



EMPLOYEE HANDBOOK

Second Edition





TABLE OF CONTENTS

- I. Introduction4**
- II. Code of Conduct5**
 - 1. Knowledge of Rules Regulations and Procedures..... 5
 - 2. Rules of Conduct..... 5
 - A. Personal Conduct 5
 - a) Misconduct 5
 - b) Habitual Misconduct..... 5
 - c) Appearance 5
 - d) Loafing 5
 - e) Acceptance of Gifts..... 6
 - f) Contact with Citizens..... 6
 - g) Respect for Other Employees..... 6
 - (1) Foul/Profane Language 6
 - (2) Race, Color or National Origin 6
 - h) Misuse of Position..... 6
 - i) Insubordination 6
 - (1) Failure to Follow Instructions 7
 - (2) Failure to Follow City Rules/Regulations..... 7
 - (3) Abusive Act or Language 7
 - j) Competence and Efficiency 7
 - k) False Statements Regarding City Operations 7
 - l) False Allegations 7
 - m) Neglect of Duty..... 7
 - n) Duty to Report..... 7
 - o) Bankruptcy 8
 - B. City of Mobile Records..... 8
 - C. Property and Equipment..... 8
 - D. Supervision..... 9
 - a) Failure To Supervise 9
 - b) Issuing Illegal, Immoral or Unreasonable Order 9
 - E. Political or Religious Activities 10
 - F. Cooperation with Internal Investigations..... 10

- III. Disciplinary Procedure 12**
- 1. Corrective Actions..... 12
- 2. Types Of Corrective Actions..... 12
 - A. Corrective Counseling 12
 - B. Verbal Reprimand 12
 - C. Written Reprimand..... 12
 - D. Suspension/Demotion/Termination 12



- 3. Procedure Required for Dismissal/Suspension/Demotion13
 - A. Pre-Disciplinary Action Notice13
 - B. Pre-Disciplinary Hearing13
 - C. Pre-Disciplinary Hearing Decision13
 - D. Notice of Decision14
- 4. Disciplinary Appeal Procedure.....14
- IV. General Policies & Procedures 15**
 - 1. Smoke/Vape-Free Workplace Policy15
 - 2. Weapons Policy15
- V. Substance Abuse in the Workplace..... 16**
- VI. Equal Employment Opportunity 28**
 - 1. Equal Opportunity and Non-Discrimination28
 - 2. Reasonable Accommodation28
 - 3. Harassment Policy28
 - A. Sexual Harassment28
 - B. Other Types of Harassment.....29
 - 4. Complaint Procedure.....29
 - 5. No Retaliation30
 - 6. Administration of this Policy30
- VII. Attendance and Leaves 31**
 - 1. Tardiness and Excessive Use of Leave31
 - 2. Leave of Absence/Family and Medical Leave Act of 1993 (FMLA)33
 - 3. Jury Duty Leave.....40
 - 4. Voting Leave.....40
- VIII. Public Information and Transparency 41**
 - 1. City Website Policy.....41
 - 2. Employee Media Policy47
 - 3. Social Media Policy48
- IX. Accident and Injury Reporting 54**
- X. Mobile County Personnel Board Rules and Regulations**
 - 1. <https://www.personnelboard.org/personnel-board/laws-rules/>



A LETTER FROM
MAYOR WILLIAM S. STIMPSON

Dear City of Mobile Employees,

As a city employee, you and your job are critical to the overall safety, growth, and success of Mobile. Our citizens and their families depend on all of us to make the City of Mobile a great place to live, work and play. Your job performance is critical to that mission and is very much valued.

We have cast a bold vision to achieve **One Mobile** – a safer, more business and family friendly city. That vision starts with all of us working together.

The intent of the City’s policies and procedures is to assure that you are treated and that you treat your fellow employees and citizens with dignity, courtesy, and respect and in accordance with State and Federal Laws.

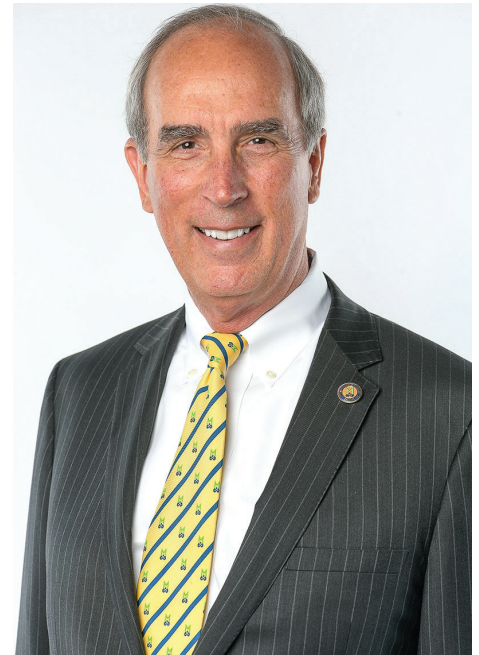
Most personnel challenges dealt with by the city have to do with individuals not understanding workplace expectations. Hopefully, by setting forth our rules on conduct, discipline and attendance, we can create a safe, healthy, and positive workplace where you can thrive.

Please take the time to familiarize yourself with the contents in this handbook. My hope is that it will serve as a valuable resource for you moving forward.

If you have questions after reviewing this handbook, please feel free to contact a representative in the **Office of Professional Responsibility (OPR) at (251) 208-8043**.

Thank you for your commitment to the City of Mobile.

Sincerely,





I. INTRODUCTION

As a City of Mobile employee, you should realize that all your actions, both on and off the job, reflect directly on our City. It is essential that your conduct be beyond reproach and in the best interest of the City. Your attitude toward the public should be one of courtesy, efficiency, and willingness to serve. Your attitude toward co-workers and supervisors should be one of cooperation, responsibility, fairness and respect.

This policy manual is designed to provide you with rules, regulations, guidelines about working conditions, employee benefits and many policies affecting your employment. This policy manual includes all aspects of employment, including selection, job assignments, promotions, compensation, disciplinary actions, access to benefits and training. No personnel policy manual can anticipate every circumstance or question about policy. As the City of Mobile continues to grow and prosper, the City reserves the right to revise, supplement, edit or rescind any policy or portion of this manual from time to time, as it deems appropriate, at its sole discretion, with or without notice. Compliance is mandatory and failure to comply may result in disciplinary action, including termination.

It is the belief of the City of Mobile that every employee has a right to work in a safe environment, free of any unlawful discrimination, retaliation or harassment. It is the City's policy to recruit, hire, train, promote, compensate individuals and to administer personnel actions in accordance with all applicable rules, regulations and laws, without regard to race, color, religion, creed, age, sex, national origin or ancestry, genetic history, sexual orientation, status as a member of the uniformed services or status of an individual with a physical or mental disability.

All employees are expected to meet certain work standards, including faithful attendance to the job and compliance with safety rules and operating procedures. Each employee should read, understand and comply with all of this handbook's provisions. Should there be any questions covered by this handbook or the employee need assistance complying with this handbook, the employee should contact their supervisor or department head.

The statements set forth in this handbook are not intended to create, or are they construed to constitute contractual obligations of any kind whatsoever between the City and its employees.

Unless otherwise specified herein, each department of the City may develop additional policies and procedures relating to their department. Additional policies and procedures may be more restrictive than the provisions of this handbook but may not be less restrictive. The Mobile County Personnel Board Rules and Regulations provide detailed information about leave, holidays, due process, pay plans, working conditions, general personnel practices, political activity, rules and separations.

Every employee will be provided a City of Mobile Employee Benefits Booklet describing the City's insurance, prescription drugs, flex plan, rules, coverage and procedure, therefore. The various employee benefits that are available to City employees are more accurately and fully described in the City's benefit packages.



II. CODE OF CONDUCT

The City of Mobile (COM) Code of Conduct (Code) Policy is applicable to all COM employees. Employees should be familiar with the Code as well as individual departmental policies which may be more restrictive in nature. The Mobile Police Department (MPD) and Mobile Fire and Rescue Department (MFRD) have an independent set of conduct rules and regulations.

The Office of Professional Responsibility (OPR) is responsible for conducting investigations of employee misconduct. Department Heads are responsible for identifying misconduct and referring matters to OPR. OPR may refer routine misconduct matters back to Department Heads to handle within the Department. Once OPR has completed its investigation, OPR will report its findings to Department Heads. Department Heads are responsible for determining disciplinary action or unfavorable personnel action taken against an employee.

The range of discipline level is as follows:

1. Corrective counseling
2. Verbal reprimand
3. Written reprimand
4. Suspension/Demotion
5. Termination

OPR recommends Department Heads maintain detailed documentation on misconduct and Departmental Discipline. Department Heads who administer discipline or unfavorable personnel action should take into consideration the below-listed factors prior to imposing penalties for employee misconduct:

1. The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or inadvertent.
2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.
3. The employee's past disciplinary record.
4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
5. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties.
6. Consistency of the penalty with those imposed upon other employees for the same or similar offenses.
7. Consistency of the penalty with any applicable agency table of penalties.
8. The notoriety of the offense or its impact upon the reputation of the agency.
9. The clarity with which the employee was on notice of any rules that were violated in committing the offense or had been warned about the conduct in question.
10. Potential for the employee's rehabilitation.
11. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of others



involved in the matter.

12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

KNOWLEDGE OF RULES, REGULATIONS, AND PROCEDURES

It is the duty of all employees to maintain a working knowledge of COM rules, regulations, orders, procedures, and their duties.

1. PERSONAL CONDUCT

1.1 Misconduct

Employees shall conduct themselves in accordance with this Code, including department-specific policies for misconduct. Employees are expected to represent themselves, both on and off-duty, in a favorable manner. Behavior deemed unbecoming of a COM employee is considered misconduct. (Level 1-5)

1.2 Habitual Misconduct

An employee is considered a habitual violator if they have been disciplined at a Level 3 or higher on two prior occasions for any offense within a two-year period immediately prior to the alleged offense; and commits a third or subsequent offense within that two-year period. (Level 4-5)

1.3 Appearance

During scheduled hours, employees shall be neat, clean, well-groomed, and maintain a professional appearance appropriate for their position, except when exempted by proper authority. During working hours, employees shall wear their required uniform or appropriate and suitable civilian clothing commensurate to their position. (Level 1-4)

1.4 Loafing

During scheduled working hours, employees shall work diligently with respect to job duties and responsibilities. An employee is considered loafing if engaged in: (Level 1-4)

- A. Concealing themselves while on duty,
- B. Sleeping or being inattentive while on duty
- C. Loitering in areas not associated with the employee's regular work routine.

1.5 Acceptance of Gifts

Employees should never solicit gifts. Employees should not accept gifts of a significant value (any single item valued at \$25 or more, or any combination of items valued at \$50 per year from any single vendor). Department Heads should not accept gifts from their subordinates unless it meets the definition of a special occasion such as retirement, COM anniversary, etc. Gifts are meals, gift certificates, discounts, gratuities, or any other item of significant value (including services of any nature) from any vendor, supplier, or resource with whom COM has an existing or potential business relationship. (Level 1-4)



1.6 Contact with Citizens

When acting in his or her official capacity, employee shall address and communicate in a professional and courteous manner with citizens and members of the public. (Level 1-4)

1.7 Respect for other employees

Employees shall treat supervisors, subordinates, peers, or associates with utmost respect and courtesy. Employees are required to refrain from the following:

A. Foul/Profane Language: Employees shall not direct disrespectful, profane, abusive, demeaning, belittling, insulting, racially, or discriminatory charged language and/or gestures toward any person. (Level 1-4)

B. Discrimination or Harassment: Employees shall not demean any other person based on race, color, religion, national origin, sex, age (40 and over), disability, citizenship, past, current, or prospective service in the uniformed services, genetic information, or any other characteristic set forth in COM's Equal Employment Opportunity Policy (COM-22-008). (Level 1-5)

1.8 Misuse of Position

Employees shall not use or attempt to use their official position or credentials for personal benefit or pecuniary gain. (Level 1-4)

1.9 Insubordination

Employees shall never act in a way that undermines or interferes with their supervisor's leadership. This includes, but is not limited to, the following:

A. Failure to Follow Instructions: Employees shall follow all legal, ethical, and reasonable orders given, whether verbal or written. Employees are accountable for all instructions given by their supervisor. (Level 1-4)

B. Failure to Follow COM Rules/Regulations: Employees shall not willfully disobey or disregard any COM rule, regulation, order, policy, or procedure. (Level 1-5)

C. Abusive act or Language: Employees shall not deliberately use disrespectful, profane, mutinous, insolent, abusive language, or action toward a supervisor. (Level 1-5)

Employees who violate a rule, regulation, order, or procedure, under the direction of a supervisor, shall report the matter to their Department Head or OPR. Employees asked to commit an unlawful act shall contact OPR immediately.

1.10 Competence and Efficiency

Employees will maintain levels of proficiency, knowledge, and ability based upon their job description. (Level 1-5)

1.11 False Statements Regarding COM Operations

Employees shall not engage in the dissemination and/or publication of any false statements regarding COM, its operations, or policies. Knowingly repeating false statements is also misconduct. The term "False," as applied in this section, includes acting with reckless disregard for the truth. (Level 4-5)

1.12 False Allegations

Employees shall not knowingly or intentionally make any false allegation or statement against



another employee. The term “False” as applied in this section includes acting with reckless disregard for the truth. (Level 1-5)

1.13 Neglect of Duty

Employees are required to perform the duties of their position with reasonable skill and diligence. Failure to give proper attention to an assigned task or job responsibility is defined in the following manner:

A. Simple Neglect: results from the employee being careless or unresponsive to a task or responsibility. (Level 1-4)

B. Gross Neglect: results from habitual, willful and/or a conscious indifference to a task or responsibility. (Level 4-5)

1.14 Duty to Report

Employees have a duty to report their arrest or conviction within 48 hours. Employees must report this information to their direct supervisor, department head, or OPR. Any misrepresentation of the information by an employee during an administrative inquiry may lead to disciplinary action up to termination.

An arrest for DUI, a change in driver’s license status, and a conviction of a moving violation must be reported as established in the Vehicle Operations and Use policy. (COM-23-008) (Level 1-5)

Employees have a duty to report suspected or actual violations of laws, government rules/regulations, or COM policy. Employees who have reason to believe that there exists questionable or illicit conduct, should immediately report those facts to their supervisor, manager, department head, or OPR. (Level 1-5)

1.15 Outside Employment

Employees are required to report outside employment within 30 days if any of the following conditions are met:

A. Outside employment results in compensation over \$5,000 per year from any single employer. (Level 1-3)

B. Employee operates a business or plays a significant role in a business’ management for compensation. (Level 1-3)

C. The outside employer engages in financial transactions with COM, regardless of amount. (Level 1-5)

Employees who have purposely concealed outside employment from OPR are in violation of the Outside Employment Policy. (Level 1-5)

1.16 Bankruptcy

Employees shall, within 24 hours of filing for bankruptcy, provide written notification to their Department Head. (Level 1-3)



2. CITY OF MOBILE RECORDS

Employees may have access to information and records which are confidential or proprietary in nature. Employees are responsible for properly safeguarding COM information derived from their official capacity. Employees shall not release, store, or share records for an unofficial purpose. Employees should be aware of documents marked as Confidential or Privileged or require authorization to disseminate both internally and externally.

2.1 Simple:

- A. Unintentionally omitting information from any report, record, or COM document which results in making the report, record, or document inaccurate or incomplete. (Level 1- 4)
- B. Sharing information to the public or other employees for an unofficial purpose. (Level 1-4)

2.2 Gross:

- A. Altering, forging, or tampering with any COM document for an improper or unlawful reason. (Level 4-5)
- B. Revealing confidential records, reports, or information to unauthorized persons without proper authorization from their superior or Legal Department channels. (Level 4-5)
- C. Knowingly making a false statement or report, whether oral or written. Knowingly entering or causing a report, record, or COM document to be documented as inaccurate, false, or improper. (Level 4-5)
- D. Intentionally omitting any matter, item or fact from any report, record, or document to create an inaccurate or incomplete report. (Level 4-5)
- E. Accessing COM records for personal use without authorization. (Level 3-5)
- F. Supplying confidential information to the external media sources when such action does not comply with COM rules, regulations, policies, orders, or procedures. (Level 4-5)

3. PROPERTY AND EQUIPMENT

Employees must follow procedures to safeguard all COM property. Employees shall immediately report the loss or damage to COM property, equipment, or material to their supervisor. This includes both assigned and unassigned items when the employee is aware the item is missing. Failure to properly safeguard COM property is defined in the following manner:

3.1 Simple:

- A. Employees shall not, either by simple negligence or conduct, mark, alter or damage any COM property, equipment, material, building, or any portion of the buildings under the control of COM. (Level 1-4)
- B. Employees, through negligence or carelessness, loses any property, equipment, or material issued or assigned to them. (Level 1-4)
- C. Employees who intentionally damages or wastes COM property, equipment, or materials. (Level 1-4)
- B. The intentional marking, altering, or defacing any COM property, equipment, material, building



or any portion of a building under the care and control of COM; or gross conduct which caused such result. (Level 4 – 5)

3.2 Gross:

A. The appropriation of any COM property, equipment, or material for private or personal use. (Level 4-5)

4. SUPERVISION

4.1 Failure to Supervise

The duty to supervise is a critical component of every manager’s responsibility regardless of the managerial level. A violation for failure to properly supervise exists under the below conditions:

A. Simple:

1. Failure to enforce policy violations through neglect, inefficiency, or incompetency. Fails to provide proper supervision, corrective action, or evaluation. (Level 1-4)
2. Failure to properly rate and document an employee’s substandard performance. (Level 1-4)

B. Gross:

1. Supervision is so deficient it results in failure to detect policy violations, neglect, inefficiency, or incompetency. (Level 4-5)
2. Purposely ignoring policy violations, neglect inefficiency, or incompetency. (Level 4-5)

4.2 Issuing Illegal, Immoral or Unreasonable Order

Employees shall not knowingly issue any order, verbal or written, deemed immoral and/or unreasonable, when the order is in violation of any rule, regulation, law, or procedure of COM.

A. Simple:

The issuing of any order, verbal or written, which is unreasonable or in violation of any COM rule, regulation, law, or procedure. (Level 1-4)

B. Gross:

The issuing of any order, verbal or written, which is immoral, illegal, or a violation of any law or municipal ordinance. (Level 4-5)

5. POLITICAL AND RELIGIOUS ACTIVITIES

5.1 Use of Position for Interference or Influence

Employees are prohibited from using their position to interfere or influence any election. Employees may campaign or engage in political activities; however, they must not identify themselves as a COM employee and be off duty. Employees are prohibited from using any COM property for political activities. Employees are prohibited from engaging in political activity in uniform or using COM vehicles. (Level 1-4)



5.2 Use of Position for Political Purposes

Employees are prohibited from appearing in any political commercial, brochure, or advertisement in uniform. Employees must not display any item, article, or logo identifying themselves as an employee of COM. These items include but are not limited to uniforms, COM identification, COM logos, and departmental patches. (Level 4-5)

5.3 Use of Supervisory Position for Political Purposes

Employees shall not require subordinates to render any political service or solicit any assessments, contributions, or services for political purposes from any other employee or from any other person while on duty. (Level 4-5)

6. COOPERATION WITH INTERNAL INVESTIGATIONS

Employees are required to cooperate with all internal inquiries, OPR investigations, disciplinary hearings, or other COM proceedings.

6.1 Obstruction

Employees must not take any actions to obstruct, hinder or impede any investigation. (Level 1-5)

6.2 Lack of Candor

Employees must not knowingly make any false statements, oral, written, implied, or otherwise during any investigation. (Level 4-5)

6.3 Lack of Fortrightness

Employees must not knowingly conceal or misrepresent material facts relating to the subject matter of any investigation. (Level 4-5)



III. DISCIPLINARY PROCEDURE

1. CORRECTIVE ACTIONS

Corrective actions must be taken against any City of Mobile employee for violating the rules, regulations, orders, state statutes, city ordinances, procedures, City policies (including all department specific policies), or Code of Conduct established by the City of Mobile (“City”), unless sufficient facts exist to mitigate a violation. Nothing in this policy shall limit the City’s ability to discipline any of its employees pursuant to the Mobile County Personnel Board Rules and Regulations, or any applicable state, local, or federal laws.

2. TYPES OF CORRECTIVE ACTIONS

A. Corrective Counseling

Corrective counseling is a positive reinforcement tool that is utilized by supervisors to encourage desired behaviors and production within the workplace. Training may also be recommended at any time by a supervisor.

Remedial training is designed to correct deficiencies in skills, knowledge and abilities necessary to perform the responsibilities of various assignments. Once a supervisor believes remedial training is necessary, the supervisor will specify in writing the reason for the recommendation and the nature of training that should be provided to the employee. The recommendation should be submitted to the Department Head, through proper channels, for approval and a copy placed in the employee’s personnel file.

B. Verbal Reprimand

Counseling is utilized by supervisors to adjust behavior or increase productivity. It is recommended that supervisors document and maintain a log of employee counseling as an aid for performance reviews.

C. Written Reprimand

A written reprimand is utilized to reinforce an employee’s behavior or productivity. The written reprimand will be issued by the employee’s supervisor with the Department Head’s endorsement and a copy shall be placed in the employee’s personnel file.

D. Suspension/Demotion/Termination

All disciplinary actions involving an actual or potential suspension, demotion or dismissal of a merit system employee. Any recommendation for demotion, dismissal, or suspension should be submitted to the Office of the Mayor, through proper channels, for approval and documented in accordance with the Mobile County Personnel Board Rules and Regulations.

All disciplinary actions involving an actual or potential suspension, demotion, or dismissal of a merit system employee shall comply with the Mobile County Personnel Board Rule XIV. The causes for dismissal, suspension or demotion shall be consistent with the causes provided for pursuant to



Mobile County Personnel Board Rule 14.2. The procedure to be followed before any merit system employee is dismissed, suspended, or demoted must be in accordance with the Mobile County Personnel Board Rule 14.3.

3. PROCEDURE REQUIRED FOR DISMISSAL/SUSPENSION/DEMOTION

A. Pre-Disciplinary Action Notice

A Pre-Disciplinary Action Notice must be in writing and must clearly state the grounds pursuant to Mobile County Personnel Board Rule 14.2 in which dismissal, suspension, or demotion are being sought. A Pre-Disciplinary Action Notice shall also include a brief factual statement indicating why discipline is being contemplated against the employee. Unless otherwise approved by City Legal, a Pre-Disciplinary Action Notice must be delivered to the employee no fewer than twenty-four (24) hours before the Pre-Disciplinary Hearing is scheduled to commence.

B. Pre-Disciplinary Hearing

A Pre-Disciplinary Hearing must be held between twenty-four (24) hours and seven (7) days of delivery of the Pre-Disciplinary Action Notice. It is the best practice to conduct the hearing as soon as possible after the mandatory 24-hour waiting period. The purpose of the Pre-Disciplinary Hearing is to give an employee notice of the allegations against them and to provide the employee with an opportunity to offer any response to the allegations before a decision is made regarding what, if any, disciplinary action should be administered.

At the Pre-Disciplinary Hearing, the City should have a minimum of one hearing official and another representative present. The hearing official will be responsible for conducting the hearing. At the beginning of the hearing, the hearing official shall inform the employee of the specific allegations, which shall include any potential grounds for disciplinary action in accordance with the Mobile County Personnel Board Rule 14.2 and a brief statement of the factual basis related to said grounds. The entire hearing should be audio recorded.

The employee will be provided the opportunity to make a statement, either verbally or in writing, on their own behalf. There will be no other testimony from any witnesses during the proceeding.

The employee has the right to have one personal representative (which may be an attorney) present on their behalf. This is a non-adversarial hearing, the employee's attorney or representative does not have a right, and therefore shall not be provided an opportunity to ask questions, call witnesses or interview the hearing official.

C. Pre-Disciplinary Hearing Decision

A written decision shall be rendered to the Department Head within five (5) working days of the hearing for endorsement. The decision shall include the findings and the recommended disciplinary action signed by the chairperson and each member of the panel. The panel may request additional time from the Department Head to submit their findings, if reasonably shown necessary.



If suspension, demotion, or dismissal is recommended for disciplinary action, after the Department Head endorses the findings, the decision should be routed through proper channels to the mayor for review and approval or the reversal of the decision. Lesser disciplinary action only needs to be approved and endorsed by the Department Head. The decision of either the Department Head or the Mayor must be communicated to the employee in writing within fourteen (14) days of the hearing.

D. Notice of Decision

The written notice of the City's disciplinary decision must be delivered to the employee no later than fourteen (14) days after the Pre-Disciplinary Hearing.

4. DISCIPLINARY APPEAL PROCEDURE

Any appeal or grievance of a correction action shall be in accordance with the Mobile County Personnel Board Rules and Regulations.



IV. GENERAL POLICIES AND PROCEDURES

1. SMOKE/VAPE-FREE WORKPLACE POLICY

POLICY #: COM-22-006 | EFFECTIVE DATE: 7.1.22

PURPOSE

To establish a policy that prohibits smoking and vaping in all City of Mobile buildings, facilities and vehicles. The following policy has been adopted and applies to all City of Mobile employees, contractors and the public.

POLICY

The City of Mobile is committed to providing a safe, professional, and healthy work environment. In order to promote the health and well-being of its employees, the City of Mobile prohibits smoking and vaping in all municipal buildings, facilities and any other enclosed areas such as vehicles. This policy includes privately managed, owned, or leased facilities and vehicles to the City of Mobile. Any employee found to be in violation, shall be subject to disciplinary action.

2. WEAPONS POLICY

POLICY #: HR-001-22 | EFFECTIVE DATE: 5.5.22

PURPOSE

To ensure the City of Mobile maintains a workplace safe and free of violence for all employees.

POLICY

All employees are prohibited from possessing unauthorized weapons, including but not limited to, firearms, explosives, knives (with a blade length over 4 inches), and other dangerous instruments or hazardous devices inside City buildings, City vehicles, or on their person while performing the duties of their job. Employees may have firearms stored in their vehicle in City parking lots in compliance with state and/or federal law. Additionally, employees are prohibited from discussing any firearms which they may have in their locked vehicle in City parking lots.

Authorization for all non-law enforcement personnel must be obtained in writing from the Mayor.

An employee in violation of this policy will be subject to disciplinary action, up to and including termination of employment.



V. SUBSTANCE ABUSE IN THE WORKPLACE

1. PURPOSE, SCOPE, APPLICATION AND DEFINITIONS

The City of Mobile is concerned about the effects of the abuse of drugs and alcohol upon the health and safety of its employees. The City recognizes that substance abuse, on or off duty, leads to increased accidents, injuries, illnesses and medical claims and can lead to the deterioration of employees' health and adversely affect their personal lives. Employees who abuse drugs and/or alcohol are not only a danger to themselves, but to their fellow employees and the public as well. Medical costs incurred by employees with substance abuse problems place an unacceptable financial burden on health and benefits programs to the detriment of the public and other employees. Decreased productivity and employee morale, and increased absenteeism and turnover can adversely affect the City's ability to serve the public.

The City's goal is to maintain a safe, healthy, and productive workplace and a workforce free of substance abuse. The City has a program of drug and alcohol testing, voluntary referral for counseling and rehabilitation, education, and appropriate discipline for violations.

No part of this policy and program, or any of the procedures hereunder, is intended to affect the City's right to manage the workplace or to discipline employees. This policy and program does not constitute a contract or guarantee of employment or of continued employment or of any terms or conditions of employment. The City reserves the right to interpret, change, modify, amend or rescind this policy and program, in whole or in part at any time, with or without notice. Appropriate notice of the same will be given when practical, in advance, when possible.

This policy and program cover all City employees, including salaried, hourly, exempt, non-exempt, regular, part-time, seasonal, casual or temporary employees on the City's payroll. This policy supplements, but does not replace, the Laws and Rules of the Mobile County Personnel Board.

B. Definitions

The following words shall be defined as follows in this Policy:

1. **"Adulterant"** - Any chemical or drug that alters the result of drug or alcohol testing, including, but not limited to, concentrated or packaged urine or substances added to any urine sample or ingested with the intent to mask or alter test results.
2. **"City" and "Municipality"** - City of Mobile, Alabama.
3. **"Designated Employer Representative or DER"** - Each individual identified by the City of Mobile to receive communications and test results directly from the service agents, to include the Medical Review Officer, and who is authorized to take immediate action to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes.



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- 4. “Reasonable Suspicion”** – A good-faith belief based on specific, objective facts and reasonable inferences drawn from those facts.
- 5. “Service Agent”** – Any person or entity other than a City employee who provides services to conduct drug or alcohol testing to include collection, testing, and laboratory, Medical Review Officer and Employee Assistance Program services.
- 6. “Under the Influence”** – An individual who has the presence of a drug or alcohol in his/her body at or above the level for a positive test result, as established by the U.S. Department of Transportation (“DOT”) regulations.
- 7. “Vehicle”** – Includes every device in, upon, or by which any person or property is or may be transported or drawn upon a highway which is self-propelled or which may be connected to and towed by a self-propelled device, and also includes any and all other land based devices which are self-propelled but which are not designed for use upon a highway, including but not limited to farm machinery, bulldozers, and steam shovels.
- 8. “Unauthorized Drug”** – Includes any and all of the below listed classifications of drugs taken without a valid prescription, or in excessive doses, or not taken for same medical purpose\injury \ailment it was prescribed: Amphetamines, Barbiturates, Benzodiazepines, Methadone, Methamphetamines, Opiates\Opioids, Acetylmorphine, Propoxyphene, Cannabinoids, excessive quantities of over-the-counter drugs will also be considered as an “unauthorized drug.”
- 9. “Valid Prescription”** - To be considered a valid prescription, the prescription must meet all of the following criteria: a) be in the employee’s name, b) cannot be expired, c) written prior to the drug test or discovery, and) ingested within a year of last being filled.

2. PROHIBITED CONDUCT

The following conduct is prohibited for all employees:

- A. Use of illegal or unauthorized drugs and any other chemical substances, including alcohol, which may affect an employee’s mood, senses, responses or motor functions, or which may alter or affect a person’s perception, performance, judgment, reactions or senses, or which may present a threat of harm to anyone while working or otherwise on City business. “Illegal drugs” include drugs that are illegal under state law and may not be included in the standard DOT drug panel.
- B. Working or reporting to work with the presence of detectable amounts of illegal or unauthorized drugs in your body, or in possession of illegal drugs.
- C. Working or reporting to work under the influence of alcohol, or in possession of alcohol.
- D. Use of legally prescribed drugs (including CBD prescribed for the limited purposes as provided for in Alabama Code Section 13A-12-214.3, or as hereinafter amended) or over-the-counter drugs



which may adversely influence performance or behavior or present a threat of harm to anyone when taken in prescribed quantities, except when both of the following conditions are met:

1. When the employee has informed his/her supervisor(s) prior to working under the influence of or using such drugs or medication on the job, and a physician with knowledge of medication and their effect on the ability to perform hazardous or demanding tasks, such as a physician board certified in Industrial Medicine or a certified Medical Review Officer has indicated that the employee may work under the influence of such drugs or medication;

AND

2. When the prescription or over-the-counter drugs are in their original vials or packaging. Prescription drug vials or packaging must be labeled with the employee's name, physician's name, prescription number, and date of issuance which should be within one (1) year from the then current date.

Possession of illegal drugs or drug-related paraphernalia, including adulterants or products used for defrauding or masking drug test results, or any material or equipment used or designed for use in manufacturing, compounding, converting, processing, preparing, testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing into the human body any illegal or unauthorized drugs covered by this policy.

3. TESTING PROCEDURES

To detect violations of this important policy, the City will presume that, by accepting or continuing employment, an employee agrees to abide by all aspects of the policy, including testing designed to detect the use of illegal or unauthorized drugs and alcohol. Testing laboratories may conduct testing only for illegal drugs, controlled substances, CBD, or alcohol, and may not conduct general testing related to the medical condition of the individual which are unrelated to drug usage.

A. Non-DOT Drug and Alcohol Testing Procedures

An employee who is requested to submit to a drug or alcohol screen will report immediately to the City designated testing or collection facility. This is a priority over all other duties. Submittal of an adulterated or fraudulent sample or refusal by an employee to submit to testing will be considered the same as a positive result.

All testing will be conducted by a licensed independent medical facility, which will follow established testing standards. Alcohol tests and specimen collection for drug tests will be taken on site, at the office of a service agent selected by the City, or any other location deemed appropriate and that meets the required standards. Specimen collection shall be conducted with due regard for the privacy of the tested individual and in a manner to prevent substitution, contamination, or adulteration of the specimen. All specimens for drug testing are sealed and transported to a laboratory certified by the U.S. Department of Health and Human Services (HHS) for testing. The City will pay for the cost of the initial testing. The testing lab will retain samples in accordance with the applicable testing standards, so that an employee may request a retest of the sample at their own expense if he or she



disagrees with the test result.

The Service Agent shall assign a physician certified as a Medical Review Officer (MRO) to be responsible for reviewing all drug test results. Prior to making a final decision to verify a positive test result for an individual, the MRO shall call the individual at the telephone number the individual provides at the time of testing in order to give the individual a reasonable opportunity to discuss the test results with him/her. The employee may be asked to bring all medical records to a meeting/consultation with the MRO which might have bearing on the test result. No official test results will be released to the City until the MRO has deduced whether the medical evidence the employee has produced will influence changing the drug test result.

Within 72 hours of notification by an MRO of a positive result, the employee, at their own expense, can request that the split specimen, if one exists, be retested at another HHS certified laboratory. The employee must make the request for this test directly to the MRO and arrange for payment for the retest at that time. The result of the retest is considered a final result as no further testing of the specimen or different specimens will be accepted.

A. DOT Drug and Alcohol Testing Procedures

When applicable, all Commercial Driver Licensed (CDL) employees shall be tested in a manner consistent with the standards set forth for the conduct and evaluation of such tests by the DOT in 49 CFR 382, and 49 CFR Part 40, however, the City of Mobile may test for additional drugs or illegal or unauthorized substances not included in the standard DOT panel, including, for those employees prohibited from tobacco use, nicotine.

It is the supervisor's or their designee's duty to timely notify the Service Agent that DOT testing procedures should be used for post-vehicular accident testing of CDL employees. The DER and/or their designee shall coordinate DOT testing for the other types of drug and alcohol testing referenced in this policy.

4. TYPES OF DRUGS AND ALCOHOL TESTING TO BE PERFORMED

A. Pre-Employment Testing

All applicants selected for employment with the City of Mobile are to be tested for drug use. No applicant shall be permitted to begin work until negative results have been obtained. Applicants who refuse to be tested or produce a positive result will not be hired. Any job applicant who refuses to undergo a test, or who tests positive for drugs or alcohol (unless currently prescribed for valid medical reasons by a licensed physician or licensed health care provider who is familiar with the applicant's medical history and contemplated duties and in compliance with Section II(D)) shall not be permitted to occupy or hold a position with the City.

B. Random Testing

The following City employees are subject to random testing:

1. All employees who are required to possess an Alabama Commercial Driver License (CDL) will be



randomly tested throughout the year. This is a requirement of 49 CFR Part 382, Controlled Substances and Alcohol Use and Testing. The DER will be responsible for ensuring that all technical aspects of this random testing follow the DOT rules and regulations.

2. All certified or sworn officers and employees in safety sensitive jobs in the Mobile Fire-Rescue and Police Departments will be randomly tested throughout the year. This is due to the safety sensitive nature of their jobs and is in the best interest of our community.

3. Employees in other safety or security sensitive jobs, including all authorized drivers who are required to drive City-owned vehicles or operate heavy equipment as part of their job, transport employees, or work in an area where injury can occur, commercial or otherwise, shall be subject to random drug testing during working hours. These positions include, but are not limited to, positions having direct access to any controlled substance, having NCIC information, and any position where the employee's actions or inaction directly affects public safety.

Upon request by the DER, department heads will determine which employees in their departments meet the requirements for random testing and timely provide said names to the DER. The Department Head and/or their designee will notify each employee identified as holding a safety sensitive position.

A list of City employees subject to random testing will be maintained by each department. Department heads shall add or delete employees from the substance testing list as changes occur (i.e., new hires, transferred or terminated employees). All department heads shall review and verify their list quarterly, or more often at the request of the DER.

Tests may be given without advance notice, weekly, monthly, or quarterly. Selections are done by a computer-generated list and are done without bias or prejudice.

C. Post On-The-Job Injury Testing

A drug and alcohol test shall be performed after each and every on-the-job injury that requires medical attention which exceeds first aid or may result in a worker's compensation claim. Testing should take place as soon as possible and should either be performed at the facility recommended for medical treatment or by the Service Agent as soon as possible after being discharged. If the accident is after normal business hours and testing through the treating facility or Service Agent is not available, then the testing shall be done by 10:00 a.m. the next business day. In any event, the injured employee must submit to a drug screening within thirty-two (32) hours of the accident.

If the supervisor has reasonable suspicion to believe that the injured employee is under the influence of drugs or alcohol, then the supervisor should follow the protocol for Reasonable Suspicion Testing in order to obtain an expedited test. In case of reasonable suspicion for being under the influence of drugs or alcohol, the injured employee must submit to a drug and breath alcohol test or other designated test immediately upon request absent an overriding cause for delay.

In no way shall the immediate medical treatment of injured employees be jeopardized by the on-the-



job post injury testing procedure. If an employee is seriously injured and cannot provide a specimen for drug testing, the employee must authorize the release of hospital reports or records that would indicate the presence or non-presence of alcohol or controlled substances in their systems.

A supervisor or designee assigned will accompany an employee when referred for drug or alcohol testing. Although it is recommended that employees refrain from safety-sensitive work while awaiting drug test results, the utilization of the employee during that period of time is at the discretion of the Department Head.

In addition to the requirements above, any employee who fails to undergo drug testing within thirty-two (32) hours of the accident for whatever reason, shall be required to submit to drug testing before their return to work.

Failure of the employee to adhere to these time restraints or release of records may subject the employee to termination of employment and/or denial of worker's compensation benefits.

D. Post-Vehicular Accident Testing

Drug and alcohol testing is required for any and all employees who are directly involved in any vehicular accident involving a City vehicle. It is the employee's responsibility to immediately report any vehicular accidents that they are involved in, however minor, to their supervisors. An employee involved in a vehicular accident shall report for testing as soon as possible. **Failure of the employee to immediately report a vehicular accident to their supervisor may subject an employee to termination of employment.**

If possible, Alcohol testing should be administered within two (2) hours of the accident. If the employee has not submitted to an alcohol test within two (2) hours, the supervisor must document the reason why the test wasn't promptly administered and continue to attempt to administer alcohol testing for up to eight (8) hours. After eight (8) hours, the supervisor shall cease attempts to administer alcohol testing and document.

If possible, Drug testing should be administered within two (2) hours of the accident. If the employee has not submitted to a drug test within two (2) hours, the supervisor must document the reason why the test wasn't promptly administered and continue to attempt to administer drug testing for up to thirty-two (32) hours. After thirty-two (32) hours, the supervisor shall cease attempts to administer drug testing and document.

In no way shall the immediate medical treatment of injured employees be jeopardized by the post-accident testing procedure. If an employee who operates a vehicle is seriously injured and cannot provide a specimen for drug testing, the employee must authorize the release of hospital reports or records that would indicate the presence or non-presence of alcohol or controlled substances in their systems.

Failure of the employee to adhere to the time constraints or to timely authorize the release of



medical records, when applicable, may subject an employee to termination of employment.

In addition to the requirements above, any employee who fails to undergo drug testing within thirty-two (32) hours of the accident for whatever reason, shall be required to submit to drug testing before their return to work.

DOT testing procedures should be used for any accident involving a commercial motor vehicle being operated on a public road by a CDL employee. It is the duty of the supervisor or designee to inform the Service Agent that DOT testing procedures should be used.

A supervisor or designee assigned will accompany an employee when referred for drug or alcohol testing. Although it is recommended that employees refrain from safety-sensitive work while awaiting drug test results, the utilization of the employee during that period of time is at the discretion of the Department Head.

E. Reasonable Suspicion Testing

All City employees must submit to a drug and/or alcohol test if, in the opinion of City management, reasonable suspicion exists that an employee is under the influence of alcohol, illegal drugs or unauthorized drugs. Reasonable suspicion can arise out of any number of circumstances including, but not limited to: irrational behavior or speech, unusual appearance, odor of alcohol or drugs, and rules violations.

Supervisors are required to specify in writing the exact facts, symptoms, and/or observations of drug or alcohol use and complete the Reasonable Suspicion Checklist. Additionally, the supervision shall document any corroboration by other sources, which formed the basis for the reasonable suspicion. The documentation is to be forwarded immediately to the supervisor's department head or their designee for their review. If the department head or their designee determines that a reasonable suspicion test is justified, they should immediately forward the document to the DER who will then set up testing provided that reasonable circumstances exist.

F. Return to Work Testing

Employees who return to work after an extended leave of absence of three (3) months or longer may be required to undergo drug and alcohol testing prior to their return to work. This will be determined by the Director of Human Resources.

Employees who fail to undergo drug testing following a qualified on-the-job injury or vehicular accident for any reason whatsoever shall be required to submit to drug testing prior to their return to work.

G. Rehabilitation Follow-Up Testing

All City employees who have successfully completed a course of substance abuse rehabilitation and have returned to work are subject to follow-up drug and/or alcohol testing. Such follow-up tests may occur for as long as two (2) years and will be scheduled by the DER.

5. TRAINING

A. Manager Training

The City shall develop a training program to assist management in identifying substance abuse among employees. Such training will be directed towards helping management to recognize the conduct and behavior giving rise to a reasonable suspicion of substance abuse, to be aware of those employees who pose an immediate safety threat, and to identify employees who need counseling and employee assistance programs.

B. Prior Notice of Testing Policy

The City of Mobile will take appropriate steps to apprise all employees of this policy and the need for a drug and alcohol-free workplace. This policy shall be provided to new hires, reviewed during new employee orientation, and shall be included in the Document Library on the City's intranet. The following information shall be communicated to employees:

1. The need for drug and alcohol testing;
2. The circumstances under which testing may be required;
3. The procedure for confirming an initial positive drug test result;
4. The consequences of a confirmed positive test result;
5. The consequences of refusing to undergo a drug and/or alcohol test;
6. The consequences of adulterating or submitting a fraudulent sample;
7. The right to explain a positive test result and the appeal procedures available; and
8. The availability of substance abuse counseling and referral services.

6. REFUSAL TO CONSENT

If an employee who is required by the City to be tested refuses to consent to a drug or alcohol test or submits an adulterated or fraudulent sample, he/she is subject to disciplinary action, up to and including termination of employment. Prior to any disciplinary action, employees in the classified service shall be entitled to a predisciplinary hearing in accordance with Rule 14.3 of the Laws and Rules of the Mobile County Personnel Board. The employee's reason for refusing such test shall be considered in the pre-disciplinary hearing. In certain circumstances, employees may be suspended without a disciplinary hearing (see Rule 14.3 [b] of the Laws and Rules of the Mobile County Personnel Board).

7. INVESTIGATIONS AND SEARCHES

There should be no expectation of privacy in City-owned vehicles, offices, lockers, etc. When, in the opinion of management, there is reasonable suspicion to believe that an employee is under the influence of intoxicants, drugs, narcotics, alcohol, or in possession of adulterants or paraphernalia for use of controlled substances, the City may request that the employee submit to a search by City representatives of his or her person and/or property, including lockers and City-owned vehicles brought onto City premises or job sites of the City. Supervisors are required to specify in writing the exact facts, symptoms, and/or observations of drug or alcohol use, along with any corroboration by other sources, which formed the basis for a search. The documentation is to be forwarded immediately



to the supervisor's department head or their designee for their review. If the department head or their designee determines that a reasonable suspicion test is justified, they should immediately forward the document to the DER who will then determine the appropriate action.

8. DISCIPLINE AND ZERO TOLERANCE POLICY

A. Zero Tolerance Policy

The City has established a Zero Tolerance Policy regarding the possession, sale, distribution, dispensation, manufacture, use and abuse of illegal or unauthorized drugs as described in this policy and as follows:

1. It is the goal of the City of Mobile to provide our employees with a Drug-Free workplace.
2. It has long been known that the use of illegal or unauthorized drugs can affect motor functions, moods, responses and judgment. People using these substances are a hazard to themselves and those around them. Employees at their place of duty who are found to be under the influence of drugs are subjecting themselves, their fellow employees and our citizens to unnecessary risks and costs.
3. Employees involved in the sale, distribution or transfer of illegal or unauthorized drugs are in violation of federal, state and municipal laws and are aiding and abetting criminal activity.
4. Any employee testing positive for illegal drugs or determined to be under the influence of illegal drugs, will be dismissed from employment with the City of Mobile.
5. Any employee testing positive for any unauthorized drug will be subject to disciplinary action up to and including dismissal with the City of Mobile.

B. Other Disciplinary Action

Disciplinary action, up to and including termination of employment, will be taken against any employee for violation of any of the following, but not limited to: (1) refusing to submit to testing or to provide urine, hair, saliva, breath or blood specimens; (2) adulterating or attempting to adulterate a specimen for testing, (3) failing to notify the City of the use of legitimate medication which may endanger safety; (4) failing to cooperate with an investigation or search; (5) failure of to adhere to the time constraints of this policy; (6) failure to immediately report a vehicular accident to a supervisor; (7) failure or refusal to release of hospital reports or records that would indicate the presence or non-presence of alcohol or controlled substances; or (8) any other violations of this policy.

An alcohol test result showing the Blood Alcohol Concentration (BAC) as 0.0-0.019% is considered a negative test. A test result showing the BAC as 0.02-0.039% is considered a positive test result and the employee should be sent home without pay or on leave because he cannot perform safety sensitive duties for 24 hours or until the next scheduled work shift. A test result showing the BAC as 0.04% or greater is a positive test result and disciplinary action will be taken to include a management referral to the Employee Assistance Program (EAP). The employee will be required to complete the course of counseling or treatment as recommended by the EAP.



9. ALABAMA WORKER'S COMPENSATION ACT WARNING

No worker's compensation shall be allowed for an injury or death caused by an accident due to the injured or deceased employee being intoxicated from the use of alcohol or being impaired by illegal or unauthorized drugs. No worker's compensation shall be allowed an injured employee if the injured employee refused to submit to or cooperate with a drug or alcohol test conducted in accordance with this policy. Such refusal will forfeit an injured employee's right to recover worker's compensation benefits.

10. ALABAMA UNEMPLOYMENT COMPENSATION ACT WARNING

An individual shall be disqualified for total and partial unemployment compensation as a consequence of the use of illegal or unauthorized drugs or alcohol following this warning, for submitting an adulterated specimen, or for refusing to submit to or cooperate with urine, hair, saliva, breath or blood tests following this warning. A confirmed positive test that is conducted and evaluated in accordance with this policy, or which are otherwise reliable, shall be a conclusive presumption of impairment by illegal or unauthorized drugs or alcohol and could result in dismissal.

11. FIRE-RESCUE DEPARTMENT AND POLICE DEPARTMENT EXCEPTIONS

Because of Public Safety concerns, the Mobile Fire-Rescue and Police Departments may have internal department guidelines or policies which are more stringent than the general City policy. This policy does not supersede any internal department guidelines or policies already in place, or as hereinafter adopted.

12. CONFIDENTIALITY

Any drug or alcohol test results will be forwarded to the DER by the Service Agent. The DER will retain all records concerning test results in secured medical files that are maintained separately from the City's Personnel files, for at least three years. The DER will notify the employee's Department Head or their designee of the results. The Department Head may assign others, but only as necessary, to access the testing results. The Department Head must ensure that those employees understand and acknowledge the need to maintain confidentiality or privacy of the information. If disciplinary action is to be taken, disclosure of the results is permitted as reasonably necessary in order to satisfy the requirements of Mobile County Personnel Board Rule 14.3, or as hereinafter amended. The City, or any of its employee, agents, or representatives, are not restrained in using the test results and related documents in any civil, administrative, or any other legal action whatsoever, including but not limited to appeals to the Mobile County Personnel Board.



13. EMPLOYEE ASSISTANCE PROGRAM (EAP)

Employees with substance abuse problems are encouraged to seek help before their jobs are jeopardized. The City offers an Employee Assistance Program (EAP) to provide confidential short-term counseling and referral services to employees at no cost. The EAP has professional counselors who can discuss problems that can adversely affect job performance, conduct and reliability. The EAP can help employees deal with alcohol or drug abuse problems as well as marital, family and emotional problems. EAP professionals can refer employees to other professional services and resources within the community for further information, assistance, or longterm counseling or treatment.

Voluntary participation in the Employee Assistance Program is encouraged. Prior to being selected for random, post-accident or reasonable suspicion testing, employees who voluntarily identify themselves as drug and/or alcohol users and who obtain counseling and rehabilitation shall not be disciplined for drug and/or alcohol use; however, they must thereafter refrain from violating the City's policy on drug and alcohol use. Once identified for testing, employees cannot seek assistance to avoid disciplinary action if found in violation of this policy.

14. POST ACCIDENT APPROVED TESTING FACILITIES

Available Monday through Friday from 8:00 AM to 5:00 PM.

USA Health Industrial Medicine

1976 Michigan Ave.

Mobile, AL 36615

251-660-5910

Available after Hours and on weekends.

University Hospital Freestanding Emergency Department

181 Hillcrest Road

Mobile, AL 36608

251-341-3800



REASONABLE SUSPICION TESTING CHECKLIST
(Use Recommended)

Employee Name: _____ Employee Number: _____
Location of event: _____ Department: _____
Observation Date: _____ Time: _____ a.m./p.m.
Was employee performing a safety-sensitive duty? Yes No

The following observations were made of the employee identified above:

Check ALL **specific and contemporaneous** observations and the following:

BEHAVIOR

- unsteady gait, stumbling
- drowsy, sleepy, lethargic
- agitated, anxious, restless
- hostile, belligerent
- irritable, moody
- depressed, withdrawn
- unresponsive, distracted
- clumsy, uncoordinated
- tremors, shakes,
- flu-like illness complaints
- suspicious, paranoid
- hyperactive, fidgety
- inappropriate, uninhibited behavior
- frequent use of mints, mouthwash, breath sprays, eye drops

APPEARANCE

- flushed complexion
- cold, clammy sweats
- bloodshot eyes
- tearing, watery eyes
- dilated (large) pupils
- constricted (pinpoint) pupils
- unfocused, blank stare
- disheveled clothing
- unkempt appearance

SPEECH

- slurred, thick
- incoherent
- exaggerated enunciation
- loud, boisterous
- rapid, pressured
- excessively talkative
- nonsensical, silly
- cursing, inappropriate speech

BODY ODORS

- alcohol
- marijuana

Other observations: _____

Supervisor Name (print or type) Supervisor Signature Date

Witnesses (optional)

Witness Name (print or type) Witness Signature Date

TEST DETERMINATION	
<input type="checkbox"/> DOT <input type="checkbox"/> NON-DOT	<input type="checkbox"/> NO Test Conducted
<input type="checkbox"/> Reasonable Suspicion Alcohol Test	<input type="checkbox"/> No Reasonable Suspicion
<input type="checkbox"/> Reasonable Suspicion Drug Test	<input type="checkbox"/> Employee transported for Medical Care
<input type="checkbox"/> Employee Refused Test	<input type="checkbox"/> Other (explain): _____

Employee transported to collection site by: _____
Time of Transport: _____ a.m./p.m. Collection Facility: _____



VI. EQUAL EMPLOYMENT OPPORTUNITY

PURPOSE

To establish policy for City of Mobile employees to ensure equal employment opportunity and a workplace free from discrimination and harassment. This policy will identify behaviors that will not be tolerated from City of Mobile employees and provide a complaint procedure for reporting complaints of discrimination or harassment.

POLICY

I. Equal Opportunity and Non-Discrimination

The City of Mobile is an equal opportunity employer and complies with all applicable federal, state and local fair employment practices laws. The City of Mobile strictly prohibits and does not tolerate discrimination against employees, applicants or any other covered persons because of race, color, religion, national origin, sex, age (40 and over), disability, citizenship, past, current or prospective service in the uniformed services, genetic information, or any other characteristic protected under applicable federal, state or local law. All City of Mobile employees, other workers and representatives are prohibited from engaging in unlawful discrimination. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, training, promotion, discipline, compensation, benefits and termination of employment.

II. Reasonable Accommodation

The City of Mobile complies with the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act, and all applicable state or local law. Consistent with those requirements, the City of Mobile will reasonably accommodate qualified individuals with a disability if such accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship. If you believe you need an accommodation, refer any such request to the Human Resources Department. The City of Mobile will also, where appropriate, provide reasonable accommodations for an employee's religious beliefs or practices.

III. Harassment Policy

The City of Mobile strictly prohibits and does not tolerate unlawful harassment against employees or any other covered persons because of race, color, religion, national origin, sex, age (40 and over), disability, citizenship, past, current or prospective service in the uniformed services, genetic information, or any other characteristic protected under applicable federal, state or local law.

A. Sexual Harassment:

- All City of Mobile employees are prohibited from harassing employees and other covered persons based on that individual's sex (including pregnancy) and regardless of the harasser's sex. Sexual harassment means any harassment based on someone's sex. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual's sex or gender), as well as any unwelcome sexual advances or requests for sexual favors or any other conduct of a sexual nature, when any of the following is true:
- Submission to the advance, request or conduct is made either explicitly or implicitly a term or



condition of employment.

- Submission to or rejection of the advance, request or conduct is used as a basis for employment decisions.
- Such advances, requests or conduct have the purpose or effect of substantially or unreasonably interfering with an employee's work performance by creating an intimidating, hostile or offensive work environment.

The City of Mobile will not tolerate any form of sexual harassment, regardless of whether it is:

- Verbal (for example, epithets, derogatory statements, slurs, sexually related comments or jokes, unwelcome sexual advances, or requests for sexual favors).
- Physical (for example, assault or inappropriate physical contact).
- Visual (for example, displaying sexually suggestive posters, cartoons, or drawings, sending inappropriate adult-themed gifts, leering, or making sexual gestures).

This list is illustrative only, and not exhaustive. No form of sexual harassment will be tolerated. Harassment is prohibited both at the workplace and at employer-sponsored events.

B. Other Types of Harassment:

The City of Mobile's anti-harassment policy applies equally to harassment based on an employee's race, religion, national origin, age (40 and over), disability, citizenship, genetic information, past, present or prospective service in the uniformed services, or any other characteristic protected under applicable federal, state or local law.

Such harassment often takes a similar form to sexual harassment and includes harassment that is:

- Verbal (for example, epithets, derogatory statements, slurs, derogatory comments or jokes).
- Physical (for example, assault or inappropriate physical contact).
- Visual (for example, displaying derogatory posters, cartoons, drawings, or making derogatory gestures).

This list is illustrative only, and not exhaustive. No form of harassment will be tolerated. Harassment is prohibited both at the workplace and at employer-sponsored events.

IV. Complaint Procedure

If you are subjected to any conduct that you believe violates this policy, you must promptly speak to, write or otherwise contact your direct supervisor or department head, AND one of the following as soon as possible following the offending conduct:

1. The City of Mobile's Director of Human Resources at 251-208-7832, or the Deputy Director of Human Resources at 251-208-7059;
2. The City of Mobile's Office of Professional Responsibility (OPR) at 251-208-8043;
3. The City of Mobile's Legal Department at 251-208-7416.

Your complaint should be as detailed as possible, including the names of all individuals involved and any witnesses. The City of Mobile will directly and thoroughly investigate the facts and circumstances



of all claims of perceived discrimination or harassment and will take prompt corrective action, if appropriate.

Additionally, any manager or supervisor who observes discriminatory or harassing conduct must report the conduct to the Director of Human Resources or Deputy Director of Human Resources, the Office of Professional Responsibility, and/or the Legal Department so that they can conduct an investigation and take corrective action if appropriate.

V. No Retaliation

The City of Mobile prohibits, and no one will be subject to, any form of discipline, reprisal, intimidation or retaliation for good faith reports or complaints of incidents of discrimination or harassment of any kind, pursuing any discrimination or harassment claim, or cooperating in related investigations.

The City of Mobile is committed to enforcing this policy against all forms of discrimination and harassment. However, the effectiveness of our efforts depends largely on employees telling us about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately. If employees do not report discriminatory or harassing conduct, the City of Mobile may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

VI. Administration of this Policy

The Human Resources Department is responsible for the administration of this policy. If you have any questions regarding this policy or questions about discrimination, accommodations or retaliation that are not addressed in this policy, please contact the Human Resources Department.

This policy is not intended to restrict communications or actions protected or required by state or federal law.



VII. ATTENDANCE & LEAVES

1. TARDINESS AND EXCESSIVE USE OF LEAVE

POLICY #: COM-22-009 | EFFECTIVE DATE: 8.1.22

PURPOSE

To establish a policy to address tardiness and the excessive use of leave for City of Mobile employees. Late arrival, early departure, or other absences from scheduled hours are disruptive and must be avoided. This policy is intended to ensure efficient operations and the consistent application of use of leave.

POLICY

Punctual and regular attendance is an essential responsibility of each employee of the City of Mobile. Employees are expected to report to work as scheduled, on time, and prepared to start working. Employees are expected to remain at work for their entire work schedule. Employees are not allowed to use break periods to cover late arrival, early departure or add to a meal break to extend it, however, the use of accrued vacation or accumulated compensatory time may be used subject to supervisor approval.

This policy does not apply to absences covered by the Family and Medical Leave Act (FMLA), leave provided as a reasonable accommodation under the Americans with Disabilities Act (ADA), or Military Leave protected by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

1. TARDINESS

Employees are expected to report to work on time and follow their department's guidelines on established starting times and break periods. Tardiness occurs whenever an employee reports to work after the scheduled start of the work day. If an employee cannot report to work as scheduled, they should notify their supervisor as required by their department's rules. Employees are not allowed to use paid breaks to cover the period of tardiness. (Example: An employee cannot use the paid 15-minute morning break to excuse reporting to work 15 minutes late.) Tardiness is considered as a one-half occurrence for the purpose of discipline under this policy, meaning two tardy occurrences are equal to one unapproved absence occurrence.

2. ABSENCE

Absence is defined as the failure of an employee to report for work when scheduled to work. An Excused Absence is when the employee provides sufficient notice and has leave approved per their department's policy and there is sufficient accrued leave to cover the time off, or when on an approved leave while in a non-pay status. An Unexcused Absence is when an employee does not follow their department call-in or approval process and may lead to disciplinary action using the following standards:

A. All vacation leave requests must be submitted to the employee's supervisor for review and approval and shall be scheduled as far in advance as reasonably practical. For extended leave (more



than 2 consecutive days), employees shall plan their leave ahead of time and notify their supervisor of a desire to take leave at least a day (longer if possible) before it is to begin, absent unforeseen, prevailing circumstances. Not doing so will be reflected in service ratings. Supervisors may not grant the employee's leave if doing so will prevent them from completing their necessary assignments during the normal work day. Supervisors may limit the amount of leave that will be granted and leave will be granted on a first come first serve basis, excluding Public Safety departments that have established leave approval processes firmly in place.

B. Sick leave, defined as "...an absence from duty by reason of illness of the employee; exposure to contagious disease; or, 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" may be taken without advance notice. Immediate family includes the employee's spouse, and the employee's and spouse's parent, grandparent, sibling, child, and grandchild. Any full-time employee who uses 16 or more sick leave hours (48 sick leave hours for 56-hour employees) in a pay period for three consecutive pay periods, shall be required to provide their supervisor a written doctor's excuse for any subsequent use of sick leave for the next six pay periods. Failure to provide the doctor's excuse as requested may result in disciplinary action.

C. Employees who take sick leave for days on which their requests for annual leave were denied must provide a written doctor's excuse for that sick leave absence. Repeated occurrences may result in disciplinary action.

D. An employee who fails to attend work after having used all available leave will be in a non-pay status. When this occurs, the employee must as soon as practicable provide proof of an emergency or hardship. If a doctor's statement is submitted as such proof, it must state that the employee was unable to work during the entire period that the employee was absent without pay. As with all doctor's statements excusing an employee from work during an illness, it should state the beginning and ending date of this restriction from work.

E. If an employee requests scheduled leave but taking it would put them in a non-pay status, they must request prior approval by using the Request for Absence With Leave Without Pay (AL) Form.

F. Excessive use of leave will be reflected on an employee's service ratings and, because it indicates a lack of reliability, it will cause them to be recommended for exclusion from promotional consideration should they apply for a promotion within six months of the date of the last occurrence of leave in non-pay status.

G. This policy is not meant to take precedence over the Family Medical Leave Act (FMLA), which allows employees up to 12 weeks of leave per year under certain circumstances for which they must first qualify.



3. DISCIPLINARY ACTION

If occurring within the 12-month period immediately preceding the date of the incident, the consequences for tardiness, unapproved absence, or for being in non-pay status without proof of an emergency or hardship, subject to the discretion of the supervisor to increase or reduce penalty based on extenuating circumstances, are as follows with the understanding that a pre-disciplinary hearing will be held prior to any suspension or dismissal:

- A. 1st – Documented Verbal Warning
- B. 2nd – Written Reprimand
- C. 3rd – Three Day suspension
- D. 4th – Fifteen Day Suspension
- E. 5th – Termination of Employment

2. LEAVE OF ABSENCE/FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA) AND MILITARY LEAVE

POLICY #: HR-001.1-.05 | EFFECTIVE DATE: 6.12.23
Supersedes: HR-001-05 (eff. 08/01/2005)

POLICY

The City of Mobile provides full -time employees with annual leave and sick leave accruals to provide time off work with pay. Should employees exhaust their accrued or accumulated time, they are to be considered on an unpaid leave of absence, or in a non-pay status.

Employees should request FMLA when their health condition or a family member's health condition requires them to be off work for more than three days, whether a paid leave or when in a non-pay status. An employee who requests a leave of absence from work must first use all accrued annual leave, and also accrued sick leave for medical absences, prior to the remainder of the absence being considered as an unpaid leave of absence. If the leave is not for FMLA purposes, all accumulated compensatory time must also be used prior to the leave becoming an unpaid leave of absence.

When an employee is off work without pay for an approved absence, their time is designated as Absence with Leave (AL). The first 80 hours of AL (112 hours for 56-hour employees) in a 12-month period is documented on a Daily Time Report. Any additional time off in a non-pay status must be requested on a Request for Absence with leave without Pay form and approved by the employee's department head and Human Resources approving as the Appointing Authority/Mayor's designated representative.

Unapproved absences are documented as Absence without Leave (AWOL). Paid leave does not apply to these unexcused absences. Under Rule 3.3 of the Mobile County Personnel Board, an employee who is AWOL for 24 consecutive work hours will be subject to disciplinary action resulting in a suspension without pay for a minimum of 80 work hours (112 for 56-hour employees).

1. FAMILY AND MEDICAL LEAVE (FMLA)

The City of Mobile provides leave according to the Family and Medical Leave Act of 1993 (FMLA), which provides unpaid, job-protected leave to covered employees in certain circumstances. Request



FMLA leave if you or your family member experiences a serious health condition that requires you to take time off work for more than 3 days. Steps to request FMLA is under the Notice of Leave section of the policy.

A. Eligibility

To qualify for leave under the FMLA, you must (1) have worked for the City of Mobile for at least 12 months, though it need not be consecutive; (2) worked or at least 1,250 hours in the last 12 months; (3) be employed at a work site that has 50 or more employees within 75 miles, and (4) have not exhausted your 12 weeks of FMLA in the past 12 months. When you request FMLA, your payroll clerk will provide you with a Notice of Eligibility & Rights and Responsibilities under the Family and Medical Leave Act, form WH-381. If you have any questions about your eligibility for FMLA leave or have not received form WH-381, please contact the City's Human Resources Department.

B. Leave Policy

If eligible, you may take up to 12 or 26 weeks of family or medical leave, whichever is applicable based on your circumstances, within the relevant 12-month period defined below. While you are on FMLA leave, the City of Mobile will maintain your group health insurance coverage at the same level and under the same circumstances as when you were actively working. When you are in a non-pay status, you should contact the City's Human Resources Departments about maintaining benefits that are paid through payroll deduction. Upon returning from approved FMLA leave, you have the right to be restored to the same job or an equivalent position, subject to the terms, limitations and exceptions provided by law.

C. Leave Entitlement

If eligible, you may take up to 12 weeks of unpaid FMLA in a 12-month period, which is defined by a "rolling" method that is measured backward from the date you use any FMLA leave, for any of the following reasons:

- The birth of a son or daughter and to care for such son or daughter (leave to be completed within one year of the child's birth);
- The placement of a son or daughter with you for adoption or foster care and to care for the newly placed son or daughter (leave to be completed within one year of the child's placement);
- To care for a spouse, son, daughter, or parent with a serious health condition;
- To care for your own serious health condition which renders you unable to perform any of the essential functions of your position; or
- A qualifying exigency of a spouse, son, daughter, or parent who is a military member on covered active duty status or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

You may take up to 26 weeks of unpaid FMLA leave in a single 12-month period, beginning on the first day that you take FMLA leave to care for a spouse, son, daughter, or next of kin who is a covered service member and who has a serious injury or illness related to active duty service, as defined by the FMLA's regulations (known as military caregiver leave).



D. Both Spouses Employed by the City of Mobile

Spouses who are both employed by the City of Mobile and eligible for FMLA leave may be limited to:

- A combined total of 12 weeks of leave during the 12-month period if leave is requested: (1) for the birth of a son or daughter and to care for such son or daughter, (2) for the placement of a son or daughter with the employee for adoption or foster care and to care for the newly placed son or daughter; or (3) to care for an employee's parent with a serious health condition.
- A combined total of 26 weeks in a single 12-month period if the leave is either for (1) military caregiver leave; or (2) a combination of military caregiver leave and leave for other FMLA qualifying reasons.

E. Notice of Leave

FMLA is required to be used when requesting a leave of absence for more than 3 days for medical reasons for the employee or family member. This request should be made by the employee even if using paid leave (accrued sick or vacation) to be off work. If your need for FMLA leave is foreseeable, you must give the City of Mobile at least 30 days prior written notice. If this is not possible, you must at least give notice as soon as practicable (within 2 business days of learning of your need for leave).

Steps to Request FMLA:

- Request leave (if going to be off work 3 days or more for medical reasons) from supervisor or payroll clerk.
- Your payroll clerk will give you a completed Notice of Eligibility & Rights and Responsibilities under the Family and Medical Leave Act, form WH-381, that informs you of specific expectations, obligations, and consequences of failing to meet obligations concerning the use of FMLA. Contact the Human Resources Department if you or your payroll clerk have questions or need assistance with the form.
- Have medical provider complete either the Certification of Health Care Provider for Employee's Serious Health Condition under the Family and Medical Leave Act, form WH-380-E, or the Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act, form WH-380-F.
- Submit your completed FMLA Certification form to your Payroll Clerk or Human Resources by the deadline noted on the form.
- Human Resources will complete and submit to you and your payroll clerk a Designation Notice under the Family and Medical Leave Act, form WH-382, to notify you that your FMLA leave request was approved, disapproved, or if more information is needed to make a determination.
- To report your absence for an FMLA reason, your payroll clerk will use the established FMLA reason codes for tracking time off for FMLA.

Submitting incomplete forms, not providing additional information as requested, or failure to return forms, may result in the delay of your FMLA-protected leave. When the need for leave is not foreseeable, you are expected to notify the City of Mobile within 2 business days of learning of your need for leave, except in extraordinary circumstances.



Additionally, if you are planning a medical treatment or a series of treatments, or you are taking military caregiver leave, you must consult with the City of Mobile first regarding the dates of such treatment to work out a schedule that best suits the needs of both the employee or the covered military member, if applicable, and the City of Mobile. The City of Mobile reserves the right to require certification from a covered military member's health care provider if you are requesting military caregiver leave and certification in connection with military exigency leave.

F. Reporting While on Leave

When you are taking leave because of your own serious health condition or to care for a covered family member, you must contact the City of Mobile at least monthly regarding the status of the condition and your intention to return to work. In addition, you must give notice as soon as practicable (within 2 business days if feasible) if the dates of leave change, are extended, or initially were unknown.

G. FMLA Leave is Unpaid

FMLA leave is unpaid. You will be required to substitute any accrued and unused paid annual leave for unpaid FMLA leave as described below:

- If you request leave because of a birth, adoption or foster care placement of a child, any accrued and unused paid annual leave will first be substituted for unpaid family/medical leave and run concurrently with FMLA leave. If you request leave for the birth of a child, you must use paid sick leave for the physical recovery period after the birth, and then must use all paid annual leave concurrently while you are on FMLA leave.
- If you request leave because of your own serious health condition, you must first use all accrued sick leave and annual leave before you will be eligible for unpaid leave. Such paid leave will run concurrently with your FMLA leave.

The substitution of paid leave time for unpaid FMLA leave time does not extend the 12 or 26 weeks (whichever is applicable) of the FMLA leave period. In no case can the substitution of paid leave time for unpaid leave time result in your receipt of more than 100% of your salary. Your FMLA leave runs concurrently with other types of leave, for example, accrued annual leave that is substituted for unpaid FMLA leave, to the extent allowed by state law. If taking paid leave for an FMLA-qualifying leave, it is the City's policy to designate the paid leave as counting against your FMLA leave entitlement. You are required to notify your department head if the paid leave is for a reason covered by the FMLA so the City may properly account for the leave.

H. Medical and Other Benefits

During approved FMLA leave, the City of Mobile will maintain your health benefits as if you continued to be actively employed. If paid leave is substituted for unpaid FMLA leave, the City will deduct your employee contribution for health plan coverage as a regular payroll deduction. If your leave is unpaid, you must contact the City's Human Resources Department to make arrangements to pay your employee contribution. Be aware that non-payment or untimely payment of your employee contribution may result in the cancellation or discontinuation of your benefits.



I. Intermittent and Reduced Schedule Leave

If medically necessary, FMLA leave due to your serious health condition or your family member's serious health condition may be taken intermittently (not continuous but in separate blocks of time) or on a reduced leave schedule (reducing the usual number of hours worked per workweek or workday). Such requests must be approved and supported by a certification from a health care provider. FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying exigency relating to covered military service. In addition, if you wish to use leave intermittently or to utilize a reduced work week for birth or adoption purposes, you will need to obtain department head approval for such use. The leave may not exceed a total of 12 work weeks over a 12-month period.

When leave is unpaid, the City of Mobile will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave, the City may temporarily transfer you to an available alternative position that better accommodates your leave schedule and has equivalent pay and benefits.

J. Returning from Leave

When you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required, as are all employees returning from other types of medical leave, to provide medical certification that you are fit to resume work. Otherwise, you will not be permitted to resume work until it is provided.

K. State or Local Family and Medical Leave Laws and Other Policies

Where state or local family and medical leave laws offer more protections or benefits to employees, the protections or benefits that are more favorable to the employee, as provided by such laws, will apply.

2. MILITARY LEAVE

An employee who is an active member of the state National Guard, Naval Militia, Alabama State Guard organized in lieu of the National Guard, Civil Air Patrol, or any reserve component of the armed forces of the United States, excluding armed forces auxiliary groups, is entitled to a military leave of absence to engage in field or coast defense or other service ordered under the National Defense Act or of the federal laws governing the United States reserves.

A. Military Federal Service is leave granted for required military training for weekend drill or active duty issued by and covered by the federal laws of the United States.

B. Military State Service is leave granted when an employee is called to duty by the Governor to active military service in the State of Alabama or in the armed forces of the United States.

C. In accordance with Rule 3.7 of the Mobile County Personnel Board, employees shall be granted leave of absence with pay for up to 168 hours per calendar for those employees employed on a 40-hour work week, and 235 hours per calendar year for those employees employed on a 56-hour work week. Paid leave is available for both Military Federal Service and for Military State Service. Any additional time off shall be granted as a leave of absence without pay or the employee may use accrued annual leave or accumulated compensatory time if approved by the department



head.

D. Military Orders from the employee's reserve unit specifying that the time off is for required training or active military duty must be received prior to receiving authorization for paid leave.

Requesting Military Leave:

- Submit to your department head a Request for Military Leave form with your military orders for required Military Federal Service or Military State Service leave for training or active duty deployment.
- When on Military Federal Service leave for training, you will be on paid military leave unless you have exhausted that year's allotment of paid military leave. You will be allowed to use accrued annual leave and/or accumulated compensatory time to continue your military leave as a paid leave. Sick leave cannot be used.
- When on leave for Military Federal Service or Military State Service for active duty deployment, you will be on paid military leave unless you have exhausted that year's allotment of paid military leave. You will be allowed to use accrued annual leave and/or accumulated compensatory time. Sick leave cannot be used. If you do not wish to use your annual leave or compensatory time, all leave time will be held on the books and available upon return to work. When you have been on military leave for active duty deployment for 30 days, you will be placed in an inactive status for the remainder of that leave. When you are released from military service, you must apply for re-employment to be returned to an active employment status.
- Upon return from active duty deployment, you must electronically submit a Return from Military Leave application to the Mobile County Personnel Board before returning to work which will place you on the Re-employment List. Coordinate your return-to-work date with your department.

3. MATERNITY LEAVE

A leave of absence by reason of pregnancy is considered Maternity Leave under Rule 3.9 of the Mobile County Personnel Board. Maternity leave is without pay and runs concurrently with FMLA Leave. This will be a paid leave when sick leave and annual leave are available. When paid leave is exhausted, you will be in a non-pay status. Maternity Leave can extend up to 3 months after the birth of your child. Upon return-to-work, you must submit a doctor's certification that you are physically able to resume the duties of your position.

4. SECONDARY CAREGIVER LEAVE

A 21-day unpaid leave of absence may be granted to a designated secondary caregiver for the care of a child obtained through a qualifying birth event or adoption. A secondary caregiver includes any person with whom the child lives who provides daily care to the child, and who acts as the child's "parent" whether they are a biological parent or not. A secondary caregiver can be the mother or father, or another family member such as a grandparent or older sibling. This will be a paid leave when annual leave and compensatory time are available.

5. MAINTAINING BENEFITS WHILE ON A LEAVE OF ABSENCE

You may maintain benefits coverage on the same basis as if you had continued to be actively at work. To maintain uninterrupted coverage, you will have to continue to pay the required Health Plan



employee contribution by making arrangements for payment with the Human Resources Department. If your payment is more than 30 days overdue, your coverage will be canceled.

If you pay premiums for a voluntary life insurance plan or other payroll deducted voluntary benefits, the City will continue making payroll deductions while you are on paid leave. When on unpaid leave and in a non-pay status, you must make payment arrangements with the benefit provider. Coverage may be canceled for non-payment of the monthly premiums.

Taking a leave of absence will not be considered a break in service, however, the time you are on unpaid leave may not count as creditable service for retirement purposes.

6. MANDATORY ABSENCE FROM WORK

City of Mobile employees who are responsible for financial functions are required to take a continuous one-week mandatory absence from work each calendar year, either for vacation or other acceptable reasons. The one-week absence policy may be satisfied by any one or a combination of several ways: annual leave, compensatory time and, when applicable, business travel, sick leave, or military leave of absence. In the event an employee's only reason for absence is vacation, then consecutive vacation days must be taken, not split, to satisfy the mandatory absence policy. The employees will be notified of their status and made aware of this mandatory absence requirement.

The Executive Director of Finance will designate which positions must comply with the policy and is responsible for ensuring all designated employees follow the mandatory absence policy. Any exceptions to this policy must be made in writing and approved by the Executive Director of Finance.



3. JURY DUTY LEAVE

POLICY #: COM-22-004 | EFFECTIVE DATE: 7.1.22

PURPOSE

To establish policy and guidelines for City of Mobile employees summoned for Jury Duty.

POLICY

Upon receipt of a summons for jury duty, an employee shall provide their supervisor with notice of the summons on the next day he or she is engaged in his or her employment. An employee will not be required or requested to use annual, vacation, unpaid leave, or sick leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process, or for time spent actually serving on a jury. For the time served as a juror or for time spent in the selection process any full-time employee shall be entitled to his or her usual compensation. Any mileage or per diem allowance an employee receives in connection with jury service belongs to the employee. If the employee is dismissed from jury service, the employee is expected to report to work within one hour following discharge from service. Upon release from jury duty, the employee should provide notice of this release to the immediate supervisor upon returning to work. Failure to return to work promptly may subject the employee to disciplinary action.

4. VOTING LEAVE

POLICY #: COM-22-005 | EFFECTIVE DATE: 7.1.22

PURPOSE

To define the City of Mobile's policy for granting employees, who are registered to vote within their respective jurisdictions, personal leave to vote.

POLICY

Employees, upon reasonable notice to their immediate supervisor, are permitted to take necessary time off to vote in any municipal, county, state or federal political party primary or general election for which the employee is qualified and registered to vote on the day in which the primary or election is held. The necessary time off shall not exceed one hour and if the employee's hours of work commence at least two hours after the opening of the polls or end at least one hour prior to the closing of the polls, then the time off for voting shall not be available. The employee's supervisor may specify the hours during which the employee may be absent.



VIII. PUBLIC INFORMATION AND TRANSPARENCY

1. CITY WEBSITE POLICY

POLICY #: COMM22-001 | EFFECTIVE DATE: 8.1.22

PURPOSE

A. The purpose of this policy is to establish regulations for the development, operation, and administration of the City's websites. It is also intended to ensure that the City's websites remain non-public forums and a vehicle for obtaining and disseminating certain limited information related to City business. Moreover, the City has a legitimate public interest in providing accurate and appropriate information that is limited to City-related business and wants to ensure that it has the ability to limit the use and control of the same.

B. The purpose of the City websites are as follows:

1. To provide a convenient and information-rich resource for residents, visitors, businesses, non-profit organizations, other public agencies, and schools to obtain and disseminate specific information related to city government.
2. To provide information and resources that contribute to the safety and welfare of the public.
3. To employ the latest technology designed to improve customer service and communication relating to issues of interest within the City.
4. To contribute to the improvement of City services, foster economic development, and enhance the sense of community within the City.
5. To establish and strengthen long-term partnerships between the City and individuals and entities in the public and private sectors.
6. To allow users to conduct City business transactions such as recreation registration, licensing and permitting activities.

POLICY

C. The City shall operate and maintain the City websites as provided in this policy.

D. The following definitions shall apply to this policy:

1. "City websites" mean the official City websites available at www.cityofmobile.org and other domain names that the City acquires for official City use.
2. "Cookies" mean files on the user's computer that enable a website to recognize the user on subsequent visits and possibly track the user's Internet use between visits.
3. "External Website" means a website maintained by a third party, and not by the City.
4. "External Link" is a hyperlink from the City websites to a website maintained by a third party.
5. "Security Measures" means practices for protection of physical configuration and environment, software, information-handling processes, and user practices.
6. "User" or "Users" means an individual or individuals who access the City webpages through the Internet.

E. Non-Public Forum Status



The City's websites are non-public forums. While the City encourages the public to use the City websites to access information and resources, the City expressly reserves the right to impose certain restrictions on the use of its websites including, but not limited to, the limiting of content to certain City-related topics. City websites are reserved for the exclusive control of the City for the purposes of one-way communication to users. City websites shall not nor are they intended to be used to facilitate a general debate or the free exchange of ideas. This non-public forum status does not extend to City-supported public comment platforms that are run and facilitated by a private, non-partisan companies with the express purpose of engaging the public. However, the City's support of public comment platforms, does not change the non-public forum status of the City's websites and is not intended to create a designated public forum.

F. Authority of the Director of Communications

The Director of Communications or his or her designee shall have the authority and responsibility for the implementation of this policy. The Director of Communications or designee shall be trained by the City Attorney or other designated individual regarding the terms of this Policy including the responsibilities to review content submitted for posting to ensure compliance with this policy. This policy will be posted on the City websites for review by the public at any time.

G. Privacy

The City is sensitive to the privacy interests of the users of the City websites and believes that the protection of those interests is an important responsibility. The City's goal in collecting personal information online is to provide the user with the most personalized and effective service possible. By understanding the user's needs and preferences, the City may provide users with improved service. The City strives to protect online personal information in the same manner that the City protects citizen and business information obtained through other means. The following information explains the City's policy regarding any personal information supplied when using the City websites.

1. On certain occasions, the City websites may request a user's email address for purposes of correspondence or for City business. The City shall not share email addresses with anyone outside the City, nor disclose user information to any third Party, except as required by applicable federal or state laws, including but not limited to the Public Records Act and/or as required in a court action.
2. The City may use the personal data provided through the City websites to send information about City services and upcoming civic activities. However, the City will neither sell nor knowingly provide personal information for any other direct mail activities, except as required by applicable laws, including the Public Records Act and discovery in a civil law suit.
3. The City does not guarantee, nor does it represent, that such comments, suggestions or questions submitted by email to the City or to city officials or employees will remain private or confidential and no expectation of privacy is created by such communications. Similar to mailed or delivered comments, comments received via e-mail, posted on Social Media, or posted by means of an online public comment platform may become subject to public disclosure under the Alabama Public Records Act and/or part of the discovery procedure in a civil lawsuit or other legal proceeding.



4. During the course of a credit card transaction through the City websites, the information is transmitted to a third-party processor via a secure connection. The City and its subcontractors use firewalls and other security technology to minimize the risk of unauthorized access. To complete the credit card transaction(s), information about transaction(s) are submitted to the relevant financial institution. The City will not share this information with any other third party unless required to do so by federal or state laws, including but not limited to the Public Records Act and/or as required in a court action.
5. The City will not intentionally release any information about the collection of Internet Protocol (IP) addresses to any third party except as required by applicable federal or state law. The City websites may archive web server log files in order to create aggregate statistical reports, detect errors at the Web site, and for security reasons. To the extent that the City maintains web log files, such files shall be deleted according to a regular schedule established by the City's designated department.
6. Aggregate reports may be generated about visitors to the City websites. These reports do not contain any personally identifiable information.
7. The City does not use persistent reoccurring Cookies, nor share unauthorized information with other third-party entities.

H. Security

The City websites apply security measures to protect the loss, misuse and alteration of the information under the City's control. From time to time, security measures may be upgraded or otherwise modified to meet changing needs. While the City endeavors to keep secure all information it receives via the City websites, the City cannot guarantee the security of the information.

I. External Links

The City has a legitimate interest in limiting persons or organizations that might be linked to the City websites. The City may exercise discretion to ensure that the links to the City websites are consistent with the purpose of the City websites, as set forth in Section 1.

1. Each proposed External Link on the City websites shall be reviewed to determine its relevance and appropriateness to the purpose of the City websites. The Director of Communications or his or her designee shall review the merits of the proposed External Link based upon the criteria set forth below. The Director of Communications or his or her designee shall also determine whether the External Link serves the purpose of the City websites, as set forth in Section 1. A proposal for an External Link will not be denied based on the viewpoint espoused by the individual or entity.
2. When the below criteria do not provide clear guidance, the Director of Communications or his or her designee reserves the right to make a decision based on the general intent of the criteria outlined below and what he or she believes is in the best interests of the City.
3. The City shall use the following criteria in considering proposals for External Links from the City websites:
 - i. Sponsored by governmental and public educational institutions.
 - ii. Sponsored by nonprofit organizations that perform the following services for the

Mobile Community: assist persons in locating housing, housing discrimination assistance, or homeownership; assist people in finding employment or training opportunities; provide non elective healthcare, and other human and social services; provide information or access to the arts, humanities, culture or education; improve neighborhoods; provide information or resources for neighborhood revitalization, code enforcement and/or crime prevention; enhance business development and economic development opportunities locally and regionally.

iii. Sponsored by organizations partnering with the City to meet the City's strategic or operational goals.

iv. Sponsored by private organizations which provide government-related information and/or services in a way that is not available on an official government website, as set forth in Subsection (e).

v. Sponsored by professional associations affiliated with local government.

vi. Sponsored by private or public utilities that service City residents or businesses specifically to assist individuals relocating to the City.

4. The City websites will not provide External Links to websites that:

i. Promote or exhibit hate, bias discrimination, pornography, libelous or otherwise defamatory content.

ii. Have a primary purpose of furthering the agenda of a political organization or a candidate running for office, or defeating any candidate for elective office.

iii. Violate any of the City's equal opportunity policies.

iv. Consist of personal home pages operated by individuals.

5. The City may provide External Links to certain private commercial sites that maintain and display government-related information which fulfills the purposes of the City websites as set forth in Section 1, and which is not generally available through a governmental agency due to the cost of compiling, maintaining and/or displaying such information. To support the cost of compilation and maintenance of this information, these private commercial sites may include advertising or promotional material in the information display. Accordingly, External Links to such sites which contain this information, but also display commercial advertising or promotional material, may be included within the City websites when the Director of Communications or his or her designee has made a good faith determination that:

i. The City's independent replication of the information targeted for linkage is infeasible due to financial or other considerations;

ii. No non-commercial site provides the information targeted for linkage; and,

iii. The information targeted for linkage greatly enhances the usefulness of the City websites and services it provides.

6. The City reserves the right to determine how and where External Links will appear on the City websites.



J. Application for External Link

To request the addition of an External Link to the City websites, the applicant shall send the relevant URL address, website description and purpose, brief statement as to how the proposed website fulfills the noted criteria called forth above.

K. Disclaimer of External Links and External Websites

The information posted on the City websites includes hypertext External Links to information created and maintained by other public and/or private organizations. The City provides these links solely for the user's information and convenience.

1. When the user selects an External Link to an External Website, the user leaves the City websites and is subject to the privacy and security policies of the owners/sponsors of the External Website.
2. The City does not control or guarantee the accuracy, relevance, timeliness or completeness of information contained on an External Website accessed through the City websites by External Link.
3. The City does not endorse or recommend any third-party website, product, service, view, or opinion.
4. The City does not authorize the use of copyrighted materials contained on External Websites.
5. The City is not responsible for transmissions from External Websites.

L. Final Decision

The decision to post or not post content and/or links on the City websites resides solely with the Director of Communications or his or her designee. The decision of the Director of Communications or his or her designee is final and binding. Under no circumstances will individuals or entities be entitled to compensation or damages in the event that the Director of Communications or his or her designee directs the City to include or exclude the content or link.

M. Links to the City of Mobile's Website

As a courtesy, notice of any link to the City websites is requested, but is not a requirement under this policy. However, the party linking to the City websites should be aware that its subpages may change at any time without notice. Individuals and entities linking to the City websites shall not capture pages within frames, present the City websites content as its own, or otherwise misrepresent the City websites' content or misinform users about the origin or ownership of its content. Any link to the City websites should be a full forward link that passes the user's browser to the City websites unencumbered. The web browser's "back" button should return the user to the originating site if the user wishes to back out.

N. Posting of Events

Information regarding community events may be posted on the City websites, so long as the posting of such information is consistent with the purpose of the City websites, as set forth in Section 1, and meets the criteria for External Links, as set forth in Section 8. While the Director of Communications



or his or her designee may consider suggestions of events to post on the City websites, the decision of the Director of Communications or his or her designee is final and binding.

O. Accessibility

The City websites are intended to be accessible to people with disabilities. Requests for reasonable accommodations relating to equal access to communication, or other issues relating to City Website accessibility, should be directed to:

P. No Warranty or Representation

The City's web server(s) are maintained to provide public access to City information via the Internet. The City's web services and the content of its web servers and databases are updated on a continual basis. While the City attempts to maintain the City websites' information as accurate and timely, the City does not warrant or make representations or endorsements as to the quality, content, accuracy, or completeness of the information, text, graphics, hyperlinks, and other items contained on its server or any other server. Materials on the City websites have been compiled from a variety of sources, and are subject to change without notice from the City as a result of updates and corrections.

Q. Service Marks, Trademarks and Copyright

To the extent allowed by the Public Records Act and otherwise legally permissible, commercial use of web materials is prohibited without the written permission of the City. All service marks and trademarks mentioned herein are the property of their respective owners. The City retains copyright on the City Seal, City Logo, all text, graphic images, and other content, unless otherwise noted.

1. No person or entity may use the City Seal or City Logo without approval of the Director of Communications or his or her designee. No person or entity shall engage in any of the following conduct without written permission from the Director of Communications or his or her designee:

- i. Modify and or use the text, images or other City websites content from a web server
- ii. Distribute the City's web content
- iii. "Mirror" the City's information on a non-City server.

2. Material made available via Mobile's website are property of the City of Mobile and intended for informational purposes only. Any re-use, transmission, duplication, or distribution of any material found on an official City of Mobile website must be clearly attributed to the City of Mobile. Commercial uses of copyrighted materials found on a City website is expressly prohibited without express written consent of the City of Mobile. Any and all trademarked or copyrighted logos or taglines may not be used for any nongovernmental purpose.

R. Notice to the City

Communications through the City websites, by e-mail or otherwise, shall in no way be deemed to constitute legal notice to the City of Mobile or any of its agencies, officers, employees, agents,



attorneys, or representatives, with respect to any existing or potential claim or cause of action against the City or any of its agencies, officers, employees, agents, or representatives. No communication through the City websites shall be deemed to constitute legal or official notice for any purpose.

S. Errors, Omissions, Warranty, Damages

The City of Mobile is neither responsible nor liable for any viruses or other contamination of a user's system due to access of City websites, nor for any delays, inaccuracies, errors or omissions arising out of the user's access of the City websites or with respect to the material contained on the City websites, including without limitation, any material posted on the City websites. The City websites and all materials contained on it are distributed and transmitted "as is" without warranties of any kind, either express or implied, including without limitation, warranties of title or implied warranties of merchantability or fitness for particular purpose. The City is not responsible for any special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, the City websites and/or the materials contained on the City websites, whether the materials contained on the City websites are provided by the City of Mobile or third party.

T. Indemnification

To the extent permitted by applicable law, by using the City websites, the user agrees to defend, indemnify, and hold harmless the City of Mobile, its agencies, officers, employees, representatives, and agents from and against all claims and expenses, including attorney's fees, arising out of the user's use of the City websites or materials and information contained on the City websites.

2. EMPLOYEE MEDIA POLICY

POLICY #: COMM22-003 | EFFECTIVE DATE: 7.18.22

All City employees who have not been specifically designated by the mayor, or otherwise exempted, are prohibited from speaking to the media in their official capacity and/or regarding City operations, without prior approval from the Director of Communications or Media Relations Manager. Furthermore, City Employees are prohibited from using their official titles and/or position when engaging with the media in any capacity without prior approval from the Director of Communications or Media Relations Manager.

All City employees are to refer any media inquiry to the Communications Department.

Under no circumstances should a City employee, in either their private capacity discuss or opine on Issues with the media that fall under the following categories: 1) legal issues, 2) personnel issues, 3) questions that involve integrity or ethics issues that may result in harm to others, or 4) a city crisis or emergency. Refer all such inquiries to the Department of Communications.

The Chief of Staff, Director of Public Safety, Mobile Police Chief and Mobile Fire Chief are exempted from this policy. Furthermore, both the Mobile Police Chief and Mobile Fire Chief are authorized to designate individuals from their respective departments to speak on their department's behalf.

Violations of this policy may result in disciplinary action, up to and including termination of employment.



3. SOCIAL MEDIA POLICY

POLICY #: COMM22-002 | EFFECTIVE DATE: 3.29.22

PURPOSE

The City has an interest and responsibility in determining what is published on behalf of the City via social media. The purpose of social media is to disseminate information from the City and its departments to its citizens to provide a forum for discussion and to gather feedback from residents and visitors on City-related issues. This regulation establishes rules for the creation and use of social media by City employees as a means of conveying City-related content to its citizens.

POLICY

Definitions:

A. Social Media – web and mobile based technologies which are used for interactive communication by organizations, communities and individuals often utilizing, but not limited to, third-party services that connect users to one another. Examples of social media include, but are not limited to, Facebook, Twitter, Google+, LinkedIn, YouTube, SnapChat, TikTok, Second Life, Delicious, Yelp, Flickr, Picasa, blogs, message boards, and chat rooms. Social media may exist in many different forms including, but not limited to, internet forums, online profiles, wikis, podcasts, pictures and video, email, instant messaging, music sharing, and voice over IP.

B. Posts – content published through social media that may consist of dialogue, pictures, videos, URLs, articles, or other communicative content.

C. Comments – response, reply, observation, or opinion made via a social media to a post or another comment, usually made by outside third parties.

D. Digital Equipment – includes but is not limited to computers, laptops, telephones, cellular phones, smart phones, and iPods. Any technology provided by the City for communication, computing, etc., is covered by this definition.

E. Electronic Communication – any communication made via digital equipment including but not limited to email, texts, phone calls, voicemail, and tweets.

F. Disparaging Remarks – posts or comments made to ridicule, discredit, or demean another person.

G. The City – City of Mobile and all of its departments, boards, commissions, officials, officers, employees, and volunteers.

H. Department – For the purpose of this regulation, the term “department” includes all departments, all boards and commissions, the City Council, and the Mayor’s Office.



I. APPLICATION OF OTHER CITY POLICIES AND REGULATIONS

All city sponsored social media shall comply with a City policies and regulations, including but not limited:

- A. City Code of Ethics
- B. Equal Employment Opportunity
- C. Standards of Conduct
- D. Information Technology Acceptable Use
- E. Political Activities
- F. Proprietary Rights
- G. Guidelines for City of Mobile Logo Use

II. SOCIAL MEDIA ACCOUNT ACCESS

Social media network access shall be limited to those with a clear business purpose to use the forum. Only official spokespersons, Social Media Manager, and authorized individuals shall have permission to create, publish or comment on behalf of the City, a department, board, commission, or elected official. All users shall obtain authorization, as described within this section, prior to creating and maintaining a page or site associated with the City on a social media network. All authorized social media pages or sites associated with the City shall belong to and be managed by the City.

A. Only those departments authorized by the Director of Communications, may establish City social media accounts. During this authorization, departments shall evaluate the requests for usage, determine its appropriateness, and designate an employee(s) authorized to use social media.

B. Only individuals who are authorized by the Director of Communications are permitted to access, manage and/or post via City social media for the purpose of conducting City business.

C. Authorized departments will be responsible for maintaining an up-to-date list of all social networking application domain names in use, the names of all authorized employee administrators or users of these accounts, as well as the associated user identifications and passwords currently active within their respective departments.

D. Oversight of City sponsored social media shall be performed by the Department of Communications or those authorized by the Director of Communications to manage the department's social media activity. All posts on City social media shall be in accordance with this regulation.

E. Departments shall monitor their social media for comments requesting responses from the City and for comments in violation of this regulation. Departments will also monitor content on City social media to ensure adherence to this regulation and the interests and goals of the City. The department responsible for the creation and/or maintenance of social media content shall ensure that it is able to edit or remove this content.

F. Authorized individuals representing the City utilizing City social media must conduct themselves



at all times as a representative of the City in accordance with all City policies and regulations.

G. Authorized individuals responding to a comment in his/her official capacity as a City employee, the individual shall not share personal information about himself or herself, or other City employees. If a department has multiple individuals posting or commenting on behalf of the City, those individuals shall coordinate their responses to ensure that conflicting views and/or information is not being disseminated.

H. Whenever possible, City social media should link back to the official City website for forms, documents, online services, and other information necessary to conduct business with the City.

I. Use of posted photographs on social media shall abide by all copyright and printed material laws.

J. Use of the City's logos in social media shall conform to the City's Guidelines for City of Mobile Logo Use.

K. All City social media shall adhere to applicable federal, state, and local laws, regulations, and policies.

L. All content or comments made in any social media shall conform to that site's terms and conditions of use.

III. PROHIBITED CONTENT IN CITY SOCIAL MEDIA

As a public entity the City must serve all of its constituents in a civil and unbiased manner. City social media posts and comments containing any of the following inappropriate forms of content shall not be allowed and are subject to removal and/or restriction by the Communications department:

A. Profane, obscene, or violent language and/or content.

B. Defamatory or personal attacks.

C. Threats to any person or organization.

D. Content that promotes, fosters, or perpetuates harassment or discrimination on the basis of race, color, religion, sex, age, national origin, citizenship status, disability, genetic information, veteran status, sexual orientation, or gender identity/expression.

E. Sexual content or links to sexual content.

F. Any comments for the solicitation of commerce that is not related to the City of Mobile or its business partners, including but not limited to advertising of any business or product for sale.

G. Comments in support of or opposition to political campaigns or candidates.



H. Encouragement of illegal activity.

I. Conduct in violation of any federal, state, or local laws.

J. Information that may tend to compromise the safety or security of the public or public systems.

K. Content that violates a legal ownership interest, such as trademark, patent, or copyright, of any other party; or

L. Confidential or proprietary information.

If activity list in H, I, or J above occurs, employees are expected to secure the information and notify the Mobile Police Department.

IV. REQUIRED USER ROLES

It is the responsibility of the person or persons that create and/or maintain City social media to display the following rules to users or make them available by tab or by going to the City of Mobile web page.

A. Comments submitted by members of the public must not contain profanity, racial slurs, or threats to do harm.

B. A comment made by a member of the public via any City social media is the opinion of the commenter only, and publication of a comment does not imply endorsement of, or agreement by the City, nor do such comments necessarily reflect the opinions or policies of the City.

C. The City reserves the right to restrict or remove any content that is deemed a violation of this regulation or any other City of Mobile policy, regulation, or applicable law, at any time and without prior notice.

D. The City reserves the right to deny access to City social media for any individual, who violates these user rules, at any time and without prior notice.

E. Any content removed based on these requirements must be retained for a reasonable time by the department, including the time, date and identity of the poster or commenter when available.

V. EXPECTATION OF PRIVACY

Nothing in this regulation bestows an individual right nor may it be construed to provide an expectation of privacy.

Users of social media should be mindful that once content is placed online, it is no longer under the user's control. Content posted to the internet is immediate and does not expire. Participation in social media, whether by City or non-City internet resources and whether made while on or off duty



must not violate the privacy rights of other city employees or customers or violate any City policy or regulation.

A.1 SOCIAL MEDIA STAFF USE

PURPOSE

The City recognizes that many employees have personal social media web pages and engage in various social media activities. As such, the City respects employees' right to express personal opinions when using personal social media and does not retaliate or discriminate against employees who use personal social media for political or other lawful purposes. However, employees are personally responsible for content they post on personal social media. Social media comes in many forms including, but not limited to, internet forums, blogs, online profiles, wikis, podcasts, pictures and video, email, instant messaging, music sharing, voice over IP, and others. Social media also includes social websites and online communities for business and personal use, such as Facebook, LinkedIn, Yelp, YouTube, Snap Chat, TikTok, Twitter, message boards, and chat rooms.

The purpose is to caution employees and volunteers regarding their use of personal social media as it relates to the City of Mobile. This regulation applies to all City employees and volunteers.

POLICY

I. NO EXPECTATION OF PRIVACY

The City may monitor content, comments, and/or discussions about the City on social media made by anyone at any time. Content posted to the internet is immediate and does not expire. Users of social media should be aware that they are not anonymous when they make online comments. Even if a person posts anonymously or under a pseudonym, their identity may still be determined. Utilization of privacy settings for personal use of social media is recommended. However, persons who use social media should be mindful that once content is placed online, it is no longer under their control and content shared via private social media does not always stay private.

Employees should have no expectation of privacy while using City digital equipment or facilities for any purpose including the use of electronic communications. Regardless of password use and privacy settings, the City may retrieve, review and/or monitor or log internet usage and content found on City systems and digital equipment, including deleted messages, posts, or comments without notice to the employee. Therefore, users have no expectation of privacy in the use of the City's systems or equipment to download, transmit, post, comment, or store information.

Nothing in this regulation bestows an individual right nor may it be construed to provide an expectation of privacy. All content created on City equipment or systems is subject to the Freedom of Information Act.

II. EMPLOYEE PERSONAL USE OF SOCIAL MEDIA

An employee may access social media while at work within the parameters of the City's policies and regulations. Users are expected to limit use to personal time, such as breaks, lunch periods



And off-duty time. If an employee's use of social media becomes excessive, interferes with or is disruptive to City business or productivity, or negatively affects the employee's job duties, the employee may be subject to discipline.

Participation in social media, whether by City or non-City internet resources and whether made while on or off duty must not violate the privacy rights of other City employees, customers, or business partners, or any City policy or regulation, including but not limited to the following:

- A. City Code of Ethics
- B. Equal Employment Opportunity
- C. Standards of Conduct
- D. Information Technology Acceptable Use
- E. Political Activities
- F. Proprietary Rights
- G. Violence Free Workplace
- H. Guidelines for City of Mobile Logo Use

When participating in social media employees are expected to know and follow all City policies and regulations. They are also expected to be respectful, truthful, accurate, and not engage in retaliatory behavior.

III. PROHIBITED CONDUCT IN PERSONAL SOCIAL MEDIA

Employees may be disciplined up to and including termination for engaging in any of the following in their personal online social media activity:

- A. Promoting or taking part in activities which violate federal, state, or local law.
- B. Threatening harm, directly or indirectly, to any City employee or City customer, business partner, vendor, or supplier.
- C. Making false or misleading statements about City employees, the City, City customers, business partners, vendors, or suppliers.
- D. Making disparaging remarks toward or about any City employee, the City, City customers, business partners, vendors, and/or suppliers that are based on race, color, religion, sex, age, national origin, citizenship status, disability, genetic information, veteran status, sexual orientation, gender identity/expression or other characteristic protected by law.



IX. ACCIDENT AND INJURY REPORTING

PURPOSE

This policy establishes the procedures to be followed when a City of Mobile employee suffers a workplace injury, is involved in a vehicle accident, or is involved in any other incident that results in damage to property or equipment.

Vehicle accidents, personal injuries, and property damage incidents cost the taxpayers of Mobile thousands of dollars each year in worker's compensation, lost productivity, damage to equipment, and liability claims against the City. The City of Mobile is committed to providing a safe workplace and will take every action necessary to ensure the safety of its employees and citizens. Conducting a thorough investigation of every vehicle accident, workplace injury, and property damage incident is essential for determining what caused the accident and why it occurred. With this knowledge, unsafe conditions that led up to the accident or injury can be corrected and the accident or injury can be prevented from occurring again.

Definitions:

City Vehicle – Any motor vehicle owned or leased by the City of Mobile whether used on the road or off the road and includes equipment or machinery that may not require a driver license but may be operated on a public roadway.

Operation – The process of driving, operating, or maneuvering a vehicle in a forward, backward, or sideward motion.

Vehicle Accident – Any incident where a City of Mobile vehicle, or other vehicle or property is damaged as a result of the operation of a City of Mobile vehicle.

Road Traffic Accident – Any incident resulting in property damage or injury where a City of Mobile vehicle collides with another vehicle or object while using a public roadway.

Property Damage Incident – Any damage to property or a vehicle that did not occur during the operation of a City of Mobile vehicle.

Incident - Any event, minor in nature that causes damage or injury, or is a near miss. Reporting and tracking incidents are important because trends can be observed that may identify potentially serious hazards allowing the hazard to be corrected before serious injury or damage occurs.

VEHICLE ACCIDENT REPORTING

Employee (Operator) Responsibilities:

1. Call 911 for an ambulance for anyone seriously injured. **TAKING CARE OF THE INJURED TAKES PRECEDENCE OVER ALL OTHER RESPONSIBILITIES.**



2. Request police response for any of the following:

- a) The City vehicle was involved in a road traffic accident.
- b) The accident involves serious injury.

3. Call your supervisor and report the accident and location. All vehicle accidents **MUST** be reported immediately.

4. If possible, take photographs of the scene before vehicles are moved, use cell phone, digital camera, or any other recording device that is available.

5. Obtain names and addresses of all persons in other vehicles.

6. Obtain names and addresses of all witnesses.

7. Assist the police investigators in preparing their report.

8. Remain at the scene until released by the police and/or your supervisor.

9. **DO NOT ADMIT RESPONSIBILITY** or sign any statement except as requested by police or your supervisor.

Supervisor Responsibilities:

1. Take photographs of vehicles, damage, skid marks, and the surrounding area.

2. Obtain written statements from the driver and passengers of the City vehicle. If the Police Department does not get statements from witnesses, you should attempt to gather information as soon as you can.

3. Arrange for post-accident drug and alcohol testing per City of Mobile Substance Abuse in the Workplace Policy.

4. Call the Municipal Garage at 251-208-2876 to report the accident and arrange for the body shop to estimate the vehicle's damage.

5. Complete all applicable sections of the Incident Investigation Form including employee and witness statements.

6. Forward all reporting documentation to the Department Head.



Department Head Responsibilities:

1. Ensure that substance abuse tests were completed within specified deadlines.
2. Forward the Alabama Uniform Traffic Crash Report (if applicable) and photographs to the Motor Pool at motorpool@cityofmobile.org. The report can be obtained by calling Mobile Police Records Department at 251-208-1991 and requesting an emailed copy.
3. Review all reporting documentation for completeness and accuracy and email to safetymanager@cityofmobile.org within 5 business days of occurrence. The Risk Management Department, at the direction of the City Attorney, will conduct a pre-litigation investigation of all Road Traffic Accidents and the finding will be provided to the Department Head. All other accidents should be reviewed by your Safety Committee or Accident Review Committee (ARC) to determine fault and any recommendations to prevent recurrences.

Post Vehicle Accident Drug and Alcohol Testing Facilities

(Monday through Friday, 8:00 AM – 5:00 PM)

USA Health Industrial Medicine
1976 Michigan Ave.
Mobile, AL 36615
251-660-5910

(After Hours and Weekends)

University Hospital Freestanding Emergency Department
181 Hillcrest Road
Mobile, AL 36608
251-341-3800

PROPERTY DAMAGE REPORTING

Employee (Operator) Responsibilities:

1. Call 911 for an ambulance for anyone seriously injured. **TAKING CARE OF THE INJURED TAKES PRECEDENCE OVER ALL OTHER RESPONSIBILITIES.**
2. Request police response if there is damage to non-City property.
3. Call your supervisor and report the incident. Anytime damage occurs, this must be reported and investigated.
4. Obtain names and addresses of all witnesses as appropriate.

**Supervisor Responsibilities:**

1. Take photographs of scene.
2. Arrange for post-accident drug and alcohol testing per City of Mobile Substance Abuse in the Workplace Policy.
3. Call the Municipal Garage at 251-208-2876 and arrange for the body shop to estimate the vehicle's damage.
4. Complete all applicable sections of the Incident Investigation Form including employee and witness statements.
5. Forward all reporting documentation to the Department Head.

Department Head Responsibilities:

1. Ensure that substance abuse tests were completed within specified deadlines.
2. If a police Incident Report was completed, contact Mobile Police Records Department at 251-208-1991 and request an emailed copy of the report.
3. Review all reporting documentation for completeness and accuracy and email to safetymanager@cityofmobile.org.

INJURY REPORTING

In the event of life threatening or limb threatening injuries, **DO NOT** call the Triage Hotline. Instead, call 911 or go directly to the most appropriate Emergency Room for immediate medical care.

Triage Hotline at 855-660-5200

All injuries should be reported immediately to the employee's supervisor so that arrangements can be made for medical treatment or first aid. Failure to report an injury within 72 hours may affect your compensation benefits.

To determine the appropriate level of care after an on-the-job injury, call the Triage Hotline so a Registered Nurse can conduct an assessment and make a referral if treatment is needed.

- Immediately following a workplace injury, the Injured Worker should notify their Supervisor of the incident.
- The Injured Worker AND Supervisor should call the Triage Hotline at 855-660-5200 without delay to be connected directly with a Registered Nurse.



- The Triage Nurse will gather details from the Injured Worker regarding the injury to provide medical triage according to established protocols.
- The appropriate level of care will be discussed with the Injured Worker and Supervisor. This may include instructions for self-care/first aid (per protocols), a referral to a preferred provider clinic, or a referral to the Emergency Room.
- The Triage Nurse will complete the medical portion of the First Report of Injury and email it to the supervisor for completion including supervisor's signature.
- The Injured Worker may call the Triage Hotline 24 hours a day for follow-up as needed.

Use only City-approved physicians. For IMMEDIATE emergency treatment, the employee should be taken to the most appropriate emergency room.

The Incident Investigation Form should be completed and emailed to safetymanager@cityofmobile.org for all injuries that require medical treatment.

Approved Physicians

(Monday through Friday, 8:00 AM – 5:00 PM)

USA Health Industrial Medicine
1976 Michigan Ave.
Mobile, AL 36615
251-660-5910

Occupation Health Center
2050 Michigan Ave
Mobile, AL 36615
251-434-6770

(After Hours and Weekends)

University Hospital Freestanding Emergency Department
181 Hillcrest Road
Mobile, AL 36608
251-341-3800

University Hospital
2451 University Hospital Dr
Mobile, AL 36617
251-471-7300



Springhill Medical Center
3719 Dauphin St
Mobile, AL 36608
251-344-9630

DO NOT USE STAND-ALONE “DOC IN A BOX” CLINICS. Urgent Care/Immediate Care Clinics are not authorized for workers' Compensation Injuries.



Recommended by:
Michelle Gruzs
*Director of the Office of
Professional Responsibility*

Reviewed by:
James H. Barber
Chief of Staff

Approved by:
William S. Stimpson
Mayor

FOR QUESTIONS OR CONCERNS, PLEASE CALL: (251) 208-7321

Effective October 1, 2024

