

Mobile County Merit System

EMPLOYEE MANUAL



The Personnel Board
for
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MOBILE COUNTY MERIT SYSTEM EMPLOYEE MANUAL**

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INTRODUCTION

May we take this opportunity to welcome you aboard as a Merit System employee and extend to you our congratulations on your appointment. You are now one of approximately 5,300 valuable local government employees serving the public in Mobile County.

SUPERVISORY COMMITTEE

The Supervisory Committee of the Mobile County Personnel Board is presently composed of the presiding Judge of the Circuit Court, the Judge of Probate, the Revenue Commissioner, the presiding Judge of the District Court of Mobile County, the County License Commissioner, the Chairman of the Mobile County Commission, the Sheriff of Mobile County, and the mayor of each of the incorporated towns and cities in Mobile County. The following non-elected officials are also members of the Supervisory Committee: a representative elected by all of the professional law enforcement officers of Mobile County; a representative elected by all of the professional firefighters of Mobile County; and a representative elected by the employees employed under the Mobile County Merit System.

The Supervisory Committee is required by law to hold their annual meeting on the second Tuesday of each June, unless it is a legal holiday, in which event the annual meeting is held on the day following the holiday. This committee is charged with the responsibility of making such recommendations to the Personnel Board as it deems in the interest of sound administration of this Act establishing the Board, and with the responsibility of filling existing vacancies on the Board and electing a successor to any member of the Board whose term expires before the next annual meeting of the Committee. This Committee also reviews rules of the Personnel Board adopted since the last annual meeting of the Committee. While the Committee must hold its annual meeting, it may hold special meetings on the call of the chairman or any seven members of the Committee.

PERSONNEL BOARD

Your Personnel Board is composed of five members, whom, as we have already noted, are appointed by the Supervisory Committee. Each member represents one of five Personnel Board Districts made up of specified House Districts within Mobile County. A Board member must be a resident of his district. He must not, when appointed nor for three years preceding the date of his appointment, have held public office nor have been a candidate for such. If any person actively solicits a position on the Personnel Board, the Committee shall for this reason refuse to consider his appointment. The law is set up so that the term of one Board member expires each year. A successor is then elected for a five-year term. The chairman of the Personnel Board is elected from amongst its members at the regular monthly meeting in April of each year, to serve for the ensuing twelve months. While the Personnel Board is required to hold at least one meeting each month, the activity of the Board is such that at least two meetings are usually held each month, and some times as many as four or five. Meetings of the Personnel Board are open to the public.

Some of the duties of the Board are to adopt and amend rules and regulations for the Merit System, for which a public hearing must be held; to set policies; make investigations; conduct hearings and render decisions on charges preferred against persons in the Classified Service; and to represent the public interest and the improvement of personnel administration in the Classified Service. It is also the Board's duty to appoint the Personnel Director.

PERSONNEL DIRECTOR

The Personnel Director is the executive head of the Personnel Department and is responsible for directing and supervising all of its administrative and technical activities. This includes preparing and recommending rules and regulations, current job classification plans, and pay plans. The Director and staff must conduct examinations, establish employment registers, and certify qualified persons to the Appointing Authorities as vacancies occur. Payrolls must be examined, and investigations must be made as to the personnel, salary scales, and employment conditions in the Classified Service. The Director submits an annual report to the Board.

PERSONNEL DEPARTMENT

Since your application for employment was filed with and processed through the Mobile County Personnel Department, you are already somewhat familiar with the functions of the Department. By now, you have successfully concluded your examination, been notified of the results, been certified to fill a vacancy, appointed to a position, and secured a medical examination. All of this information has been processed through the Personnel Department. Your contact with the Personnel Department does not end here, though; for we will maintain an employment file which will reflect several things, including initial employment documentation, disciplinary action documentation forwarded to our department, and application records for examinations prior to 2012 (if applicable). Your merit increases, if submitted by the Appointing Authority of your jurisdiction, must be approved by the Personnel Department and we will maintain a record of your accumulated leave, notify you of the results of your annual service rating, and protect you as a Merit System employee insofar as provided by the Laws and Rules of the Personnel Board for Mobile County, Alabama. You will also have the opportunity to attend periodic training courses through the Mobile County Personnel Department.

JURISDICTIONS COVERED

The largest jurisdiction served by the Mobile County Personnel Board is the City of Mobile. Next in number of employees is Mobile County. In addition to these two jurisdictions, the Board also serves the Cities of Prichard, Chickasaw, Saraland, Citronelle, Bayou La Batre, and Satsuma; the Towns of Creola and Mt. Vernon; the Mobile County Health Department; Mobile Housing Board; Mobile County Emergency Management Agency; Mobile County Racing Commission; Mobile Public Library; Mobile Area Water and Sewer System; Prichard Water Works and Sewer Board; Saraland Water Works and Sewer Board; Satsuma Water and Sewer Board; Utilities Board of the City of Bayou La Batre; Utilities Board of Chickasaw; and the Mobile County Personnel Department.

LAWS AND RULES

Now, to help you know your rights, privileges, and obligations as a classified employee, we shall attempt to familiarize you with the Laws and Rules of the Mobile County Personnel Board through question and answer form. As you read this manual, be aware that any reference of a masculine gender likewise refers to the feminine gender. Your department head has a copy of the Laws and Rules of the Personnel Board. Please do not hesitate though, to contact a member of the staff of the Mobile County Personnel Department to assist you at any time concerning any questions that might arise during your employment.

GENERAL PROVISIONS

Q. Why must we have Personnel Rules and Regulations?

A. Personnel Board Rules and Regulations are created for the purpose of providing an orderly procedure for the uniform administration and enforcement of the Civil Service Law; to assure all citizens, of capacity and ability, an equal opportunity to compete for positions in the public service; to establish conditions in the public service which will attract officers and employees of character and capacity; and to increase the efficiency of the governmental departments by the improvement of methods of personnel administration.

Q. Does the Personnel Board assure Equal Opportunity to all applicants and employees?

A. Equal employment opportunity shall be assured for all persons in the Mobile County Merit System and affirmative action provided in its administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration because of political or religious opinions, affiliations, or because of race, national origin, or other non-merit factors are prohibited. Discrimination on the basis of age or sex or physical disability is prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration.

Q. What should I do if I believe there has been illegal discrimination against me?

A. You should contact the Assistant Personnel Director at the Mobile County Personnel Department. If you believe you have been discriminated against due to a disability, contact the Coordinator for the Americans With Disabilities Act (ADA Coordinator) in your agency or with the Mobile County Personnel Department.

Q. When and where are Personnel Board meetings held?

A. At present, the Personnel Board normally holds its Regular Meeting at 8:30 am on the first Tuesday of each month. Other meetings are scheduled as necessary. The normal meeting place is at the Mobile County Personnel Department located at 1809 Government Street.

POLITICAL ACTIVITY

Q. Is political activity prohibited?

A. The Equality of Citizenship Act governs the right of city, county and state employees to participate in political activities as well as the improper use of position, public property or time for political purposes. In effect, it provides city, county and state employees the right to participate in city, county and state political activities to the same extent as any other citizen of the State of Alabama including endorsing candidates and contributing to campaigns of his or her choosing.

Q. Would an employee be prohibited from engaging in political activity in the jurisdiction by which he is employed?

A. NO. Employees may endorse candidates and contribute to campaigns of his or her choosing.

Q. Can I use my official authority or position to influence the vote or political action of any person?

A. NO. An employee in the Classified Service engaging in such action would forfeit his or her position and may be found guilty of a felony offense.

Q. May I join local political clubs and organizations and state or national political parties?

A. This would be permissible under State Law.

Q. May I publicly support issues of public welfare, circulate petitions calling for or in support of referendums and contribute to persons of my choosing?

A. Yes, you may.

Q. Am I permitted to vote?

A. Yes, most certainly vote as you please.

Q. Is a person prohibited from using political endorsement to gain an appointment to a position in the Classified Service?

A. Yes. Section 24 (c) of the Civil Service Act reads, "No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment, or advantage in appointment to a position in the Classified Service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration."

Q. Can I run for a political office and retain my position?

A. Yes. However, an employee who qualifies to seek political office with the governmental entity with which he or she is employed, shall be required to take an unpaid leave of absence from his or her employment, or use accrued compensatory time, or use vacation from the date he or she qualifies to run for office until the date on which election results are certified or the employee is no longer a candidate or there are no other candidates on the ballot. No classified employee, including those who qualified to run for office in a jurisdiction other than in which he or she is employed, shall participate in political action during required working hours unless they are on approved leave for such purposes.

Q. If I am on approved leave and/or working for an election campaign, may I solicit money or votes from other employees in the Classified Service?

A. It shall be unlawful for any officer or employee to solicit any type of political campaign contributions from other employees who work for the officer or employee in a subordinate capacity. It shall also be unlawful for any officer or employee to coerce or attempt to coerce any subordinate employee to work in any capacity in any political campaign or cause.

Q. Would I lose my accumulated vacation and sick leave if I request a leave of absence to campaign for an office?

A. No, you would not forfeit any accumulated sick or vacation leave, retirement benefits, seniority, etc. The only thing you would lose would be your pay and the leaves that you would normally have earned during the period of your leave of absence.

Q. If I intend to use my own personal vacation time or compensatory time to campaign for office, must I still get approval to do so?

A. Yes. You must still make application in writing to the Personnel Board.

Q. Are there any circumstances where it would be permissible for a classified or unclassified employee to use the funds, property or time belonging to the City, County or State for purposes of engaging in Political Activities?

A. NO. Such practice is unlawful.

Q. If I am employed as a law enforcement officer, firefighter or peace officer, must I refrain from engaging in political activity?

A. Section 24 (e) of the Civil Service Act reads, "When off duty, out of uniform, and acting as a private citizen, no law enforcement officer, firefighter, or peace officer shall be prohibited from engaging in city, county, or state political activity or denied the right to refrain from engaging in political activity so long as there is compliance with this section."

WORKING TEST PERIOD

Q. What is a Working Test Period?

A. It is a period of time during which your employer has the opportunity to observe your work and conduct to determine whether he feels you are performing satisfactorily in the position and should attain permanent status in such position in the Merit System.

Q. For how long does a Working Test Period extend?

A. It commences immediately upon your appointment and extends for a period of either six (6) months or one (1) year. Most positions have a six (6) month Working Test Period. The one (1) year Working Test Period is generally for professional, technical, administrative, and public safety positions.

Q. How can I find out whether my Working Test Period is for six (6) months or one (1) year?

A. Your employer should be able to advise you or you can contact the Personnel Department. You may also view the Working Test Period for your classification in the job specification, which will be found on the Mobile County Personnel Board website at www.personnelboard.org.

Q. Can my employer extend my Working Test Period?

A. Your employer would first have to make a written request for extension to the Director. The Director could then extend the Working Test Period or deny the request. The Director's decision must be in writing and shall be final.

Q. Can I be removed or terminated from my position at any time during my Working Test Period?

A. Any time after the first two (2) months, you can be removed by your Appointing Authority if, in his opinion, there is an indication that you are unable or unwilling to perform your duties satisfactorily or that your habits and dependability do not merit continuance in the service.

Q. Does this mean that I cannot be removed during the first two (2) months?

A. No, it does not. However, before you can be removed during the first two (2) months, your Appointing Authority must request the approval of the Personnel Director. The Director will approve the removal for insubordination, neglect of duty, misconduct, or any other reason, indicating that retention of the appointee is not in the interest of the public service.

Q. Must my employer inform me of the reason for my termination?

A. Yes, the Appointing Authority must set forth in detail in written narrative form the reason for your removal and a copy of this report shall be delivered to you and to the Personnel Department.

Q. If I am terminated during my Working Test Period, can I appeal my termination?

A. No. An employee who is terminated during his Working Test Period does not have the right to appeal.

Q. If I am removed from my position, can I be restored to the register from which I was appointed and be certified to another vacant position?

A. Yes, upon approval of the Director and provided you were not removed from your position for a reason which would have subjected a regular employee to dismissal.

Q. In the event I had been promoted to a position, would I still have to serve a Working Test Period?

A. Yes, you would.

Q. If I am removed from this position, may I be reinstated to my old job?

A. Yes, if you were appointed from a promotional list, and again provided you were not removed from your position for a reason which would have subjected a regular employee to dismissal.

CLASSIFICATION PLAN

Q. What is meant by the Classification Plan?

A. Before answering that, let's first make sure we understand what is meant by a position.

Q. So, what is a position?

A. It refers to the duties and responsibilities requiring the services of one individual, either full or part time, in an office or place of employment in the Classified Services.

Q. Are the duties and responsibilities of a position set out in writing?

A. Yes, in the class specification. The specifications for all classes in the Merit System form our Classification Plan.

Q. Where can an employee see the specification for his class?

A. The Appointing Authority should have a copy, or it can be seen at the Personnel Department or its website, www.personnelboard.org.

- Q. Who decides what the duties and responsibilities of a position shall be?**
- A. The Appointing Authority (employer).
- Q. Can an employee be required to do work not referred to or listed in the specifications?**
- A. Yes. The rules state that the specifications are not intended to limit an employer's right to assign duties to or to direct and control the work of employees under his supervision. Of course, it is not contemplated or expected that an employer would make a Police Officer out of a Clerk, or change the character or principal duties of the job, as this would be a clear violation of the intent of the law regarding the classification of positions. An Appointing Authority might, however, increase or decrease the duties or responsibilities assigned to a position without altering its general character. Any material changes in the duties should, of course, be reported to the Director in order that it might be determined whether or not the position should be reclassified.
- Q. Can I be placed on temporary duty assignment by my employer and be asked to assume duties of a higher job specification?**
- A. Yes. You may be assigned such temporary duty, for a period not to exceed six (6) months, if there is no employment register currently available from which the Director can make certification to fill the position. Once an employment register is established and names are certified, a permanent appointment must be made.
- Q. Suppose my duties and responsibilities were increased to such an extent that my position was reclassified and placed in the next higher class, would I be permitted to continue to hold the position?**
- A. It would be up to the Director, after conference with the Appointing Authority concerned, to determine whether you, (a) would continue to hold the position without an examination, (b) should be required to pass a qualifying non-competitive promotional examination for the class, or, (c) whether a competitive promotional examination should be held.
- Q. Suppose that the duties and responsibilities of my position were reduced and it was placed in a lower classification?**
- A. Whenever a position is assigned to a lower class, the incumbent shall have the option of: (a) transferring, subject to the provisions of the Rules, to another position of the same class, if there is an existing vacancy in the class, or (b) continuing in the position with a reduction in rating and pay.
- Q. Suppose I think I am improperly classified?**
- A. Discuss it with your department head and then if you are still of the same opinion, ask his permission to take it up with the Director. In this connection, you must realize that we all know our own jobs better than we know the other fellow's and we are more conscious of its importance. There is a very natural human tendency toward seeking higher

classification when it is not really justified, so we have to be very careful in reviewing such requests.

PAY PLAN

Q. What is meant by the Pay Plan?

A. The schedule of the rates of pay adopted by the Personnel Board for the various classes of positions. Most classes have: a minimum rate, a maximum rate, and intermediate rates called "steps", each of which is approximately 2.5% higher than the preceding rate. The minimum is the hiring rate and the successive steps provide for "raises" in going from the minimum to the maximum.

Q. Is an employee "raised" at regular intervals?

A. No. The raise has to be recommended by the Appointing Authority and approved by the governing body and the Personnel Director. Raises are intended to be given in recognition of efficiency, with due consideration to length of service. These are referred to as "merit raises".

Q. How soon after being appointed can an employee get a raise?

A. Ordinarily, an employee cannot be raised until completion of the first six months of service, but under unusual circumstances, according to Rule 5.4, an employee may receive a merit increase three months after he is appointed "when it is shown that unusual circumstances justify such action." The circumstances have to be exceptional.

Q. What about additional raises?

A. Ordinarily they cannot be made more than once every twelve (12) months. However, if it can be shown to the satisfaction of the Director that unusual circumstances justify more rapid advancement, the Director can approve a recommendation for one additional raise but no more than two raises within a space of twelve (12) months.

Q. Suppose an employee who is promoted is already receiving as much as the minimum for the new class to which he is promoted?

A. First, it's important to note that an individual's base salary (exclusive of any form of incentive pay) must always fall within the salary grade for the higher classification. With that in consideration, according to Rule 5.2 (b), "Upon promotion, employees shall receive not less than two steps or 10%, no more than the maximum rate established for the class at the discretion of the Appointing Authority, with the exception of the Mobile Fire Department, in which case, promoted employees shall receive two steps or 10% unless it would exceed the maximum."

Q. When I get to the maximum rate of my class, does that mean that no matter how many years I have served, I cannot get another merit raise?

A. Yes, an employee's salary must always fall within the salary grade of the assigned classification; therefore, an employee would not be able to receive any additional merit increases if they are at the top of the salary grade for that classification. There may be, however, opportunities for promotion occurring from time to time as well as opportunities for taking open competitive examinations for positions in a higher salary grade.

Q. If my jurisdiction approves a cost of living increase, would I still be eligible for my merit increases as they come due?

A. Yes, a cost of living increase does not in any way interfere with eligibility for individual increases.

Q. If I am at the maximum pay step for my class, would I still receive any approved cost of living increases?

A. Yes, because the rates of pay in the pay grade or range for your class would change based on the cost of living increase.

Q. How often will I be paid?

A. You will receive your paycheck biweekly or every other week. You must check with your employer, however, as to the exact day on which you will be paid inasmuch as various jurisdictions under the Merit System pay at different times.

SERVICE RATINGS

Q. What is a service rating?

A. A service rating is an evaluation process designed to reflect the degree to which each employee has performed the duties of the position he occupies. The process is conducted by the supervisor for the purpose of measuring employee performance based on standards for that position. While work performance should be evaluated throughout your service rating time period, the service rating form is documentation of your performance.

Q. When are service ratings due?

A. Service rating forms are submitted annually during the Service Rating Period. The rating form will be forwarded to the Appointing Authority for completion sixty (60) days prior to the anniversary date. Completed service rating forms should be filed with the Director not later than 30 days following either 1) the anniversary date of the employee or 2) the Designated Time Period provided from the Appointing Authority to the Personnel Director.

Q. Will I be notified of my rating?

A. Yes. Upon receipt of the completed rating form by the Director, the rating is recorded at the Personnel Department and the employee is officially notified by mail of the rating which was received.

Q. Can I request to be shown my service rating?

A. Upon completion by your supervisor, the service rating form will be presented for discussion, your review, and signature. Your signature is requested to document your review of the rating; however, your signature does not indicate your agreement with the rating. If you have questions regarding the service rating you are given, you should discuss those concerns with your supervisor. Upon receipt of the completed form by the Director, the rating is recorded at the Personnel Department and the employee is officially notified by mail of the rating which was received.

Q. What are the possible ratings an employee can receive?

A. An employee will be notified that his quality of service for that rating period is:

- (1) Exceptional Job Performance
- (2) High Quality Job Performance
- (3) Satisfactory Job Performance
- (4) Unsatisfactory Job Performance

Q. If I am unhappy about my rating and feel that it was not justified, what recourse do I have?

A. If you are unhappy with your rating or you don't understand your rating, you should communicate with your supervisor and inquire as to the reasons for the rating given. If you are unable to resolve the situation within your department and jurisdiction, the Laws and Rules of the Personnel Board provide the Grievance Procedure.

Q. How long are service ratings kept?

A. The service rating of each employee is recorded by the Mobile County Personnel Department and retained for three (3) years.

Q. For what purpose are service ratings used?

A. In addition to letting an employee know how he is performing in his job, service ratings are used to discover those employees who are subject to:

- (1) Promotion
- (2) An increase in pay
- (3) Transfer
- (4) Reduction in pay
- (5) Demotion
- (6) Dismissal
- (7) Layoff or reinstatement after layoff in the event of a reduction in personnel

ATTENDANCE AND LEAVES

Hours of Work

Q. What are my hours of work?

A. Hours of work are fixed by the Appointing Authority with due regard to the convenience of the public, and to working hours customarily observed in the community, except that no full time employee shall work less than forty (40) hours per week. Check with your supervisor as to your specific hours of work.

Q. How is my pay figured?

A. Computation of regular pay is determined by multiplying the established hourly rate by the number of hours for the reporting period which would normally be forty (40) hours per week for a full time employee.

Q. Do I get paid for overtime?

A. All employees occupying positions which have not been designated exempt from overtime shall be allowed pay for overtime. According to Rule 3.1 (c), and as designated by the Appointing Authority, overtime may be paid based on hours worked or on hours earned in excess of forty (40) hours per week at one and one-half (1 1/2) times the employee's hourly rate of pay. Employees may occupy positions which have been designated as non-exempt or exempt by the Appointing Authority based on Fair Labor Standards Act requirements. Check with your supervisor in regard to your Appointing Authority's designation of overtime eligibility (time worked vs. time earned) and the exemption status of your position.

Q. If I am required to work on a holiday, do I receive additional pay?

A. An employee who is required to work on an approved holiday shall be paid, in addition to his regular pay, at the rate of one and one-half (1 1/2) times his hourly rate of pay for each hour worked on the holiday.

Furlough

Q. What is a furlough?

A. A furlough is any day or timeframe in which an employee is placed in a temporary status without duties and without pay due to lack of funds by an Appointing Authority requiring budget reductions.

Q. Do I still retain my position if I am furloughed?

A. Yes, you will continue to be employed and you will retain your status in your position.

Q. What is the difference between a furlough and a layoff?

A. A furlough is a temporary reduction in hours worked per week, with a specific date/time to return to work. Employment and benefits continue and the position is retained.

In a layoff, an employee is no longer employed, thereby causing loss of benefits. In addition, there is no definite date to return to work. See the Layoff and Re-employment section for additional details on layoff.

Q. If I am placed on furlough, will I be paid?

A. No, your hours of work will be reduced and you will not be paid while on furlough.

Q. How long can I be furloughed?

A. The furlough is limited to a maximum of one (1) unpaid regularly scheduled work day per pay period for a maximum of 26 days per fiscal year. The furlough may be less than one day depending in the financial needs of the department. The resulting impact can be no more than ten percent (10%) of an employee's pay. The furlough can be implemented in hourly increments, but it cannot exceed one (1) work day per pay period.

Q. While on furlough, do I lose any benefits?

A. Employees who are placed on furlough will be considered in full pay status for benefit purposes, including leave accrual and seniority.

Q. May I use vacation time instead of being furloughed?

A. No, this would not be allowed. The purpose of furlough time is to place an employee in a temporary status without duties and without pay due to a lack of funds in the jurisdiction.

Absence Without Leave

Q. Suppose I don't show up for work and do not notify my supervisor or employer of the reason for my absence. How will I be carried on the payroll?

A. If this happens, you would be carried Absent Without Leave without pay.

Q. What is the penalty for Absence Without Leave?

A. Personnel Board Rule 3.3 requires that an employee who is absent without leave for 24 consecutive work hours must be suspended without pay for not less than 80 work hours for a 40 hour per week employee and not less than 112 hours for a 56 hour per week employee, or the employee may be dismissed. If the employee is suspended, the suspension must commence within 30 days from the date the employee returns to work.

Q. What is the penalty for an absence without leave if it is for a period less than 24 consecutive work hours?

A. An employee may then be penalized by such disciplinary measures as the Appointing Authority sees fit, including dismissal.

Q. Is dismissal for Absence Without Leave ever compulsory?

A. Yes, if the offense of being absent without leave for at least 24 consecutive work hours is repeated within 12 months of the date the first absence began, dismissal is mandatory.

Vacation

Q. As a Merit System employee, do I earn any vacation leave?

A. Yes, if you are a full time employee holding a permanent appointment in regular employment on a forty (40) hour week basis.

Q. How much vacation am I entitled to if I meet the above requirements?

A. Until you have five (5) years service under the Merit System, you earn ten (10) work days vacation per year if you are a forty (40) hour a week employee, or fourteen (14) calendar days per year if you are a fifty-six hour (56) per week employee. This would be the equivalent of two weeks vacation per year.

Q. Do I earn any additional vacation after five (5) years of service with the Merit System?

A. Yes, when you have completed five (5) years of service, the last three (3) of which must be continuous, and there has been no interruption of service exceeding five (5) years, you earn 12 1/2 days vacation per year as a forty hour (40) per week employee, or 17 1/2 calendar days per year if you are a fifty-six (56) hour per week employee.

Q. Does an employee with five (5) years of service earn the maximum amount of vacation available to a classified employee?

A. No. An employee having over five (5) years of service, the last three (3) of which have been continuous, and who has not had any interruption of service exceeding five (5) years, can earn as follows:

	<u>40 Hour Employee</u>	<u>56 Hour Employee</u>
10 Yrs Service	15 days per year	21 days per year
15 Yrs Service	17 1/2 days per year	24 1/2 days per year
20 Yrs Service	20 days per year	28 days per year
25 Yrs Service	25 days per year	35 days per year

Q. When do I start earning vacation leave?

A. Earnings start accruing from the date of your permanent appointment to a full time regular position in the classified service.

Q. Do I earn leave during any period of time I am absent without pay?

A. No, you do not.

Q. Explain what is meant by "work day".

A. Days on which you are normally required to work.

Q. Can I accumulate vacation from one year to the next?

A. Yes. The maximum allowable accumulation is 280 hours or 35 days.

Q. Can I take my vacation whenever I wish?

A. You should see your supervisor well in advance of the time you would like to take your vacation. Your supervisor, department head, or the Appointing Authority, will determine whether your services can be spared and when you can take your vacation.

Q. If I decide that instead of taking vacation this year, I would rather let this year's vacation accumulate and take a longer vacation next year, can I do this?

A. Yes, up to a maximum of 280 work hours, which would be thirty-five (35) days of accumulated leave. However, it must meet with the approval of your department head.

Q. Is there ever any provision for an employee to take more than thirty-five (35) days vacation in any one (1) calendar year?

A. Only in cases of extreme emergencies or hardships, and then the request for additional leave must have the approval of the department head or Appointing Authority and the Personnel Director.

Q. Suppose my department head won't permit me to take my vacation when I want to take it and, not wanting it at the time he will permit me to take it, I don't go on vacation. Can I get paid for it?

A. No, because the department head must arrange the vacation schedule to meet conditions in the department.

Q. If I would rather have the extra money, could I give up my vacation and take the equivalent pay instead?

A. No. There is no provision in the Law or Rules to pay for unused vacation during an employee's tenure. However, an employee may receive compensation in lieu of the amount of annual leave earned during the previous year which is in excess of the total allowable accumulation, if written application is made by the employee and with the approval of the

Appointing Authority and budgeting authority, it can be shown that at no time prior to the ending date of the last pay period could you be scheduled for annual leave because your services could not be spared.

Q. If I feel that I should not ask for vacation because of the pressure of work or because I possess specialized knowledge of the work that a substitute would not have, and as a consequence I do not ask for my vacation, can I get paid for it?

A. No. Whether or not your services can be spared must be decided by the department head or Appointing Authority, not by you.

Q. Suppose I ask for vacation and am turned down. Can I get paid for it?

A. You can, provided all of the following conditions are met:

(a) You have made a written request that has been approved by your Appointing Authority and Budgeting Authority and forwarded to the Personnel Director for his approval within sixty (60) days following the end of the calendar year in which the vacation was denied.

(b) The request shows to the satisfaction of the Director that at no time during the previous calendar year could your services be spared.

(c) Payment is claimed only for the number of days in excess of the total allowable accumulation of 35 days or 280 hours.

Q. If I start this year with my total allowable accumulation of thirty-five (35) days vacation and am not allowed vacation until December, and then am allowed to take only 5 of the 10 days earned for the year, how much accumulation will I have at the close of this year?

A. The thirty-five (35) days that Rule 3.4 fixes as the total allowable accumulation. If you had asked for two (2) weeks vacation and were allowed only five (5) days because your services could not be spared for the other five (5) days, you would be entitled to payment for the five (5) days denied, provided your request met the conditions set out in the answer to the previous question.

Q. Do I have to take my vacation all at once, or can I take a day or two at a time? Can I take vacation for less than a full day?

A. The manner and method of taking your vacation must be in accordance with the regulations of your department. See your supervisor or department head.

Q. Do I have to be employed a year before I can take any of my accumulated vacation?

A. Not if your supervisor/department head approves and you have a vacation accumulation of one (1) day or more.

- Q. If I am transferred to another position, or promoted or demoted, do I lose my accumulated vacation?**
- A. Not if the position is under the same Appointing or Budgeting authority, in which event you retain your accumulated vacation. Some jurisdictions, however, may be under a different taxing authority and may be unable to accept transferred leave. If the different taxing authority refuses to accept your accumulated vacation as a condition of transfer, you are entitled to receive lump sum payment in place of such accumulation -- unless, of course, your employer lets you take the vacation, or part of it, before you leave his department. This is certainly a question you should ask prior to accepting a transfer, promotion or demotion.
- Q. If my employer lets me take only part of my accumulated vacation prior to a transfer, promotion, or demotion to another jurisdiction, could I be paid for the rest?**
- A. Yes.
- Q. Would I have to make written application and have that approved by my Appointing Authority?**
- A. No. The circumstances here are different from those in which such application is required. Your department head should enter the vacation payment due you on the last payroll on which you appear in his department.
- Q. Do I get paid for any vacation accumulation in case I leave the local government?**
- A. Yes, under the following circumstances:
- (a) Death
 - (b) Retirement
 - (c) Resignation
 - (d) Dismissal
 - (e) Layoff
 - (f) Transfer from a department in one taxing jurisdiction to a department in another taxing jurisdiction
 - (g) Call to active duty in the armed forces of the United States, other than during the field training period
- Q. If I retire or resign in good standing from the local government, must I make a request in writing for payment of my accumulated vacation?**
- A. No. For these reasons, you would automatically be paid for your accumulated vacation.
- Q. What if I am laid off?**
- A. A request must then be made in writing as the employee may, at his option, demand such compensation immediately or at any time within three (3) years following the date of layoff.

Q. Would I have to be paid for my accumulated vacation if I am called to active duty in the armed forces of the United States other than during the field training period if it is my intention to return to my position when I am released from the service?

A. No. In this case, your vacation would be restored to you upon your return. However, if an employee prefers to be paid for it, it must be paid upon his request, and the request should be in writing.

Sick Pay

Q. Who is entitled to Sick Leave With Pay?

A. Each full time employee holding permanent appointment to a permanent position.

Q. What does sick leave cover?

A. Illness of the employee, exposure to contagious diseases, attendance upon members of the immediate family of the employee whose illness requires the care of such employee, or death in the immediate family of the employee. Sick leave shall not be granted any employee whose absence from duty is the result of his own misconduct. Absence for such cause is "Absence Without Leave" and subjects the employee to disciplinary action.

Q. What constitutes my immediate family?

A. As a general rule, "immediate family" includes all those directly related through descent from a common ancestor, not more than once removed, to a classified employee, or to the wife or husband of such classified employee. In other words, your immediate family would include your parents, grandparents, brothers, sisters, and your children and grandchildren, and the parents, grandparents, brothers and sisters, and the children and grandchildren of your spouse.

Q. If I'm entitled to Sick Leave With Pay, how much am I entitled to?

A. A 40 hour per week employee earns 10 sick days per year, and a 56 hour per week employee earns 14 days sick leave per year. This would be the equivalent of 5/6 of a day per month for the 40 hour employee and 1 1/6 per month for the 56 hour employee. Remember, however, that leaves are not earned during any time that you are absent without pay.

Q. If I do not use the sick leave that I earn in any one (1) year, would I lose it?

A. No. Sick leave can be carried forward from one year to the next and there is no limit to the amount of sick leave you can accumulate. The idea is to permit you to build up an accumulation that would enable you to be paid during a long illness after years of service should you have the misfortune to suffer such an illness. The sick leave privilege is in the nature of health insurance. The employee who thoughtlessly fritters it away on trifling illness is hurting his own best interest.

- Q. Is there any way I can donate sick leave to a fellow employee with a catastrophic illness?**
- A. Yes. Sick leave and vacation (annual leave) may be donated, up to 80 hours per year, to one or more qualified employees in increments of eight (8) hours at any given time. The donor employee must be at an equivalent or higher rate of pay than the donee employee. All accrued annual leave, sick leave and compensatory time of the donee must be completely exhausted before he or she is entitled to any donated leave. A maximum of 2080 hours can be donated to any one employee during each occurrence of a catastrophic illness.
- Q. How would I apply to receive donated leave?**
- A. In order to receive donated leave, the following conditions must be met:
1. Your illness or the illness of a member of your immediate family must be classified as a catastrophic illness.
 2. You, or a member of your immediate family, must execute and deliver an application for donation of leave to the Personnel Director. Attached to the initial leave request form should be a statement containing the diagnosis, prognosis, treatment and expected length of recovery. Periodic updated documentation should be furnished when requested.
 3. As previously stated, all accrued leave must be exhausted and any additional annual leave and/or earned leave/compensatory time must be used as they are accrued, before using donated leave.
- Q. Is a doctor's certificate necessary for sick leave?**
- A. It is if the sick leave is longer than 40 consecutive work hours (5 work days) for the 40 hour per week employee or 48 consecutive work hours (4 calendar days) for the 56 hour per week employee.
- Q. Could a doctor's certificate be required for shorter periods of time?**
- A. Yes, if your employer has a policy requiring that a doctor's certificate be submitted for shorter periods of sick leave usage. Check with your supervisor or department head to determine the requirements in your department.
- Q. When does the certificate have to be submitted?**
- A. For the 40 hour per week employee, it should be submitted no later than the first work day following the 40th consecutive work hour absence; for the 56 hour per week employee it should be submitted no later than the first work day following the 48th consecutive work hour absence. The doctor's certificate should state the reason for the absence and the date that the employee will be able to return to work. For shorter periods, check the requirements with your employer.

- Q. What if I fail to submit the required doctor's certificate by the date that it is due?**
- A. Then the Director would have to make a deduction on the payroll for the period of your absence before he could certify it, unless you arranged to have some other acceptable evidence presented to him. This is your responsibility. Of course, if you do not submit acceptable proof of your illness your employer would have to carry you on "Absence Without Leave" and this could result in disciplinary action.
- Q. If my sick leave runs out before I am able to return to duty, can I have the additional absence charged to my accumulated vacation?**
- A. Yes, if you notify your department head or Appointing Authority and he agrees and reports it to the Director. You are not required to use up your vacation when an illness extends beyond your sick leave accumulation and if you prefer not to be deprived of your vacation, you can be carried absent "Sick Without Pay" for as much as 80 work hours. If additional leave without pay is necessary, Absence With Leave should be requested in accordance with the Family and Medical Leave Act. Refer to the section in this manual on Absence With Leave for more details.
- Q. Do I have to make written request to the Personnel Director for ordinary sick leave?**
- A. No. However, check with your supervisor or department head as to the procedures for requesting sick leave within your employing department.
- Q. If I have to be absent because of illness, do I have to notify my department head right away or may I wait until I return to duty?**
- A. It is your responsibility to see that he is notified as soon as possible. If impracticable to notify him yourself, send word as soon as possible so you will not be reported Absent Without Leave. Also, check with your department head to see if he has any further policy within his department in regard to reporting off sick.
- Q. Can I ever be denied the right to use my sick leave?**
- A. Yes, if you cannot substantiate your claim or if your absence from duty is a result of your own misconduct. If your absence is a result of your own misconduct, the absence shall be reported as "Absence Without Leave" and shall subject the employee to disciplinary action.
- Q. If I am transferred to another position, or promoted or demoted, do I lose my accumulated sick leave?**
- A. Not if the position is under the same budgeting or appointing authority, in which event you retain your sick leave accumulation. If the position is under a different budgeting or appointing authority, you would lose your accumulated sick leave if the different authority refused to accept your accumulated sick leave as a condition of transfer. However, in the event you are transferred back to your former jurisdiction the accumulated sick

leave to your credit when you left that jurisdiction may be resumed, provided your employment in the Classified Service has been continuous.

Q. If I resign my position with the Classified Service, can I get paid for any unused sick leave?

A. No. Only in the event of death or of retirement due to longevity can an employee be paid for any accumulated sick leave. In either of these two cases, the employee could then be paid for three-fourths (3/4) of his accumulated sick leave in one lump sum payment. Sick leave earned and accumulated by employees shall be tallied and credited to each employee based upon his or her hourly rate of pay as of December 31st of the year in which the sick leave was earned and accumulated. Longevity in connection with this provision is defined to mean:

- (a) Any employee who has at least twenty (20) or more years employment and who is placed on a pension roll.
- (b) Any employee who has reached his sixtieth (60th) birthday, and has completed ten (10) or more years of service and receives a pension from the pension system prevailing in the agency in which he is employed.
- (c) Any employee who receives a pension from the pension system prevailing in the agency in which he is employed, due to a service connected disease or disability.

Injured With Pay (Injury in Line of Duty)

Q. Who is eligible for Injured With Pay leave?

A. Any employee, whether permanent, temporary or provisional, who, without fault or negligence on his part, is injured while performing the duties of his position.

Q. Do I have to make written application for Injured With Pay leave?

A. Yes. The written application must be made on the official form approved by the Personnel Board and must contain a statement by the employee, confirmed by the supervisor, and approved by the department head setting forth the details of the accident. It must also contain a doctor's certificate setting forth the nature and extent of the injury and the probable period of disability.

Q. When do I have to make written application for such leave?

A. The request must be initiated within seventy-two (72) hours of the accident and submitted on the form approved by the Board for approval by the Director.

Q. Where do I get the application form for requesting Injured With Pay?

A. Your supervisor should have the forms available. The forms are also available on our website at www.personnelboard.org.

Q. Does Injured With Pay leave have a definite maximum limit?

A. Yes. You can be granted such leave as is deemed proper for up to six (6) months. However, your request shall be limited to a maximum of thirty (30) days from the date of injury and be extendable thereafter by periods of a maximum of thirty (30) day increments supported by additional doctor certificates.

Q. Do I receive full pay for the period of time I am off due to an injury?

A. Yes. Your regular pay would, however, be reduced by the amount of any workmen's compensation benefits you would receive.

Q. Is such leave taken from my sick leave and vacation?

A. No. It is separate and distinct from sick leave and vacation.

Q. If I were a provisional appointee or were appointed temporarily, like substituting for someone who was ill, and the period of my employment ended before I recovered from my injuries, would my payments cease?

A. Not necessarily. They might be extended for the full six (6) month maximum as the Personnel Board deems proper.

Military Leave

Q. Who is entitled to Military Leave?

A. An employee who is an active member of the Alabama National Guard, naval militia, the Alabama state guard organized in lieu of the national guard, or any reserve component of the armed forces of the United States, shall be granted leave of absence with pay, as determined by the Appointing Authority and approved by the Personnel Board, for not more than 168 hours for those employees employed on a forty (40) hour work week, and 235 hours for those employees who work the fifty-six (56) hour work week during any calendar year for the purpose of engaging in field or coast defense, other training, or service ordered under the provisions of the National Defense Act, or of the federal laws governing the United States reserves.

Q. What if I am a member of the National Guard and am ordered into active duty by the State of Alabama?

A. While called by the Governor to duty in the active service of the State, such persons shall be entitled to be paid for no more than 168 hours for forty (40) hour per week employees or 235 hours for fifty-six (56) hour per week employees at any one time.

Q. Suppose I am drafted or enlist?

- A. Any employee who enters upon active duty in the armed forces of the United States, other than during the field training period, shall be granted leave of absence without pay for a period not to exceed ninety (90) days beyond the date of his discharge from such duty. If, in the judgment of the Personnel Board, his mental or physical condition justifies such action, it may extend such leave for a period not exceeding one (1) year beyond the date of his discharge from such duty. Upon resuming his position, his service in the Classified Service will be deemed continuous.

Absence With Leave

Q. What is meant by Absence With Leave?

- A. This is authorized leave without pay granted to an employee.

Q. Under what condition is it granted?

- A. It is granted:
- (a) If an employee is temporarily incapacitated and is not "Sick With Pay" or "Injured With Pay".
 - (b) If an employee wishes to engage in a course of study such as will increase his usefulness upon his return to duty.
 - (c) If an employee has any reason considered good by the Appointing Authority and Director.
 - (d) If the employee's leave is recommended by the Appointing Authority and approved by the Director, except that the Director's approval is not required for a leave or leaves totaling less than (80) hours within any 12 month period for a forty (40) hour per week employee or totaling less than 112 hours within any 12 month period for a fifty six (56) hour per week employee.

Q. Do I have to request Absence With Leave for jury duty?

- A. No; you are not regarded as absent while so serving as you are performing a public duty. However, it is your responsibility to inform your department head when you are to serve on the jury just as soon as you are notified. Also, you must return to duty each day immediately upon being released by the Court unless you are not released until your normal work hours are over. You are not charged leave for jury duty.

Q. Can I get Absence With Leave to accept temporary employment outside the Classified Service at a higher rate than I receive so I can make some extra money?

- A. No, but you may be granted such leave for a period not exceeding 90 days for the purpose of self-employment in agricultural pursuits; or if, because of the possession of technical training, any governmental agency should

request your temporary services for the purpose of assisting in adopting or installing a change in service.

Q. If I am appointed or elected to a full-time position with an employee representative organization, may I obtain an absence with leave for the period of time I am representing such organization on a full-time basis?

A. Yes, provided it is an organization approved and recognized by the Personnel Board. The absence with leave would be approved for such period of time the employee is employed by such organization, on a full-time basis, not however to exceed the period of one (1) year. The limitation of one (1) year may be extended for three (3) additional one (1) year periods upon the recommendation of the Director and with the approval of the Personnel Board.

Q. When my Absence With Leave expires, how soon must I resume my classified position?

A. You must report for duty upon expiration of your leave of absence or you will be considered Absent Without Leave and subject to disciplinary action.

Q. Once my Absence With Leave has been approved, is there any possibility that I can be denied the right to return to my classified position?

A. Yes, if you have been found guilty of any of the causes for dismissal as cited in Rule 14.2 (b), (d), (f), (k) or (l) which are as follows:

(1) 14.2 (b) the commitment of any criminal act.

(2) 14.2 (d) disorderly or immoral conduct.

(3) 14.2 (f) incapacity due to mental or physical disability.

(4) 14.2 (k) negligence or willful damage to public property or waste of public supplies or equipment.

(5) 14.2 (l) violation of any lawful or reasonable regulations or order made and given by a superior officer.

Q. Do I have to make written application for Absence With Leave?

A. Yes, stating the reasons why such a leave should be granted, the date the leave is to be effective, and the date of return to duty.

Q. If I attend a conference or institution for training or instruction at the direction of any Appointing Authority, is this considered Absence With Leave?

A. No, in such case you are considered to be on duty and will continue to draw your pay.

Q. Can I take Absence With Leave if I or a family member becomes ill and I am unable to use paid leave such as sick leave or vacation?

A. Yes, as long as the leave is in accordance with the federal Family and Medical Leave Act. This Act provides up to 12 weeks of unpaid family and medical leave during any 12 month period. The leave is intended to allow an eligible employee time off without pay in order to tend to the birth, adoption or placement of a child for foster care, to care for a spouse, child or parent with a serious health condition or due to the disabling illness of the employee. Check with your supervisor or department head for specific guidelines in your department that pertain to this law.

Maternity Leave

Q. What is Maternity Leave?

A. Maternity Leave is a leave of absence from duty by reason of pregnancy. Such leave is without pay except that an employee may use her accumulated annual leave, if she so desires, before going on a without pay status.

Q. Can I use any of my accumulated sick leave during my pregnancy?

A. Yes, solely upon written request, an employee may use 560 work hours of her accumulated sick leave with pay.

Q. In the event of extended complications, is there any provision to use any additional sick pay?

A. Yes, any employee on Maternity Leave who may have extended complications due to pregnancy or the birth of a child, or whose child may have extended complications, shall, upon her written request and a substantiating doctor's certificate be entitled to sick leave status as provided by the rules but in no event to extend beyond the date the doctor indicates the patient's health permits the employee's return to duty.

Q. Is there any advantage to requesting Maternity Leave rather than an Absence With Leave?

A. Yes, you may request the use of sick leave while on Maternity Leave, but not while on Absence With Leave.

Q. Must my request for Maternity Leave be in writing?

A. Yes, you must make written application to your Appointing Authority and state in your letter whether or not you desire to use any of your accumulated leave; and if so, the amount of leave you would like to use.

Q. When may Maternity Leave be requested or required?

A. At any time you feel it is necessary due to your pregnancy. However, the Appointing Authority may require you to take Maternity Leave whenever he considers it in the best interest of the service.

Q. When must I return to work after the birth of my child?

A. You must return to work not later than three (3) months from the date of delivery of your child.

Q. May I return to my position as soon after delivery as I want?

A. Yes, but you must submit to your Appointing Authority a written certificate from your physician that you are physically able to resume the duties of your position.

APPOINTMENTS AND TRANSFERS

Q. What is the manner of filling vacancies in the Merit System?

A. Vacancies in positions in the Classified Service shall be filled in the following order:

- (1) By transfer within the Classified Service.
- (2) By re-employment following layoff.
- (3) By promotion or demotion.
- (4) By re-employment following resignation.
- (5) By certification from the employment register.

Q. If I am appointed to a regular position, must I secure a medical examination?

A. Yes, all appointees to initial permanent positions shall be required to pass a medical examination and drug test before the effective date of their appointment. The examination shall be conducted by physicians designated by the Personnel Board. Until this is accomplished and cleared by the Personnel Board, the appointment cannot become effective.

Q. What are the provisions for transferring from one position to another position within the Merit System?

A. The transfer of an employee from one position to another position of the same class and grade and character of work and the same rate of pay may be made as follows:

- (1) By the Appointing Authority and without the approval of the Director if it is within the department. This type of transfer would be considered a reassignment.
- (2) Upon a request in writing of both Appointing Authorities concerned and upon approval of the Director if it is to be from a department with one Appointing Authority to a department with another Appointing

Authority. In this case the Director must give the employee affected an opportunity to be heard before approving the transfer. This would be called an organization transfer.

- (3) Upon a written request initiated by the employee, a written concurrence from both Appointing Authorities involved, the Appointing Authority in the jurisdiction the employee wishes to leave, the Appointing Authority in the jurisdiction to which the employee wishes to transfer, and concurrence of the Director.

Q. Can an employee ever transfer from one position to another position of separate classification?

A. Yes, it is possible that this can be done provided all of the following requirements are met:

- (1) The employee requesting the transfer must have served at least three (3) years in his present classification.
- (2) A request in writing is received from both Appointing Authorities concerned.
- (3) If the Director deems, and the Board concurs, that such classifications are sufficiently similar in nature as to duties, requirements, qualifications and pay.

Q. In the event the rates of pay for the class or classes involved in the transfer are not the same because of differing pay scales, how will the rate of pay for the transferee be determined?

A. The rate of pay for the transferee shall be set at the nearest step, upward or downward, existing for the classification in the department to which the employee is to be transferred.

PROMOTION

Q. What chances of promotion do I have?

A. That depends partly on yourself, partly on when vacancies occur, and also on whether your class is in a series forming a promotion ladder.

Q. What do you mean by saying it depends partly on myself?

A. It depends on whether you have prepared yourself to meet the qualifications for the position to which you seek promotion, whether your service has been satisfactory, and on whether or not you pass the examination.

Q. Do I have to ask anybody's permission to apply for a promotional examination?

A. No, but of course you should arrange with your department head about attending any examination, if your application is accepted.

Q. Are promotions limited to departments?

A. Not necessarily. Of course, under the rules, promotion in a particular jurisdiction can be restricted to those eligible on the promotion list who are presently employees of that jurisdiction.

Refer to the official job posting for any restrictions and details.

Q. Are vacancies that normally would be filled by promotion ever filled from an employment register established by open competitive examination?

A. Yes, this occurs at times. There have been times when no one would apply for a promotional examination. Then, too, it could happen that none of those applying for promotional examination qualified. The Laws and Rules prohibit promoting a person not properly qualified just to effect a promotion.

Q. What is meant by a class being in a series forming a promotion ladder?

A. This means that some series of classes, such as the clerical series, provide logical steps for promotion. Examples are Public Service Worker I, Public Service Worker II, Public Service Worker III, Crew Chief, Public Service Supervisor I, Public Service Supervisor II; Public Health Nurse I, Public Health Nurse II, Public Health Nurse III, Public Health Nurse IV, Supervisor of Public Health Nursing; and so on. Unfortunately, some positions are in classes in which there is no logical line of promotion. Employees holding such positions should seek to better themselves by applying for open competitive examinations for more remunerative positions for which they may be qualified. Any employee can take any such examination if he possesses the qualifications set out in the job posting.

Q. Is an employee who has not yet completed his working test period eligible to file for a promotional examination?

A. No. All promotional examinations are confined to regular employees and a regular employee is defined by the rules as an employee appointed to a permanent position who has satisfactorily completed the working test period.

Q. How can I improve my chance of promotion?

A. By learning as much as you can about your job and about the next higher job; by showing a willingness to cooperate with others; by loyalty to your department head and to your job; by making the best use of departmental instruction and training; by pursuing appropriate courses of study; by doing your best in your job.

Q. If I am unable to be present for a test for promotion, can I be rescheduled for a make-up test?

A. According to Rule 6.15, no applicant shall be granted a special or supplementary test unless the failure to appear was due to a manifest error on the part of the Director or to some cause beyond the control of

the applicant. To be considered for a supplemental exam, the person must submit a written request documenting the cause for missing the exam. The written request must be submitted to the Director within ten (10) days following the date of the exam. The request shall be submitted to the Personnel Board for approval if it appears the reason was beyond the control of the applicant. This same procedure applies to exams held on an open competitive basis.

Q. Are employees on a promotion list considered ahead of former employees whose names are on a resignation re-employment list for the same class?

A. Yes, if the re-employment list contains the names of former employees who resigned and are seeking reinstatement. A layoff re-employment list, however, has precedence over a promotion list, as those on this list had been laid off for lack of funds or some other reason beyond their control and should be permitted to resume employment as soon as the opportunity offers.

Q. If I am promoted from a promotional list, do I have to submit a written resignation from the position I am leaving?

A. If the position to which you are being appointed is under a different Appointing or Budgeting Authority, you will be required to submit a letter of resignation to your supervisor. In this case, your accumulated leaves (annual and sick) may not be transferred. This would be a discussion to have during the interviewing and appointment process. If your accumulated leaves are not transferred, you would be paid for your accumulated annual leave; however sick leave is lost.

If the position to which you are being appointed is under the same Appointing or Budgeting Authority, you will not be required to submit a letter of resignation and your accumulated leaves would remain intact and to your credit.

Q. If I accept appointment from a promotion list and am removed during the working test period, do I have the right to resume my former position?

A. Yes, provided you were not removed for a reason for dismissal as cited in Rule 14.2 (a), (b), (c), (d), (e), (f), (h), (i), (j), (k), (l), or (m), which are as follows:

- (1) 14.2 (a) absence without leave
- (2) 14.2 (b) the commitment of any criminal act.
- (3) 14.2 (c) conduct unbecoming an employee in the public service.
- (4) 14.2 (d) disorderly or immoral conduct.
- (5) 14.2 (e) failure to pay or make proper provision for liquidation of just debts.
- (6) 14.2 (f) incapacity due to mental or physical disability, except as hereinafter noted.
- (7) 14.2 (h) insubordination.
- (8) 14.2 (i) intoxication while on duty or public intoxication while off duty.

- (9) 14.2 (j) neglect of duty
- (10) 14.2 (k) negligence or willful damage to public property or waste of public supplies or equipment.
- (11) 14.2 (l) violation of any lawful or reasonable regulations or order made and given by a superior officer.
- (12) 14.2 (m) willful violation of any of the provisions of the Act or these Rules.

LAYOFF AND RE-EMPLOYMENT

Q. In the event that a reduction in personnel is necessary, how is the order of layoff determined?

A. Provisional, temporary, seasonal, probationary, regular employees having less than one (1) year's service in the class, and regular employees whose last two (2) rating periods were below the rating "Satisfactory Job Performance-Meets job standards on all key aspects of job" shall be laid off first and in the order named. Thereafter, regular employees in accordance with their seniority and service ratings are laid off with the following procedure:

- (1) Seniority credits shall be allowed at the rate of one point per year of service in the class, a fraction of a year after the first year being counted as one year if covering at least six months, a lesser period being disregarded.
- (2) To the seniority credit add credit for service ratings by averaging the two most recent annual service ratings.

Employees are then laid off in inverse order of the combined scores obtained.

Q. In the event two employees have a tied score, who determines which employee shall be laid off?

A. The decision is then made by the Appointing Authority.

Q. If an employee subject to layoff was promoted from a lower class through a promotional test, can he reclaim his job in the lower class?

A. Yes, he shall have a right to resume a position in that department in the lower class within the series.

Q. Is an employee given any notice prior to layoff?

A. Regular or probationary employees must be given fifteen (15) days' notice prior to the effective date of the layoff.

Q. How are vacancies filled when a layoff re-employment list exists?

A. When a request for a certification to fill a vacancy is received from the Appointing Authority and there exists for that department a layoff re-

employment list for the class of position vacant, the Director shall certify the ranking name for appointment and he shall be appointed to a vacancy.

Q. What if an Appointing Authority does not request a certification for the same class, but requests a certification for a lower class in the series, can the layoff re-employment list for the higher class be used?

A. In this case, provided there was no layoff re-employment list for the class for which the certification was requested, the layoff re-employment list for the higher class would be used and the names of the three (3) ranking eligible willing to accept such appointment would be certified.

Q. If an employee is appointed to a position from a layoff re-employment list, must he serve another Working Test Period?

A. Not if he is appointed to a position in the same department for which he previously worked. However, if he is appointed to a position in another department, he shall be required to serve a Working Test Period of six (6) months.

Q. How long can my name remain on a layoff re-employment list?

A. For a period not to exceed three (3) years.

RESIGNATION AND REINSTATEMENT

Q. What do I have to do to resign in good standing?

A. Submit a written resignation to your employer giving two (2) weeks written notice and the employer must request that the resignation be accepted in good standing.

Q. Why is it important that I resign in good standing?

A. Because those who resign in good standing are entitled to consideration for reinstatement without examination, and because it shows that you have had the interests of your employer at heart, as well as your own interests.

Q. What re-employment rights does a resignation in good standing provide for me?

A. The right to request reinstatement.

Q. Should I make this request at the time that I resign?

A. No, not ordinarily. The request can be made at any time within one (1) year following the effective date of your resignation. It is to your advantage to delay making the request until you wish to be considered for appointment, but not later than one (1) year from the effective date of your resignation.

Q. How can I be reinstated?

A. You should request the Personnel Director to place your name on the re-employment list using the online *Re-Employment Following Resignation* form available on the Mobile County Personnel Board website at www.personnelboard.org. This must be done before the expiration of one (1) year following the effective date of your resignation. Unless there was good reason for not doing so, your request would be approved. You would be certified at the earliest opportunity and the applicants on the re-employment list would rank ahead of the persons on the employment register.

Q. What is the maximum length of time my name can remain on the re-employment list?

A. Normally, one (1) year is the maximum. After that, you would have to take an examination to try to re-enter the service.

Q. Suppose I do not give a written notice of resignation, or give less than two (2) weeks written notice, or quit without any notice?

A. Then your resignation will not be in good standing and your name cannot be placed upon the re-employment list.

Q. Suppose I am forced by circumstances to quit with little or no notice?

A. Under exceptional circumstances explained to your employer, and if he recommends that your resignation be in good standing, the Director may, if he considers the circumstances sufficiently exceptional to justify such action, record you as resigning in good standing. The Director, however, will insist upon proper notice unless the circumstances are exceptional. This is necessary to avoid serious inconvenience to the public service.

Q. Does resignation not in good standing disqualify me from taking another examination later on?

A. No, not ordinarily. Of course, if your resignation was occasioned by misconduct, or to avoid dismissal, the circumstances would have to be considered by the Director.

Q. Can a person receive more than one (1) reinstatement after resignation in good standing?

A. Yes, a former employee can be reinstated two times for the same classification, but two (2) such reinstatements is the limit.

Q. If I am currently employed within the Mobile County Merit System and I am appointed to a higher position in my department or even another jurisdiction, do I need to submit a notice of resignation to my employer?

A. If you are appointed to a higher position through an open competitive posting, then yes, you would need to submit a letter of resignation to your employer.

DISMISSAL, SUSPENSION OR DEMOTION

Q. What is the proper procedure for dismissing, suspending or demoting a regular employee?

A. Before any permanent employee can be dismissed, suspended or demoted for cause, the Appointing Authority or his designated representative shall afford the employee due process in the form of a pre-disciplinary hearing in order to allow the employee the opportunity to respond to the charge or charges on which such disciplinary action is contemplated. After having been afforded the hearing, if it is then determined that the employee is to be dismissed, suspended or demoted, the employee must be notified of such action in writing and the notification to the employee shall set forth:

- (1) The cause of action.
- (2) The effective date of the dismissal, suspension or demotion.
- (3) Any other information deemed appropriate.

Q. Is an employee given any advance notice of the time and purpose of a pre-disciplinary hearing?

A. Yes. Written notice of the reasons for termination, suspension or demotion must be given to the employee at least twenty-four (24) hours prior to the pre-disciplinary hearing.

Q. Will I be notified of the department's decision after a pre-disciplinary hearing is held?

A. Yes, the decision of the hearing must be given to the employee in writing within 14 days from the date the hearing was held.

Q. What happens if an employee is not given a pre-disciplinary hearing?

A. In that case the dismissal, suspension or demotion shall be void and of no force and effect and shall not be recognized by the Personnel Board, except in extraordinary situations which is defined to include circumstances where an employee's retention would:

- (1) Result in damage to public property.
- (2) Result in injury either to the employee, a fellow employee, or to the general public.
- (3) Where an employee is confined in jail or prison under a writ of arrest or other judicial process.

Q. In the event of extraordinary situations, is the employee at any point given an opportunity to be heard?

A. Yes. In such event the Appointing Authority must furnish written notice to the employee of the specific reasons for termination or suspension within twenty-four (24) hours of such dismissal or suspension, and must also give the employee an opportunity for an evidentiary hearing within twenty-eight (28) days of such action.

Q. Does an employee have a right of appeal if he thinks he is unjustly dismissed, suspended or demoted?

A. Yes. The Personnel Board serves as an impartial tribunal in cases of appeal from dismissal, suspension or demotion.

Q. What are grounds for dismissal, suspension or demotion?

A. It would be impossible to list all the things for which an employee might be dismissed, suspended or demoted. Rule 14.2 opens with the sentence, "The tenure of every employee hereunder shall be during good behavior and the rendering of efficient service, but any employee may be dismissed, suspended or demoted for cause." The rule goes on to list a number of offenses, but some people in reading this rule get the misconception that the offenses listed are the only things for which employees can be dismissed, suspended or demoted. Certainly this is not true, but those listed are:

- (1) Absence without leave.
- (2) The commitment of any criminal act.
- (3) Conduct unbecoming an employee in the public service.
- (4) Disorderly or immoral conduct.
- (5) Failure to pay or make proper provision for the liquidation of just debts.
- (6) Incapacity due to mental or physical disability, except as hereinafter noted.
- (7) Incompetency or inefficiency.
- (8) Insubordination.
- (9) Intoxication while on duty or public intoxication while off duty.
- (10) Neglect of duty.
- (11) Negligence or willful damage to public property or waste of public supplies or equipment.
- (12) Violation of any lawful or reasonable regulations or order made and given by a superior officer.
- (13) Willful violation of any of the provisions of the Act or Personnel Board Rules.

Again, bear in mind that these are only some of the reasons for which an employee can be dismissed, suspended or demoted.

Q. What is the attitude of the Personnel Board concerning disciplinary action?

A. The Board has declared in Rule 14.1 that its policy is to support the Appointing Authorities in enforcing discipline and in demanding courteous and efficient service from public employees, but the Board tries to get all of the facts. The Civil Service Law states that the Board is not bound by the technicalities that bind a court, and it makes every effort to assure the employee a fair and impartial consideration of the facts brought out at the hearing. The Personnel Board may rescind, modify, alter, or affirm the penalty imposed by the Appointing Authority.

- Q. How long does an employee have to make an appeal from dismissal, suspension or demotion?**
- A. It must be made within ten (10) days after receipt of written notice of dismissal, suspension or demotion.
- Q. What is the procedure for appealing a dismissal, suspension or demotion?**
- A. The appeal may be a written letter or a completed appeal form obtained from the Personnel Department and filed with the Director answering or explaining the charges. The answer must contain:
- (1) An admission or denial of guilt.
 - (2) Reasons why the action should not become effective.
- Q. Is there a limit on the number of days an employee can be suspended?**
- A. Rule 14.9 of the Laws and Rules of the Personnel Board states that "No employee may be suspended by the Appointing Authority for a period or periods in the aggregate of more than thirty (30) days in any year of service. However, at the request of the Appointing Authority, the Board may extend the suspension of an employee pending the resolution of criminal charges and under such other circumstances justifying such extension."
- Q. If I am demoted to a lower classification, can I appeal that decision?**
- A. Yes, but only if you have been demoted for cause, such as described in Rule 14.2. An employee cannot appeal a voluntary demotion, removal during the probationary period following promotion or a demotion occurring in lieu of being laid off because his position is being abolished, reclassified to a higher or lower grade, lack of work, lack of funds or because of the return to work from an authorized leave of another employee to such a position in accordance with the rules on leave.
- Q. Can any citizen or taxpayer file charges against a Civil Service employee?**
- A. Yes. Any person who desires to do so must file such charges with the Director in writing, in duplicate, and shall recite the specific act or acts of the employee. The Director shall then serve a copy of the charges on the accused employee, conduct an investigation, and then report his findings to the Board within fourteen (14) days after his receipt of the complaint.
- Q. What should an employee do if this happens?**
- A. Within fourteen (14) days after he has been notified by the Director of the complaint the accused employee shall file, in duplicate, a written answer to the charges. After his answer to the charges and after the Director's report of his findings to the Board, a hearing shall be scheduled before the Board. Any further proceedings should be conducted in the same manner as provided in the rule for hearings or appeals.

TRAINING

Q. What is the purpose of training?

A. Section VII (f) of the Act establishing the Personnel Board for Mobile County, Alabama, assigns to the Personnel Board the inherent responsibility of providing training and development for all employees. It is the function of the Board's Training Section to provide the best possible opportunities for this development.

Q. Who is eligible to attend training?

A. Training is open to all employees under the jurisdiction of the Mobile County Merit System.

Q. What are the proper procedures for attending a training class?

A. All nominations for training must be submitted to the Personnel Board's Training Office on a Personnel Board Training Form.

Q. Can I participate in the training classes during my Working Test Period?

A. Yes, as long as you submit your request on the proper form and it is approved by your supervisor and department head.

Q. Can I be denied the opportunity to attend training?

A. Yes, your supervisor and department head will determine whether your services can be spared or if working conditions are of such that your services may be needed.

Q. Is there a charge to attend this training?

A. Training conducted during normal duty hours is offered free of charge to the employee. Training offered during evening hours may have a fee for books, material and/or supplies attached. Rarely, however, do the fees exceed \$50.00.

Q. Can I receive credit for attending training?

A. All of our training programs offer certificates at completion and many of the local colleges and universities will consider offering academic credit if they are petitioned; it varies from school to school.

Q. How do I know what training to take?

A. That depends on the reason you're asking, e.g., whether you're seeking to prepare yourself educationally or occupationally, or perhaps for professional development. At any rate you can get help by contacting the Training Office.

Q. How do I know in which areas I have training needs?

- A. Discuss with your supervisor any skill or development needs or opportunities. Also, check out the published training opportunities on the Training page of the Mobile County Personnel Board website (www.personnelboard.org) and feel free to call the Training Office with any questions or concerns.

GRIEVANCES

We have included a few of the most frequently asked questions regarding grievances and so that there can be no misunderstanding concerning Rule XVI on the Grievance Procedure, we have printed this rule in its entirety.

Q. Who can file a grievance?

- A. A grievance may be filed by a regular employee or a representative of an organization or association representing a group of employees under Civil Service. Employees appointed from an employment register and who are under the working test period or an extension thereof may also file a grievance.

Q. What are the reasons for filing a grievance?

- A. A complaint concerning reprimands, service ratings, attendance regulations, hours of work, and working conditions are reasons for filing a grievance. Dismissals, suspensions and demotions are not grievable but are appealable directly to the Personnel Board.

Q. How much time do I have to file a grievance?

- A. An employee who desires to initiate a grievance must file a complaint in writing, within seven (7) days after the complaint arose. When filing a grievance on a service rating, the seven-day count for the grievant shall begin upon receipt of the official notification from the Personnel Board.

Q. Who can I call for assistance regarding the proper grievance procedure and where do I get the proper forms?

- A. The Assistant Director or representative is available to answer your questions and assist you in completing the grievance forms which are located at the Personnel Department.

Q. What can I expect after filing Step One?

- A. Within seven (7) calendar days after filing the Step One complaint, the department head or designated representative shall arrange a conference with you. Within seven (7) calendar days after the conference, the department head will advise you and the Personnel Board in writing of the disposition of the complaint. Within seven (7) calendar days after the report is filed, if you are still not satisfied, the grievant may submit Step Two directly to the Personnel Director with copies to the department head.

Q. What should I do if the department fails to hold the conference or fails to file a report after the conference?

A. It is always advantageous to resolve an employment issue within the department. An employee should inquire about the issue and delay in a conference with the supervisor. If there is still no response or resolution, the grievant shall have the right to appeal the grievance to Step Two within seven (7) days from the date of the department head's deadline for filing its report.

Q. What can I expect after filing Step Two?

A. The grievance shall be heard by a three (3) member Committee designated to hear the grievance. Within seven (7) calendar days after the conclusion of the hearing, the Grievance Committee shall render its decision.

Q. What if I am not satisfied with the decision reached by the Grievance Committee?

A. If the decision reached is not satisfactory to either party, either party may appeal to the Personnel Department in writing within seven (7) calendar days following the receipt of the decision. This appeal will be considered Step Three and will be heard by the Personnel Board members.

Q. Can I be fired or otherwise suffer for filing a grievance?

A. In the presentation of grievances, grievants are assured of freedom from restraint, interference, discrimination or reprisal.

Q. Do I have to show proof that I filed a grievance?

A. The employee must be able to show proof of filing the grievance with the supervisor, department head or designated representative in order to trigger the time sequence for the processing of the grievance.

RULE XVI (below) and Grievance Appeal Forms may be found on the Personnel Board website at www.personnelboard.org under the Information > Documents to Download tab.

RULE XVI

GRIEVANCE PROCEDURE

STATEMENT OF POLICY. 16.1 It is the policy of the Personnel Board to provide equal opportunity employment to all citizens and to improve the effectiveness of the public service by recruiting, selecting and retraining the most competent personnel. In so doing, the Personnel Board meets its responsibilities to the public, the elected officials and department heads charged with the responsibility of providing the necessary governmental services, and to the public employees.

In order that local government can meet the needs of its citizens, it is imperative that there exist an orderly and constructive employee-employer relationship. It is therefore, the further policy of the Board to continue to use its offices to encourage and promote such relationship.

PURPOSE. 16.2 It is the purpose of this rule to provide a meaningful and orderly procedure for the resolution of employee grievances. Within the limitations imposed upon the governmental processes by rights of the public and recognizing that harmonious relationships between the employer and its employees are essential in providing the necessary governmental services, the Board has determined that this can best be accomplished by the promulgation of this rule.

DEFINITIONS. 16.3 The words and terms contained herein shall have the following meaning for the purpose of carrying out the provisions of this Rule.

- (a) Personnel Board: The Mobile County Personnel Board.
- (b) Grievance Committee: The Grievance Committee provided in Step Two of the Grievance Procedure set forth in this Rule.
- (c) Supervisor: The individual having the responsibility of supervising the work product of the employee.
- (d) Department Head: The individual in charge of any department, bureau, institution, board, division, or commission, whose employees are under the jurisdiction of the Personnel Board Act.
- (e) Personnel Board Act: Local Act No. 470, approved September 15, 1939, 1939 Local Acts of Alabama and all subsequent amendments.
- (f) Grievance:
 - (f) (1) Grievance - Inclusions: A complaint by an employee or a representative of an organization or association representing a group of employees under Civil Service concerning reprimands, service ratings, attendance regulations, hours of work, working conditions, any dispute concerning the interpretation or application of rules and regulations governing personnel practices or working

conditions, as well as any other personnel matters which are germane to the employee's employment, and which are not specifically reserved to the Personnel Board and Personnel Director under the law and rules of the Personnel Board, or are not reserved to the various governmental bodies under any statutory provisions.

- (f) (2) Grievance - Inclusions: Matters dealing with classification, pay, compensation, examination and related actions specifically set forth in the Personnel Board rule and regulations shall not be considered under grievance procedures, but shall be adjusted in accordance with the provisions set forth in the rules and regulations. Any questions as to what constitutes a grievance or what should be processed as a matter subject to these rules and regulations, shall be determined by the Director, subject to review of the Board.
- (g) Grievant: An employee or a representative of an organization or association representing a group of employees under Civil Service who files a complaint.
- (h) Working Day: For the purpose of this Rule the term "working day" shall mean the normal work day of the employee filing a grievance.
- (i) Calendar Year: All the days of the calendar year.
- (j) Computation of Time: In computing any period of time prescribed or allowed under this rule, the day of the act, event, or grievance from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday in which event the period runs until the end of the next day, which is not a Saturday, a Sunday or a legal holiday. A half holiday shall be considered as other days and not as a holiday.
- (k) Grievance Committee: A three member Committee composed of a representative of the Personnel Department, a representative of the grievant, and a representative of the employer. The grievant and the employer representative shall be selected by the Personnel Department from each of three nominees submitted respectively by the grievant and the employer.
- (l) Relative: For the purpose of this rule "relative" shall mean one who is related by blood or marriage within the fourth degree.

GRIEVANCE NOT TO RESULT IN SUSPENSION OF WORK. 16.4 There shall be no suspension of work because of a grievance, but it shall be resolved in an orderly manner by submission to the grievance procedure hereinafter provided for in this rule. No employee shall refuse to work, conduct a slow down, or engage in a strike, or interfere in any way with governmental operations because of any alleged grievance.

GRIEVANCE PROCEDURE. 16.5 Any grievant may initiate a grievance. In the presentation of grievances, grievants are assured of freedom from restraint, interference, discrimination or reprisal.

All adjustments of grievances processed under this Rule shall be retroactive to the time the grievance occurred or as modified by the Personnel Board. The grievant may be represented by counsel or other person of grievant's choosing.

PROCEDURE. 16.6 The following is the exclusive procedure for the settlement of any grievance:

STEP ONE

Any grievant who desires to initiate a grievance must file a complaint in writing, within seven (7) calendar days after the complaint arose, with the supervisor, and furnish a copy thereof to the department head or a designated representative, (unless the complaint is against the supervisor, in which case the grievant by-passes the supervisor and files the complaint directly with the department head or designated representative). The employee must be able to show proof of the filing of such complaint with the supervisor, department head or designated representative in order to trigger the time sequence for the processing of the grievance. The department head or a designated representative shall within seven (7) calendar days from receipt of such complaint, arrange a conference on the grievance with the grievant, with or without the supervisor, and such other representatives as the department head and the grievant may desire, in order to ascertain all the facts in the case, the total number of those present at such conference not to exceed five (5) persons for each party. Both the department head and the grievant shall make a good faith effort to resolve the complaint. Within seven (7) calendar days after such conference, the department head shall advise the grievant in writing of the disposition of the complaint, a copy of which shall be transmitted promptly to the Personnel Department, and at the same time the department head shall file a written report with the Personnel Director, with a copy being served on the grievant on the same date, setting forth the efforts made to resolve the grievance. This report shall show the date the conference took place, the parties present and steps taken to resolve the grievance, including the response of the grievant. If the department head shall fails to hold the conference or should a conference be held but no report filed with the Director, the grievant shall have the right to appeal the grievance to Step Two within seven (7) calendar days from the date of the department head's deadline for filing its report, or the settlement or remedy requested by the grievant may be implemented and enforced by the Director and/or by the Board, or the Director and/or the Board may order such conference to be held or impose such other or different settlement or remedy which shall be deemed to be appropriate and justifiable under the circumstances, and in the interest of fairness to both parties. Under extenuating circumstances, a reasonable extension of time may be granted either party by the Director. However, where an employee's service rating is the subject matter of the grievance, it is the policy of the Board not to substitute its own judgment for the Appointing Authority.

STEP TWO

(APPEAL TO GRIEVANCE COMMITTEE)

In order for a grievance to be considered in Step Two, it must be presented in writing by the grievant or a designated representative, to the Personnel Director with a copy to the department head within the time prescribed in Step One

above and the department head must have filed the report as provided in **Section 16.7** of this Rule and as prescribed in Step One above. The grievance as presented to the Personnel Director shall consist of the statement of the grievance, the statement of the supervisor, if any, and the statement of the department head, if any, stating the employer's position on the grievance.

The grievance shall be heard by a Grievance Committee designated to hear the grievance. The members of the Grievance Committee shall be composed of three (3) individuals, one to be a designated representative of the grievant, to be selected by the Personnel Director from a list of three (3) nominees made by the grievant, one to be a designated representative of the department head to be selected by the Personnel Director from a list of three (3) nominees submitted by the department head, and one to be designated by the Personnel Director exclusive of the Personnel Department who shall serve as Chairman of the Committee. The nominees submitted to the Personnel Department may be Civil Service employees or may be outside of Civil Service, provided however, no person is a relative of grievant or who is under the same direct supervisory chain of command as grievant shall be eligible to sit on such Grievance Committee. Elected public officials shall also be ineligible to serve on the Committee. In the event one or both parties fail to submit nominees to the Personnel Director within seven (7) calendar days from the date of the filing of the complaint with the Director, the Director shall be authorized to complete the selection of the members of the Grievance Committee. Members of the Grievance Committee shall, within fourteen (14) calendar days following their appointment, unless an extension of time has been agreed upon, conduct such hearing as it may determine to enable it to render a fair and equitable decision. The Grievance Committee shall not be bound by the technical rules of evidence but shall seek diligently all of the information and evidence bearing on the merits of the case. The total number of fact witnesses is not to exceed five (5) persons for each party. Character witnesses will not be allowed to testify at Step Two. Within seven (7) calendar days after the conclusion of the hearing, the Grievance Committee shall render its decision in writing which shall forthwith be certified to the grievant, and the department head. Copies of the decision shall be delivered to all parties at interest.

STEP THREE

(APPEAL TO PERSONNEL BOARD)

If such disposition by the Grievance Committee is not satisfactory to either party, either party may appeal such decision to the Personnel Board within seven (7) calendar days following the receipt of the decision of the Grievance Committee, which appeal must be in writing and received at the Personnel Department within the time allowed for appeal.

The hearing before the Personnel Board shall be de novo and shall follow the same procedure and format as used by the Board in conducting disciplinary hearings appealed directly to the Board.

GOOD FAITH EFFORT. 16.7 Before there can be a hearing by the Grievance Committee at Step Two, the department head must have filed a written report within the time prescribed in Step One above setting forth the effort made to resolve the grievance, which report shall contain the information set out in Step One above.

SCHEDULING OF GRIEVANCE. 16.8 Where practicable, all hearings shall be conducted on the grievant's normal work day.

CONTINUANCE OF PAY. 16.9 The grievant and his representative shall be allowed their regular rate of pay while attending a hearing on his complaint provided the hearing is conducted on their work day. No compensation shall be allowed where the hearing is conducted on their off days. On the hearing of any grievance filed by a representative of an organization or association representing a group of employees under Civil Service, no more than three (3) employees, in addition to the representative, shall be allowed pay at the regular rate for the time spent at such hearings.

ORGANIZATIONAL AND ASSOCIATIONAL GRIEVANCE. 16.10 Grievances filed by a representative on behalf of an organization or association representing a group of employees shall be initiated at Step One of the grievance procedure.

PROPER FORM. 16.11 The Personnel Department shall make available the forms on which any complaint or grievance is made at Step One of the grievance procedure.

APPEAL FORMAT. 16.12 No particular form of appeal to Step Two or Step Three is required provided the notice of appeal is in writing, signed by the appellant. The following or similar language shall be deemed sufficient to effect an appeal:

APPEAL TO STEP TWO:

"The undersigned (Grievant) hereby appeals an existing Grievance to Step Two and requests a hearing before a Grievance Committee."

APPEAL TO STEP THREE:

"The undersigned (Grievant or Appointing Authority) hereby appeals the decision of the Grievance Committee to Step Three and requests a hearing before the Personnel Board."

TIME OF THE ESSENCE. 16.13 Time is of the essence in the filing and processing of a Grievance under Rule XVI.

GOOD FAITH EFFORT. 16.14 Good faith efforts in the Resolution of Grievances filed under Rule XVI on the part of both parties is essential.

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