



CITY OF GULFPORT  
PERSONNEL POLICY AND PROCEDURES MANUAL

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## **SECTION 101. Introduction.**

As a City employee, the general public is your ultimate employer. Your work and conduct on and off the work site are always subject to public scrutiny. Your contacts with individual citizens will often be the only basis on which the public judges its local government. It is important that you make the best possible impression at all times and perform your work efficiently, competently, and with the highest degree of professionalism. Each position with the City is an essential part of the overall operation of our municipal government. Everyone in the City is relying on you to provide honest, proficient, and courteous service.

This Personnel Policy and Procedures Manual (also referred to herein as "Personnel Manual") is not an employment contract and is not intended to create contractual obligations of any kind. Employment with the City of Gulfport is on an "at will" basis and nothing in this Personnel Manual is meant to alter the "at-will" status of such employment. Successful completion of the initial probationary period of one (1) year and all extensions thereof grants qualified employees "Civil Service" status, as referred to elsewhere herein, for the duration of employment unless a position not covered by Civil Service is properly offered and accepted.

Unless stated to the contrary herein, this Manual and the policies, procedures, provisions, and regulations contained herein, shall apply to all City employees and, unless stated otherwise, do not apply to elected officials. In the event of conflict between these policies, procedures, and regulations and any personal service contract, City ordinance, or state or federal law, the terms and conditions of that contract, ordinance or law shall prevail. In all other cases, this Manual, and the policies, procedures, and regulations contained herein shall apply. In addition, this Manual supercedes, supplants, and replaces all prior employee or personnel manuals and handbooks of the City of Gulfport, including, without limitation, the handbook and personnel policies and procedures that were adopted on May 8, 1992, and became effective on or around July 1, 1992.

The City reserves the right to add, amend, and/or delete any policy, procedure, provision, and regulation described and set forth herein at any time and while efforts may be made to insure that employees are made aware of the most current personnel policies and procedures adopted by the City, such changes, additions, amendments, and/or deletions may be made without notice. Likewise, it is the employee's responsibility to read and comply with the policies, procedures, provisions, and regulations contained herein and any revisions, amendments, or supplements thereof. It is also the employee's responsibility to confirm with the Human Resources Department any aspect of the policies, procedures, provisions, or regulations about which there may be a question.

In the event of the amendment of any ordinance, statute, rule or law incorporated or referred to in this document or upon which this Manual relies, these policies, procedures, provisions, and regulations shall be deemed amended in conformance with such changes or amendments.

THE CITY SPECIFICALLY RESERVES THE RIGHT TO REPEAL, MODIFY, OR AMEND THESE POLICIES, PROCEDURES, AND PROVISIONS AT ANY TIME AND WITHOUT NOTICE. NONE OF THESE POLICIES, PROCEDURES, OR PROVISIONS SHALL BE DEEMED TO CREATE, IN WHOLE OR IN PART, A VESTED CONTRACTUAL RIGHT OR PROPERTY INTEREST WITH ANY EMPLOYEE OR IN ANY EMPLOYMENT NOR TO LIMIT THE POWER OF THE CITY TO REPEAL OR MODIFY THESE POLICIES, PROCEDURES, AND PROVISIONS AT ANY TIME AND/OR WITHOUT NOTICE. THESE POLICIES, PROCEDURES, AND PROVISIONS ARE NOT TO BE INTERPRETED OR CONSTRUED AS PROMISES OR GUARANTEES OF SPECIFIC OR ANY CERTAIN TREATMENT.

## **SECTION 102. Hiring Process.**

The Human Resources Department will administer and coordinate the hiring process for all position vacancies, with the exception of competitive police and fire vacancies which are done in accordance with applicable state laws, other City policies, and/or, if applicable, the rules and regulations of the City of Gulfport's Civil Service Commission. All hiring efforts are conducted in the spirit of equal opportunity.

Procedures set forth herein will be adhered to by all Departments in the announcing and filling of all position vacancies. The Human Resources Department shall make all offers of employment, including salary.

When practical, every effort will be made to advertise vacancies, in any, some or all of the following ways, for a period of five (5) work days: an e-mail to all current City employees; on the city's web page under employment opportunities; on bulletin boards in City-owned buildings to the extent practical. At the request of a Department Director or, if applicable, the Civil Service Commission, an advertisement may be placed in local and/or regional newspaper(s).

Applicants must be eighteen (18) years of age or older, a citizen of the United States, and have a social security card or application for same before employment may begin. The applicant selected must also become an elector and resident of one of the six (6) coastal Mississippi counties within six (6) months of beginning employment. It is incumbent upon the employee to provide proof of residency and voter registration.

Applications for a vacant position will remain active until that position is filled. Applications will be considered valid only if received in the Human Resources Department by 5:00 p.m. on the closing date of the announcement. Applicants can apply for up to three (3) advertised positions at one time. Applications will remain active for three (3) months.

### **SECTION 103. Pre-Employment Drug Screens.**

Pre-employment drug screens will be administered in accord with the City's separate policy on drug testing, a copy of which can be obtained from the Human Resources Department. Each employee is urged to be familiar with the City's drug policy.

### **SECTION 104. Probationary Period.**

NOTE: Civil Service coverage only applies to Police and Fire Department employees.

All new employees, except "Part-Time Employees," "Appointed Full-Time Employees," "Temporary Full-Time Employees," and "Temporary Part-Time Employees," as such terms or phrases are described and understood in this Manual, upon initial hire to regular full-time positions are placed in a probationary status for one (1) year from the date of hire. A supervisor may extend, with the approval of the Department Director, Human Resources Manager, Chief Administrative Officer ("CAO") or Mayor and Civil Service Commission, an employee's probationary period for up to two (2) three (3) month periods.

The probationary period may further be extended in those instances where the employee finds it necessary to take a leave of absence during the probationary period and such leave is approved by the Department Director with the consent of the CAO. In such cases, the probationary period will be extended for the length of time of the leave of absence. The probationary period may also be extended as otherwise provided in these policies, i.e., military service leave, extended jury service, etc., or other reasons. A leave of absence without pay during the probationary period shall not exceed ninety (90) days, and any accrued vacation or compensatory time must be exhausted prior to commencing a leave of absence without pay.

All employees serving a probationary period are considered "at-will" employees of the City ("non-Civil Service" employees) and, as such, may be terminated for any reason or for no reason and with or without notice during the probationary period and all extensions thereof and without reference to or applicability of state statutes and laws pertaining to "Civil Service" and/or the rules and regulations of the City of Gulfport's Civil Service Commission and without any explanation and appeal and without resort to any pre-disciplinary or pre-termination process, procedures, and/or administrative hearing. If the employee successfully completes the probationary period, including all extensions thereof, he/she shall thereupon (at the conclusion of such probationary period, or, if applicable, the last extension thereof, the later date controlling) become a regular full-time employee and be conferred "Civil Service" status as referred to and

further described and defined by Mississippi statutes and laws pertaining to Civil Service (i.e., Miss. Code Ann. § 21-31-1, et seq., as amended) and by City of Gulfport in its Code of Ordinances (i.e., § 1-68.1) (referred to or described herein as “Civil Service”).

If a probationary employee desires to apply for a different position within the City, he/she must have served in his/her current position for at least ninety (90) days prior to application for the new position.

An employee who transfers or is promoted to a new position does not have to satisfy a new probationary period to achieve “Civil Service” status so long as that employee had achieved “Civil Service” status in the position from which he/she is transferring or promoted. If the transfer occurs during the probationary period, the employee must complete the balance of the twelve (12) month probationary period as well as any extensions thereof.

A former employee who is rehired may be required to serve a new probationary period.

### **SECTION 105. Date of Hire/Anniversary Date.**

The date of hire shall be the effective date of the individual’s employment. Anniversary date shall mean the date the employee began his or her employment in the most recent position.

An employee reinstated to the same position or a position in the same class following layoff from the City will have his or her anniversary date extended by the same length of time as the duration of the layoff. A regular employee returning from a leave of absence without pay will have his or her anniversary date extended by the same length of time the employee was on leave without pay.

### **SECTION 106. Employee Orientation.**

All new employees of the City must attend a new employee orientation program. At the orientation program, each new employee will be provided with information on employee benefits, City policies and operations. In addition to the orientation program, the hiring department may provide additional information to the new employee, including history of the City and general information about their respective department.

### **SECTION 107. Types of Employment.**

The types of City employment are:

- a) Probationary Employee (a “non-Civil Service” employee): An employee on a trial status during the first (1<sup>st</sup>) year of employment and any and all extensions thereof. All newly hired City employees are on a probationary status which, unless extended as set forth herein, is for one (1) year from the date of hire. Such employees serve at the pleasure of the City and are “at-will” employees, meaning that they can be terminated at any time during the probationary period or any extensions thereof for any reason or for no reason at all, with or without notice, and without reference to or applicability of state statutes and laws pertaining to “Civil Service” and/or the rules and regulations of the City of Gulfport’s Civil Service Commission and without any explanation and appeal and without resort to any pre-disciplinary or pre-termination process, procedures, and/or administrative hearing. They are not “Civil Service” employees as such terms or phrase are/is referred to and further described herein (e.g., Section 104).
- b) Regular Full-Time Employee (a “Civil Service” employee): An employee who has successfully completed the probationary period and any and all extensions thereof and is assigned to a position which is expected to continue for an indefinite duration, and works a regularly scheduled forty (40) hour or more workweek. Such employees shall be conferred “Civil Service” status as referred to and further described by state statutes and laws pertaining to “Civil Service” (i.e., Miss. Code Ann. § 21-31-1, et seq., as amended) and, where applicable, as adopted and/or extended by the City of Gulfport in its Code of Ordinances (i.e., § 1-68.1). “Successful completion” of a

probationary period and all extensions thereof does not mean that an employee can not be disciplined or discharged to any extent for misconduct, poor job performance, or any other cause or reason, nor does it guarantee that such employee will not be subject to reassignment or layoff.

- c) Appointed Full-Time Employee (a “non-Civil Service employee): An employee who is appointed by the appointing and/or governing authority for the City of Gulfport to a position which is expected to continue for an indefinite duration and who works a regularly scheduled forty (40) hour or more workweek. Such employees serve at the pleasure of whoever appointed them (e.g., the appointing and/or governing authority) and are “at-will” employees, meaning that they can be terminated at any time for any reason or for no reason at all, with or without notice, and without reference to or applicability of state statutes and laws pertaining to “Civil Service” and/or the rules and regulations of the City of Gulfport’s Civil Service Commission and without any explanation and appeal and without resort to any pre-disciplinary or pre-termination process, procedures, and/or administrative hearing. They are not “Civil Service” employees as such terms or phrase are/is referred to and further described herein (e.g., Section 104).
- d) Part-Time Employee (a “non-Civil Service” employee): Two (2) classifications of part-time employees exist:
  - i) Part-Time Plus: An employee who is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule of twenty (20) hours or more, but less than forty (40) hours, per week.
  - ii) Part-Time Minus: An employee who is assigned to a position which is expected to continue for an indefinite duration, and regularly works a shift less than twenty (20) hours per week or which varies from week to week.
- e) All regular part-time (plus or minus) employees serve at the pleasure of the City and are “at-will” employees, meaning that they can be terminated at any time for any reason or for no reason at all, with or without notice, and without reference to or applicability of state statutes and laws pertaining to “Civil Service” and/or the rules and regulations of the City of Gulfport’s Civil Service Commission and without any explanation and appeal and without resort to any pre-disciplinary or pre-termination process, procedures, and/or administrative hearing. They are not “Civil Service” employees as such terms or phrase are/is referred to and further described herein (e.g., Section 104).
- f) Temporary Full-Time Employee, also described as a “seasonal employee” (a “non-Civil Service” employee): An employee whose work assignment is usually limited to a period not to exceed four and one-half (4 ½) months and who works a regularly scheduled 40 hour or more workweek. Such employees serve at the pleasure of the City and are “at-will” employees, meaning that they can be terminated at any time for any reason or for no reason at all, with or without notice, and without reference to or applicability of state statutes and laws pertaining to “Civil Service” and/or the rules and regulations of the City of Gulfport’s Civil Service Commission and without any explanation and appeal and without resort to any pre-disciplinary or pre-termination process, procedures, and/or administrative hearing. They are not “Civil Service” employees as such terms or phrase are/is referred to and further described herein (e.g., Section 104).
- g) Temporary Part-Time Employee (a “non-Civil Service” employee): An employee whose work assignment is usually limited in duration to four and one half (4 ½) months or less, and works a shift schedule which on an annual basis would total less than 40 hours per week. Such employees serve at the pleasure of the City and are “at-will” employees, meaning that they can be terminated at any time for any reason or for no reason at all, with or without notice, and without reference to or applicability of state statutes and laws pertaining to “Civil Service” and/or the rules and regulations of the City of Gulfport’s Civil Service Commission and without any explanation and appeal and without resort to any pre-disciplinary or pre-termination process, procedures, and/or administrative hearing. They are not “Civil Service” employees as such terms or phrase are/is referred to and further described herein (e.g., Section 104).

## **SECTION 108. Special Employment Programs.**

The Human Resources Department is responsible for the coordination of all special employment programs funded by external agencies. Personnel employed under such programs may be employed for a period not to exceed the funding source or the life of the program.

## **SECTION 109. Work Periods/Hours.**

The work period for all City employees, other than twenty-four (24) hour shift firefighters and all commissioned police officers, shall be a seven (7) day period beginning on Monday at 12:01 a.m. and continuing through the following Sunday at 12:00 a.m. (midnight). The work period for all employees shall comply with the Fair Labor Standards Act ("FLSA"). These work periods may be changed to accommodate special work schedules or emergency conditions. The work period for any twenty-four (24) hour shift firefighters and all commissioned police officers shall comply with Title 29 of the Fair Labor Standards Act or any other statutes or governing regulations.

## **SECTION 110. Compensatory Time/Overtime.**

An employee who is not exempt from the provisions of the Fair Labor Standards Act ("FLSA") who works overtime, i.e., works in excess of the number of hours allowed per week as designated under FLSA, shall be entitled to receive, at his/her option, either overtime pay or compensatory ("comp") time. No employee may work any overtime without first obtaining the approval of his/her Department Director. Overtime shall be defined as all work performed in excess of the hours permitted under the FLSA workweek. Compensatory time is defined as time off granted an employee in compensation for hours worked in addition to the employee's regularly scheduled work day or work week.

The City compensates overtime at the rate of one and a half (1.5) times the normal rate of pay for hours worked in excess of the number of hours allowed per work week as designated under the FLSA. Fire Department shift personnel shall be compensated at one and a half (1.5) times their normal rate of pay for hours over two hundred and four (204) in a twenty-seven (27) day cycle. Only actual hours worked count towards computing overtime. Employees will not be allowed to accumulate any compensatory time in excess of one hundred (100) hours. Any compensatory time accumulated in excess of one hundred (100) hours will be paid as overtime. All comp time must be used before annual leave is used.

Executive, professional, administrative, and any other employees who are exempt from the FLSA should document all their actual hours of work on their official timesheet; however, such employees may only be paid for a maximum of forty (40) hours per week. No overtime or compensatory time can be accrued by any exempt employee. Exempt employees who work more than forty (40) hours per week, may take short periods of leave (less than one day and not to exceed the amount of extra hours worked that week) without charge to their accruals if approved by the Department Director and/or Chief Administrative Officer, if taken in the same work week, and if their work schedule so allows.

Exempt employees are typically paid a salary that is not subject to deductions for hours not worked. Deductions from an exempt employee's salary, however, will be made for absences from work for one or more full days for personal reasons other than sickness or disability and the employee has no accrued vacation time; for absences of one or more full days due to sickness or disability in accordance with our sick leave plan if the employee has no accrued sick or vacation time; or an unpaid disciplinary suspension of one or more full days for workplace misconduct. An individual may also not be paid his/her full salary during the initial or terminal weeks of employment if the full week is not worked; for penalties imposed for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. (approved by council 9/21/04)

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all managers from making any improper deductions from the salaries of exempt employees. We want

employees to be aware of this policy and that we do not allow deductions that violate the FLSA. (approved by council 9/21/04)

If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor, or to the Human Resources Manager. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for such improper deductions. (Approved by council 9/21/04)

### **SECTION 111. Position Descriptions.**

Position descriptions and job specifications shall be maintained by the Human Resources Department. The position description does not constitute an employment agreement between the City and employee and is subject to change, without notice, as the needs of the City and/or the requirements of the job change or as otherwise required. Examples of duties listed in the position description are intended only as illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position, or if exigent circumstances require.

### **SECTION 112. Performance Evaluation.**

No less than once every fiscal year, at or near each employee's anniversary date (and no later than the end of the fiscal year), the employee's supervisor or representative thereof shall complete, sign and date the appropriate Performance Evaluation Form for each employee under his or her supervision and, within a reasonable period thereafter, review the Evaluation Form with the employee. The employee is asked to sign the rating form as an acknowledgment that it was completed and that he or she is aware of its contents, and the employee may add comments if he or she so desires. Thereafter, the completed evaluations will be reviewed and/or signed by the Department Director and/or Chief Administrative Officer, each of whom, in his or her judgment, may change the recommended rating or return the Form for reconsideration by the supervisor or representative.

### **SECTION 113. Promotions/Lateral Transfers.**

Employees are encouraged to apply for any vacancy for which they may qualify. Any current employee interested in applying for a transfer or promotion to an open position must file a completed City job application form with the Human Resources Department in accordance with instructions listed on the job posting. A City employee's application for such a position will be considered in the same manner as all other applications.

An employee selected for promotion or lateral transfer will take all accruals with him or her to the new position. Neither a promotion nor a lateral transfer will change an employee's date of hire. If the position to which an employee has been transferred or promoted carries benefits different from those of the previous position, the person becomes eligible for the benefits of the new position upon assuming the new position.

The Department Director may make temporary assignments for a specified time or assignment as necessary. Such appointments are made on "acting" basis and the employee returns to his or her regular position upon completion of the assignment. It is subject to the discretion of the Director and approval of the Chief Administrative Officer as to whether the employee is paid the higher salary if the "acting" position is classified higher. It is not to be inferred that a temporary assignment will carry the position's higher salary.

**SECTION 114. Compensation.**

New Employees: All new employees will ordinarily be paid at the entry step of a grade, but some consideration may be given for prior experience, qualifications and/or training with the approval of the Chief Administrative Officer.

Longevity Pay: Longevity pay in an amount established by the proper governing authority shall be granted to each employee whose employment with the City exceeds (1) one year. Longevity pay is awarded for continuous service. There is no “cap” on the amount of longevity pay an employee may accrue. Department Directors are not eligible for longevity pay. (per council action 9/21/04)

Education Pay: Education pay in amount or amounts established by the proper governing authority shall be granted to employees who have degrees from accredited universities and colleges which are recognized by the Southern Association of Colleges and Schools. An employee will not be granted education pay unless the Human Resources Department is in receipt of an official transcript directly from the university or college, and the transcript indicates that the employee was granted a degree; i.e. associates, bachelor’s, master’s, juris doctorate, or doctorate. Education pay will begin the first pay period after an official transcript proving degree status has been received. Department Directors are not eligible for education pay. (per council action 9/21/04)

Grade Re-evaluation: In the event that the grade of any position is reevaluated and approved by the Chief Administrative Officer and the implementation results in an increased salary range for the position, the employee shall retain his/her current salary step within the range or closest step therein or assume the entry level step of the new range, whichever is greater.

During a City Declared State of Emergency: In the event that a State of Emergency is declared in the City of Gulfport by the Mayor and/or the City Council according to law, those employees required to work during the period of the State of Emergency shall be compensated as follows:

- a. Employees not exempted from FLSA: Such employees, if required to work during the period of the State of Emergency, shall be compensated at their regular hourly rate for each hour worked. Such employees are entitled to overtime as set forth in this Personnel Manual.
- b. Employees exempted from FLSA: Such employees, if required to work during the period of the State of Emergency, shall be compensated for each hour worked at an hourly rate determined by dividing the employee’s annual base salary by 2080 hours. Exempt employees working voluntarily and not directed to work shall not be compensated.
- c. Employees may only be required to work by the Department Director, who may communicate that requirement to the employees directly or through the employees’ supervisor(s).
- d. All hours required to be worked by any employee and actually worked during a State of Emergency shall be documented on the employee’s time sheet.

**SECTION 115. Holidays.**

The City traditionally celebrates the following holidays off with pay for probationary or regular full-time and part-time plus employees:

NEW YEAR'S DAY .....	January 1
MARTIN LUTHER KING, JR.....	3rd Monday in January
PRESIDENT'S DAY .....	3rd Monday of February
GOOD FRIDAY .....	Friday before Easter
MEMORIAL DAY.....	Last Monday of May
JEFFERSON DAVIS' BIRTHDAY.....	1 <sup>st</sup> Monday in June
INDEPENDENCE DAY .....	July 4
LABOR DAY.....	1st Monday of September

VETERAN'S DAY .....	November 11
THANKSGIVING DAY.....	4th Thursday of November
DAY AFTER THANKSGIVING.....	4 <sup>th</sup> Friday of November
CHRISTMAS DAY.....	December 25

These Holidays, or the dates when they occur or are observed, may change by proclamation of the Governor or the City's governing authority or federal, state, or local law and such change(s) govern and override the listings contained in this Personnel Manual. Holidays are observed from 12:00 a.m. (midnight) the eve of the holiday to 12:00 a.m. (midnight) the day of the holiday. Holiday pay will be granted to all eligible employees whose work schedule would have included the day on which the holiday occurs or is observed. Such employees will receive pay for the holiday at straight time. Employees who actually physically work on the holiday will receive pay at two (2) times the hourly rate FOR THE HOURS WORKED. Salaried exempt employees will receive their regular pay for any pay period in which the holiday occurs.

Unless otherwise declared by the governing authority or by state law or local ordinance, in the event a holiday falls upon a Sunday, the following Monday shall be deemed to be the legal holiday and in the event the legal holiday falls on a Saturday, the preceding Friday shall be deemed to be the legal holiday.

When a holiday falls within an eligible employee's approved vacation time, the holiday shall not be counted as a leave day in computing the amount of leave debited. An employee who is away from work and not in a paid leave status the day immediately preceding or following a holiday will not be eligible for holiday pay. Any employee in a paid leave status the day immediately preceding or the day following a holiday shall receive holiday pay. Paid leave status is defined as vacation time or comp time approved in advance by the employee's supervisor or sick leave evidenced by a doctor's excuse, if so required by the supervisor. When a holiday falls on a Saturday or Sunday, shift employees shall be paid holiday pay based upon the exact holiday and not the observed holiday (i.e., not a Friday or a Monday).

**SECTION 116. Bereavement Leave.**

A probationary, appointed full-time, or regular full-time employee who has a member of his or her immediate family taken by death shall receive up to twenty-four (24) hours off with pay as bereavement leave to arrange and/or attend funeral activities. A part-time plus employee under similar circumstances shall receive twelve (12) hours off with pay as bereavement leave. If additional time is necessary, it shall be taken as compensatory time off or vacation leave, with advance authorization by the Department Director. If compensatory leave or vacation leave is not available, it shall be taken as unpaid leave with advance authorization by the Department Director. Employees who require time off due to the death of an immediate family member (in order to obtain bereavement leave) should immediately notify their supervisor and/or Department Director.

"Immediate family" shall be defined as spouse, mother, father, mother-in-law, father-in-law, children, sister, brother, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandparents and grandchildren. A current step-child, step-father, step-mother, step-father-in-law, or step-mother-in-law may also fall under this definition. An aunt, uncle, or cousin who is a dependent of or who resides in the household of the eligible employee, or over whom the eligible employee is a court appointed guardian or conservator, may also be treated as "immediate family" under this Section.

**SECTION 117. Jury/Court Leave.**

Any probationary, appointed full-time, or regular full or part-time employee who is required to serve on a jury, or as a result of official City of Gulfport duties is required to appear before a court, legislative committee or quasi-judicial body as a witness in response to a subpoena or other directive, shall be allowed authorized leave with pay. The employee may retain any jury and mileage fees received.

A probationary employee called to serve will have his/her probationary period extended by the same amount of time as was served on jury duty if the period of jury service exceeds five (5) days.

An employee who receives notice of jury duty or witness service must notify his/her supervisor immediately in order that arrangements may be made to cover the position.

Time away as a result of jury or court leave as set forth above will not affect vacation, sick leave or other leave accruals. The City will continue to provide health insurance benefits for the full term of the jury duty absence.

Employees are to return to work after jury duty although no more than the regularly scheduled number of hours for both jury duty and work shall be required in any one (1) day. If excused as a juror on any given day, the employee is expected to contact his/her supervisor immediately and to report to work as instructed.

Employees who appear in court as a plaintiff, defendant, complainant, respondent, or witness in any action not related to their official City duties shall not be paid for time away from work unless the employee elects to use compensatory leave or accrued vacation as approved by the employee's supervisor.

### **SECTION 118. Family and Medical Leave Act ("FMLA").**

All regular and appointed full-time and part-time plus employees, who have worked more than one (1) year and during that year have worked more than 1250 hours, shall be entitled to take up to twelve (12) weeks of unpaid, job-protected leave for specified family and medical reasons, as provided in the Family and Medical Leave Act of 1993 ("FMLA"). All employees requesting leave under this policy must complete the Family/Medical Leave Form available from the Human Resources Department.

Covered Family and Medical Reasons. An eligible employee shall be entitled to twelve (12) weeks of unpaid leave during one rolling twelve (12)-month period for (1) one or more of the following reasons:

- 1) the birth of the employee's child or placement of a child with the employee for adoption or foster care;
- 2) to care for the employee's spouse, child, or parent with a serious health condition; or,
- 3) to take medical leave when the employee is unable to perform the essential functions of his/her job because of a serious health condition.

A serious health condition shall be defined as an illness of a serious and long-term nature resulting in recurring or lengthy absences. Treatment of such an illness would occur in an inpatient situation at a hospital, hospice, or residential medical care facility, or would consist of continuing care provided by a licensed health care provider.

An employee may take such leave if a serious health condition makes the employee unable to perform the functions of his or her position. Employees with questions about whether specific illnesses are covered under this policy or under the City's sick leave policy are encouraged to meet with the Human Resources Manager.

Employee eligibility. An employee shall be entitled to family leave when he/she meets the following criteria:

- 1) The employee has worked for at least twelve (12) months for the City. The twelve (12) months need not have been consecutive. (If the employee was on the payroll for part of a week, the City will count the entire week. The City considers fifty-two (52) weeks to be equal to twelve (12) months.)
- 2) The employee has worked for the City for at least 1,250 hours over the twelve (12) months before the leave would begin.

When both spouses are employed by the City, they are entitled to share a total of twelve (12) work weeks of family and medical leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

Calculation of Leave. Eligible employees can use up to twelve (12) weeks of FMLA leave during a rolling twelve (12) month period as described herein. The City will use a twelve (12) month period measured backward from the date an employee needs to use any FMLA leave, paid or unpaid.

Maintenance of Benefits. An employee shall be entitled to maintain group health insurance coverage on the same basis as if he or she had continued to work at the City. To maintain uninterrupted coverage, the employee will have to continue to pay his or her share of insurance premium payments either through payroll deduction or by direct payment. This payment shall be made either in person or by mail to the Human Resources Department by the first (1<sup>st</sup>) day of each month. If the employee's payment is more than thirty (30) days overdue, then the City will drop the coverage after notifying the employee at least fifteen (15) days in advance of its intention.

If an employee informs the City that he or she does not intend to return to work at the end of the leave period, the City's obligation to provide health benefits ends. If an employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the employee to reimburse the City the amount the City contributed towards the employee's health insurance during the leave period.

The City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee must pay all voluntary benefit payments that would otherwise have been deducted via the payroll process.

Earned benefits such as seniority, vacation leave, sick leave, and holiday benefits will not accrue during the unpaid portion of the leave period. However, the use of FMLA leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

Job Restoration. An employee who utilizes FMLA leave under this policy will be restored the same job or a job with equivalent status, pay, benefits and other employment terms.

The City may choose to exclude certain highly compensated, "key" employees from this job restoration requirement and not return them to the same or similar position at the completion of FMLA leave. Employees who may be excluded will be informed of this status when they request leave. If the City deems it necessary to deny job restoration for a key employee on FMLA leave, the City will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

Use of Paid and Unpaid Leave. If an employee has accrued paid leave of less than twelve (12) weeks, the employee will use paid leave first and take the remainder of the twelve weeks as unpaid leave.

If an employee takes leave under this plan because of his or her own serious medical condition or the serious health condition of an immediate family member, the employee will first use all paid vacation, comp time, or sick leave, and then will be eligible for unpaid leave. Any combination of family leave and medical leave may not exceed twelve (12) weeks within any rolling twelve (12) month period as described above.

An employee using leave for the birth of a child will use any accrued paid sick leave for physical recovery after childbirth. The employee then may use all paid vacation and comp time and then will be eligible for unpaid leave for the remainder of the twelve (12) weeks.

An employee using leave for the adoption or foster care of a child will use all paid vacation and comp time first and then will be eligible for unpaid leave for the remainder of the twelve (12) weeks. The use of sick leave would not be allowable in such cases.

In certain cases, intermittent use of the twelve (12) weeks of FMLA leave or a part of a reduced work week may be allowed by the City. Employees wishing to use leave intermittently or to utilize a reduced workweek for birth or adoption purposes will need to discuss and gain approval for such use from the employee's Department Director and the Chief Administrative Officer.

If the need to use leave is foreseeable and based on preplanned and prescheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the City's operations.

In some cases, the City may temporarily transfer an employee using intermittent or a reduced work week to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

When an employee plans to take leave under this policy, the employee must give the City thirty (30) days notice. If it is not possible to give thirty (30) days notice, the employee must give notice as soon as reasonably possible.

While on leave, employees are required to report regularly to their supervisor regarding the status of the medical condition and their intent to return to work.

On occasion, the City may require the employee to provide notice of the need to utilize leave (where it is possible to know beforehand) and/or may require the employee to provide certification of an employee's or immediate family member's serious health condition by a qualified healthcare provider. The employee will respond to such a request within fifteen (15) days of the request, or provide a reasonable explanation for the delay.

Qualified health care providers may include doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, and optometrists.

When seeking certification of a serious medical condition, an employee should ensure that the certification contains the following:

- 1) Date when the condition began; expected duration; diagnosis; and a brief statement of treatment.
- 2) If employee is seeking medical leave for his/her own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.
- 3) For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
- 4) If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

If deemed necessary, the City may ask for a second opinion. The City will pay for the employee to get a certification from a second doctor, which the City will select. If there is a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. The third opinion will be considered final.

Other requirements, terms, conditions, and/or obligations that arise out of and/or pertain to leave designated as family medical leave ("FMLA") may be found in federal, state, and/or local laws or regulations, forms that are required to be completed and submitted in conjunction with such leave, and other City policies.

## **SECTION 119. Military Leave.**

Employees are permitted to be absent from employment as “military leave” for service with the Armed Forces when the employee participates in: (1) Annual Training (Summer Camp); (2) Active Duty Training (School); (3) Inactive Duty Training Assemblies (Weekend drills); (4) Extended leave of absence for voluntary active duty service (Enlistment); or (5) Involuntary call-up. Military leave of absence shall not result in loss of seniority status or pay which would have normally accrued if the employee had not been absent for such purposes. Annual leave and sick leave will not accrue while an employee is on military leave without pay. Employees going into or returning from military service may elect to continue Health Plan coverage as mandated by the Uniformed Services Employment and Reemployment Rights Act, or other governing law, under the following circumstances. These rights apply only to employees and their dependents covered under the Plan before leaving for military service.

- (1) A person who elects to continue health plan coverage may be required to pay up to 102% of the full contribution under the Plan, except a person on active duty for thirty (30) days or less cannot be required to pay more than the Employee’s share, if any, for the coverage.
- (2) An exclusion or Waiting Period may not be imposed in connection with the reinstatement of coverage upon reemployment if one would not have been imposed had coverage not been terminated because of service. However, an exclusion or Waiting Period may be imposed for coverage of any Illness or Injury determined by the Secretary of Veterans Affairs to have been incurred in, or aggravated during, the performance of uniformed service. Plan exclusions and Waiting Periods may be imposed for any Sickness or Injury determined by the Secretary of Veterans Affairs to have been incurred in, or aggravated during, military service.
- (3) The maximum period of coverage of a person under such an election shall be the lesser of:
  - (a) The eighteen (18) month period beginning on the date on which the person’s absence begins; or
  - (b) The day after the date on which the person was required to apply for or return to a position or employment and fails to do so.

If an employee desires to maintain medical insurance on dependents while he or she is on military leave, the employee must pay premiums for dependents.

The City is obligated to grant military leave with pay to the employee for absences not exceeding fifteen (15) days per calendar year. The City will not require the employee to use normal annual leave (accrued vacation) for such purposes. The employee may, however, request use of vacation, or leave without pay to supplement absences exceeding those covered by the fifteen (15) day Military Leave allowance. Annual leave and sick leave will not accrue while an employee is on military leave that is outside of the aforementioned fifteen (15) day per calendar year period and if he or she is not on annual leave or sick leave.

The City will make a reasonable effort to adjust work schedules and assignments to accommodate employees fulfilling military obligations.

An employee promoted or hired to fill a vacancy created by a person on military leave is appointed to the position subject to the return of the absent employee. Upon such return, a promoted employee is restored to his or her original position or an equivalent position. A replacement employee is subject to layoff if no other position is available.

### **SECTION 119.1. Employees’ Responsibilities.**

Without limitation, employees are responsible for timely providing copies of all military orders that will result in a leave of absence for active military duty to their Department Director(s). Orders must specify the duties of absence, promulgation authority, letter order number and

signature of issuing authority. Employees are required to notify their supervisors at the earliest possible date upon learning of scheduled military duty.

Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action, including termination of employment.

Employees shall provide inactive duty training dates (weekend drills) to their Department Director(s) as soon as available if the dates conflict with scheduled employment with the City. Extended leave of absence (exceeding fifteen (15) calendar days per calendar year allowance) will be pursuant to the City's policy on LEAVE OF ABSENCE WITHOUT PAY or the policy on ANNUAL LEAVE.

### **SECTION 119.2. Accounting Procedures.**

All military leaves will be processed via the Personnel Action Form, copies of which are available from the Human Resources Department. Military Leave (fifteen (15) calendar day military leave allowance each calendar year) will be accounted for in increments of twenty-four (24) hour periods (from 0001 hours to 2400 hours). A firefighter's twenty-four (24) hour on duty shift counts as three (3) days of military leave.

It is the responsibility of the official verifying timecards in each Department to annotate the use of military leave on the employee's monthly time card. Military leave will be registered on the time card by use of the designation "ML."

### **SECTION 120. Sick Leave.**

All probationary, appointed full-time, regular full-time and part-time plus employees, whether paid on an hourly basis or by salary, are entitled to sick leave. Part-time minus, temporary and seasonal employees are not entitled to sick leave pay.

Sick leave shall be granted to probationary full-time, appointed full-time, and regular full-time employees at the rate of eight (8) hours for each calendar month of service. Part-time plus and regular part-time plus employees will be granted sick leave at the rate of four (4) hours for each calendar month of service. Sick leave is not available for use until the end of the month following thirty (30) days of employment. Sick leave shall be charged in quarter-hour increments rounded to the nearest quarter hour on the employee's time sheet. No sick leave will be given to an employee in excess of the amount earned and available to the employee. Sick leave accrual during leaves of absence without pay will be on a pro-rata basis based on the number of hours worked during the month. An employee must first utilize compensatory time and then vacation time when sick leave has been exhausted, if approved by his or her supervisor or Department Director.

Employees entitled to sick leave may remain away from work with pay until their accrued sick leave has been exhausted, where such absence is the result of personal illness or physical incapacity not job related, sickness of an immediate family member and/or involuntary or enforced quarantine. Sick leave benefits shall also apply to bona fide cases of sickness, accidents, doctor or dental appointments, maternity leave, and requests for the employee's presence by immediate family, doctor or clergy due to family illness.

When an employee goes on sick leave he or she must notify his or her Department Director or designated supervisor immediately. Notification should be within thirty (30) minutes before the beginning of the scheduled workday or as otherwise required by the applicable Department's rules or policies. Failure to do so may result in denial of such leave pay and in disciplinary action, including termination of employment. The employee should also let the supervisor know when he/she expects to return to work.

Sick leave that exceeds three (3) consecutive work days must be confirmed by a qualified doctor's statement submitted to the supervisor after the third (3<sup>rd</sup>) consecutive day of absence. The doctor's statement must contain a statement that the employee is fit to return to work or a statement as to when the employee will be fit to return to work. "Qualified doctor" shall be a duly licensed doctor of medicine, osteopathy or dentistry.

If the sick leave is not confirmed by a doctor's statement after the third consecutive day of absence, the supervisor may place the employee on unpaid leave for the period of absence until the excuse is submitted or may require the employee to use accrued comp time or vacation time for the absence. If the employee has no accrued vacation leave or when accrued vacation leave is exhausted, the employee will be placed on unpaid leave.

Sick leave usage during an employee's last two (2) weeks of employment must be documented by a qualified doctor, as defined herein.

Unused sick leave shall accrue to the credit of each such employee with no maximum and, subject to conditions and terms of the Public Employees Retirement System ("PERS") or any other governing or applicable regulations or requirements, may be credited to the employee's retirement in the PERS as hours worked upon termination, resignation or retirement. Sick leave cannot be cashed out or paid as monies upon termination, resignation or retirement.

If a full day of sick leave is claimed on the last work day before or the first work day after an observed holiday, sickness must be documented by a qualified doctor. In lieu of a medical certificate, supervisors may allow a sworn affidavit from the employee which provides the circumstances of the illness. Information requests shall be processed in accordance with the official privacy policy of the City for compliance with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

## **SECTION 121. Annual Leave/Vacation Leave.**

Annual leave, also known as vacation leave, for probationary, appointed full-time, and regular full-time employees and part-time plus employees shall accrue from the date of hire but may not be taken until the beginning of the month incident with or following 180 days of employment during the initial one (1) year probationary period, or extended period thereof, or, as applicable to appointed full-time and part-time plus employees, during the initial one (1) year term of their appointment.

Vacations shall be scheduled at such times as the Department Director finds most suitable after considering the wishes of the employee and the requirements of the Department. All requests for vacation must be approved by the Department Director prior to the commencement of the requested vacation. The Chief Administrative Officer shall approve all vacation schedules for Department Directors.

Accrued and unused vacation leave may be used to supplement sick leave if the employee has exhausted sick leave accruals in accordance with the Family Medical Leave Act. An employee who voluntarily terminates employment or who is terminated prior to completion of his or her probationary period, or any extension thereof, is not entitled to payment for unused vacation time.

### **SECTION 121.1. Accrual of Annual Leave/Vacation Leave.**

Annual leave for appointed full-time and regular full-time employees is accrued from the first through the fifth year, including any probationary period or extensions thereof, at two (2) weeks per year. From years six (6) through ten (10) the accrual is two (2) weeks per year plus one (1) day for each year over five (5) years. From years eleven (11) through fifteen (15), the accrual is three (3) weeks per year plus one (1) day for each year over ten (10) years. For years sixteen (16) through twenty (20), the accrual is four (4) weeks per year plus one (1) day for each year over fifteen (15). Over twenty (20) years of service equals the maximum accrual rate of twenty-five (25) days per year. Part-time plus employees accrue leave at one-half the rate of appointed full-time and regular full-time employees.

During periods of leave without pay, the accrual shall be pro-rata based on the number of hours worked in the month. Vacation shall be charged in quarter hours rounded to the nearest quarter on the employee's time sheet. ACCRUED COMPENSATORY TIME MUST BE USED BEFORE ANNUAL LEAVE.

Fire Department Shift personnel accrue annual leave at the following rate:  
One (1) through five (5) years of service = 10 hours per month – 5 shifts.  
Over five (5) years of service, additional one (1) hour per month (1/2 shift/year). There is a maximum of twelve and a half (12 ½) shifts.

There is no limit on the accumulation of annual leave. Employees may cash out a maximum of 240 hours of accrued vacation at the time of separation from the City. Accrued vacation in excess of the 240 hours shall be credited to the Public Employees Retirement System ("PERS").

### **SECTION 122. School Leave.**

Each appointed full-time and regular full-time employee will be granted up to four (4) hours of "School Leave" per calendar year to attend school functions with his or her dependent child(ren). The hours may not be carried over from one calendar year to another and are not compensable upon termination or voluntary separation of the employee from City employment. Part-time plus employees will each be granted two (2) hours of "School Leave" per calendar year subject to the restrictions contained in this paragraph. All School Leave must be requested and approved in advance by the immediate supervisor or other approving official.

### **SECTION 123. Leave of Absence Without Pay.**

When any employee must be absent from work and has no appropriate leave accrued, the Department Director may grant a leave of absence without pay for a period not to exceed forty (40) hours. Any leave of absence without pay for a period exceeding forty (40) hours must also be approved by the Chief Administrative Officer. In no case, however, may a period of leave of absence without pay exceed ninety (90) days. During the period of approved and unpaid leave, the employee must pay for any optional insurance coverage at the employee rate on a pro-rata basis during the period of unpaid leave.

### **SECTION 124. Travel and Training.**

Certain employees may be authorized to utilize a City credit card for reasonable and necessary expenditures made by employees while on official City business. Mileage will be reimbursed at a rate per mile equal to the allowable Internal Revenue Service ("IRS") rate; all other allowable expenses on actual cost basis. All expenses must be itemized. Claims for reimbursement of travel expenses, other than mileage, shall be accompanied by invoices and/or receipts showing proof of payment of such claims, except the daily meal per diem as provided hereafter. City travel and meal expenses may have ceilings above which expenditures are non reimbursable. Employees are urged to obtain this information from the City's Purchasing Agent prior to travel.

#### **SECTION 124.1. Travel While on City Business.**

- 1) Overnight Trips
  - a) Lodging. Hotel and Motel expenses will be charged to the City credit card. All authorized travel receipts must be signed and submitted to the Purchasing Department within five (5) working days upon return from an authorized trip. A reasonable class of accommodation shall be selected where choice is available. The single rate should be clearly indicated on all receipts. A purchase order may be utilized in lieu of the credit card. Failure of an employee

to return the credit card and/or receipts within five (5) working days after employee returns to work may result in the employee personally paying for travel and being reimbursed upon return through the purchase order process for a period of one (1) year.

- b) Meals. Meal reimbursements for all overnight trips are to be itemized on proper "Claim for Expense" forms. If the employee opts for a Per Diem Meal reimbursement, the rates are \$30.00 per day for in-state travel. Out of state travel per diem meal reimbursement shall be according to the Federal Registry. Gratuities are not reimbursable.
  - c) Mileage Allowance. Employees who utilize their personal vehicles on travel assignments will be allowed the allowable rate per mile as set forth in the federal Internal Revenue Service's rules, codes, and regulations.
    - i) No reimbursement for mileage shall exceed the dollar amount of round trip airfare at the coach rate on a licensed common carrier, plus approved auto rental or taxi fare at point of destination.
    - ii) When two (2) or more employees are attending the same seminar, convention, or meeting, car-pooling shall be practiced whenever possible. The actual odometer reading from City Hall to destination and return to City Hall will be used.
    - iii) If an employee for his or her own convenience travels by an indirect route or interrupts travel by the most economical route, the employee shall bear any extra expense involved. Reimbursement for such travel shall be for only that part of the expense as would have been necessary in order to travel.
  - d) Out-of-State Travel. Requires prior written approval by the employee's Department Director and a completed Travel Approval Request Form signed by the Mayor and Chief Administrative Officer.
- 2) Local Travel and Expenses
- a) Local Meals. Reimbursement for meals will be allowed only where the employee is attending a seminar or conference as a representative of the City for a specific purpose, or where the employee's attendance will directly benefit the City, provided the meal is included in the registration package. No reimbursement will be allowed for meetings that are of a social nature. The request for reimbursement of local meals should including the following information: date, place, the meeting attended, and the specific reason for attendance.
  - b) Local Mileage. Local mileage will be reimbursed as found in Paragraph (1)(c), above.
- 3) Parking Fees and shuttle cab fees will be reimbursed by actual cost and receipts must be presented to verify usage.

If an employee reimbursement is necessary, the reimbursement will be handled by the Finance or Accounts Payable Department after the "Claims for Expense" form is submitted.

The following are expenses that will not be reimbursed by the City: (1) Laundry, cleaning, or valet services; (2) Tobacco; (3) Alcoholic beverages; (4) Entertainment; (5) Personal telephone calls; (6) First class travel accommodations when economy or coach class are available; (7) Meals and lodging in lieu of other meals and/or lodging, the expense of which is included in the Registration fee; (8) Fines, forfeitures or penalties; (9) Rental vehicles except as pre-approved by the Chief Administrative Officer; (10) Expenses of a spouse or other non-employee; (11) Loss or damage to personal property; (12) Barber, beauty parlor, shoe shine or toiletries; (13) Personal postage; (14) Food (other than meal allowance); and (15) Personal items.

The following are expenses that may be reimbursed by the City: (1) Hotel/Motel; (2) Registration; (3) Book fees; (4) Gas for city vehicles if not available from Fuelman and/or mileage reimbursement; (5) Repairs to city vehicle if out of town; (6) Car rental (if approved); (7) Air fare.

## **SECTION 125. Employee Personnel Records.**

The Human Resources Department is responsible for establishing and maintaining an official personnel file for each employee of the City. Access to the official personnel files may be allowed if the Chief Administrative Officer, applicable Department Director, and/or Human Resources Manager finds access would be helpful, necessary or warranted for administrative purposes. The Civil Service Commission shall produce a written order to the Chief Administrative Officer ("CAO") that is the product of official action taken by the Commission in accordance with the Commission's duties under Miss. Code Ann. § 21-31-23, as amended, and spread upon its minutes when requesting access to a personnel file in connection with a proper appeal or complaint made under the laws of the State of Mississippi.

Employees may review their individual files by making an appointment with the Human Resources Manager. Any copying of the files will result in a standard charge for copy costs. An employee may not remove anything from his or her files and may not add anything without the approval of his or her Department Director and the CAO. Official personnel files and their contents are the property of the City of Gulfport.

Department Directors are responsible for forwarding documents for inclusion in the personnel files of those employees assigned to their Department.

Changes of address, telephone number, or other changes in personal information, should be brought to the attention of the Human Resources Department by the employee as soon as the change is known or effective so personnel records can be accurate and up-to-date.

The Human Resources Department shall treat as confidential all employee information. Except as otherwise set out herein or in any other applicable City policies or regulations or federal, state, or local laws or regulations, no information will be released without an employee's consent with the exception of court-ordered releases and written authorizations. On former employees, only the dates of employment and job title will be released without written authorization or court-ordered releases.

Access to information contained in the personnel file will be limited to the Chief Administrative Officer, the Human Resources Department, respective Department Directors, peer review committees or employees, the Legal Department, immediate supervisor and individual employees. Files pertaining to employees who are bona fide candidates of interdepartmental transfer will be accessible by the prospective gaining Department Director. Medical information and similar documents will be filed separately from the official personnel file.

Certain information from personnel files may be obtainable under the open/public records laws. No such information shall be released until an attorney in the Legal Department gives a documented opinion verifying that the information is not exempt from public records laws. Only that portion not exempt shall be released.

## **SECTION 126. Hours of Work/Absenteeism/Tardiness.**

The normal working hours for employees, other than some public safety positions, is an eight (8) hour work period, with an unpaid lunch period designated by the employee's supervisor. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. To the extent possible, the lunch period will be scheduled to allow for continuous staffing of offices with at least one person.

Occasions may arise when the service to the citizen can be improved through the adjustment of an employee's work hours. The Department Director shall approve adjustment in work hours.

Employees are expected to report to work each workday, at the designated time and place, unless there is a valid reason for absence. Requests for vacation leave shall be made to the employee's supervisor or other proper official within their Department with as much notice as possible in advance of the requested absence(s). Such requests are subject to the approval of the employee's supervisor and/or the Department Director. Employees are required to notify the appropriate supervisor or official within their

Department of each anticipated absence, including sick leave, before it occurs. Such advance notice is only excused due to exigent or emergency circumstances. Notification by another employee, friend, or relative is not considered proper except in an emergency situation where the employee is physically unable to make the notification. Unexcused or excessive absence from work and/or improper notification of such absence may subject employees to disciplinary action, including termination of employment. Following any absence, the employee may be required to provide a validated excuse for each such absence.

Advance notice of anticipated tardiness must be provided prior to when such tardiness occurs. Notice of unexpected tardiness must similarly be provided prior to when it occurs or at the earliest possible time thereafter. Tardiness may be made up during the pay period in which it occurs, if approved by the employee's supervisor(s) or Department Director. Notification by another employee, friend, or relative is not considered proper except in an emergency situation where the employee is physically unable to make the notification.

Hours for part-time and certain employees may vary from the normal office hours noted above due to the nature of their duties and will be determined by the appropriate Department Director with concurrence of the Chief Administrative Officer. All work periods shall comply with the Fair Labor Standards Act. Unless otherwise governed by any local, state, or federal law, regulation, or policy, any leave without pay must be approved in advance by the Department Director to qualify as an excused absence.

### **SECTION 127. Nepotism.**

Employees and officials are required to adhere to and abide by all applicable and governing laws, ordinances, and regulations pertaining to nepotism (e.g., Miss. Code Ann. §§ 25-1-53, 25-4-101, 25-4-103, and 25-4-105, as amended). It is further the City's policy that immediate relatives will not be employed in any positions where:

- 1) One relative would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other. A subordinate immediate family member would be within a superior immediate family member's chain of command.
- 2) One relative would be responsible for auditing the work of the other.
- 3) Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the City's interest and their own.
- 4) Other circumstances exist in violation of Miss. Code Ann. §§ 25-1-53, 25-4-101, 25-4-103, or 25-4-105, as amended.

As used in this Section, "immediate family" includes spouse, child, parent, brother, sister, grandparents, great-grandparents, parent-in-law, daughter-in-law, son-in-law, grandchildren, great-grandchildren, nephew, niece, uncle, aunt, and current step-parents or step-children. This policy shall also apply to persons related by blood or marriage who reside in the same home.

This policy will not apply in instances where the employee enters into a supervisory relationship with a relative through competitive testing under the rules and regulations of the Civil Service Commission or through political office.

### **SECTION 128. Employee Ethics/Political Activity.**

Employees and officials are required to adhere to and abide by all applicable and governing laws, ordinances, and regulations pertaining to ethics, conflicts of interest, and political activity (e.g., Miss. Code Ann. § 25-4-101, et seq., as amended). In addition, employees:

1. Must always conscientiously perform all assigned job duties.
2. Must be tactful, patient and courteous when conducting City business.

3. Shall not grant special consideration to any citizen or group of citizens.
4. Shall not engage in any outside employment or have a financial interest that will conflict with his or her duties or be detrimental to the City or otherwise violate the provisions of any federal, state, or local law.
5. Shall not request or permit the use of City vehicles, equipment, materials or property for personal convenience or profit.
6. Shall not accept (except those of little or nominal value) or ask for any gift or consideration from any person or firm doing, or seeking to do, business with the City or intending to influence the employee to provide preferential treatment.
7. Shall not report to work in a condition which is unsafe for the employee, others or physical property, or a condition which renders one incapable of performing job responsibilities, or a condition which creates an unfavorable public image. Such conditions include, but are not limited to, physical illness, or being under the influence of alcohol, narcotics or other mood- or mind-altering substances or medications.
8. Shall not abuse, misuse, neglect, or waste government property, materials or equipment, including City-owned or leased vehicles and telephone lines.
9. Shall not use the City's name or tax exempt status for his or her personal advantage on any purchases.
10. Shall not discuss or reveal confidential City information to anyone, under any circumstances, except within the scope of his or her job duties.

Employees have a civic duty to cast their votes for candidates and issues as they choose and to support candidates and issues with their personal efforts and voluntary contributions. However, no such activity will be conducted during working hours, at the expense of the City, or utilizing City property. Employees will not be subject to coercion, intimidation, or threat of reprisal because of their political views or activities.

### **SECTION 129. Personal Appearance.**

It shall be the responsibility of all employees to represent the City to the public in a manner that shall be courteous, efficient, and helpful.

City employees should always be well groomed and dressed in a manner suitable for the public service environment and which favorably reflects the City's image. Skin tight apparel, clinging body suits, torn clothing, and clothes exposing bare midriffs are not suitable. Tongue, cheek, eyebrow, nose and eyelid piercings are unacceptable. In addition, Police and Fire Department employees as well as other City employees are expected to further conform to any reasonable inter-Departmental dress and personal appearance codes.

### **SECTION 130. Personal Use of Telephone and Mail Systems.**

City telephones, including FAX machines, are to be used for City business. Personal calls, when necessary, must be local, of short duration, and on an infrequent basis. It is the employee's responsibility to insure that no cost to the City results from personal telephone or FAX calls. Reference is also made to Sections 153 and 154 herein pertaining to use of City-owned or leased cellular telephones, computing equipment, and electronic mail (e-mail).

The use of City postage for personal correspondence is not permitted. Receiving of personal mail at the City's post office box or address is also not permitted.

### **SECTION 131. Payroll and Deductions.**

The following deductions are required by law from each employee's paycheck:

- 1) Federal and State Income Tax withholding.

- 2) Social Security
- 3) Retirement contributions (eligible employees only).
- 4) Deductions authorized by law, such as garnishments.
- 5) Medicare deductions

Additional deductions that are optional and may be requested by the employee include:

1. United Way contributions.
2. Deferred compensation.
3. Payment of health insurance premium (if applicable).
4. Payment of dental insurance premium (if applicable).
5. Other City approved employee plans.

With each paycheck, the City employee may receive a statement of deductions and earnings, which will itemize the various deductions made, as well as appropriate cumulative totals. A record of sick leave and vacation time may also appear on the paycheck stub following successful completion of related probationary periods. Direct deposit of paychecks is offered to employees as an option, and deposits are generally made by Friday opening of business.

It is the employee's responsibility to maintain current payroll deduction information with the Human Resources and Payroll Departments. Employees wishing to add or change their payroll deductions should contact the Human Resources Department or the payroll office for the appropriate forms.

Payroll changes will become effective the pay period following receipt of the change by the Human Resources Department. Retroactive salary increases will not be made unless such payment is clearly shown and documented to be back pay previously due but unpaid because of administrative error or as authorized by law.

### **SECTION 132. Time Sheets/Preparation of Payroll.**

A bi-weekly time sheet (or weekly for weekly pay employees) shall be completed by each employee, submitted by the employee in accord with Department policy and no later than the Department's deadline for submission of same and then signed by one of the employee's supervisors.

The Payroll Department or appropriate designee computes earnings as well as deductions pertaining to City payroll. Changes in rate, position, and status are to be supported by a Personnel Action Form signed by the Department Director and Chief Administrative Officer ("CAO") or Mayor. Such forms are available at the Human Resources Department. No salary change shall be implemented unless accompanied by an approved Personnel Action Form or a performance evaluation signed by the Department Director (and approved by the CAO or Mayor) indicating a salary increase is being granted. Global cost-of-living raises are also an exception to this requirement. Salary increases other than regular longevity and transfers to vacant positions with budgeted salaries shall be made only after specific City Council authorization.

Paychecks will be distributed through the Office of the CAO to the employee's Department unless other arrangements have been pre-approved. An employee's paycheck may be released to the employee's spouse, designated family member or to another person only if authorized in writing by the employee prior to the payday. If a payday falls on a holiday, the day of pay shall be the last working day before the holiday.

Employees should direct inquiries concerning payroll matters to their Department Director and/or the Payroll Specialist in the Comptroller's Office.

### **SECTION 133. Garnishment.**

Any notice of garnishment will be received by and signed for by the Payroll Department or Comptroller's Office only. Garnishment is understood as a legal stoppage of a specified sum from wages to satisfy a creditor. The Payroll Specialist will make the necessary deductions from the subject employee's wages and a check for the garnished amount will be written and forwarded as directed by the garnishment documents.

The Payroll Department or their designee will notify the employee, in writing, that the garnishment has been processed. Garnishments may be considered cause for disciplinary action, including termination of employment, where not prohibited by law.

### **SECTION 134. Deferred Compensation.**

The City, through the State of Mississippi Public Employees Retirement System ("PERS"), presently provides an option to any probationary, appointed full-time, or regular full-time employee to invest a portion of his/her present earnings in a deferred compensation plan. This is an arrangement where a certain dollar amount can be designated by the employee to be withheld from his/her paycheck and invested for payment at a later date. Under this arrangement, neither the deferred amount nor earnings on the investments are subject to federal income taxes until such time as the employee receives payment from the plan. The plan is voluntary and the City makes no guarantee or recommendation of specific investments under the plan.

Enrollment can be arranged through the Human Resources Department and is open to any individual who is a full-time employee (e.g., probationary, appointed full-time, regular full-time, temporary, and seasonal employees). Contributions to the program are financed solely by the employee through payroll deduction.

Benefits received through this program are in addition to any Social Security or PERS benefits for which the participating employee would be eligible.

### **SECTION 135. Life Insurance and Accidental Death and Dismemberment Insurance.**

Probationary, appointed full-time, and regular full-time employees are provided a term life and accidental death and dismemberment insurance policy provided by the City in the amount of \$50,000.00 for each, subject to the following eligibility requirements:

Coverage is effective the first day of the month coincident with or following ninety (90) days of employment and continues until the employee leaves the City's employment, the employee moves to an employee class which is not eligible for this benefit, or the policy is discontinued completely by the City, which may occur at any time and without notice. Termination under the policies shall be effective when premium payments for such employee's insurance are discontinued or upon separation of the employee from City employment.

Terms and conditions of the policy may be provided to employees by the Human Resources Department and/or the applicable insurer. The governing terms, conditions, and regulations pertaining to such coverage may be contained in the subject insurance policy or policies and, unless noted or stated otherwise in such policy or policies, nothing contained in this Personnel Manual should in any way be construed to alter, supplement, or amend the terms, conditions, and regulations contained in the applicable policy or policies. The City makes no promises, agreements, or guarantees of coverage or benefits under such policies outside or beyond offering such policies to eligible employees. Upon termination of employment with the City, the employee may make application to the insurer to convert the policy to a comparable individual policy of life insurance without furnishing evidence of insurability, provided the application and payment of the first premium is made within thirty-one (31) days after termination of employment. It is the employee's individual responsibility to keep on file current information

related to this policy and to otherwise comply with the terms and provisions of the policy. Continuation of coverage by the City and conversion rights for employees upon termination are not property rights and are not guaranteed by the City.

### **SECTION 136. Group Medical Insurance.**

The City offers to all probationary, appointed full-time, and regular full-time employees and all eligible dependents thereof group medical and dental insurance. Coverage under such insurance becomes effective the first day of the month coincident with or following ninety (90) days of employment. Benefits and terms of both plans are described in insurance brochures which may be provided to each new employee by the Human Resources Department at the time of eligibility or which are otherwise available to employees in the Human Resources Department. The governing terms, conditions, and regulations pertaining to such insurance coverage is contained in such plans and policies and, unless noted or stated otherwise in the plans or policies, nothing contained in this Personnel Manual should in any way be construed to alter, supplement, or amend the terms, conditions, and regulations contained in these plans or policies, and coverage and employee premium responsibility is subject to change. The City makes no promises, agreements, or guarantees of coverage or benefits under such policies outside or beyond offering such policies to eligible employees.

Enrollment forms for such coverage are available from the Human Resources Department. It is the employee's responsibility to notify the Human Resources Department of any change in dependent status by completing updated enrollment forms. Upon termination of employment with the City, the employee may elect to continue medical coverage under the Consolidated Omnibus Budget Reconciliation Act ("COBRA"). The Human Resources Department provides eligible employees with information on COBRA.

### **SECTION 137. Continuance of Medical Coverage ("COBRA").**

Employee and/or dependent medical coverage under the current plan may cease as a result of one (1) of the following events:

- a) Termination of employment
- b) Change to nonparticipating employment status
- c) Divorce
- d) Dependent child becoming ineligible

Employees or dependents may elect to continue medical and dental coverage, at their own expense, beyond the date that it would otherwise terminate. Employees may contact the Human Resources Department to determine the procedures for continuing medical coverage. If an employee or eligible spouse or dependent does not elect to continue coverage, group health insurance will end as scheduled under the plan.

### **SECTION 138. Retirement System.**

All probationary, appointed full-time, and regular full-time employees and part-time plus employees and temporary employees who may work more than twenty (20) hours per week or an average of eighty (80) hours per month and who may work for more than four and a half (4½) months for the City must participate in the Public Employees Retirement System ("PERS"). Temporary employees not scheduled to work more than four and a half (4 ½) months per year are excluded from participation in the PERS system. The Retirement System provides for retirement benefits when a member meets the plan requirements.

Retirement benefits may accrue from both employee and City contributions. Contributions to the retirement system are mandatory for eligible positions and are deducted from the member's salary each payroll period.

If a member terminates service without retiring, accumulated employee contributions may be refunded subject to the PERS conditions or applicable regulations.

Annual benefit statements are provided by the PERS to participating members. Employees may request an estimate of benefits from the retirement system at any time to obtain an approximate projected retirement benefit figure.

Enrollment and benefits forms are available through the Human Resources Department. It is the employee's individual responsibility to keep on file up-to-date information related to their retirement account as to name, address and beneficiary(ies).

Employees who plan to retire from the PERS are encouraged to contact the Human Resources Department at least ninety (90) days in advance of the anticipated retirement date to secure estimate of benefits information, to finalize the retirement date, and to complete all necessary paperwork.

### **SECTION 139. Accidents.**

Employees are required to promptly document and notify their immediate supervisors or, if unavailable, others within their chain of command or authority, of all accidents involving City equipment and City personnel. In addition, any employee who suffers accidental injury or occupational disease in the course and scope of his or her employment must report the incident to his or her immediate supervisor or Department Director within twenty-four (24) hours or as soon thereafter as possible.

### **SECTION 140. Grievances.**

An employee may make a request for resolution of any dissatisfaction arising from interpretation and the application of work rules, policies, procedures, or practices (i.e., a "grievance").

Dissatisfactions involving job classifications, grade, salary, and other wage issues, benefit determinations, payroll procedures, or any matter outside the control of the immediate supervisor are not included for resolution under this procedure for grievances. In addition, expressly excepted from this grievance process and procedure are any grievances or disputes pertaining to disciplinary actions involving suspensions without pay, demotions or reductions in rank, terminations of employment, and all other actions taken by the City that give rise to the jurisdiction of the City of Gulfport Civil Service Commission under Miss. Code Ann. § 21-31-21 (Rev. 2001), as amended. Disciplinary actions involving verbal and written reprimands are included within this grievance process and procedure. As to grievances pertaining to harassment and discrimination, employees are referred to other provisions and Sections contained in this Personnel Manual and the policies and procedures referred to or incorporated in this Manual. Nothing in this Section shall affect or otherwise change or alter the "at-will" status of employment of all non-Civil Service or "at-will" employees, meaning they can be terminated at any time for any reason or no reason, with or without notice.

If an employee has any question about who their supervisor may be, they should confer with their Department Director and/or the Human Resources Manager.

Compliance with the time frames outlined in each step of the procedure must be followed in order that the request for resolution is considered timely. If the employee does not follow the prescribed time frame, the request becomes outdated and the last response made will become final. If the party responding to the employee's request does not follow the time frame, the response becomes outdated and the employee may proceed to the next step of the procedure. Such time frames may be extended by written mutual agreement that must be entered into before expiration of the applicable time frame as outlined in each step. To insure compliance with time frames involving written requests and written responses, all

correspondence should be copied to the Human Resources Manager. All responses will be hand-delivered to the recipient or their representative or sent by certified mail to the most recent address in the personnel record of the employee making the request. When presenting the dissatisfaction and requested remedy at each step, all prior requests, responses, and documentation must be provided by the employee.

An eligible employee presenting a grievance for resolution may have another eligible employee attend as support person, but this support person will not be an active participant in the resolution procedure.

When initiating a verbal discussion with his or her Supervisor/Manager or submitting a written request for resolution to the Supervisor/Manager or Department Director, or, if applicable, the Chief Administrative Officer, as provided in the procedure below, an eligible employee must provide:

- 1) A clear statement of the circumstances which affected the employee and caused the dissatisfaction; and
- 2) A clear statement of the requested remedy to resolve the dissatisfaction. No new requested remedies may be introduced after the completion of Step Two (2) of this procedure unless mutually agreed upon by the parties involved.

### **PROCEDURE:**

**(1) Step One** - Verbal Discussion with Supervisor/Manager: Within fourteen (14) calendar days after the employee knew, or reasonably should have known, of the occurrence(s) or matter(s) giving rise to the dissatisfaction, the affected employee must have a verbal discussion with the respective Supervisor/Manager in which the employee advises the Supervisor/Manager that he or she is submitting a grievance and asking for a resolution. If the matter is not satisfactorily resolved, the employee may proceed to Step Two (2).

**(2) Step Two** - Written Request to the Supervisor/Manager: Within seven (7) calendar days of the verbal discussion in Step One (1), the affected employee must submit a written request for resolution to the Supervisor/Manager. A written response from the Supervisor/Manager must be provided to the employee within seven (7) calendar days of receipt of the request. If the matter is not satisfactorily resolved, the employee may proceed to Step Three (3).

**(3) Step Three** - Written request to the Department Director: Within seven (7) calendar days of the receipt of the Step Two (2) response, the affected employee must submit a written request for resolution to the Department Director. The written request by the employee should contain all documents related to Step Two (2) of this procedure. The Department Director will investigate all aspects of the grievance that have been presented for resolution in Step Two (2) and provide a written response to the employee within seven (7) calendar days of receipt of the request. A determination or resolution at this step will be considered final. If the matter is not satisfactorily resolved, the employee may proceed to Step Four (4). If the Department Director is involved in or is the subject of the employee's grievance, then the employee may skip Step Three (3) and proceed directly to Step Four (4).

**(4) Step Four** - Written request for review: Within seven (7) calendar days of the receipt of the Step Three (3) response, or, if a Department Director is involved or is the subject of the employee's grievance, within fourteen (14) days after the employee knew or reasonably should have known of the occurrence(s) or matter(s) giving rise to the dissatisfaction, the affected employee must submit a written request for resolution of the grievance to the Chief Administrative Officer ("CAO"). The form and substance of a determination made at a prior step is not reviewable. Within seven (7) days of receiving such grievance, the CAO will review the case file and issue a written determination regarding the grievance as to whether any procedural rules or policies were violated. If it is determined that a substantive procedural error was made, the CAO will return the case to the Department Director for procedural compliance utilizing the date of the CAO's decision letter as the new date of presentation of the complaint. In the event Step Three (3) was by-passed because of involvement of the Department Director, the CAO shall investigate

all aspects of the grievance that have been presented for resolution in Step Two (2) and provide a written response to the employee within seven (7) calendar days of receipt of the request.

The case file will be forwarded to and kept in the Human Resources Department where it will be filed separately from any official personnel files. Grievances will be kept on file for the duration of the employee's employment with the City. If the CAO is the subject of a grievance or otherwise has a conflict, the employee may request the Human Resources Manager to refer the matter to the Legal Department for investigation and recommendation in lieu of the CAO.

### **SECTION 141. Americans With Disabilities Act ("ADA").**

The City of Gulfport is committed to the Americans With Disabilities Act ("ADA") and other federal and state legislation designed to insure equal employment opportunities to persons with disabilities. The City prohibits discrimination on the basis of disability in regard to all employment practices or terms, conditions and privileges of employment. An employee is expected to notify management or his or her supervisor if a disability causes them to need reasonable accommodation to perform the essential functions of his or her job. Consistent with this, the City will make reasonable accommodation to the known physical or mental limitations of qualified applicants or employees within the permissible parameters of the ADA, unless to do so would cause an undue hardship on the operation of its business, services, or affairs.

The City has a separate policy that sets out an internal grievance procedure providing for resolution of complaints alleging any action prohibited by regulations of the Equal Employment Opportunity Commission ("EEOC") pertaining to the ADA. Title I of the ADA states that "no covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment." Employees and prospective employees should contact the Human Resources Department to obtain a copy of this policy.

### **SECTION 142. Equal Employment Opportunity.**

It is the policy of the City to provide equal employment opportunity for all employees. This commitment includes a mandate to promote and afford equal treatment and services to all employees and to assure equal employment opportunity based on ability and fitness to all persons regardless of race, religion, color, creed, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical disability, unless otherwise excepted or limited by law. If an employee believes that he or she has been subjected to discriminatory harassment by a co-worker, supervisor, or anyone else during the course of his or her employment, he or she should immediately submit his or her concerns in accordance with the City's separate policy on equal employment opportunity, which establishes administrative grievance procedures. The goals and objectives of this separate policy are to insure fair treatment and non-discrimination in hiring and employment and to provide compliance with State and Federal equal opportunity requirements and regulations. Retaliation against an employee by another employee or supervisor for opposing discriminatory harassment, for filing a bona fide complaint of discriminatory harassment, or for providing information in good faith regarding another employee's complaint will not be tolerated. Employees should contact the Human Resources Department to obtain a copy of this policy.

### **SECTION 143. Harassment.**

Harassment is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading, or hostile environment, or interferes with or adversely affects a person's work performance.

Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote positive performance.

It is the policy of the City that harassment will not be tolerated. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. The desired standard of all employees' behavior is one of cooperation and respect for each other, despite any differences.

The City does not tolerate any form of sexual harassment against any of its employees and fully supports enforcement of State and Federal anti-discrimination laws pertaining to sexual harassment. The City has a separate policy that establishes a procedure for filing complaints of this nature and which otherwise pertains to sexual harassment. All complaints are assured a prompt response and confidentiality. Employees should contact the Human Resources Department to obtain a copy of this policy. The Human Resources Manager is the official (or risk manager) under the policy to receive and cause investigation of sexual harassment complaints. It is the right of all employees to seek, at any time, redress in the appropriate forum; however, employees are encouraged to exhaust the City's administrative remedies before consulting outside agencies.

#### **SECTION 144. Violence in the Workplace.**

The City will not tolerate any acts of violence to persons or City property. All acts of violence are treated seriously. Each act of violence will be dealt with promptly and appropriately utilizing administrative, managerial, legal and disciplinary actions.

"Workplace Violence" refers to any verbal or physical action that is communicated or perceived as a threat, harassment, abuse, intimidation or personal contact, that produces fear, causes bodily harm or damage to property. Workplace violence may involve family, friends, strangers, co-workers or customers. Workplace violence includes harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state or local law.

Any employee determined to be responsible for threats of or actual violence or other violent conduct in the workplace that is in violation of these guidelines shall be subject to prompt disciplinary action, including termination of employment. Nothing in this Section, however, should be construed as in any way changing or altering the at-will employment status of any "non-Civil Service" or "at-will" employee, meaning they can be terminated at any time for any reason or no reason, with or without notice.

#### **SECTION 145. Employee Conduct.**

It shall be the duty of all City employees to maintain high standards of cooperation, competency, efficiency, and integrity in their work with the City. If an employee's conduct falls below standard, he or she may be subject to disciplinary action, including termination of employment. Nothing in this section should be construed as in any way changing or altering the at-will employment status of any "non-Civil Service" employee, as set forth and described elsewhere herein, (i.e., the status of all non-regular full-time employees), who all serve at the pleasure of the City and are "at-will" employees, meaning that they can be terminated or even disciplined at any time for any reason or for no reason at all, with or without notice and without resort to any pre-disciplinary process, procedures, and/or administrative hearings. They are not "Civil Service" employees as such terms or phrase are/is referred to and further described herein (e.g., Section 104).

Some general areas for which an employee may be disciplined include, but are not limited to, the following:

- 1) Reporting to work or otherwise on duty while under the influence of alcohol, intoxicants, or non-prescribed or illegal drugs, narcotics, or "controlled substances," as such terms or phrase are/is understood and referred to in the statutes of the State of Mississippi (e.g., Miss. Code Ann. § 41-29-113 through § 41-29-121 (Rev. 2001), the use of alcohol and/or other intoxicants while at work and/or

on duty, and/or a positive drug test result as obtained or received pursuant to the City's policy on drug testing.

- 2) Use of narcotics or non-prescribed illegal drugs or "controlled substances," as understood and referred to in the statutes of the State of Mississippi (e.g., Miss. Code Ann. § 41-29-113 through § 41-29-121 (Rev. 2001)) while either on or off duty.
- 3) Failure to follow or adhere to the lawful or reasonable order, regulation, instruction, or directive of one's supervisor(s), including, without limitation, his or her Department Director, the City's Chief Administrative Officer, and/or Mayor.
- 4) Refusal to adhere to or failure to comply with the City's policy on drug testing.
- 5) Absence without leave, including, without limitation, the failure to report for employment, and/or being absent from work without permission or failing to report such absence to the appropriate supervisor or Department Director.
- 6) Being habitually or excessively absent or tardy for any reason.
- 7) Failure to perform assigned work or required duties in an efficient, effective, competent, and/or satisfactory manner according to reasonable City standards.
- 8) Incompetency or inefficiency in the performance of duties of the position to which he or she is employed.
- 9) Being wasteful of or misusing City material, property, equipment, or resources, and/or one's working time.
- 10) Inability to get along with fellow employees to the extent that the work being done is being hindered and/or less than satisfactory.
- 11) Failure to observe proper security procedures.
- 12) Conduct on the job that violates the common decency or morality of the community.
- 13) Conviction of or plea of *nolo contendere* to a felony or misdemeanor. Minor traffic offenses are excluded from the understanding of "misdemeanor" in this provision unless such an offense (e.g., ticket) is in any way connected with or arises out of the employee's employment.
- 14) Violating safety rules and regulations within a City Department and/or the City.
- 15) Making or disseminating slanderous remarks or representations involving fellow employees or supervisors.
- 16) Removal and/or conversion of City money, merchandise, or property, including property in custody of the City without permission.
- 17) Dishonesty, including, without limitation, intentionally giving false information, submitting false work records, making false statements when applying for employment, and falsifying any information during the application and/or pre-employment process(es).
- 18) Divulging or misusing confidential information, including removal from City premises, without proper authorization or permission, any employee lists, records, designs, drawings, or confidential information of any kind.
- 19) Making excessive or unauthorized charges to the City by credit card, purchase order, or other means of obligating the City to improper or unlawful debt.
- 20) Inability or unwillingness to perform the assigned job.
- 21) Falsification of time and attendance records for payroll or submitting or punching in a time card for someone else.
- 22) Abuse of sick leave privileges by reporting sick when not sick or obtaining sick leave pay falsely or under false pretenses.

- 23) The use of profanity or abusive language or wantonly offensive conduct or language toward a fellow employee or member of the public while in the course of employment with the City.
- 24) Violation or derogation of any provisions of statutes, ordinances, and regulations pertaining to Civil Service or the rules and regulations of the City of Gulfport Civil Service Commission.
- 25) Violation or derogation of any of the policies, procedures, provisions, and/or regulations contained in this Personnel Manual and/or any amendment thereof or otherwise promulgated or contained in any policy, regulation, or order of the City for which the employee has actual or constructive notice.
- 26) Failure to pay or make reasonable provision for the future payment of just debts due and owing.
- 27) Engaging in political activities prohibited by this Personnel Manual or otherwise in violation of any federal, state, and/or local law, ordinance, or regulation.
- 28) Engaging in inter- and intra-office relationship(s) that interfere(s) with workplace productivity.
- 29) Making acts or threats of violence, fighting, or stalking or otherwise acting in a threatening manner toward another employee, a supervisor, an elected official, and/or a member of the public while in the course of his or her duties with the City.
- 30) Unauthorized possession or use of firearms, dangerous weapons, or explosives at the work site or in the course of his or her duties with the City.
- 31) Employment in a gainful occupation for profit in addition to employment with the City where such occupation tends to detract the mind or attention of the employee from his or her duties with the City or leaves him or her physically or mentally unfit for his or her work with the City.
- 32) Carelessness or negligence in the use of the property of the City.
- 33) Conduct unbecoming an employee of the City either while on or off duty.
- 34) An attempt to induce any employee of the City to commit an illegal act(s) or an act(s) in violation of any lawful or reasonable departmental regulation, policy, and/or procedure.
- 35) Operating a city-owned or leased vehicle without a current and valid driver's license.
- 36) Violation or derogation of internal rules, regulations, policies, and/or regulations established by the City Departments, Department Directors, and/or employees' supervisors, provided they are not in conflict with the policies, provisions, procedures, and regulations of this Personnel Manual or any amendment thereof.

The above referenced and non-exclusive list of general areas for which an employee may be disciplined fall within the purview of those acts, omissions, and/or conduct which give rise to disciplinary action under Miss. Code Ann. § 21-31-21 (Rev. 2001) and amount to one (1) or more of the following: incompetency, inefficiency, inattention of duty, dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, and/or acts of omission or commission tending to injure the public service.

The failure to discipline an employee for one (1) or more of the foregoing or other grounds for discipline does not preclude or limit the City from disciplining the same employee for the same ground(s) for discipline on other occasions or other employees for the same ground(s) for discipline.

#### **SECTION 146. Disciplinary Action.**

Disciplinary action for regular full-time employees may be based on one or more of several different factors, including, without limitation, the seriousness and/or circumstances of the situation or incident(s) in question, past or prior incidents, conduct, and/or disciplinary action, and/or personnel evaluations. Without limitation, discipline involving less than termination may take the form of a verbal warning or reprimand, a written warning or reprimand, a performance appraisal indicating substandard performance in one or more areas, probation, suspension without pay, and/or demotion or reduction in rank. Which type or form of disciplinary action is chosen or whether any is used prior to termination may depend on

the type and/or seriousness of the infraction(s) or violation(s), the seriousness and/or circumstances of the situation or incident(s) in question, and/or past or prior incidents, conduct, and/or disciplinary action.

The administration of disciplinary action to any "non-Civil Service" or "at-will" employee or the provision of any pre-disciplinary process, procedures, or administrative hearings to any "non-Civil Service" or "at-will" employee does not change or alter the at-will status of such employee, meaning such employee can still be terminated from employment for any reason or no reason at all, with or without notice, and without resort to any pre-disciplinary process, procedures, or administrative hearings, and does not confer "Civil Service" status on such employee.

A verbal warning or reprimand (also sometimes referred to as "verbal counseling") may be applied to charges, infractions, or violations of a relatively minor degree or in situations where the employee's performance needs to be discussed. Such a warning or reprimand should be given by the employee's supervisor and, if possible, in the presence of another member of the employee's chain of command, another supervisor, the Human Resources Manager, or any of their representatives. A notation that a verbal warning or reprimand was given should be made in the employee's personnel file. Verbal warnings or reprimands become a part of an employee's official personnel file and remain in the personnel file for the duration of his or her employment with the City of Gulfport.

A written warning or reprimand (also sometimes referred to as "written counseling") may be issued in the event the employee continues to disregard a verbal warning reprimand or if the charge, infraction, or violation warrants a written reprimand in the employee's personnel file. Written warnings or reprimands become a part of an employee's official personnel file and remain in the personnel file for the duration of his or her employment with the City of Gulfport. Such warnings or reprimands should briefly state the nature of the infraction or violation.

All disciplinary actions involving demotions, suspensions without pay or termination require prior notification to the Human Resources Department and Chief Administrative Officer and approval of the employee's supervisor and Department Director as well as ratification by the Mayor. The City of Gulfport's Civil Service Commission is further required to be notified of such actions being taken if they involved an employee covered by or otherwise classified as "Civil Service," as referred to or set out in this Personnel Manual.

The degree and/or type of discipline administered may depend on the severity of the infraction(s) or violations(s), the nature of the infraction(s) or violation(s), and/or the employee's prior record and, to the extent applicable, shall be in accordance with any applicable Civil Service Commission rules and regulations, and City policies, procedures, and regulations as well as local, state, and federal laws and regulations.

"Civil Service" employees (i.e., regular full-time employees) may be disciplined for any of the reasons or bases set out in the policies, procedures, provisions, and/or regulations herein or for any other reason or basis. Prior to a "Civil Service" employee receiving disciplinary action involving suspension without pay, demotion or reduction in rank, and/or termination of employment, such employee shall receive an informal administrative hearing before the official charged with the responsibility of making a decision about what disciplinary action, if any, may result from the charge(s) or violation(s) asserted against the employee. Such "Civil Service" employee shall receive a written "Notice of Hearing" prior to this hearing which shall contain the charge(s) or violation(s) being asserted against the employee, a brief recitation of the nature of events or incidents that give rise to such charge(s) or violation(s), and the date, place, and time for the administrative hearing, and notify the employee of their opportunity to respond verbally and/or in writing to such charge(s) or violation(s) during this hearing. This informal administrative hearing shall occur no earlier than three (3) business days following the above referenced written "Notice of Hearing" being provided to the employee. If applicable, the City of Gulfport Civil Service Commission will be provided a copy of this "Notice of Hearing" letter. Following such administrative hearing, the employee shall be notified in writing as to what action, if any, will be taken concerning the subject charge(s) or violation(s). If the employee fails to appear at the informal administrative hearing, a determination as to what disciplinary action, if any, should result from the subject charge(s) or violation(s) can be made upon review of the

complaint in his or her absence. Written notice of any final disciplinary action shall be provided to the employee. If applicable, the City of Gulfport Civil Service Commission will be provided a copy of whatever written notification is provided to the employee regarding any disciplinary action that is being taken. The Mayor must ratify any disciplinary action involving suspension without pay, demotion or reduction in rank, and/or termination of employment.

In accordance with Miss. Code Ann. § 21-31-23 (Rev. 2001) and/or state and federal law, "Civil Service" employees may appeal disciplinary actions involving their suspension without pay, removal, demotion or reduction in rank, and/or termination of employment to the City of Gulfport's Civil Service Commission by timely and properly complying with the requirements for such appeals as set out in Miss. Code Ann. § 21-31-23 (Rev. 2001) and, to the extent they do not conflict with or exceed the authority of such state law, the Civil Service Commission's rules and regulations.

Again, "non-Civil Service" employees ("at-will employees"), including, without limitation, probationary, appointed full-time, part-time, and temporary employees, may be terminated for any cause or reason or no cause or reason and with or without notice and with or without resort to any pre-disciplinary process, procedures, or administrative hearings. Such employees are not entitled to any of the protections, rights, or benefits conferred upon or provided to "Civil Service" employees as set out or further described herein and in Miss. Code Ann. § 21-31-1, et seq. (Rev. 2001) and § 1-68.1 of the City of Gulfport's Code of Ordinances.

#### **SECTION 147. Fitness for Duty.**

If there are documented reasons to question an employee's fitness for duty, i.e., ability to perform job duties and/or to meet the expectations of conduct described herein or in other City policies or governing documents, the City has the right to require the employee to provide information about that ability. This includes situations where the employee is exhibiting bizarre, inexplicable, or unacceptable behavior. A supervisor may require information about the employee's ability to function on the job by requiring the employee to obtain and furnish an evaluation from an appropriate professional. When the City requires such an evaluation, any costs not covered by the employee's health insurance are the City's responsibility.

#### **SECTION 148. Whistleblowing.**

The City strives to conduct its business with the utmost integrity and in strict accordance with all applicable federal, state and local law. Accordingly, employees are encouraged to bring to the attention of the City any improper actions of City employees. The City will not retaliate against any employee who makes such a disclosure in good faith.

Improper actions are actions undertaken by an officer or employee in the performance of his or her official duties which (a) are in violation of any federal, state or local law, (b) constitute an abuse of authority, (c) create a substantial and specific danger to public health or safety, (d) amount to a violation of any policies, procedures, or provisions of this Personnel Manual or other City policies, procedures, or regulations, or (d) grossly waste public funds. Improper actions do not include common personnel actions, such as the processing of grievances, decisions regarding hiring, promotion, terminations of employment and other discipline, or alleged violations of employment contracts.

Nothing in this section should be construed to change or alter the at-will employment status of any "non-Civil Service" employee.

#### **SECTION 149. Termination of Employment.**

Employees shall receive pay for work performed through the last hour worked and for unused benefits as stipulated by policy and laws governing such payments.

Termination pay shall be reduced by any authorized legal deductions, authorized retirement plans, credit union, and any other amounts specifically agreed upon orally or in writing by the employee and the City.

City benefits continue through the time actually worked by the employee including any days "worked" as accumulated vacation and compensatory time.

For those employees who are not retiring, monies accumulated in the employee's retirement account are refundable or subject to withdrawal according to conditions of the Public Employees Retirement System ("PERS"). Forms required to request this refund are available in the Human Resources Department or directly from PERS. Such refunds or withdrawals may have tax, monetary, and/or other consequences and employees are on notice that they should seek advice from an independent tax advisor or PERS about such consequences and to address any questions they may have about such a refund or withdrawal to their independent advisor or PERS.

### **SECTION 150. Resignation.**

When an employee decides to resign, at least two (2) weeks' notice is requested. The notice is to be a written statement to the employee's supervisor stating the effective date and reason for resigning. If an employee wishes to retract a resignation, the supervisor will consider the circumstances and, with the Department Director's consent, make a determination based upon the information presented.

### **SECTION 151. Job Abandonment/Voluntary Termination.**

Any employee who is absent from work for three (3) consecutive workdays without proper notification and authorization may be considered to have voluntarily terminated his or her position.

### **SECTION 152. Drug Testing.**

The City has a separate policy for drug testing and requires all employees to adhere to and abide by this policy. Employees should contact the Human Resources Department to obtain a copy of the official drug policy.

### **SECTION 153. City-Owned/Leased Cellular Telephones.**

Certain employees and officials within the City of Gulfport may be provided cellular telephones in connection with their employment with the City. The provision of such telephones is in no way to be considered or construed to be a benefit or guarantee and no employee has a claim or entitlement to such a telephone or equipment. The acquisition of such telephones shall be limited to those instances in which there is a demonstrated need for such equipment to perform essential City business or to improve safety, increase productivity, increase service to the public, or in situations in which necessary communications cannot be provided by any other means. The purchase, rental, and lease of cellular telephones shall be subject to approval by the Department Director and/or the Chief Administrative Officer.

#### **SECTION 153.1. Use of Cellular Phones.**

Cellular telephone calls are generally more expensive than those using ordinary telephone service. Because of this, and with the exception of "free" minutes for use within the City's payment plan(s) with any service providers, cellular telephones shall be used only when a lower cost alternative is unsafe, inconvenient or not readily available. Cellular transmissions can be overheard by others. Discretion is to be used in discussing confidential information using cellular communication. Employees are responsible for taking reasonable precautions to prevent theft and/or vandalism of cellular equipment.

The City recognizes that occasions arise in which personal calls need to be made or received on a cellular telephone. However, it is intended that cellular telephones be used for City business-related purposes only. Personal calls are to be minimized. In addition, City employees and officials have no expectation of privacy in the use of City-owned or leased cellular telephones and the use of such telephones may be monitored by the City. The City reserves the right to monitor the billing and use of all City-owned and leased cellular telephones. Employees and officials shall reimburse the City for the cost of personal calls on City-owned and leased cellular phones. Employees and officials are responsible for maintaining a record of the phone numbers and names of persons or businesses that have been called, or who call, for personal reasons and provide a copy of the records to the City's General Finance Office or accounts payable. As an alternative, the required information may be noted on the monthly cellular service billing. The employee or official shall attach a copy of the receipt or check to the cellular phone bill to show reimbursement has been made to the City for any personal calls. The City has the authority and right to withhold any un-reimbursed amount from the employee's and/or official's wages and employees and officials consent to such authority and right upon execution of the receipt of this Personnel Manual.

### **SECTION 153.2. Termination of Use of City-Owned/Leased Cellular Telephones.**

If the conditions of this policy are violated by an employee or official, the Department Director and/or the Chief Administrative Officer shall terminate the use of City-owned and leased cellular telephones by such employee or official. In addition, violations of this policy are subject to disciplinary action, and depending upon the severity of such violations, may include termination of employment. Nothing in this Section should be construed as in any way changing or altering the at-will employment status of any "non-Civil Service" employee and/or to confer "Civil Service" status, benefits, or rights on or to such employee.

### **SECTION 153.3. Additional Policies, Guidelines, and Requirements.**

The City may from time to time promulgate and establish additional or other policies, guidelines, and requirements pertaining to the acquisition, provision, and/or use of City-owned and leased cellular telephones and related equipment and services. All employees and officials are expected to adhere to such policies, guidelines, and requirements and the failure to do so may result in disciplinary action, including termination of employment.

## **SECTION 154. City Computers and Electronic Communications.**

Certain employees and officials within the City of Gulfport may be provided or authorized to use City-owned or leased computers and electronic communications systems, including electronic mail (e-mail) and internet services. Such provision or authorization is in no way to be considered or construed to be a benefit or guarantee and no employee has a claim or entitlement to the provision or use of such equipment or services. The acquisition and/or provision of such equipment and/or services shall be limited to those instances in which there is a demonstrated need for such equipment and/or services to perform essential City business or to improve safety, increase productivity, increase service to the public, or in situations in which necessary communications or services cannot be provided by any other means. The acquisition and/or provision of City-owned or leased computers and related equipment and electronic communications systems shall be subject to approval by the Department Director and/or the Chief Administrative Officer.

The City of Gulfport has established the following general policy with regard to use of equipment, services, access and disclosure of electronic mail messages created, sent, or received by City employees and officials using the City's electronic mail system and internet services. Violations of this policy may

result in disciplinary action. If necessary, the City shall advise appropriate legal officials of any illegal violations.

### **SECTION 154.1. Use of City Computers/Microcomputers and Computing Systems.**

Employees and officials shall be responsible for using the City-owned and leased computer systems for job-related purposes only. Because computing systems (equipment and software) belong to the City of Gulfport, the City has an obligation to insure their legal and ethical use and has the right to monitor all City users. Employees and officials may use only the computing resources they are authorized to use and only for the job-related purposes specified. Employees and officials shall be held accountable for ALL usage of their systems and shall keep their keywords and passwords confidential to protect themselves and their files. Employees and officials shall not access or copy software or data belonging to others or to the City. Reading the files or data of another employee or official is prohibited unless authorized by the Department Director and/or the Chief Administrative Officer. Employees and officials shall not transport software or data provided by the City to another computer site without prior authorization from the Department responsible for the data.

The use of computers and the City's network(s) are provided to employees as tools for job-related use. Misuse of computers and the network(s) shall be subject to disciplinary action, including termination of employment. Such misuse may include, but is not limited to: placing unlawful information on a system; copying of copyright materials; transportation of copyrighted software from one site to another without the owner's expressed permission; use of abusive or otherwise objectionable language in either public or private messages; accessing, viewing, downloading, or any other method for retrieving non-City related information including, but not limited to, entertainment sites or pornographic sites; sending of messages that are likely to result in the loss of recipient's work or systems; sending of "chain-letters", jokes or lists or any other types of use that would cause congestion or disrupt the operation of the networks or otherwise interfere with the work of others; use of systems and or networks in attempts to gain unauthorized access to other networks; and decryption of system or user passwords.

Improper installation of hardware and software can damage a system or cause it to malfunction. All software and hardware shall be installed only with the express consent of the Department Director and with the assistance of the City's Information Systems Department. It is the responsibility of the Department Director, with the assistance of the Information Systems Department, to assure proper installation, to verify licensing and to protect systems from computer viruses.

All software, programs, applications, templates, data and data files residing on City microcomputer systems or storage media or developed on City systems are property of the City of Gulfport and shall not be removed from the workplace without proper authorization. The City, therefore, may access, copy, change, alter, modify, destroy, delete or erase this property at any time, with or without notice. Data files containing confidential or sensitive data should be treated accordingly.

### **SECTION 154.2. Use of City Computers/Microcomputers/Computing Systems.**

The City does not own computer software but licenses the right to use it. Therefore, software may only be reproduced by authorized City employees or officials in accordance with the terms of the software licensing agreements. Unauthorized copying, duplication, redistributing, and/or republishing of copyrighted or proprietary material (information, data, software packages, etc.) is a direct infringement of the federal copyright law. Illegal copying of software shall be subject to disciplinary action. Computer programs may not be rented, leased, or loaned for direct or indirect commercial advantage. Computer programs may not be used or transferred to another site other than as specified by the licensing agreement.

### **SECTION 154.3. Electronic Mail (“E-Mail”).**

The electronic mail system hardware and software is the property of the City. Additionally, all messages composed, sent, or received on the electronic mail system are, and remain, the property of the City and as such can be viewed, retrieved and monitored by the City. Electronic mail (e-mail) is not the private property of the employee and employees and officials have no expectation of privacy in such mail or in any information or data contained in or attached to such mail. The use of the City's computers and the electronic mail system is reserved for the conduct of business of the City. Employees and officials are not authorized to retrieve or read e-mail messages that are not sent to them. The City's electronic mail (e-mail) system:

- (1) Shall be used for City business purposes. Any personal use shall be kept to a minimum.
- (2) Shall not be used to solicit, operate, or proselytize for commercial venture, religious or political causes, outside organizations, or other non-job-related solicitation or business.
- (3) Shall not be used to create any offensive or disruptive messages, including sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.
- (4) Shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary or financial information, or similar materials without prior written authorization from the owner of the material.

### **SECTION 154.4. Internet/Intranet Access.**

Access to the Internet (an electronic communications network that connects computer networks, systems, and organizational computer facilities around the world (e.g., the World Wide Web) and intranet (a network of computers, computing systems, or computer operating systems, software, or hardware operating like the World Wide Web but having access restricted to a limited group of authorized users) (e.g., certain employees) is provided to certain City employees in order to aid or assist in the conduct of City business. Employees accessing the Internet and/or intranet are representing the City of Gulfport and all communications shall be for business related purposes. The City has the right to monitor Internet and intranet use to assure such use is for legitimate business and not for illegal or otherwise objectionable purposes and that access to the Internet and intranet is not abused by employees.

Downloading of files without the express consent of the Department Director and/or Chief Administrative Officer is prohibited. Files downloaded from the Internet, or any other outside service, may contain a computer virus and must be scanned by a virus checking software prior to being used on a City computer. Uploading to the Internet is prohibited unless authorized by the Department Director and/or Chief Administrative Officer to avoid interception and unauthorized access to information.

### **SECTION 154.5. Additional Policies, Guidelines, and Requirements.**

The City may from time to time promulgate and establish additional or other policies, guidelines, and requirements pertaining to the acquisition, provision, and/or use of City-owned computers, computing systems (networks, equipment, software, etc.), electronic communications systems (electronic mail (e-mail)), and Internet/intranet access. All employees and officials are expected to adhere to such policies, guidelines, and requirements and the failure to do so may result in disciplinary action, including termination of employment. Nothing in this Section should be

construed as in any way changing or altering the at-will employment status of any "non-Civil Service" employee and/or to confer "Civil Service" status, benefits, or rights on or to such employee.

### **SECTION 155. Use of City-Owned and Leased Vehicles.**

Certain employees and officials within the City of Gulfport may be provided or authorized to use and operate City-owned or leased vehicles for purposes associated with their positions of employment with the City. Such provision or authorization is in no way to be considered or construed to be a benefit or guarantee and no employee has a claim or entitlement to the provision or use of such vehicle(s). No assignment of a City-owned or leased vehicle shall be considered permanent and such assignment can be changed or altered at any time, with or without notice. All such persons provided or authorized to use and operate City-owned and leased vehicles shall have in their possession a current and valid Driver's License and, where applicable or otherwise required by law or government regulation, a current and valid Commercial Driver's License. City-owned and leased vehicles shall be operated in a safe and courteous manner. In addition, the use of seat belts in the operation of such vehicles is mandatory. Unless otherwise excepted or altered by law or regulation, operators shall abide by all rules of the road and laws and regulations pertaining to the operation of City-owned and leased vehicles.

All personnel assigned or provided City-owned or leased vehicles shall keep and maintain them in good condition and shall not park them in any location that could cause embarrassment to the City or its employees and/or an increased potential of liability or responsibility upon the City. Smoking in these vehicles is prohibited. Any penalties or fines that may be imposed as a result of the use of such vehicles are the personal responsibility of the operators and not the City or any other City employees or officials. Only authorized employees of the City acting in the course of their employment and in connection with the City's business shall operate City-owned and leased vehicles. Only guests of the City and/or other authorized persons on assignments incidental to City business shall be carried as passengers or guests in City-owned and leased vehicles.

City-owned and leased vehicles assigned to authorized City employees or officials for off-duty purposes shall not be used as personal vehicles. The only exception is the required commuting to and from the employee's work location and their home. Exceptions shall be based on work requirements and must be approved in writing by the appropriate supervisor prior to use.

Employees are required to notify their appropriate supervisors as soon as practically possible when a City-owned or leased vehicle has been involved in an incident that may have caused or arguably could possibly cause damage or injury to any person or property or otherwise came into contact with any object, animal or fowl, or person. Employees are further required to notify their immediate supervisor immediately when they can not satisfy or meet any obligations or requirements set forth herein or in any other or additional regulations and policies which their Departments may have pertaining to the assignment, use, and/or operation of City-owned and leased vehicles.

### **SECTION 156. Chain of Command.**

The "chain of command" should be observed by all employees within their positions of employment. Such lines of authority should only be crossed in emergencies or if otherwise in accord with other policies, procedures, or provisions herein or elsewhere in the City.

### **SECTION 157. Miscellaneous.**

The captions, titles, section numbers, and indices appearing in this Personnel Manual in no way define, limit, construe or describe the scope or intent of such section or article of this document.

If any Section or part thereof, policy, procedure, or provision, or the application thereof to any person or circumstance, shall to any extent be invalid, illegal, or unenforceable, the same shall be severed from this

Personnel Manual, and the remainder of this Manual or the application of such Section or part thereof, policy, procedure, and/or provision to persons or circumstances other than those as to which it is held invalid, illegal, or unenforceable shall not be affected thereby and each Section or part thereof and policy, procedure, and provision shall be valid and enforceable to the fullest extent permitted by law or otherwise.