

MINUTES OF A REGULAR MEETING OF
THE MAYOR AND CITY COUNCIL OF
THE CITY OF HAMILTON, ALABAMA

April 20, 2009

A regular meeting of the Mayor and City Council of Hamilton, Alabama was held on April 20, 2009 at 6:00 p.m. in the Auditorium of Hamilton City Hall. Mayor Holliday called the meeting to order and welcomed all guests. McDavid Franks led the Pledge of Allegiance and Bobby Bowling gave the invocation. Those present were:

Mayor:	Bobby Holliday
Council:	McDavid Franks Scotty Sanderson Annette Sherrill April Steele Paul Stidham
City Clerk:	Jan Williams
Guests:	Scott Hunt Joel Bartlett Barron Wiginton Scotty Chandler Adam Heath Kieran Jackson Shannon Nichols Robyn Zills Don Gann Mack Smith Bobby Bowling

The first order of business was a motion by Scotty Sanderson that the minutes from the last meeting be approved. McDavid Franks seconded the motion which passed unanimously.

McDavid Franks made a motion to table a recommendation to hire Joey Triplett to replace an employee retiring from the Waste Water Treatment Plant. April Steele seconded the motion. All voted "Yes".

McDavid Franks made a motion to add an additional handicap parking space on the Southside of the Marion County Court House. Scotty Sanderson seconded the motion and all voted in favor.

McDavid Franks made a motion to designate eleven thirty-minute parking spaces on the Southside of the Marion County Court House for Court House business only. Paul Stidham seconded the motion which passed unanimously.

Annette Sherrill made a motion for immediate consideration of Ordinance 2009-3 to amend Ordinance Number 531 to increase the lodging tax to 7%. Paul Stidham seconded the motion. All voted "Yes".

ORDINANCE NUMBER 2009-3

AN ORDINANCE OF THE CITY OF HAMILTON TO AMEND ORDINANCE NUMBER 531 OF THE CITY OF HAMILTON TO ESTABLISH A PRIVILEGE OR LICENSE TAX WITHIN THE POLICE JURISDICTION AND CORPORATE LIMITS OF THE CITY OF HAMILTON

BE IT ORDAINED by the City Council of the City of Hamilton, Alabama, as follows:

SECTION I. AMENDMENT.

(a) That Section 2, entitled Tax levied within corporate limits; amount, application of Ordinance 531 of the City of Hamilton be and hereby is amended to read as follows:

SECTION 2. Tax levied within corporate limits; amount; application. There is hereby levied and imposed in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person engaging within the corporate limits of the City on:

(a) The business of renting or furnishing any room or rooms or lodging to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms or lodging are regularly furnished to transients for a consideration, said tax to be in an amount equal to seven percent (7%) of the charge for such room, rooms, or lodgings, including the charge for use or rental of personal property sold or services furnished in such room; provided, that charges for property sold or services furnished which are required to be included in the computation of the tax levied in Title 40-23-1, et seq., of the Code of Alabama, 1975, said article being commonly referred to as the State Sales Tax Statute, shall not be included in computing the tax herein levied.

(b) The tax referred to in the foregoing subsection (a) shall apply to and be measured only by the charges for the rental of rooms or lodgings

supplied to transients, and shall not apply to, or be measured by the charges for the rental of rooms or lodgings supplied for a period of thirty (30) days, or longer, nor shall it apply to the business of renting or furnishing space for accommodation of trailers.

(b) That Section 3, entitled Tax levied within police jurisdiction; amount, application@ of Ordinance 531 of the City of Hamilton be and hereby is amended to read as follows:

Section 3. Tax levied within police jurisdiction of city; amount; application. There is hereby levied and imposed in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person engaging outside the corporate limits but within the police jurisdiction in:

(a) The business of renting or furnishing any room or rooms or lodging to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms or lodging are regularly furnished to transients for a consideration, said tax to be in an amount equal to seven percent (7%) of the charge for such room, rooms, or lodgings, including the charge for use or rental of personal property sold or services furnished in such room; provided, that charges for property sold or services furnished which are required to be included in the computation of the tax levied in Title 40-23-1, et seq., of the Code of Alabama, 1975, said article being commonly referred to as the State Sales Tax Statute, shall not be included in computing the tax herein levied.

(b) The tax referred to in the foregoing subsection (a) shall apply to and be measured only by the charges for the rental of rooms or lodgings supplied to transients, and shall not apply to, or be measured by the charges for the rental of rooms or lodgings supplied for a period of thirty (30) days, or longer, nor shall it apply to the business of renting or furnishing space for accommodation of trailers.

SECTION II. INCLUSION. Other than as provided in Section 1 of this amendment, Ordinance 531 of the City of Hamilton is adopted, realleged and incorporated by reference as if fully set forth herein.

SECTION III. SEVERABILITY. Each and every provision of this ordinance is hereby declared to be an independent provision, and the holding of any provision hereof to be void or invalid, shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might be held invalid.

SECTION IV. EFFECTIVE DATE. This ordinance shall become effective on June 1, 2009.

Adopted and approved this the 20th day of April, 2009.

Bobby Holliday
Mayor for the City of Hamilton

Authenticated:

Jan Williams
Clerk for the City of Hamilton

Annette Sherrill made a motion to approve Ordinance 2009-3 and Paul Stidham seconded the motion. Voting was as follows: Ayes: McDavid Franks, Scotty Sanderson, Annette Sherrill, April Steele and Paul Stidham. Nays: None.

Annette Sherrill made a motion for immediate consideration of Ordinance 2009-4 to amend Ordinance Number 460 to increase fines for certain parking violations. McDavid Franks seconded the motion and all voted in favor.

ORDINANCE NUMBER 2009-4

AN ORDINANCE OF THE CITY OF HAMILTON TO AMEND ORDINANCE NUMBER 460 OF THE CITY OF HAMILTON TO INCREASE FINES FOR CERTAIN PARKING VIOLATIONS THE POLICE JURISDICTION AND CORPORATE LIMITS OF THE CITY OF HAMILTON

BE IT ORDAINED by the City Council of the City of Hamilton, Alabama, as follows:

SECTION I. AMENDMENT.

That Section 3, entitled ⁻ Minimum Fines for parking violations as follows@ of Ordinance 460 of the City of Hamilton be and hereby is amended to include the following:

**SECTION 3. Minimum Fines for parking violation
as follows.**

- 5. Parking at Fire Lane or Plug:
\$ 50.00
- 7. Parking over 30 minutes in designated spots:
\$ 50.00

Other than as provided above, all other fines in Section 3 of Ordinance 460 of the City of Hamilton is adopted, realleged and incorporated by reference as if fully set forth herein.

SECTION II. INCLUSION. Other than as provided in Section 1 of this amendment, Ordinance 460 of the City of Hamilton is adopted, realleged and incorporated by reference as if fully set forth herein.

SECTION III. SEVERABILITY. Each and every provision of this ordinance is hereby declared to be an independent provision, and the holding of any provision hereof to be void or invalid, shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might be held invalid.

SECTION IV. EFFECTIVE DATE. This ordinance shall become effective on May 1, 2009.

Adopted and approved this the 20th day of April, 2009.

Bobby Holliday
Mayor for the City of Hamilton

Authenticated:

Jan Williams
Clerk for the City of Hamilton

Annette Sherrill made a motion to approve Ordinance 2009-4 and McDavid Franks seconded the motion. Voting was as follows: Ayes: McDavid Franks, Scotty Sanderson, Annette Sherrill, April Steele and Paul Stidham. Nays: None.

McDavid Franks made a motion to approve the City of Hamilton Personnel Policy as amended. Annette Sherrill seconded the motion which passed unanimously.

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I. INTRODUCTION

This handbook has been prepared by the City of Hamilton to present to city employees as a guide to assist in understanding the rules, procedures, and benefits relative to their employment with the City of Hamilton.

Specifically, this handbook covers conditions under which employees are recruited and hired; conditions of employment; disciplinary actions and grievance procedures; compensation; and other matters regarding working conditions, including various policies of a general nature which relate to employees and the workplace. The information contained herein is effective April 6, 2009, and is applicable until changed or amended by the City of Hamilton. The City reserves the right to make changes in either policies or procedures or benefits at any time that it becomes necessary or desirable.

II. GENERAL PROVISIONS

It is the intent and purpose of these policies and procedures to establish guidelines for administration of qualified employees, enhance effective and efficient performance in providing needed services to the people of Hamilton, Alabama, and at the same time enable City employees to derive satisfaction from their work. To these ends, these general policies are established. The City of Hamilton is the approving authority for all City personnel policies and actions. It is the policy of the City of Hamilton to provide equal opportunity in employment to all employees and applicants for employment. No person shall be discriminated against in employment because of such individual's race, religion, color, sex, age, national origin, marital status, disability, or citizenship status. This policy applies to all terms, conditions, and privileges of employment, including, but

not limited to, hiring, training and development, promotion, transfer, compensation, benefits, educational assistance, lay-offs and recalls, social and recreational programs, termination and retirement.

III. ADMINISTRATION

These policies and procedures shall be administered by all elected officials, department heads, supervisors, and other appropriate administrative personnel; and, shall be subject to regular and periodic review by the City of Hamilton. Because of the great variety of situations which may arise, the City of Hamilton reserves the right to make decisions related to employment in a manner other than as provided in this handbook. This manual should not be construed to be a binding contract of employment. Statements in this policy manual in no manner imply that a contract of employment exists. The City of Hamilton reserves the discretion to amend or modify this policy provision. To the extent that notice, hearing and due process considerations are mandated upon the City of Hamilton to strictly adhere to such; but this manual should not be construed as extending or enlarging such beyond those now or hereafter mandated by such laws as they apply to the City of Hamilton.

IV. DEFINITIONS

Unclassified employee – an employee who serves at the pleasure of the elected official for whom he/she works in a position designated by the City as an unclassified position; Unclassified positions are herein designed as City Clerk, Police Chief, and Fire Chief

Classified employee – an employee who has completed the established probationary period in a position designated as classified by the City and has been approved by the City to be a classified employee

Probationary employee – an employee who has not completed the one (1) year probationary period in a classified position and/or has not been designated a classified employee by the City

Full-time employee – an employee who regularly works a full workweek as defined by the City; full-time employees may occupy either classified or unclassified positions

Part-time employee – an employee who holds a position designated as part-time; the employee may work either less than the established full workweek or work full-time for a fixed period of time (usually not more than six (6) months) as approved by the City

Provisional appointment – an appointment authorized by the City for a limited period of time (usually not more than six (6) months) when an eligible candidate is not immediately available, or to fill the temporary absence of a classified employee; the person appointed must meet the minimum qualifications required for the job

V. EMPLOYEE CLASSIFICATION

There are hereby established the following classification of employees in the City of Hamilton, Alabama:

- a. Exempted: Elected city officials to whom established personnel policies and procedures shall in no way apply, except as they govern their actions with city employees;

- b. **Unclassified:** Employees who serve at the pleasure of elected officials as their principal assistants in positions designated by the City or applicable state law as unclassified; Established personnel policies and procedures apply to these employees, except as follows:
 - 1. If the employee is a classified employee at the time of his/her appointment to an unclassified position, he/she shall retain the right to reinstatement as a classified employee upon termination from the unclassified position, unless he/she is separated for cause;
 - 2. If the individual is not a classified employee at the time of unclassified appointment, he/she shall have no right to employment as a classified employee after completion of his/her service. However, if a vacancy for which he/she is qualified exists in the City, he/she may be considered along with other qualified applicants;
 - 3. An unclassified employee's tenure of service is at the pleasure of the elected official for whom he/she works; and,
 - 4. Otherwise, employment as an unclassified employee is the same as a classified employee.
- c. **Part-time:** Employees that are hired for positions that are designed by the City as part-time or temporary;
- d. **Classified:** All other employees paid from the City of Hamilton funds, or from state or federal funds administered by the City of Hamilton. To become a classified employee an employee must have satisfactorily

completed the probationary period in a designated classified position and have been approved for classified status by the Hamilton City Council.

Every position within the City shall be designated by the City in accordance with the above classes. Such designations will be shown on the allocation list of the classification plan.

VI. PROBATIONARY PERIOD

A probationary period is hereby established for all employees who are hired for classified positions. The supervisor shall evaluate the job performance of each probationary employee during the probationary period. The purpose of the probationary period is to provide a period during which a new employee's ability to function in a new position within the City can be evaluated. At any time during the one (1) year probationary period, a probationary employee may be terminated without prior notice and without being afforded a hearing as provided herein for classified employees.

Appointment to the classified service shall be based upon: (1) satisfactory performance of work, (2) personal conduct compatible with trust inherent in public service, and (3) availability of funds.

Every new employee hired for a classified position shall serve a probationary period of at least one (1) year. The probationary period is an integral part of the training and evaluation process and shall be utilized for closely observing an employee's work, for obtaining the effective adjustment of a new employee in his/her position, and for separating any new employee whose performance does not meet required established performance standards. The employee's status shall not be changed until service has

been satisfactory and requests the City Council to change the employee's status to classified, but in no event shall such change in classification occur prior to one (1) year from the date of employment.

A written notice will be furnished to any terminated probationary employee, but no hearing shall be afforded.

Lengthy absences during the probationary period are discouraged and shall be granted only in justifiable situations. Excused absences in excess of two weeks will extend the probationary period an amount equal to the absence.

VII. STATUS OF PRESENT PERSONNEL

All persons employed by the City of Hamilton at the time of the adoption of these policies who have a minimum of one (1) year successful, uninterrupted service in a classified position with the City shall have satisfactorily completed the requirement for probationary service and are on classified employment status. All employees holding unclassified positions at the time of the adoption of the employee handbook shall be entitled to return to a classified position upon termination from the unclassified position.

All persons presently employed by the City of Hamilton with less than one (1) year classified employment must complete the additional services needed to complete the probationary period, if any, before they become eligible for classified employment status. Supervisors will prepare probationary reports on these employees in accordance with the guidelines discussed in the probationary period section.

VIII. PERSONNEL REQUISITION PROCEDURE

To establish and fill a new position (not approved in the current year operating budget), a written request will be completed and signed by the department head. The request will be accompanied by a letter supporting the need for the new position. The request will be submitted to the Mayor for approval and funding. The department head will also prepare a job description, if applicable, for the new position. If there is a question concerning the proper duties, such duties shall be determined by the City Council, after first consulting with the Mayor. The pay grade will be decided by the Mayor and City Council.

The written request, along with the recommended job description will be submitted to the City for budget approval. Upon approval, the City will determine whether to limit the recruitment to city applicants or to initiate outside recruitment.

Whenever practicable, the City will fill vacant positions by promotion of City employees who meet required qualifications and have demonstrated potential before recruiting from outside sources.

IX. DISCIPLINARY ACTION

The primary purpose of discipline shall be to improve performance and behavior. All discipline shall be prompt and certain and every effort shall be made to determine why the employee failed to observe proper conduct.

For unsatisfactory performance of duties or other just causes of employee discipline, regardless of employment status, may be subject to the following disciplinary actions by his/her immediate supervisor or department head:

1. Verbal reprimand,

2. Written reprimand,
3. Suspension without pay for a period not to exceed ten (10) days (Requires department head approval and notification of the Mayor.),
4. Suspension without pay for a period not to exceed thirty (30) days; Notification will be furnished to the Mayor and City Council prior to this action becoming effective.
5. Dismissal from service (Requires approval by the Mayor.).

For all disciplinary actions, except verbal and written reprimands, the department head shall ensure that the employee is provided in writing: (1) reason(s) for discipline; (2) the disciplinary action to be taken; and, (3) the date, time, and place of such action. Such notice shall be signed by the department head and concurred in by the City, when required. The disciplined employee shall be furnished a copy of the notice. One copy shall be forwarded to the City Clerk for inclusion in the employee's personnel record.

Procedures for Disciplinary Action

All disciplinary action, except verbal reprimands, should be recorded and filed in the employee's personnel records.

Any action should be initiated by the immediate supervisor. Where the actions are severe, final approval must be obtained as provided above.

X. TRANSFERS

Any employee in the classified service who has successfully completed the probationary period with his/her consent and that of the department heads involved, be transferred to a similar position without being subject to a probationary period.

An eligible employee desiring to be transferred to a different department should make his/her request known in a letter to the department heads involved.

XI. PROMOTIONS

Vacancies in classified positions above the entry level shall be filled, so far as is practical, by the promotion of qualified, classified employees in the City service. In every case, promotion shall involve a definite increase in duties and responsibilities and shall not be made merely for affecting an increase in compensation. Promotion shall be based upon the employee's merit, efficiency, and physical condition (if physical condition is a bona fide occupational qualification as reflected by the approved job description for the position).

The department head shall insure that the promoted employee successfully completes a probation period in the new position.

Promotion consideration shall be given to all interested, eligible employees.

XII. DEMOTIONS

An employee may be demoted to a position of lower grade for which he/she is qualified for justifiable reasons, among which the following may be included:

1. His/her position is being abolished and he/she would otherwise be laid off; there is a lack of work; or there is a lack of funds.
2. The employee's performance has not demonstrated the necessary qualifications to render satisfactory service in the position he/she holds.
3. The employee voluntarily requests such demotion.

Demotions require the approval of the department heads and Mayor. Written notification stating the reason(s) and the effective date of the demotion should be provided to the employee at least two (2) weeks prior to the effective date of the demotion. Both the department head and the Mayor should sign such notification.

An employee, who fails to satisfactorily complete the six (6) month probationary period following a promotion, may be returned to his/her former position, or similar position, before the promotion, if such is available. Such reduction in grade shall not be considered a demotion.

XIII. SEPARATIONS

A. General Provisions

All separations of employees from positions in the classified service shall be designed as one of the following types: resignation, reduction in force, disability, death, retirement, or dismissal for cause.

At the time of the separation, or prior to payment of any final compensation, all records, assets, or other items of City property in the employee's custody shall be returned to City control. Certification to this effect shall be executed by the employee's supervisor and the employee. Final payment of compensation may be withheld until such certification has been completed. Any payment due the City because of shortage in the above shall be withheld from the employee's final compensation.

B. Types of Separation

1. Resignation

- i. An employee may resign by submitting in writing the reason(s) and the effective date for his/her resignation. Notification should be given as far in advance as possible, but at least two (2) weeks prior to the effective date of the resignation is encouraged. Failure to comply with this requirement may be cause for denying the individual future employment with the City.
- ii. Unauthorized absence from work for a period of three (3) consecutive working days may be considered by the department head as a voluntary resignation.
- iii. Department heads shall forward all notices of resignation to the Mayor immediately upon receipt.

2. Reduction in Force (RIF)

When it becomes necessary to reduce the working force, the City Council shall, in coordination with the Mayor, determine and issue guidance on the scope and nature of the RIF. Department heads shall be responsible for implementing the RIF within their departments. Criteria to be used by department heads in RIF decisions shall include length of service, performance of the employee, and critical nature of each position.

When a classified employee is scheduled to be laid-off, the employee shall be offered a demotion to a lower grade if he/she is qualified for the lower grade and if a suitable vacancy exists. Classified and unclassified employees should be notified in writing by the department head of their lay-off two weeks prior to the effective date of

the lay-off. Other employees are not entitled to a specific period of notice but will be given as much notice as possible. This notice should be in writing by the department head.

Part-time and probationary employees that are doing similar work will be laid off prior to the lay-off of classified employees. The normal order of lay-off will be in the reverse order to hire date within a department. The duties that were performed by the laid off employee may be reassigned to other employees.

3. Disability

An employee may be separated for non-job related disability, when he cannot perform his/her duties because of extended impairment. Separation action may be initiated by either the employee or the City. In all cases it must be supported by medical evidence. The City may choose to require an examination by a licensed physician of its choice.

Separation action will be taken only after the employee's accrued leaves with pay have been expended. An employee eligible for retirement will be entitled to retire and draw his/her retirement in accordance with these policies and procedures.

4. Death

Separation shall be effective as of the date of death. All compensation due as of that date shall be paid to the estate of the employee, except for such sums that must be paid as by law to the surviving spouse. Any indebtedness to the City may also be withheld, after approval of the City Council.

C. Retirement

Whenever an employee meets the conditions for retirement set forth in the Employee Retirement System of Alabama and City of Hamilton procedures, he/she may elect to retire and receive all benefits earned under the Alabama retirement plan. A Notice of Retirement should be forwarded to the City as far in advance as possible, but no earlier than six (6) months nor later than thirty (30) days prior to the requested effective date.

D. Dismissal

Any employee may be dismissed for the good of the City of Hamilton if justified. Reason(s) for dismissal include, but shall not be limited to:

- (1) Repeated incompetence or inefficiency in the performance of duties;
- (2) Conviction of a criminal offense or of a misdemeanor involving moral turpitude;
- (3) Violation of any lawful regulation, order, or direction made or given by a supervisor, or insubordination constituting a serious breach of discipline;
- (4) Intoxication or drinking of intoxicating beverages while on duty; or being under the influence of illegal drugs or narcotics while on duty;
- (5) Theft, destruction, carelessness, or negligence in the use of the property of the City;

- (6) Abusive personal conduct or language toward the public or toward fellow employees, or abusive public criticism of a superior or other City official;
- (7) Unauthorized absences or abuse of leave privileges;
- (8) Incapacity for proper performance of duties because of a permanent or chronic physical or mental defect;
- (9) Acceptance of any consideration of value which was given to improperly influence the employee in the performance of his/her duties;
- (10) Falsification of records or use of official position for personal advantage;
- (11) Loss of driver's license and driving privileges by due process of law, when the employee's position requires the operation of a motor vehicle in the performance of his/her duties;
- (12) Violation of any City of Hamilton personnel policy, or State/Federal law or regulation governing public employment.

In all dismissal proceedings involving classified employees the City will endeavor to provide due process protection. Such employee shall be provided, prior to dismissal, written notice of the proposed dismissal, the reason(s) for such dismissal, and advising the employee of his/her right to answer the charge orally

or in writing. If the employee fails to respond to this notice, the proposed dismissal shall be effective on the date specified.

XIV. OFFICIAL HOLIDAYS

The following days normally are observed as official paid holidays for the employees of the City of Hamilton:

New Years Day

Martin Luther King, Jr. Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Eve

Christmas Day

Additional holidays may be added or holidays deleted, at the discretion of the City by action of the City Council.

When a holiday observed by the City falls on Saturday or Sunday, such holiday shall be observed on Friday before or the Monday after the holiday, as directed by the Mayor. An employee who is required to work an official holiday shall be given

compensatory time off within the next ninety (90) days, or paid for the day at his/her regular rate of pay, at the discretion of the department head and approval of the City. It is expected that City personnel will be present at work, or on approved leave with pay on the work days scheduled immediately preceding and/or following a holiday. If an absence is unauthorized for either of these days, the holiday will not be paid.

XV. ATTENDANCE AND LEAVE

A. Attendance Records

The head of each department shall be responsible for ensuring that department employees work the normal scheduled work hours and for the accurate completion of an attendance report for each employee within his/her department for each pay period. The report for the pay period will be submitted to the City Clerk.

The City of Hamilton recognizes the following types of leave for eligible employees:

1. Annual Leave/Vacation;
2. Sick Leave;
3. Administrative Leave;
4. Maternity Leave
5. Military Leave; and,
6. Leave without pay.

B. Annual Leave/Vacation Policy

All classified and unclassified employees in the City shall earn annual leave with pay in accordance with these procedures.

All full time employees will accrue annual leave at a rate of eight (8) hours for each month of service. There are some employees that were hired before November 1997 that currently accrue annual leave at a different rate of accrual. These employees will be allowed to continue accruing at the old rate. Eligible part-time employees accrue annual leave based on the rate of 1 day for each 173 hours of service. Annual leave may be accumulated up to 240 hours, which is approximately 30 working days as of December 31 each year. All time over 240 hours after December 31 are cancelled.

Upon separation from City service an individual may be either paid for all unused annual leave at his/her current rate of pay or required to take his/her leave, at the discretion of the department head and the City.

Annual leave will be approved at the discretion of each department head, taking into consideration the needs of the City, the department, and the employee. A department head may require all department employees to take their leaves at the same time, if the department workload requires it. In other situations, the employee should submit a request for annual leave as far in advance as possible of the time desired. Annual leave shall be approved in advance of each absence, except in unusual circumstances. Failure to comply with this requirement may result in the absence being treated as an authorized absence.

When a paid holiday occurs during an employee's annual leave, the day will be credited as a holiday day, and not as an annual leave day.

Annual leave will be charged in units of half days. The annual leave year for the City will be January 1 to December 31 of each calendar year.

C. Sick Leave Policy

All full-time classified, unclassified, and probationary employees shall earn credit for paid sick leave at the rate of one (1) day of leave for each full month worked for a total of twelve (12) days per year. Each part time employee accrues sick leave at the rate of one day for each 173 hours of work. Earned sick leave will be posted to the employee's account at the end of each month.

City of Hamilton employees may carry over no more than 960 hours total sick leave, which is approximately 6 months, from one calendar year to another. Sick leave days shall not be accrued while an employee is in a non-pay status.

Upon retirement, any employee with 25 years service or age 60 and 10 years service shall have two options for converting his/her sick leave. (1) The employee can receive payment at his/her current rate of pay for 50% of his/her accumulated sick leave up to 480 hours. (2) The employee may convert unused sick leave in accordance with the State of Alabama's policy for sick leave conversion as time counted toward retirement. The employee can choose either option, but not both, in the use of the unused sick leave.

Upon any other type of separation, all sick leave is cancelled and is not transferable to annual leave.

D. Utilization of Sick Leave

Sick leave is defined as the absence from duty of an employee because of (1) illness, or visit to doctor or dentist, (2) bodily injury incurred on or off duty, and

(3) attendance on members of the employee's immediate family whose illness requires employee's care. "Immediate family" is defined as wife/husband, children, parents or grandparents, sister or brother, mother-in-law or father-in-law.

In order to be granted sick leave, an employee must meet the following conditions:

1. The employee must notify his/her immediate supervisor within two (2) hours of his/her usual reporting time, or as soon as possible thereafter. Police and Fire Department personnel are required to notify their supervisor before the start of their scheduled shift. Failure to do so may be cause for denial of sick leave for the period of absence. Denial of sick leave will result in the employee being charged with annual leave or placed in non-pay status, at the discretion of the department head.
2. For periods of absence in excess of three (3) consecutive days, or anytime at the request of the department head, the employee will be required to submit a medical certificate/excuse signed by a licensed physician certifying that the employee has been incapacitated for work for the period of the absence and when he/she will again be physically able to perform his/her duties.

Advanced sick leave with pay may be extended at the discretion of the department head and Mayor. This shall be a loan against future sick leave accrual. Advance of sick leave may be approved under the following conditions:

1. Serious disability or illness; and
2. All accrued leaves (sick, annual, and compensatory) have been used; and
3. Absence from work is for three (3) days or more; and
4. Request for advance leave is supported by a doctor's certificate.

Advanced sick leave granted to an employee will be reported by the department head to the City Clerk. If an employee to whom sick leave has been advanced leaves the City service, he/she will be required to pay for all advanced sick leave still charged to him/her. The amount owed the City will be computed at his/her salary rate at the time the sick leave was advanced. Normally, the amount to be collected will be withheld from the employee's final compensation; however, if this amount is insufficient to cover the amount due, the individual may be requested to reimburse the City. If he/she refuses to do so, the City may recover the amount owed through legal action.

Sick leave will be charged in units of half days. Any unjustified or fraudulent claim for sick leave may be punished by loss of pay, charged as annual leave, or by dismissal. No employee will be permitted to work at another job while on sick leave from the City.

When a paid holiday occurs during the period an employee is on sick leave, the employee shall receive his/her regular holiday pay and that day shall not be charged against his/her sick leave.

Sick leave is not a benefit payable on demand. It is provided to ensure that no employee who is unable to work due to illness feels compelled for financial reason, to do so.

E. Administrative Leave Policy

Employees may be authorized leave with pay by their department head for absences which are not charged as annual or sick leave for any of the following reasons:

1. **Compensatory Time:** Compensatory time may be granted to salary employees only under unusual/extreme circumstances. Any compensatory time must be approved in writing by the department head. Any compensatory time for the department heads must be submitted in writing and approved by the Mayor in advance whenever possible. All compensatory time must be used within thirty (30) days of the accrual date.
2. **Civil/Legal Leave:** Leave granted to employees for jury duty, or for court attendance as a witness in cases not involving personal litigation, or for voting. The length of time granted for voting shall be the reasonable time necessary to vote. Attendance in court by law enforcement officers, or other employees, in an official capacity shall not be considered as leave; and, the provisions of any law or department rule that may require any witness fees to be turned in to their department shall be observed.

In other situations any fees paid the employee may be retained by the employee in addition to his/her civil/legal leave pay.

3. Bereavement Leave: Each full-time employee receives funeral leave for members of his/her immediate family (parents, spouse, children). Leave is three (3) consecutive calendar days in length. The employee will be paid for only those days he/she was scheduled to work. Other family deaths, (in-laws, brothers/sisters, and grandparents), leave is one day with pay. For other family deaths, or if additional time is required, the additional days will be charged to the employee's annual leave.
4. Inclement Weather: Leave granted an employee for inclement weather conditions. When considered necessary for the safety of all employees, the City may authorize a late arrival time or an early departure time due to severe weather conditions.

F. Maternity Leave Policy.

Any permanent employee who has completed her probationary period and who leaves the service because of disability caused or contributed by pregnancy, miscarriage, childbirth and recovery there from can (1) use her accrued sick leave and then be placed on maternity leave without pay, or (2) retain her sick leave and/or annual leave and be placed on maternity leave without pay. An excuse from a licensed physician will be required and should state the date she will be able to return to work.

G. Military Leave Policy

A classified or unclassified employee who is an active member of the Alabama National Guard, or similar State sponsored militia, organized in lieu of the national guard, or any other reserve component of the armed forces of the United States, shall be entitled to military leave of absence from their respective duties on all days that they are engaged in field or coast defense or other training. Also, other service ordered under the provisions of the National Defense Act, or of the federal laws governing the United States Reserves, without loss of pay, time, efficiency rating, annual leave or sick leave.

No such person granted leave of absence with pay shall be paid for more than twenty-one (21) working days per calendar year.

Such persons shall be entitled, in addition to the above, to be paid for no more than twenty-one (21) working days at any one time while called by the governor to duty in the active service of the state. (Code of Alabama 1975, Title 31-2-13).

H. Leave Without Pay Policy.

1. **Sickness or Disability.** Classified and unclassified employees may be granted leave without pay for a period not to exceed 3 months for temporary sickness, disability, or for other reason(s) of a like or similar nature. Such leave shall require prior approval of the department head and the City. The request must be supported by a statement from the employee's physician or other recognized authority. Leave without pay for sickness or disability

will not be granted until all accrued leave, including compensatory time, is expended.

2. **Military Duty.** Classified employees who are involuntarily called to active duty with the Armed Forces of the United States shall be granted leave without pay. Upon his/her release from military service, he/she shall be reemployed by the City in a comparable position that is no lower in grade or pay than that in which he/she was employed at the time of his/her call-up, provided he/she is physically and mentally suited to perform the required duties; and, he/she makes application for reemployment to the City within thirty (30) days following honorable separation from the Armed Forces of the United States; and his/her absence for military service did not exceed the original service period.
3. Subject to approval of the department head and the Mayor, a classified employee may be granted a leave of absence without pay for a period of not to exceed three (3) months.

XVI. COMPENSATION

1. **Hours of Work:** The City of Hamilton offices will be open for business as established by the Mayor and in coordination with the City Council. The regular work-week for full-time employees shall be forty (40) hours per week. In departments where twenty-four (24) hour service is provided, seven (7) days per week, individual department heads shall establish the actual work

schedule for their employees in accordance with the needs of the City and the employees concerned. In all instances, equal treatment of all employees doing the same kind of work is required.

2. Overtime: Hourly employees who are required by their supervisor to work more hours than the standard work week established for their position will be given equal compensatory time off for all extra hours worked. In those situations where the employee's overtime work is covered by state and/or federal law, overtime pay will be calculated in accordance with applicable law. Department heads must approve all overtime. Each employee within the department will be given an equal opportunity to work overtime when it is needed.
3. Pay Days: City employees will be paid in accordance with procedures established by the City of Hamilton.
4. Classified Plan: Every position in the City shall be designated by the City as classified, unclassified, or part time, as appropriate. Unclassified positions shall be designated by the City in coordination with the elected officials. Unclassified positions shall be kept to a minimum. Such designation shall not be for the purpose of decreasing the salaries of such employees or for the purpose of evading the normal channels of discipline, demotion, transfer, or discharge. Positions that shall be eligible for designation as unclassified include City Clerk, Police Chief, Municipal Judge, City Attorney, Municipal Prosecutor, Auditor, and other such positions considered to be in the best interest of the City service, or where established by state law.

5. Pay Plan: The pay of all employees, other than those whose pay is established by state law shall be fixed by the City of Hamilton. The approved pay scale is established and will be maintained by the City. The pay scale will be used in determining each employee's rate of pay.

XVII. BENEFITS

Employee benefits shall be extended to classified and unclassified employees. Benefits may be extended to other employees and exempted officials at the discretion of the City when permitted by applicable law.

A. Workmen's Compensation:

1. The City of Hamilton provides automatic insurance coverage in accordance with state law for any injury an employee may sustain on the job.
2. Benefits and eligibility shall be determined in accordance with criteria specified in the Code of Alabama, 1975, Title 25-5-3.
3. All job-related injuries shall be reported immediately by the employee to his/her supervisor. Failure to do so may result in loss of benefits.

B. Unemployment Insurance:

1. Employees who are separated from City service may be eligible to receive unemployment compensation/benefits, provided:
 - a. Unemployment is not brought about by the voluntary creation of the employee, and

- b. The employee has completed the required employment to be eligible.
2. Eligibility and authorized benefits will be determined in accordance with guidelines established by the Director of the Alabama Department of Industrial Relations.

C. Medical Insurance

1. The City of Hamilton provides medical insurance for eligible employees and their dependents as approved by the City. The portion of the premium payment to be paid by the City and employees will be determined by the City annually. Employees may include members of their immediately family under the program by paying an additional portion of the premium as determined by the City.
2. The employee shall select at initial employment one of the following options:
 - a. No coverage,
 - b. Coverage for the employee only,
 - c. Coverage for both the employee and his/her dependents.
3. A participating employee, who is placed in a leave without pay status for reasons other than sickness and/or disability that exceeds fifteen (15) working days in a month, shall be required to reimburse the City for all premiums paid by the City during the month.

4. Any eligible employee who refuses to participate in the City employee insurance program shall relinquish all claims against the City of Hamilton for any liability except for job related injury, sickness, or disability claims.

XVIII. CAREER ADVANCEMENT

1. Promotions: For salary administration purposes, a promotion is defined as the permanent assignment of an employee to a more responsible position. It is the City's desire to fill vacant positions by promotion or transfer whenever practicable and in the best interest of the City. Promotions may involve an increase in salary. The amount of the salary increase, if any, will be determined by the Mayor and City Council, unless a salary rate has been previously established in the pay scale. An employee who receives a promotion shall serve a probationary period in the new job. The probationary period will be for six (6) months from the effective date of the promotion. If the employee's performance during the probationary period is not acceptable, he/she may be reassigned to a position comparable to his/her position before the promotion without notice or hearing.
2. Temporary Assignment: A temporary assignment is a special assignment on a full-time basis for a period not exceeding six (6) months for such purpose as training, accomplishing special projects, or filling temporary vacancies. No salary, or salary range adjustments shall be made for temporary assignment. The employee's pay range will be based on his/her regular position.

3. Promotion Procedures: All vacancies above the entry level shall be announced by posting vacancy notices on department bulletin boards and other areas exposed to the employees. All vacancy notices shall be open for at least ten (10) working days from date of posting for receipt of applications by the department head. The department head shall be responsible for preparation of vacancy notices. It is the responsibility of the employee to have his/her completed application in the office of the department head by the deadline listed in the vacancy notice. It is the intent of the City to remain cognizant of the need to fill vacancies with persons with the most potential for success in the positions to be filled. Nothing contained in this policy shall limit a department head from considering applicants from outside the City service who have been referred in accordance with employment procedures.

XIX. SEXUAL HARRASSMENT

It is the policy of the City of Hamilton to prohibit unlawful sexual harassment of its employees. Sexual harassment consists of overt activity of a sexual nature when that activity has a substantial adverse effect on a person in the workplace. Sexual harassment is defined as a continuing pattern of unwelcome sexual advances when:

1. submission to the conduct involves a condition of the individuals;
2. the individual's submission or refusal is used, or might be used, as the basis of an employment decision which affects the individual; and/or
3. the conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile, or offensive.

Acts that could be considered hostile include, but are not limited to, the following:

1. verbal, written or graphic communication of a sexual matter;
2. patting, pinching, or unnecessary contact with another employee's body;
3. requests or demands for sexual favors.

Any employee who believes that the actions or words of a supervisor or fellow employee constitutes unwelcome sexual harassment has a responsibility to report it, in writing, within ten (10) days of the alleged incident. All employees have a duty to make reports of inappropriate sexual conduct in the workplace regardless of whether the conduct is directed toward them or some other third party.

All complaints and reports of sexual harassment should be made to the appropriate supervisor or to the Mayor if the applicant or employee feels uncomfortable presenting the complaint to his/her direct supervisor. All complaints and reports will be investigated promptly, impartially, and confidentially, by the supervisor and/or Mayor. If an employee is not satisfied with the handling of a complaint of sexual harassment, or the actions taken by the supervisor, then the employee should bring the complaint to the attention of the Mayor.

Adopted by action of the Mayor and City Council of the City of Hamilton this
20th day of April, 2009.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

City Clerk

Annette Sherrill made a motion for immediate consideration of Ordinance 2009-5 to amend Ordinance Numbers 414, 457 and 2007-8 for the purpose of establishing a fee schedule for NAIC Code 621420 Outpatient/Mental Health/Substance Abuse. Paul Stidham seconded the motion. All voted "Yes".

ORDINANCE NUMBER 2009-5

**AN ORDINANCE OF THE CITY OF HAMILTON TO AMEND ORDINANCE NUMBERS
414, 457 AND 2007-8 OF THE CITY OF HAMILTON TO ESTABLISH A FEE
SCHEDULE FOR NAIC CODE 621420 OUTPATIENT/MENTAL HEALTH/SUBSTANCE
ABUSE**

BE IT ORDAINED by the City Council of the City of Hamilton, Alabama, as follows:

SECTION I. AMENDMENT.

The Schedule for Privilege License Fees/HAMILTON BUSINESS LICENSE FEE SCHEDULE shall be amended to include the following fee for NAIC code 621420..Outpatient/Mental Health Substance Abuse: if gross receipts are \$0 and no greater than \$49,999 : the fee will be \$145; if gross receipts are \$50,000 and greater: the fee will be \$145, plus 2% per thousand in excess of \$50,000.

SECTION II. INCLUSION. Other than as provided in Section 1 of this amendment, Ordinance 414/457/and 2007-8 of the City of Hamilton is adopted, realleged and incorporated by reference as if fully set forth herein.

SECTION III. SEVERABILITY. Each and every provision of this ordinance is hereby declared to be an independent provision, and the holding of any provision hereof to be void or invalid, shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might be held invalid.

SECTION IV. EFFECTIVE DATE. This ordinance shall become effective on June 1, 2009.

Adopted and approved this the 20th day of April, 2009.

Bobby Holliday
Mayor for the City of Hamilton

Authenticated:

Jan Williams
Clerk for the City of Hamilton

Annette Sherrill made a motion to approve Ordinance 2005-5 and Paul Stidham seconded the motion. Voting was as follows: Ayes: McDavid Franks, Scotty Sanderson, Annette Sherrill, April Steele and Paul Stidham. Nays: None.

McDavid Franks made a motion to reappoint the following people to the Beautification Board:

Pat Duke
Susie McCarley
Austin Jones

Expiration Date: 3-01-11
Expiration Date: 3-01-12
Expiration Date: 3-01-11

Brenda Jackson will be taking a leave of absence until March 1, 2010. Annette Sherrill seconded the motion and all voted in favor.

At this time Mayor Holliday made the following comments: First Baptist Church has allowed space north of the old Western Auto Building for city parking and requested that the other parking spaces be used for the church. Mayor Holliday emphasized that the plans to close the swimming pool are for one year. He also stated the City of Hamilton will be enforcing Ordinance Number 497 requiring old houses, junk yards, and vacant lots be removed or cleaned up.

At this time April Steele commented she would like the Mayor and City Council consider hiring part-time police officers until the City of Hamilton hears from the Cop's Grant that was recently submitted. No action was taken.

At this time several comments were made from Mack Smith and Bobby (Bozo) Bowling regarding the closing of the swimming pool and police officers being allowed to drive police vehicles to their homes. Mack Smith also stated his concerns regarding the City of Hamilton pledging funds from the amended business license ordinance to the schools.

There being no further business, Scotty Sanderson made a motion that the meeting be adjourned. Annette Sherrill seconded the motion, following a unanimous consent in favor Mayor Holliday declared the meeting adjourned.

Mayor

City Clerk

Council:
