2. Municipal vehicles shall not be used for personal business.
3. No unlicensed driver or an individual with a suspended license shall operate any Municipal motorized property, even if the individual has been previously authorized to do so.
4. Each employee, who is authorized to operate a Municipal vehicle must immediately inform his/her supervisor if, at any time so authorized, he/she is the recipient of a motor vehicle violation of any type.
5. Each department head shall provide the City Clerk with a list of employees who are authorized to operate Municipal vehicles. The department head shall also provide the City Clerk with a photocopy of the front and back page of each motor vehicle license or certification held by the employee.
6. When an authorized employee receives a new driver's license for any reason, it is his/her responsibility to provide a copy of same to his/her department head.

7. The following City Employee Categories are designated to be emergency and/or on-call twenty four hours per day when not on their regular duty shifts and are directed to commute to and from work in City owned vehicles in furtherance of their employment if necessary:
- a. CHIEF OF POLICE: This Department Head is authorized to commute in a marked or properly unmarked Police Vehicle which has been designated by the City to be used for criminal surveillance. This vehicle is necessary to help enforce the law and for use in stakeouts.
  - b. SUPERINTENDENT OF PUBLIC WORKS: This Department Head is authorized to commute in a clearly marked, fully equipped, City pickup truck necessary to respond to water, sewer, and public works emergency repairs.
  - c. ASSISTANT SUPERINTENDENT OF PUBLIC WORKS: This Assistant Department head is authorized to commute in a clearly marked, fully equipped, City pickup truck necessary to respond to water, sewer, and public works emergency repairs.
  - d. SUPERINTENDENT OF WASTEWATER TREATMENT PLANT: This Department head is authorized to commute in a clearly marked, fully equipped, City pickup truck necessary to respond to sewer emergencies and to assist the public works department in emergencies.
  - e. OPERATOR OF PEST CONTROL VEHICLE: During Summer months when the clearly marked pest control vehicle is being used out of normal working hours, the operator of the vehicle is authorized to take the vehicle home at the discretion of the Department Head.
  - f. FIRE CHIEF: This Department head is authorized to commute in the clearly marked, fully equipped Crystal Springs Rescue Unit Van or vehicle which is manned twenty four hours per day for use in EMT/Fire Department emergencies.
  - g. ASSISTANT SUPERINTENDENT OF WASTEWATER TREATMENT PLANT: The Assistant Department Head is authorized to commute in a clearly marked, fully equipped, City pickup truck to respond to sewer emergencies and to assist the public works department in emergencies in the Superintendents absence at the discretion of the Department Head.
  - h. DIRECTOR OF PARKS AND RECREATION: The Director of Parks and Recreation has multiple duties involving City programs, recreation centers, and swimming pool which requires after shift work. The Director of Parks and Recreation is authorized to commute in a clearly marked, fully equipped, City pickup truck or vehicle.
  - i. SPECIFIED POLICE DEPARTMENT PERSONNEL: The Detective or Criminal Investigator and K9 Handler are authorized to commute in clearly marked or designated

unmarked police vehicles used for undercover police work or undercover operations. The Detective or Criminal Investigator and K-9 are authorized to commute in police marked and unmarked vehicles.

j. OTHER SPECIFIC PERSONNEL: At the express direction of the Mayor or City Official designated to authorize travel, other City personnel are authorized to use and commute in clearly marked City vehicles in specific limited circumstances where it would be impractical or a hardship for the City vehicle to be returned to the City such as overnight travel to seminars, court, meetings, early or late meetings, etc.

#### B. RESTRICTION ON PERSONAL USE OF VEHICLES

1. Use of a City owned vehicle by employee family members and non-city employees is prohibited except where authorized in this policy. If the employee is attending a City approved convention, meeting, or function where employee family members are authorized or expected to attend, the non-employee or family member's traveling in the vehicle is not prohibited. However the family member or non-employee shall not operate the vehicle. A non-employee may ride as a passenger in a City vehicle where the non-employee is a passenger whose travel is related to City business, a City function, and the passenger's use is not personal by the City employee.

2. Use of a City owned vehicle during work hours or after work hours for personal tasks, personal errands, and vacation trips is prohibited, other than small de minimis personal task incidental to City use.

3. Storage of personal possessions not directly related to the employees job or storage or transportation of alcoholic beverages in a City owned vehicle is prohibited.

4. Use of the City owned vehicle outside of normal working hours (other than use directly connected with City employment) is limited to 10 miles per day.

5. All City employees using City vehicles at work or commuting must possess a current valid Mississippi driver's license. Any employee who operates a City motor vehicle is directed to immediately report to his Department Head/Mayor any arrest and/or conviction for violation of any offense which may result in the suspension or revocation of his Driver's License. Any employee who operates a City motor vehicle is directed to immediately report to his Department Head/Mayor the revocation or suspension of the employee's driver's license.

6. Use contrary to Mississippi State Law, Mississippi State Audit Department regulations and City of Crystal Springs, Mississippi rules and regulations is prohibited.

## **POLICY 8                    ETHICS IN EMPLOYMENT**

The City of Crystal Springs employees may not use their positions for personal gain or to give unwarranted benefits or treatment to any persons. For the purpose of the Municipal's ethics policy, the following definitions apply:

**Benefit:** Anything that furthers a person's financial interest or from which a person hopes to gain in any way.

**Confidential Information:** Information which by law or practice is not available to the public.

**Financial Interest:** Any property ownership, management, professional or private interest from which the employee (or family or household member) receives a financial benefit.

**Official Position:** An office or post of authority in the Municipal government for which one has been hired.

**Person:** Any man or woman, firm, association, corporation or partnership.

The City of Crystal Springs employees may not misuse their official position by securing employment or obtaining contracts from other organizations; accepting pay from anyone other than the City for the performance of official duties; taking or withholding official action on a matter in which they have an outside personal or financial interest; using Municipal time, equipment, property or facilities for personal and/or financial benefit; or coercing subordinates in any manner which will result in outside financial benefit to the supervisor.

### **A.        APPEARANCE OF IMPROPRIETY**

City employees should be especially careful to avoid using, or appearing to use, an official position for personal gain, giving unjustified preferences, or losing sight of the need for efficient and impartial decision making in the Municipal's method of operation. No act should be committed which could result in questioning the integrity of Municipal government.

### **B.        CONFLICT OF INTEREST**

Employees are not to engage in any activity in either a private or official capacity where a conflict of interest may exist. A Municipal employee's first loyalty should be to the public's interest. Associations, dealings or interests that could affect an employee's objectivity in performing the employee's job or in making the decisions required of the employee's position should be avoided. However, employees are encouraged to participate in professional and civic organizations if such participation does not adversely affect the employee's role as a public employee.

## **C. GIFTS**

City employees may not solicit or accept gifts of any value that benefit the employee's personal or financial business if it can be reasonably inferred that the gift is intended to influence the employee's action or judgment. Any gift with a value of greater than \$50 that is received by an employee whose actions can affect the giver must report the gift to his or her supervisor immediately. The term "gift" for the purposes of this section includes money, items of value, services, loans, travel, entertainment, hospitality and employment.

## **D. IMPROPER USE OR DISCLOSURE OF INFORMATION**

No City employee may use or disclose any information gained from City employment if the use or disclosure could result in a financial or personal benefit to the employee, a family or household member, or a member of the public unless the information has already become public as a result of authorized Municipal dissemination. No current employee may use or disclose confidential information acquired during employment for any purpose whatsoever.

## **E. IMPROPER INFLUENCE**

No City employee or immediate family or household member whose action or inaction can affect the award or administration of a Municipal grant or contractor loan, may apply for, be a part, or have any interest in that Municipal grant, contract or loan.

## **F. IMPROPER REPRESENTATION**

No City employee may accept outside payment or financial benefit to represent, advise, or assist an individual in any matter being handled by the employee's administrative unit.

## **G PROCEDURE FOR NOTIFICATION OF POTENTIAL VIOLATION OF SECTIONS OF ETHICS POLICY**

When a City employee is involved in a situation which may be in violation of the City's Ethics Policy, the employee must not take official action related to that situation and must immediately disclose the matter in writing to the supervisor. The supervisor will provide a written determination of whether a violation exists or will exist. The supervisor may then reassign duties to avoid the violation, direct the removal by the employee of the conflicting personal or financial interest, or seek another reasonable solution. The supervisor will then provide a written report to the City Clerk within 5 days of taking such action. If a City employee fails to notify his or her supervisor of a potential violation, or the supervisor, after being notified, fails to take action, either or both may be subject to disciplinary action, up to and including termination. All employees should familiarize themselves with all of the provisions of the Ethics in Government statutes found in Chapter 4 of Title 25 of the Mississippi Code of 1972, as amended. Violations of these standards could result in censure, removal, suspension, reduction in pay, demotion, or a civil fine of not more than \$5,000 as set forth under § 25-4-31 (3) of the Mississippi Code of 1972, as amended.

## **POLICY 9                    POLITICAL PARTY ACTIVITY**

City government must be conducted in an atmosphere free from political influence or coercion.

### **A.        POLITICAL CONTRIBUTIONS AND SERVICES**

No City employee may be obliged, by reason of his or her employment, to contribute to a political fund or to render political service, and he or she may not be removed or otherwise prejudiced for refusal to do so.

### **B.        USE OF OFFICIAL AUTHORITY OR INFLUENCE TO COOERCE POLITICAL BEHAVIOR**

No City employee may use his or her official authority or influence to coerce the political action of a person or body.

### **C.        FAIR TREATMENT OF APPLICANTS AND EMPLOYEES**

The City of Crystal Springs will assure fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation.

### **D.        FREEDOM FROM POLITICAL COERCION**

The City of Crystal Springs will assure that employees are free from coercion for partisan or political purposes.

### **E.        INFORMING EMPLOYEES OF POLITICAL ACTIVITIES LAWS**

Each department head will inform all of his or her employees of which political activities are permitted or prohibited by law on a regular basis, particularly at the commencement of periods of political activity that precede voting opportunities.

### **F.        VIOLATIONS OF PROVISIONS RELATIVE TO POLITICAL ACTIVITIES**

Any employee in the City who violates any of the provisions of this section may be subject to appropriate disciplinary action.

### **G.        GRIEVANCE RELATIVE TO POLITICAL ACTIVITIES**

Any applicant or employee who believes he or she has been discriminated against on the basis of political affiliation or unlawful political activity affecting Municipal employment may utilize the City's grievance procedure.

## **H. PROHIBITED POLITICAL ACTIVITY**

Mississippi law prohibits any Municipal employee from attempting to direct or coerce any other employee to vote or not to vote and from either discharging or threatening to discharge, changing the salary of, or promoting or demoting any employee because of the employee's vote or failure to vote for any particular candidate or group of candidates. State law further prohibits any Municipal employee with the authority to employ or discharge other employees from giving out or circulating any statement or report that is calculated to intimidate, coerce, or otherwise influence any employee as to the employee's vote. If any such statement or report is circulated, the Board of Aldermen must publicly repudiate the statement or will be deemed to have circulated the statement.

All Municipal employees are also prohibited from requesting, directing or allowing any employee to canvas for or otherwise render any services for or against any candidate or group of candidates during working hours or while an employee is on vacation or other leave of absence at the expense of the agency. No Municipal employee, at the expense, in whole or part, of his or her employer, may take any part whatsoever in any election campaign except the time necessary to cast his or her vote. No one who has any control over, directly or indirectly, the expenditure of any public funds in the State of Mississippi may suggest or intimate either publicly or privately that any such expenditure will in any way depend on or be influenced by the vote of any person or groups of persons.

No person may, in order to promote his or her own candidacy or that of any other person for public office in Mississippi, directly or indirectly promise to appoint or secure or assist in securing the appointment, nomination or election of another person to any public position or employment or the employment of any person under any public contract or the expenditure of any public funds in the personal behalf of any particular person or group. However, a candidate for election may publicly announce his position in relation to an election in which he may be called on to take part if elected.

The federal "Hatch Act," 5 U.S.C. § 1501 and following, covers individuals employed by state or local agencies receiving federal loans or grants whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a federal agency, but does not include (a) an individual who exercises no function in connection with that activity; or (b) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a state or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization. The Hatch Act regulations which are applicable to state and local employees may be found in the Code of Federal Regulations at 5 C.F.R. § 151.101 and following. In cases where the Hatch Act is applicable, the Municipal may additionally place more strict prohibitions on the political activity of its employees.



## **POLICY 10      SYSTEM OF PRIVACY**

City employees have NO expectation of privacy in their work premises. All Municipal property, including an employee's workstation, all physical storage areas and all electronic storage areas, including all software and data on all computers, voicemail and email, are subject to access and inspection at any time by management, other employees or third parties designated by management. Because management may access or inspect an employee's work area at any time to find materials or obtain information, employees should not store any personal documents or materials on or in Municipal property where they can be seen or read by others.

### **A.      RIGHT TO SEARCH**

City of Crystal Springs reserves the right to conduct reasonable searches on, in or of Municipal property and on Municipal premises including, at any time, locked and unlocked areas, for any reason related to the operation of Municipal business. Consent by the employee is implied and lack of cooperation or refusal to permit a search can result in immediate discipline, including termination.

The City or any department thereof, as determined by the department head, may conduct inspections or searches for illegal drugs, weapons, explosives, contraband or other prohibited materials on, around or in Municipal property, at any time, without notice, whenever there is a reasonable basis to believe that an employee may be in the possession of such materials in violation of policy. Inspections or searches for prohibited materials may be conducted by any member of management, including department heads, an independent person appointed by management, law enforcement representatives, or by the City with its own personnel. The right to conduct routine searches of Municipal premises is in addition to the right of an agency to access all Municipal property without requiring consent of the employee.

### **B.      MUNICIPAL BULLETIN BOARDS**

The City is required to maintain bulletin boards that hold information relevant to its employees (e.g., EEOC information, Workers' Compensation information, etc.). These items are required to be posted by state or federal law and shall not be removed unless immediately replaced with an updated version.

All employment openings will be posted on the bulletin boards.

Any changes or additions to materials posted on a bulletin board must be approved in advance by the department head in charge of the facility at which the bulletin board is located.

Employees are responsible for keeping themselves informed of all communications posted by the City on the bulletin board. The City will not be held responsible in the event employees fail to keep themselves informed.

There will be no postings of private messages of any sort on City bulletin boards.



## **C. SOCIAL MEDIA POLICY**

The City views social media as a tool for allowing employees to organize their social life. Therefore, access should be allowed only during break times.

Usage of social media on Municipal computers or other data carriers (phones, pads, etc.) is not allowed without special authorization in order to update pages that the Municipal controls. No Municipal employee may act to update the same without the updates being approved by the City Clerk.

There is no expectation of privacy when using a Municipal computer or other Municipal-owned data carrier. Private use may be monitored.

Posts on social media may lead to employee termination if the employee has posted derogatory comments about the City generally, Municipal officials, co-workers or citizens of the City. While the City recognizes free speech, it is the Municipal's obligation to strike a balance between the employee's private life and the employee's obligations towards their employer. By accepting employment with the Municipal, the employee must take care when posting personal information referring to their employer or job. Good judgment is required. The City does not desire to chill employees' rights to discuss situations or conditions arising from employment with the City; however, the City requests discretion. The City anticipates that employees will use judgment and filters on language when contemplating posting something related to their employment. Before posting a complaint on social media, the City requires that the complaint be brought to the potential poster's supervisor for consideration.

Any posting of disloyal or defamatory statements unrelated to work activities (e.g., a co-worker's weight, etc.) should be avoided. Courtesy is a requirement of the workplace and a fundamental criterion of employment with the City.

## **D. COMPUTER USAGE (See Attachment IV / Resolution 4)**

### **1. PURPOSE AND FUNCTION**

1.01 The City maintains intranet and internet access for its employees for the purpose of improving productivity, professional development, and the level of services to the people of our community.

1.02 The City network (which includes City-owned or leased local and wide-area networks, the internet and the World Wide Web, and the computers connected to them, hereafter referred to as "the system") is not a public access service, nor is it a public forum and is not for private use of the employees. The City has the right to place reasonable restrictions on the material you access or post through the system. You may not use the system for commercial purposes. This means you may not offer, provide, or purchase products or services through the city system, except for products or servicing directly related to your official duties.

### **22. UNACCEPTABLE USES**

The following uses of the city system are considered unacceptable:

#### **2.01 Improper Access or Hacking**

You will not attempt to gain unauthorized access to the city system or to any other computer system through the city system, or go beyond your authorized access. This includes attempting to log in through another person's account or access another person's file. You will not make deliberate attempts to disrupt the computer system or destroy data by spreading computer viruses, worms, trojan horse, trap door program, key logger, or by any other means. You will not use City system to engage in any other illegal act.

#### **2.02 System Security**

You are responsible for your individual account and must take all reasonable precautions to prevent others from being able to use your account. Under no conditions should you provide your password to another person (except as set forth in this policy.) You will immediately notify the system administrator if you have identified a possible security problem. (Do not go looking for security problems, because this may be construed as an illegal attempt to gain access.)

### **2.03 Inappropriate Language**

Restrictions against inappropriate language apply to public messages, private messages, and material posted on Web pages. You will not use obscene, profane, lewd, vulgar, rude, inflammatory or threatening language. You will not post information that could cause damage or a danger of disruption. You will not engage in personal attacks, including prejudicial, racist, sexist, or discriminatory attacks. You will not harass another person. If you are told by a person to stop sending them messages, you must stop. You will not knowingly or recklessly post false or defamatory information about a person or organization.

### **2.04 Respecting Resources Limits**

You will not post chain letters or engage in "spamming". Spamming is sending an annoying or unnecessary message to a large number of people. You will check your e-mail frequently and delete unwanted messages promptly.

Video and audio live streaming use significant amounts of bandwidth. You will not use video or audio streaming programs unless it is necessary for the performance of your official duties. Downloading or installing games or entertainment software is specifically prohibited.

### **2.05 Copyright**

You will respect the rights of copyright owners. Copyright infringement occurs when you inappropriately reproduce a work that is protected by a copyright. If a work contains language that specifies appropriate use of that work, you should follow the expressed requirements. If you are unsure whether or not you can use a work, you should request permission from the copyright owner.

### **2.06 Inappropriate Access to Material**

You will not use the city system to access material that is designated for "adults only" or is profane or obscene (pornography), that advocates illegal or dangerous acts, or that advocates violence or discrimination towards other people (hate literature). This provision does not apply if you are assigned by a supervisor to access such material for reasons directly related to your job. (e.g., prosecutor or detective.) NOTE: The city monitors internet traffic. See the discussion of privacy rights below.

### **2.07 Unsafe Material**

All computers are vulnerable to viruses - malicious code which destroys data or programming. You should not download anything from any site you are not convinced is safe. Any attachment to an e-mail received from an unknown source should be

portable drive without opening it and scanned for virus and malware prior to opening. Be aware that "free" software, including screensavers and non-approved virus protection are known sources of malware.

## 2.08 Other Illegal Activity

You will not take any other action by or through the system or any part of the system which is otherwise illegal, including, but not limited to gambling, trafficking in narcotics or the making of threats. Examples of prohibited conduct include file sharing of restricted or copyrighted internet download of copyright music, video, software, movies, books and pictures.

## 33. PRIVACY

3.01 The system is funded with tax dollars, solely for public purposes. As such, almost all communications are public records. Therefore the city reserves the right to monitor your use of the system, any communications over it, and examine the computer and its contents at any time. **THERE IS NO RIGHT OF PRIVACY.**

3.02 Routine maintenance and monitoring of City system may lead to discovery that you have violated this policy, work rules or the law. The City may at any time install and use monitoring software that may copy all user activity.

3.03 The city will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through City system.

3.04 In the ordinary course of its business and for legitimate reasons of management or of security, the city may, at its sole discretion and without prior notice:

- a) Peruse, read, copy, reproduce, print, use, communicate, keep, move, store or destroy, in whole or in part, the information, messages, files or data located in the internet network access system or emanating therefrom, whether or not such information, messages, files, or data have been created, received or kept by the user with the help of said system;
- b) Monitor in real or deferred time, using any technical means, access to the internet network and the use thereof by the user, whether or not the user is aware of being monitored;
- c) Intercept or record any transmission, communication, or work session, whether or not the user is aware such interception or recording is taking place.

## 44. E-MAIL

4.01 E-mail is for public purposes. The city system should not be used for purposes of forwarding chain letters, jokes, or other inappropriate material unrelated to your employment.

- 4.02 E-mail is maintained on the city system, not simply on your personal computer. It also may reside on several intermediate nodes not under the city's control, and may be subject to interception by third parties during transmission. REMEMBER, THERE IS NO RIGHT OF PRIVACY REGARDING YOUR E-MAIL. As such, e-mail communication should be conducted in such a manner as speech in a public place

## **5. PERSONAL USE**

- 5.01 Like local phone service, no additional costs are incurred by the city for use of the internet. Therefore, limited personal use of the internet is not prohibited, in accordance with the other terms and conditions of this policy, and to the same extent that personal, local telephone calls are appropriate.
- 5.02 You are not to take any action using the city system which would result in any charge accruing to the city, without specific authorization from the appropriate authority.

## **6. SYSTEM ADMINISTRATOR**

- 6.01 The City Clerk shall be the designated System Administrator.
- 6.02 Unauthorized access - the employee will report to the System Administrator any attempted unauthorized access to the system such as suspected hacking of your account, suspected virus, malware incident or unauthorized access to your account.
- 6.03 Installation of software and downloads - The user must notify the system administrator prior to installing any non-city supplied software or downloads. No employee may install encryption software on the system without the consent of the System Administrator. All city supplied software and law enforcement packages and Department of Justice software is pre-approved.
- 6.04 Passwords - The System Administrator will maintain a master file of all user names and passwords for log in to the system or the internet. Prior to using the system, each user must notify the System Administrator of all user names and passwords, or login information to be used.
- 6.05 Termination of employee - employee who terminates from the City must ensure that the City has full unlimited access to the employee's computer. An employee who terminates in violation of this policy will pay the City all reasonable costs incurred by the city to gain full unlimited access to the employees' computers and files.

**77. DISCIPLINE**

- 7.01 This policy is intended to be treated as a city work rule. Violation of this policy may subject you to discipline, up to and including dismissal.

**88. EFFECTIVE DATE**

- 8.01 This policy was passed by the Board of Aldermen on October 4, 2011. The effective date will be October 10, 2011. It shall be the responsibility of and the duty of the employee to remove any personal, confidential, or offending data from City computer prior to the effective date. Any offending data or files discovered after the effective date shall be a violation of this policy. It shall not be a defense that the offending data or file was placed on the computer prior to the effective date.
- 8.02 Prior to the effective date, all users must report all user names or log in names and passwords to the system administrator. Any time a user name or password is changed, the change must be reported to the system administrator.

## **Chapter 2**

### **EMPLOYMENT PROCEDURES**

#### **A. ADMINISTRATION & RECRUITMENT**

##### **1. ADMINISTRATION**

The City Clerk shall have overall responsibility for the recruitment, examination, and record-keeping of all applicants for positions within the City. The selection and placement of applicants for appointment to permanent positions shall be recommended by department heads with the approval of the City Clerk, subject to approval by the Board of Aldermen and spread upon the minutes of the Board. The Board of Aldermen has authorized the Mayor and City Clerk to maintain supervision, authority and control over all Municipal employees, pursuant to *Miss. Code Ann. §19-2-9 (1972) (as amended)*.

##### **2. RECRUITMENT**

The City Clerk shall publicize vacancies as soon as they occur in order to recruit the best available applicant for the existing position. Current employees will be advised of job openings so that they may apply for positions which offer promotional opportunities. However, the City of Crystal Springs does not have a preference of hiring from inside Municipal employment, and seeks at all times the best available applicant.

##### **3. DEPARTMENT HEAD RESPONSIBILITY FOR RECOMMENDATION OF CANDIDATE FOR EMPLOYMENT**

When a vacancy occurs in a department, or a new position is created and must be filled, the department head shall consider all qualified applicants and shall select the best applicant(s) to fill the vacancy based on the following criteria established by the City of Crystal Springs Board of Aldermen:

- a. Work experience
- b. Appropriate educational background and/or training
- c. Interview performance
- d. Job-related performance tests (if required)
- e. Work references
- f. Veteran's preference

The department head shall make a selection to recommend for hiring, but shall issue no offer of employment until the City Clerk has examined the recommendation and, in his/her discretion, presented the recommendation to the Board of Aldermen for hiring and spread the act of hiring on the minutes of the Board.

All documents associated with the application, investigation and hiring of all employees will be submitted to the City Clerk in order to assure the completeness of Municipal personnel files.

## **B. APPLICATION PROCESS**

The City has set forth standardized procedures for processing applications, uniformly evaluating training and experience, administering examinations, maintaining lists of eligible applicants, and certifying eligible applicants for service positions.

Be advised that an applicant's educational or work history may be investigated by the City Clerk or his or her designee in order to confirm veracity. Investigative procedures may include, but are not limited to, contacting present and previous employers and/or schools, colleges or other institutions in order to verify information submitted by the applicant.

Should the City Clerk, after investigation, discover that submissions or information provided has been falsified, he or she will remove the applicant from consideration. Should it be determined that a Municipal employee, who has already been hired has falsified documents or provided inadequate or untrue information in support of his or her hiring may result in dismissal, suspension for up to 30 days, demotion to any previous position and pay level, or a combination thereof.

Employment offers may be made on a conditional basis. Conditional offers may be contingent on successful completion of criminal background checks, certification and education verification, credit and/or reference checks and other various employment related testing, including polygraphs, and non-medical psychological assessments. When acceptable information is received in the pre-employment process, candidates will be made a final offer.

Post-offer substance screens, physicals and medical psychological assessments may be required. Final offers are subject to passing mandated post-offer assessments.

The City Clerk may automatically remove from consideration the application of an applicant if the applicant:

1. Is found to lack the minimum qualifications described in the job description
2. Has used, or attempted to use, political influence or bribery to secure advantage in consideration for appointment
3. Has made a false or misleading statement of any material fact or has practiced, or attempted to practice, deception or fraud in the application or examination

In the event that no qualified applicant applies for a position opening, the Human Resources officer and the department head shall determine what, if any, action should be taken to secure qualified applicants or fill the position vacancy according to these rules.

The City Clerk shall post and notify all applicants of City policy regarding disabilities and shall make this policy available in alternative formats upon request.



## **C. REQUEST FOR ACCOMMODATION**

When a request for accommodation is received from an applicant, the City Clerk will discuss the needed accommodation and discuss possible alternatives with the applicant. The City Clerk is entitled to know that an individual has a covered disability that requires a reasonable accommodation. Therefore, the Human Resources Department may ask for information about the disability including:

1. The nature, severity and duration of the impairment
2. The activity or activities that the impairment limits
3. The extent to which the impairment limits the individual's ability to perform the activity or activities/
4. Why the individual requires reasonable accommodation or the particular reasonable accommodation requested, as well as how the reasonable accommodation will be effective
5. If the disability and/or need for accommodation is not obvious, or if information already submitted by the individual is insufficient for the City to make these determinations, then the employee requesting the accommodation may be asked to supply additional information.

The City Clerk will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided. If the accommodation is not approved, the City Clerk will inform the applicant of the reason for denial, in writing, within 3 working days of the decision.

## **D. ORIENTATION**

Orientation and training programs are conducted to familiarize new employees with the City of Crystal Springs. Each new employee shall participate in orientation and training programs as required by his or her supervisor. As part of orientation, a Municipal representative will explain the employee's position and salary and City of Crystal Springs's benefits and personnel policies. The employee will be given a copy of the Employee Handbook and will be given an opportunity to ask any questions that he or she may have. Employees will be required to provide a document acknowledging that they have received a copy of the handbook; this is a post-employment requirement. This acknowledgement will be placed in the employee's personnel file.

## **E. TYPES OF EMPLOYMENT**

### **1. PROBATIONARY EMPLOYEE**

Each newly hired employee (including those previously employed by the City) hired as a prospective regular employee shall be considered a probationary employee during his/her initial 6 month period of employment, during which time, the employee shall go through orientation, training, and continuing evaluation.

Newly hired probationary employees shall be subject to discharge at any time within the probationary period, with or without cause.

If retained by the City at the end of the initial 6 month period of employment, the probationary employee may be promoted to regular status and acquire all applicable benefits extending retroactively to his/her employment date. The grant of retroactive benefits extending shall include annual/personal leave and sick leave earned during the probationary period according to the accrual schedule by the City of Crystal Springs.

If a probationary employee quits or is discharged for any reason, the employee is not eligible for any benefits associated with regular employment with the City of Crystal Springs.

The purpose of this probationary period is to allow the supervisor of the employee to determine work habits, attendance and efforts and evaluate whether the employee can and is motivated to perform the job for which he/she is hired. This period of time protects the individual and the City from a prolonged association, which is unprofitable to either.

## **2. PERMANENT APPOINTMENTS**

Each employee, who has successfully completed the 6 month probationary period will be subject to permanent appointment upon the written notification of satisfactory performance submitted by the department head to the City Clerk, who shall be responsible for converting the probationary status to permanent status.

## **3. TEMPORARY APPOINTMENTS**

On occasion, the City may require temporary positions to be filled. It is the determination of the City of Crystal Springs Board of Aldermen that temporary employment may not exceed 120 working days. After 120 working days (or sooner if the work is completed) the employee may be terminated or may be granted full-time status if he/she has demonstrated successful performance of the job and if a position is available.

Conversion of a temporary appointment to a permanent appointment shall occur by the same process as is utilized at the end of a probationary period. Temporary employees do not receive benefits of full-time employees, except that they receive the benefit of Municipal holidays, which occur during the period of their temporary appointments.

## **4. SEASONAL APPOINTMENTS**

On occasion, the City may require seasonal appointments to serve, for example, during summer recreational programs. Seasonal appointments are essentially temporary appointments and fall under the regulations to which temporary appointments are subject.

## **5. PART-TIME APPOINTMENTS**

The City may require part-time employees to carry out a portion of the City's function. Part-time employment indicates that an employee is to work for the City on a continuing basis, but will devote less than 100 % of the normal time required for a full-time employee of the particular position for which he/she is hired.

## **6. VETERANS' PREFERENCE**

Veterans who are disabled, who served on active duty in the Armed Forces during specified time periods or in military campaigns are entitled to preference over other applicants, including retention in reduction of force [RIF] situations. The Board has determined that any applicant serving in the United States Armed Forces or any current employee, who has served and who is seeking promotion is eligible for a veteran's consideration.

## **F. EMPLOYMENT REQUIREMENTS**

### **1. PROOF OF AGE AND CITIZENSHIP**

In order to be employed by the City of Crystal Springs, you must furnish proof of your age in order to qualify for benefits and you must furnish proof of citizenship. City of Crystal Springs reserves the right to hire U. S. citizens or an individual with a valid work visa. The best evidence of age and citizenship is a birth certificate. In addition to your birth certificate or some other suitable document, you will be required to furnish your social security card and driver's license or other photo ID for copying. The copies made will be placed in your personnel file.

### **2. E-VERIFY**

The City of Crystal Springs participates in the E-Verify system in order to verify citizenship of its employees and potential employees. Participation has been required by law since 2008. The Mississippi Employment Protection Act requires all Mississippi employers to use E-Verify with new hires. The City of Crystal Springs has the obligation to obtain a Form 1-9 for each new employee. Information obtained on Form 1-9 will be entered into the E-Verify system. If the information matches, then the employee is eligible to work in the United States and, thus, in the City of Crystal Springs.

If there is a mismatch, E-Verify alerts the City of Crystal Springs and the City will allow the employee to work while he/she resolves the problem. The employee must contact the appropriate federal agency to resolve the problem within eight (8) federal government work days from the referral date. If the employee fails to do so, or if the employee is determined to be "not cleared to work" the offer of employment will be deemed void as the employee is not eligible for employment.

Assuming that an individual is eligible for employment under E-Verify, the Immigration and Nationality Act prohibits employers (when hiring, discharging or recruiting) from discriminating because of national origin against U. S. citizens, U. S. nationals, and authorized aliens or discriminating because of citizenship status among U. S. Citizens, U. S. nationals and the following classes of aliens with work authorizations: permanent residents, temporary residents, refugees and asylees.

## **G. EMPLOYEE PHYSICALS**

All selected applicants must pass a physical examination in order to become full-time employees. The examination is given at City expense, by a physician of the City's choice, and the results are kept strictly confidential. As a condition of employment, the City may require an applicant to have additional medical examinations at the City's expense whenever, in the opinion of the City Clerk, such necessity arises.

## **H. TRAINING PROGRAMS**

The City of Crystal Springs has the discretion to require that each employee attend and successfully complete training programs related to the employee's job. Each employee must attend all training programs at a time required by the City of Crystal Springs or Mississippi law and must successfully complete the required training within the time limits prescribed or be subject to termination. Each employee who is required to maintain a certification for his job must maintain the certification or be subject to termination.

## **I. BASIC PERSONNEL RECORDS**

In 1996, the Mississippi Legislature passed the Local Government Records Act, Code § 25-6060-1, et seq., creating an office within the Mississippi Department of Archives & History (MDAH) and a committee to establish procedures for local governments to better manage their records. The Local Government Records Office is charged with the following duties:

1. Provide and coordinate education and training for counties and municipalities on records management issues
2. Establish records management standards to guide counties and municipalities, such standards to include, but not be limited to, guidelines for microfilm production and storage, electronic records security and migration, records preservation, imaging, and records storage
3. Prepare records control schedules for adoption or amendment by the Local Government Records Committee established in § 25-60-1 (In the preparation of the schedules and amendments thereto, the office shall seek input from interested citizens and organizations.)
4. Establish standards for records storage areas of local governmental bodies, such standards are to include, but not be limited to, guidelines for the selection of an off-site storage facility for records of enduring or archival value

Approved records control schedules, or records retention schedules, have the force of law and the City of Crystal Springs follows the guidelines established by the Department of Archives and History. The City of Crystal Springs also has the authority to dispose of records not otherwise

covered. Approved records retention schedules for counties, municipalities, school districts, libraries, and airports are located on the MDAH website:

<http://mdah.state.ms.us/recman/schedulemain.php>.

In addition to requirements of the schedule established by the Department of Archives and History, the City of Crystal Springs maintains a file on each individual, who is employed by the City or performs duties in and for the City by the City Clerk. This is the *official* personnel file and it remains in the custody of the City Clerk. This file contains the following information:

- Name and address of employee
- Copy of application(s) for employment
- Social security number and copy of social security card
- Copy of valid Mississippi driver's license
- Date of birth
- Department where employed
- All applications for leave
- Title or position held and rate of pay
- Date and character of each employment and every subsequent change in work status
- Other data concerning the employee's attendance and work performance
- Certificate or other documentation reflecting attendance at job-related training
- State tax withholding form
- W-4
- 1-9
- The results of any Municipal required physical, medical testing, or alcohol or drug scan
- Signed copy of a receipt reflecting the date on which the employee received his or her copy of the employee handbook.

For purposes of **disaster management**, the cell phone and other appropriate contact information of the employee's next of kin or designated contact individual *is required*. The proper handling of many matters of personal importance to you requires that your personnel record be accurate at all times. Each employee is required to promptly report any change in name, address, telephone number, marital status, number of dependents, military status, etc. The accuracy of these records is particularly important in the case of mailing checks, W-2 forms, insurance payments, etc.

You will be allowed to inspect your file at any time that is convenient to you and the City Clerk. There is only one personnel file maintained on you, and it is in the custody of the City Clerk. Your department head or supervisor may also keep records on you and your employment history, but it is not your official personnel file. Individual personnel records shall be closed for public inspection. A strict "need to know" criterion will be utilized in the dissemination of any information from an individual employee's personnel file, as determined by the City Clerk.

It is imperative that these records be kept up to date in case of emergency, and it is the employee's responsibility to provide all changes in information to the City Clerk as soon as reasonably possible.



## **Chapter 3**

### **JOB PERFORMANCE OBLIGATIONS**

#### **A. UNDERSTANDING THE REQUIREMENTS OF YOUR JOB**

It is the responsibility of the City to see that your duties are clearly explained and that you understand the requirements of your job. Your supervisor generally will provide this information. If at this time you are in doubt concerning your duties or supervision, you are expected to contact your supervisor or department head. You have a unique overall job responsibility that may require you to perform various work assignments depending on the needs of the City of Crystal Springs. Occasionally, you may not feel these assignments fall within your job description; however, when these times occur, you will be expected to perform such duties as are assigned by your department head.

It is the intent of the City that all employees be treated fairly and have the opportunity for personal growth to the greatest extent possible. The City does not guarantee the right to continued employment, and retains its right to terminate or lay off employees due to poor job performance, adverse Municipal financial conditions, and/or violation of any of the policies set forth herein. As an employee, you also have the right to terminate your employment with the City at any time; however, you are expected to give the City at least a two weeks notice of your intention to leave your employment.

#### **B. REQUIRED WORK HOURS**

Your hours of work will be fixed according to the needs of the City of Crystal Springs and may be changed, as the workload requires. Most employees are hired to work a 40 hour work week.

#### **C. REGISTRATION WITH FEDERAL SELECTIVE SERVICE SYSTEM**

Every male who is 18 years old but has not yet attained the age of 26 years, shall submit documentation evidencing his registration with the Federal Selective Service System. Those persons in this age range shall be prohibited from employment until they submit the required documentation.

#### **D. OUTSIDE EMPLOYMENT**

No employee may engage in employment, which could cause a conflict of interest, or use his City employment for personal gain, or wear City uniforms while engaged in non-City employment where prohibited by statute. All authorization where uniforms may be worn outside normal duty requires City Board authorization. (See Attachment I) Outside employment must not interfere with performance of duties for the City of Crystal Springs. Any outside employment must have prior approval of the Board of Aldermen. To apply for approval, you must submit a written request clearly describing the outside employment duties and hours to your department head who will send the request to the Board of Aldermen for their approval. Your first loyalty has to be to your duties with the City of Crystal Springs.



## **E. ATTENDANCE**

In order to operate the City of Crystal Springs efficiently, it is necessary to have a reliable workforce. It is important to you, your fellow employees, and the City of Crystal Springs that you come to work regularly and on time. You are also expected to remain on the job during work time. If you wish to leave your job for any reason you must first talk to your supervisor or department head.

The City of Crystal Springs recognizes that you may have to be absent from work occasionally. Therefore, disciplinary action will not be taken against you for a single absence if you give proper notice to your supervisor and you have a satisfactory reason for being absent. If you know you will have to be absent from work, you must get prior approval from your department head, who may require you submit a form requesting time off. Although the City of Crystal Springs recognizes that you may have to be absent from work occasionally, excessive absences can result in disciplinary action, including termination. Job abandonment of three (3) consecutive days will lead to automatic termination.

## **F. TARDINESS**

If you are unavoidably delayed for more than 30 minutes in getting to work, you should call your department head and tell him when you expect to arrive. Naturally, all employees are expected to be punctual; however, there are times when circumstances will not permit a person to be on time. While allowances are made for occasional tardiness beyond the control of the individual, an employee, who is habitually late may be disciplined up to termination.

## **G. PERFORMANCE EVALUATIONS**

Each employee of the City who supervises other employees shall be responsible for the periodic evaluation of the employees' work performance. Evaluation forms are available from the office of the City Clerk. The evaluation shall be completed at least every 12 months, on the annual anniversary of the employee's hire date or within 30 days thereof, and for a probationary employee, at the conclusion of the probationary period. Evaluations may be conducted more often than annually, in the discretion of the supervisor, for the purpose of counseling employees, assuring proper adjustment of the employee to the job, determining employees who are best suited for advancement, and indicating deficiencies in job performance. Each evaluation will become a permanent part of the employee's personnel file and shall be available for inspection by the employee.

Department heads and the City Clerk will be evaluated by the Mayor. The City Clerk works at the pleasure of the Mayor and Board of Aldermen, and may be evaluated at their discretion. The City Judge evaluates the Court Clerk, Deputy Clerk(s), and other Court staff.



All evaluations shall be reviewed with the employee by the evaluator and the employee shall be required to sign his/her evaluation. Refusal to sign the evaluation will subject the employee to disciplinary action.

The Department Heads will maintain a schedule for annual performance evaluations for each employee. Forms for the performance evaluation will be available in the office of the City Clerk. Completed forms, signed by both the evaluator and evaluated employee, will be returned to the City Clerk after discussion on the form. Any employee who disagrees with his or her evaluation may utilize the grievance procedure provided by the City.

## **H. DILIGENCE**

All employees must apply themselves to their assigned duties during the full schedule for which compensation is being received.

## **I. WORK PERFORMANCE**

All employees must meet established performance standards. Any conditions or circumstances in the work environment which prevent an employee from performing effectively are to be reported to the employee's supervisor. The failure to report any such conditions will be conclusive proof that there is nothing which prevents the employee from meeting or exceeding established performance standards.

## **J. FRATERNIZATION**

The City of Crystal Springs strongly discourages fraternization, i.e., dating co-workers, to prevent personal romantic pursuits from interfering with work and/or disrupting the work of other employees. As romantic relationships in the workplace may become problematic, they are discouraged for the following reasons:

- Imbalance of power— Even in the absence of any illegal activity, a relationship between a supervisor and a subordinate is discouraged. Dating a co-worker within the same department or division is discouraged.
- Favoritism— A partner employed in a supervisory position may or may not be perceived to grant favors to the other partner. Even the perception of favoritism is discouraged. Sexual favoritism is illegal and could be deemed discriminatory.
- Security issues— Personal romantic disputes may become violent.
- Retaliatory behavior—In failed relationships, one partner (or both) may not be inclined to work cooperatively with the other.
- Sexual assault or harassment charges—Relationships among co-workers may foster an environment to give rise to a harassment claim. A failed relationship could result in a situation where one former partner has a claim of harassment against the other.

- Reputation damage—Workers observing the relationship in the work environment may develop negative attitudes or opinions and/or lose confidence in the individual's or couple's ability to separate personal and professional activities.

Despite being discouraged from doing so, if co-workers opt to become involved, they are required to disclose the relationship to the Department Head and City Clerk within 60 days.

After disclosure, the co-workers involved in a relationship will be counseled regarding expectations of behavior and the harassment policies contained within this Handbook, Chapter 1, Policy 2—Sexual Harassment Policy. The City's co-worker dating policy will be enforced fairly and consistently without discrimination.

## **K. PERSONAL BUSINESS**

Personal business should not be conducted during working hours. Personal business should be conducted either before or after working hours or during lunch breaks. Habitual conducting of personal business during working hours is a cause for disciplinary action.

City employees shall not use City facilities or equipment to conduct personal business during working hours on premises and shall not remove City property from the premises without prior written consent of the supervisor. (See Attachment I) Employees shall not gather on City premises to conduct any personal business without specific authorization.

## **L. PERSONAL ASSOCIATIONS**

Employees of the City have freedom of personal association. However, if such association results in unlawful constraint of Municipal business by tactics such as work stoppage, work slow-down, or other such ploys, then affected employees may be subject to disciplinary action.

## **M. ILLEGAL ACTIVITY**

The City government reasonably expects its employees to obey all Municipal ordinances, state and federal laws. Employees who plead guilty or who are convicted for illegal activities shall be dealt with on a case by case basis and their employment status will be decided accordingly. Employees who are indicted or charged with criminal activity are presumed to be not guilty pending adjudication. Should the indictment be of such a nature that it is in the best interest of the City to place the individual on administrative leave with or without pay pending adjudication, it is so authorized. Acceptance of employment with the City explicitly accepts the potential of administrative leave pending an indictment not as a censure of guilt but to protect the health, safety and welfare of the public at large.

## N. DRESS CODE

The City has a non-exclusive guide to appropriate business attire. No dress code can cover all contingencies, so employees must exert a certain amount of judgment in their choice of clothing to wear to work. If you experience uncertainty about acceptable, professional attire for work, consult your supervisor or the City Clerk.

***All clothing should be size-appropriate.***

- Slacks, pants, etc.: Slacks that are similar to “ Dockers” and other makers of cotton or synthetic material pants, wool pants, flannel pants, dressy capris, and nice looking dress synthetic pants are acceptable. Inappropriate slacks or pants include jeans, sweatpants, exercise pants, Bermuda shorts, short shorts, shorts, bib overalls, leggings, and any spandex or other form-fitting pants such as people wear for biking. All types of slacks and pants worn by employees shall cover any underwear and will not ride unreasonably below the waist.
- Casual dresses, skirts, etc.: Casual dresses and skirts, and skirts that are split at or below the knee are acceptable. Dress and skirt length should be at a length at which you can sit comfortably in public. Short, tight skirts that ride halfway up the thigh are inappropriate for work. Mini-skirts, skorts, sun dresses, beach dresses, and spaghetti-strap dresses are inappropriate for the office.
- Casual shirts, tops, etc.: Casual shirts, dress shirts, sweaters, tops, golf-type shirts, and turtlenecks are acceptable attire for work. Most suit jackets or sport jackets are also acceptable attire for the office, if they violate none of the listed guidelines. Inappropriate attire for work includes tank tops; midriff tops; shirts with potentially offensive words, terms, logos, pictures, cartoons, or slogans; halter-tops; tops with bare shoulders; sweatshirts, and t-shirts unless worn under another blouse, shirt, jacket, or dress.
- Shoes: Conservative athletic or walking shoes, loafers, clogs, sneakers, boots, flats, dress heels, and leather deck-type shoes are acceptable for work. Wearing no stockings is acceptable in warm weather. Flashy athletic shoes, thongs, flip-flops, and slippers are not acceptable in the office.
- Jewelry, perfume, make-up, tattoos, and piercings: Jewelry, perfume, make-up, and tattoos and piercings must be in good taste, with limited visible body piercing. Remember, that some employees are allergic to the chemicals in perfumes and make-up, so wear these substances with restraint.
- Hats, caps, etc.: Hats are not appropriate in the office. Head Covers that are required for religious purposes or to honor cultural tradition are allowed. If you work out of doors and desire to wear a “baseball” cap, the cap should not contain potentially offensive words, terms, logos, pictures, cartoons, or slogans. All hats or caps which are not required for religious purposes shall be removed indoors.

If clothing fails to meet these standards, as determined by the employee's supervisor and/or City Clerk, the employee will be asked not to wear the inappropriate item to work again and will be sent home and given the opportunity to change clothes and return within a reasonable time. Progressive disciplinary action will be applied if dress code violations continue.



## **Chapter 4**

### **DISCIPLINE**

#### **A. DEFINING DISCIPLINE AND MISCONDUCT**

Whenever people are part of a large group, it is necessary to have certain standards of conduct to ensure the safety and well-being of everyone. When it becomes necessary to enforce these standards of conduct, it will be the policy of the City of Crystal Springs to ensure fair treatment of all employees. Any employee who feels that discipline has been unfairly administered is encouraged to use the City of Crystal Springs's grievance procedure.

The following is a representation, but is not an exclusive list, on the kinds of misconduct that can result in disciplinary action. Although the City of Crystal Springs may impose a lesser penalty, a violation of any one of the following rules may result in immediate discharge:

1. Unacceptable job performance
2. Carrying or bringing weapons on Municipal property or in Municipal vehicles without proper authorization. This does not apply to the authorized carrying of weapons by law enforcement personnel;
3. The use, possession or sale of intoxicating beverages, marijuana, or hallucinogenic drugs on duty or working under the influence of any of these substances or prescription drugs, which impair functioning or are misused
4. Stealing, embezzlement, dishonesty, falsification of records or willful misrepresentation of facts
5. Fighting and physical violence or disturbance on Municipal property or at any place at which work is being performed by or for the City of Crystal Springs
6. Destruction, abuse, removal or attempted removal of property or materials of the City of Crystal Springs or of another employee
7. Use of Municipal vehicle by Municipal employee for personal use, whether same employee is otherwise authorized to use a Municipal vehicle or not
8. Insubordination
9. Falsifying an employee's timecard or punching another employee's timecard
10. Absences from work for three (3) consecutive days without notifying your department head or supervisor
11. Acceptance of money or other valuable consideration given with intent of influencing an employee in this performance of his official duties
12. Violation of any applicable state or federal statute, regulation or rule
13. Any additional violation of any Municipal rule or policy after receipt of two (2) previous written warnings within the preceding 12 months

## **B. SPECIFIC VIOLATIONS**

Violation of any of the following offenses shall result in discipline, which may take the form of a written warning and a suspension without pay for up to 5 days or termination. These offenses include, but are not limited to:

1. Failure to call in or report an absence to your supervisor on the day the absence begins
2. Excessive tardiness
3. Excessive absenteeism
4. Violation of or refusal to comply with an established law or regulation when such conduct impairs the effectiveness of the City of Crystal Springs or brings it into public disrepute
5. Improper use of a position of authority for personal gain or advantage
6. Discourtesy, improper conduct or abusive language to the public or another employee
7. Failure to punch a timecard
8. Failure to report for work or leaving work without a satisfactory reason
9. Willful and negligent violation of safety rules
10. Excessive garnishments or levies, or attachments resulting from more than debt during a 1 year period
11. Failure to follow the chain of command except in cases identified in the City of Crystal Springs's Sexual Harassment Policy "Complaint Procedure"
12. Conduct unbecoming to an employee of the City of Crystal Springs either on or off duty.

## **C. DISCIPLINE**

When discipline is necessary, the department head will follow the following procedures:

1. The department head and another supervisory employee will meet privately with the employee to discuss any disciplinary action to be taken and the reasons for the action. Unless terminated, the employee will be told what action will be considered if another violation occurs.
2. The department head will prepare a record of the meeting, which can take form of a warning notice, summarizing the disciplinary action taken or to be taken.
3. The department head will review the warning memo with the employee. The employee will be offered a copy of the warning memo and an opportunity to sign it. The original will be placed in the employee's personnel file located in the City Clerk's Office.

**Listing of the above grounds for discipline does not create and is not intended to create a property interest in employment on the part of any Municipal employee. These listed reasons or grounds for discipline are merely a representation and not an exclusive list of all the kinds of employee misconduct that can lead to disciplinary action.**

## **D. DUE PROCESS**

The City of Crystal Springs accepts the following as the approach to due process for disciplinary procedures:

***PRIOR TO DISCIPLINARY ACTION BY APPOINTING AUTHORITY:  
DUE PROCESS = WRITTEN NOTICE + OPPORTUNITY TO RESPOND***

Below are the elements of due process afforded to the City of Crystal Springs employees:

1. The written notice presented to an employee prior to a conference must list all of the reason(s) for the City's consideration of the adverse action, and the written notice of the Municipal authority's final decision to take adverse action must restate all of the reason(s) for the action. The reason(s) listed in these notices shall be specific by setting forth the offense(s), charge(s) or ground(s) upon which the disciplinary action is predicated. The reason(s) listed in these notices will be the only reason(s) to be addressed throughout the appeals process.
2. In extraordinary circumstances, an employee may be suspended immediately with pay. Such employee must be given an opportunity for a hearing with the Municipal authority or designated representative within 20 working days of the suspension at a scheduled Board meeting, at which time the appointing authority may make a final decision. Further, where the employee has been charged with a felony, the appointing authority or designated representative may suspend an employee without pay pending a post suspension hearing to be held within 20 working days from the first day of suspension. This period of suspension without pay pending a post suspension hearing shall not be considered as punishment for disciplinary cause. Extraordinary circumstances means a situation in which, based on the judgment of the appointing authority or designated representative, retention of an employee could reasonably result in damage to Municipal property, be detrimental to the interests of the City or result in injury to the employee, to a fellow employee, or to the general public.
3. If the employee waives a hearing, the appointing authority or designated representative may make a final decision after the waiver. The waiver of the hearing shall be determined by an employee's written statement of waiver or by the employee's failure to respond in writing or appear at the conference with the appointing authority or designated representative by a pre-established date and time. The appointing authority will notify the employee of its decision within a reasonable period of time after the hearing.

## **E. SPECIFIC MISCONDUCT (LOANS)**

It is a violation of Municipal policy for a department head or supervisor to loan money to an employee. The City will not loan money to an employee. Inquiring about a loan to a department head, supervisor or the City Clerk will be grounds for dismissal.

## **F. GRIEVANCE PROCEDURES**

Occasionally problems may arise that you cannot solve alone. The City of Crystal Springs has a system for handling these problems. If you have a problem, you should follow this procedure:

1. Within three days of the occurrence of the incident from which the problem is related, arrange a private meeting with your department head to try to resolve the problem.
2. If the problem is not resolved (no agreement reached), you and the department head will arrange a meeting within 3 days with the City Clerk to attempt to resolve the problem.
3. If the problem is not resolved, you may, within 5 days of the meeting with the City Clerk, request a meeting with the Board of Aldermen. This request should be made to the City Clerk. The Board of Aldermen may grant the request and schedule a hearing to be placed on its agenda for the next following Board meeting, after which meeting the Board will inform you of its decision as soon as possible at least within 10 days after the hearing. All grievance hearings and meetings will be informal in nature.

**The City of Crystal Springs is not obligated to follow the above grievance procedure, and the adoption of the above grievance procedures does not grant any City of Crystal Springs employee a federally protected due process right or a property interest in his or her employment.**

It is the desire of the City of Crystal Springs that its employees be given every opportunity to resolve grievances concerning matters which they believe adversely affect their employment or working conditions. The grievance procedure, including appropriate forms, shall be posted on the bulletin board in every Municipal department and/or division.

Should an employee choose to pursue the grievance procedure, he/she will be offered a reasonable amount of administrative leave time from his/her regular duties as may be necessary for the presentation and processing of his/her grievance or appeal. During this period of time, the employee is required to be on Municipal premises, either in his/her department or in such location as the Clerk may specify. An employee pursuing a grievance or appeal shall have access to pertinent rules, regulations, and laws.

All documents generated by the grievance or appeal process shall be confidential, with information contained therein released only in the discretion of the City Clerk. Any documents generated by grievance procedures will be placed in the employee's personnel file.

Once initiated, a grievance or appeal may be withdrawn upon the written request of the employee, or upon the death of the employee (unless the grievance involves a question of pay), or upon failure of the grieving party to observe the time limits prescribed.



Prescribed forms shall be available in the office of the City Clerk.

Decisions in a grievance or appeal thereof will be adhered to by all parties. An award or corrective action of a grievance decided in favor of the employee, at any level, shall be retroactive to the date of the action precipitating the grievance. Supervisory personnel involved in the resolution of a grievance shall consider previously approved action of the City Clerk in similar situations in an effort to resolve the grievance. Discrimination or retaliation against an employee who files a grievance shall not be tolerated. Such action shall subject the retaliator to disciplinary procedure.



## **Chapter 5**

### **LEAVING SERVICE**

#### **A. LAYOFF**

The department head, with prior approval of the Board of Aldermen, may lay off an employee due to a shortage of funds or work, the abolition of the position, or other reasons, which are outside the employee's control and that do not reflect discredit upon the employee. An employee who is laid off will be given two weeks' notice if possible. When a layoff becomes necessary, probationary employees will be laid off first. Thereafter, the least senior employee in the same or lower job classification within a department will be laid off, provided that those employees retained have adequate experience to perform the required work of the department. On recalls, the most senior laid off employee in the same or lower job classification within a department will be recalled first, provided that the said employee is physically qualified for the job and can efficiently perform the work.

#### **B. RESIGNATION**

In the event that it becomes necessary for you to leave your employment with the City of Crystal Springs, a minimum of two weeks' notice should be given so that proper arrangements can be made in work schedules. All issued equipment must be turned in to your supervisor prior to the issuance of your last payroll check. The City desires to pay all employees for accrued leave earned up to 240 hours.

#### **C. TERMINATION**

Mississippi follows the "employment at will" doctrine. This doctrine gives an employer the right to dismiss an employee who was hired for a period of time or an indefinite period of time for *any reason or no reason at all*. However, there are certain circumstances where the "at will" document will not apply in Mississippi. For example, if the City of Crystal Springs adopts procedures for terminating an employee and publishes the same for adherence, then those procedures must be followed.

Anyone hired by the City of Crystal Springs for a definite term, including through a written contract, cannot be fired at will; the City must show just cause before terminating such an employee.

Mississippi common law also recognizes a public policy exception to the employment at will doctrine to protect whistle blowers.

Mississippi employees cannot claim wrongful termination because they refuse to take a drug test, either during the application process or after employment. Since 1991, Mississippi employers may use the refusal to take a blood test as a basis for not hiring or discharging an employee.

## **D. EXIT INTERVIEW**

Exit interviews are common in business, education and government environments. The purpose of the interview is to gather useful feedback that can help guide future practices and improve recruiting and retention. The exit interview is voluntary.

The interview may be conducted in person or over the phone. Questions asked in an exit interview vary for terminated employees and those leaving voluntarily. For an employee leaving voluntarily, the most important question is “Why?”

The City of Crystal Springs is interested in knowing what separating employees liked most about the job and what they liked least. The exit interview is an opportunity to provide the employee with information about any benefits and pay yet to be disbursed.

## **Chapter 6**

### **EMPLOYMENT BENEFITS**

#### **A. BENEFITS**

As a full time employee, you are entitled to certain fringe benefits that are intended to provide security and peace of mind to you and your family during your employment. Part-time and temporary employees will not be entitled to any benefits except as specifically granted in the Handbook. Part-time employees are employees who are scheduled to work not more than 20 each week. Temporary employees are employees whose employment is not expected to last more than 6 months. Probationary employees are persons who have been employed as a prospective regular full-time employee and required to meet a 6 month trial period. Newly hired probationary employees shall accrue annual personal leave, but shall not be allowed to take any such accrued leave nor receive pay for annual/personal leave during the probationary period, until the probationary employee is placed on regular status.

Neither temporary employees nor probationary employees are entitled to employee benefits except group medical insurance, subject to meeting insurance eligibility requirements. For purposes of calculating annual leave and other fringe benefits, the accrual date shall be January 1 of each year, beginning with January 1 of the year immediately following the date of employment.

#### **B. HOLIDAYS**

The City of Crystal Springs employees receive regular pay for 10 legal holidays as well as any other day proclaimed as a holiday by the Governor of the State of Mississippi or the President of the United States. The City of Crystal Springs recognizes the following holidays as paid leave:

1. New Year's Day (January 1)
2. Martin Luther King's Birthday (Third Monday in January)
3. President's Day (Third Monday in February)
4. Good Friday and Friday before Easter
5. National Memorial Day (Last Monday in May)
6. Independence Day (July 4)
7. Labor Day (First Monday in September)
8. Veteran's Day (November 11)
9. Thanksgiving Day (Last Thursday in November)
10. Christmas Day (December 25)

In addition to these holidays, the City of Crystal Springs may recognize any other holidays proclaimed as such by the Governor of Mississippi. In the event any of these holidays falls on a Saturday, the holiday will be celebrated on the Friday before unless otherwise specified by the Board of Aldermen. In the event any of these holidays falls on a Sunday, the holiday will be celebrated on the following Monday unless otherwise specified by the Board of Aldermen.

## **C. INSURANCE**

As an employee of the City of Crystal Springs, you will be enrolled in City's Group Medical and Life Insurance Program. You become eligible on the first day of the month following 30 full days of employment with the Municipal after you are hired. The City of Crystal Springs pays a portion or the entire premium for the employee if the budget permits.

If group coverage for you or your dependents are due to end because you leave the employment of the City of Crystal Springs, you may be allowed to continue in the plan for a period of time through COBRA. The City Clerk can provide you with COBRA information. You may be required to pay up to 102% of the cost of coverage.

Other benefits, such as cancer, accidental death and dental insurance, and dependent medical coverage may be available from the City of Crystal Springs, depending upon what coverage the City maintains at any given time. The City of Crystal Springs does not pay any portion of the cost of these benefits.

## **D. RETIREMENT WITH PERS**

Eligible employees, who select Municipal employment as a career can look forward to retirement benefits through the state employees' retirement system. You must contribute a portion of your salary and the City of Crystal Springs will also contribute to the retirement system on your behalf. These benefits, plus those from Social Security are designed to provide a measure of security at retirement. If you should quit your job with the City of Crystal Springs before you retire, the money you paid into the system, plus interest, will be refunded to you when you submit proper forms to the state retirement system. However, contributions can be left in the system, under certain circumstances. For further information, please contact the City Clerk.

## **E. WORKERS' COMPENSATION**

All City of Crystal Springs employees are covered by Workers' Compensation, which compensates them for all injuries suffered on the job, which arise out of and in the course of your employment with the City of Crystal Springs. You should immediately report all job-related injuries, no matter how minor, to your supervisor or department head.

As soon as possible after an on-the-job injury, the injured employee and his immediate supervisor or department head must complete a Report of Personal Injury and forward the completed report to the City Clerk for review and recording. This report should then be forwarded by the City Clerk to the workers' compensation insurance carrier or TPA representing the City.

Medical and Indemnity Benefits, as a result of an on-the-job injury and in conjunction with the Mississippi Workers Compensation Act Miss. Code Ann 71-3-11 (as amended), states:

“No compensation except medical benefits will be allowed for the first 5 days of the disability. In case the injury results in disability for 14 calendar days or more, the compensation shall be allowed from the date of disability.”

The first 5 days of any disability resulting for an injury or illness that arises out of and in the course of your employment with the Municipal will be administrative leave. An employee must lose in excess of 5 work days in order to qualify for a “lost time injury” and thus indemnity benefits. All employees, whether losing time from work or not, are entitled to medical treatment, which is to be provided by the employer. The 5 work days need not be 5 consecutive days. An employee will not be charged leave when it is necessary to visit a doctor or hospital on the day an on-the-job injury or illness occurs.

When an employee is eligible for disability compensation under the Workers’ Compensation Law (when absent 5 calendar days or more), the employee will have two options with regard to accumulated leave:

1. The employee may choose not to use accumulated leave
2. The employee may supplement workers’ compensation benefits with accumulated leave.

Using option 2 will allow an employee to receive equal to, but not greater than, the employee’s gross monthly salary. Also, under option 2, the employee will be required to use 8 hours of personal leave prior to the use of major medical leave. If the employee takes accumulated leave (medical or personal), he is still entitled to his workers’ compensation benefit. If the City pays his wages in lieu of benefits, then he is not entitled to workers’ compensation benefits. The accumulated leave has been accumulated and belongs to the employee. The workers’ compensation indemnity benefits should also be paid to the worker.

Physicians’ reports are required to be delivered to the employer when an employee is being treated for a workers’ compensation injury.

## **F. CATASTROPHIC INJURY OR ILLNESS**

Catastrophic injury or illness means a life-threatening injury or illness of an employee or a member of an employee’s immediate family, including only a spouse, parent, step-parent, sibling, child or stepchild, which totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by the employee, resulting in a loss of compensation for the employee. Conditions that are short-term in nature, including, but not limited to, common illnesses, such as influenza, measles, and common injuries are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, which result in intermittent absences from work and which are long-term in nature and require long recuperation periods, may be considered catastrophic.

Any City of Crystal Springs employee may donate a portion of his or her personal leave or Major Medical Leave to another employee, who is either suffering from a catastrophic injury or illness or who has a member of his or her immediate family that is suffering from a catastrophic illness or injury as follows:

1. The employee donating the leave ("donor employee") must designate the employee who is to receive the leave ("recipient employee") and the amount of earned personal leave and Major Medical Leave that is to be donated and must notify the donor employee's supervisor of his or her designation. The donor employee's supervisor will then notify the recipient employee's supervisor of the amount of leave that has been donated by the donor employee to the recipient employee.
2. The maximum amount of earned personal leave that an employee may donate to any other employee may not exceed the number of days that would leave the donor employee with fewer than 7 days of personal leave. The maximum amount of earned Major Medical Leave that an employee may donate to any other employee may not exceed 50% of the earned Major Medical leave of the donor employee.
3. All donated leave shall be in increments of at least 24 hours.
4. An employee must have exhausted all of his or her earned personal leave and Major Medical Leave before he or she will be eligible to receive any leave donated by another employee.
5. Before an employee may receive donated leave, he or she must provide his or her supervisor with a physician's statement that states the beginning date of the catastrophic injury or illness, a description of the injury or illness, a prognosis for recovery and the anticipated date that the recipient employee will be able to return to work.
6. Should an employee be aggrieved by the decision that he or she is ineligible to receive donated leave because the injury or illness of the employee or member of the employee's immediate family is not, in the opinion of the City of Crystal Springs, a catastrophic injury or illness, the employee may utilize the City's grievance procedure.
7. The maximum period of time that an employee may use donated leave, without resuming work, is 90 days, beginning the first day that the recipient employee uses donated leave. Donated leave that is not used because a recipient employee has used the maximum amount of donated leave authorized must be returned to the donor employee(s).
8. Should more than one employee have donated leave, then the total amount of donated leave not utilized must be returned to the donor employees on a pro rata basis, based on the ratio of the number of days of leave donated by each donor employee to the total number of days of leave donated by all donor employees. In no case will any donor employee receive more leave in return than the employee donated.
9. Any failure to properly deduct an employee's donation of leave to another employee from the donor employee's earned personal leave or Major Medical Leave shall constitute just cause for disciplinary action, whether intentionally or the benefit of the donor employee, or by negligent act.
10. Any person who uses coercion, threats or intimidation to require or attempt to require any employee to donate his or her leave to another employee shall be subject to discipline up to termination from employment.



## **G. PAYROLL DEDUCTION**

The employee is responsible for all payroll deductions, such as garnishments, insurance premiums, etc. when receiving workers' compensation disability benefits.

## **H. UNEMPLOYMENT COMPENSATION**

If a City of Crystal Springs employee becomes separated from a job for reasons beyond the employee's control that employee may be eligible for unemployment compensation. Inquiries may be directed to the Mississippi Department of Employment Security or visit the web site at [www.mdes.ms.gov](http://www.mdes.ms.gov). This website gives you information about your eligibility for unemployment compensation and allows you to register your claim online.

## **I. REST OR MEAL BREAKS**

While Mississippi does not require employers to provide meal breaks, rest breaks, or both to its employees, the City of Crystal Springs chooses to provide one meal break and one rest break during each consecutive 4 hour period of an 8 hour day. Each department head has the responsibility for determining when, and for what duration, meal or rest breaks may be taken so as not to disrupt the operation of the department.

## **J. TRAVEL**

The Municipal will reimburse employees for expenses incurred in relation to pre- approved official travel. All employees must submit a travel expense voucher available from the City Clerk in order to request reimbursement. Travel advances will not generally be available for in-state travel but may be given for out-of-state travel after prior approval of the Board of Aldermen.

Reimbursement for mileage will be established on a per mile basis for travel in a private vehicle at the rate equal to the rate established by the United States government. This rate can be found at: <http://www.qsa.gov/portal/content/100715>. Meals will be reimbursed only when the employee is required to stay overnight and will be reimbursed at a rate equal to the rate established by the State of Mississippi. This rate can be found at: <https://www.usm.edu/procurement-contract-services/meal-allowance-index-state>. Hotel, motel, and expenses for public transportation will be reimbursed on a dollar-for-dollar basis. Any tips for meals, baggage, etc., must not exceed 10% and must be enumerated on the travel expense voucher.

If attending a meeting where registration is required, the City will prepay registration fees.

The City desires to establish and maintain an atmosphere of prudent stewardship of public funds and ensure that citizens of the Municipal are represented at conferences, etc., that are relevant and important to the future of the Municipal's endeavors. Municipal representative in attendance should review the details of the seminar, conference, event, etc., to ensure that attendance would be beneficial in performance of their duties.



## **Chapter 7**

### **SALARY AND WAGE ISSUES**

#### **A. PAY RAISES**

The City of Crystal Springs makes every attempt to give fair pay raises to employees. However, the City may consider pay raises no more often than annually during the budget process.

#### **B. PAY DAY**

Any public official or employee whose pay schedule is not determined in Miss. Code Ann 25-3-1 through 25-3-27 (Supp. 1996) may be paid biweekly or on some other basis than monthly, in the discretion of the Board of Aldermen (AG Opinion No. 96-0489 dated August 9, 1996).

#### **C. TIME RECORDS**

Each non-exempt employee must keep a record of his actual time worked and attendance at work. Each employee, who is required to punch a timecard must punch only his card, according to established procedure, whereby all hours worked are accurately reported. Each employee will initial the payroll time sheet acknowledging his information is correct before it is turned into the payroll department by the department head.

#### **D. OVERTIME**

All employees of the City of Crystal Springs are urged to make every effort to schedule work during regular hours and to avoid working overtime. When overtime work cannot be avoided, every attempt will be made to fairly distribute overtime work among eligible, non-exempt employees. The department head must approve all overtime in advance.

The City of Crystal Springs will allow its non-exempt employees to receive compensatory time off (comp time), at a rate of not less than 1 ½ hours for each overtime hour worked, instead of cash overtime pay. Comp time must be approved in advance. A non-exempt employee must be permitted to use comp time on the date requested unless doing so would “unduly disrupt” the operation of the Municipal.

The City of Crystal Springs may allow exempt employees to receive compensatory time at the discretion of the department head; however, specific records must be maintained as to the earning and using of comp time.

## **E. NON-EXEMPT EMPLOYEES**

Non-exempt employees are, unfortunately, defined in the negative. The Fair Labor Standards Act (FLSA) defines non-exempt employees by articulating employees who are exempt. Exempt employees include the following: executive employees, administrative employees, learned professional employees, creative professional employees, computer employees, highly compensated employees, and outside sales employees.

Most employees are non-exempt employees. They are entitled to overtime pay under the FLSA. Employers must pay them 1 ½ times their regular rate of pay when they work more than 40 hours in a week. If you have any question about whether you are an exempt or non-exempt employee, ask your department head or the City Clerk.

The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting all employees in state and local governments. Covered non-exempt workers are entitled to a minimum wage of not less than \$7.25 an hour effective July 24, 2009. Some states also have a minimum wage law. In cases where an employee is subject to both state and federal minimum wage laws, the employee is entitled to the higher minimum wage. At this time, Mississippi does not have a state minimum wage.

The 1996 Amendments to the FLSA allow employers to pay a youth minimum wage of not less than \$4.25 an hour to employees who are under 30 years of age during the first 90 consecutive calendar days after initial employment by the employer. However, regular employees are protected in the sense that employers are prohibited from displacing a minimum wage employee in order to hire someone at the youth minimum wage.

As a general rule, all non-exempt employees of the City of Crystal Springs must be paid according to an hourly rate and paid 1 ½ times the hourly rate for all overtime hours. For most non-exempt employees, overtime must be paid for all hours worked in excess of 40 hours in a workweek. However, there is a special provision discussed in the next subsection that applies to fire protection and law enforcement employees, which allows a different method and form of overtime compensation under the Fair Labor Standards Act.

## **F. SPECIAL OVERTIME PROVISIONS FOR FIRE PROTECTION, LAW ENFORCEMENT AND FIRST RESPONDER EMPLOYEES**

As noted above, there is a special provision in the Fair Labor Standard Act, which applies to fire protection and law enforcement employees, which allows the City of Crystal Springs to choose a workweek of from 7 to 28 days. Employees who meet the Fair Labor Standards Act definition of law enforcement officer are not entitled to overtime compensation until the number of hours worked exceeds the number of hours which bears the same relationship to 171 hours as the number of days in the work period bears to 28 days. For example, a law enforcement officer covered by this exemption, known as the “7k” exemption and who worked a 28 day work period, would be entitled to overtime only for those hours worked in excess of 171. Employees who meet the statutory definition of fire protection employee also can be put on a work period from seven to 28 days. Such employees who are put on a 28-day work period will not be entitled until they have worked in excess of 212 hours in the work period.

All law enforcement officers and fire protection employees who are covered by the 7k exemption discussed above shall be placed under and compensated pursuant to salary coefficient plan, also known as a fluctuating workweek plan.

## **G. EXEMPTION FROM OVERTIME**

An employee can be considered “exempt” from overtime and paid a salary only if the employee meets certain statutory requirements and definitions, which apply to administrative, executive and professional employment positions. An employee’s responsibilities, not his job title, are controlling. Exempt employees will be required to notify the payroll department on a bi-weekly basis whenever he or she works more than 40 hours. This documentation will serve to allow the City Clerk to certify unused time to the Public Employees’ Retirement System at retirement or termination of employment.

## **H. COMPENSATORY TIME**

Non-exempt employees may receive paid compensatory time off at the rate of one and one-half hours of compensatory time for each hour of overtime. A non-exempt employee must have prior approval from his department head to take compensatory time off. Compensatory time will be paid to the employee (or his or her legal representative) upon termination of employment.

## **K. DOCTOR’S CERTIFICATE**

A doctor’s certificate will be required before or upon an employee returning to work after the employee has been away from work for 32 hours or more due to a job related injury or disability. The certificate will verify the injury or illness was sufficient to prevent the employee from working and that the employee is or is not restricted in performing duties.

## **L. PAYROLL DEDUCTIONS**

The City of Crystal Springs is required by law to make the following deductions from your paychecks:

1. Federal withholding tax
2. State withholding tax
3. Social Security Tax (FICA)
4. Garnishments and Child Support
5. State Retirement

## **M. RE-EMPLOYMENT AFTER RETIREMENT**

PERS Regulation 34, Re-employment after Retirement, effective December 1, 1996 clarifies “withdrawal from service” for purpose of service or another covered employer in any capacity, including that an independent contractor, as well as service without pay within 45 consecutive calendar days from the effective date of retirement or is promised or guaranteed such re-employment before the effected date of retirement, the members shall be considered to have continued in the status of an employee and not have separated from the service. PERS Regulation 34 provides an exception to the 45 day separation period from emergency employment and prescribes appropriate supporting documentation that must show such emergency exists and that genuine efforts have been made to fill the position with someone other than a retiree. For further information, you should consult PERS Regulation 34.

## **Chapter 8**

### **LEAVE POLICY**

#### **A. ACCUMULATED LEAVE**

The City of Crystal Springs recognizes two (2) types of accumulated leave, which are provided to its full time employees: vacation time and sick time. All full time employees of the City of Crystal Springs earn personal leave time as follows:

|                |                          |
|----------------|--------------------------|
| Vacation Time  | 6.75 hours every 30 days |
| Sick Time      | 4.00 hours every 30 days |
| Personal Leave | 24.00 hours per year     |

\*Each year on January 1, full time employees are also given 24 personal hours which can be used to their discretion.

#### **B. VACATION TIME**

1. Permanent Employees of the City are eligible to earn vacation time. Temporary, seasonal and summer workers are not eligible to earn vacation time.

2. Full-Time City Employees are credited with 6.75 hours of vacation time at the end of each month after first month of employment. Eligible employees will be able to use vacation leave accrued after six months of continuous employment.

#### **C. SCHEDULING VACATION TIME**

1. The Employee's wishes as to the inclusive dates of the vacation leave period will be considered; However, if the leave is during or at a time the City deems it essential for the employee to be present to operate smoothly that request can be denied.

2. Department Heads are responsible for counseling with their employees to assure that vacation leave periods are scheduled in such manner as to least interfere with orderly city operations. This matter will be given careful thought and attention, by both Department Heads and their employees in order that sufficient qualified personnel will be on duty at all times to carry on assigned municipal functions.

## **C. SICK TIME**

1. Permanent employees of The City of Crystal Springs, MS are eligible to earn sick time. Temporary, seasonal and summer workers are not eligible to earn sick time.
2. Full-Time city employees are to be credited with four (4) hours sick leave at the end of each month after first month of employment. Eligible employees will be able to use sick leave accrued after six months of continuous employment.

### **1. APPROVAL OF SICK TIME**

Employees eligible for sick time must meet the following criteria:

1. Have experienced a personal illness or injury after six months of continued employment.
2. Personal medical, dental, or optical examinations. Employees who do not take over two (2) hours for medical, dental or optical examinations shall not be charged with sick time, provided they present appropriate written evidence verifying such examinations or appointments.

A medical certificate may be required in connection with all absences due to illness in excess of three (3) consecutive days. If employees are absent from duty on a recurring basis due to illness, supervisory personnel may require a medical certificate for each period of absence regardless of duration. Also, if an employee who is absent due to illness is expected of malingering, a medical certificate may require for each period of absence.

This procedure will not ordinarily be enforced, however, until the employee is officially advised he/she will be subject to the requirements. Sick time is not intended to be used as annual leave. It is a gratuity paid to the employee when he/she is sick or ill. Employees who abuse the use of sick leave will be required to present a medical certificate for each period of absence. Abuse of sick time thus occurring shall be cause for reprimand, loss of pay, or dismissal of the employee.

## **D. NOTIFICATION OF ABSENCE**

Employees who are absent from duty due to illness will be expected to notify their supervisor or the necessity for such absence prior to or within two hours after their illness. If the employee is unable to provide such notice himself, he/she will be expected to have someone else notify the Supervisor as to the reason for the absence from duty.



## **E. FAMILY AND MEDICAL LEAVE ((FMLA))**

In accordance with the leave rights provided by the Family and Medical Leave Act (FMLA), the City of Crystal Springs provides for up to 12 weeks of unpaid medical or parental leave per year to eligible employees. "Eligible employees" are those who have been employed by the City for at least 12 months and have worked at least 1,250 hours during the 12-months period preceding their request for FMLA leave.

### **1. REASONS FOR FMLA LEAVE**

An eligible employee may take up to the equivalent of 12 work weeks of unpaid family and/or medical leave (FMLA leave) during any 12-month period for one or more of the following purposes: For incapacity due to pregnancy, prenatal medical care, or childbirth; to care for a newborn son or daughter, a recently adopted child, or a recently placed foster child through formal placement by a state agency; to care for a legal spouse, parent (not including in-laws) or son or daughter (under the age of eighteen or over the age of eighteen and incapable of self-care because of a physical or mental disability), who has a serious health condition; or because of a serious health condition that makes the employee unable to perform the functions of his or her job.

Leave to care for a new child must be taken within the first 12 months of birth or placement by adoption or foster care, and leave may be taken by the father and/or the mother of the child. Federal regulations allow an employer to choose from several different methods in determining the 12-month period in which the 12 weeks of leave entitlement occurs.

## **F. MILITARY LEAVE**

**Military Leave Entitlements** Eligible employees are entitled to 2 different kinds of leave as a result of either being in the military or having family members in the military: Eligible employees are entitled to up to 12 weeks of FMLA leave because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is a member of any Armed Forces and/or a reserve component of the Armed Forces on covered active duty, or has been notified of an impending call to covered active duty status.

Qualifying exigencies may include any one or more of the following:

- 1) Attending to issues arising from a short notice (7 days or less) of deployment, with FMLA leave entitlement lasting up to 7 days from the notice
- 2) Attending certain military events
- 3) Attending certain childcare and school activities related to the military duty
- 4) Addressing certain financial and legal arrangements
- 5) Attending certain counseling sessions
- 6) Taking up to 5 days to spend with a covered service member, who is on short-term, temporary rest and recuperation leave
- 7) Attending post-deployment reintegration briefings
- 8) Other activities agreed to by the agency and the employee

Eligible employees must provide notice of the need for such leave as soon as reasonable and practicable. This kind of leave may be taken intermittently or on a reduced schedule. Eligible employees may take up to 26 weeks of leave during a single

12 month period to care for a “covered service member,” who is the employee’s spouse, son, daughter, parent or next of kin (nearest blood relative or designated as such). Covered service member is a member of the Armed Forces (including a member of the National Guard or Reserves), who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness or a veteran, who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Eligible employees may take this kind of leave intermittently or on a reduced schedule, where medically necessary. This 26 week leave entitlement will include all other permissible FMLA leave.

## 1. DEFINITION OF SPOUSE FOR FMLA AND MILITARY LEAVE

On February 23, 2015 the U. S. Department of Labor revised the definition of spouse as a result of the case of *United States v. Windsor*, which held section 3 of the Defense of Marriage Act to be unconstitutional. Spouse is now defined in such a way that employees in same-sex marriages will be able to take FMLA leave to care for their spouse or family member, regardless of where the couple lives.

## G. PARENTAL LEAVE

An eligible employee may take FMLA leave because of the birth, adoption or placement for foster care of a son or daughter.

This leave must be taken within 12 months of the child’s birth, adoption or placement for foster care. Employees must give at least 30 days advance notice of the need of such leave except in emergencies and such notice should then be given as soon as practicable.

Employees may request paid leave, to the extent it is available, for all or part of the unpaid medical or parental FMLA leave. It is the City policy that any employee requesting unpaid FMLA leave must use any other accrued paid leave available under the City’s leave policies (i.e., vacation, sick days, sick leave, etc.). Similarly, any employee requesting leave under any the City of Crystal Springs’ other leave policies will be required to use FMLA leave available if leave under other policies is not permitted.

Employees must make arrangements with the City Clerk in advance of any FMLA leave with respect to the employee’s job benefits and their obligations to keep benefits and insurance in force

FMLA leave may be taken intermittently or on a reduced leave schedule when medically necessary to care for a seriously ill family member or when the employee is seriously ill and unable to work. Appropriate and sufficient medical certification must be provided to the City before such leave may be taken. The City of Crystal Springs reserves the right to transfer employees taking intermittent leave or working a reduced leave scheduled to an alternative position.

Any request for FMLA leave must be made in writing to the department head and must be approved by the Board of Aldermen. Employees will be required to support any request for FMLA medical leave with appropriate medical certification from an authorized health care provider.

Employees on leave may also be required to report from time to time on the status of their leave and their intent to return to work.

Employees must provide appropriate medical authorizations for fitness-for-duty certificates prior to their return to work. Upon an employee's timely return to work from FMLA leave, the employee will be returned to their former job or an equivalent job.

FMLA Leave is not available to all employees due to specific requirements; therefore, check with the City Clerk if you wish to utilize this leave to see if you are eligible. The City Clerk can provide additional information regarding the Family and Medical Leave Act.

## **H. ADMINISTRATIVE LEAVE**

In some circumstances, the City of Crystal Springs employees may be granted administrative leave with pay. For the purposes of this section, "administrative leave" means discretionary leave with pay other than personal leave or Major Medical Leave. The employee's supervisor may grant administrative leave to any employee serving as a witness or juror or party litigant, as verified by the clerk of the court, in addition to any fees paid for such services and such services or necessary appearance in any court shall not be counted as personal leave.

The Board of Aldermen may grant administrative leave with pay to the City of Crystal Springs employees on a local or statewide basis in the event of extreme weather conditions or in the event of a manmade, technological or natural disaster or emergency. The Board of Aldermen may grant administrative leave with pay to any employee who is a certified disaster service volunteer of the American Red Cross (hereinafter referred to as "ARC") and who participates in specialized disaster relief services for the ARC in this State and in states contiguous to this State when the ARC requests the employee's participation. Administrative leave granted under this paragraph cannot exceed 20 days in any 12 month period. An employee on leave under this paragraph is not considered to be an employee of the State for the purposes of workers' compensation insurance or for purposes of claims against the State. As used in this paragraph, the term "disaster" includes disasters designated at level II and above in the ARC national regulations and procedures.

## **I. MATERNITY LEAVE**

Sick leave shall be granted for maternity leave on the same basis as an illness. Maternity leave without pay shall be considered a Leave of Absence and governed as stated in the Leave of Absence policy.

## **J. FUNERAL LEAVE**

Up to 3 days of funeral leave can be used when there is a death of a member of your immediate family. Immediate family includes your parent, grandparent, spouse, sibling, child, stepparent, stepchild, grandchild, son or daughter, mother or father-in-law or brother or sister-in-law. The employee requesting leave may be required to provide proof of the relationship to the City Clerk.

## **K. CIVIC LEAVE**

You will be granted civic leave if you are summoned for jury duty, or subpoenaed to attend court as a witness. You will be paid the difference between jury pay or the witness fee and eight hours at your regular rate of pay for each day of jury duty. You must submit a copy of any summons or subpoena to your department head. When you return to work, you must provide a statement of attendance and the amount paid by the court from the clerk of the court. If you are released from jury duty 4 or more hours before the end of your shift, you must report to work within 1 hour after being released by the court. Time spent on civic leave will not be counted as hours worked for the purpose of computing overtime pay.

## **L. ADMINISTRATIVE TRAINING LEAVE**

Persons who are attending training required by the City will be placed in an Administrative Leave capacity. Under the rules and regulations of the FLSA, these persons will not receive overtime pay for travel; however, the employee's pay shall not be reduced from the normal pay that the employee would have received had he/she worked the normal shift.

Administrative Leave shall also be available as a result of natural disasters or unusual occurrences when directed by the City Clerk.

## **Chapter 9**

### **PERSONAL CONDUCT**

#### **A. COURTESY AND DECORUM**

You are the representative of the City of Crystal Springs in all of your dealings with the public. You should conduct yourself as such and should endeavor at all times to convey a favorable impression to the public through your dealings with them. If a controversy or disagreement should arise with a member of the public, you should refer the matter to your supervisor immediately.

#### **B. POLITICAL ACTIVITY**

The City of Crystal Springs believes all employees have a civic duty to cast their votes for candidates and issues as they choose. You also should have the right to support candidates and issues with your personal efforts and volunteer contributions. However, no such activity will be conducted during working hours, not at the expense of the City of Crystal Springs. Employees cannot use Municipal equipment or be in a Municipal uniform while engaging in such activity. Employees will not be subjected to coercion, intimidation, or threat or reprisal because of their political activities. No employment decision will be made in return for the promise or receipt of any personal benefit by a City of Crystal Springs official or employee. An employee cannot use his official authority to interfere with or affect the result of a nomination or election for public office.

#### **C. PHONE CALLS**

The use of Municipal phones for personal reasons should be kept to a minimum. Occasional personal phone calls are permitted so long as they do not interfere with the normal routine of business and last no more than three minutes each. No long distance calls are permitted for personal reasons.

#### **D. CELL PHONE USE**

Municipal-owned cell phones are authorized for official Municipal business only. Deductions will be made from employee paychecks for any amount over the base established by the Board of Aldermen.

Use of employee-owned cell phones is allowed only at the discretion of the department heads. Calls should be kept to a minimum and should not exceed 3 minutes. Personal cell phone calls should be terminated immediately when a supervisor, co-worker or client appears in your work area and requires assistance.

*It might be prudent not to utilize your personal cell phone or other electronic device at all during working hours. Be aware that use of employee-owned cell phones or other electronic devices for the purpose of conducting Municipal business fall under the Public Records Act, Miss. Code Ann. § 25-61-1, et seq. (1972) (as amended). You must pay particular attention to Public Records Opinion R-13-022 and R-13-023. From these opinions you learn that emails between Municipal employees concerning city business*

is a public record as defined by the Public Records Act. If a public record contains information that is exempted by the act, the City will redact the exempted material and provide the non-exempted material for examination under the act.

The term “personnel records” is not defined in section 25-1-100 or within the Public Records Act. The Ethics Commission determines whether a particular document is a personnel record on a case-by-case basis [citing Miss. AG Op., Oakes, 1992 WL 613935 (May 20, 2991)].

The Public Records Act applies equally to paper and electronic records. As the City increases its use and dependence on electronic record keeping, each agency must ensure reasonable access to records electronically maintained, subject to the rules of record retention. Text messages concerning city business qualify as public records subject to the act. The fact that the text messages reside on a personal cell phone is not determinative as to whether the text message must be produced. The purpose or use of the text is determinative. Any text message used by a Municipal official for purposes of conducting, transacting or performance of any Municipal business, transaction, work, duty or function, is required to be maintained is a public record, regardless of where the record is stored.

The Mississippi Department of Archives and History has not developed records retention requirements for text messages, although it has specific records retention requirements for emails. The department has also determined that electronic records are subject to the same retention guidelines as paper records and existing retention schedules apply to all records regardless of format. All public records, regardless of where they are created or stored should eventually be stored on Municipal equipment or in Municipal files if those records are subject to an applicable retention schedule.

Essentially, the City of Crystal Springs has the legal obligation to retain and maintain public electronic records, and these records may be on an employee’s phone. Doing “public” work on a “private” device makes no difference. If the purpose of the record is “public” the device of origin is immaterial.

Considering this, as you accept employment with the City of Crystal Springs, you acquiesce in examination of your personal electronic devices for the purpose of retrieving public records which should be maintained by the City of Crystal Springs and you are bound by the City of Crystal Springs policy covering same.

## **E. SOLICITATION**

Solicitation of or by employees from non-Municipal related purposes during work time or in non-work-related areas is prohibited. This rule prevents unnecessary interference with work and protects employees from unwanted solicitation.

## **F. GARNISHMENTS AND ATTACHMENTS**

The City of Crystal Springs expects each employee to keep his personal affairs in good condition and meet his financial obligations promptly. Garnishments and attachments create an administrative burden on the City of Crystal Springs. For this reason, they are looked upon with disfavor and recurrences may result in disciplinary action.





# CITY OF CRYSTAL SPRINGS



# FORMS



CITY OF CRYSTAL SPRINGS EMPLOYEE GRIEVANCE FORM

Supervisor's Report of Request for Initial Meeting

Employee's name: \_\_\_\_\_

Department: \_\_\_\_\_

Date and time requested: \_\_\_\_\_

Description of grievance (if presented to supervisor in writing, attach a copy), including a reference to the rule/policy which allegedly has been violated:

Corrective action or personnel relief sought by grieving employee:

Date scheduled for informal meeting: \_\_\_\_\_

---

Signature of Supervisor \_\_\_\_\_ (date)  
Cc: departmental file  
City Clerk  
Grieving Employee



CITY OF CRYSTAL SPRINGS EMPLOYEE GRIEVANCE FORM

Supervisor's Worksheet

Employee's name: \_\_\_\_\_

Name and positions of all persons talked to in investigation of the grievance, as well as a brief summary of their comments:

Applicable manuals, memos, or administrative letters (attach copies if possible and reasonable):

Applicable precedents:

Employee's history with department (length of service, evaluations, training, etc.):

List correspondence, documents, forms, etc. pertinent to the grievance, and attach copies of each. If the documents were not obtained from the employer or supervisor, list from whom obtained:

Other information which might be of value:

---

Signature of Supervisor \_\_\_\_\_ (date)  
Cc: departmental file  
City Clerk  
Grieving Employee



CITY OF CRYSTAL SPRINGS EMPLOYEE GRIEVANCE FORM

Informal Meeting Report

(to be completed after the informal meeting and prior to the supervisor's decision)

Employee's name: \_\_\_\_\_

Date of meeting: \_\_\_\_\_

Name and positions of all persons appearing at the meeting and a summary of the report/testimony given by each:

Corrective action sought by the grieving employee as articulated at the meeting:

New documents presented at the meeting (attach copies if possible and reasonable):

Names and positions of persons with whom the grieving employee has discussed the grievance since the informal meeting:

Other information which might be of value:

\_\_\_\_\_  
Signature of Supervisor (date)

Cc: departmental file  
City Clerk  
Grieving Employee





CITY OF CRYSTAL SPRINGS EMPLOYEE GRIEVANCE FORM

Supervisor's Report of Decision

Employee's name: \_\_\_\_\_

Date employee informed of decision:: \_\_\_\_\_

Decision:

Facts supporting decision:

Employee's reaction to decision:

Other information which might be of value:

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Signature of Supervisor \_\_\_\_\_ (date)  
Cc: departmental file  
City Clerk  
Grieving Employee



CITY OF CRYSTAL SPRINGS EMPLOYEE GRIEVANCE FORM

Appeal to City Clerk

Employee's name: \_\_\_\_\_

Location of employee:

Give full explanation of grievance citing rule(s) allegedly violated:

Describe in detail the corrective action or personnel relief sought but not achieved:

Reasons for appealing the result of the grievance to the City Clerk:

Other information which might be of value:

As an employee, would you agree to mediate this disagreement with a neutral?

\_\_\_\_\_  
Signature of Grieving Employee (date)

Cc: departmental file  
City Clerk  
Grieving Employee



CITY OF CRYSTAL SPRINGS EMPLOYEE GRIEVANCE FORM

Final Decision of City Clerk

Employee's name: \_\_\_\_\_

Decision:

Facts supporting decision:

\_\_\_\_\_  
Signature of Grieving Employee

\_\_\_\_\_  
(date)

Cc: departmental file  
City Clerk  
Grieving Employee



CITY OF CRYSTAL SPRINGS EMPLOYEE EXIT INTERVIEW FORM

Employee Name \_\_\_\_\_ Termination Date \_\_\_\_\_

Employee ID # \_\_\_\_\_ Eligible for Rehire [ ] Yes [ ] No

Job Title \_\_\_\_\_

Reason for Termination

Voluntary

- ☐ Another Position
- ☐ Personal Reasons
- ☐ Relocation
- ☐ Retirement
- ☐ Return to School
- ☐ Other \_\_\_\_\_

Involuntary

- ☐ Attendance
- ☐ Violation of Company Policy
- ☐ Lay Off
- ☐ Reorganization
- ☐ Position Eliminated
- ☐ Other \_\_\_\_\_

Employee Comments:

Interviewer Comments:

Employee's Signature \_\_\_\_\_ Date: \_\_\_\_\_

Interviewer's Signature \_\_\_\_\_





CITY OF CRYSTAL SPRINGS EMPLOYEE EXIT  
INTERVIEW FORM

Questionnaire

1. What are your primary reasons for leaving?

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2. What did you find most satisfying about your job?

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3. What did you find most frustrating about your job?

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4. Were there any company policies or procedures that made your work more difficult?

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5. Would you consider returning to this company in the future?

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6. Would you recommend this company to a friend as a good place to work?

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7. Is there anything the company could have done to prevent you from leaving?

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## **Report of Safety Inspection**

### Safety Inspection Checklist for Building and Grounds

#### Safety Inspection Checklist

Location: \_\_\_\_\_

Inspection Date: \_\_\_\_\_

Name(s) of Inspection

Personnel: \_\_\_\_\_

| A. Housekeeping  | Yes     | No     |
|--|---------|--------|
| Are work & common areas clean and orderly?   | _____   | _____  |
| Are floors free of tripping hazards?   | _____   | _____  |
| Are trash containers emptied of overflow?  | _____   | _____  |
| Are materials properly stored?   | _____   | _____  |
| Are break rooms and restrooms clean?   | _____   | _____  |
| Is first aid area clean and orderly?   | _____   | _____  |
| <br>B. Electrical  | <br>Yes | <br>No |
| 1. Are extension cords, if used, free of nicks, cuts, and splices?                               | _____   | _____  |
| 2. Is plug free of strain damage and firmly connected to cord?                                   | _____   | _____  |
| 3. Is grounding pin on plug free of damage?  | _____   | _____  |
| 4. Are outlet covers in place & free of holes, cracks<br>or other damage?                        | _____   | _____  |
| 5. Do junction boxes have covers?  | _____   | _____  |
| 6. Are electrical enclosure covers, doors, or lids kept closed?                                  | _____   | _____  |
| 7. Are extension & power cords stored & routed to prevent damage?                                | _____   | _____  |
| 8. Are there any portable fans, coffee pots, heaters used?                                       | _____   | _____  |
| <br>C. Fire/Explosion if Any   | <br>Yes | <br>No |
| 1. Are flammables properly stored away from electrical<br>equipment, opens flames, sparks, etc.? | _____   | _____  |
| 2. Is gasoline or diesel stored in approved safety cans<br>and appropriately labeled?            | _____   | _____  |
| 3. Is smoking conducted in safe and authorized areas?  | _____   | _____  |
| 4. Are smoking materials properly discarded?   | _____   | _____  |
| <br>D. Floors, Stairs, Walkways, Parking Lots  | <br>Yes | <br>No |
| 1. Are surfaces free of cracks or holes?   | _____   | _____  |
| 2. Are aisles/walkways free of materials?  | _____   | _____  |
| 3. Are stairs, risers, and treads in good condition?   | _____   | _____  |
| 4. Are handrails in good condition on stairs?  | _____   | _____  |

| E. Fire Detection & Protection   | Yes   | No    |
|--|-------|-------|
| 1. Are portable fire extinguishers present?  | _____ | _____ |
| 2. Are annual inspection tags present?   | _____ | _____ |
| 3. Are portable fire extinguishers accessible?   | _____ | _____ |
| 4. Are there any standpipe and hose systems present?   | _____ | _____ |
| 5. Are there any sprinkler systems present? If so, are they inspected and serviced annually? | _____ | _____ |
| 6. Are there any smoke detectors?  | _____ | _____ |
| 7. Are there any manual fire alarms?   | _____ | _____ |
| If so, are they tested routinely?  | _____ | _____ |

| F. Exits   | Yes   | No    |
|--|-------|-------|
| 1. Are exit routes obvious and marked and free of obstructions?                                | _____ | _____ |
| 2. Do exit doors swing to accommodate exit traffic?  | _____ | _____ |
| 3. Are exit doors illuminated by a light source?   | _____ | _____ |
| 4. If more than one story are exit ways provided to accommodate exit of building as necessary? | _____ | _____ |
| 5. Any elevators?  | _____ | _____ |
| If so, are they inspected with certificate present?  | _____ | _____ |

Comments/Corrective Action Taken:

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# CITY OF CRYSTAL SPRINGS



## **ATTACHMENTS**



## **ATTACHMENT I / RESOLUTION I**

### **RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CRYSTAL SPRINGS, MISSISSIPPI AMENDING PERSONNEL POLICIES AND PROCEDURES TO REQUIRE LOCAL RESIDENCE AND REGULATION USE OF CITY PROPERTY**

WHEREAS, the City of Crystal Springs, Mississippi adopted personnel policies and procedures on May 3, 1988, and which have been amended at various times, and

WHEREAS, the City posted notice of this proposed amendment to personnel policies and procedures not less than two weeks prior to this hearing, and

WHEREAS, pursuant to the notice or proposed amendment, the City held a public hearing allowing all interested city employees to express their opinion concerning the proposed amendment, and

WHEREAS, the City of Crystal Springs, Mississippi desires to reaffirm and restate, and reincorporate the express provision that nothing in personnel policies and procedures or the Drug and Alcohol policy, or any other City Policy, creates any right to employment, or any contract guaranteeing employment, to any covered or non covered employee. All employees of the City serve at the will of the Mayor and Board of Aldermen and are subject to discharge at the will of the Mayor and Board of Aldermen with or without cause.

WHEREAS, the City of Crystal Springs, Mississippi funds and adjudicates that City "department heads" for the purpose of this resolution shall mean, the City Clerk, Police Chief, Fire Chief, Superintendent of the Wastewater Treatment Plant, and Director of Parks and Recreation are subject to emergency duty at any time on extremely short notice, and in order to adequately and professionally perform those duties, the department head should have a place of residence within a short distance of the City Limits and/or relocate within the 39059 zip code within six months of hire as a condition of their employment. The Mayor and Board of Aldermen adjudicates that a rational short distance shall be deemed residence within the 39059 zip code. In order to phase in this residence requirement, all department heads holding their office on the date of adoption of this resolution shall be grandfathered into their position and exempt from this requirement.

WHEREAS, the City of Crystal, Mississippi finds and adjudicates that it has the power and authority under 21-19-49 and other sections of the Mississippi code to permit or prohibit the use of City equipment by police or other employees during outside employment, and

WHEREAS, the City has previously allowed the use of specific equipment during outside employment and misidentification, and the potential for improper dual employment problems have arisen and the use of said equipment should be prohibited without express written consent by the Mayor and Board of Aldermen.

WHEREAS, the City of Crystal Springs, Mississippi has given notice to all employees and posted notice of a hearing to allow all employees the opportunity to offer input, objections, or suggestions to the change in personnel policies and procedures and drug and alcohol testing policy prior to its adoption.

**THEREFORE BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CRYSTAL SPRINGS, MISSISSIPPI AS FOLLOWS:**

1. All department heads appointed after the date of passage of this resolution shall be required as a condition of their employment, to have a place of residence in the 39059 zip code on the date of appointment or acquire such a place of residence within six months of the date of appointment.
2. From and after passage, the use of City uniforms, firearms, automobiles, identification and equipment of any and all types by City employees during non –city employment is prohibited except where expressly authorized in writing by the Mayor and Board of Alderman. This provision shall not be deemed to prohibit emergency aid to other jurisdictions, schools or the County where authorized by Mississippi law.
9. All employees covered under this resolution shall be given a copy thereof immediately, and all new hires shall be given a copy of the amended personnel policies and drug and alcohol test policies.
10. Violation of this policy shall be deemed to be employee misconduct and conduct unbecoming to an employee of the City either while on or off duty.



## **ATTACHMENT II / RESOLUTION II**

### **RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CRYSTAL SPRINGS, MISSISSIPPI AMENDING PERSONNEL POLICIES AND PROCEDURES AND DRUG AND ALCOHOL POLICY**

WHEREAS, the City of Crystal Springs, Mississippi adopted personnel policies and procedures on May 3, 1988, and which have been amended at various times with the last amendment adopted April 3, 2001, and

WHEREAS, the City of Crystal Springs, Mississippi adopted a Department of Transportation Drug and Alcohol policy which applies only to City employees who hold a Commercial Driver's license, on 12 1995.

WHEREAS, the City of Crystal Springs, Mississippi desires to reaffirm and restate, and reincorporate the express provision that nothing in personnel policies and procedures or the Drug and Alcohol policy, or any other City Policy, creates any right to employment, or any contract guaranteeing employment, to any covered or non covered employee. All employees of the City serve at the will of the Mayor and Board of Aldermen and are subject to discharge at the will of the Mayor and Board of Aldermen with or without cause.

WHEREAS, the City of Crystal Springs, Mississippi finds and adjudicates that random drug and alcohol testing of covered employees, in addition to holders of commercial driver's license, is in the best interest of the health, safety, and welfare of the City of Crystal Springs, Mississippi, its employees, and the public and is authorized under §71-7-1 et seq Mississippi Code Annotated, and the existing City of Crystal Springs, Mississippi Drug and Alcohol policy and personnel policies and procedures should be amended to incorporate random drug testing of covered employees as set forth in this resolution, and

WHEREAS, the City of Crystal Springs, Mississippi has given notice to all employees and posted notice of a bearing to allow all employees the opportunity to offer input, objections, or suggestions to the change in personnel policies and procedures and drug and alcohol testing policy prior to its adoption.

**THEREFORE BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CRYSTAL SPRINGS, MISSISSIPPI AS FOLLOWS:**

- I. The personnel policies and procedures of the City of Crystal Springs, Mississippi is hereby re-adopted with the amendments set forth in this resolution.
2. The Department of Transportation Drug and Alcohol Policy of the City of Crystal Springs, Mississippi is hereby re-adopted with the amendments set forth in this resolution.
3. Any provision of personnel policies and procedures and Department of Transportation Drug and Alcohol Policy of the City of Crystal Springs, Mississippi which

may be found to be invalid by any Court of competent jurisdiction shall be stricken and the remaining provisions shall remain in full force and effect.

4. All employees who are bonded by the City or who will be engaged in the handling of monies belonging to the public or the City, shall be required to have a background check and security clearance and a credit check if deemed necessary by the City.

5. All provisions of the of the City of Crystal Springs, Mississippi Department of Transportation Drug and Alcohol Policy originally adopted on 12.19.1998 and which apply only to City Employees who are drivers of commercial motor vehicles and who are subject to commercial driver's license requirements are hereby amended to include the following additional City employees:

- A. As a condition to employment, where the following categories of jobs are affected, or
- B. The employee is engaged in law enforcement, or
- C. The employee has drug interdiction responsibilities, or
- D. The City offers a job position which requires the employee to do any of the following:
  - I. To Carry a firearm
  - II. Engage in law enforcement
  - III. Are required to have a security clearance
  - IV. Gives employee access to sensitive information
  - V. Are required to engage in activities affecting public health and safety

6. The City finds and adjudicates those city employees who are covered under the drug and alcohol policy set forth above shall be deemed to be the following employees:

- A. All City transportation employees who are holders of commercial driver's license
- B. All sworn police department employees who are engaged in law enforcement
- C. Police dispatchers who handle emergency calls from or to the public or police officers, or have access to sensitive information
- D. City Court Clerks and Deputy Clerks who handle public funds and who have authority to accept arrest warrants, monies, and supervise or control or have access to sensitive law enforcement information, files, or confidential court information.
- E. Public works employees who operate heavy equipment, weed eaters, power equipment, or who operate equipment on or near public roadways, streets or sidewalks used by the public.
- F. All water department employees are deemed to engage in activities affecting public health and safety.
- G. Wastewater treatment plant employees who use heavy equipment including tractors, bush hogs, weed eaters are deemed to be engaged in public health and safety.
- H. Parks and Recreation employees who operate tractors, bush hogs, weed eaters, or exercise control over areas which must be safely used by children or the public, are deemed to be engaged in public health and safety
- I. All other employees engaged in activities affecting public health and safety

7. All references in the current Department of Transportation Drug and Alcohol policy to "driver or drivers", "transportation employees" be expanded to mean and shall mean and shall also cover all additional employee set forth in Paragraph 4 and 5 of this resolution.

8. The provisions of this resolution shall remain in full force and effect for all drivers of commercial motor vehicles and who are subject to commercial driver's license requirements. The provisions of this resolution which have expanded the policy to other City employees not currently covered by the policy shall be full force and in effect thirty days from the adoption of this resolution.

9. All employees covered under this resolution shall be given a copy thereof immediately and all new hires shall be given a copy of the amended personnel policies and procedures and drug and alcohol test policies.

10. Violation of this policy shall be deemed to be employee misconduct and conduct unbecoming to an employee of the City either while on or off duty.



## **ATTACHMENT III / RESOLUTION III**

### **RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CRYSTAL SPRINGS, MISSISSIPPI AMENDING POLICY ON PERSONAL USE OF CITY-OWNED MOTOR VEHICLES**

WHEREAS, on February 2, 1993, the Mayor and Board of Aldermen of the City of Crystal Springs, Mississippi adopted a resolution governing the use of City owned motor vehicles found in City of Crystal Springs, Mississippi Minute Book 28 Page 10, and

WHEREAS, the Mayor and Board of Aldermen find that the resolution should be amended and revised as set forth in this amended policy.

**Therefore, be it resolved by the mayor and Board of Aldermen of the City of Crystal Springs, Mississippi as follows:**

It is the general policy of the City that personal use of City owned motor vehicles is prohibited except as set forth in this resolution.

1. The following City Employee Categories are designated to be emergency and/or on-call twenty four hours per day when not on their regular duty shifts and are directed to commute to and from work in City owned vehicles in furtherance of their employment if necessary:

A. CHIEF OF POLICE: This Department Head is authorized to commute in a marked or properly unmarked Police Vehicle which has been designated by the City to be used for criminal surveillance. This vehicle is necessary to help enforce the law and for use in stakeouts.

B. SUPERINTENDENT OF PUBLIC WORKS: This Department Head is authorized to commute in a clearly marked, fully equipped, City pickup truck necessary to respond to water, sewer, and public works emergency repairs.

C. ASSISTANT SUPERINTENDENT OF PUBLIC WORKS: This Assistant Department Head is authorized to commute in a clearly marked, fully equipped, City pickup truck necessary to respond to water, sewer, and public works emergency repairs.

D. SUPERINTENDENT OF WASTEWATER TREATMENT PLANT: This Department Head is authorized to commute in a clearly marked, fully equipped, City pickup truck necessary to respond to sewer emergencies and to assist the public works department in emergencies.

E. OPERATOR OF PEST CONTROL VEHICLE: During Summer months when the clearly marked pest control vehicle is being used out of normal working hours, the operator of the vehicle is authorized to take the vehicle home at the discretion of the Department Head.

F. FIRE CHIEF: This Department Head is authorized to commute in the clearly marked, fully equipped Crystal Springs Rescue Unit Van or vehicle which is manned twenty four hours per day for use in EMT/Fire Department emergencies.

G. ASSISTANT SUPERINTENDENT OF WASTEWATER TREATMENT PLANT: The Assistant Department Head is authorized to commute in a clearly marked, fully equipped, City pickup

truck to respond to sewer emergencies and to assist the public works department in emergencies in the Superintendent's absence at the discretion of the Department Head.

H. DIRECTOR OF PARKS AND RECREATION: The Director of Parks and Recreation has multiple duties involving City programs, recreation centers and swimming pool which requires after shift work. The Directors of Parks and Recreation is authorized to commute in a clearly marked, fully equipped, City pickup truck or vehicle.

I. SPECIFIED POLICE DEPARTMENT PERSONNEL: The Detective or Criminal Investigator and K9 Handler are authorized to commute in clearly marked, or designated unmarked police vehicles used for undercover police work or undercover operations. The Detective or Criminal Investigator and K-9 Handler are authorized to commute in police marked and unmarked vehicles.

J. OTHER SPECIFIC PERSONNEL: At the express direction of the Mayor or City Official designated to authorize travel, other City personnel are authorized to use and commute in clearly marked City vehicles in specific limited circumstances where it would be impractical or a hardship for the City vehicle to be returned to the City such as overnight travel to seminars, court, meetings, early or late meetings, etc.

## 2. RESTRICTION ON PERSONAL USE OF VEHICLES:

A. Use of a City owned vehicle by employee family members and non-city employees is prohibited except where authorized in this policy. If the employee is attending a City approved convention, meeting, or function where employee family members are authorized or expected to attend, the non-employee or family member's traveling in the vehicle is not prohibited, however the family member or non-employee shall not operate the vehicle. A non-employee may ride as a passenger in a City vehicle where the non-employee is a passenger whose travel is related to City business, a City function, and the passenger's use is not personal by the City employee.

B. Use of a City owned vehicle for during work hours or after work hours for personal tasks, personal errands, and vacation trips is prohibited, other than small de minimis personal task incidental to City use.

C. Storage of personal possessions not directly related to the employees job or storage or transportation of alcoholic beverages in a City owned vehicle is prohibited.

D. Use of the City owned vehicle outside of normal working hours (other than use directly connected with City employment) is limited to 10 miles per day.

E. All City employees using City vehicles at work or commuting must possess a current valid Mississippi driver's license. Any employee who operates a City motor vehicle is directed to immediately report to his Department Head/Mayor any arrest and/or conviction for violation of any offense which may result in the suspension or revocation of his Driver's License. Any employee who operates a City motor vehicle is directed to immediately report to his Department Head/Mayor the revocation or suspension of the employee's driver's license.

F. Use contrary to Mississippi State Law, Mississippi State Audit Department regulations and City of Crystal Springs, Mississippi rules and regulations is prohibited.





## **ATTACHMENT IV / RESOLUTION IV**

### **CITY OF CRYSTAL SPRINGS, MISSISSIPPI EMPLOYEE COMPUTER AND INTERNET USE POLICY**

#### **ARTICLE 1: Purpose and Function:**

- 1.01 The City maintains intranet and internet access for its employees for the purpose of improving productivity, professional development, and the level of services to the people of our community.
- 1.02 The City network (which includes City-owned or leased local and wide-area networks, the internet and the World Wide Web, and the computers connected to them, hereafter referred to as "the system") is not a public access service, nor is it a public forum and is not for private use of the employees. The City has the right to place reasonable restrictions on the material you access or post through the system. You may not use the system for commercial purposes. This means you may not offer, provide, or purchase products or services through the city system, except for products or servicing directly related to your official duties.

#### **ARTICLE II: Unacceptable Uses:**

The following uses of the city system are considered unacceptable:

##### **2.01 Improper Access or Hacking**

You will not attempt to gain unauthorized access to the city system or to any other computer system through the city system, or go beyond your authorized access. This includes attempting to log in through another person's account or access another person's file. You will not make deliberate attempts to disrupt the computer system or destroy data by spreading computer viruses, worms, Trojan Horse, trap door program, key logger, or by any other means. You will not use City system to engage in any other illegal act.

##### **2.02 System Security**

You are responsible for your individual account and must take all reasonable precautions to prevent others from being able to use your account. Under no conditions should you provide your password to another person (except as set forth in this policy.) You will immediately notify the system administrator if you have identified a possible security problem. (Do not go looking for security problems, because this may be construed as an illegal attempt to gain access.)

### 2.03 Inappropriate Language

Restrictions against inappropriate language apply to public messages, obscene, profane, lewd, vulgar, rude, inflammatory or threatening language. You will not post information that could cause damage or a danger of disruption. You will not engage in personal attacks, including prejudicial, racist, sexist, or discriminatory attacks. You will not harass another person. If you are told by a person to stop sending them messages, you must stop. You will not knowingly or recklessly post false or defamatory information about a person or organization.

### 2.04 Respecting Resource Limits

You will not post chain letters or engage in "spamming". Spamming is sending an annoying or unnecessary message to a large number of people. You will check your e-mail frequently and delete unwanted messages promptly.

Video and audio live streaming use significant amounts of bandwidth. You will not use video or audio streaming programs unless it is necessary for the performance of your official duties. Downloading or installing games or entertainment software is specifically prohibited.

### 2.05 Copyright

You will respect the rights of copyright owners. Copyright infringement occurs when you inappropriately reproduce a work that is protected by a copyright. If a work contains language that specifies appropriate use of that work, you should follow the expressed requirements. If you are unsure whether or not you can use a work, you should request permission from the copyright owner.

### 2.06 Inappropriate Access to Material

You will not use the city system to access material that is designated for "adults only" or is profane or obscene (pornography), that advocates illegal or dangerous acts, or that advocates violence or discrimination towards other people (hate literature). This provision does not apply if you are assigned by a supervisor to access such material for reasons directly related to your job. (e.g., prosecutor or detective.) NOTE: The city monitors internet traffic. See the discussion of privacy rights below.

### 2.07 Unsafe Material

All computers are vulnerable to viruses - malicious code which destroys data or programming. You should not download anything from any site you are not convinced is safe. Any attachment to an e-mail received from an unknown source

should be downloaded to diskette or portable drive without opening it and scanned for virus and mal ware prior to opening. Be aware that "free" software, including screensavers and non-approved virus protection are known sources of malware.

## 2.08 Other Illegal Activity

You will not take any other action by or through the system or any part of the system which is otherwise illegal, including, but not limited to gambling, trafficking in narcotics or the making of threats.

Examples of prohibited conduct include file sharing of restricted or copyrighted internet download of copyright music, video, software, movies, books and pictures.

## ARTICLE III: Privacy:

- 3.01 The system is funded with tax dollars, solely for public purposes. As such, almost all communications are public records. Therefore, the city reserves the right to monitor your use of the system and any communications over *it*, and examine the computer and its contents at any time. THERE IS NO RIGHT OF PRIVACY.
- 3.02 Routine maintenance and monitoring of City system may lead to discovery that you have violated this policy, work rules or the law. The City may at any time install and use monitoring software that may copy all user activity.
- 3.03 The City will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through City system.
- 3.04 In the ordinary course of its business and for legitimate reasons of management or of security, the city may, at its sole discretion and without prior notice:
  - a) Peruse, read, copy, reproduce, print, use, communicate, keep, move, store or destroy, in whole or in part, the information, messages, files or data located in the internet network access system or emanating there from, whether or not such information, messages, files, or data have been created, received or kept by the user with the help of said system;
  - b) Monitor, in real or deferred time, using any technical means, access to the internet network and the use thereof by the user, whether or not the user is aware of being monitored;
  - c) Intercept or record any transmission, communication, or work session, whether or not the user is aware such interception or recording is taking place.

#### ARTICLE IV: E-Mail

- 4.01 E-mail is for public purposes. The city system should not be used for purposes of forwarding chain letters, jokes, or other inappropriate material unrelated to your employment.
- 4.02 E-mail is maintained on the city system, not simply on your personal computer. It also may reside on several intermediate nodes not under the city's control, and may be subject to interception by third parties during transmission.  
REMEMBER, THERE IS NO RIGHT OF PRIVACY REGARDING YOUR E-MAIL.

As such, e-mail communication should be conducted in such a manner as speech in a public place.

#### ARTICLE V: Personal Use

- 5.01 Like local phone service, no additional costs are incurred by the city for use of the internet.  
Therefore, limited personal use of the internet is not prohibited, in accordance with the other terms and conditions of this policy, and to the same extent that personal, local telephone calls are appropriate.
- 5.02 You are not to take any action using the city system which would result in any charge accruing to the city, without specific authorization from the appropriate authority.

#### ARTICLE VI: System Administrator

- 6.01 The City Clerk shall be the designated System Administrator.
- 6.02 Unauthorized access-the employee will report to the System Administrator any attempted unauthorized access to the system such as suspected hacking of your account, suspected virus, malware incident or unauthorized access to your account.
- 6.03 Installation of software and downloads- The user must notify the system administrator prior to installing any non-city supplied software or downloads. No employee may install encryption software on the system without the consent of the System Administrator. All city supplied software and law enforcement packages and Department of Justice software is preapproved.
- 6.04 Passwords - The System Administrator will maintain a master file of all user names and passwords for log in to the system or the internet. Prior to using the system, each user must notify the System Administrator of all user names and passwords, or login information to be used.

- 6.05 Termination of Employee- An employee who terminates from the City must insure the City has full unlimited access to his computer. An employee who terminates in violation of this policy will pay the City all reasonable costs incurred by the city to gain full unlimited access to the employee's computers and files.

#### ARTICLE VII: Discipline

- 7.01 This policy is intended to be treated as a city work rule. Violation of this policy may subject you to discipline, up to and including dismissal.

#### ARTICLE VIII: Effective Date

- 8.01 This policy was passed by the Board of Aldermen on October 4, 2011. The effective date will be October 10, 2011. It shall be the responsibility of and the duty of the employee to remove any personal, confidential, or offending data from City computer prior to the effective date. Any offending data or files discovered after the effective date shall be a violation of this policy. It shall not be a defense that the offending data or file was placed on the computer prior to the effective date.
- 8.02 Prior to the effective date, all users must report all user names or log in names and passwords to the system administrator. Any time a user name or password is changed, the change must be reported to the system administrator.



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# NOTES







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**UNIVERSITY™**