



Government



HUMAN RESOURCES EMPLOYEE HANDBOOK

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HOLIDAYS AND LEAVE ACCRUAL POLICY

HOLIDAYS

Pursuant to Miss. Code Ann. 3-3-7

City Offices will be closed in recognition of ten (10) holidays each year. The list of holidays may be amended at any time by the Governor or municipal governing authority. All regular full-time employees will be paid for holidays according to the number of hours each is normally scheduled to work on the day on which the holiday falls.

All regular part-time employees will be paid for holidays according to the number of hours each is scheduled to work on the holidays. When a holiday falls on Sunday, the following Monday will be observed and when a holiday falls on Saturday, the preceding Friday will be observed. Holidays are observed from 12:00 a.m. (midnight) on the eve on the holiday to 12:00 a.m. (midnight) the day of the holiday.

Employees who are required to work on a holiday will be granted a compensatory day at the straight time rate for each holiday they are required to work, or if non-exempt; may be paid for the holiday at the straight time rate. Holiday pay does not count as hours worked for calculation of overtime. In order to receive pay for an observed holiday, employees must not have been absent without authorized leave either on the work day before or after the holiday.

The City of Jackson observes the following holidays:

January 1	New Year's Day
The Third Monday of January	Dr. Martin Luther King Jr.'s Birthday
The Third Monday of February	President's Day
The Last Monday of May	Memorial Day
June 19	Juneteenth
July 4	Independence Day
The First Monday of September	Labor Day
November 11	Veteran's Day
Last Thursday of November	Thanksgiving
December 25	Christmas Day

LEAVE

Personal Leave

City employees shall earn annual personal leave benefits on a pro-rated basis and credited to the leave bank of municipal employees during the employee's respective payroll cycle and according to the length of service. Personal benefits are not earned during any period of an unpaid leave of absence, for any time worked beyond the employee's regular shift assignment in a pay period.

Annual leave must be approved by the employees' supervisor and is considered leave without pay if approval is not given. The approval of vacation schedules shall be arranged considering both the desire of the employees and the department workload. The City shall try to accommodate employees' choices, but the City reserves the right to schedule vacation to meet operational needs. Taking leave without prior approval may result in discipline, up to and including termination.

There is no limit to the accumulation of annual leave. Upon termination of employment, employees shall be paid for not more than 240 hours of accumulated annual leave and all other unused annual leave shall be counted as creditable service for purposes of the Public Employee Retirement System (PERS).

The beneficiaries of employees who have died with unused vacation leave shall receive payment of all accumulated vacation leave, not to exceed the amount of 240 hours.

Personal leave will accrue as indicated below:

PERSONAL LEAVE (VACATION)

CONTINUOUS SERVICE	ACCURAL RATE	ACCRUAL RATE
	(Monthly)	(Annually)
1/2 month to 3 years		
8 Hour Employee	12 hours	18 days
12 Hour Employee	14 hours	21 days
24 Hour Employee	18 hours	27 days
3 years, 1 day to 8 years		
8 Hour Employee	14 hours	21 days
12 Hour Employee	17 hours	25.5 days
24 Hour Employees	21 hours	31.5 days
8 years, 1 day to 15 years		
8 Hour Employee	16 hours	24 days
12 Hour Employee	19 hours	28.5 days
24 Hour Employees	24 hours	36 days
Over 15 years		
8 Hour Employee	18 hours	27 days
12 Hour Employees	21 hours	31.5 days
24 Hour Employee	27 hours	40.5 day

Sick Leave

City employees shall earn annual sick leave benefits on a pro-rated basis and credited to the leave bank of municipal employees during the employee's respective payroll cycle and according to the length of service.

Sick Leave is leave from work to employees because of illness or injury of a member of employees' Immediate Family that requires the employees' attendance, and medical dental and optical appointments. *Immediate Family Members* include: parent, step-parent, spouse, siblings, step siblings, child, step-child, grandchild, grandparent, mother- in-law, father-in-law, sister-in-law, and brother-in-law.

If calling in sick, the employee shall call in before the start of the shift, in accordance with department policy. The first day of sick leave shall be taken as an annual leave day and following an absence of three (3) or more days, an employee shall be required to provide a doctor's excuse or other valid proof of absence. There is no limit for the accumulation of sick leave.

You may use sick leave when you are unable to work due to illness or injury. Sick leave is not to be used as extra vacation time. Any employee who abuses sick leave may be subject to disciplinary action. An employee shall be subject to disciplinary action if he/she engages in outside employment at any time which he/she has used sick leave.

Employees who are absent from work must report their absence to their immediate supervisor. Absences should be reported no later than one hour prior to the start of the work day. In extreme emergencies, notification should be given as soon as practicable.

The City reserves the right to require a satisfactory statement from a licensed physician whenever employees miss work due to illness, injury, or disability. Employees may be asked to provide a physician's statement that verifies the nature of an illness, injury or disability, its beginning and ending dates, and/or their ability to return to work without endangering their safety or the safety of others. Normally, a statement shall not be requested for absences of three (3) days or less, but the City may request such a statement in situations where it deems it is warranted. Such verifications and releases, when requested, may be a condition of receiving sick leave benefits or returning to work.

Sick leave benefits will not be earned or granted during any City authorized unpaid leave of absences from duty not authorized by the City; or after separation from the City.

If employees retire due to disability, they shall be allowed to use all accumulated sick leave and/or vacation leave before the effective date of their disability retirement.

Additional Personal Leave for Birthday Recognition

In addition, to the personal leave hours based on length of service, each employee shall be afforded an additional day of leave which corresponds with the number of hours he/she routinely works as birthday recognition which may be taken by the employee at any time.

Bereavement Leave

The City of Jackson recognizes that death may occur in the *Immediate Family* of employees which require absences from work. *Immediate Family Members* include: parent, step-parent, spouse, siblings, step siblings, child, step-child, grandchild, grandparent, mother-in-law, father-in-law, sister-in-law, and brother-in-law.

Employees will receive three (3) days of paid bereavement leave to employee's who are confronted with death in the *Immediate Family*. In addition to the three (3) days of paid bereavement leave, an employee who is confronted with death in the *Immediate Family* may also use up to two (2) days of sick leave.

Sick leave will accrue as indicated below:

SICK LEAVE

CONTINUOUS SERVICE	ACCURAL RATE	ACCRUAL RATE
	(Monthly)	(Annually)
1/2 month to 3 years		
8 Hour Employee	8 hours	12 days
12 Hour Employee	10 hours	15 days
24 Hour Employees	12 hours	18 days
3 years, 1 day to 8 years		
8 Hour Employee	8 hours	12 days
12 Hour Employees	10 hours	15 days
24 Hour Employees	12 hours	18 days
8 years, 1 day to 15 years		
8 Hour Employee	8 hours	12 days
12 Hour Employee	10 hours	15 days
24 Hour Employee	12 hours	18 days
Over 15 years		
8 Hour Employee	8 hours	12 days
12 Hour Employee	10 hours	15 days
24 Hour Employee	12 hours	18 days



CITY OF JACKSON DONATED LEAVE POLICY AND PROCEDURES

POLICY

The City of Jackson's donated leave policy is intended to provide employees with an opportunity to donate accrued sick leave to fellow employees who are suffering from an extended injury or illness causing incapacitation, or who has a spouse or child suffering from an extended injury or illness which requires the employee's presence and care.

I. DEFINITIONS

- A. Recipient** is the employee who receives donated sick leave.
- B. Donor** is an individual who volunteers to donate sick leave to an employee.
- C. Incapacitation** is the lack of physical ability to perform work supported by medical opinion for a period of fourteen (14) days or more due to an extended injury or illness.
- D. Physician** is a doctor of medicine or a doctor of osteopathy, legally qualified and licensed to practice medicine and practicing within the scope of their license at the time and place service is rendered.
- E. Regular full time employee** is an individual who works an average of forty (40) hours per week and not a temporary hire.
- F. Extended injury or illness** means a traumatic or severe injury or illness which does not arise out of the course and scope of employment with the City of Jackson and requires treatment by a physician and is expected to last fourteen (14) days or more and requires a significant period of recovery exceeding fourteen (14) days or more according to a physician's statement or report.
- G. Spouse** means a person who is legally married to the employee receiving donated leave.
- H. Child** means a male or female person under the age of 21 years born to a female regular full-time employee or fathered by a regular full time male employee; or a male or female person under the age of 21 years who has been legally adopted by a regular full time employee; or a male or female person under the age of 21 years who a regular full time employee has been appointed to be the legal guardian by a court of competent jurisdiction.

II. COVERAGE/SCOPE

A regular full time active City employee may request and receive donated sick leave provided they (1) are incapacitated due to an extended injury or illness or have a spouse or child suffering from an extended injury or illness which requires their presence and care giving and (2) satisfy the eligibility requirements and guidelines set forth in this policy.

Specific examples of extended injuries or illnesses include but are not limited to the following: (1) cancer (2) brain injuries (3) aneurysm (4) inoperable brain tumors (5) spinal cord injuries (6) other injuries and illnesses of catastrophic degree causing incapacitation as defined above and supported by medical opinion.

III. ELIGIBILITY FOR DONATED LEAVE AND LIMITATIONS

A. Individuals participating in the donated leave program must meet **all** of the following criteria:

1. Have suffered an extended injury or illness resulting in incapacitation which is supported by medical opinion or have a spouse or child suffering from an extended injury or illness which requires his/her presence and care giving as supported by medical evidence.
2. Regular full-time active employee of the City of Jackson.
3. Employed with the City of Jackson for at least twelve (12) consecutive months without a separation of service prior to receiving or donating sick leave.
4. Employee must have exhausted all available sick and vacation leave benefits.

B. Individuals who are eligible and qualified to receive workers' compensation benefits are ***not eligible*** to receive donated sick leave.

C. Individuals donating leave must donate to an employee who is suffering from an extended injury or illness or has a spouse or child suffering from an extended injury or illness at the time donation is made.

IV. GUIDELINES GOVERNING THE DONATION OF LEAVE BY DONORS:

A. Only sick leave may be donated.

B. A minimum of eight (8) hours of sick leave must be donated by donor for any single donation.

- C. A donor may not donate more than 160 hours of sick leave within a 365 day period commencing the first day the donor contributes leave, the maximum number of hours a donor may donate during the term of his/her employment is 480.
- D. A donor's leave contribution may not exceed fifty percent (50%) of sick leave accrued.
- E. A donor must have a minimum of 56 hours of sick leave remaining after the donation.
- F. Donors must specifically identify the employees for whom the leave is to be donated. Donors may donate sick leave to more than one individual provided **all** guidelines set forth in the policy are adhered to concerning the donation.

V. GUIDELINES GOVERNING THE RECEIPT OF DONATED LEAVE BY RECIPIENT:

- A. An employee may received a maximum of 480 hours of donated sick leave during the term of employment with the City of Jackson provided all available sick and personal leave benefits have been exhausted.
- B. Leave received by a recipient which exceeds the sick leave required as indicated by medical opinion will be credited back to the donor or donors on a pro rata basis in proportion to the number of days of sick leave donated by the donor or donors.
- C. A recipient of donated leave must be suffering from an extended injury or illness which results in incapacitation at the time of receipt of the leave or have a spouse or child suffering from an extended injury or illness which requires his/her presence and care giving.
- D. Recipients of donated leave must provide medical proof of the extended injury or illness suffered and must also provide proof of marriage, birth, adoption, or guardianship when donated leave is sought due to the extended injury or illness of a spouse or child.

VI. PROCEDURE FOR RECEIVING AND DONATING LEAVE:

Step # 1

An employee who is suffering from an extended injury or illness resulting in incapacitation whose sick and personal leave benefits have been exhausted must request that sick leave be donated by completing the Leave Donation Request Form and submitting same to the employee's department director.

The physician's statement appearing on the Leave Donation Request Form **must** be completed by the physician treating the employee, or the employee's spouse or child for the extended injury or illness before the form is submitted to the employee's department director.

If an employee is incapacitated or otherwise unable to complete the request for donated leave, the employee's supervisor may complete and submit the request on behalf of the employee with the written consent of the employee or their spouse, designated legal representative, guardian, conservator, or next of kin; however, the physician's statement must accompany the request.

Step #2

The employee's departmental director shall review and approve the donated leave request and shall forward it to the Department of Personnel Management for processing.

Step # 3

Upon receipt of the approved Leave Donation Request Form by the Department of Personnel Management, the employee's department director shall advise employees that the request for sick leave contributions has been approved and sick leave may be donated by employees of the various city departments.

Step 4

Employees desiring to donate sick leave to fellow employees must complete the Leave Donation Form and submit it to their department's timekeeper. The timekeeper shall verify that the employee has sufficient sick leave to donate and upon verification that the employee has sufficient sick leave to donate shall submit the Leave Donation Form to the department director for approval.

Step 5

The Department Director shall forward to the Department of Personnel Management's assigned Human Resource Officer the original Leave Donation Form for approval.

Step 6

The Human Resource Officer shall send a copy of the approved Leave Donation Form to the Department of Administration for crediting and debiting of the donor(s) and recipient(s) sick leave banks.

Step 7

When the recipient returns to work, the Director of the Personnel Management or their designee sends a memorandum to the Department of Administration requesting that

the donor(s) and recipient(s) sick leave banks be adjusted if there is excess sick leave contributions remaining upon the recipient's return. The adjustments shall be in proportion to the number of hours donated by the donor(s).

MISCELLANEOUS PROVISIONS

The City of Jackson's Internal Audit Division will conduct an annual audit of the donated leave program to verify that leave account balances are accurate. The Internal Audit Provision will provide appropriate notice to the Department of Administration and the appropriate pay roll processing unit of any required leave bank adjustments within fourteen (14) days of conclusion of the audit, and leave bank adjustments shall be made within ten (10) days thereafter.

It is the purpose of this policy to provide short-term relief from financial hardship arising due to physical inability to perform work when one suffers an extended injury or illness or due to absence from work necessitated by an employee's presence and care giving for a spouse or child suffering from an extended injury or illness. Therefore, an employee's eligibility for benefits pursuant to the Family Medical Leave Act (FMLA) is not affected by this policy.

Fraud, misuse, and abuse of donated leave may result in disciplinary action up to and including termination.



FAMILY AND MEDICAL LEAVE

In compliance with the Family and Medical Leave Act, which went into effect on August 5, 1993, leave is available to all City employees who have worked at least 1,250 hours during a twelve (12) month period preceding the leave. This policy is issued to ensure that City employees receive, as a minimum, the leave time provided them by provisions of the Family and Medical Leave Act.

FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable leave for certain family and medical reasons. It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity for men and women.

The Paid Parental Leave Policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable.

Eligible employees shall be entitled to a total of twelve (12) work weeks of leaving during a twelve (12) month period for one or more of the following:

- For the birth and care of the newborn child of an employee;
- For placement with the employee of a child for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- To take medical leave when the employee is unable to work because of a serious health condition.

Employees are eligible for leave if they have worked for at least 12 months, at least 1,250 hours over the past 12 months. Whether an employee has worked the minimum 1,250 hours of service is determined according to FLSA principles for determining compensable hours or work.

Time taken off work due to pregnancy complications can be counted against the 12 weeks of family and medical leave.

Qualifying reasons for FMLA leave

Eligible employees are entitled to a total of twelve (12) work weeks of leave during a twelve (12) month period for one or more of the following reasons:

- a. birth and care of a child of the employee within one year of birth;
- b. adoption or foster care of a son or daughter within one year of placement with the employee;
- c. care of an immediate family member (spouse, parent, or child) with a serious health condition. A child is defined as a son or daughter under the age of 18, or over the age of 18 if incapable of self-care due to a physical or mental disability at the time leave is to commence;
- d. medical leave when the employee is unable to perform the essential duties and responsibilities of his/her job/position because of a serious health condition;
- e. qualifying exigencies in connection with certain federal military activation of a family member deployed. This leave allows eligible employees to take up to 12 work weeks of FMLA leave per calendar year for a qualifying exigency because the employee's spouse, son, daughter, or parent meeting the definition of a covered military member is on active duty or has been notified of an impending call or order to federal active duty; and
- f. military caregiver leave for a spouse, parent, or child or next of kin who suffered a serious injury or illness in the line of duty while on active duty. Military caregiver leave also covers employees whose parent, child, spouse, or next of kin is a veteran undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including the National Guard or Reserves) at any time during the 5-year period preceding the date on which the veteran underwent service-related medical treatment, recuperation, or therapy.

This leave permits eligible employees to take up to *26 work weeks* of FMLA leave

to care for a covered servicemember during a single 12-month period who has a serious injury or illness.

A serious health condition is defined by the law as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the essential functions of the employee's job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days. (Specific documentation is required.)

For a parent to take FMLA leave for a child who is eighteen (18) or over, the son or daughter must:

- have a disability as defined by the Americans with Disabilities Act (ADA) at the time the leave is to commence;
- be incapable of self-care because of the disability;
- have a serious health condition, and
- need care because of the serious health condition.

Military Qualifying Emergency Leave

Qualifying military leave exigencies, under this Act, may include attending certain military events, arranging for alternative child care, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

The FMLA process

To request family medical leave, the employee should notify the Department of Human Resources FMLA Coordinator. The employee shall request the leave 30 days, or as soon as possible or practicable and complete the FMLA Request for Leave Form.

Within fifteen (15) days after the employee requests FMLA leave, he/she must provide the FMLA Coordinator with a signed medical certification from the employee's health care provider.

The 12-month period that will be uniformly applied to all employees taking FMLA leave will be a rolling 12-month period measured backward. FMLA will be applied by using a 12-month period measured backward from the date an employee uses any FMLA leave.

Under the rolling 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Sufficient medical certification

A complete and sufficient medical certification need only include the following information:

- contact information for the health care provider, including name, mailing address, telephone number, fax number, and type of medical practice/specialty;
- when the serious health condition began;
- how long the serious health condition is expected to last;
- if the employee is the patient, whether the employee is unable to work, and the likely duration of this inability;
- if a family member is the patient, whether the family member needs care, and an estimate of the frequency and duration of the leave required to care for the family member;
- whether the employee's need for leave is continuous or intermittent, and
- appropriate medical facts about the condition (which may include information on symptoms, doctor visits, hospitalization, and referrals for treatment).

If an employee fails to provide a complete and sufficient medical certification despite the opportunity to cure the deficiency, the City may deny the employee's request for FMLA leave.

Within five (5) business days after the City receives the complete, signed medical certification from the employee's health care provider, the City will provide a FMLA designation notice stating if the leave was approved or denied. FMLA leave can be taken for more than one qualifying reason in the same 12-month leave year. However, multiple serious health conditions or qualifying reasons for leave do not increase the total FMLA leave entitlement available.

The City requires that the employee use all available accrued paid vacation leave and sick leave as part of the twelve (12) week period.

Once authorized paid leave has been exhausted, the remainder of the twelve (12) weeks of leave shall be unpaid.

Leave taken under this FMLA may be taken intermittently or on a reduced leave schedule in certain cases.

FMLA Intermittent Leave

FMLA intermittent leave means an employee may take leave in separate blocks of time or by reducing the time the employee works each day or week for a single qualifying reason. A reduced leave schedule is a leave schedule that reduces the usual number of hours per workweek or hours per workday of an employee.

When FMLA leave is needed for planned medical treatments, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the City of Jackson's operations. FMLA intermittent leave may also be taken in separate blocks of time or via a reduced leave schedule when there are flare-ups of the serious health condition.

If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the City's approval.

During the period of family medical leave, the City shall maintain employees' group health care coverage on the same conditions as coverage would have been provided if they have been continuously employed during the entire leave period. When an employee elects to use paid leave credits (personal or sick leave) while on FMLA leave, the City will continue to make payroll deductions to cover the employee's share of the health care premiums.

When an employee elects to take unpaid FMLA leave, the employee must continue to make these health insurance premium payments.

Recertification process

The City may not request a medical recertification more often than every thirty (30) days and only in connection with an absence when no minimum duration for the condition is specified.

The City will require a new medical certification at the beginning of each specified 12-month period for individuals who have conditions which will require leave. Such annual certifications may be requested separately and apart from an absence. Employees must submit recertification documentation within fifteen (15) days after the City's request.

Returning to work/job restoration

Upon returning to work from FMLA leave, an employee will be restored to his/her original job or to an equivalent job with equivalent pay, benefits, and other terms and

conditions of employment. An employee's use of FMLA leave can not be counted against the employee under a "no-fault" attendance policy.

Leave Extension

When an employee has exhausted twelve weeks (12) of protected FMLA leave and still cannot return to work due to their own medical impairment; the employee may request a leave extension as an accommodation under the Americans with Disabilities Act (ADA). If the employee elects to request extended unpaid leave, leave may be granted if the employee qualifies to receive an accommodation under the ADA, and if the accommodation will not pose an undue hardship. If approved, the extension leave will be unpaid, regardless of whether the employee has available accrued personal or vacation leave.

The employee may be asked to provide additional medical information to support the continuing need for leave. The City will then notify the employee if the unpaid leave is approved in accordance with the ADA. All employees will not be eligible to receive an extended leave under the ADA. If the request for leave extension does not meet qualification for accommodations under ADA; the leave will be denied.

Such leave will be reviewed on a case-by-case basis. Leave must be approved by the Department Director and the Human Resources Director.



AMERICANS WITH DISABILITIES ACT REASONABLE ACCOMMODATIONS IN EMPLOYMENT

The City of Jackson will not discriminate against anyone with a disability or impairment in communications, employment, public accommodations, transportation, and access to City programs and services. Likewise, no one shall be retaliated against for seeking a reasonable accommodation for a disability.

Americans With Disabilities Act (ADA), a reasonable accommodation, is a modification or adjustment to a job, the work environment, or the way things are usually done during the hiring process. These modifications enable an individual with a disability to have an equal opportunity not only to get a job, but successfully perform their job tasks to the same extent as people without disabilities.

The ADA requires reasonable accommodations as they relate to three aspects of employment: 1) ensuring equal opportunity in the application process; 2) enabling a qualified individual with a disability to perform the essential functions of a job; and 3) making it possible for an employee with a disability to enjoy equal benefits and privileges of employment.

A disability is defined as:

- a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- a record of such impairment; or
- being regarded as having an impairment.

A qualified individual with a disability is one who meets the job requirements of the position and who, with or without reasonable accommodation, can perform the essential functions of such position.

A reasonable accommodation means:

- modifications or adjustments to a job application process that will enable a qualified applicant with a disability to be considered for the position such the qualified applicant desires; or
- modifications, adjustments, or changes to a job or work environment or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform these essential functions of that position; or
- modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees.
- Only individuals who have an actual disability, or who have a record of a disability are entitled to accommodations

Request for an accommodation

A request for an accommodation is a written or verbal request for modification or adjustment in the process of job application or the work environment. A City employee may make a request for a reasonable accommodation to a supervisor, Director, ADA Coordinator, or the Department of Human Resources.

All documents concerning an employee's reasonable accommodation request should be maintained in the employee's confidential file, separate from the employee's official personnel file, and in accordance with applicable confidentiality laws and regulations.

A representative from the Department of Human Resources may ask for documentation and to complete the Reasonable Accommodation Request Form for recordkeeping purposes. Medical documentation may be needed to establish that the employee has a disability and requires a reasonable accommodation. The medical documentation should explain the disability and functional limitations.

The City of Jackson (supervisor, Director, ADA Coordinator, or Human Resources representative) should promptly initiate the interactive process with the employee to determine the employee's needs and identify the appropriate reasonable accommodation.

The City of Jackson is not required to provide the reasonable accommodation that the employee wants. However, the City may choose among reasonable accommodations if the chosen accommodation is effective.

There are several factors that the City of Jackson will consider when making its decision regarding reasonable accommodation requests.

- If the requested accommodation creates an undue hardship for the City of Jackson (undue hardships are determined on a case-by-case basis)
- the nature and net cost of the accommodation needed, taking into considering the availability of outside funding;
- the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation;
- the number of people employed at the facility and the effect on expenses and resources;
- the type of operation of the City facility including the composition, structure, and functions of the work force of the City, and geographic separateness and administrative or fiscal relationship to the facility in question to the City;
- legitimate safety concerns; and
- the impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the City's ability to conduct business.

The decision to grant or deny a reasonable accommodation request will be provided to the employee in writing. When the City has denied a requested reasonable accommodation but offered to make a different accommodation, the City's notice should explain both the reason for the denial of the requested reasonable accommodation and the reason that it believes the chosen accommodation will be effective.

When the City had denied a reasonable accommodation or provided an accommodation that the applicant or employee believes is ineffective, within ten (10) days after receiving a decision from the City, an applicant or employee may appeal the decision in writing to the City's ADA Coordinator or the Equal Employment Opportunity Officer (EEO). The ADA Coordinator office is housed in the Department of Human Services; the EEO Officer's office is housed in the Department of Human Resources.

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1.1 Purpose

The purpose of these policies is to establish the basis for a system of personnel management based on merit principles and to facilitate effective and economical services to the public. Both the employee and the employer are privileged to terminate employment based upon the provisions stated herein. The language in this handbook is not intended to create a contract between the City of Jackson and its employees.

1.2 Authority

The City of Jackson retains the right to exercise customary managerial functions including the right to dismiss, assign, supervise and discipline employees; to determine and change starting time, quitting time, work days and work shifts; to *transfer* employees within their work unit or into other work units and other *classifications*; to determine and change the size of and qualifications of the work-force; to establish, change and abolish its policies, practices, rules and regulations; to determine and change operating methods; to contract and subcontract; to assign duties to employees in accordance with the needs and requirements determined by the City of Jackson; and to carry out all ordinary administrative functions.

1.3 Adoption of Rules

These rules shall supercede all existing personnel rules from the date of adoption and will be enforced prospectively.

1.4 Applicability

1.4.1 These policies govern personnel administration for all *regular full-time* and *part-time* employees of the City of Jackson, unless specified otherwise. Exceptions are:

1.4.1.1 Members of *appointive* boards, commissions, and committees.

1.4.1.2 Persons engaged under contract to supply expert, professional, or technical services. Volunteer and *temporary* personnel.

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- 1.4.2 *Classified* employees are governed by *Civil Service Commission* regulations. The Civil Service Rules handbook is available from the Department of Personnel Management.
- 1.4.3 Policies and procedures regarding Civil Service Commission and status do not apply to the following employees of the City of Jackson:
 - 1.4.3.1 Unclassified personnel [including all Department Directors, Mayor's Office staff, City Clerk and staff of the Clerk, City Prosecutors (Attorneys), and JRA (Jackson Redevelopment Authority) Director and JRA staff] and other personnel and *positions* outside the jurisdiction of the Civil Service Commission.

1.5 Responsibilities

- 1.5.1 Employees shall be fully informed of their duties and responsibilities.
- 1.5.2 They shall be provided with adequate administrative and supervisory direction.
- 1.5.3 They shall be encouraged and helped to improve their level of performance.
- 1.5.4 They shall be provided training, as needed, to ensure high quality of performance.
- 1.5.5 Their eligibility for *promotion* shall be dependent upon demonstrated merit and ability.
- 1.5.6 Their treatment in all aspects of personnel administration shall be impartial and without regard to race, religious creed, color, ancestry, gender, age, marital status, pregnancy, childbirth or related medical condition, national origin, or disability, and with proper regard for their privacy and constitutional rights as citizens.
- 1.5.7 Mediocrity and incompetence shall not be tolerated.

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- 1.5.8 The City of Jackson may expect that its employees shall:
- 1.5.8.1 Provide faithful and effective performance,
 - 1.5.8.2 Respect proper protocol and the normal chain of command,
 - 1.5.8.3 Display proper personal conduct and continuing fitness for the *position*,
 - 1.5.8.4 Not abuse the rights, privileges, and benefits provided by employment with the *City*, and
 - 1.5.8.5 Display courtesy and respect to the public.

1.6 Scope

The policies, procedures, and rules incorporated herein shall not preclude the development of operating policies, procedures, and rules within specific departments of the *City* nor the development of personnel or administrative policies and procedures governing the implementation of these rules, policies, and procedures. **All public safety personnel are expressly advised to refer to departmental general orders and/or their standard operating procedures as applicable, which shall not conflict with these rules.** In the event of a conflict these rules shall prevail. The City of Jackson retains the right to modify, supplement, revise, or rescind any provision of this manual as it deems appropriate in its sole discretion, followed by notification of employees.

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2.1 Equal Employment Opportunity

It is the policy of the City of Jackson to employ, retain, promote, terminate, and otherwise treat all employees and job applicants based on merit, qualifications, and competence. This policy shall be applied without regard to any individual's gender, race, color, ancestry, religious creed, national origin, pregnancy, childbirth or related medical condition, age, marital status, or disability, so long as bona-fide occupational qualifications are met.

2.2 Affirmative Action

The City of Jackson recognizes that its commitment to equal employment opportunity entails the responsibility to ensure that every reasonable effort is made to obtain a representation of diverse groups, women and persons with disabilities among City employees by taking affirmative action to increase the representation of diverse groups, women, and persons with disabilities in the City work force as appropriate.

2.3 Policy Against Harassment

2.3.1 The City of Jackson is committed to providing a work environment that is free from discrimination in any form. In keeping with this commitment, the City maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy applies to all City employees, including *supervisors* and non-supervisory employees. Furthermore, it prohibits harassment in any form, including verbal, physical, and visual harassment.

2.3.2 Sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors where either: (1) submission to such conduct is made an explicit or implicit term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Employees who violate this policy shall be subject to discipline.

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- 2.3.3 Employees who believe they have been harassed by a co-worker, *supervisor*, or other employee of the City should report the facts of the incident promptly to their *Department Director*, or in the alternative, to the Equal Employment Opportunity (EEO) Officer of the Department of Personnel Management or a designee. Supervisors should immediately report any incidents of harassment reported by their employees to the EEO Officer. The EEO Officer shall ensure that all such claims are promptly investigated and that appropriate disciplinary action is taken, up to and including *dismissal* of employees who have violated this policy.
- 2.3.4 If employees believe they have been sexually harassed by a co-worker, supervisor or other employee of the City and if they believe they could talk to the offender without jeopardizing personal safety, job or status, then they may communicate clearly to the offender that the behavior should cease immediately.
- 2.3.5 The employee should keep a record of the incident and when it took place.
- 2.3.6 The employee should seek support and/or advice from the EEO Officer of the Department of Personnel Management.
- 2.3.7 Any retaliatory action taken by employees of the City against any other employee because of a harassment complaint is prohibited and shall be regarded as a separate and distinct cause for complaint under the appropriate procedures.

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3.1 Political Activities

- 3.1.1 Employees are specifically prohibited from engaging in political activities, including, but not limited to, campaigning, handing out campaign literature, posting signs, and soliciting support or donations, at any time while on duty, while wearing a *City* uniform, or while on City premises; provided, however, employees may participate in public political meetings on City property. City employees may not use City funds or equipment for the purpose of providing support or opposition to a candidate or a ballot measure. City employees may not solicit political contributions from other City employees nor from persons on *eligibility lists* for City jobs. Employees may make appeals to the public generally, even though such appeals may include City employees.
- 3.1.2 The political activities of City employees are restricted by certain State and Federal laws. Employees of the City shall obey all such applicable laws.
- 3.1.3 Nothing stated herein shall be construed as limiting any employee's right to vote, or freedom of reasonable expression or right of association, nor the exercise of any rights protected by the Constitution of the United States of America and the State of Mississippi.
- 3.1.4 *Employee Involvement in Political Campaign Activity*
- 3.1.4.1 Public employees should work in an atmosphere free from political influence or coercion.
- 3.1.4.2 No employee shall be pressured to contribute to a political fund or render any political service.
- 3.1.4.3 While City employees are encouraged to participate in community service programs of a charitable, educational, religious, fraternal, civic or political nature, employees are prohibited from engaging in any of these activities during working hours or using property or equipment of the City in the pursuit of such activities, unless specifically authorized in writing by the Mayor's Office.
- 3.1.4.4 Employees of the City who are involved in community affairs that require extended periods of time away from their jobs

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should handle such participation according to vacation *leave* and/or leave of absence provisions.

- 3.1.4.5 Political assistance rendered on behalf of a candidate or party, whether actual work or endorsements, must be in the name of the individual employee; the City's name shall not be associated with any employee's political activities.

3.1.5 ***Employees Running for Political Office***

- 3.1.5.1 Employees planning to seek public office must give notice in writing of their intention to the Mayor's Office.

- 3.1.5.2 Pursuant to Section 21-31-27, Miss. Code Ann. (1972) as amended, a *certified* employee is subject to *dismissal* for cause if that employee participates as a candidate for an elective office in a municipality where the employee is employed.

- 3.1.5.3 Certified employees cannot claim exemption from the restrictions of the aforementioned statutes by taking a leave of absence without pay; such employees must sever the employment relationship with the municipality.

- 3.1.5.4 Certified employees may seek a county or statewide office but must use vacation or leave of absence to do so.

3.2 Gifts and Gratuities

Employees of the City of Jackson are expected to provide the public with efficient and courteous service. Since such service is given impartially to all, the acceptance of gifts, money, or gratuities for such services from any person or organization is strictly prohibited.

3.3 Immigration Reform and Control Act Compliance

The City of Jackson is committed to full compliance with the federal immigration laws. These laws require that all individuals pass an employment verification procedure after being hired. These procedures have been established by law. The law requires that within three (3) business days after commencing work, employees must produce

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documents providing satisfactory evidence of identity and authority to work in the United States or receipts showing application for acceptable documents. Employees who present receipts showing application for acceptable documents must present within an additional eighteen (18) days (twenty-one (21) days after hire), documents establishing satisfactory proof of identity and legal authority to work in the United States. Employees who cannot present such documents shall be terminated. All new hires must satisfy this requirement.

3.4 Other Employment

- 3.4.1 *City* employees shall not engage in any other employment that is detrimental to, or in conflict with their duties or service with the City. Employees shall be subject to appropriate departmental policies and procedures affecting other employment. All public safety personnel are advised to refer to departmental general orders and/or their standard operating procedures, as applicable.
- 3.4.2 Employees of the City must report other employment in writing to their Department Director. The Department Director, in coordination with the Department of Personnel Management, shall have the authority to determine if an employment conflict exists.
- 3.4.3 City employees are prohibited from holding other City jobs in addition to their regular jobs.

3.5 Nepotism

- 3.5.1 Employment of relatives in *City positions* is restricted where (1) employees would exercise a supervisory or evaluative role in relation to a relative; or (2) employees are in a position to exert direct influence on the hiring, *promotion*, *transfer*, or performance evaluation of a relative; or (3) potential problems of safety, security or morale exist, or (4) other relationship that exists is determined by the *Department Director* or the Mayor's Office to be detrimental to the performance of the employee or to the operations of the division or of the City. Additionally, it shall be the policy of the City to prohibit the employment of relatives within the same division.

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- 3.5.2 For purposes of this policy, divisions shall include designated functional areas, as recommended by the Department Director and approved by the Mayor's Office, in the following Departments or Offices: Action Line, Administration, City Attorney, City Clerk, Fire, Human and Cultural Services, Internal Audit, Personnel Management, Planning and Development, Police and Public Works. A list of such divisions shall be maintained by the EEO Officer in the Department of Personnel Management.
- 3.5.3 For purposes of this policy, relatives include employees' or *City Council* members' parent, child, spouse, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or first cousin, whether such relationship is by blood or by marriage.
- 3.5.4 If two employees marry, the City shall work with the employees to explore reasonable accommodations that can be made to eliminate the potential problems. The City shall allow six months to provide reasonable accommodation, but the conflict must be resolved by the end of that time.
- 3.5.5 If relatives become members of the same division as a result of a reorganization, the resolution shall be determined by the Department Director. However, neither employee shall experience any loss of benefits as a result of reorganization.
- 3.5.6 Employees who are in compliance with the nepotism policy as of the date of approval of these rules shall not be considered in violation of this policy while they remain in their current positions of employment.

3.6 Alcohol/Drug Policy

The City of Jackson strives to provide a safe and productive work environment for all employees. It is the policy of the City that employees shall not be involved with the unlawful use, possession, sale or transfer of drugs or narcotics in any manner. Further, employees shall not possess alcoholic beverages in the workplace or consume alcoholic beverages during working time, and shall not consume alcoholic beverages during non-working time when such consumption affects performance of duties or is apparent to others. A copy of the City's Alcohol/Drug Policy may be obtained from the Department of Personnel Management or the employee's *Department Director*. The City has a drug testing policy which is described in "Policy on

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Drug/Alcohol Abuse" available from the Department of Personnel Management.

3.7 Smoking Policy

The City of Jackson is committed to providing a healthy and safe working environment for employees. Smoking is not only unhealthy for the smoker, but for everyone who breathes the smoke. Therefore, smoking inside any building or vehicle owned, leased, used or operated by the City is strictly prohibited by city ordinance.

3.8 Safety

For their own protection and in the interest of fellow workers and the public served, employees must learn and follow all established safety practices as fully set out in the most recent edition of the Employees' Safety Manual. The Employees' Safety Manual is provided to each new employee and copies are also available from the Risk Management Division of the Department of Personnel Management.

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4.1 Procedures and Methods

- 4.1.1 In compliance with Civil Service and other applicable laws and in accordance with good personnel management practices and the principles of merit, the Department of Personnel Management shall recommend uniform procedures and methods for the selection of persons for employment, assignment, *promotion*, *demotion*, *dismissal*, and other *personnel actions* with approval by the *Civil Service Commission*, as applicable.
- 4.1.2 Vacancies in all non-appointed *positions* throughout the City's workforce shall be announced and posted by the Department of Personnel Management.
- 4.1.3 The Department of Personnel Management shall prepare and keep available an *Eligibility List* for each Competitive Class position and a *Referral List* for all other positions.
- 4.1.4 Persons with permanent status in *classified* service who have been laid off (not to include dismissal or *resignation*) through no fault of their own shall be placed on the Referral or Eligibility list for their *classification* with a statement setting forth the special status. The lists shall remain valid for one year or until depleted, whichever occurs first.

4.2 Applications for Openings

- 4.2.1 Pre-employment Applications and *Promotion* Requests may be obtained from the Department of Personnel Management, City of Jackson, Mississippi.
- 4.2.2 Employees must complete a minimum of twelve (12) months of active service in their present job to be eligible to apply for *positions* outside of their Department. Special permission may be granted in some instances by the Mayor's Office.
- 4.2.3 All employees new to a position, whether by initial appointment or promotion, must complete twelve (12) months of satisfactory service before becoming eligible for promotion.
- 4.2.4 Each applicant shall certify that all answers to all questions and all information furnished and requested/required in the form or forms of

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application prescribed are true and complete. Falsification shall result in disqualification for the position.

4.2.5 In addition to the information required on the forms of application, each applicant shall submit to such other examinations, interviews, and tests (e.g. written, practical, physical or medical), including drug tests, as the City may require.

4.2.6 Other requirements such as fingerprints, photographs, and background investigations shall be accomplished during the processing phase for employment.

4.3 Referral Lists

4.3.1 For openings other than sworn/uniformed Police and Fire or *Appointive*, the Department of Personnel Management shall prepare and forward a *Referral List* to the department in which the opening exists.

4.3.2 The Referral List shall show a minimum of three qualified candidates, if available, to be further evaluated and possibly selected by the department in which the opening exists.

4.3.3 Names of new employees shall be dropped from all Referral/*Eligibility Lists* upon acceptance of a *position*.

4.4 Classification Plan

4.4.1 The purpose of the *classification plan* is to ensure each *position* is allocated to the appropriate *classification*.

4.4.2 All positions in the *City* are grouped into classifications. Each classification includes those positions sufficiently similar in duties and responsibilities to require similar education, experience, knowledge, skills, abilities, and personal characteristics; and are sufficiently alike to permit use of a single descriptive title, the same qualification requirements and the same test for competence.

4.4.3 In compliance with Civil Service and other applicable laws and in accordance with good personnel management practices, the Department of Personnel Management shall ensure the preparation and maintenance of class specifications covering all positions, the *allocation* of positions

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to the appropriate classification, and the revision of the *classification plan* when appropriate.

- 4.4.4 When the City has assigned duties to a position that has caused material changes to duties and responsibilities of that position, the Department of Personnel Management shall recommend the *allocation* of the position to a more appropriate classification or range.
- 4.4.5 Duties voluntarily assumed by employees shall not mandate *reallocation*.
- 4.4.6 Incumbents may or may not be reclassified with their positions, based upon the recommendation of the appropriate *Department Director*, in coordination with the Department of Personnel Management, and the approval of the Mayor's Office.
- 4.4.7 Employees holding a *regular* position may request a classification review for the purposes of determination of allocation of position and appropriate classification of employees. Such requests shall be submitted to the Department Director who shall then make a recommendation to the Department of Personnel Management. The Director of Personnel Management shall give due consideration to the requests, and in cases deemed warranted, shall recommend action to the Mayor's Office as appropriate.

4.5 Probationary Status

- 4.5.1 All initial appointments made to a vacant *regular position* shall be considered *probationary* for twelve (12) months from the date of appointment.
- 4.5.2 A *probationary employee* must demonstrate satisfactory performance in a *classified* position and be accepted by the *Civil Service Commission* in order to achieve permanent appointment to Civil Service status.
- 4.5.3 Former employees who were *certified* by Civil Service previously who are rehired and appointed to classified positions shall serve a six (6) month *probationary period* following rehire.
- 4.5.4 If employees are granted *leaves* of absence during a probationary period, the time on leave shall not be considered in determining the fulfillment of required probationary service.

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- 4.5.5 If employees are *transferred* to another department to perform a different job during the probationary period, the probation will be extended for another twelve (12) months.
- 4.5.6 Employees on probationary status may be suspended without pay, demoted or dismissed by the *City* at any time, with or without cause, and without right of appeal.
- 4.5.7 Probation may be extended for cause, with the approval of the Mayor's Office.

4.6 Permanent Status Under Civil Service

- 4.6.1 Permanent Status is achieved after satisfactorily serving the required *probationary period* in a *classified position* upon approval by the *Civil Service Commission*.
- 4.6.2 The Department of Personnel Management shall be responsible for making a written recommendation to the Civil Service Commission regarding permanent appointment for employees. Upon notification by the Department of Personnel Management, the Commission shall certify and induct the employees as a permanent appointment and the employees shall then be entitled to all Civil Service benefits.
- 4.6.3 Permanent status may not be granted to any employee whose services have not been rated as meeting *City* standards, and who have not received *Department Director's* approval.
- 4.6.4 When employees under Civil Service are promoted to positions in the Classified Service, they shall be required to complete satisfactorily a period of six (6) months probation in the promoted position. (Sworn police officers shall be required to complete a one (1) year probationary period; please refer to Police Department Procedures and Civil Service Rules.) During this probationary period, the *promotion* may be reverted to the previous position held or its equivalent. If this occurs the reason shall be documented.

4.7 Temporary Appointment

- 4.7.1 A *temporary* appointment is one established to meet staffing requirements of short-term duration such as emergency, extra workloads,

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vacation relief, paid sick *leave* or other situations requiring short-term fluctuating staff needs.

- 4.7.2 Temporary employees shall not be entitled to the benefits granted *regular full-time* employees.
- 4.7.3 Time spent in temporary status shall not be considered as service toward fulfillment of any *probationary* appointment.
- 4.7.4 Persons in temporary status shall be paid an hourly rate established by the Department of Personnel Management, which shall not exceed the rate established for comparable *full-time positions*, and pay shall be exclusively for hours worked.
- 4.7.5 Temporary positions may be established by the Department of Personnel Management when deemed essential to the work program.

4.8 Promotions

- 4.8.1 *Promotions* involve elevation from one *classification* to a higher classification, as a result of a *position* announcement, testing and the selection process. Duties in the new classification shall include supervision or oversight of those in the former or similar classifications.
- 4.8.2 A mere change of classification to a higher classification shall not be sufficient grounds for an automatic pay increase.
- 4.8.3 Positions may be filled by promotion from within or on an open competitive basis. Determination of the method of selection shall be recommended by the Department of Personnel Management with approval by the *Civil Service Commission*, as applicable.
- 4.8.4 Employees with one (1) year of satisfactory service in their present position are encouraged to apply for promotional vacancies. The Police and Fire Departments have specific time-in-grade eligibility requirements, and employees of those departments should consult their department handbooks and/or *Department Director* for further information.
- 4.8.5 Final selection of an applicant for any position shall be made by the Department Director and approved by the Department of Personnel Management and the Mayor's Office in accordance with established procedures.

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4.9 Demotions

4.9.1 *Demotions* occur when employees are reclassified to a *position* having a lower *pay range*.

4.9.2 No employees shall be demoted to positions for which they do not possess the minimum qualifications.

4.9.3 *Voluntary Demotions*

4.9.3.1 Voluntary demotions may occur following requests by employees, and, upon the approval of the appropriate *Department Director*, the Department of Personnel Management, and the Mayor's Office. Such reduction from current *classification* to lower classification shall cause the pay rate to be adjusted to that which a person with the same experience and education would receive upon being hired for the position.

4.9.3.2 Voluntary demotions due to lack of work or lack of funds may be offered to employees in lieu of layoff for lack of work or lack of funds, provided a position is available.

4.9.4 *Demotions for Reasons Other than Lack of Work or Lack of Funds*

4.9.4.1 The *City* may demote employees for reasons other than lack of work or lack of funds.

4.9.4.2 Employees may be demoted if their position titles and responsibilities change and they are not able to perform duties described for the position.

4.9.4.3 *Probationary employees* may be demoted at any time.

4.9.4.4 Employees with Civil Service status may be demoted in accordance with established procedures that would include the right of appeal.

4.9.4.5 Demoted employees shall be placed within the *pay range* of the position assigned.

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4.10 Transfers between Departments

- 4.10.1 *Transfers* are available to enhance employees' career advancement and growth possibilities. Transfers may be voluntary (employee-initiated) or involuntary (*City*-initiated) and shall be approved when considered to be in the best interest of the City.
- 4.10.2 A *lateral transfer* shall enable employees to retain their rate of pay and anniversary date for purposes of salary review, unless employee volunteers to transfer to a *position* in a lower *classification* or is involuntarily demoted to a position in a lower classification.
- 4.10.3 Employees shall not be transferred to positions when they do not meet the minimum qualifications.
- 4.10.4 All transfer requests shall be reviewed by the Department of Personnel Management and all transfers are subject to the approval of the *Department Director* and the Mayor's Office.
- 4.10.5 A transfer request must be approved by the Department Director of the employee's current department. If the transfer involves a change from one department to another, both Department Directors must agree to the transfer unless the Mayor's Office directs the transfer for purposes of economy or efficiency.
- 4.10.6 Employees transferred to a job different from the one currently held shall be required to satisfactorily complete a new *probationary period* in the new position. Failure to satisfactorily complete the new probationary period shall be grounds for *dismissal* from the new position.
- 4.10.7 Employees who have successfully completed the probationary period may be transferred to the same or similar position in another department without being subject to a probationary period.
- 4.10.8 ***Voluntary Transfers***
- 4.10.8.1 Employees must possess the minimum qualifications required for the position to which a transfer is sought. If the minimum qualifications are substantially different from an employee's current or previous classification, the employee requesting the transfer shall be required to demonstrate eligibility for employment in the position under consideration.

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- 4.10.8.2 Employees must be in good standing. A written warning received in the six (6) month period preceding the transfer request shall constitute unsatisfactory job performance for purposes of this policy.
- 4.10.8.3 Employees must have completed a minimum of twelve (12) months of active service in their present job to be eligible to apply for other positions outside of their department. Special permission may be granted in some instances by the Mayor's Office.

4.11 Separation From Employment

4.11.1 *Employee-initiated Separations*

- 4.11.1.1 Employees in good standing wishing to leave the *City* shall submit written *resignations* to their *supervisors* at least two (2) weeks prior to the effective date of such resignations.
- 4.11.1.2 Absence without prior approval for three (3) consecutive work days shall be grounds for automatic resignation from employment, effective as of the last date the employee worked.

4.11.2 *City-initiated Separations*

- 4.11.2.1 City-initiated *separations* from employment of *Classified* employees shall be subject to Civil Service regulations.
- 4.11.2.2 Employees other than Civil Service status assigned to *regular positions* may be terminated with or without cause.
- 4.11.2.3 The Mayor's Office may terminate the employment of any employee, whether *probationary*, permanent, *temporary*, or otherwise, for lack of funds or lack of work, or because of termination of the position or termination of the program in which the position is assigned. Should layoffs occur, temporary employees or employees serving their *probationary periods* shall be laid off first, and thereafter, the reductions shall be determined by, but not limited to, such issues as criticality of position, performance, and seniority.

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- 4.11.2.4 Employees who were *certified* as Civil Service prior to being laid off shall return as Civil Service employees if reinstated within one (1) year to the same *classification* in the same department.
- 4.11.2.5 Employees who were probationary at the time of lay off who are re-employed shall be required to serve a new probationary period.
- 4.11.3 *Exit Interviews*
- 4.11.3.1 It is the policy of the City of Jackson to conduct exit interviews with departing employees. The purpose of these interviews shall be to allow employees to communicate their views on their work with the City and the job requirements, operations, and training needs. It also provides the employee an opportunity to discuss issues concerning benefits and insurance.
- 4.11.3.2 All employees are required to give two (2) weeks notice prior to their *termination date* and submit a written notice to their supervisor/manager. In order to provide appropriate steps in computing all earnings and conducting exit interviews, the supervisor/manager must forward all documents to the Department of Personnel Management (letter of notice, PER-3's, and time sheets).
- 4.11.3.3 A Department of Personnel Management representative shall schedule and conduct exit interviews with the terminating employees. The exit interview shall consist of a patterned exit interview questionnaire with responses made in writing by the employee. The final check shall be issued to the employee on the termination date, based upon satisfying all requirements of the City of Jackson, including the return of all City property issued to the employee, and reimbursement of any tuition payments made for courses completed by employee within six (6) months of termination. Supervisors and managers are responsible for assuring all items issued to employees are returned (keys, tools, equipment, computers, etc.) and for informing payroll that all issued property has been returned. The Department of Personnel Management is responsible for advising if any tuition reimbursement will be deducted from final check.

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4.11.3.4 Time sheets for employees paid weekly and monthly shall be processed based upon time worked and accrual of benefits (earned balance).

4.11.3.5 Based upon Federal Laws (COBRA), all health insured employees are given the option of continuation of their health insurance through the City of Jackson and are asked to complete the appropriate continuation form.

4.11.4 *Return of City Property*

Employees are required to return all City property in their possession or control on/before the final day of employment. This includes City-furnished uniforms, tools, gas cards, keys and equipment. Final pay checks shall be withheld pending return of all City property.

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5.1 Work Week and Working Hours

- 5.1.1 Employees shall be notified of their specific work hours at the time of initial appointment or appointment to a new *position* within the *City* service.
- 5.1.2 Changes in work days, working hours, reporting times, or shifts may be made by the appropriate *Department Director*, the Mayor's Office or a designee whenever it is appropriate and in the best interest of the City. Schedule changes shall be communicated to affected employees as soon as practical and prior to the change in schedule.

5.2 Rest Periods

- 5.2.1 When operational conditions allow, *non-exempt employees* are provided a fifteen (15) minute paid rest period during each four (4) hours of work.
- 5.2.2 Rest periods are scheduled by each employee's *supervisor* to ensure that the employee's *position* and duties shall be covered during periods of rest.
- 5.2.3 Rest periods may not be combined or added to an employee's lunch break.
- 5.2.4 Rest periods are to be scheduled approximately in the middle of each four (4) hour shift and may not be taken within one (1) hour of the beginning or ending of the four (4) hour shift.
- 5.2.5 To be eligible for one (1) rest period, an employee must be scheduled for at least four (4) hours of work. To be eligible for two (2) rest periods, an employee must be scheduled for eight (8) hours of work. To be eligible for three (3) rest periods, an employee must be scheduled for at least twelve (12) hours of work.
- 5.2.6 Employees may not leave work premises during a paid rest period without special permission from the appropriate supervisor.
- 5.2.7 Since rest periods are intended to provide employees with an opportunity for rest and relaxation, it is recommended the break period

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should be taken away from the employee's work area, when operational conditions allow.

5.3 Meal Periods

- 5.3.1 Unpaid meal periods are scheduled by each employee's *supervisor* to ensure that operational needs are met.
- 5.3.2 Employees are free to leave work premises during an unpaid meal period.
- 5.3.3 All public safety personnel are advised to refer to departmental general orders.

5.4 Overtime

- 5.4.1 Overtime may be required of employees when deemed to be in the best interest of the *City*. If in the judgment of the *Department Director* overtime hours are required for the accomplishment of City business, the Department Director may authorize and require the performance of said overtime hours. Department Directors may authorize overtime hours only within approved budgetary limits.
- 5.4.2 Overtime may be required of *exempt employees* when deemed to be in the best interest of the *City*.

5.5 Attendance and Punctuality

- 5.5.1 Punctual and consistent attendance is a condition of employment. It is the employees' responsibility to be at work as scheduled, to arrange personal schedules to meet established working hours, and to notify their *supervisor* as early as possible if they expect to be absent or tardy within the standards of the operating procedures of the department.
- 5.5.2 Employees are expected to be at their work stations, ready to begin work, at the beginning of the assigned shift.
- 5.5.3 Employees who are absent for three (3) consecutive work days without permission and without notification to their supervisor shall be

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considered to have abandoned the job and to have voluntarily resigned employment with the *City*.

- 5.5.4 If it becomes necessary for employees to leave the work location or work premises during working hours, permission to leave must be obtained from their supervisor prior to leaving. Leaving the work location or premises without permission may be cause for disciplinary action.

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6.1 Orientation

New employees shall be scheduled for an orientation program in order to receive an introduction to *City* employment, including its history, its operations, its personnel policies, and a review of employee benefits.

6.2 Training

6.2.1 It is the policy of the *City* to encourage and promote training and education opportunities for all *City* employees. The Department of Personnel Management and *Department Directors* shall establish such procedures as they deem appropriate to assist in the implementation of this policy.

6.2.2 *Probationary employees* shall receive instruction in the policies, procedures, and use of equipment necessary to perform their jobs effectively.

6.2.3 Training periods may be conducted either during or after normal working hours. Training sessions conducted during normal working hours shall be arranged to minimize interference with scheduled work.

6.2.4 *Non-exempt employees* who are required by the *City* to attend in-service or out-service training programs that are scheduled outside the normal working hours shall be compensated for the hours of attendance at the program at the appropriate hourly rate. Employees shall not be compensated for attendance at elective out-service training programs that are scheduled outside normal working hours.

6.3 Payment of Training Expenses

6.3.1 No job-related out-service training may be taken, nor shall any expenses be paid for out-service training, without the prior approval of the Department Director.

6.3.2 The employee shall receive regular salary when attending job related out-service training during a regular work shift and may be reimbursed for tuition, travel, meals, and lodging at established rates set by the *City*, when such training is required by the *City*.

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- 6.3.3 When an employee desires to participate in elective, career-oriented, out-service training, the *Department Director* may, within budgetary limits and in accordance with City policies, authorize the payment of regular salary and reimbursement for tuition, travel, meals, and lodging.
- 6.3.4 An employee who does not satisfactorily complete an out-service training assignment according to standards determined by the *Department Director* is not eligible for reimbursement of tuition and other necessary expenses and shall return any advance payment received.
- 6.3.5 An employee who does not complete approved job-related training may also be subject to disciplinary action as provided in these policies.

6.4 Educational Reimbursement

- 6.4.1 The *City* encourages its employees to continue job-related training and education. *Regular full-time* employees with one year or more continuous service are eligible for reimbursement for tuition (not fully covered by other scholarships, veteran's benefits, grants, etc.) for completion of approved post-high school education provided that:
- 6.4.1.1 The course is given by a State of Mississippi accredited college or vocational school, unless it is a unique course of study unavailable in Mississippi and approval is received from the *Department Director*, Department of Personnel Management, and the Mayor's Office;
- 6.4.1.2 The employee has received advance written approval for reimbursement from the Department Director and the Department of Personnel Management;
- 6.4.1.3 The employee passes the course with a grade of "C" or better for undergraduate courses and a "B" or better for graduate courses;
- 6.4.1.4 The employee, after successful completion of the course(s), submits an official copy of grade(s) earned and verification that payments for the course(s) have been made and the method of payment;

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- 6.4.1.5 They are still employed by the City at completion of the course(s).

- 6.4.2 Reimbursement for tuition expenses may not exceed the amount allowed per employee as established from time-to-time by the Mayor's Office and the *City Council*. Allowances shall not accumulate.

- 6.4.3 Employees who receive tuition reimbursement are obligated to work for the City for a minimum of six (6) months following course completion or to repay to the City the amount of tuition reimbursement received.

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7.1 Maintenance of Personnel Records

- 7.1.1 The Department of Personnel Management is the custodian of all official personnel records necessary to complete personnel transactions and to serve as reference for *City* officials. The Department of Personnel Management shall maintain records showing administrative actions including records of employment history of each employee, performance evaluation records, and related files and correspondence.
- 7.1.2 In accordance with the provisions of the Fair Labor Standards Act, the Department of Personnel Management shall prepare, maintain, and preserve records on the wages, hours, and other conditions and practices of employment of all *City* employees.
- 7.1.3 The Department of Administration Director and each *Department Director* shall be jointly responsible for maintaining all other records related to *City* payroll and *City* employees required by the various Federal and State regulations.
- 7.1.4 All records maintained pursuant to this policy shall be preserved for the appropriate regulated time frame.

7.2 Privacy of Personnel Records

- 7.2.1 The Department of Personnel Management shall maintain a file that shall contain all official records and documents pertinent to the employment status and history of each employee.
- 7.2.2 The confidential information contained in an employee's personnel file shall not be revealed to outside sources except as required by law, or with the consent of the employee.
- 7.2.3 By law, certain information regarding current and former *City* employees, as listed below, is classified as "public record." To ensure individuals' rights of privacy and compliance with applicable laws, responses to such requests must be approved by the Department of Personnel Management. Upon receipt of a properly executed Open Records Request, the following information is available:

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- 7.2.3.1 Employee Name
- 7.2.3.2 *Classification* title
- 7.2.3.3 Department
- 7.2.3.4 Status, e.g., *regular, temporary, full-time, or part-time*
- 7.2.3.5 *Salary range* and actual rate
- 7.2.3.6 Hire date and/or *termination date*.
- 7.2.4 Letters of recommendation or reference generally shall not be given to employees upon *separation* of service. The City shall respond to written requests for information concerning an individual's work performance with the written consent of the employee or former employee.
- 7.2.5 Employees, their immediate *supervisor* and/or *Department Director* or designee, or a representative with written consent, may inspect the employee's personnel file in the Department of Personnel Management at any time during the normal working hours of the Department of Personnel Management. Upon request, employees shall receive a copy of any materials in their personnel file provided that the cost for such copies is paid by the employee.
- 7.2.6 Employees may request a review of their personnel records no more than once annually unless they are in the process of appealing a *personnel action* taken by the City.
- 7.2.7 Requests for review of personnel records must be made in writing by the employee at least one (1) working day in advance of the requested review date. An employee requesting a review of personnel records must schedule an appointment with the Department of Personnel Management to review the file.
- 7.2.8 An employee shall be furnished a copy of any statement written for inclusion in the employee's personnel file concerning the employee's conduct or performance. An employee shall have a right to have a response or rebuttal to any statement or evaluation inserted in said personnel file.

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- 7.2.9 An employee's personnel file shall be removed from the Department of Personnel Management only with authorization from the Department of Personnel Management.

8.1 Compensation Plan

- 8.1.1 The purpose of the compensation plan is to provide equitable and adequate compensation for all employees. The compensation plan includes a Pay Plan, as well as supplemental *retirement*, insurance, and related fringe benefit provisions.
- 8.1.2 The Pay Plan establishes for each *classification* a minimum and maximum salary rate and such intermediate rates as are considered necessary. *Flat rates* may be used instead of *salary ranges* where appropriate. The flat rate or *pay range* assigned to each classification shall reflect fairly the differences in the duties and responsibilities among classifications, and shall take into account rates paid by other public and private employers for comparable work, the *City's* compensation policies and financial condition, unusual problems of recruitment and turnover, and other relevant factors. Each job classification shall be assigned a salary range or flat rate by the Mayor's Office and the *City Council* upon recommendation of the Department of Personnel Management.

8.2 Determination of Salary

Upon hire or *promotion*, salary shall be set within the appropriate *pay range* for the *position*, according to Department of Personnel Management procedural guidelines.

Upon *reallocation* of positions, employees' salaries shall be determined within new pay ranges in accordance with Department of Personnel Management procedural guidelines.

8.3 Working Out of Classification (Acting Appointments)

- 8.3.1 The *City* may, at its discretion, appoint an employee to an acting capacity in a job *classification* different from that currently held by the employee.
- 8.3.2 Any employee who is temporarily assigned to a *position* in a higher classification for a period of more than ten (10) consecutive working days shall be paid at the lowest rate within the range for the higher level classification or at the rate which would be determined for a *promotion*,

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as outlined in the Department of Personnel management procedural guidelines, whichever is greater. The employee shall not receive pay that exceeds the maximum of the range for the classification temporarily assigned.

- 8.3.3 Any employee who is temporarily assigned to serve and actually serves in a higher level position must be qualified to perform the work of the higher level classification and must perform the range of duties of the higher level classification in order to be eligible for additional compensation.
- 8.3.4 Employees temporarily assigned to higher level positions for purposes of learning the job (on-the-job training) are not eligible for additional compensation. Training may not be used, however, for the purpose of avoiding pay for working out of classification.
- 8.3.5 No employee shall be assigned to a higher level position entitling the employee to out-of-classification pay for a period exceeding forty-five (45) working days without approval of the Mayor's Office.
- 8.3.6 When no longer in the acting classification, the employee shall return to the employee's prior rate of pay, plus any adjustments to which the employee would have been entitled had he not served in the acting classification.

8.4 Salary on Reduction in Classification

- 8.4.1 Involuntary *demotion* shall constitute a reduction from current *classification* to a lower classification, as the result of employer action that is not voluntary on the part of the employee.
- 8.4.2 The pay rate shall be adjusted to that which the employee would have attained had they remained in the former classification, or in the case of a demotion to a classification not previously held, to the pay rate that a person with the same experience and education would receive upon being hired for the *position*.

8.5 Payroll Deductions

- 8.5.1 The *City* shall deduct from an employee's pay the applicable state and federal income taxes and other deductions required by law.
- 8.5.2 The *City* may provide opportunities for voluntary payroll deductions that may be made from an employee's paycheck with the employee's written permission. No employee will have more than seven (7) payroll deductions made in excess of those mandated by law. No payroll deduction will be made unless a written request for deduction relating to the same organization or company is received from a minimum of fifty (50) employees. No organization or company will be permitted to solicit employees on *City* premises during working hours.
- 8.5.3 Each employee is required to complete a withholding exemption certificate at the time of hire. Any material change in the information reported on this certificate, such as change in marital status, must be reported to the *City* immediately.

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9.1 Holidays

9.1.1 City offices shall be closed in recognition of eight (8) holidays each year. Specific holidays to be observed are:

- New Year's Day
- Martin Luther King's Birthday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas Day.

9.1.2 The list of recognized holidays may be amended at any time by the City of Jackson.

9.1.3 The City shall recognize as a holiday any day appointed by the *City Council* as a public holiday.

9.1.4 When a holiday falls on Sunday, the following Monday shall be observed, and when a holiday falls on Saturday, the preceding Friday shall be observed.

9.1.5 All *regular full-time* employees shall be paid for holidays according to the number of hours each is normally scheduled to work on the day on which a holiday falls.

9.1.6 All regular *part-time* employees shall be paid for holidays according to the number of hours each is scheduled to work on the holidays.

9.1.7 Employees who are required to work on a holiday shall be granted a compensatory day at the straight time rate for each holiday they are required to work, or if *non-exempt*, may be paid for the holiday at the straight time rate. The compensatory day must be taken within sixty (60) calendar days following the holiday worked.

9.1.8 Police and Fire department employees should consult their department handbooks for guidelines regarding holidays and compensatory time for holidays worked.

9.1.9 Holiday pay does not count as hours worked for calculation of overtime.

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- 9.1.10 In order to receive pay for an observed holiday, employees must not have been absent without authorized *leave* either on the work day before or after the holiday.
- 9.1.11 Any legal or declared holiday falling within a vacation period shall not be counted as a day of vacation leave, but shall count as a holiday used.

9.2 Vacation

- 9.2.1 All *full-time* employees shall accrue annual vacation *leave* (including 8 hours of birthday vacation leave) semi-monthly according to the length of service as shown below. Police and Fire Departments have specific procedures regarding accrual and use of vacation leave; employees of these departments should consult their department handbooks. For other departments, vacation will accrue as indicated below:

<u>Length of Service</u>	<u>Semi-Monthly Accrual Rate</u>	<u>Maximum Accrual Per Year</u>	<u>Maximum Payment on Termination</u>
½ month through 5 years	3.67 hours	88 hours	240 hours
5 years, 1 day through 15 years	5.33 hours	128 hours	240 hours
Over 15 years	7.00 hours	168 hours	240 hours

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- 9.2.2 All *regular part-time* employees who work an average of 10-20 hours per week shall accrue annual vacation leave on a semi-monthly basis as indicated below:

<u>Length of Service</u>	<u>Semi-Monthly Accrual Rate</u>	<u>Maximum Accrual Per Year</u>	<u>Maximum Payment on Termination</u>
½ month through 5 years	0.83 hours	20 hours	60 hours
5 years, 1 day through 15 years	1.25 hours	30 hours	60 hours
Over 15 years	1.67 hours	40 hours	60 hours

- 9.2.3 All *regular part-time* employees who work an average of 21-39 hours per week shall accrue annual vacation leave on a semi-monthly basis as indicated below:

<u>Length of Service</u>	<u>Semi-Monthly Accrual Rate</u>	<u>Maximum Accrual Per Year</u>	<u>Maximum Payment on Termination</u>
½ month through 5 years	1.67 hours	40 hours	120 hours
5 years, 1 day through 15 years	2.50 hours	60 hours	120 hours
Over 15 years	3.33 hours	80 hours	120 hours

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- 9.2.4 Eligibility under the above paragraphs is based on hours scheduled to be worked at time of appointment or *reclassification*.
- 9.2.5 The earned vacation leave of all employees shall be credited semi-monthly after the completion of one-half (½) month of service beginning January 1, 1996.
- 9.2.6 For the purpose of accruing vacation one-half (½) month is defined as seven (7) or more calendar days of service.
- 9.2.7 Vacation benefits are not earned during any period of an unpaid leave of absence, or for any time worked beyond the employee's regular shift assignment in a pay period.
- 9.2.8 Earned vacation benefits can be used at any time with advance written approval of employees' *supervisor*. The approval of vacation schedules shall be arranged considering both the desire of the employees and the department workload. The *City* shall try to accommodate employees' choices, but the *City* reserves the right to schedule vacations to meet operational needs.
- 9.2.9 Employees are encouraged to use all earned vacation each year.
- 9.2.10 Employees who terminate employment with the *City*, either voluntarily or involuntarily, shall be paid for all accrued but unused vacation leave, not to exceed the amount shown in paragraphs above.
- 9.2.11 No cash payment for unused vacation leave shall be made except upon *separation* from employment. Cash payments in lieu of vacation to persons currently employed with the *City* shall not be permitted.
- 9.2.12 The beneficiaries of employees who have died with unused vacation leave shall receive payment of all accumulated vacation leave, not to exceed the amount shown in paragraphs above. (Refer, Section 25-3-97, Mississippi Code of 1972, as amended.)
- 9.2.13 There shall be no maximum limit to vacation accrual accumulation, although there are maximum limits to cash payments on termination. All unused vacation shall be counted as creditable service for the purposes of the *retirement* system as provided in Sections 25-11-103 and 25-13-5 of the Mississippi Code, 1972 as amended (except for those employees of the Fire and Police Departments who are covered by the Disability and Relief Retirement System).

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9.3 Sick Leave

- 9.3.1 Sick *leave* is defined as leave from duty that may be granted by the City to employees because of illness, injury, exposure to contagious disease, illness or injury of a member of employees' Most Immediate Family that requires the employees' attendance, and medical, dental and optical appointments. Most Immediate Family members include: parent, step-parent, spouse, siblings, child, step-child, grandchild or grandparent. Sick leave shall also be granted for death in employees' Immediate Family, as specified in the provisions for Bereavement Leave. Immediate Family includes son- or daughter-in-law, mother- or father-in-law, or brother- or sister-in-law.
- 9.3.2 Employees shall earn paid sick leave from date of appointment into a *regular position*. *Full-time* employees shall earn sick leave credits at the rate of four (4) hours per semi-monthly pay period. *Regular part-time* employees working less than forty (40) hours per week shall earn sick leave based on their work schedule as shown below:
- 10-20 hours worked per week: 1 hour sick leave per one-half (½) month*
21-39 hours worked per week: 2 hours sick leave per one-half (½) month
- 9.3.3 For the purpose of accruing sick leave one-half (½) month is defined as seven (7) or more calendar days of service.
- 9.3.4 Sick leave accrual is unlimited. There shall be no maximum limit to sick leave accumulation.
- 9.3.5 Upon *separation* from employment, employees shall not be paid for accumulated sick leave. All accrued and unused sick leave at separation shall be counted as creditable service for the purposes of the *retirement* system, as provided in Sections 25-11-103 and 25-13-5 of the Mississippi Code, 1972 as amended (except for those employees of the Fire and Police Departments who are covered by the Disability and Relief Retirement System).
- 9.3.6 Sick leave benefits shall not be earned or granted during any City-authorized unpaid leaves of absence; during an absence from duty not authorized by the City; or after separation from City service.

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- 9.3.7 If employees retire because of a disability, they shall be allowed to use all accumulated sick leave and/or vacation leave before the effective date of their disability retirement.
- 9.3.8 Sick leave may not be used to extend employees' vacation.
- 9.3.9 Employees who are absent from work must report their absence to their immediate *supervisor* based upon department policies and procedures, except in no case shall it be later than one hour prior to the start of the work day. In extreme emergencies, notification should be given as soon as practicable.
- 9.3.10 The City reserves the right to require a satisfactory statement from a licensed physician whenever employees miss work due to an illness, injury or disability. Employees may be asked to provide a physician's statement that verifies the nature of an illness, injury or disability, its beginning and ending dates, and/or their ability to return to work without endangering their safety or the safety of others. Normally, a statement shall not be requested for absences of three days or less, but the City may request such a statement in situations where it deems it is warranted. Such verifications and releases, when requested, may be a condition of receiving sick leave benefits or returning to work.
- 9.3.11 If all accumulated vacation, sick leave or compensatory time has been used, employees are subject to a prorata deduction from their salaries for the length of time or number of days taken in excess of accumulated leave. Employees shall not be paid for leave not earned.

9.4 Bereavement Leave

- 9.4.1 Three days of paid bereavement *leave* shall be granted for a death in employees' Most Immediate Family. Most Immediate Family members include: parent, step-parent, spouse, siblings, child, step-child, grandchild or grandparent. Paid bereavement leave for death in employees' Most Immediate Family may be supplemented by the usage of two additional days of sick leave.
- 9.4.2 Three days of sick leave may be utilized for a death in the employees' Immediate Family. Immediate Family includes son- or daughter-in-law, mother- or father-in-law, or brother- or sister-in-law.

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- 9.4.3 Vacation may be used to supplement the leave allowances for bereavement.

9.5 Jury Duty

- 9.5.1 It is the policy of the City of Jackson to enable employees to fulfill their civic obligations. If employees are called to jury duty, they must notify their *supervisor* immediately.
- 9.5.2 The City shall grant administrative *leave* with pay to employees serving as jurors, as verified by the clerk of the Court. This compensation shall be in addition to any fees paid to employees for such services. Such services shall not be counted as vacation leave.
- 9.5.3 Employees released from jury duty by the Court any time prior to the end of the work day must report to work immediately after being released by the Court.

9.6 Witness Duty

- 9.6.1 Employees who are required by law, as a result of performing their duties as employees of the *City*, to appear in court to testify as witnesses or who have been subpoenaed to appear in court cases shall receive regular pay for the hours absent for such purpose.
- 9.6.2 The City shall grant administrative *leave* with pay to all such employees serving as witnesses, as verified by the clerk of the Court. Any fees paid to employees for such services shall be paid to the City. Such services shall not be counted as vacation leave.
- 9.6.3 Employees released from witness duty by the Court any time prior to the end of the work day must report to work immediately after being released by the Court.
- 9.6.4 Employees who are required by law to appear as a witness in court for purposes unrelated to their duties as a City employee will not be compensated.

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9.7 Health Insurance Plan

- 9.7.1 The *City* shall maintain group health insurance plans for all eligible employees.
- 9.7.2 Eligible employees include all *regular* full-time employees, all regular *part-time* employees who work an average of 20 or more hours per week, and all school crossing guards employed prior to July 1, 1993, regardless of hours worked.
- 9.7.3 Employees will be asked to share in the cost of such plans.
- 9.7.4 The City reserves the right to change carriers, modify covered benefits, or make any other changes to group insurance plans as necessary to serve the best interest of the City.
- 9.7.5 ***COBRA Rights***
- 9.7.5.1 Employees shall be notified of their rights to retain coverage in the City's plans at their own cost, plus a two-percent (2%) administrative fee, when eligibility for participation in City plans ceases.

9.8 Retirement

Member handbooks are available from the Department of Personnel Management to assist in understanding the various *retirement* systems; including benefits provided, protection afforded members, beneficiaries and application procedures for benefits.

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10.1 Leave of Absence

- 10.1.1 It is the *City's* policy to grant *leaves* of absence to all eligible employees on a non-discriminatory basis. Leaves of absence shall be considered in cases of medical disabilities, for cases of personal emergency, for educational purposes, or for military duty, jury duty, or witness duty. Any such leave is subject to the approval of the *Department Director*, Department of Personnel Management and the Mayor's Office. Unless specifically provided otherwise, all leaves of absence are available only on an unpaid basis, and are limited to two consecutive months.
- 10.1.2 All *regular full-time* and *part-time* employees may request a leave of absence once they have completed their *probationary period*. In addition, such employees are eligible for a leave of absence before completing their probationary period where required by state or federal law. For example, unpaid leaves of absence may be granted to *probationary employees* for work-related disabilities, pregnancy-related disability, or jury, witness or military duty. If employees are away from work for an extended period during their probationary period, the probationary period shall be extended by the exact number of calendar days that they are away from work.
- 10.1.3 Subject to any applicable legal restrictions, requests for leaves of absence shall be considered based on the employees' length of service, performance, responsibility level, the reasons for the requests, and the City's ability to obtain satisfactory replacements during the time they would be away from work. If employees accept other employment or fail to return to work on the next regularly scheduled work day following the expiration of their leave, it shall be considered that they have voluntarily terminated their employment.
- 10.1.4 Leaves of absence over thirty (30) days shall be deducted from length of service, but shall not affect continuity of service.
- 10.1.5 Leaves of absence may not be taken for the purpose of pursuing or engaging in other employment (except military leave).

10.2 Returning from Leave of Absence

- 10.2.1 When employees are placed on *leaves* of absence, an effort shall be made to hold their *positions* open during the approved leave. However,

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due to business needs, there shall be times when positions cannot be held open and it is not possible to guarantee reinstatement.

- 10.2.2 If employees' former positions are unavailable when they are ready to return from an approved leave, every effort shall be made to place them in comparable positions for which they are qualified. If such positions are not available, they shall be offered the next suitable position for which they are qualified that becomes available within one year.
- 10.2.3 Employees who do not accept the positions offered shall be considered to have voluntarily terminated their employment, effective the day such refusal is made.

10.3 Family & Medical Leave

- 10.3.1 In compliance with Public Law 103-3, the Family and Medical Leave Act of 1993, effective August 5, 1993, *leave* is available in accordance with the Act to all City of Jackson employees except employees who work less than 1250 hours during a twelve (12) month period. This policy is issued to ensure that City employees receive, as a minimum, the leave time provided them by the provisions of the Family and Medical Leave Act.
- 10.3.2 Eligible employees shall be entitled to a total of twelve (12) work weeks of leave during a twelve (12) month period for one or more of the following:
- a. because of the birth of a child of the employee and in order to care for the child,
 - b. because of the placement of the child with the employee for adoption or for foster care,
 - c. in order to care for the spouse, child, or parent of the employee, if such spouse, child, or parent has a serious health condition,
 - d. because of a serious health condition that makes the employee unable to perform the functions or the position of such employee.

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- 10.3.3 The entitlement to leave for a birth or placement of a child shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement. For family and medical leave for care of a covered relative or due to the employees' serious health condition the twelve (12) month period in which twelve (12) weeks of leave entitlement occur is a fixed twelve (12) month period, from January 1st thru December 31st.
- 10.3.4 A serious health condition is defined by the law as an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care in a hospital, hospice, or residential medical care facility or (2) continuing treatment by a health care provider. (Specific documentation is required.)
- 10.3.5 The City requires that the employee use all available accrued paid vacation leave and sick leave as part of the twelve (12) week period.
- 10.3.6 Once authorized paid leave has been exhausted, the remainder of the twelve (12) weeks of leave shall be unpaid.
- 10.3.7 Leave taken under the Act can be taken intermittently or on a reduced leave schedule in certain cases.
- 10.3.8 The City shall maintain employees' group health coverage during the period of family leave on the same conditions as coverage would have been provided if they have been continuously employed during the entire leave period.
- 10.3.9 Upon return from leave, employees are entitled to be restored to the same *positions* they held when the leave began, or to equivalent positions, under most circumstances.

10.4 Medical Leaves of Absence for Work-Related Disabilities (Workers' Compensation)

- 10.4.1 City of Jackson employees are covered under the Workers' Compensation Act. The following is provided as a matter of information regarding Workers' Compensation. Employees are encouraged to contact the Risk Management Division, Department of Personnel Management, with any questions.

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- 10.4.2 Employees injured on the job to the extent that absence from work is unavoidable may elect to supplement their workers' compensation benefits with accumulated sick or vacation *leave*. Such supplement is subject to the following provisions:
- 10.4.2.1 Workers' compensation supplement chargeable to sick or vacation leave shall begin on the eleventh working day after the accident.
- 10.4.2.2 If employees have no accumulated sick or vacation leave or elect not to supplement workers' compensation benefits, only statutory worker's compensation benefits shall be paid.
- 10.4.2.3 Such supplement may be elected once during any twelve (12) month period.
- 10.4.3 Employees must immediately report all injuries to their immediate *supervisor* in accordance with the rules and regulations outlined in the Employees' Safety Manual. Forms must be typed and fully describe the circumstances surrounding the accident.

10.5 Military Leave

- 10.5.1 *City* employees who are members of a branch of the United States armed services are entitled to *leave* with full pay for their annual training for up to fifteen (15) working days in a calendar year.
- 10.5.2 Accrued personal leave benefits can be used for periods exceeding the fifteen (15) working days.
- 10.5.3 Employees shall notify their *supervisor* as soon as the military duty is scheduled.
- 10.5.4 To receive payment of salary employees must, prior to the leave, file with the Department of Personnel Management a copy of the official orders, and immediately upon return a certification from the commanding officer of performance of duty in accordance with the terms of such orders.
- 10.5.5 All employees who shall be members of any of the reserve components of the armed forces of the United States, or former members of the service of the United States discharged or released therefrom under

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conditions other than dishonorable, shall be entitled to leave of absence from their respective duties, without loss of pay, time, annual leave, or efficiency rating, on all days during which they shall be ordered to duty to participate in training at encampments, field exercises, maneuvers, outdoor target practice, or for other exercises, for periods not to exceed fifteen (15) days, and all such officers and employees shall for such periods in excess of fifteen (15) days be entitled to a leave of absence from their respective duties without loss of time, annual leave, or efficiency rating until relieved from duty, and shall when relieved from such duty, be restored to the *positions* held by them when ordered to duty, or a position of like seniority, status and pay; provided that such person: (1) when discharged or released from the armed forces shall have received a certificate of satisfactory completion of service, (2) shall be still qualified to perform the duties of such position, (3) shall make application for re-employment within ninety (90) days after such person is relieved from such training and service or released from hospitalization for a period of not more than one (1) year for causes attributable to such services. Any person restored to a position under the above provisions shall not be dismissed from such position without cause within (1) year after restoration.

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11.1 Standards of Conduct

It is expected that all *City* employees shall render the best possible service to the public, and therefore high standards of conduct are essential.

11.2 Improper Employee Conduct

Improper conduct may be cause for disciplinary action. The term "improper conduct" means not only any improper action by employees in their official capacity, but also conduct by employees not connected with their official duties that affect their ability to perform official duties, and any improper use of the *position* as employees for personal advantage. In addition, improper conduct includes, but is not limited to, the following:

- 11.2.1 Guilt or conviction of criminal offense, felony or misdemeanor, directly or indirectly affecting employees' fitness for employment.
- 11.2.2 Willful violation of any lawful and reasonable regulations, orders, or directives made or given by authorized *supervisors* or *City* management officials where such violation has amounted to a breach of proper discipline or has resulted in loss or injury to the public.
- 11.2.3 Attempting to induce any employee of the *City* to violate any lawful and reasonable regulations, order or directive made or given by an authorized supervisor or *City* management official.
- 11.2.4 Using, possessing, dealing, distributing, manufacturing or being under the influence of intoxicating beverages or unlawful drugs, or abusing any other substance while attending to *City* business, or reporting to work or operating *City* vehicles or equipment under the influence of alcohol or any unlawful drug or substance of abuse.
- 11.2.5 Sexual harassment or other unlawful harassment of another employee.
- 11.2.6 Inefficiency, incompetence, carelessness, or negligence in performance of duties.
- 11.2.7 Rude, discourteous or offensive behavior or treatment of other employees or the public.

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- 11.2.8 Careless or negligent use of the property of the City, or unauthorized use or appropriation of City property to one's own use, including but not limited to funds, vehicles, equipment or supplies.
 - 11.2.9 Furnishing false information to secure appointment, or falsification of work hours or other official records and reports.
 - 11.2.10 Aiding in assessment or collection from any employee in the service of the City for the purpose of securing the nomination or election of any person to municipal, county, state or federal office or for the purpose of making a gift to any elective officer or superior officer in the City's employ while on City time or by using City property.
 - 11.2.11 Engaging in any form of political activity calculated to favor or improve the chances of any political party of any candidate seeking or attempting to hold public or party office while on City time or by using City property.
 - 11.2.12 Chronic or excessive absenteeism or tardiness.
 - 11.2.13 Misuse or abuse of sick *leave*, including using sick leave under false pretenses.
 - 11.2.14 Absence from duty without authorized leave, failure to report after leave of absence has expired or after such leave of absence has been revoked or canceled.
 - 11.2.15 Violation of written internal rules, regulations, or procedures established and promulgated by the City, not enumerated herein, and, where applicable, not in conflict with Civil Service Law or these Rules.
 - 11.2.16 Acceptance by employees of any fee, bribe, gratuity, kickback, or other item of value when such is given in the hope or expectation of receiving preferential treatment than that accorded to others, or having the appearance of such.
 - 11.2.17 Violation of prescribed Safety Rules and Regulations.
 - 11.2.18 Possession of an unsafe driving record for those employees required to operate City vehicles.
 - 11.2.19 Failure to wear seat belts while operating City vehicles.

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- 11.2.20 Failure to obtain or maintain necessary qualifications, certificate, or license, which is required as a condition of employment.
- 11.2.21 Conduct unbecoming to employees of the City, either while on or off duty.
- 11.2.22 Wilful and wanton brutality or cruelty to a prisoner or one detained or under arrest or sentence, provided the act committed was not necessarily lawfully done in self-defense or to protect the lives of others or to prevent escape of a person lawfully in custody.
- 11.2.23 Outside work that creates a conflict of interest with City work, or detracts from the efficiency of the employee in the effective performance of official City functions.
- 11.2.24 The acceptance of employment by any full time sworn police personnel as a security guard or security related employment including but not limited to watch persons, traffic persons and detectives unless such person has first received written consent from the Chief of Police or his designee approving such employment, and the employer of such person shall have filed with the Chief of Police a certificate of insurance naming either the City or the employee as an additional insured by reason of such employment. Such insurance policy shall have limits of not less than \$500,000.00 and provide that the insurer shall at its own expense defend any suits filed against the City or any of its employees because of or growing in any way out of such employment.
- 11.2.25 Failure to become a resident of the City of Jackson or Hinds County within six (6) months of employment.

11.3 Disciplinary Action

- 11.3.1 The purpose of disciplinary action is to correct deficiencies in employee performance, to seek improvement to meet appropriate standards, and/or to correct for violation of *City* policies. The disciplinary process outlined below has been established to provide general guidelines for a fair method for disciplining employees.
- 11.3.2 Discipline may be initiated for various reasons, including, but not limited to, violations of City and/or department rules, insubordination or poor job performance. The severity of the action depends on the

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nature of the offense and the employee's record, and may range from verbal counseling to immediate *dismissal*.

11.3.3 While no formal order or system is required, normal progressive discipline procedure consists of:

11.3.3.1 ***Verbal warning:***

An opportunity to communicate in a non-disciplinary fashion that a problem is perceived and that the *supervisor* is available to help solve it.

11.3.3.2 ***Written warning:***

A written communication to the employee that the same or related offense has been committed. A copy of this warning is given to the employee and one (1) copy is filed in the employee's City personnel file.

11.3.3.3 ***Suspension without pay:***

For the same or a related offense. Prepared in writing reflecting prior disciplinary actions; a copy is given to employee and a copy is kept in the employee's City personnel file.

11.3.3.4 ***Demotion:***

This step involves a reduction in *pay range*.

11.3.3.5 ***Dismissal:***

The final step in the disciplinary process. The *Department Director* may choose to enforce an alternative measure of discipline, such as *demotion*, in an effort to solve the problem short of dismissing an employee.

11.3.4 Although one or more progressive discipline steps may be taken in connection with a particular employee, no formal order or system is necessary. The City reserves the right to deviate from this policy when it feels that circumstances warrant such a deviation.

11.4 Disciplinary Action Review Committee

11.4.1 The Disciplinary Action Review Committee shall consider disciplinary actions proposed by Department Directors, and shall specifically

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consider all proposed demotions, suspensions and dismissals for regular employees.

- 11.4.2 The Disciplinary Action Review Committee shall consist of the following members: the Director of the Department that intends to administer the disciplinary action; the Deputy City Attorney who represents the employee's Department, the Deputy City Attorney who represents the Department of Personnel Management, the Equal Employment Opportunity Officer, and the Director of the Department of Personnel Management.

11.5 Civil Service Disciplinary Procedures

Civil Service employees who have completed an initial *probationary period* shall be dismissed in the disciplinary process only after appropriate disciplinary proceedings outlined in Civil Service Rules and Regulations.

11.6 Disciplinary Action During Probation

Employees serving the initial *probationary period* may be dismissed or demoted without application of the disciplinary process and with no rights of appeal.

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12.1 Open Door Policy

- 12.1.1 In an effort to maintain communications between management and employees, and to provide an opportunity to clarify matters outside the scope of the grievance or appeals process, the City maintains an open door policy.
- 12.1.2 Employees who have any questions or concerns are encouraged to bring them to the attention of their immediate supervisor. If employees are unable to resolve these questions or problems after this discussion, they shall contact the Department Director; if employees are unable to resolve their questions or problems after this discussion, they can contact the City Administrator or the Director of the Department of Personnel Management to discuss the questions or problems further. The EEO Officer shall attempt to investigate their concerns and provide them with a response as soon as is reasonably possible.
- 12.1.3 An effort shall be made to provide employees an opportunity to raise their questions or problems in confidence and without fear of reprisal or discrimination. The City shall make every effort to investigate and settle employees' problems on a fair and equitable basis.

12.2 Grievance Procedures for All Employees

- 12.2.1 The City wishes to provide each employee fair and impartial treatment. Accordingly, it has established a grievance procedure to allow employees the opportunity to resolve differences and grievances. The grievance procedure is as follows:
- 12.2.2 Aggrieved employees shall provide grievances in writing to the immediate supervisors within five (5) working days after occurrence of the grievance and attempt to resolve the matter. Immediate supervisors shall provide employees with written responses within five (5) working days. If immediate supervisors are absent from work due to City business, illness, vacation or other authorized leave, the five (5) working days shall run from the date of supervisors' return to work.
- 12.2.3 If aggrieved employees are not satisfied with supervisors' responses or if supervisors do not respond within five (5) working days, or if issues are not resolved, aggrieved employees shall complete grievance forms furnished by the City, or if employees desire, the Department of Personnel Management shall have grievances written as dictated by employees.

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- 12.2.4 Aggrieved employees shall submit grievance forms for review and discussion with the Department Director within five (5) working days after Immediate Supervisors' responses are received or are due. Copies of grievances shall also be filed with the Department of Personnel Management.
- 12.2.5 The Department Director or his designee shall investigate the grievance and attempt to resolve the matter and shall, within ten (10) working days, provide the employee with a written answer. The Department Director's response shall also be filed with the Department of Personnel Management.
- 12.2.6 If aggrieved employees are not satisfied with the Department Director's response or the Department Director does not respond within ten (10) working days, employees shall file a written request for a hearing with the Director of the Department of Personnel Management within five (5) working days after the Department Director's response is received or due. If the Department Director is not at work for reasons of City business, illness, vacation, or other authorized leave, the five (5) working days shall run from date of the Department Director's official return to work.
- 12.2.7 The Director of the Department of Personnel Management shall, within thirty (30) working days, review documented grievances, respond, make recommendations for hearing requests and shall notify aggrieved employees, employees' supervisors and Department Directors. Both employees and supervisors shall have the right to have witnesses present. Employees, supervisors and witnesses shall present information to the Director of the Department of Personnel Management.
- 12.2.8 After completion of the hearing, the Director of the Department of Personnel Management shall submit findings and render a recommendation within ten (10) working days. The Mayor shall review the findings of the Director of the Department of Personnel Management, and the Mayor shall either affirm, modify or reverse the recommendation within ten (10) working days from the date of the recommendation from the Director of the Department of Personnel Management. The decision of the Mayor shall be final and binding for all parties concerned. Copies of decisions shall be provided to employees, their Department Director and the City Administrator.
- 12.2.9 When grievances are decided in favor of employees at any of the administrative levels set above, decisions and effects thereof shall become

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effective on agreed upon or specifically stated dates, but shall not be retroactive more than six (6) months.

- 12.2.10 Discrimination or different treatment against employees who file grievances shall not be tolerated and such action shall be in violation of the personnel rules of the City of Jackson. Any persons responsible for discriminatory actions shall be subjected to disciplinary action.
- 12.2.11 Supervisory personnel shall apply previous decisions in favor of employees to all similar situations.
- 12.2.12 All correspondence required by the grievance procedure shall be placed in aggrieved employees' personnel files in the Department of Personnel Management.
- 12.2.13 Subjects involving the amendment or change of Council resolutions, ordinances, or minute orders are specifically excluded from the grievance procedure.

12.3 Civil Service Hearings and Appeals Procedures for Certified Employees

- 12.3.1 The *Civil Service Commission* may investigate complaints in accordance with Civil Service regulations.

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APPENDIX: DEFINITION OF TERMS

NOTE: Defined terms are identified by *italics* in text.

allocation

The assignment of an individual *position* to an appropriate *classification* based on the type, difficulty, and responsibility of the work performed in the position. As used in these personnel rules, employees are appointed to positions; positions are allocated to classifications.

appointive

Regular non-elected *positions*/employees not covered by Civil Service.

certified employee

A *City* employee who has been inducted into a permanent employee under Civil Service.

City

The City of Jackson.

City Council/Council

The City Council of Jackson.

Civil Service Commission

Commission appointed by the Mayor, pursuant to Mississippi Code. See Civil Service Rules for City of Jackson, Mississippi, for full description of purpose and effect.

classification

A group of *positions* sufficiently similar in duties, responsibilities, authority, and qualifications for employment to permit combining them under a single title and equitable application of common standards of selection and compensation.

classification plan

The set of principles and practices prepared and maintained by the Department of Personnel Management to determine class specifications, classification titles and *position allocations*.

classified

Uniformed/sworn fire and police and *full-time* monthly salaried *positions* and employees covered by Civil Service.

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demotion

The voluntary or involuntary reduction of a *regular* employee from a *position* in one class to a position in another class having a lower maximum salary rate.

Department Director

The administrative head of a *City* operating department.

dismissal

The involuntary *separation* of an employee from the service of the *City*, normally due to misconduct or poor performance.

eligibility list

An official list of eligibles for a Civil Service Competitive Class classification or *position* in the order of final rating according to the promotional procedures approved by the *Civil Service Commission*.

exempt employee

An employee who is not eligible for payment of overtime under the provisions of the Fair Labor Standards Act.

flat rate

A *pay range* in which the minimum and maximum rates of pay are the same.

full-time employee

An employee who is employed to work on a full-time basis, generally 40 hours per week, 52 weeks per year.

grievance

A formal complaint regarding an alleged wrong which has been properly submitted by the affected employee to the *City* for review and resolution.

lateral transfer

A change of an employee from one *position* to another position in the same class or a comparable class at the same *pay range*.

leave

Authorized or unauthorized absence from employees' place of work.

non-exempt employee

Employees who are eligible for payment of overtime under the provisions of the Fair Labor Standards Act.

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part-time employee

An employee who is employed to work less than eight hours per day, 40 hours per week.

pay range

The minimum and maximum rates of pay, along with such intermediate rates as are considered necessary, for each classification, as recommended by the Department of Personnel Management and authorized by the Mayor's Office and *City Council*.

personnel action

Any action taken with reference to appointment, compensation, *promotion*, transfer, lay-off, *dismissal*, discipline, commendations, or any other action affecting the status of employment.

position

A combination of current duties and responsibilities requiring the full-time or part-time services of an employee.

probationary employee

An employee who is serving a *probationary period* for the *position* and/or classification in which the person is currently employed.

probationary period

A working test period during which an employee is required to demonstrate fitness for the actual performance of the assigned duties of the *position*. "Initial" probationary period is the first probationary period completed by an employee following the original date of hire.

promotion

The *reclassification* of an employee from a *position* in one classification to a position in another classification having a higher maximum rate of pay.

reallocation

A change in the classification and/or range of an individual *position* by raising it to a higher classification, reducing it to a lower classification, or by moving it to another classification in the same range due to significant changes in kind, difficulty, or responsibility of the work performed in the position.

reclassification

A change of an employee to a different classification, range, department or employment status. Types of Reclassification include *promotion*, *demotion*, *lateral transfer*, *suspension*, *separation*.

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referral list

A roster of qualified candidates submitted by the Department of Personnel Management to the operating departments for the purpose of further evaluation and possible selection.

regular employee

An employee who has successfully completed an initial *probationary period* in a budgeted *position* which is not temporary.

regular part-time

An employee or *position* scheduled to work less than eight (8) hours per day, forty (40) hours per week in a budgeted position which is not temporary.

regular position

A budgeted *position* which is not temporary.

resignation

Voluntary *separation* from employment.

retirement

Separation from employment after becoming eligible for and applying to the Public Employees Retirement System for retirement benefits or after having reached the maximum age limit.

salary range

The Minimum and Maximum salary rates and such intermediate rates as are specified for a classification in the current salary table approved by the *City Council*.

separation

The termination of an employee's employment with the *City* because of *retirement, resignation, death, lay-off, or dismissal*.

supervisor

An employee assigned responsibility for organizing, assigning, and reviewing the performance of another employee.

suspension

Disciplinary action in which an employee is temporarily, involuntarily separated from employment for a specified period of time.

temporary employee

An employee appointed to meet staffing requirements of short-term duration.

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termination date

The last day an individual is employed by the *City*.

transfer

The change of an employee from one *position* to another position.



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