



Town of Branchville

Oldest Railroad Junction in the World

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Town of Branchville

Personnel Policy

Adopted December 11, 1997

as Ordinance Number 8-1-97

With amendments adopted September 8, 2014

NOT A CONTRACT

DISCLAIMER

ALL EMPLOYEES OF THE TOWN ARE EMPLOYED AT-WILL AND MAY QUIT OR BE TERMINATED AT ANY TIME AND FOR ANY OR NO REASON. NOTHING IN ANY OF THE TOWN'S RULES, POLICIES, HANDBOOKS, PROCEDURES OR OTHER DOCUMENTS RELATING TO EMPLOYMENT CREATES ANY EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT. THIS HANDBOOK REPLACES ANY PREVIOUSLY ISSUED POLICIES, WRITTEN OR ORAL, GOVERNING EMPLOYMENT. NO PAST PRACTICES OR PROCEDURES, WHETHER ORAL OR WRITTEN, FORM ANY EXPRESS OR IMPLIED AGREEMENT TO CONTINUE SUCH PRACTICES OR PROCEDURES. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, THAT ARE CONTRARY TO OR INCONSISTENT WITH THE LIMITATIONS SET FORTH IN THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE PUT IN WRITING; 2) THE DOCUMENT IS LABELED "CONTRACT"; 3) THE DOCUMENT STATES THE TERM OF EMPLOYMENT; AND 4) THE DOCUMENT IS SIGNED BY THE MAYOR OR APPROVED BY VOTE OF COUNCIL.

I ACKNOWLEDGE RECEIPT OF THE TOWN'S PERSONNEL POLICY AND UNDERSTAND THAT IT IS NOT A CONTRACT OF EMPLOYMENT.

Signature

Date

Printed Name

*Obtain an original signature (preferably in blue ink) on **two** copies of the disclaimer. One copy stays with the employee's copy of the personnel policy. The second copy should be placed in a secure file.*

STATEMENT OF PERSONNEL POLICY

The intent of the Branchville Town Council in adopting this document outlining personnel policies, including rules and procedures, is to provide a centralized personnel system designed to provide the citizenry of the Town with the best qualified staff possible which will operate at reasonably peak efficiency, while bearing in mind and safeguarding the rights and future of the worker. In total, the following are general standards the Town will strive to adhere to:

1. Equal employment opportunity is the policy of the Town of Branchville. Discrimination in recruitment, appointment, promotion, discipline or any other aspect of personnel administration because of race, national origin, gender, religious affiliation, sex, age, handicap (for qualified individuals with handicapping conditions), veteran status or other illegally discriminatory factor is prohibited.
2. A classification and compensation system shall be established and revised from time to time in order to meet changing conditions.
3. Employment and promotion shall be considered on the basis of evaluations of merit and performance. An annual performance evaluation will be completed on an employee by his or her department head. This performance evaluation is to be filed with the Town Clerk on the anniversary date of the employee's employment with the Town.
4. Continued employment which is subject to satisfactory performance of work, personal conduct compatible with the integrity of public service, necessity for the performance of work, and availability of funds must always be ultimately in the best interest of the Town as determined by the Town Council and consistent with employment at-will.
5. The Town of Branchville recognizes its responsibility to provide desirable working conditions, reasonable working hours, as well as program benefits which will include sick leave, vacation leave, worker's compensation, health insurance and retirement.
6. The Town of Branchville encourages procedures enhancing good employee/supervisory relations and honors the privileges of all employees as individuals, including the privilege to present legitimate grievances through proper channels to those officials responsible to handle such matters in a fair and reasonable manner.

The provisions contained in this ordinance shall apply to all Town of Branchville employees except:

1. The Mayor and Members of the Town Council.
2. Members of Boards and Commissions appointed by Town Council.
3. Consultants and professional personnel engaged on a contractual basis.
4. Seasonal or part-time positions as Town Council exempts.

100 ADMINISTRATION

101 The Town Council

(a) *Basis for powers.* Pursuant to S.C. Code 1976, 5-7-160, all powers of the municipality are vested in the city council, except as otherwise provided by law.

(b) *Duties and appointments.* The council shall provide for the performance of all duties and obligations imposed upon the town by law.

102 Mayor

Irrespective of any duties set forth in this Code, the Mayor shall have the following duties, responsibilities and powers:

- (1) *Powers conferred by Council.* The Mayor shall have no other responsibility, authority or power apart from that conferred upon him/her by members of the Council;
- (2) *Chief executive.* The Mayor shall be chief executive officer and the Town's representative and spokesman at official functions on the local, county and state levels;
- (3) *Preside over council meetings.* The Mayor shall preside over meetings of the Council;
- (4) *Special meetings.* The Mayor may call special meetings of the Council;
- (5) *Policies and ordinances.* The Mayor shall vote with the Council on all matters involving policies and ordinances;
- (6) *Promotion of economic growth.* The Mayor shall work with the county planning and development board in promoting economic growth for the Town.
- (7) *Provision of services.* The Mayor shall work with other county and state agencies which provide services to the Town;
- (8) *Designation of municipal judge.* The Mayor shall designate a municipal judge in case of temporary absence, sickness or disability of the regular municipal judge.

(Code 2001, 2.502)

200 EMPLOYMENT AND PROMOTIONS

201 Non-Discrimination Policy

The Town of Branchville is an Equal Opportunity Employer. It does not discriminate in any personnel practices. Discrimination for reasons such as veteran status, race, color, creed, religion, marital status, sex, age or disability (for qualified individuals with handicapping conditions) is forbidden.

202 Recruitment

All vacancies will be advertised in local and/or statewide media. Each advertisement will bear the statement "An Equal Opportunity Employer." Anyone wishing to be considered for a vacancy must fill out an application. Applications from current Town of Branchville employees will be considered along with all other applications currently on file as well as those received by referrals from other governmental agencies and new applications received in response to advertisements. All applications will remain on file in the Town Hall for one (1) year. An effort will be made to have new employees report for work at the beginning of a pay period.

203 Selection

It is the policy of the Town of Branchville to fill each vacancy with the best available qualified applicant, taking into consideration the rules and procedures stated herein and taking into account budgetary and legal considerations. The following procedures normally will be followed in the selection and employment of all persons paid as employees of the Town of Branchville:

- The Mayor and Town Council will be elected by public vote every four years.
- All other employees will be employed by the Town Council and Mayor.
- All employee matters such as hiring, firing, disciplines, etc., shall be addressed by the Mayor and Town Council.
- The Mayor or Council appointed designee shall have day-to-day authority over their respective department.
- Applications for all positions are to be made directly to the Mayor.
- Written notices will be sent to those selected for employment and to those who are not selected within a reasonable time period. Formal notices of a job offer are to be signed by the new employee and placed in the individual's personnel file.

204 Qualifications / Personnel Requirements

Qualifications vary for each position. Job descriptions have been formulated and serve as a basic outline for duties within each position. Selection of applications will be based upon their education documented by official transcripts from learning institutions attended, experience, ability and their potential performance. The selection process may include one or more of the following: personal interviews, evaluation of experience and training, reference checks and a criminal background check, written examinations; and performance tests. Physical examinations, to include a drug test, shall be required for full-time employees. Physical examinations shall be required for new police officers who have not successfully completed training at the South Carolina Criminal Justice Academy. The Town shall assign a physician and pay all expenses for the required medical examination.

205 Promotions

Any individual wishing to be considered for a vacancy must fill out an application. A description of the job vacancy that is to be filled will be posted in the Town Hall and advertised in local and/or statewide media. Selection will be based on merit and the capability to perform the job. The promotion process may include one or more of the following: written examinations, evaluation of performance, experience, training, and personal interview. Length of service shall not be the sole criterion for promotion.

206 Probationary Period

The length of the probationary period will be six (6) months for all positions. While separation during the probationary period or at other times may be effected with or without notice and with or without cause by the employee or by the town, the employee is reminded that supervisors will be observing such practices as poor attendance, abuse of sick leave, inadequate job performance, and a lack of initiative. Separations during the probationary period are not subject to the regular appeal process unless the employee alleges illegal discrimination. Failure of Town police officers to satisfactorily complete courses at the South Carolina Criminal Justice Academy as required by state law or recognized state standards shall result in immediate dismissal. All employees are entitled to grievance hearings after six months of

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employment. At the completion of the probationary period, a performance evaluation will be completed by the department head and the employee will be advised in writing as to his/her status with the Town.

207 Nepotism

Two or more members of an immediate family (which shall include wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, granddaughter) shall not be employed within the same department if such employment will result in one supervising a member of the immediate family, or where one member occupies a position which has influence over another's employment, promotion, salary administration, or other related management or personnel considerations.

300 PAYROLL PROCEDURES

301 Employee Classification

All employees shall be classified at the time of employment as full-time, part-time, or temporary according to the following:

Full-time	An individual employed in a regular position requiring a minimum of 33 hours per week on a continuous basis and who is entitled to full benefits which are to include sick leave, annual leave, workers compensation, health insurance and retirement benefits.
Part-time	An individual in a regular position working between 15 and 30 hours per week on a continuous basis and who is not entitled to benefits. Part-time employees are covered under the Town of Branchville's workers compensation program.
Temporary	An individual employed for a specific limited period of time, whether full-time or part-time, and is not entitled to benefits.

302 Pay Schedule

All Town employees are paid weekly on Fridays at 4:30 p.m. at the Town Hall. In cases where a holiday falls on a pay day, payroll checks will be issued by the Town Clerk on the preceding workday at the same location and at the same time. If an employee is absent from work on a pay day, the employee's check will be held until he/she returns or until the Town Clerk receives written authorization from the employee or an individual holding power of attorney to release the check in some other manner.

303 Rates of Pay

Rates of pay for all Town employees shall be determined by the Town Council at the recommendation of the Mayor. With the approval of the Town Council, rates of pay shall be determined for all employees based on a pay schedule which normally shall be approved by the Town Council each year for implementation by the Mayor on the following January 1.

304 Promotions, Demotions, and Transfers

The rates of pay for all employees who are promoted, demoted, or transferred shall be determined by the Town Council at the recommendation of the Mayor.

400 ATTENDANCE, LEAVE AND RELATED PERSONNEL PRACTICES

401 Work Hours

Work schedules of Police Personnel shall be set by the Chief of Police. The Mayor shall set working hours for the Streets and Sanitation Department and the Water Works Department. All other Town personnel shall work the hours of 9:00 a.m. to 5:00 p.m. The Town Clerk shall be required to attend all Town Council meetings and take the minutes of such meetings. All Town employees, with the exception of the Police Department, shall be paid an hourly wage based upon a 40-hour work week. Overtime pay cannot be earned until forty (40) hours have been worked.

The Mayor or Council appointed designee may provide different working hours for specific positions, and shall establish working hours for temporary or part-time positions on an individual basis.

Under the Federal Fair Labor Standards Act, on-call time is not work time and is not to be shown on time sheets. Work only begins when the individual is called out or directed to perform a specific task.

402 Holidays and Holiday Pay

All full-time employees of the Town of Branchville, with the exception of law enforcement officers, whose schedules do not permit it, shall observe the following official paid holidays:

New Year's Day; Martin Luther King Day; Good Friday; Memorial Day; Fourth of July; Labor Day; Thanksgiving and day after; Dec. 24-25.

When Christmas Day falls on a weekend day, the holidays observed shall be the Friday before and the Monday after.

Federal law does not require premium pay to those persons whose normal work schedules require them to work on a recognized holiday. Therefore, police officers whose scheduled workday falls on a recognized holiday will be paid regular pay.

When a holiday occurs during a period of authorized annual or sick leave, that day shall not be charged as a day of leave.

403 Annual Leave

Full-time employees who have completed their probationary period shall accrue leave from the first day of the first full calendar month they are employed. Leave shall accrue with pay at the rate of seven (7) hours per month or 1.62 hours per pay period.

Annual leave may be taken, in cases other than those involving an emergency, upon advance notice to the Mayor and with his approval. It is requested that employees give the Mayor at least two (2) weeks' notice before taking annual leave. The Town of Branchville Leave Form, with the signatures of the employee and the Mayor, must be filed with the Town Clerk when the employee picks up his/her check. Whenever possible, employees will be allowed to take paid vacation at times most convenient to them. However, in order to ensure delivery of services at the highest level of quality, the Town reserves the right to limit the number of employees who may be absent from a given department at any one time.

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When there is a conflict in the vacation choices of two or more employees who cannot be spared at the same time, preference will be given the employee first registering preferred vacation time with the Mayor.

Up to forty-five (45) days annual leave can be accumulated and carried forward from one calendar year to the next. If not taken, the employee shall lose such annual leave and any potential profit which might have occurred.

When a full-time employee is terminated, for other than misconduct, he/she shall be paid at the regular straight time for his/her position for unused vacation accrued. The employee can be paid no more than forty-five (45) days of accumulated annual leave. However, employees who have not completed their probationary period will receive no benefits. In the event of the death of an active employee, this payment shall be made to his/her legal representative.

An attendance record, based on the time cards/sheets and investigative findings, as may be necessary, shall be maintained for each employee by the Town Clerk. This record shall reflect all absences, including sick leave, annual leave, civil leave, leave without pay, military leave, etc., and shall be balanced on a schedule of no less frequency than quarterly. An employee's record shall be made available to him/her for inspection upon request during normal business hours.

404 Sick Leave including Maternity Leave

All Town employees working full-time who fall into the full time category shall accrue sick leave at the rate of seven (7) hours per month or 1.62 hours per week of continuous service from the first day of the first week after completion of their probationary period. Sick leave accrued may be accumulated from year to year with a 60-day ceiling; however, no employee will be reimbursed for unused sick leave at any time.

Sick leave will be charged in units of whole hours and will be charged when an employee is unable to work due to personal illness or injury, or when the employee has a highly contagious disease which might endanger the health of fellow workers. Sick leave may be taken for medical, dental, or eye examinations or treatment for which arrangements cannot be made outside working hours. Sick leave may be used to cover absences made necessary by an illness in an employee's immediate family. A maximum of two (2) days sick leave, designated as Personal Leave, may be used to cover absences made necessary by illnesses to an employee's immediate family.

When a paid holiday occurs during the period an employee is on sick leave, that day shall not be charged against his/her sick leave benefits and the individual will receive his/her regular holiday pay.

In order to be eligible for sick pay with leave:

- 1) An employee must report the reason for his/her absence to his/her supervisor or the Town Clerk. Such notification must not occur later than one-half hour after his/her scheduled starting time. In the event this is earlier than the supervisor or Town Clerk normally reports to work, the employee may leave a voice message on a designated Town telephone line. Any employee who fails to notify his/her supervisor or the Town Clerk as specified here shall not be paid for days taken prior to proper notification, except under circumstances behind the employee's control.

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- 2) If the absence extends beyond three days, the employee must keep his/her supervisor or the Town Clerk informed as to his/her condition and anticipated date of return.
- 3) The employee must submit a statement from the attending physician if the illness is of three (3) or more days' duration.
- 4) The Town of Branchville Leave Form with the signatures of the employee, supervisor/ Town Clerk, and the physician's statement must be filed with the Town Clerk before the employee can return to work.

After an employee has used all accrued sick leave credits, he/she may elect to use his/her annual leave before being placed on leave without pay. Such leave without pay may be for up to three (3) months. Once an employee is placed on leave without pay, all usual and normal benefits as a town employee will cease until the individual regains regular or full-time status. It is noted that an employee may have rights to continued health insurance benefits upon leaving employment with the Town. Please check with the Town Clerk at such time and you will be advised of such rights.

During the time the employee is on sick leave or leave without pay due to illness as outlined in the preceding paragraph, the individual's position shall be maintained by redistributing work load or use of temporary help. After three months of leave without pay, the employee may be terminated from employment and the position may be filled.

The Town reserves the right to require a statement from the employee's attending physician to the effect that the employee is able to resume his/her normal activities before allowing the employee to return to work. The Town also reserves the right to place an individual on leave without pay without request from the employee.

Failure to comply with regulations relating to medical documentation of illness may result in termination.

An employee shall, inarticulately upon doctor's confirmation of pregnancy, report her condition to the Mayor or the Town Clerk. The doctor and the employee will establish the date when maternity leave will begin. All other provisions of this section shall apply.

The Town of Branchville complies with all provisions of the Family and Medical Leave Act.

405 Military Leave

All employees who are members of the South Carolina National Guard or any Reserve unit of the United States Armed Forces shall be entitled to military leave as applicable by law. Employees will be paid for up to 14 days full pay per year when ordered to active duty for training. The Town of Branchville Leave Form, with the signatures of the employee and the Mayor, must be filed with the Town Clerk when the employee picks up his/her paycheck.

406 Civil Leave

Any full-time employee selected for jury duty shall be entitled to civil leave with pay for the period of absence required. Such leave shall not be charged to annual or sick leave earnings, except that on any day when the employee is excused from service on a jury, he/she will be expected to return if within reasonable commuting distance or be charged annual leave for time excused from jury duty. Likewise, any period of time for which an employee is excused from jury duty because of illness shall be charged to sick leave. An employee shall keep all fees received as a juror.

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All full-time employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the Town, County, State or Federal Government shall be entitled to leave with pay for such period as his/her attendance is necessary. Any fees paid for such service shall be turned over to the Town.

Absences of any employee to appear in private litigation shall be charged to annual leave or to leave without pay, upon the employee's request and approval of the Mayor. Any employee selected for duty or subpoenaed shall notify the Mayor or Town Council within seventy-two (72) hours of receiving such notification. The Town of Branchville Leave Form, with the signatures of the Mayor and employee, must be filed with the Town Clerk when the employee picks up his/her paycheck.

407 Funeral Leave

Full-time employees shall be granted up to three (3) working days leave without loss of annual leave or sick leave for the following: Death of spouse, child, father, mother, father-in-law, mother-in-law, brother, sister, or grandparents. The Town of Branchville Leave Form, with the signatures of the employee and the Mayor, must be filed with the Town Clerk when the employee picks up his/her paycheck. The relationship of the deceased to the employee should be included on the Leave Form. Additional time off must be charged to annual leave or leave without pay. Upon prior approval of the Mayor, employees will be granted several hours off without charge to any leave time to attend the funeral of a fellow employee or a fellow employee's spouse or child. A majority polled vote of the Town Council shall be necessary to close the Town Hall for a funeral and, upon such occasion, the Town Hall shall remain closed for no more than 90 minutes.

408 Administrative Leave

Full-time employees may be granted administrative leave without charge to any annual or sick leave for the following:

- Donation of blood (up to 2 hours).
- Voting (up to 1 hour).
- Physical examination for induction into armed services (up to one day).
- Veterans required to take a physical examination pertaining to a service-related disability (up to one day).
- Attendance at meetings, conventions and in-service training classes where the good of the Town will be served as determined by the Mayor. Any restrictions are to be handled through the budgetary ordinance.
- Regular part-time employees may be granted administrative leave to attend in-service training classes as well as to donate blood.

Any unauthorized leave taken may result in termination and at a minimum will be charged against annual leave, leave without pay, or other appropriate action. The Town of Branchville Leave Form, with the signatures of the employee and the Mayor, must be filed with the Town Clerk when the employee picks up his/her paycheck.

409 Severe Weather Conditions

In the event of severe weather conditions, the Mayor, after consulting with the Town Council, may close the Town Hall and other non-emergency related functions of the Town government. Town employees will be notified through the news media. If the decision is necessary before the beginning of the normal workday, employees will be notified through the Town Clerk or the Mayor.

Employees who cannot reach their normal work areas if the Town Hall is open or who leave prior to being authorized to do so will be granted annual leave or leave without pay, said decision to be made by the Mayor and Town Council. The employee also may be required to make up time missed.

410 Leave Without Pay

The Mayor may grant leave without pay only as outlined herein or in additional instances only upon approval of a majority of the Town Council.

411 Personnel Records

The Town Clerk shall develop such forms and keep such records as are necessary to effectively and efficiently carry out the policies in this policy manual. The Mayor or Town Council may require such reports on any Town employee, whether elected or hired, as may be necessary to see that the provisions of this policy manual are complied with properly.

500 SEPARATIONS, DISCIPLINARY ACTION, PROHIBITIONS

501 Resignation

To resign in good standing, an employee shall give the Mayor or Town Council at least two weeks' notice in writing. An explanation as to the reason for resignation is requested. Normally, failure to comply with this requirement shall be entered on the service record of the employee and shall result in denial of re-employment rights and any accumulated annual leave may be automatically canceled. However, the Town Council may exempt an employee from any or all of these penalties if exceptional circumstances warrant such action. Retirement is considered a form of resignation and the requirements stated above are applicable.

502 Layoffs

A layoff is any involuntary separation not involving delinquency, misconduct or inefficiency. When it becomes necessary to reduce the work force in a department, employees shall be laid off on the basis of the following factors which are to be weighed equally: length of service in a class and the Mayor and Council's rating of employee's performance during his/her tenure with the Town. If a full-time employee is scheduled to be laid off, he/she shall be offered any unfilled job available for which the individual is qualified, including a demotion and resultant salary adjustment. The Town will attempt to notify any individual to be laid off in writing at least fourteen (14) calendar days prior to the effective date, when conditions allow for such notice.

503 Dismissals

Dismissals are discharges or separations which are made for the good of the Town. However, usually they are made for delinquency, misconduct, inefficiency or inability to perform work required in a position in a satisfactory manner which are more fully set out in the guidelines in section 508. The Mayor may dismiss any probationary, part-time or temporary employee with or without cause or with or without notice. The Mayor may also dismiss employees who have completed their probationary period with the approval of the Town Council and may be informed of the specific cause(s) for dismissal by the Mayor in writing. An employee so notified is referred to Section 700 of this document.

State law gives all elected officials complete control over the dismissals of their employees. The Town, therefore, assumes the position that state law has precluded the Town having any liability for elected officials' actions in such personnel functions. All other employees of the Town fall under Section 700.

An employee who, without valid reason, fails to report to work three consecutive days without authorized leave shall be separated from the payroll and reported as a voluntary resignation. Such an employee is not eligible to use provisions of Section 700, is not eligible for re-employment and shall be paid for accrued annual leave only in excess of fourteen (14) days.

504 Suspensions

The Mayor or Town Council may, for disciplinary purposes, suspend without pay any employee for the length of time as outlined in Section 508.

505 Demotions

The Mayor, with the approval of the Town Council, may reduce the salary of any employee or demote the employee to a lower grade as discipline. A written statement of the reasons for any such action shall be furnished to the affected employee by the Mayor and a copy filed with the Town Clerk at least five days prior to the proposed effective date of the action. An employee affected by action under this section should refer to Section 700.

506 Disability

The Town of Branchville complies with the provisions of the Americans With Disabilities Act. If an employee becomes physically or mentally disabled, that employee will be treated in accordance with this Act. To file a complaint, see Appendix A of this employee handbook.

507 Loss of Job Requirements

Any employee who is unable to do his/her job adequately because of loss of necessary license or other requirement shall be separated by layoff should attempts to place the employee in another position which he/she can perform satisfactory fail.

508 Guidelines for Disciplinary Action

THESE ARE ONLY GUIDELINES FOR DISCIPLINARY ACTION AND LESS SEVERE OR MORE SEVERE DISCIPLINARY ACTION UP TO AND INCLUDING DISCHARGE IN ACCORDANCE WITH THE TOWN'S

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EMPLOYMENT-AT-WILL POLICY MAY BE TAKEN IN ANY INDIVIDUAL CASE AT THE DISCRETION OF THE MAYOR AND THE TOWN COUNCIL. Any action taken shall be placed in the employee's permanent folder.

GROUP ONE

- (1) Failure to follow oral instructions.
- (2) Inefficiency in performance of duties.
- (3) Careless neglect.
- (4) Thoughtless conduct which harms person or property or has the potential to do so.
- (5) Failure to maintain satisfactory and/or harmonious working relationships with the public or fellow employees.
- (6) Failure to report to work at the designated time.

First offense: Oral warning.

Second offense: Written warning with one copy being signed by the Mayor and employee and being placed in the employee's personnel folder.

Third offense: Discharge with second written notice handled as outlined above.

A PERIOD OF ONE YEAR FROM THE DATE OF THE LAST VIOLATION OF A FIRST OR SECOND OFFENSE WILL CLEAR AN EMPLOYEE'S RECORD IN GROUP.

GROUP TWO

- (1) Reporting for duty while under the influence of intoxicants.
- (2) Willful failure to use safety equipment or refusal to comply with safety rules.
- (3) Unauthorized sleeping while on duty.
- (4) Thoughtless conduct which results in injury to others or minor property damage.
- (5) Improper use of sick leave.
- (6) Failure to report to work without proper notification.

First offense: One week suspension upon written notice as outlined in Group One.

Second offense: Discharge upon written notice as outlined in Group One.

GROUP THREE

- (1) Falsification of records or misrepresentation of material information.
- (2) Unauthorized or improper disclosure of Town records or documents.
- (3) Misuse of Town funds.
- (4) Willfully causing damage to Town equipment or property.
- (5) Insubordination.
- (6) Thievery.
- (7) Being the aggressor in a fight on Town property or while on duty.
- (8) Drinking alcoholic beverages or taking illegal drugs or drugs which have not been prescribed for the employee while on duty. This does not include over-the-counter drugs, e.g. aspirin.
- (9) Unauthorized possession of firearms while on Town property or on duty.
- (10) Conviction of a felony or serious misdemeanor.
- (11) Acceptance of improper gratuities.
- (12) Refusal to be examined by a physician as may be required in Section 404.
- (13) Evidence of sexual harassment of fellow employees.

Discharge upon first offense with the Mayor documenting actions in writing to personnel file.

509 Sexual Harassment

Sexual harassment in the workplace is against the law and is strictly prohibited by the Town of Branchville. All employees, including supervisors and management level employees, must avoid any action or conduct which would be viewed as sexual harassment, including not only unwelcome sexual advances and requests, but also any other verbal or physical conduct of a sexual harassing or offensive nature.

Any employee who believes that he/she has been the object of sexual harassment at work by anyone, including supervisors, co-workers or visitors, should promptly bring the matter to the attention of the Mayor, or if for any reason the employee is uncomfortable following the chain of command, then the employee should take the complaint directly to the Mayor Pro Tem or other Council member. All allegations will be investigated promptly and as confidentially as is practical, taking into account the sensitivity of such matters, particularly to the alleged victim.

600 Destruction of Records

Employee personnel files shall be kept permanently.

700 Grievance Procedures

The Town Council has adopted and will periodically refine as required by law, court rulings and the advice of counsel a document outlining grievance procedures. This document was passed as a resolution to facilitate more rapid compliance with any changes. Copies of the most recent revision of this document are available from the Town Clerk.

800 Gifts and Gratuities

No Town employee shall accept a gift or gratuity for work performed as part of his/her regular duties. These limitations are not intended to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions.

900 Secondary Employment

No Town employee shall use Town property, equipment, uniform, vehicle, etc., in the conduct of a secondary job (moonlighting). Employees engaged in moonlighting shall not hold the Town liable for any injury, damage, etc., while in the execution of such secondary duties. Any secondary job held by Town employees may not interfere with the permanent, normal work hours of a Town employee. The Mayor and Town Council have the discretion to set the permanent work hours for those employees whose department operates beyond the standard 8:30 a.m. to 5 p.m. work day.

1000 ALLOWANCES, REQUIREMENTS – TRAVEL

1001 Monthly/Yearly Car Allowances

Monthly/yearly car allowances for use of private automobiles necessary to conduct Town business will be determined on an individual basis and will be taken under consideration with the preparation of the budget each fiscal year.

1002 Mileage Allowances

Authorized travel approved by the Mayor and as provided in a departmental budget will be paid at a rate specified in the annual budget. Mileage allowances will not be allowed if monthly/yearly car allowances are provided.

1003 Travel and Subsistence Expense

Specific standards will be established yearly in the budget. Expenses will be paid or reimbursed only for authorized Town business. Town Council and Mayor's town-related expenses will be paid at the same rate and in the same manner as those of Town employees. All air travel shall be at tourist class fare and must be approved by the Mayor and the Town Council prior to commitment to travel plans.

1004 Town Purchases

Other than in an emergency, no purchases will be reimbursed unless the employee obtained a purchase order from the Town Clerk and can produce the receipt for such purchase. Other than in an emergency, any purchases made without a purchase order will be the responsibility of the employee.

1005 Records

The Town Council may establish such record-keeping requirements as it deems necessary.

1100 CONFLICT

Establishment of a personnel system is provided for under state law and, even if it were not, it is in the best interest of the Town and its citizenry.

Should any section of this ordinance be found in violation of any state or federal statute, said ruling shall have no effect on the remaining portion of this document.

APPENDIX A

TOWN OF BRANCHVILLE GRIEVANCE PROCEDURE

DISCLAIMER

NOTHING IN THIS GRIEVANCE PROCEDURE CREATES A PROPERTY INTEREST IN THE EMPLOYMENT OR A CONTRACT OF EMPLOYMENT, NOR DOES THIS PROCEDURE LIMIT THE AUTHORITY OF THE MAYOR OR COUNCIL TO REMOVE ANY EMPLOYEE WHEN NECESSARY FOR THE GOOD OF THE TOWN.

This procedure is adopted in accordance with the "County and Municipal Employees Grievance Procedure Act," Section 8-17-1 10, et-seq., Code of Laws of South Carolina, 1976.

100 Definition

A grievance is defined as any complaint by an employee that he/she has been treated unfairly, unlawfully, or in violation of his/her rights under the Town of Branchville policies with regard to any matter pertaining to his/her employment by the Town of Branchville. This definition includes, but is not limited to: discharge, suspension, involuntary transfer, promotion and demotion. The Town of Branchville grievance procedure is to be used when filing a complaint under the Americans with Disabilities Act.

200 Procedure

An employee who feels that he/she has a grievance must follow the following procedure:

Step 1: He/she must discuss the grievance with his/her immediate supervisor. If his/her supervisor is unable or unwilling to adjust the grievance to the satisfaction of the employee, the employee must take Step 2.

Step 2: The employee must follow the chain of command in his/her department, appealing to each successive level of supervision. All Step 1 and Step 2 appeals may be oral. At each level, each supervisor shall have two (2) work days (Saturdays and Sundays excluded) to render a decision. If no decision is made within this time, the grievance shall be considered denied. If a supervisor at a particular level is unavailable to consider the grievance, it shall be considered denied and the employee shall appeal to the next level of supervision.

Step 3: If the head of the department in which the employee is employed denies the grievance, this decision shall be final as to any grievance brought by a probationary employee. A new employee remains probationary until his/her probationary evaluation is completed and approved by his/her department head under Section 208 of the Town of Branchville Personnel Policy Manual.

Other employees may appeal to the employee grievance committee the denial of their grievances by department heads by filing a written request for appeal at the Town Hall. This must be done within 14

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calendar days of the time at which the facts on which the grievance is based became available to the employee. The written request for appeal must include the following information:

- a. The purpose of the appeal and what recommendation is requested of the grievance committee to send to the Mayor and Town Council; and
- b. A statement that the chain of command has been followed in the appeal as is required by the grievance procedure.

The Town Clerk will assist in preparing the appeal, if requested.

Within ten (10) days of receipt of the employee's request, the chair of the grievance committee shall schedule the requested hearing and notify the grievance committee, the employee requesting the hearing, the affected department, and the Town Clerk.

300 The Employee Grievance Committee

The Mayor shall appoint a committee composed of three (3) employees and two (2) Town Council members to serve for terms of two (2) years. A member shall continue to serve after the expiration of his/her term until a successor is appointed, as long as he/she continues to be an employee or Town Council member. Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term shall be for the unexpired term. Any member may be reappointed for succeeding terms at the discretion of the Mayor. All members shall be selected at random from all Town employees who have successfully completed their probationary period. Two members shall be selected at random from the Town Council. Members employed in the same department as the grieving employee and members having formed an opinion on the issues prior to the hearing shall not participate in that employee's hearing.

The committee shall elect its own chair from among its members. The chair shall serve as the presiding officer at all hearings which he/she attends but may designate some other member to serve as presiding officer in his/her absence. The chair shall have authority to schedule and to re-schedule all hearings.

A quorum shall consist of at least three (3) members, and no hearing may be held without a quorum.

400 Grievance Hearing

The presiding officer will have control of the proceedings. He/she shall take whatever action is necessary to ensure an equitable, orderly and expeditious hearing. Parties shall abide by the his/her decisions, except when a committee member objects to a decision to accept or reject evidence, in which case the majority vote of the committee will govern.

The committee shall have the authority to call for files, records, and papers which are pertinent to any investigation and which are subject to the control of the Mayor; to call for or consider affidavits of witnesses, to request and hear the testimony of witnesses, to consider the results of polygraph examinations; and to secure the services of a recording secretary in its discretion. The committee shall have no authority to subpoena witnesses, documents or other evidence, nor shall any Town employee be compelled to attend any hearing. All proceedings shall be recorded. Witnesses, other than the grieving employee and the department representative, shall be sequestered when not testifying. All witnesses shall testify under oath.

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All hearings shall be conducted in executive session unless the grieving employee requests at the beginning of the hearing that it be held in open session. The official recording and the official minutes of all hearings shall be subject to the control and disposition of the Mayor and Town Council.

Neither the grieving employee nor the department may be assisted by advisers or by attorneys during the hearing itself. However, the committee shall have an attorney available to it at any and all times it considers necessary and the Town Clerk shall provide assistance in reading written materials to the committee at the request of the grieving employee.

In disciplinary actions by department heads and their subordinate supervisors, the employee must receive in reasonable detail written notice of the nature of the acts or omissions which are the basis for the disciplinary action. This notice may be amended at any time 24 hours or more before the commencement of the hearing. The department or Mayor must demonstrate that the disciplinary action is for the good of the Town. The department or Mayor shall make the first presentation. The committee (and the Mayor as set forth hereafter) may base its findings and recommendations (and the Mayor his decision) on any additional or different grounds developed from the employee's presentation.

In non-disciplinary grievances, the employee must establish that a right existed and that it was denied him/her unfairly, illegally or in violation of Town policy. The employee shall make the first presentation.

In all grievances, the grieving employee and the department or the Mayor shall each be limited to one (1) hour of initial presentation. The party required to make the first presentation shall be entitled to a ten (10) minute rebuttal of the other party's presentation. The chair shall appoint himself/herself or another member of the committee as timekeeper.

In all grievances, presentations may be oral or in writing or both and may be supported by affidavits or unsworn signed statements from witnesses, by records, other documentary evidence, photographs, or other physical evidence. Presentations shall be made by the grieving employee (with reading assistance from the Town Clerk if the employee desires) and by a managerial employee of the affected department. Neither party may call witnesses or question the other party, or question any witnesses called by the committee.

500 Findings and Recommendations

Except as provided in the following paragraph, the committee shall, within twenty (20) days after hearing an appeal, make its findings and recommendations and report such findings and recommendations to the Mayor and the Town Council. The Mayor shall make his/her recommendation to the Town Council and, if Council's decision is to concur with the committee's recommendation, copies of the decision shall be transmitted by the committee to the employee and the head of the particular department involved. If, however, the Town Council rejects the decision of the committee, Council shall make its own decision without further hearing and that decision shall be final. A copy of the decision shall be transmitted to the employee.

600 Effective Date

This regulation shall be effective upon passage by the Branchville Town Council.

APPENDIX B

TOWN OF BRANCHVILLE DRUG-FREE WORKPLACE POLICY

USE OF DRUGS IN THE WORKPLACE

- A. The illegal manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or other controlled substances is strictly prohibited on the Town of Branchville premises.
- B. Violation of this policy will result in immediate discipline up to and including discharge. Responsibility for this discipline in the case of employees in a department headed by a constitutional or statutory official will rest with that constitutional or statutory officer.
- C. Employees will be given a copy of this policy and will be required to sign a form acknowledging its receipt. By continuing to work, the employee agrees that he/she will abide by the policy as a condition of employment. Failure to abide by the policy will result in discipline up to and including discharge, as provided for in the paragraph above.
- D. As a condition of employment, employees agree to notify the Town of Branchville within five (5) calendar days after any criminal conviction for the manufacture, distribution, dispensation, possession or use of narcotics, drugs, or other controlled substances at the workplace. Criminal conviction means a finding of guilt, an imposition of a sentence, a plea of no contest, or a plea of guilty.
- E. The Town of Branchville will notify all federal contracting agencies or grantors of such conviction within ten (10) days after receiving notice of the conviction.
- F. Law enforcement authorities will be notified whenever illegal drugs are found in the workplace.

DRUG-FREE AWARENESS PROGRAM

- A. Drug abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury or possible death.
- B. In order to prevent these consequences of drug abuse, the Town of Branchville has implemented the above policy to ensure that the workplace remains drug-free.
- C. In lieu of termination for a drug-related conviction in the workplace, the employee may be required to enter into a drug rehabilitation program. The following organization has drug counseling, rehabilitation, and drug assistance programs: Tri-County Alcohol and Drug Association, Orangeburg, S.C.
- D. In order to ensure that the workplace remains drug-free, the Town of Branchville reserves the right to test employees for drug use.