

TOWN OF SOUTH CONGAREE Employee Handbook



Adopted 05/17/2022

DISCLAIMER

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ACKNOWLEDGEMENT: I understand this Handbook replaces and supersedes all previously issued handbooks, policies, and practices.

[Signature]

Date

Printed Name

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General Policies

Equal Employment Opportunity

The Town provides equal opportunity to all applicants for employment and administers hiring, conditions and privileges of employment, compensation, training, promotions, transfer and discipline without discrimination because of race, color, religion, gender, disability, genetic information, age or national origin. The Town also prohibits retaliation against employees who have reported discrimination. Any employee who believes that he/she has been discriminated against in violation of this policy should report the matter to a member of council. (Rev. 5/2022)

Affirmative Action Policy

The Town continues its efforts and commitment to fully utilize and treat equally minority groups, women, veterans and disabled employees at all levels and in all segments of the workforce through an affirmative action policy and plan. The goals of this affirmative action policy and plan are to eliminate institutional barriers in employment that tend to perpetuate the status quo and to eliminate the effects of any past discrimination.

Anti-Harassment

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

Sexual Harassment

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

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

Sexual Harassment Continued

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, “put-downs” or condescending or derisive comments or terms based on gender, and physical conduct, such as patting, pinching or brushing against another person. This policy prohibits such conduct regardless of the gender of the perpetrator or victim.

Disputes sometimes arise as to whether conduct was "welcome" or "unwelcome." Conduct that would violate this policy if it were unwelcome violates the policy if anyone complains of it. However, not all conduct prohibited by this policy constitutes a violation of the law.

Complaint Procedure and Investigation

The Town does not tolerate harassment of any kind and forbids retaliation against anyone who has reported harassment in good faith.

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

Supervisors who receive complaints of or become aware of harassment must advise the Mayor and the other members of Town Council. A written report may be completed either by the employee making the complaint or by the member of management who receives the complaint.

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

Employees may be asked to submit to a polygraph (lie detector) examination.

-- Important --

To avoid misunderstandings, complaints made to a supervisor or to the Mayor or other members of Town Council require the completion of a complaint report, either by you or by the person to whom the complaint is made, summarizing the allegations and listing any witnesses to the alleged harassment. You should be sure to obtain a copy of this initial complaint report to confirm you have complied with this procedure.

These procedures have been established to enable you to get relief if you feel that you are the victim of harassment. The U.S. Supreme Court has said that as a general rule, you may not sue the Town for a violation of your rights unless you first give us notice and an opportunity to end the harassment. The reporting procedures we have adopted are intended to establish a clear record of what has been reported. (*Rev. 5/2022*)

Employment Policies

Hiring Authority

The Town Council shall have the responsibility for the administration of the personnel program including interpretation of the various provisions of the personnel policies and procedures. Decisions regarding the employment of the individuals with the Town shall be based on the policies defined in the Hiring/Recruiting section of this manual. Only the Town Council and the Police Chief shall have hiring and firing authority.

Hiring/Recruiting

The Town endeavors to hire the most suitable candidate for open positions and encourages current employees to apply for positions for which they are qualified. The Town may also solicit and consider applications from external applicants. Decisions to fill all open positions, including those in the Police Department, are made by the Town Council. However, the Police Chief will have the responsibility of hiring for the open positions in the Police Department.

Publicity for each job vacancy may include advertisement in the local newspapers, social media, town website, MASC, as well as other official recruitment sites

All advertisement will communicate essential information to the prospective applicant. This information will normally include the title, minimum qualifications, salary range and the method of making application, the closing date for the application and some of the advantages of town employment.

Applicants will be interviewed to determine qualifications, knowledge and skills. All applicants shall meet the minimum training and experience requirements for the position. If the applicant does not possess the minimum qualifications required for the position, the applicant will be excluded from further consideration. Each applicant selected to fill a position with the Town will be chosen based on merit criteria and must possess the minimum qualifications of the position.

A preliminary screening may include telephone or personal contact with the applicant's references and previous employers prior to the employment offer. The applicant's present immediate supervisor will be contacted only if the applicant consents to the contact.

Before reporting to work, the selected applicant must agree to a background check, provide a ten (10) year driving record and have the ability to be bonded. *(Rev. 5/2022)*

Job Descriptions

A job description shall be written for each position, to include the title of the position, job duties to be performed and the minimum qualifications required.

Nepotism/Employment of Relatives

People in the same immediate family may not be employed or continue to be employed if one directly or indirectly supervises another or interacts with another in the handling of money or compensation. For purposes of this policy, immediate family is defined as spouse, parent, child, grandparent, grandchild, brother or sister, son-in-law, daughter-in-law, parent-in-law, grandparent-in-law, brother-in-law and sister-in-law. The immediate family is also considered to include stepparents, stepchildren, stepbrothers and stepsisters when the employee and the step-relative have lived together regularly in the same household. Unrelated employees residing together or otherwise engaged in a close personal relationship (such as domestic partner, co-habitant or significant other) are treated as being within the immediate family of each other for the purposes of this nepotism policy. Members of the immediate family of elected officials of the Town are not eligible for town employment. *(Rev. 5/2022)*

If employees become related by marriage and create a situation prohibited by this policy, one of the employees may be asked to give up his/her position. Town Council will have the final authority as to which employee must give up their position. The removed employee may be considered for other positions within the Town for which the employee is qualified.

Situations not specifically addressed in this policy that, in the Town's opinion, create a conflict of interest or give the appearance of a conflict of interest, will be handled at the Town's discretion.

Employment Status

Regular full-time employees are those who have completed their probationary periods and fill a full-time position with the Town. Employees in this status are normally scheduled to work at least forty (40) hours per week except for the Police Officers who work forty-two (42) hours per week. However, the Town does not guarantee any minimum number of hours of work per week. Regular full-time employees are generally eligible for fringe benefits.

Regular part-time employees are those who have completed their probationary period and fill a part-time position with the Town. Employees in this status are normally scheduled to work twenty-nine (29) hours or less per week but may be called upon to work above their normally scheduled hours of work when workloads require. Regular part-time employees are generally not eligible for fringe benefits, with the exception of State Retirement.

Probationary employees are part-time and full-time employees who have not yet completed their ninety (90) day probationary period. *(Rev. 5/2022)*

Temporary employees are those hired for a limited period or until completion of a project or projects. Such employees may work part-time or full-time hours depending on the needs of the Town. Temporary employees are generally not eligible for fringe benefits.

Contract Employees are those hired for a limited time or particular purpose. Such employees may be subject to all qualifying requirements as other employees including background checks, bonding requirements and may be required to submit a W-9 form. The Town reserves the right to hire Contract Help for specific needs.

Probationary Period

All new employees, including former employees who have been rehired, are on probation for the first ninety (90) days. This period is a continuation of the selection process and is a time in which the new employee should demonstrate that he/she is suited for the position. This period is not a guarantee of employment for ninety (90) days. If the department head concludes at any time that the employee is not suited for his/her position, the employee may be terminated or may be placed on extended probation if approved by Town Council and the Police Chief. *(Rev. 5/2022)*

The probation period ends successfully when the department head, no sooner than ninety (90) days after the employee was hired, evaluates the new employee in writing and authorizes his/her classification as a "Regular" employee. *(Rev. 5/2022)*

Promotion

Promotion is defined as the change of an employee from one position to another at a higher level upon approval by Town council.

It is the policy of the Town to employ and promote the most qualified individual available for any given position. Promotion from within the Town is a desirable practice in that positions can be filled with individuals who are knowledgeable about the operations of the Town and the orientation period is significantly shortened.

All newly promoted employees are on probation in their new position for ninety (90) days. This period is a continuation of the selection process and is a time in which the newly promoted employee should demonstrate that he/she is well suited for the promotion. It is not a guarantee of employment for ninety (90) days. *(Rev. 5/2022)*

If the Town Council concludes at any time during the promotion probationary period that the newly promoted employee is not suited for the new position, the employee may be removed from that position or may be placed on extended probation if approved by Town Council and the Police Chief. If a vacancy exists in the former position that is to be filled, the employee may be reinstated in the former position at the former salary. If there is no such vacancy, the employee may be considered for the filling of other vacancies for which they are qualified. If no other position exists, the employee may be terminated. This action does not prohibit an employee from applying for future vacancies with the Town.

Vacancies

All vacancies shall be advertised in accordance with the policy delineated in the Hiring/Recruiting section of this handbook. Preference shall be given to the applications of town employees who meet the minimum qualifications of the position advertised.

When a vacancy is to be filled by promotion, the following factors will be considered:

1. Qualifications for the position (i.e., knowledge, skills and abilities)
2. Service record with the Town
3. Physical fitness (if appropriate to the position)

Outside Employment

The Town expects an employee's work for the Town to take precedence over any outside employment engaged in by an employee. Employees must get prior written approval from the Town Council before engaging in other employment. Should the Town, in its sole discretion, determine that the outside employment is a conflict of interest; interferes with or is otherwise incompatible with employment for the Town; the employee may be asked to choose between the jobs.

Employees may not engage in any private business or activity while on Town work time or at Town workplaces. Employees may not use Town equipment or resources to engage in private business or activities unless approved by a majority vote of council. *(Rev. 5/2022)*

Conflict of Interest

Town employees are covered by state ethics laws that prohibit public employees from using their public position for their own personal gain or to benefit a family member or business associate. State law also prohibits employees from making governmental decisions on matters in which they, their family or business associates have an economic interest. Employees must notify their supervisors in writing of any matter in which they, their family or business associates have an economic interest and in which they must act on behalf of the Town. The supervisor must send the notification to the Town Council for review. If the Town determines a potential conflict or appearance of conflict of interest exists, the matter will be reassigned to another employee. If the matter cannot be reassigned, the employee must divert him/herself or his family from the interest. *(Rev. 5/2022)*

Gifts and Gratuities

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

A determination as to whether this policy has been violated is in the Town Council's sole discretion. *(Rev. 5/2022)*

Employee Dress Code *(Rev. 5/2022)*

Council's objective in establishing a business casual dress code is to project a professional image for our community, customers, employees and visitors; yet allow our employees to work comfortably in the workplace. Business casual dress is the standard for the dress code. Because all casual clothing is not suitable for the office, these guidelines are established to help identify appropriate work clothing.

The dress code is meant to be non-discriminatory and applies to all employees. The following examples provide a general overview of appropriate business casual attire. The listed

Employee Dress Code (Continued)

examples are not all inclusive and are subject to change. If any aspect of the dress code causes an employee an undue hardship, then the employee may seek an accommodation from Town Council. The Police Chief will determine proper attire for the Police Department.

Acceptable

- Dress slacks - like Dockers, business casual dresses and skirts. Skirts cannot be shorter than 3” above the knee cap.

Not Acceptable

- Clothing that is too revealing of bare skin.
- Inappropriate slacks or pants (no sweatpants, jogging pants or shorts, etc.)
- Tank tops, halter tops, midriff tops.
- Shirts with potentially offensive words, terms, logos, pictures, cartoon or slogan, illustration or innuendo.
- Exposed offensive tattoos and body piercings.

If clothing fails to meet the standards set above, the employees shall be sent home to change attire and may be disciplined. Town Council has the right to limit personal expression, on a non-discriminatory basis, while an employee is on the job,

Work Area Appearance

An employees’ individual work area shall reflect an attractive professional appearance and kept in a neat, orderly and professional manner.

Political Activity

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

In certain circumstances involving real or potential conflicts, employees who run for public office, partisan or non-partisan, may not be allowed to continue in Town employment. The employee/candidate may be placed on an unpaid Leave of Absence until after the election. If an employee is placed on Leave of Absence, his/her employment will terminate upon his/her election to a partisan/non-partisan public office.

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

Workplace Privacy/Computer and Internet Use

The workplace is intended to be a place of work. An important part of work is communications and recordkeeping. No employee is at work 24 hours a day, seven days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces. Personal items and personal communications received or stored on Town premises are not entitled to a guarantee of privacy.

Management may search Town property and documents in Town-owned vehicles, employee desks, lockers, file cabinets, etc. Further, to help provide for the safety and security of Town employees, guests and property, the Town conducts video surveillance of Town property.

Electronic media raise similar issues. The Town provides electronic and telephonic communication and, when necessary, computers to employees. Although assigned to the employee, these items still belong to the Town and should be returned to the Town on or before employment termination date. Similarly, any computer files created on, or software downloaded on, a Town computer belongs to the Town. Employees should not use Town computers for personal reasons without the express written permission of the Town. Unauthorized programs and files may not be used or installed on Town computers without the written permission of the Town. Additionally, employees may not encrypt work and may not use passwords other than those assigned to them by the Town. Employees may not destroy or delete files from Town computers except pursuant to the Town's record retention policy.

The Town reserves the right to review voice mail, electronic mail, computer files, and other electronic information generated by or stored in the Town's electronic systems. The Town also reserves the right to report the finding of such reviews to appropriate agencies.

The Town consents to the reasonable personal use of its computers and mobile devices. Although the Town consents to the "reasonable" use of its computers and mobile devices for personal business, what is "reasonable" is determined in the sole discretion of the Town. The only sure way to avoid violating the Town's policy on personal computer and mobile device use is to not use the Town's computers for any personal purpose. (*Rev. 5/2022*)

The following computer use is absolutely forbidden: (*Rev. 5/2022*)

1. To access any material the Town considers to be pornographic; to transmit or knowingly accept receipt of any communication that is pornographic, obscene, or in the Town's opinion might contribute to a hostile work environment in that it demeans individuals based on race, sex, age, national origin, disability or some similar distinction
2. To conduct business for outside employment or a side-business
3. To solicit others for non-work-related reasons
4. To engage in any illegal activity

Town employees may not use personal electronic equipment (including but not limited to personal laptop computers, mobile devices, and cellular phones) on Town property or at Town work sites to engage in conduct that would be prohibited if using Town equipment.

Workplace Privacy/Computer and Internet Use (Continued)

Important Notice: The Town has the capacity to examine the computer usage of individual employees in detail. Even though an item has been “deleted” and the employee cannot retrieve it, this does not mean that the Town cannot do so. It is also possible to generate a report of every Internet connection made by each user and of how much time was spent in each connection. Additionally, in accordance with the South Carolina Freedom of Information Act, communications on Town devices may be subject to disclosure. *(Rev. 5/2022)*

Town employees will conduct all Town business on Town business phones during regular work hours. No personal phones will be used, during regular work hours, for Town business in any manner including phone calls, texts and email messages except for the Police Department. Phone allowances provided by the Town are for the sole purpose of emergency use while away from the Town Hall.

Social Networks, Personal Websites and Blogs *(Rev. 5/2022)*

Social networking, personal websites, and blogs have become common methods of self-expression. The Town respects the right of employees to use these media during their personal time. Employees may not access social media sites, other than for business use, during working hours or using Town equipment.

Employees must understand that material posted on these media may be read by persons other than those for whom it is intended. Employees are cautioned that they are responsible for the contents of social media posts they make. Posts that contain obscene or harassing material, that are unlawful, that contain personal attacks on coworkers, that reasonably call into question the employee’s judgment, or that reasonably cause concern among the public may result in discipline, up to and including termination from employment. Similarly, conduct that would violate Town’s policies if done in person also violates Town policy if done through social media. Employees may not disclose confidential information over social media or similar sites.

Employees who post on media sites and who have identified themselves as a member or employee of the Town on those sites must make it clear that they are expressing their own views and not those of the Town.

Inclement Weather

1. Employees whose departments are closed due to inclement weather are paid their regular straight time earnings if scheduled to work the day of the closure(s).
2. Employees whose departments are not closed due to inclement weather or whose jobs require they report are expected to report to work. Those who fail to report are considered unexcused and may not use leave to make up their work hours.
3. Employees, whose departments will be closed due to inclement weather, will be notified by the Mayor by 7:00 a.m.
4. The closing of town hall will generally, but may not always, follow the decision of Lexington County Government Officials. *(Rev. 5/2022)*

Wages and Hours of Work

Attendance

The employee's attendance and time off with pay shall be recorded on a bi-weekly timesheet. *(Rev. 5/2022)*

Classification System

The Town Council may develop a system for classifying positions within the Town, including pay ranges for those positions. Classification systems and pay ranges are subject to change at any time. The establishment of pay ranges or grades for any position does not guarantee the occupant of that position any rate of pay.

The lower end of the salary range shall be the entry level of the position; however, a higher entry level may be given for an individual in each position at the discretion of the Town Council. In no instance will the salary of any individual in any position exceed the maximum of the salary range.

Hours of Work

The Town's normal business hours are from 8:00 a.m. to 5:00 p.m., Monday thru Friday, except for official holidays and temporary changes approved by full Council. However, some departments must operate outside the Town's normal hours of business, and schedules of employees of those departments may differ from the Town's normal hours. Each department is responsible for scheduling its employees to meet the needs of the Town.

The minimum workweek for full time employees in the Administrative Department is five (5) days or forty (40) hours per week. In the Police Department, the minimum workweek is 3.5 days or forty-two (42) hours per week average.

Hours of Work (Continued)

Regular full-time employees who work during the Town's normal business hours receive one unpaid meal break of sixty (60) minutes. Breaks and meals for employees whose departments operate outside the Town's normal hours are set by those departments. **All breaks are workload permitting and considered to be a part of the "hours worked."** Breaks should not exceed fifteen minutes (15); one in the morning and one in the afternoon. *(Rev. 5/2022)*

Employees may not use break times and meal periods to report late or to leave early. Break period may not be combined with the meal period.

Overtime and Compensatory Time

Non-exempt employees, with the exception of law enforcement, receive overtime premiums at 1.5 times their regular hourly rate for all hours worked in excess of 40. Law enforcement personnel receive overtime premiums after 84 hours in 14 days. In lieu of cash payment, the Town may credit employees with compensatory time at the rate of 1.5 hours for each overtime hour worked.

Employees must accurately record all hours worked and must have worked all hours recorded. Employees may not work "off the clock," and employees may not work overtime without the permission of their supervisor except in cases of emergency. If an employee is instructed not to record all work hours, he must immediately report such instruction to a Town Councilmember. *(Rev. 5/2022)*

Exempt employees, Employees who are exempt from overtime receive a salary that compensates them for all hours worked in the workweek. Such employees do not receive overtime pay or compensatory time off. However, the Town Council may, in their sole discretion, grant additional paid time off to exempt employees who have worked unusual amounts of time in excess of the normal schedule, but no exempt employee has a right to such additional paid time off. When granted, the time must be approved before use and taken within 30 days or time will be lost. There is no payment for such additional time upon termination. *(Rev. 5/2022)*

Payment of Wages

Employees are paid every two weeks, on a Wednesday, by direct deposit (twenty-six (26) pay periods). Employees should examine their paychecks/pay stubs immediately to ensure they have been properly paid for all hours and that no improper deductions have been made. **Any payment errors must be reported to payroll within fourteen (14) days.** *(Rev. 5/2022)*

Should a payday fall on an official holiday, direct deposit and checks will be issued on the last working day before the holiday.

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

Payment of Wages (Continued)

Cash, debts owed the Town, fringe benefits, uniforms, tools, equipment, vehicles, instruction manuals, keys, Town identification cards and other items belonging to the Town that are advanced or issued to an employee but not repaid or returned at the time of termination are considered advances of wages, the value of which may be deducted from the employee's final pay check. (Rev. 5/2022)

Training

It is the policy of the Town of South Congaree to foster and promote additional training programs (conferences, workshops, etc.) that will enhance the performance of Town employees.

Full-time, regular employees in good standing may be eligible to attend training programs, which are job related. **Prior approval of the Town Council is required.**

Performance Evaluations

The Town may periodically conduct oral or written evaluations of employees' performance. Employees must sign written evaluations. The employee's signature does not necessarily indicate agreement with the contents of the evaluation, only that he/she has been made aware of it. Employees may attach comments to their evaluations.

While favorable performance evaluations may be a factor in determining wage increases, **no employee is entitled to a wage increase because he/she receives a favorable evaluation.** All merit base monies/awards, if given, will be granted by the Town Council. Cost of Living increases, if given, will be effective at the beginning of the first pay period in the new fiscal year. The Town's fiscal year begins on July 1st and ends on June 30th.

Salary

The majority vote of Council shall determine the allocation for employee salaries in the annual budget. (Rev. 5/2022)

Separation of Employment

To resign in good standing, an employee shall give his/her department head or Council at least a two (2) week notice in writing. Normally, failure to comply with this rule shall be entered on the service record of the employee. However, the Council may exempt an employee who has given less than the required notice if, in their judgment, exceptional circumstances warrant such exemption.

Compulsory Resignation

An employee, who without valid reason, fails to report to work for three (3) consecutive workdays without authorized leave, shall be separated from the Town and reported as *compulsory resignation*. The employee is not eligible for re-employment or unused leave. (Rev. 5/2022)

Reduction in Force

When it is necessary to reduce the working force in a department because of lack of funds or other causes, employees shall be laid off based on the following to be weighed equally:

1. Length of service with the Town
2. The average performance rating for the last three (3) years of service or for the entire period, if less than three (3) years

When a department head believes that a certain individual is essential to the efficient operation of the department because of special skills or abilities and wishes to retain this individual in preference to a person with higher ratings as provided above, the department head must submit a written request to Council for permission to do so. This request must set forth in detail the specific skills and abilities possessed by the individual, and the reasons why such individual is Reduction in Force essential to the effective operation of the department. If the Council approves the request, the individual may be retained.

If a permanent employee is scheduled to be laid off, the employee shall be offered a demotion to a lower class if qualified and provided a suitable vacancy exists. He/She shall be paid at the demoted pay.

Prior to a reduction in force, the names of any and all permanent employees scheduled for lay-off shall be submitted to the Council for approval, and not until the Town Council has approved and confirmed the names submitted for lay-off shall any lay-off be consummated.

Permanent employees shall be notified in writing by the department head or Council of their lay-off at least fourteen (14) calendar days prior to the effective date of the lay-off.

Holidays

Holiday Schedules will be posted on the Town's Website (southcongarree.org) and at the Town Hall. Holidays observed by the Town are subject to change by vote of Town Council.

Observed holidays that fall on Saturday are generally observed the preceding Friday. Observed holidays that fall on Sunday are generally observed the following Monday.

Permanent full-time employees will draw their regular pay for each observed holiday based on their scheduled work hours except for the Police Officers. *(Rev. 5/2022)*

When a Police Officer is scheduled to work on an observed holiday, he/she will be paid for the holiday at the rate of time and one half.

Employees, except for Police Officers, who are scheduled to work on an observed holiday or weekend, will receive an alternate day off which must be used by the last day of the next pay period or else that day/time will be lost.

Additional days off, in conjunction with an observed holiday, as requested by an employee, will be counted against the employee's Personal Leave and must be approved in advance by the Town Council or Police Chief.

Employees must work the day before and the day after a holiday or be on approved leave in order to be paid for the holiday(s). Any time in a leave without pay status on the day before and/or the day after a holiday will not be paid for the holiday(s). *(Rev. 5/2022)*

Leave Policies

Annual Leave (Personal Leave) *(Revised 2/19/2019)*

The Town encourages employees to take any Annual Leave for which they are eligible. Annual Leave will begin to accrue for new employees on the date of hire, Annual Leave may not be used in lieu of a proper written notice of resignation.

Employee's hired after 1-1-2019, in a permanent full-time position, will be eligible for up to five (5) days of Annual Leave in a calendar year. Leave will begin accruing when the employee works at least one-half of the workdays in the month. After completing two (2) years of service, an employee shall begin earning ten (10) days of annual leave on a calendar month basis beginning the month after his or her leave accrual date. No more than five (5) days of Annual Leave may be carried over from the end of the calendar year (December to January).

Request for Annual Leave should be made through the Town Council. The police officers should report to the Police Chief for Leave approval. Requests for leave should be made as far in advance as possible to allow time to prepare a work schedule and allow time to adjust conflicts that may exist.

Permanent full-time employees hired on or after 1/1/2019

Administrative Employees/Police Chief and All Other Eight (8) Hours Per Day Employees:

- One work day (1) equals eight (8) hours
 - First Two Years of Continuous Service up to 5 days per calendar year
 - More than two (2) years of continuous service 10 days per calendar year

Police Department Full-Time Patrol Officers

- One work day (1) equals twelve (12) hours
 - First Two Years of Continuous Service Year up to 5 days per calendar year
 - More than two (2) years of continuous service 10 days per calendar year

Permanent full-time employees hired before 1/1/2019

Administrative Employees/Police Chief and All Other Eight (8) Hours Per Day Employees:

- One work day (1) equals eight (8) hours
 - Five (5) or fewer years of continuous service 15 leave days per year
 - Six (6) or more years of continuous service 20 leave days per year

Police Department Full-Time Patrol Officers

- One work day (1) equals twelve (12) hours
 - Five (5) or fewer years of continuous service 15 leave days per year
 - Six (6) or more years of continuous service 20 leave days per year

Employees desiring to take Annual Leave should give their supervisors at least two weeks advance notice when possible. Annual Leave will be scheduled as much as practical in accordance with employee requests. The Town's workload demands, however, are paramount. Half-day increments are the least amount of time that may be requested for leave.

Annual Leave (Personal Leave) (Continued)

When more employees request days off than can be accommodated, supervisors will make Annual Leave assignments considering the date the requests were made, special needs for Annual Leave dates and the employees' lengths of service.

The maximum number of Annual Leave days that can be accumulated (carried over) is five (5) days per calendar year for all employees including the Police Department employees.

Unused Annual Leave will be paid at termination only if the employee is terminated for non-disciplinary reasons or if the employee gives and properly works a two-week notice of resignation. The notice may be waived by the Town Council.

Sick Leave

Sick Leave with pay is available for full-time personnel positions only (as defined in this policy handbook). Forty (40) Hours of Sick Leave will be available beginning January 1st of each calendar year or prorated for employees hired during the calendar year. Sick Leave cannot be granted automatically if a person is absent from work, **Sick leave must be requested.** (Rev. 5/2022)

Employees not reporting to work because of a sickness or illness should promptly telephone the Municipal Clerk or Police Chief (or a Town Council member if the Clerk or Chief are unavailable) prior to the start of their scheduled shift and notify him/her when they expect to return to work. Upon returning to work, an employee may be required to provide medical certification for any sick leave that was requested. If these conditions are not met, the employee will not be paid for the time missed and disciplinary action may be taken. Employees may be paid for such absences from annual leave balances, if requested and if available. (Rev. 5/2022)

Sick Leave not used by December 31st of each year will be lost. Unused Sick Leave will not be paid at employment termination

Military Leave

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

Jury Duty

An employee will be paid for wages lost from scheduled straight time work due to jury service up to a maximum of eighty (80) hours per calendar year. To qualify for this payment, an employee called for jury service must:

- a. Give his/her supervisor notice of such service within two work days of the time the employee is called for such service.
- b. Report for work when released by the court on any day of jury service.
- c. Attach a copy of the jury duty summons to the employee's payroll time sheet for payroll documentation.

Bereavement Leave

An employee will be paid for time actually lost from straight time scheduled work up to three (3) days due to attendance at the funeral of a member of his/her immediate family, which is defined as spouse, parent, child, grandparent, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law and sister-in-law. The immediate family will be considered to include stepparents, stepchildren, and stepbrothers and stepsisters only when the employee and the deceased had lived together regularly in the same household at or prior to the time of death. The Town may require proof of relationship and attendance at the funeral. Employees may be excused from work to attend the funerals of other family members and may be paid for such absences from Annual Leave balances, if requested.

Physical Disability and Personal Leave of Absence *(Rev. 5/2022)*

Employees who work for municipalities with less than 50 employees are not eligible for leave under the Family and Medical Leave Act (FMLA). The following policy is designed to provide a leave of absence policy.

An employee who has completed his initial probation (and any extension thereof) may request a leave of absence for up to 12 work weeks in one 12 month period when unable to work because of sickness, pregnancy or injury on or off the job. Such an employee may also apply for leave of absence for personal reasons. Personal leaves are granted only in the discretion of the Town Council.

Employees are requested to apply for leaves of absence as far in advance of need as is possible, but an employee may be placed on leave status without application when the circumstances warrant such action.

Physical disability leave begins on the first day of absence.

After the employee has exhausted their annual and/or sick leave, as a general rule, an employee on leave of absence is not entitled to wages or fringe benefits and does not accrue fringe benefits.

Employees on leave of absence may not engage in other employment.

Employees desiring to return to work from an unpaid leave of absence should notify the Town Council in writing at least ten days prior to their desired return date. If the Town finds that the employee is fit to resume his/her duties, the employee may be returned to their previous position if it is vacant and is to be filled, or to some other position of equal or lesser compensation for which he is qualified and where there is a vacancy to be filled. If the employee is not returned to active employment, he may be continued on leave of absence status until he is returned to active duty status or his leave of absence expires, whichever occurs sooner. Any employee who has not been reinstated within 12 weeks following the commencement of a leave of absence is subject to termination if no reasonable accommodation can be made. Termination does not affect the employee's eligibility to be considered for hire as a new employee at some future time. Further, employees with circumstances that warrant special consideration should bring those circumstances to the attention of Town Council.

Benefits

The Town endeavors to offer a competitive benefits package. The terms of the Town's benefits plans are subject to change, and the Town is not responsible for any changes in or elimination of benefits or benefit plans. Please see the Municipal Clerk for specific information on the Town's benefit plans.

Health Insurance

The Town may pay up to one hundred percent (100%) of premium costs for individual coverage of each full-time employee for health insurance. If an employee elects to secure family coverage, the additional costs of family coverage shall be borne by the employee and shall be deducted from the employee's pay. Full Council can make exceptions.

New employees shall have a waiting or probationary period of thirty (30) days before becoming eligible for insurance. The effective date after the waiting or probationary period shall be the first day of the month following the month in which the waiting period was completed.

Upon termination of employment with the Town, the employee's insurance coverage will end the last day of the month in which the enrolled ceased to be eligible.

Retirement

The Town participates in the South Carolina Police Retirement System and the South Carolina Retirement System. The employee's share of retirement benefits shall be deducted from the employee's pay. Part-Time employees may choose to be a participating member or opt out.

Disability

The Town shall maintain Unemployment Compensation Insurance on all employees as prescribed by the S.C. Unemployment Compensation Law.

Workers' Compensation

Town employees are covered by workers' compensation for on-the-job injuries. Benefits are governed by state law and not set by the Town. Employees must report immediately **any** on-the-job injury, regardless of severity, to Town Council.

Discipline Policy (Rev. 5/2022)

No policy shall require progressive discipline. In addition, no discipline policy can substitute for proper training of supervisors. Supervisors should be instructed to document discipline and use good judgement in administering it.

Employees are subject to disciplinary action up to and including discharge when the Council and Police Chief determines that such action is necessary for the good of the Town.

Employees must sign disciplinary notices, counseling memoranda, performance appraisals and similar documents. The employee's signature indicates only that the employee is aware of the action taken and does not indicate that the employee agrees with such action.

An employee who refuses to sign such a document will be relieved of all duty until the document is signed. If the document has not been signed and returned by the end of the employee's next scheduled workday, the Town will consider the employee to have resigned.

Supervisors and department heads must submit termination request to Council for review and approval before termination becomes final.

Examples of Conduct Warranting Disciplinary Action

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

- a. Conviction of or plea of guilt or no contest to a charge of theft, violation of drug laws, sexual misconduct, offense involving moral turpitude or offense that affects the Town's reputation or that reasonably could create concern on the part of fellow employees or the community. Employees who are arrested may be relieved of duty (with or without pay) pending the City's determination on continued employment.
- b. incompetence
- c. unauthorized absence or tardiness or a pattern of absenteeism or tardiness
- d. insubordination, including disrespect for authority, or other conduct that tends to undermine authority
- e. failure or refusal to carry out instructions
- f. unauthorized possession or removal, misappropriation, misuse, destruction, theft or conversion of Town's property or the property of others
- g. violation of safety rules; neglect; engaging in unsafe practices

Examples of Conduct Warranting Disciplinary Action (Continued)

- h. interference with the work of others
- i. threatening, coercing or intimidating fellow employees, including “joking” threats
- j. dishonesty
- k. failure to provide information; falsifying Town records; providing falsified records to the Town for any purpose
- l. failure to report personal injury or property damage
- m. neglect or carelessness
- n. introduction, possession or use of illegal or unauthorized prescription drugs or intoxicating beverages on Town property or while on duty anywhere; working while under the influence of illegal drugs or intoxicating beverages; off-the-job illegal use or possession of drugs. For purposes of this policy, an employee is “under the influence” if he has any detectable amount of any such substance in his system.
- o. unsatisfactory performance
- p. violation of Town policies
- q. lack of good judgment
- r. any other reason that, in the Town’s sole determination, warrants discipline

Drug Free Workplace Policy (Rev. 5/2022)

All employees of the Town are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using, illegal drugs and substances (such as marijuana, cocaine, LSD, heroin, etc.) and prescription drugs which are not prescribed for the employee's own use. Further, this prohibition applies to the misuse, abuse or any unlawful use or possession of otherwise legal drugs. These prohibitions apply to use at any time, both on the job and off the job. Town employees are, of course, permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

Similarly, employees are prohibited from reporting to work, using or being anywhere on Town property while under the influence of alcohol, illegal drugs or controlled substances. For purposes of this policy, "under the influence" means having any detectable amount of any such substance in the employee's system.

As used in this policy, "illegal drugs and substances" includes substances that are designed to mimic the effects of illegal drugs, but that due to differences in chemical composition may not be classified as Schedule I drugs or otherwise be expressly illegal. Examples include K2, or spice, which are synthetic cannabinoids. Cannabidiol (CBD) products raise special concerns because, in certain forms they are legal for use, but they are unregulated and little research has been done to standardize dosing, study outcomes, or regulate production. CBD and hemp products, by law, may not contain more than .3% THC (tetrahydrocannabinol), the psycho-active compound in marijuana. However, it is possible for some of these products to contain more than the legal limit. Therefore, it is possible for employees using CBD or hemp products to test positive for marijuana because of their use. It is not possible to determine whether a positive test for marijuana was a result of using CBD or hemp products, or from using marijuana. **Therefore, the Town will consider any confirmed positive test for marijuana to be conclusive for employment purposes – even if an employee claims to have used CBD or hemp, and even if the employee has a prescription or other physician's order for its use.** Employees should also be aware that, while marijuana is increasingly be legalized for medical or recreational use in other states, it remains illegal in South Carolina and under federal law. **Employees who use recreational or "medical" marijuana in states where it is legal remain subject to discipline, up to and including discharge, under Town policy.** (Rev. 5/2022)

The Town may, at any time, test safety sensitive employees for drug or alcohol use in violation of this policy. Safety sensitive employees include sworn law enforcement officers and those required to be tested by federal law, such as CDL drivers. The Police Chief will maintain the testing policy for safety sensitive employees. (Rev. 5/2022)

The Town may test other employees for drug or alcohol use in violation of this policy any time the Town has reasonable suspicion of a violation of the policy.

Notice to Employer, State and Federal Grantor/Contracting Agencies and Law Enforcement Authorities

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

The Town will notify law enforcement authorities whenever illegal drugs are found in the workplace.