

**CHAPTER 6**

**PERSONNEL POLICY**

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**ARTICLE I**

**GENERAL POLICY**

**Section 6.1 Appointment, Suspension, Dismissal and Compensation**

(a) Appointment

(1) Vacancies to be filled in the municipal service shall be publicized in order that qualified person shall be encouraged to apply and qualify for municipal employment

(2) The board shall appoint all full-time and part-time employees of the Village. Appointments to positions shall be made on the basis of merit and fitness. In filling vacancies an effort should be made to promote qualified employees before seeking outside replacement.

(3) The board shall provide a job description for all employees

(4) All appointments to positions in the service of the Village shall be for a probationary period of six (6) months.

(5) The mayor and board will conduct an annual review and appraisal session the first week in May of each year. This session shall be used to determine the status of employees on an individual basis. Any written salary request by employees will be heard and considered at the June meeting and become effective the first pay period in July. The mayor and the board of aldermen will determine if any changes in position or pay are necessary. Any change in status will appear on the June Agenda of the General meeting to be put to vote.

(6) Contractual agreements with the Village will be renewed on an annual basis. A description of work to be done will be advertised. Bids will be taken to ensure competitive prices. Contracts will be entered into upon approval granted at Town hall meetings only. All bidders must provide proof of liability and workmen's compensation insurance

(b) Suspension and Dismissal.

(1) During the investigation, hearing or trial of an employee on any criminal charge or during the course of any civil action involving an employee, when suspension would be in the best interest of the municipality, the board may suspend the employee without pay for a duration of the proceedings as a nondisciplinary measure. Back pay shall not ordinarily be recoverable, but where the suspension is determined by full reinstatement of the employee, the board may authorize full recovery of pay and benefits for the entire of for any lesser period of the suspension.

(2) An unsatisfactory employee shall be notified how his work is deficient and what he must do if his work is to be satisfactory. If the employee's work continues to be below standard, the board and mayor shall demote or dismiss the employee.

(3) Any employee demoted or discharged may appeal to the board at a regular meeting.

(c) Compensation.

(1) Full or part-time employees- persons paid on a set hourly wage.

(2) Contractural - person paid as set forth in a contract agreement.

## **Section 6.2 Hours of Work**

(a) Full-time employees will work forty (40) hours per week or as set forth in job description of position. No monetary payment for overtime.

(1) Compensatory time off for overtime hours may be taken on the approval of the mayor or two aldermen

(b) Part-time employees will work hours as needed per job or as declared at time of employment

(c) Contractural employees will work hours to complete job as per contract agreement

(d) Employees will be required to work overtime hours only in case of emergency. An emergency is defined as a situation that demands immediate attention.

(e) All employees shall be required to record their hours by use of time clock. In the emergency situation as defined in Section 6.2 (d) a written report can be submitted in lieu of using the time clock.

(f) All overtime provisions will be handled in accordance with applicable federal and state statutes.

## **Section 6.3 Holidays and Vacations**

(a) Employees required to work on an observed holiday shall receive compensatory time off. Holidays observed by the Village shall not be counted as vacation leave. All employees will receive full pay for the following holidays:

- (1) January 1<sup>st</sup>
- (2) Mardi Gras Day
- (3) Good Friday
- (4) Memorial Day to coincide with other public offices
- (5) Fourth of July
- (6) Labor Day
- (7) Thanksgiving(2 days- Thursday and Friday
- (8) Christmas Eve
- (9) Christmas Day
- (10) New Year's Eve
- (11) New Year's Day

(b) Vacations

(1) All employees will have one week vacation to be taken within each year. New employees shall not be scheduled vacation leave until after probation period of six months has ended.

(2) Vacation time scheduled and not taken can be rescheduled if request is made with a month's prior notice. Vacation time shall not be carried from one year to the next.

(4) After two (2) years time of employment with the Village employees will be scheduled two- (2) weeks vacation. Stipulations set in Section 6.3 (b2) will apply.

#### **Section 6.4 Sick Leave**

(a) Sick leave with pay is not a right which an employee may demand but a privilege granted by the municipality

(b) Leave from work with pay may be charged as sick leave if the absence is due to sickness, bodily injury, quarantine, required physical or dental examinations or treatment, exposure to a contagious disease when continued work might jeopardize the health of other, illness in the employees immediate family which requires the care of the employee, or the funeral of a member of the employee's family. All such absences except those resulting from intemperance or immorality shall be charged against the sick leave credit of the employee.

(c) Sick leave credits accumulated by each employee shall be retained as of the effective date of this article.

(d) Each employee shall earn sick leave at the rate of one (1) day for each month worked

(e) Sick leave shall be accumulative for an indefinite period and there is no maximum amount of sick leave privileges.

(f) Employees who resign or retire or who are dismissed from employment shall not be paid for any accrued sick leave.

(g) Sick leave shall not be granted for maternity leave purposes. Maternity leave with or without pay may be granted at the discretion of the board of aldermen.

#### **Section 6.5 Workmen's Compensation Leave**

(a) The foregoing provisions as to sick leave shall not apply to employees injured by an accident arising out of and in the course of employment.

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(b) Employees disabled on the job and for whom workmen's compensation is approved, shall be granted workmen's compensation

leave with full pay without charge against sick leave for the full period covered by the workmen's compensation payment not to exceed six (6) calendar months; provided that the workmen's compensation payment shall be included in the computation of full pay.

(c) In the event that disability covered under workmen's compensation shall extend beyond six (6) calendar months, continued absence shall be charged against accrued sick leave until exhausted, and then to leave without pay other than the workmen's compensation payments provided by law.

#### **Section 6.6 Military and Civil Leave**

(a) The board may grant, upon request, military leave in any fiscal year to any full-time employee for Reserve or National Guard Training. While on military leave each employee shall be compensated by the municipality the amount that his military compensation is less than that of his municipal compensation.

(b) A municipal employee called for jury duty or as a witness for the federal or state governments or a subdivision thereof shall be entitled to leave with pay for such duty for the required absence. Municipal employees may keep all fees received from jury duty in addition to regular compensation. Law enforcement officers may not receive or keep any witness fees for appearing in Mayor's Court in connection with their official duties.

#### **Section 6.7 Education Leave**

A special leave of absence at full or part-time pay may be granted by the board to permit an employee to take courses of study which will better equip the employee to perform his duties for the municipality.

#### **Section 6.8 Leave Without Pay**

An employee may be granted a leave of absence without pay for up to three (3) months by the board upon a request by an employee for reasons of personal or family illness or completion of education.

#### **Section 6.9 Outside Employment**

Reserved

#### **Section 6.10 Gifts and Favors**

No official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise from any

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person, firm or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the municipality nor shall any official or employee accept any gift, favor or thing of value that may tend to influence him in the

discharge of his duties or grant in the discharge of his duties any improper favor, service or thing of value.

### **Section 6.11 Records and Reports**

All employees in a supervisory position and police officers shall keep accurate records and records as follows:

(a) Clerk- Duties of the municipal clerk are stated in L.R.S. 33:421, 422. In addition to monthly financial reports, clerk will prepare quarterly comparative financial reports. The clerk will issue no check or payment without proper authorization, purchase order, or approval through the minutes of meetings.

(b) Maintenance Supervisor- Duties of the maintenance supervisor will be set in the job description. The maintenance supervisor will keep a current and complete inventory log. The log will be composed of an itemized list of all equipment, tools, parts, fittings, water pipes, and miscellaneous. The log will show dates of orders, job order number, date received at maintenance barn, and date checked out. A job order form will coincide with the inventory logs and job order forms to the clerk once per month. It will be the maintenance supervisor's responsibility to order all parts needed in his department, as well as securing all repairs to equipment under his charge. A file marked "Maintenance Supervisor" will be on file at the town hall. Reports shall be the maintenance supervisor's responsibility.

(c) Garbage collector- Duties of garbage collector shall be set in contract. The garbage contractor must show proof of current liability and workmen's compensation insurance coverage. The contract must include a current list of residents and businesses on garbage route. Compensation will be computed accordingly. The clerk will strike from the list any household or business that is delinquent and the garbage collector will not be paid for picking up garbage at an unpaid household.

(d) Police officers- Duties of police officer(s) are as required by law, and local ordinances. All police officers shall keep a record of gasoline purchases and mileage on gasoline purchase forms. These forms will be submitted to clerk with tickets. Gas purchase forms are the responsibility of the individual officer. The clerk is ordered to make no payment for gas without a corresponding gas purchase form.

### **Section 6.12 through 6.14**

**ARTICLE II**

**SOCIAL SECURITY**

(Reserved)

**Section 6.15 Declaration Of Policy To Come Under Coverage**

It is hereby declared to be the policy and purpose of the municipality, to extend the provisions of Section 1 of Act 204, Regular Session of the Louisiana Legislature of 1952, as amended, providing Social Security to eligible officers and employees of the municipality. In pursuance of this policy, and for such purpose, the officers of the municipality shall take such action as may be required by the applicable state of federal laws and regulations. The coverage of eligible officers and employees shall be effective as of \_\_\_\_\_ . 19\_\_\_\_.

**Section 6.16 Execution of Agreement With State Agency**

The mayor is authorized to execute an agreement with the State of Louisiana, Department off Treasury, Division of Social Security to secure coverage of eligible officers and employees as provided in section 6.15.

**Section 6.17 Withholdings**

Withholdings from salaries or wages of officers and employees for the purposes provided in section 6.15 are hereby authorized to be made in the amounts and at the times as may be required by applicable state and federal laws and regulations, and shall be paid over to the State Of Louisiana, Department of Treasury, Division of Social Security, a state agency, in the amounts and at the times as are designated by state laws and regulations of the agency.

**Section 6.18 Contributions**

Employer contributions and assessments for administrative expenses shall be paid from amounts appropriated for such purposes to the state agency in accordance with applicable state laws and regulations of the agency.

**Section 6.19 Records and Reports**

The clerk shall maintain records and submit reports as may be required by applicable state and federal laws and regulations.

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**Section 6.20 through 6.22**

Reserved

## ARTICLE III

### RETIREMENT

#### **Section 6.23 Declaration of Policy to Come Under Coverage**

It is hereby declared to be the policy and purpose of the municipality, to extend the provisions of Act. No. 189, Regular Session, Louisiana Legislature of 1973, as amended, providing retirement to eligible police officers of the municipality. In pursuance of this policy, and for that purpose, the officers of the municipality shall take the action, as may be required by applicable state or federal laws and regulation. The coverage of eligible officers shall be effective from August, 1979.

#### **Section 6.24 Execution of Agreement With State Agency.**

The mayor is authorized and directed to execute an agreement with the Board of Trustees of the Municipal Police Employees Retirement System to secure coverage of eligible police officers as provided in Section 6.23.

#### **Section 6.25 Withholdings**

Withholdings from salaries or wages of police officers for the purposes provided in section 6.23 are hereby authorized to be made in the amounts and at the time as may be required by the Board of Trustees in accordance with Act No. 189 of 1973, and shall be paid over to the Board of Trustees in the amounts and at the times as are designated by state laws and regulations of the agency.

#### **Section 6.26 Contributions**

Employer contributions and assessment for administrative expenses shall be paid from amounts appropriated for those purposes to the Board of Trustees in accordance with applicable state laws and regulations of the Board of Trustees.

#### **Section 6.27 Records and Reports**

The clerk shall maintain records and submit reports as may be required by applicable state and federal laws and regulations of the Board of Trustees.

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Editorial Note: General authority for municipalities to appoint or provide officers and employees is L.R.S. 33:401(30). This provision empowers the governing authority to prescribe the duties and the compensation for the officers and employees. L.R.S. 33:401(31) gives the statutory authority for the removal of officers and for the discharge of employees for misconduct or neglect of duty. L.R.S. 42:1001 et seq provides authority for municipalities to

participate in the social security program. Any municipal plan for such coverage must be approved by the appropriate state agency. The general provisions for municipal employees' retirement is L.R.S. 33:7151 et seq. A social security agreement is required by L.R.S. 33:7153(2) as a part of any retirement program.

Amendment 6A

ORDINANCE NO. 87-006  
September 14, 1987

BE IT ORDAINED by the Mayor and Board of Aldermen of the Village Of Folsom that the "Code of Ordinances" of the Village Of Folsom, Chapter 6, Article I, Section 6.4(e), be amended to read as follows:

Chapter 6  
Personnel Policy

Article

Section 6.4

- (e) Sick leave shall be accumulative for a maximum period of twelve forty hour weeks, or sixty days. Sick leave not in excess of the sixty day maximum may be carried over from one year to the next.

BE IT FURTHER ORDAINED, that all other ordinances or parts of ordinances in conflict herewith are hereby repealed

I certify that the above ordinance was adopted by the Town Council of the Village Of Folsom at its regular meeting held September 14, 1987, on motion of Alderwoman McIntyre, and seconded by Alderwoman Willie, the vote thereon as follows:

Yeas: 3

Nays: 0

Absent: 0

Signed Glenda Wells, Clerk  
Signed Bernie Willie, Mayor

AN AMENDMENT TO CHAPTER 6 OF THE CODE OF ORDIANCES OF THE VILLAGE OF FOLSOM, LOUISIANA PERTAINING TO THE PERSONNEL POLICY.

Article I, Section 6.2, Hours of Work is amended to read:

Section 6.2 Hours of Work

- A. Full time employees will work 40 hours per week and will be compensated at the hourly wage established by the Mayor and Board of Alderman. Days and hours of work will be established by the Mayor and Board of Aldermen.
- B. Full time employees working more than 40 hours per week will be compensated at the rate of 1 ½ times the established hourly wage.
- C. Full time employees may elect to accumulate overtime up to a maximum of 40 hours. After accumulation of 40 hours overtime, full time employees working overtime will be compensated at the rate of 1 ½ times the established wage.
  - (1) Compensatory time off for overtime hours may be taken on approval of the mayor or two Aldermen.
  - (2) Accumulated overtime hours must be used within the calendar year hours were earned. Otherwise employees with accumulated overtime hours will be paid for those hours on the last pay period of the calendar year.
- D. Employees will be required to work overtime hours only in case of an emergency. An emergency situation will be determined by the Mayor and Board of Aldermen.
- E. Part time employees will work hours determined by the Mayor and Board of Aldermen or as determined at the time of employment.
- F. Contractual employees will work hours as required to satisfy contract.
- G. Full time employees and part time employees shall be required to record hours worked by use of a municipal time clerk. In an emergency situation as defined by section 6.2 (D), a written report of hours worked may be substituted.

Article I, Section 6.3, Holidays and Vacation, is amended to add the following provisions:

Section 6.3 Holidays and Vacations

- C. This section shall apply to both full and part time employees. Part time employees shall accumulate holiday time and vacation time at on half the rate accumulated by full time employees provided he or she works at least 20 hours per week.

Section 6.4 Sick Leave

D. This section shall apply to both full and part time employees. Part time employees shall accumulate sick leave at one half the rate accumulated by full time employees, provided he or she works at least 20 hours per week.

This amendment to Chapter 6 of the Code of Ordinances for the Village Of Folsom will become effective January 1, 1995. The above amendment to Chapter 6 has been read and considered by Section, and upon a vote being taken, the following result was received:

Yeas: Alderman Brumfield, Alderman Ezell, Alderman Richardson

Nays: None

Absent: None

Abstained:

Whereupon the Mayor declared the amendment to said ordinance to be duly adopted on the 12<sup>th</sup> day of December 1994

VILLAGE OF FOLSOM

Signed Darrell Magee, Mayor  
Signed Marshall Brumfield, Alderman  
Signed Michael Ezell, Alderman  
Signed Willie Richardson, Alderman

ATTEST:  
Signed Merty G Fitzmorris, Mun. Clerk

Chapter 6  
Personnel Policy and Ordinances

**AN ORDINANCE TO PROVIDE RELATIVE MUNICIPAL EMPLOYMENT; AND TO PROVIDE FOR RELATED MATTERS**

Be it ordained by the Board of Aldermen of the Village of Folsom, Louisiana that this Ordinance is hereby enacted to read as follows:

**Section 6.1 Employment generally**

- A. Employment is for an indefinite period and unspecified term and neither this Ordinance nor any rule, guideline, or policy promulgated supplemental to this Ordinance is intended to be an employment contract.
- B. No person shall, on the basis of race, color, religion, sex, age, national origin, handicap, veteran status, or any other non-merit factor, be discriminated against in any employment practice.

## **Section 6.2 Appointment, Suspension, Dismissal, and Compensation**

### **A: Appointment, Suspension, Dismissal:**

(1) The Mayor shall appoint or remove municipal employees, other than the employees of a Police Department with an **elected** Chief of Police. With an **appointed** Chief of Police, the Mayor has the authority to hire, fire, or discipline police employees R.S. 33:404. However, before any of the mentioned action is taken by the Mayor, he/she will consult with the Police Chief for his recommendation. The appointment or removal of a **non-elected** Chief of Police, Municipal Clerk, Municipal attorney or any Department head shall be subject to approval by the board of Aldermen except in the case of a tie vote, the recommendation of the Mayor shall prevail. Appointments to positions shall be made on the basis of merit and fitness. In filling vacancies, an effort should be made to promote qualified employees before seeking outside replacement.

(2) The Mayor shall provide a job description for all employees.

(3) All appointments to positions in the service of the Village shall be for a probationary period of six (6) months.

(4) The Mayor and Board will conduct an annual review and appraisal session the first week of May of each year. This session shall be used to determine status of employees on an individual basis. Any written salary request by employees will be heard and considered at the June meeting and become effective the first pay period in July. The Mayor and the board of Aldermen will determine if any changes in position or pay are necessary. Any change in status will appear on the June agenda of the General meeting to be put to vote.

(5) "Vacancy" as used in this section includes a new position and the filling of a vacancy in an existing position.

(6) Vacancies shall be publicized in order that qualified persons shall be encouraged to apply and qualify.

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- (7) (a) A vacancy in a position listed in R.S. 33:404(3) shall be filled as provided by law.
- (b) A vacancy in any other position shall be filled from among qualified applicants.
- (c) Applicants shall complete the application form provided by the municipality
- (d) The application form shall require the applicant to disclose the conviction of any crime

- (e) Applicants for a position which requires the operation of a motor vehicle shall provide proof of a valid driver's license.
- (f) Any applicant falsifying any information on the application may be dropped for consideration of employment. Any employee who provided false information on the application form may be dismissed or otherwise disciplined
- (g) Appointments shall be based on merit and fitness. However, in filling a position, an effort should be made to promote qualified employees before seeking other applicants.
- (h) Each applicant who has been offered employment shall, as a precondition to such employment, take a physical examination
- (i) Each applicant who has been offered employment shall, as a precondition to such employment, take a drug test.

#### C. Compensation

- (1) Full time and part time employees will be paid on a set hourly wage.
- (2) Salaried employees will be paid as set forth by Ordinance. Salaried employees are exempt from recorded time records. However, they must submit a record of vacation and sick time used to the payroll department.
- (3) Contractual workers are those paid as set forth in a contract agreement.

### **Section 6.3 Job Positions**

- A. The number and kind of positions shall be determined by the Mayor and Board.
- B. A job description shall be developed and maintained for each job category by the appropriate department head and approved by the Mayor and Board

### **Section 6.4 Work Conditions**

- A. (1) Each municipal area shall be staffed from 8:00am to 4:00pm on Monday through Friday and such other times as directed or approved by the Mayor and Board

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(2) *Work Week* (a) The regular work week for full time employees shall be forty hours from Monday through Friday, except as otherwise determined and approved by the Mayor and the Board

- B. The work week is Thursday through Wednesday for payroll, accounting, leave, and overtime purposes

(3) *Overtime*. An "overtime hour" is an hour worked by an hourly employee at the direction of the Mayor or authorized department head in excess of the hours in a regular work week

### **Section 6.5 Hours of Work**

- (a) Full-time employees will work forty (40) hours per week and will be compensated at the hourly wage established by the Mayor and the

Board of Aldermen. Days and hours of work will be established by the Mayor and the Board of Aldermen.

(b) Full time hourly employees working more than forty (40) hours per week will be compensated at the rate of 1 ½ times the established hourly wage.

(c) Full time hourly employees may elect to accumulate overtime up to a maximum of 40 hours. After accumulation of 40 hours overtime, full time non-exempt employees working overtime will be compensated at the rate of 1 ½ times the established wage.

(1) Compensatory time for overtime hours may be taken on approval of the Mayor or Department Head.

(2) Accumulated overtime hours must be used within the calendar year hours are earned. Otherwise employees with accumulated overtime hours will be paid for those hours on the last pay period of the calendar year.

(d) Full time hourly employees and part time hourly employees shall be required to record hours worked by use of a municipal time clock. (*Exception: Police Officers will use time sheets*). In an emergency situation a written report of hours worked may be submitted. An emergency situation will be determined by the Mayor and Board of Aldermen.

(e) Overtime provisions will apply as set forth above for hourly full time police personnel

#### **SECTION 6.6 Overtime Call Back**

Call back is defined as an unscheduled or emergency return to work apart from officially scheduled work hours or on a holiday or day off at the request of a supervisor. If a part-time or full-time employee is called back for duty he or she shall be granted a minimum off 1hour pay at the overtime rate of 1 ½ times the established hourly wage.

#### **Section 6.7 Holidays**

Subject to operating requirements the Villages' paid holidays are:

January 1<sup>st</sup>  
Martin Luther King Day  
Mardi Gras Day  
Good Friday

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Memorial Day to coincide with other public offices  
Fourth of July  
Columbus Day  
Presidential Election Day (every 4 years)  
Veterans Day  
Labor Day  
Thanksgiving Day (2 Days-Thursday and Friday)  
Christmas Eve  
Christmas Day  
New Years Eve

Part time employees shall be paid holiday time at ½ the rate of full time employees provided the part time employee works at least 20 hours per week averaged during the past 4 weeks.

If a designated holiday falls on Saturday, it will be observed on the preceding Friday. If a designated holiday falls on a Sunday, it will be observed on the following Monday unless specifically changed by the Mayor. Notice of change will be provided to all employees by the municipal clerk.

### **Section 6.8 Work of Holidays**

Employees working on necessary continuous seven-day operations whose regularly scheduled day off falls on a holiday shall be granted eight (8) hours of compensatory time off with pay in recognition of the holiday.

Any full-time hourly employee who is required to work on a holiday shall be entitled to receive regular pay for hours actually worked in addition to regular eight (8) hours holiday pay. The employee may elect to receive compensatory time for all hours actually worked. If the total hours worked for the week exceed 40 hours, the excess hours will be paid at the overtime rate or accumulated as compensatory time at the overtime rate established in Section 6.5 (b).

Hourly part-time employees working more than 20 hours per week and less than 40 hours per week who are required to work on a holiday shall be entitled to receive regular pay for the hours actually worked in addition to regular four (4) hours holiday pay. Hourly part-time employees working less than 20 hours per week (averaged over a 4-week period) are not entitled to holiday pay.

### **Section 6.9 Leave**

Full-time and part-time employees working at least 20 hours per week shall be eligible for vacation leave, sick leave, family and medical leave, military leave, education leave, as provided in this section.

#### **A: Vacations:**

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This section shall apply to both full time and part time employees. Part time employees shall accumulate vacation time at one half the rate accumulated by full time employees provided he or she works at least 20 hours per week. Vacation time is calculated according to the following schedule:

<u>Years of Employment</u>	<u>Full time</u>	<u>Part time</u>
6 months to 1 year	40 hours	20 hours
1 year to 5 years	80 hours	40 hours
5 years to 10 years	120 hours	60 hours
10 years or more	160 hours	80 hours

Vacation time scheduled and not taken can be rescheduled if request is made a month's prior notice. Vacation time shall not be carried from one year to the next. Employees may opt to work during their vacation at the regular

rate of pay with the approval of the Mayor or two aldermen. In this case, the employee will also receive vacation pay at the regular rate of pay.

Employees who resign, retire or are dismissed from employment shall not be paid accrued vacation time.

**B. Sick Leave:**

Sick leave from work is not a right which an employee may demand but a privilege granted by the municipality.

Leave from work with pay may be charged as sick leave if the absence is due to sickness, bodily injury, quarantine, required physical or dental examinations or treatment, exposure to a contagious disease when continued work might jeopardize the health of others, illness in the employees immediate family which requires the care of the employee, or the funeral of a member of the employees family. All such absences except those resulting from intemperance or immortality shall be charged against the sick leave credit of the employee.

Employees who resign or retire or who are dismissed from employment shall not be paid for any accrued sick leave.

This section shall apply to both full time and part time employees. Part time employees shall accumulate sick leave at one half the rate accumulated by full time employees, provided he or she works at least 20 hours per week. Sick time shall be calculated according to the following schedule:

<u>Full Time Employees</u>	<u>Part Time Employees</u>
8 hours per month	4 hours per month

- (1) Sick leave shall be accumulated for a maximum period of twelve, forty-hour work weeks, or sixty days. Sick leave not in excess of the sixty day maximum may be carried over from one year to the next.

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- (2) The Mayor shall determine when a doctor's certificate is required and under what conditions certificates are required. Department heads shall be responsible for the application of this provision so that there will be no abuse of sick leave privileges.
- (3) No employee shall be granted any sick leave not credited to the employee's account at the time the absence occurs.

**C: Family and Medical Leave:**

- (1) Each eligible employee under the federal Family and Medical Leave Act 1993 must use accumulated vacation and sick leave for any part or all of the weeks of leave to which the employee is entitled under that Act.
- (2) An employee on family and medical leave shall report periodically during the leave period on his leave status and intention to return to work.
- (3)(a) An employee who has taken family and medical leave shall provide a certificate signed by a doctor to support his claim for

leave for his own serious health condition or to care for a seriously ill child, spouse, or parent. If the leave is due to the employee's own medical condition, the certificate must also include a statement that the employee is unable to perform the functions of his position. If the leave is to care for a seriously ill child, spouse, or parent, the certificate must include an estimate of the amount of time the employee is needed to care for the child, spouse, or parent.

(b) The municipality may require a second medical opinion and periodic recertification at its own expense.

(c) If the first and second opinions differ, the municipality, at its own expense, may require the binding option of a third health care provider, approved jointly by the municipality and the employee.

(4) If an employee takes such leave on an intermittent or on a reduced leave schedule that reduces the employee's usual hours worked per week or per work day, the municipality may require the employee to transfer temporarily to an alternative position which better accommodates the leave than the employee's regular position, provided that the position has equivalent pay and benefits.

(5) An employee who takes such leave to care for a newborn child or a child which has been placed with the employee for adoption or foster care may not take leave intermittently or on a reduced leave schedule unless the municipality and the employee agree to such an arrangement.

#### **D. Civil Leave**

(1) An employee shall be given time off without loss of pay, vacation leave or sick leave when:

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- (a) Performing Jury Duty
- (b) Summoned to appear as a witness before a court, grand jury, or other public body or commission, provided that for purposes of this provision a plaintiff or defendant shall not be considered a witness. Nor does this provision apply to an employee summoned as a witness as a result of employment other than municipal employment.
- (c) Performing emergency civilian duty in relation to national defense.
- (d) The Mayor determines that he is prevented by an act of God from performing duty.
- (e) The Mayor determines that because of local conditions or celebrations it is impracticable for employees to work.
- (f) The employee is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States.

- (g) The employee is a member of the National Guard and is ordered to active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergency nature which threatens or affects the peace or property of the people.
- (2) Employees may keep all fees received from jury duty in addition to regular compensation
- (3) Police officers may not receive or keep any witness fees for appearing in Mayor's Court in connection with their official duties while on duty.

#### **E. Military Leave**

- (1) An employee who is a member of a reserve component of the Armed Forces of the United States is entitled to military leave with pay when placed on military active duty for training by order of an authority of the Armed Forces of the United States and when given constructive credit for such calendar training.
- (2) The maximum military leave with pay for military active duty for training ten working days per calendar year.
- (3) An employee may apply for but shall be required to take vacation leave or compensatory leave for military purposes. However, the employee shall be entitled to leave without pay for a period of up to ninety consecutive calendar days:
  - (a) When ordered to military active duty.
  - (b) When placed on military active duty for training

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- (c) When placed on military training duty and the maximum authorized military leave with pay has been exhausted or is not authorized.

- (4)(a) "Military active duty" means full time duty in the active military service, other than military active duty for training.

- (b) "Military active duty for training" means full time paid duty in the active military service for training purposes.

- (c) "Military training duty" includes active and inactive duty for training such as annual two week summer encampments and cruises, weekly and weekend drills or training meetings, attendance at service schools for refresher training or the upgrading of military skills, field exercises, and the like.

#### **F. Education Leave**

Leave of absence at full or part pay may be granted by the Mayor and Board to permit a full time employee to take courses of study which will better equip the employee to perform his duties for the municipality.

## **E. Maternity Leave**

- (1) Absence from work caused by pregnancy, childbirth, or related medical conditions is considered to be a temporary disability which prevents an employee from performing the usual duties associated with employment. An employee may take up to six weeks of sick leave for maternity reason, unless a doctor certifies, in writing that an extended amount of time is needed due to medical causes.
- (2) If accrued sick leave is exhausted, and additional leave is needed due to illness or disability, compensatory leave or vacation leave, or both, may be used, subject to the approval of the appropriate department head.

## **Section 6.10 Worker's Compensation**

- (1) Employees shall be covered by worker's compensation
- (2) When an employee is absent from work due to disabilities for which he is entitled to worker's compensation benefits, he:
  - (a) shall, to the extent of the amount accrued to his credit, be granted sick leave not to exceed the amount necessary to receive total payments for leave and worker's compensation equal to his regular salary.
  - (b) May, to the extent of the amount accrued to his credit, be granted vacation leave or a combination of vacation leave and sick leave not to exceed the amount necessary to receive total payments for leave and worker's compensation equal to his regular

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salary.

- (c) may be granted leave without pay.

## **Section 6.11 Insurance**

Through a plan selected by the Board, the municipality shall offer group hospitalization insurance to all full time employees or those working a minimum of 32 hours per week. The Mayor and Board of Aldermen shall determine the amount the municipality shall contribute to the cost of such insurance.

## **Section 6.12 Social Security**

- (1) It is the policy and purpose of the municipality to extend the provisions of Section 1 of Act 204, Regular Session of the Louisiana Legislature of 1952, as amended, providing social security to eligible officers and employees of the municipality. In pursuance of this policy, and for such purpose, the officers of the municipality shall take such action as may be required by applicable state or federal laws and regulations. The coverage of eligible officers and employees shall be effective as of the effective date of this Ordinance.

- (2) The Mayor may execute any necessary agreement to secure coverage of eligible officers and employees as provided in (1)
- (3) Withholdings from salaries and wages of officers and employees for the purposes provided in (1) may be made in the amounts and at the times as may be required by applicable state and federal laws and regulations and shall be paid in the amounts and at the times as are designated by law and regulation
- (4) Employer contributions and assessments for administrative expenses shall be paid from amounts appropriated for such purposes to the state agency in accordance with applicable state law and regulations
- (5) The Clerk shall maintain records and submit reports as may be required by applicable state and federal law or regulation.

## **Section 6.13 Retirement**

### **A: Police Retirement**

- (1) **Declaration of Policy to come under Coverage:** It is hereby declared to be the policy and purpose of the municipality to extend the provisions of Act No. 189, Regular Session, Louisiana Legislature of 1973, as amended, providing retirement to eligible police officers of the municipality. In pursuance of this policy, and for that purpose, the officers of the municipality shall take the action as may be required by applicable state or federal laws and regulations. The coverage of eligible officers shall be effective from August, 1979.

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- (2) **Execution of Agreement with State Agency:** The Mayor is authorized and directed to execute an agreement with the Board of Trustees of the Municipal Police Employees Retirement System to secure coverage of eligible police officers as provided in (1).
- (3) **Withholdings:** Withholdings from salaries or wages of police officers for the purposes provided in Section 6.13 are hereby authorized to be made in the amounts and at the time as may be required by the board of Trustees in accordance with Act No. 189 of 1973, and shall be paid over to the Board of Trustees in the amounts as are designated by state laws and regulations of the agency.
- (4) **Contributions:** Employer contributions and assessments for administrative expenses shall be paid from amounts appropriated for the purposes to the Board of Trustees in accordance with applicable state laws and regulations of the Board of Trustees.
- (5) **Records and Reports:** The clerk shall maintain records and submit reports as may be required by applicable state laws and regulations of the board of Trustees.

### **B. Pension Plan**

- (1) Effective July 1, 1995, the Mayor entered a Simplified Employee Pension Individual Retirement Fund to cover all employees except those covered under the Municipal Police Employees Retirement Fund.

- (2) Covered employees must meet the eligibility requirements of the plan.
- (3) The amount contributed by the municipality is determined by the Board of Aldermen.

#### 6.14 Employee Standards of Conduct

- A. Accidents: Employees are to report the occurrence of any accident while at work, however minor, to the appropriate department head. If the accident happens after 4:00PM or on a weekend or holiday, the report must be made on the next working day.
- B. Alcohol: (1) No employee or volunteer shall possess, distribute, sell, use, or ingest any alcoholic beverages during work hours or on municipal premises or in the immediate premises wherever municipal work is being conducted. "Possess" includes having an alcoholic beverage in the employees immediate work area.
- C. Appearance: Employees are to dress appropriately and be neat, clean, and well-groomed at all times while working. The work being performed by the employees will be considered.
  - (2) no employees shall report to work under the influence of alcohol.
- D. Attendance: (1) Attendance is expected of all employees. However, when it is necessary to be absent from work, an employee must inform his department head as soon as possible of the absence, the reason for the absence, where he can be reached during his absence, and when he will return to work.

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- (2) Employees are to report to work on time
- E. Drugs: (1) Except for law enforcement purposes, no employee or volunteer shall possess, use, or ingest any controlled substance or controlled dangerous substance unless prescribed by a physician.
- (2) No employee or volunteer, whether on-duty or off-duty, shall violate the Uniformed Controlled Dangerous Substance Law.
    - (3) No employee shall report to work, and no volunteer shall report to serve, under the influence of any controlled substance or any controlled dangerous substance unless prescribed by a physician.
    - (4)(a) An employee shall notify his department head, who shall then notify the Mayor, of any criminal drug statute conviction for a violation occurring in the municipal workplace no later than five days after such conviction.
      - (b) If the municipality is subject to the federal Drug-Free Workplace Act of 1988, the Mayor shall notify the appropriate federal agency of the conviction no later than 10 days after receiving notice as described in (3)(a) from the employee or otherwise receiving actual notice of the conviction.
      - (c) Within thirty days after receiving notice of a conviction described in (3)(a) and subject to R.S. 33:404(A)(3), the Mayor shall take one of the following actions of the employee so convicted: (i) Take appropriate personnel action against the employee, up to and including termination.
        - (ii) Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.

(5) As used in this section, "controlled substance" is any controlled dangerous substance in Schedules I through V of section 202 of the Controlled Substance Act {21 U.S.C. 812}.

(6) As used on this section, "controlled dangerous substance" is any controlled dangerous substance in Schedules I through V of the Uniform Controlled Dangerous Substances law {R.S. 40:964}.

F. Misrepresentation: No employee shall purport to represent the municipality while engaged in private business.

G. Municipal Property(1)(a) An employee shall exercise due care in his use of municipal property and utilize such property only for authorized purposes.

(b) Inventory accountability is conducted each January and at other times at the discretion of the Mayor. To assure and timely results, employees shall assist the personnel responsible for inventory check. Form containing the office furniture and equipment assigned to, used by, otherwise in his control or possession. At each annual inventory accountability, employees shall submit a copy of their updated inventory listings. If an discrepancy occur and the furniture or equipment is not located, the last employee verifying the item

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shall be responsible for the missing item.

(d) Unauthorized removal of municipal property from the premises or its conversion to personal use is prohibited.

(2) municipal property is subject to inspection at any time and without prior warning. "Municipal property" includes, but is not limited to, vehicles, desks, files, containers, and footlockers. There shall be no expectation of privacy by any employee or volunteer concerning any municipal property. However, any inspection of any employee's or volunteer's locker shall be in the presence of the employee or volunteer.

(3) Municipal property issued to an employee must be returned to the municipality at the time he terminates employment or when it is requested by his department head. The value of any property issued to an employee and not returned may be deducted from an employee's paycheck.

H. *Outside Employment*: The work of the municipality shall have precedence over the other occupational interest of employees. All outside employment for salary, wages, or commission and all self-employment must be reported to the Mayor. Conflicting outside employment is prohibited.

I. *Political Activity*: (1) Partisan political activity by an employee which at work, including publicly or privately advocating or lobbying passage or defeat of any matter before the municipality, is prohibited.

(2) No employee shall participate in any activity in which would substantially compromise the ability of the employee to discharge with neutrality, efficiency, and integrity his duties and obligations of the municipality. Such prohibited activities shall include, but not be limited to, the following:

(a) Service as an officer of a political party; a member of a national, state, or local committee of a political party; an officer or member of a committee of a partisan political club; or being a candidate for any of these positions.

(b) Organizing or reorganizing a political party organization or political club.

(c) Becoming a candidate for elective public office.

J. *Prescription Medicine*: (1) Except for law enforcement purposes, no prescription medicine shall be brought upon municipal premises by any person other than the person for whom the medicine is prescribed by a physician, and such medicine shall be used only in the manner, combination, and quantity prescribed.

(2) Any employee or volunteer required to take a prescription medicine shall notify his department head of the type of medication prescribed and the purpose for the prescription and may be required to provide written verification from the prescribing physician.

(3) No employee or volunteer shall operate a municipal motor vehicle or equipment or carry a firearm while taking prescription medicine if the known side effects from the medication impairs abilities.

(4) Any employee or volunteer required to take prescription medicine that may impair his ability to operate a motor vehicle or equipment, carry a firearm, or to make split second decisions shall report this to his department head who shall alter the employee's or volunteer's assignment without retribution to the employee or the volunteer.

K. *Purchasing*: An employee may initiate a request for goods or services through his

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Department head using the requisition form provided by the municipality and following the guidelines established in the Purchase Order Procedure. Failure to comply with the Purchase Order Procedure can, at discretion of the Mayor of all Aldermen, result in the employee authorizing the purchase or repair, being held responsible for payment. Such payment would be withheld from his or her paycheck.

L. *Sexual Harassment*: (1) Sexual harassment of or by an employee is prohibited. (2) Per federal Equal opportunity Commission guidelines, sexual harassment means any unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when:

(a) submission to such contact is made either explicitly or implicitly a term or condition of an individual's employment; or

(b) submission to or reject of such conduct by an individual is used as a basis for employment decision affecting such individual; or

(c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(3)(a) Complaints of sexual harassment may be directed to the appropriate department head, or in writing, to the Mayor. A complainant is strongly encouraged to consult initially with his department head to attempt informal resolution, but failure to do so will in no way limit the right to utilize fully this grievance procedure if resolution cannot be accomplished through the department head. Complaints must be made within one year after occurrence of the alleged prohibited conduct.

(b) All complaints of sexual harassment, and information and proceedings relating thereto, shall be kept in strict confidence except otherwise specified herein.

(4)(a) The department head shall, in a timely manner, conduct an investigation of the complaint, interviewing appropriate person, examining relevant reports, and consulting with and utilizing an appropriate employee.

(b) If the department head deems it appropriate, the complainant and the person against whom the complaint is made may be brought together to attempt an informal resolution.

(c) Both the complainant and the person against who the complaint is made may have counsel present at any interview or proceedings.

(5)(a) Upon conclusion of the investigation, and within 180 days after the complaint was brought, the department head shall make a written recommendation to the mayor which shall be one of the following:

(i) A recommendation of a finding that no prohibited conduct has occurred;

(ii) A recommendation that material facts in dispute be resolved by conducting a formal hearing; or

(iii) A recommendation of a finding that no facts are in dispute and that prohibited conduct has occurred.

(b) Copies of the department head's written recommendation shall be provided to the complainant and the party against whom the complaint was made.

(6) The Mayor may, but need not, adopt the department heads recommendation. The Mayor may not adopt the department head's recommendation of a finding that prohibited conduct has occurred, and proceed under Paragraph (9) of this subsection. The Mayor may adopt the department head's recommendation of finding of no cause, and issue a written determination dismissing the complaint.

(7) Upon adopting of the department head's recommendation to conduct a formal hearing, or

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upon written request of a party accompanied by a showing of material facts in dispute, the Mayor shall conduct or cause to be conducted a formal hearing. The hearing shall provide a fair opportunity for parties and witnesses to be heard, shall be conducted so as to do substantial justice between the parties, and shall not be bound by statutory provisions or rules of practice, procedure, pleading, or evidence. At the conclusion of the hearing, the Mayor shall issue a written statement of findings of facts and conclusions of law, including a determination as to whether or not prohibited conduct has occurred.

(8) The record maintained with respect to each complaint of sexual harassment shall contain: the written complaint, if any; any written statement produced during the investigation; the recommendation of the department head; if a formal hearing is conducted, a record thereof in a form determined by the Mayor; the Mayor's statement of findings of fact and conclusion of law; and the Mayor's written determination. Such record shall be available to either party or the designee thereof.

(9) Remedies: If the Mayor determines that prohibited conduct has occurred, the Mayor shall order on or more of the following remedies:

(a) an apology by the offender

(b) Direct the offender to stop the offensive behavior

(c) Require the offender undergo counseling or training

(d) Oral censure of the offender

(e) Written censure of the offender, to be included in the offender's personnel file

(f) Transfer, suspension, with or without pay, or discharge of the offender, or any other action which may be appropriate under the circumstances.

(10) If any party is not satisfied with the outcome of the grievance procedure, appeal may be taken directly to the Mayor.

(11) State and Federal law provide administrative and judicial remedies which may be pursued by filing a complaint with the Louisiana Commission on Human Rights and the federal Equal Employment Opportunity Commission. A civil action may be filed in district court. However, it is recommended, but not legally required, that the complainant first use the grievance procedure established herein.

(12) No employee shall be subject to retaliation in any forms as a result of bringing a complaint or testifying or assisting in a grievance brought pursuant to this procedure. A complaint of such

retaliation should be directed to the appropriate department head or in writing to the Mayor.

- (13) No employee or volunteer shall make an intentionally false complaint.

M. *Solicitation*: Solicitation by and of employees on municipal premises is prohibited. However, solicitation for gifts for municipal employees (resignations, retirements, weddings, births, etc.) are permitted.

N. Except as otherwise specifically provided, a violation of this section shall be grounds for disciplinary action, including dismissal.

#### **Section 6.15 Drug and Alcohol testing**

- A. The municipality desires to maintain safety, healthful, productive, and efficient environment and workplace for its employees and volunteers and the public they serve. The

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municipality acknowledges that substance abuse increases the potential for accidents, absenteeism, substandard performance, poor employee morale, and damage to the municipality's reputation. Therefore, the municipality adopts a policy against substance abuse, and places in effect a testing program for applicants, employees, and volunteers, as outlined in this section.

B. As used in this section, the following terms have the following meaning:

(1) "Applicant" means a person (a) seeking full-time employment with municipality or (b) seeking to perform volunteer service to the municipality which involves operating motor vehicle or equipment or carrying a weapon.

(2) "Appointing authority" means the municipal officer or the municipal body which has the authority to appoint or employ the employee or volunteer.

(3) "Controlled substance" means a controlled substance as defined in 21 U.S.C. 812 in Schedules I through V.

(4) "Controlled dangerous substance" means a drug or other substance or immediate precursor listed in R.S. 40:964 in Schedules I through V

(5) "Drug" means and includes controlled substances, controlled dangerous substances, and alcohol.

(6) "Employee" means a person employed on a fulltime or part time basis by the municipality.

(7) "Physician" means a physician licensed to practice medicine in this state.

(8) "Volunteer" means a person who provides volunteer services to the municipality by operating a municipal motor vehicle or equipment or by carrying a firearm.

- C. This section applies to all employees, volunteers, and applicants

- D. (1)(a) The Mayor and board of Aldermen shall establish a drug free awareness program to inform employees and volunteers about:

(i) The dangers of drug abuse in the workplace

(ii) The municipal policy of maintaining a drug free workplace

(iii) Any available drug counseling, rehabilitation, and employee assistance programs

(iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(b) The mayor shall implement and maintain the policy set forth in this section.

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(2) Any employee or volunteer who has reasonable suspicion to believe that another employee or volunteer is either (a) involved in the manufacture, possession, distribution, dispensing, sale, or use of controlled substance or controlled dangerous substance or (b) abusing the legal use of prescription or nonprescription medicine shall notify his department head who shall advise the mayor.

(3) The policy and procedures set forth in and under this section shall conform with applicable law.

(4)(a)(I) On and after ninety days after this ordinance becomes effective, each applicant shall submit to a drug-screening urinalysis as a part of his pre-employment or pre-qualification medical exam.

(ii) In addition, each applicant shall complete a medical questionnaire providing a complete list of all prescription and nonprescription medicines being taken at the time.

(iii) Any applicant found to test positively for a particular controlled substance or controlled dangerous substance, unless caused by a medicine for which a valid prescription was given by a physician and which was made known to the municipality prior to testing, shall be rejected and may not re-apply for employment or volunteer service for a period of one year from the date of notification of results.

(iv) Any applicant refusing to submit to drug testing during pre-employment or pre-qualification shall be rejected,

(b) prior to thirty days after this Ordinance becomes effective, each employee and volunteer shall complete a medical questionnaire providing a complete list all prescription and non prescription medicines being taken at the time. As medicines change, the employee or volunteer shall update his questionnaire. The questionnaire shall be kept in the mayor's office and shall remain confidential.

(c) On and after ninety after this Ordinance becomes effective, each employee and volunteer shall submit to tests for any drug as announced by the mayor for the following purposes:

(i) Investigation of possible individual employee or volunteer impairment of each employee or volunteer returning from drug/alcoholic rehabilitation or medical care and at any time there is reasonable suspicion that an employee or volunteer is under the influence of a drug during work or service hours. "Reasonable suspicion" means an articulable belief based upon specific facts and reasonable inferences drawn from those facts that any employee or volunteer is under the influence of a drug. Circumstances which

constitute a basis for determining "reasonable suspicion" may include, but are not limited to direct observation of drug abuse; a pattern of erratic or abnormal behavior and mood changes; information provided by a reliable and credible source; an accident; presence of physical symptoms of drug use such as slurred speech, glassy eyes, and poor coordination or reflexes; decreased productivity; unusual absenteeism or tardiness; or frequent or prolonged absence from the work area. The department head shall submit to the mayor a written report stating the facts and circumstances upon which the recommended shall the final decision as to whether the test will be conducted.

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(ii) Investigation of accidents of incidents involving an employee a volunteer, or municipal property or incidents of workplace theft.

(iii) Maintenance of safety for employees, volunteers, or the general public.

(iv) Maintenance of productivity, quality of products or services, or security of property or information.

(v) Monitoring to assure compliance with the terms of a rehabilitation program.

(vi) Random testing of employees who occupy safety-sensitive or security sensitive positions

(d) Tests may be conducted without prior notice.

(e) Any employee or volunteer who refuses to submit to a required drug test shall be relieved from duty of service and be subject to discipline, including dismissal

E. (1) All drug testing, except as otherwise specifically provided in this section, shall be conducted at medical facilities or laboratories selected by the municipality. To be eligible as a site, a medical facility or laboratory must submit in writing a description of the procedures that will be used to collect, maintain, and test samples and be experienced and capable of quality control, documentation, and chain of custody techniques.

(2) A sample collection and testing shall be performed as follows:

(a) The employee, volunteer, or applicant may be required to go to the facility where the laboratory is located to submit to testing.

(b) Each employee, volunteer, or applicant shall be positively identified by picture identification prior to obtaining a sample

(c) A form shall be completed prior to the test that will serve to establish current medicines being taken, whether prescription or nonprescription, and any other information which the employee or volunteer considers relevant to the test.

(d) The area where a sample is collected shall be reasonably free from any foreign substance

(e) Specimen collection shall be witnessed without violating the employee's, volunteer's, or applicant's right to privacy in a setting that will not demean, embarrass, or

cause physical discomfort to the employee, volunteer, or applicant

- (f) The specimen taken shall be sealed, labeled, and checked against the identity of the employee, volunteer, or applicant. Such sample shall be properly collected, secured, stored, handled, and transported following appropriate rules of evidence and chain of custody and so as to reasonably preclude the probability of sample contamination or adulteration.

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(g) Any employee testing will be done on the municipality's time and the employee required to test while off duty shall be compensated for the time.

3(a) The testing methods used shall be capable of identifying marijuana, cocaine, barbiturates, amphetamines, benzediazepines, opiates, methadone, propoxyphenes, and PCP. Personnel utilized for testing shall be qualified and trained to conduct urinalysis.

- (g) The test shall consist of a two-step procedure:
  - (i) Initial screening; and
  - (ii) Confirmation by gas chromatography/mass spectroscopy

(c) An initial screening that proves to be positive shall be reported, not as a positive test, but as a confirmation pending.

(d) The time frame between a confirmation pending or confirmation positive shall not exceed forty-eight hours.

(e) Notification of the confirmation pending or confirmation positive shall be reported initially to the Mayor.

(f) If the municipality has reasonable suspicion to believe that any employee or volunteer is under the influence of alcohol during work or service hours, the employee or volunteer shall submit to a breath test using the procedures established by the State Department of Public Safety and Corrections. Test result shall be made known to the municipality's designated agent upon completion of the test. If the results are positive (i.e. 0.01% or more), the employee or volunteer shall be subject to disciplinary action. Each employee or volunteer found to be alcohol-free shall be notified in writing and may, if he so chooses, have a copy of the notification placed in his personnel file.

(g) The Mayor shall provide a copy of this section to each applicant.

(h) Prior to a drug test being administered, the employee, volunteer, or applicant shall be requested to sign a consent form authorizing the test and permitting the release of the result to the municipality or its authorized agents, and containing an acknowledgement of notification of the testing policy.

(i) If an individual being tested tampers with the testing procedure or attempts to falsify a specimen or invalidate the chain-of-custody, he shall be immediately disallowed from continuing testing and treated as if a positive test result had been obtained.

(j)(1) Violation of this section shall be grounds for discipline, including dismissal.

(2) An unexplained positive test result shall be grounds for action by the Mayor. This action may require the employee or volunteer to submit to a mandatory substance abuse program, psychological counseling, or medical treatment, all at the employee's or volunteer's expense.

(3) Each case shall be dealt with on an individual basis with all facts and circumstances being taken into consideration.

(4) Discipline, including dismissal, may result from cases of illegal use of a non-prescribed controlled substance or controlled dangerous substance or abuse of prescription medicine.

(5) Any employee with a positive alcohol test result for the first time shall be subject to suspension without pay for a period of five days. A second positive test shall result in dismissal

*K. Confidentiality of information; exceptions:* Except for proceedings wherein the results are relevant or ordered produced by the court, all information, interviews, reports, statements, memoranda, and test results received by the municipality in its drug testing program shall remain confidential to the municipality, authorized agents or representatives of the municipality, authorized agents or representatives of the municipality, the tested employee, volunteer, or applicant, or those authorized by the employee, volunteer. Or applicant to receive such information.

#### **Section 6.16 Employee Discipline**

(A)(1) Subject to R.S. 33:404(A)(3), the Mayor may reprimand, verbally or in writing; suspend with or without pay; demote; dismiss, or deny a salary increase to an employee for any of the following reasons:

(a) Behavior that interferes with the efficient performance of duties by other employees or that is detrimental to the municipality.

(b) Failure which falls below the municipality's standard.

(c) Failure to abide by any requirement of this Ordinance or any rule or policy of the municipality.

(d) Other good cause.

(2) For any cause set forth in (1), an employee's department head may reprimand him, verbally or in writing. In addition, for any cause set forth in (1), an employee's department head may recommend to the Mayor that the employee be suspended with or without pay, demoted, dismissed, or denied a salary increase.

- (4) Before any disciplinary action referred to in Paragraph (1) is taken, each reason for

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the action must be compiled in a written statement. The Mayor or the employee's department head shall present a copy of the statement to the employee or mail a copy of it to the employee at his last known address. At the request of the employee, the Mayor may conduct an informal meeting concerning each reason for disciplinary action. The informal meeting may be attended by the Mayor, the employee's department head, the employee, and any to her person who has direct knowledge of any reason and whom the Mayor has asked to attend.

(4) When a disciplinary action referred to in (1) is taken, the written statement concerning each reason for the action, any written statement the employee submits in connection with any reason for the action and a notation describing the action taken shall be made a part of the employee's personnel file.

(5) Subject to R.S. 33:404 (A)(3), the Mayor may dismiss an employee and terminate his employment immediately. If the employee is not available, written notice shall be sent to the employee's last known address.

(B) During the investigation, hearing, or trial of an employee on any criminal charge, or during the course of any civil action involving an employee, when suspension would be in the best interest of the municipality, the Mayor may suspend the employee without pay for the duration of the proceedings as a non-disciplinary measure. Back pay shall not ordinarily be recoverable; but where the suspension is terminated by full reinstatement of the employee, the Mayor may authorize full recovery of pay and benefits for the entire or for any lesser period of the suspension.

(C) An employee whose performance is unsatisfactory shall be notified how his work is deficient and what he must do if his work is to be satisfactory. If the employee's work continues to be below standard, the Mayor shall demote or dismiss the employee subject to R.S. 33:404 (A)(3).

#### **Section 6.17 Termination of Service**

(A)(1) An employee, other than a department head can be dismissed only after approval of the Mayor.

(2) A department head can be dismissed only upon recommendation by the Mayor and approval by the Board of Aldermen

(3) In the case of an **elected** Police Chief, employees of the police department can be dismissed only upon recommendation of the Chief of Police and approval by the Mayor and Board of Aldermen.

(B) In the event the municipality must terminate an employee through no fault of the employees, the following system will be used:

(1) The employee having the least seniority in the respective department will be laid off first, providing that in the opinion of the department head, that all employees not laid off due to higher seniority are qualified to perform any job that is asked of them. If such employee cannot

perform such job then he will laid off in lieu of a lower ranking seniority employee who can perform any job duties that is asked of him.

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(3) Each laid-off employee shall, upon reapplying to the municipality, be considered for re-employment.

(C) When an employee resigns, he shall submit a letter of resignation to his department head two weeks prior to the date of resignation.

#### **Section 6.18 Grievance Procedure**

A. Any full-time employee may make a complaint about or appeal any decision to the circumstances of his employment except:

(1) A salary recommendation, unless an employee can demonstrate both that there has been a significant departure from established office procedures and such departure significantly affected the managerial decision.

(2) A promotional decision, except where an employee can demonstrate that established promotional policies of procedures were either not followed or were unfairly applied.

(3) Work activity accepted by the employee as a condition of employment

(4) Work activity which reasonably may be expected to be part of the employee's regular job position

(5) The specific contents (rather than an interpretation of the contents) of any municipal employee personnel ordinance, policy, guideline or regulation.

(6) The methods, means, and personnel by which managerial and department head employees choose to carry out the responsibilities property assigned to the division or office

B. Any question concerning whether a specific complaint or appeal of a decision may be made is within the sole discretion of the Mayor

C (1) The employee shall first discuss the matter directly with his department head, he may also do so in writing to the Mayor within five work days after receiving the written response of the department head. The Mayor may meet with the employee and the employee's department head. At (or prior to) the meeting, the employee may submit written documentation and testimony. Oral testimony shall be provided only by the employee and his department head. The Mayor shall provide the employee with his written decision concerning the appeal with a reasonable time after the meeting. The decision of the Mayor shall be final.

D. If the employee's department head fails to exercise the responsibilities assigned in this

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procedure within a reasonable time, without demonstrating good reason to the employee, the employee may appeal to the Mayor as provided in (C)(2)

E. If, after having begun this procedure, the most recent decision that has been rendered on the complaint or appeal shall remain in full force until such time as that decision has been upheld, reserved, or modified.

F. At any stage of this procedure, the most recent decision that been rendered on the complaint or appeal shall remain in full force until such time as that decision has been upheld, reversed, or modified.

**Section 6.19 Travel; expense reimbursement**

A. Reimbursable traveling expenses are limited to expenses necessarily incurred by an official or employee in the performance of a municipal purpose subject to the restrictions in this section.

B. No claim for reimbursement shall be made for any lodging and/or meals furnished at no cost to the employee or official. No mileage or transportation expense will be allowed an employee or official when gratuitously transported by another person.

C. All employee or officials travel must be approved in advance by the Mayor. Approval of travel will be based on whether it relates to a specific subject area that currently or is anticipated to be major issues in the municipality, is consistent with the employee's or the official's development or training, or is useful for development of the municipality's personnel.

D. All lodging and commercial travel for must be arranged through the Mayor's Office.

E. Reimbursement for expenses incurred during approved employee or official travel shall be in accordance with the following:

(a) A mileage allowance of \$.28 per mile exists for employees using personally owned vehicles in the approved conduct of municipal business. In addition, an employee or official will be reimbursed with proper receipt for parking fees, ferry fares, and road and bridge tolls. However, the employee or official must pay all of the vehicles operating expenses, such as fuel, repair, replacement of parts, and insurance.

(b) Employees or officials, while on travel on municipal business, shall be allowed reimbursement of their meals (including tips) not to exceed ten dollars per meal.

(c) Only the following expenses incidental to travel shall be reimbursed:

- (a) Communication expense relative to official municipal business. (Receipt required for over \$3)
- (b) Registration fees at conferences
- (c) Cost of public ground transportation such as buses and taxis is reimbursable when the expenses are incurred as part of approved travel. For each transaction over \$10, a receipt is required.
- (d) When using a motor vehicle on municipal business, necessary motor

Vehicle storage and parking fees ferry fares, and road and bridge tolls. Receipts are required.

F. Requests for reimbursement are to be submitted on forms provided by the municipality. The requesting employee or official must sign the completed form and forward the same, along with necessary support data for approval.

**Section 6.21** The Mayor shall provide each employee and volunteer with a copy of this Ordinance.

**Section 6.22 Validity and Separability**

A. Should any section or provision of this Ordinance be declared unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other, than the part so declared unconstitutional or invalid. It shall be understood that where similar provisions are covered in other ordinances, the provisions of this Ordinance shall prevail, unless agreed upon otherwise by the Village Mayor (Administration)

This Ordinance shall become effective on August 14, 2000 .

Said Ordinance having been introduced on July 10, 2000 by Alderman Sambola , notice of public hearing having been published on July 27, 2000 , said public hearing having been held, the title having been read and the Ordinance considered, on motion by Alderman Sambola , to adopt the Ordinance, a record vote was taken and the following result was had:

Yeas: 2

Nays: 0

Absent: 1

Whereupon, the presiding officer declared the above Ordinance duly adopted on August 14 , 2000.

Signed Joyce Core, Clerk

Signed Marshell Brumfield, Mayor

**AN ORDINANCE TO AMEND PERSONNEL POLICY RELATIVE TO MUNICIPAL EMPLOYMENT**

Be it ordained by the Board of Aldermen of the Village Of Folsom, Louisiana that this Ordinance is hereby enacted to read as follows:

**Section 6.1 Employment Generally**

- A. Employment is for an indefinite period and unspecified term and neither this Ordinance nor any rule, guideline, or policy promulgated supplemental to this Ordinance is intended to be an employment contract.
- B. No person shall, on the basis of race, color, religion, sex, age, national origin, handicap, veteran status, or any other no-merit factor, be discriminated against in any employment practice.

**Section 6.2 Appointment, Suspension, Dismissal and Compensation**

A. Appointment, Suspension, Dismissal

- (1) The Mayor shall appoint or remove municipal employees, other than the employees of a Police Department with an elected Chief of Police. With an appointed Chief of Police, the Mayor has the authority to hire, fire, or discipline police employees R.S. 33:404. However, before any of the mentioned action is taken by the Mayor, he/she will consult with the Police Chief for his recommendation. The appointment or removal of a non-elected Chief of Police, Municipal Clerk, Municipal attorney or any Department head shall be subject to approval by the Board of Aldermen except in the case of a tie vote, the recommendation of the Mayor shall prevail. Appointments to positions shall be made on the basis of merit and fitness. In filling vacancies, an effort should be made to promote qualified employees before seeking outside replacement.
- (2) The Mayor shall provide a job description for all employees.
- (3) All appointments to positions in the service of all the Village shall be for a probationary period of six (6) months
- (4) The Mayor and Board will conduct an annual review and appraisal session the first week in May of each year. This session shall be used to determine status of employees on an individual basis. Any written salary request by employees will be heard and considered at the June meeting and become effective the first pay period in July. The Mayor and the Board of Aldermen will determine if any changes in position or pay are necessary. Any change in status will appear on the June agenda of the General meeting to be put to vote.
- (5) "Vacancy" as used in this section includes a new position and the filling of a vacancy in an existing position
- (6) Vacancies shall be publicized in order that qualified persons shall be encouraged to apply and qualify.
- (7) (a) A vacancy in a position listed in R.S. 33:404(3) shall be filled as provided by law.

- (b) A vacancy in any other position shall be filled from among qualified applicants.
- (c) Applicants shall complete the application form provided by the municipality.
- (d) The application form shall require the applicant to disclose the conviction of any crime.
- (e) Applicants for a position which requires the operation of a motor vehicle shall provide proof of a valid driver's license
- (f) Any applicant falsifying any information on the application may be dropped for consideration of employment. Any employee who provided false information on the application form may be dismissed or otherwise disciplined.
- (g) Appointments shall be based on merit and fitness. However, in filling a position, an effort shall be made to promote qualified employees before seeking other applicants.
- (h) Each applicant who has been offered employment shall, as a precondition to such employment, take a physical exam.
- (i) Each applicant who has been offered employment shall, as a precondition to such employment, take a drug test.

B. Compensation

- (1) Full-time and part-time employees will be paid on a set hourly wage.
- (2) Salaried employees will be paid as set forth by Ordinance. Salaried employees are exempt from recorded time records. However, they must submit a record of vacation and sick time used to the payroll department.
- (3) Contractual workers are those paid as set forth in a contract agreement.

**Section 6.3 Job Positions**

- A. The number and kind of positions shall be determined by the Mayor and Board.
- B. A job description shall be developed and maintained for each job category by the appropriate department head and approved by the Mayor and Board.

**Section 6.4 Work Conditions**

A. Employees

- (1) Each municipal area shall be staffed from 8:00a.m. to 4:00 p.m. on Monday through Friday and such other times as directed or approved by the Mayor and Board.
- (2) The work week is Thursday through Wednesday for payroll, accounting, leave, and overtime purposes, except as otherwise determined and approved by the Mayor and the Board. An "overtime hour" is an hour worked by an hourly employee at the direction of the Mayor or authorized department head in excess of 40 hours worked in a regular work week. Vacation and sick time does not count as hours worked.

B. Police Officers

- (1) The work period is for a two-week period starting on a Thursday and ending on a Wednesday for payroll, accounting, leave, and overtime purposes. An "overtime hour" is

an hour worked by an hourly police officer at the direction of the Mayor and Police Chief in excess of 80 hours worked in a regular work period (two weeks). Vacation and sick time taken does not count as hours worked.

### **Section 6.5 Hours of Work**

#### **A. Employees**

- (1) Full-time employees will work forty (40) hours per week and will be compensated at the hourly wage established by the Mayor and Board of Alderman.
- (2) Full-time hourly employees working more than 40 hours per week will be compensated at the rate of 1 ½ times the established hourly wage.
- (3) Full-time hourly employees and part-time hourly employees shall be required to record hours worked by use of a municipal time clock. In an emergency situation a written report of hours worked may be substituted. An emergency situation will be determined by the Mayor and Board of Aldermen.

#### **B. Police Officers**

- (1) Full-time hourly police will work 80 hours every two weeks and will be compensated at the hourly wage established by the Mayor and Board of Aldermen. Days and hours worked will be scheduled by the Police Chief.
- (2) Full-time hourly police working more than 80 hours every two weeks will be compensated at the rate of 1 ½ times the established hourly wage.
- (3) Full-time and part-time hourly police shall be required to record hours worked by use of time sheets.

### **Section 6.6 Overtime Call Back**

Call back is defined as an unscheduled or emergency return to work apart from officially scheduled work hours or on a holiday or day off at the request of a supervisor. If a part-time or full-time employee is called back for duty, he or she shall be granted a minimum of 1 hour pay at the overtime rate of 1 ½ times the established hourly wage.

### **Section 6.7 Holiday**

A. Subject to operating requirements the Villages' paid holidays are:

January 1<sup>st</sup>  
Martin Luther King Day  
Good Friday (Easter Sunday for Police)  
Memorial Day to coincide with other public offices  
Fourth of July  
Columbus Day  
Presidential Election (every 4 years)  
Veterans Day

Labor Day  
Thanksgiving Day (2 days-Thursday and Friday)  
Christmas Eve  
Christmas Day  
New Year's Eve

- B. Part-time employees shall be paid holiday time at  $\frac{1}{2}$  the rate of full-time employees provided that part-time employee works at least 20 hours per week averaged during the past 4 weeks.
- C. For employees, if designated holiday falls on Saturday, it will be observed on the proceeding Friday. If a designated holiday falls on Sunday, it will be observed on the following Monday unless specifically changed by the Mayor. Notice of change will be provided to all employees by the Municipal Clerk. For Police Officers, the holiday falls on the above listed day.

### **Section 6.8 Work on Holidays**

#### **A. Employees**

- (1) Any full-time hourly employee who is required to work on a holiday shall be entitled to receive regular pay for hours actually worked in addition to regular eight (8) hours holiday pay. If the total hours worked for the week exceed 40 hours, the excess hours worked on the holiday will be paid at the overtime rate.
- (2) Hourly part-time employees working more than 20 hours per week and less than 40 hours per week who are required to work on a holiday shall be entitled to receive regular pay for the hours actually worked in addition to the regular four (4) hours holiday pay. Hourly part-time employees working less than 20 hours per week (averaged over a 4 week period) are not entitled to holiday pay.
- (3) At the discretion of the Mayor, employees who are scheduled to work on a holiday and fail to work as scheduled will not be eligible for holiday pay and may be subject to disciplinary actions.

#### **B. Police Officers**

- (1) Any full-time and part-time hourly police officer, who is scheduled to work a holiday, shall be paid double-time for actual hours worked.
- (2) Full-time and part-time hourly police officers not working a holiday is not entitled to receive any holiday pay.

### **Section 6.9 Leave**

- A. Full-time and part-time employees working at least 20 hours per week shall be eligible for vacation leave, sick leave, family and medical leave, civil leave, military leave, and education leave, as provided in this section.

B. Vacations

- (1) Vacation time is calculated according to the following schedule based on the employees'/police officers' anniversary date.

<u>Years of Employment</u>	<u>Full -time</u>	<u>Part-time</u>
1 year to 5 years	80 hrs.	-
5 years to 10 years	120 hrs.	20 hrs
10 years or more	160 hrs.	40 hrs

- (2) A vacation request form should be submitted to the appropriate department head for approval at least one week prior to requested vacation. Vacation time shall not be carried from one year to the next. The maximum vacation hours that can be taken is up to 8 hours per day, less actual hours worked for that day, if any.
- (3) Employees/police officers who resign, retire or are dismissed from employment shall not be paid accrued vacation time, except as otherwise determined and approved by the Mayor and/or Police Chief

C. Sick Leave

- (1) Sick leave pay is not a right which an employee may demand but a privilege granted by the municipality.
- (2) Leave from work with pay may be charged as sick leave if the absence is due to sickness, bodily injury, quarantine, required physical or dental examinations or treatment, exposure to a contagious disease when continued work might jeopardize the health of others, illness in the employees immediate family which requires the care of the employee, or the funeral of a member of the employees family. All such absences except those resulting from intemperance or immorality shall be charged against the sick leave credit of the employee.
- (3) Employees who resign or retire or who are dismissed from employment shall not be paid for any accrued sick leave.
- (4) This section shall apply to both full and part time employees and full time police officers, but excludes part time police officers. Part time employees shall accumulate sick leave at one half the rate accumulated by full time employees, provided he or she works at least 20 hours per week. Sick time shall be calculated according to the following schedule:

<u>Full Time Employees and Police Officers</u>	<u>Part Time Employees only</u>
8 hours per month	4 hours per month

- (5) Sick leave shall be accumulative for a maximum period of twelve forty hour work weeks, or sixty days. Sick leave not in excess of the sixty day maximum may be carried over from one year to the next.
- (6) The Mayor/Police Chief shall determine when a doctor's certificate is required and under what conditions certificates

are required. Department heads shall be responsible for the application of this provision so that

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there will be no abuse of sick leave privileges.

- (7) When a police officer is ill and cannot report for duty, he/she shall personally (unless he/she is incapacitated) notify his/her ranking supervisor by whatever means available or if the employee's ranking officer is unavailable, the ranking supervisor on duty, not later than two (2) hours before he/she is scheduled to report for duty. Failure to call, will time the absence occurs.
- (8) No employee shall be granted any sick leave not credited to the employee's account at the time the absence occurs.

#### D. Family and Medical Leave

- (1) Each eligible employee under the federal Family and Medical Leave Act of 1993 must use accumulated vacation and sick leave for any part or all of the weeks of leave to which the employee is entitled under the Act.
- (2) An employee on family and medical leave shall report periodically during the leave period on his leave status and intention to work.
- (3) Sick leave support:
  - (a) An employee who has taken family and medical leave shall provide a certificate signed by a doctor to support his claim for leave for his own serious health condition or to care for a seriously ill child, spouse, or parent. If the leave is due to the employee's own medical condition, the certificate must also include a statement that the employee is unable to perform the functions of his position. If the leave is to care for a seriously ill child, spouse, or parent, the certificate must include an estimate of the amount of time the employee is needed to care for the child, spouse, or parents.
  - (b) The municipality may require a second medical opinion and periodic recertification at its own expense.
  - (c) If the first and second opinions differ, the municipality, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the municipality and the employee.
- (4) If an employee takes such leave on an intermittent or on a reduced leave schedule that reduces the employee's usual hours worked per week or per work day, the municipality may require the employee to transfer temporarily to an alternative position which better accommodates the leave than the employee's regular position, provided that the position has equivalent pay and benefits.
- (5) An employee who takes such leave to care for a newborn child or a child which has been placed with the employee for adoption or foster care may not take leave intermittently or on a reduced leave schedule unless the municipality and the employee agree to such an arrangement.

#### E. Civil Leave

- (1) An employee shall be given time off without loss of pay, vacation leave or sick leave for up to 5 days per year when:
  - (a) Performing Jury Duty
  - (b) Summoned to appear as a witness before a court, grand jury or other public body or commission, provided that for purposes of this provision a plaintiff or defendant shall not be

considered a witness. Nor does this provision apply to an employee summoned as a witness as a result of employment other than municipal employment.

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- (c) Performing emergency civilian duty in relation to national defense.
  - (d) The Mayor determines that he is prevented by an act of God from performing duty.
  - (e) The Mayor determines that because of local conditions or celebrations it is impracticable for employees to work.
  - (f) The employee is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States.
  - (g) The employee is a member of the National Guard and is ordered to active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergency nature which threatens or affects the peace or property of the people.
- (2) Employees may keep all fees received from jury duty in addition to regular compensation.
  - (3) Police Officers may not receive or keep witness fees for appearing in Mayor's Court in connection with their official duties while on duty.

#### F. Military Leave

- (1) An employee who is a member of a reserve component of the Armed Forces of the United State is entitled to military leave with pay when placed on military active duty for training by order of an authority of the Armed Forces of the United States and when given constructive credit for such training.
- (2) The maximum military leave with pay for military active duty for training is ten working days per calendar year.
- (3) An employee may apply for but shall be required to take vacation leave or compensatory leave for military purposes. However, the employee shall be entitled to leave without pay for a period of up to ninety consecutive calendar days:
  - (a) When ordered to military active duty.
  - (b) When placed on military active duty for training.
  - (c) When placed on military training duty and the maximum authorized military leave with pay has been exhausted or is not authorized.
- (4)
  - (a) "Military active duty" means full time duty in the active military service, other than military active duty tour training.
  - (b) "Military active duty for training" means full time paid duty in the active military service for training purposes.
  - (d) "Military training duty" includes active and inactive duty for training such as annual two week summer encampments and cruises, weekly and weekend drills or training meetings, attendance at service schools for refresher training or the upgrading of military skills, field exercises and the like.

#### G. Education Leave

A leave of absence at full or part pay may be granted by the Mayor and the Board to permit a full-time employee to take courses of study which will better equip the employee to perform duties for the municipality.

#### H. Maternity Leave

(1) Absence from work caused by pregnancy, childbirth, or related medical conditions is considered to be a temporary disability which prevents an employee from performing the usual duties associated with

An employee may take up to six weeks of sick leave for maternity reasons, unless a doctor certifies, in writing that an extended amount of time is needed due to medical causes.

- (2) If accrued sick leave is exhausted and additional leave is needed due to illness or disability, compensatory leave or vacation leave, or both may be used, subject to the approval of the appropriate department head.

I. Administrative Leave

- (1) The appointing authority may grant administrative leave when circumstances develop that would warrant the removal of an employee from the department without disadvantage in order for the appointing authority to conduct an investigation concerning the conduct of the employee.
- (6) Administrative leave may also be granted in order for the appointing authority to conduct an investigation concerning the conduct of the employee when an employee, acting in his/her official capacity, causes serious injury or death to another person.

**Section 6:10 Worker's Compensation**

- A. Employees shall be covered by worker's compensation.
- B. When an employee is absent from work due to disabilities for which he is entitled to worker's compensation benefits, he:
  - (1) shall, to the extent of the amount accrued to his credit, be granted sick leave not to exceed the amount necessary to receive total payments for leave and worker's compensation equal to his regular salary
  - (2) may, to the extent of the amount accrued to his credit, be granted vacation leave or a combination of vacation leave and sick leave not to exceed the amount necessary to receive total payments for leave and worker's compensation equal to his regular salary.
  - (3) May be granted leave without pay.

**Section 6.11 Insurance**

Through the plan selected by the Board, the municipality shall offer group hospitalization insurance to all full time employees or those working a minimum of 32 hours per week. The Mayor and Board of Aldermen shall determine the amount the municipality shall contribute to the cost of such insurance.

**Section 6.12 Social Security**

- A. It is the policy and purpose of the municipality to extend the provisions of Section 1 of Act 204, Regular Session of the Louisiana Legislature of 1952, as amended, providing social security to eligible officers and employees of the municipality. In pursuance of this policy, and for such purpose, the officers of the municipality shall take such action as may be required by applicable state and federal laws and regulations. The coverage of eligible officers and employees shall be effective as of the effective date of this Ordinance.

- B. The Mayor may execute any necessary agreement to secure coverage of eligible officers and employees as provided in (1).
- C. Withholdings from salaries and wages of officers and employees for the purposes provided in (1) may be made in the amounts and at the times as may be required by applicable state and federal laws and regulations and shall be paid in amounts and at times as are designated by law and regulation.
- D. Employer contributions and assessments for administrative expenses shall be paid from amounts appropriated for such purposes to the state agency in accordance with applicable state law and regulations.
- E. The Clerk shall maintain records and submit reports as may be required by applicable state and federal law and regulation.

### **Section 6.13 Retirement**

#### **A. Police Retirement**

- (1) Declaration of Policy to come under Coverage: It is hereby declared to be the policy and purpose of the municipality, to extend the provisions of Act No. 189, Regular Session, Louisiana Legislature of 1973, as amended, providing retirement to eligible police officers of the municipality. In pursuance of this policy, and for that purpose, the officers of the municipality shall take the action as may be required by applicable state or federal laws and regulation. The coverage of eligible officers shall be effective from August, 1979.
- (2) Execution of Agreement with State Agency: The Mayor is authorized and directed to execute an agreement with the Board of Trustees of the Municipal Police Employees Retirement System to secure coverage of eligible police officers as provided in (1).
- (3) Withholdings: Withholdings from salaries or wages of police officers for the purposes provided in Section 6.13 are hereby authorized to be made in the amounts and at the time as may be required by the Board of Trustees in accordance with Act No. 189 of 1973, and shall be paid over the Board of Trustees in the amounts and at times as are designated by state laws and regulations of the agency.
- (4) Contributions: Employer contributions and assessments for administrative expenses shall be paid from amounts appropriated for those purposes to the Board of Trustees in accordance with applicable state laws and regulations of the Board of Trustees.
- (5) Records and Reports: The clerk shall maintain records and submit reports as may be required by applicable state laws and regulations of the Board off Trustees.

#### **B. Pension Plan**

- (1) Effective July 1,1995, the Mayor entered a Simplified Employee Pension Individual Retirement Fund to cover all employees except those covered under the Municipal Police Employees Retirement Fund.
- (2) Covered employees must meet eligibility requirements of the plan.
- (3) The amount contributed by the municipality is determined by the Board of Aldermen.

## 6.14 Employee Standards of Conduct

- A. *Accidents:* Employees are to report the occurrence of any accident while at work, however minor, to the appropriate department head. If the accident happens after 4:00 PM or on a weekend or holiday, the report must be made on the next working day.
- B. *Alcohol:*
- (1) No employee or volunteer shall possess, distribute, dispense, sell, use, or ingest any alcohol beverages during work hours or on municipal premises or in the immediate premises wherever municipal work is being conducted. "Possess" includes having an alcoholic beverage in the employee's immediate work area.
  - (2) No employee shall report to work under the influence of alcohol
- C. *Appearance:* Employees are to dress appropriately and be neat, clean, and well-groomed at all times while working. The work being performed by the employees will be considered.
- D. *Attendance:*
- (1) Attendance is expected of all employees. However, when it is necessary to be absent from work, an employee must inform his department head as soon as possible of the absence, the reason for the absence, where he can be reached during his absence, and when he will return to work.
  - (2) Employees are to report to work on time.
- E. *Drugs:*
- (1) Except for law enforcement purposes, no employee or volunteer shall possess, use, or ingest any controlled substance or controlled dangerous substance unless prescribed by a physician.
  - (2) No employer or volunteer, whether on-duty or off-duty, shall violate the Uniformed Controlled Dangerous Substance Law.
  - (3) No employee shall report to work, and no volunteer shall report to serve, under the influence of any controlled substance or any controlled dangerous substance unless prescribed by a physician.
  - (4) (a) An employee shall notify his department head, who shall then notify the mayor, of any criminal drug statute conviction for a violation occurring in the municipal workplace no later than five days after such conviction.  
(b) If the municipality is subject to the federal Drug-Free Workplace Act of 1988, the Mayor shall notify the appropriate federal agency of the conviction no later than 10 days after receiving notice as described in (3) from the employee or otherwise receiving actual notice of the conviction.  
(c) Within thirty days after receiving notice of a conviction described in (3)(a) and subject to R.S.33:404(A)(3), the Mayor shall take one of the following actions of the employee so convicted:
    - (i) Take appropriate personnel action against the employee, up to and including termination.
    - (ii) Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.

- (5) A used in this section, "controlled substance" is any controlled substance in Schedules I through V of section 202 of the Controlled Substance Act {21 U.S.C 812}
- (6) As used in this section I through V of the Uniform Controlled Dangerous Substances Law {R.S. 40:964}

*F. Misrepresentation:* No employee shall purport to represent the municipality while engaged in private business

*G. Municipal Property:*

- (1)(a) An employee shall exercise due care in his use of municipal property and utilize such property only for authorized purposes.
- (b) Inventory accountability is conducted each January and at other times at the discretion of the Mayor. To assure accurate and timely results, employees shall assist the personnel responsible for the inventory check. Forms containing the office furniture and equipment assigned to, used by, or otherwise in the control or possession of each employee will be distributed. Each employee is to review and revise the form as necessary and then sign the form verifying the inventory on the form assigned to, used by, or otherwise in his control or possession. At each annual inventory accountability, employees shall submit a copy of their updated inventory listing. If discrepancies occur and the furniture or equipment is not located, the last employee verifying the item shall be responsible for the missing item.
- (c) Unauthorized removal of municipal property from the premises or its conversion to personal use is prohibited.
- (2) Municipal property is subject to inspection at any time and without prior warning. "Municipal property" includes, but is not limited to, vehicles, desks, files, containers, and footlockers. There shall be no exception of privacy by any employee's or volunteer's locker shall be in the presence of the employee or volunteer.
- (3) Municipal property issued to an employee must be returned to the municipality at the time he terminates employment or when it is requested by his department head. The value of any property issued to an employee and not returned may be deducted from an employee's paycheck.

*H. Outside Employment:* The work of the municipality shall have precedence over the other occupational interest of the employees. All outside employment for salary, wages, or commission and all self-employment must be reported to the Mayor. Conflicting outside prohibited.

*I. Political Activity:*

- (1) Partisan political activity by an employee which at work, including publicly or privately advocating or lobbying passage or defeat of any matter before the municipality is prohibited.
- (2) No employee shall participate in any activity in which would substantially compromise the ability of the employee to discharge with neutrality, efficiency, and integrity his duties and obligations of the municipality. Such prohibited

activities shall include, but not be limited to the following:

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- (a) Service as an officer of a political party; a member of a national, state, or local committee of a political party; an officer or member of a committee of a partisan political club; or being a candidate for any of these positions.
- (b) Organizing or reorganizing a political party organization or political club.
- (c) Becoming a candidate for elective public office.

J. *Prescription Medicine:*

- (1) Except for law enforcement purposes, no prescription medicine shall be brought upon municipal premises by any person other than the person for whom the medicine is prescribed by a physician, and such medicine shall be used only in the manner, combination, and quantity prescribed.
- (2) Any employee or volunteer required to take a prescription medicine shall notify his department head of the type of medication prescribed and the purpose for the prescription and may be required to provide written verification from the prescribing doctor.
- (3) No employee or volunteer shall operate a municipal motor vehicle or equipment or carry a firearm while taking prescription medicine if the known side effects from the medication impairs abilities.
- (4) Any employee or volunteer required to take prescription medicine that may impair his ability to operate a motor vehicle or equipment, carry a firearm, or to make split-second decisions shall report this to his department head who shall alter the employee's or volunteer's assignment without retribution to the employee or volunteer.

K. *Purchasing:* An employee may initiate a request for goods or services through his department head using the requisition form provided by the municipality and following the guidelines established in the Purchase Order Procedure. Failure to comply with the Purchase Order Procedure can, at the discretion of the Mayor or all Aldermen, result in the employee authorizing the purchase or repair, being held responsible or payment. Such payment would be withheld from his her paycheck.

L. *Sexual Harassment:*

- (1) Sexual harassment of or by an employee is prohibited.
- (2) Per federal Equal Employment Opportunity Commission guidelines, sexual harassment means any unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when:
  - (a) submission to such contact is made either explicitly or implicitly a term or condition of an individual's employment; or
  - (b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
  - (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- (3)(a) Complaints of sexual harassment may be directed to the appropriate department head, or in writing, to the Mayor. A complainant is strongly encouraged to consult initially with his department head to attempt informal resolution, but failure to do so will in no way limit the right to utilize fully this grievance procedure if resolution cannot be accomplished through the department head. Complaints must be

made within one year after occurrence of the alleged prohibited conduct.

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- (4)(a) The department head shall, in a timely manner, conduct an investigation of the complaint, interviewing appropriate person, examining relevant reports, and consulting with and utilizing any appropriate employee.
  - (b) If the department head deems it appropriate, the complainant and the person against whom the complaint is made may be brought together to attempt an informal resolution.
  - (c) Both the complainant and the person against whom the complaint is made may have counsel present at any interview or proceedings.
- (5)(a) Upon conclusion of the investigation, and within 180 days after the complainant was brought, the department head shall make a written recommendation to the Mayor, which shall be one of the following:
    - (i) A recommendation of a finding that no prohibited conduct has occurred;
    - (ii) A recommendation that material facts in dispute be resolved by conducting a formal hearing; or
    - (iii) A recommendation of a finding that no facts are in dispute and that prohibited conduct has occurred.
  - (b) Copies of the department head's written recommendation shall be provided to the complainant and the party against whom the complaint was made.
- (6) The Mayor may, but need not, adopt the department head's recommendation. The Mayor may adopt the department head's recommendation of a finding that prohibited conduct has occurred, and proceed under Paragraph (9) of this subsection. The Mayor may adopt the department head's recommendation of finding no cause, and issue a written determination dismissing the complaint.
  - (7) Upon adopting of the department head's recommendation to conduct a formal hearing, or upon written request of a party accompanied by a showing of material facts in dispute, the Mayor shall conduct or cause to be conducted a formal hearing. The hearing shall provide a fair opportunity for parties, and shall not be bound by statutory provisions or rules of practice, procedure, pleading, or evidence. At the conclusion of the hearing, the Mayor shall issue a written statement of findings of facts and conclusions of law, including a determination as to whether or not prohibited conduct has occurred.
  - (8) The record maintained with respect to each complaint of sexual harassment shall contain, if any; any written statement produced during the investigation; the recommendation of the department head; if a formal hearing is conducted, a record thereof in a form determined by the Mayor; the Mayor's statement of findings of fact and conclusion of law; and the Mayor's written determination. Such record shall be available to either party or the designee thereof.
  - (9) Remedies: If the mayor determines that prohibited conduct has occurred, the Mayor shall order one or more of the following remedies:
    - (a) an apology by the offender
    - (b) Direct the offender to stop the offensive behavior
    - (c) Require the offender undergo counseling or training
    - (d) Oral censure of the offender
    - (e) Written censure of the offender, to be included in the offender's personnel file
    - (f) Transfer, suspension, with or without pay, or discharge of the offender, or any other action which may be appropriate under the circumstances.
  - (10) If any party is not satisfied with the outcome of the grievance procedure, appeal may be taken directly to the Mayor.

- (11) State and Federal law provide administrative and judicial remedies which may be pursued by filing a complaint with the Louisiana Commission on Human Rights and the federal Equal Opportunity Commission. A civil action may be filed in district court. However, it is recommended, but not legally required, that the complainant first use the grievance procedure established herein.
- (12) No employees shall be subject to retaliation in any form as a result of bringing a complaint or testifying or assisting in a grievance brought pursuant to this procedure. A complaint of such retaliation should be directed to the appropriate department head or in writing to the Mayor.
- (13) No employee or volunteer shall make an intentionally false complaint.

M. *Solicitation*: Solicitation by and of employees on municipal premises is prohibited. However, solicitation for gifts for municipal employees (resignations, retirements, weddings, births, etc.) are permitted.

N. Except as otherwise specifically provided, a violation of this section shall be grounds for disciplinary action, including dismissal.

O. Police Officers refer to "Police Officers' Policy and Procedure Hand Book"

#### **Section 6.15 Drug and alcohol testing**

A. The municipality desires to maintain a safe, healthful, productive, and efficient environment and workplace for its employees and volunteers and the public they serve. The municipality acknowledges that substance abuse increases the potential for accidents, absenteeism, substandard performance, poor employee morale, and damage to the municipality's reputation. Therefore, the municipality adopts a policy against substance abuse and places in effect a testing program for applicants, employees, and volunteers, as outlined in this section.

B. As used in this section, the following terms have the following meaning:

- (1) "Applicant" means a person (a) seeking full-time employment with the municipality or (b) seeking to perform volunteer service to the municipality which involves operating a municipal motor vehicle or equipment or carrying a weapon.
- (2) "Appointing authority" means the municipal officer or the municipal body which has the authority to appoint or employ the employee or the volunteer.
- (3) "Controlled substance" means a controlled substance as defined in 21 U.S.C 812 in Schedules I through V.
- (4) "Controlled dangerous substance" means a drug or other substance or immediate precursor listed in R.S. 40:964 in Schedules I through V.
- (5) "Drug" means and includes a person employed on a full-time or part-time basis by the municipality.
- (6) "Employee" means a person employed on a full-time or part-time basis by the municipality.
- (7) "Physician" means a physician licensed to practice medicine in this state.

- (8) "Volunteer" means a person who provides volunteer service to the municipality by operating a municipal motor vehicle or equipment or by carrying a firearm.

C. This section applies to all employees, volunteer, and applicants.

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- D. (1)(a) The Mayor and board of Aldermen shall establish a drug-free awareness program to inform employees and volunteers about:
- (i) The dangers of drug abuse in the workplace
  - (ii) The municipal policy of maintaining a drug free workplace
  - (iii) Any available drug counseling, rehabilitation, and employee assistance programs.
  - (iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- (b) The Mayor shall implement and maintain the policy set forth in this section.
- (2) Any employee or volunteer who has reasonable suspicion to believe that another employee or volunteer is either (a) involved in the manufacture, possession, distribution, dispensing, sale, or use of controlled substance or controlled dangerous substance or (b) abusing the legal use of prescription or nonprescription medicine shall notify his department head who shall advise the mayor.
- (3) The policy and procedures set for the in and under this section shall conform with applicable
- (4) (a)(i) Each applicant shall submit to a drug screening urinalysis as a part of his pre-employment/ or pre-qualification medical exam.
- (ii) In addition, each applicant shall complete a medical questionnaire providing a complete list of all prescription and nonprescription medicines being taken at the time.
  - (iii) Any applicant found to test positively for a particular controlled substance or controlled dangerous substance, unless caused by a medicine for which a valid prescription was given by a physician and which was made known to the municipality prior to testing, shall be rejected and may not re-apply for employment or volunteer service for a period of one year from the date of notification or results.
  - (iv) Any applicant refusing to submit to drug testing during pre-employment or pre-qualification shall be rejected.
- (b) Each employee and volunteer shall complete a medical questionnaire providing a complete list of all prescription and nonprescription medicines being taken at the time. As medicines change, the employee or volunteer shall update his questionnaire. The questionnaire shall be kept in the mayor's office and shall remain confidential.
- (c) On and after ninety days after this ordinance becomes effective, each employee and volunteer shall submit to tests for any drug as announced by the Mayor for the following purposes:
- (i) Investigation of possible individual employee or volunteer impairment of each employee or volunteer returning from drug/alcoholic rehabilitation or medical care and at any time there is reasonable suspicion that an employee or volunteer is under the influence of a drug during work or service hours. "Reasonable suspicion" means an articulable belief based upon specific facts and reasonable inferences drawn from those facts that any employees or volunteer is under the influence of a drug. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not

limited to direct observation of drug use; a pattern of erratic or abnormal behavior and mood changes; information provided be a reliable and credible source; an accident; presence of

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physical symptoms of drug use, such as slurred speech, glassy eyes, and poor coordination or reflexes; decreased productivity; unusual absenteeism or tardiness; or frequent or prolonged absence from the work area. The department head shall submit to the mayor a written report stating the facts and circumstances upon which the recommended testing is based, and the mayor or his designated representative shall make the final decision as to whether the test will be conducted.

- (ii) Investigation of accidents or incidents involving an employee, a volunteer, or municipal property or incidents of workplace theft.
- (iii) Maintenance of safety for employees, volunteers, or the general public
- (iv) Maintenance of productivity, quality of products or services, or security of property or information.
- (v) Monitoring to assure compliance with the terms of a rehabilitation program.
- (vi) Random testing of employees who occupy safety-sensitive or security-sensitive positions

- E. (1) All drug testing, except as otherwise specifically provided in this section, shall be conducted at medical facilities or laboratories selected by the municipality. To be eligible as a site, a medical facility or laboratory must submit in writing a description of the procedures that will be used to collect, maintain, and test samples and be experienced and capable of quality control, documentation, and chain of custody techniques.
- (2) All sample collection and testing shall be performed as follows:
- (a) The employee, volunteer, or applicant may be required to go to the facility where the laboratory is located to submit to testing
  - (b) Each employee, volunteer, or applicant shall be positively identified by picture identification prior to obtaining a sample.
  - (c) A form shall be completed prior to the test that will serve to establish current medicines being taken, whether prescription or nonprescription, and any other information which the employee or volunteer considers relevant to the test.
  - (d) The area where a sample is collected shall be reasonably free from any foreign substance.
  - (e) Specimen collection shall be witnessed without violating the employee's, volunteer's, or applicant's right to privacy in a setting that will not demean, embarrass, or cause physical discomfort to the employee, volunteer, or applicant.
  - (f) The specimen taken shall be sealed, labeled, and checked against the identity of the employee, volunteer, or applicant. Such sample shall be properly collected, secured, stored, handled, and transported following appropriate rules of evidence and chain of custody and so as to reasonably preclude the probability of sample contamination or adulteration.
  - (g) Any employee testing will be done on the municipality's time and the employee required to test while off duty shall be compensated for the time.
- 3(a) The testing methods used shall be capable of identifying marijuana, cocaine, barbituates, amphetamines, benzediazepines, opiates, methadone, propoxyphenes, and

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- (b) The test shall consist of a two-step procedure:
    - (i) Initial screening; and
    - (ii) Confirmation by gas chromatography/mass spectroscopy
  - (c) An initial screening that proves to be positive shall be reported, not as a positive test, but as a confirmation pending.
  - (d) The time frame between a confirmation pending or confirmation positive shall not exceed forty-eight hours.
  - (e) Notification of the confirmation pending or confirmation positive shall be reported initially to the Mayor.
  - (f) Any sample which proves to be positive upon confirmation shall be retained for a period of a least twelve months to allow the employee, volunteer, or applicant adequate time for further testing in case of dispute.
  - (g) An employee or volunteer who is found to be drug-free shall be notified in writing and may, if he chooses, have a copy of the notification placed in his personnel file.
- F. If the municipality has reasonable suspicion to believe that any employee or volunteer is under the influence of alcohol during work or service hours, the employee or volunteer shall submit to a breath test using the procedures established by the state Department of Public Safety and Corrections. Test results shall be known to the municipality's designated agent upon completion of the test. If the results are positive (i.e. 0.01% or more), the employee or volunteer shall be subject to disciplinary action. Each employee or volunteer found to be alcohol free shall be notified in writing and may, if he so chooses, have a copy of the notification placed in his personnel file.
- G. The Mayor shall provide a copy of this section to each applicant.
- H. Prior to a drug test being administered, the employee, volunteer, or applicant shall be requested to sign a consent form authorizing the test and permitting the release of the result to the municipality or its authorized agents, and containing an acknowledgement of notification of the testing policy.
- I. If an individual being tested tampers with the testing procedure or attempts to falsify a specimen or invalidate the chain-of-custody, he shall be immediately disallowed from continuing testing and treated as if a positive test result had been obtained.
- J. (1) Violation of this section shall be grounds for discipline, including dismissal.
- (2) An unexplained positive test result shall be grounds for action by the Mayor. This action may require the employee or volunteer to submit to a mandatory substance abuse program, psychological counseling, or medical treatment, all at the employee's or volunteer's expense.
- (3) Each case shall be dealt with on an individual basis with all facts and circumstances being taken into consideration.
- (4) Discipline, including dismissal, may result from cases of illegal use of a non-prescribed controlled substance or controlled dangerous substance or abuse of prescription medicine.
- (5) Any employee with a positive alcohol test result for the first time shall be subject to suspension without pay for a period of five days. A seconded positive test shall result in dismissal.
- K. *Confidentiality of information; exceptions:* Except for proceedings wherein the results are

relevant or ordered produced by a court, all information, interviews, reports, statements, memoranda, and test results received by the municipality in its drug testing program shall remain confidential to the municipality, authorized agents or representatives of the municipality, the tested employee, volunteer, or applicant, or those authorized by the employee, volunteer, or applicant to receive such information.

#### **Section 6.16 Employee Discipline**

- A. (1) Subject to R.S. 33:404 (A)(3), the Mayor may reprimand, verbally or in writing; suspend with or without pay; demote; dismiss, or deny a salary increase to an employee for any of the following reasons:
- (a) Behavior that interferes with the efficient performance of duties by other employees or that is detrimental to the municipality.
  - (b) Failure which falls below the municipality's standard
  - (c) Failure to abide by any requirements of this Ordinance or any rule or policy of the municipality.
  - (d) Other good cause.
- (2) For any cause set forth in (1), an employee's department head may reprimand him, verbally or in writing. In addition, for any cause set forth in (1), an employee's department head may recommend to the Mayor that the employee be suspended with or without pay, demoted, dismissed, or denied a salary increase.
- (3) Before any disciplinary action referred to in Paragraph (1) is taken, each reason for the action must be compiled in a written statement. The Mayor or the employee's department head shall present a copy of the statement to the employee or mail a copy of it to the employee, and any other person who has direct knowledge of any reason and whom the Mayor has asked to attend.
- (4) When disciplinary action referred to in (1) is taken, the written statement concerning each reason for the action, any written statement the employee submits in connection with any reason for the action and a notation describing the action taken shall be made part of the employee's personnel file.
- (5) Subject to R.S. 33:404 (A)(3), the Mayor may dismiss an employee and terminate his employment immediately. If the employee is not available, written notice shall be sent to the employee's last known address.
- B. During the investigation, hearing, or trial of an employee on any criminal charge, or during the course of any civil action involving an employee, when suspension would be in the best interest of the municipality, the Mayor may suspend the employee without pay for the duration of the proceedings as a non-disciplinary measure. Back pay shall not ordinarily be recoverable; but where the suspension is terminated by full reinstatement of the employee, the Mayor may authorize full recovery of pay and benefits for the entire or for any lesser period of the suspension.
- C. An employee whose performance is unsatisfactory shall be notified how his work is deficient and what he must do if his work is to be satisfactory. If the employee's work continues to be below standard, the Mayor shall demote or dismiss the employee subject to R.S. 33:404 (A)(3).

### **Section 6.17 Termination of Service**

- A. (1) An employee, other than a department head can be dismissed only after approval of the Mayor.
- (2) A department head can be dismissed only upon recommendation by the Mayor and approval by the Board of Aldermen.
- (3) In the case of an **elected** Police Chief, employees of the police department can be dismissed only upon recommendation of the Chief of Police and approval by the Mayor and Board of Aldermen.
- B. In the event the municipality must terminate an employee through no fault of the employees, the following system will be used:
  - (1) The employee having the least seniority in the respective department will be laid off first, providing that in the opinion of the department head, that all employees not laid off due to higher seniority are qualified to perform any job that is asked of them. If such employee cannot perform such job then he will be laid off in lieu of a lower ranking seniority employee who can perform any job duties that is asked of him.
  - (2) Each laid-off employee shall, upon reapplying to the municipality, be considered for re-employment.
- C. When an employee resigns, he shall submit a letter of resignation to his department head two weeks prior to the date of resignation.

### **Section 6.18 Grievance Procedure**

- A. Any full-time employee, may make a complaint about or appeal any decision to the circumstances of his employment except:
  - (1) A salary recommendation, unless an employee can demonstrate both that a significant departure from the established office procedures and such departure significantly affected the managerial decision.
  - (2) A promotional decision, except where an employee can demonstrate that established promotional policies or procedures were either not followed or were unfairly applied
  - (3) Work activity accepted by the employee as a condition of employment
  - (4) Work activity which reasonably may be expected to be part of the employee's regular job position.
  - (5) The specific contents (rather than an interpretation of the contents) of any municipal employee personnel ordinance, policy, guideline or regulation.
  - (6) The methods, means, and personnel by which managerial and department head employees choose to carry out the responsibilities properly assigned to the division or office.
- B. Any question concerning whether a specific complaint or appeal of a decision may be made is within the sole discretion of the Mayor.
- C.(1)The employee shall first discuss the matter directly with his department head. If after such discussion, the employee desires to pursue the matter, he shall state the complaint or appeal, in

writing. The employee's department head shall meet with and provide a

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written response to the employee and a copy to the Mayor within a reasonable time.

- (2) If the employee desires to appeal the decision of his department head, he may do so in writing to the Mayor within five work days after receiving the written response of the department head. The Mayor may meet with the employee and the employee's department head. At (or prior to) the meeting, the employee may submit written documentation and testimony. Oral testimony shall be provided only by the employee and his department head. The Mayor shall provide the employee with his written decision concerning the appeal within a reasonable time after the meeting. The decision of the Mayor shall be final.
- D. If the employee's department head fails to exercise the responsibilities assigned in this procedure within a reasonable time, without demonstrating good reason to the employee, the employee may appeal to the Mayor as provided in (C)(2).
- E. If, after having begun this procedure, the employee fails to exercise his responsibilities under any step within specified time frames and without demonstrating reasonable cause for his failure to do so, the complaint or appeal shall be permanently terminated.
- G. At any stage of this procedure, the most recent decision that has been rendered on the complaint or appeal shall remain in full force until such time as that decision has been upheld, reversed, or modified.

#### **Section 6.19 Travel; expense reimbursement**

- A. Reimbursable traveling expenses are limited to expenses necessarily incurred by an official or employee in the performance of a municipal purpose subject to the restrictions in this section.
- B. No claim for reimbursement shall be made for any lodging and/or meals furnished at no cost to the employee or official. No mileage or transportation expense will be allowed an employee or official when gratuitously transported by another person.
- C. All employee or officials travel must be approved in advance by the Mayor. Approval of travel will be based on whether it relates to a specific subject area that currently or is anticipated to be major issues in the municipality, is consistent with the employee's or the official's development or training, or is useful for development of the municipality's personnel.
- D. All lodging and commercial travel for approved travel must be arranged through the Mayor's office.
- E. Reimbursement for expenses incurred during approved employee or official travel shall be in accordance with the following:
  - (1) A mileage allowance of \$.28 mile exists for employees or officials using personally owned vehicles in the approved conduct of municipal business. In addition, an employee or official will be reimbursed with proper receipt for parking fees, ferry fees, and road and bridge tolls. However, the employee or official must pay all of the vehicle's operating expenses, such as fuel, repair, replacement of parts, and insurance.

- (2) Employees or officials, while on travel on municipal business, shall be allowed reimbursement of their meals (including tips) not to exceed ten dollars per meal.

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- (3) Only the following expenses incidental to travel shall be reimbursed:
- (a) Communication expense relative to official municipal business (Receipt required for over \$3)
  - (b) Registration fees at conferences.
  - (c) Cost of public ground transportation such as buses and taxis is reimbursable when the expenses are incurred as part of approved travel. For each transaction over \$10, a receipt is required.
  - (d) When using a motor vehicle on municipal business, necessary motor vehicle storage and parking fees, ferry fees, and road and bridge tolls. Receipts are required.

F. Requests for reimbursement are to be submitted on forms provided by the municipality. The requesting employee or official must sign the completed form and forward the same, along with the necessary support data to the Mayor for approval.

**Section 6.21** The Mayor shall provide each employee and volunteer with a copy of this Ordinance.

**Section 6.22 Validity and Separability**

A. Should any section or provision of this Ordinance be declared unconstitutional or invalid, such decision shall not effect the validity of this Ordinance as a whole or any part thereof other, than the part so declared unconstitutional or invalid. It shall be understood that where similar provisions are covered in other ordinances, the provisions of this Ordinance shall prevail, unless agreed upon otherwise by the Village Mayor (Administration).

This Ordinance shall become effective on September 10, 2001.

Said Ordinance having been introduced on August 13, 2001 by Alderman Sambola, notice of public hearing having been published on \_\_\_\_\_, said public hearing having been held, the title having been read and Ordinance considered, on motion by Alderman Sambola, to adopt the Ordinance, a record vote was taken and the following result was had:

Yeas: 3

Nays: 0

Absent: 0

Whereupon, the presiding officer declared the above Ordinance duly adopted on September 10, 2001.

Signed Joyce Core, Clerk

Signed Marshall Brumfield, Mayor

VILLAGE OF FOLSOM  
STATE OF LOUISIANA

**ORDINANCE AMENDING PERSONNEL ORDINANCE  
SECTION 6 "LEAVE" ARTICLE B(1) "VACATIONS"**

AN ORDINANCE TO PROVIDE FOR ACCRUAL OF VACATION  
TIME FOR PART-TIME EMPLOYEES

BE IT ORDAINED by the Board of Aldermen of the Village Of Folsom, State of Louisiana that the Village Of Folsom, Personnel Ordinance, Section 6 "Leave," Article B(1) "Vacations", be amended to read as follows:

- (1) Vacation time is calculated according to the following schedule based on the employee's/police officer's anniversary date:

<u>Years of Employment</u>	<u>Full-Time Employees</u>
1 year to 5 years	80 hours
5 years to 10 years	120 hours
10 years or more	160 hours

Part-time employees shall accrue vacation time at one-half the rate of full-time employees

BE IT ORDAINED that this ordinance shall take effect on and after its promulgation

Said ordinance having been introduced on the 10<sup>th</sup> day of March, 2003, notice of public hearing having been published, said published, said public hearing having been held on the 14<sup>th</sup> day of April, 2003, the title having been read and the ordinance considered, on the motion duly made and seconded to adopt the ordinance, a record vote was taken and the following was has:

Yeas: Alderman David Pittman  
Alderman George Garrett  
Alderman Ronald Holliday

Nays: None

Absentions: None

Absent: None

Whereupon, the Mayor declared the above ordinance duly adopted on the 14<sup>th</sup> day of April, 2003

Folsom, Louisiana this 14<sup>th</sup> day of April, 2003

Signed David Pittman, Alderman  
Signed George Garrett, Alderman  
Signed Ronald Holliday, Alderman

Approved:

VILLAGE OF FOLSOM

By:

Signed Marshall Brumfield, Mayor

CERTIFICATE

I, Joyce Core, certify that the above and foregoing is a true and correct extract of the minutes of the regular session of the Village of Folsom held at the Town Hall in the Village of Folsom, Louisiana on the \_\_\_day of \_\_\_\_, 2003. Present: Marshall Brumfield, Mayor, David Pittman, Alderman, George Garrett, Alderman, Ronald Holliday, Alderman. All present voted yea and there were no nays.

Signed Joyce Core, Municipal Clerk

