

CHAPTER 16

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PERSONNEL AND PERSONNEL POLICIES

NOT A CONTRACT

IMPORTANT NOTICE

A decision of the South Carolina Supreme Court requires that the Town of Sullivan's Island inform its employees in a conspicuous manner that they are employed "at will." This means that they are free to terminate their employment at any time, with or without notice and with or without reason. The Town of Sullivan's Island retains the same right.

No person except Town Council has authority to enter into a contract of employment which is not terminable at will. Neither the town's policies, not its practices, nor the oral assurances of its representatives create a contract of employment.

A contract of employment entered into by the Town of Sullivan's Island must e in writing, must state that it is a "Contract of Employment," and must be signed by the Mayor after a public vote by Town Council.

Article I. Responsibility for Administration.

Sec. 16-1. Establishment of personnel policies.

The Town Council of Sullivan's Island shall be responsible for establishing personnel policies. (Ord. 3-15-76, S1.1)

Sec. 16-2. Personnel Committee.

The Personnel Committee shall have the responsibility for the administration of the Town personnel program and procedures, based on the personnel policies as established by the Town Council of Sullivan's Island. (Ord. 3-15-76, S1.2)

Sec. 16-3. Interpretation.

The Personnel Committee shall be responsible for interpreting the various provisions of the Town personnel program . Such interpretation shall be based upon the principles expressed in the statement of personnel policy set forth by the Town Council, and subject to approval of Town Council. (Ord. 3-15-65, S1.3)

Sec. 16-4. Delegation of responsibility by Town Council.

The Council, at their discretion, may delegate all or any part of any responsibility conferred upon them pursuant to this chapter and other ordinances of the Town of Sullivan's Island and the South Carolina state law relating to hiring, complaints, discipline and discharge of employees to the Personnel Committee. (Ord. 3-15-76, S1.4)

Sec. 16-5. Conferences on personnel matters.

A department head or supervisor shall confer with his Council Committee chairman and the Administrator in matters of personnel.

The Personnel Committee shall confer with Council Committee Chairman in all matters of personnel pertaining to his department. (Ord. 3-15-76, S1.4, 1.5, 1.6)

Article II. Filling Vacancies.

Sec. 16-6. Equal employment opportunity.

It shall be the policy of the Town of Sullivan's Island to fill each position in the Town's classified service with the best qualified available applicant. Selections shall be made on the basis of educational background, related work experience and other work related factors but without regard to race, color, religion, age, sex or national origin. (Ord. 3-15-76, S2.1)

Sec. 16-7. Recruitment.

To insure efficiency and economy by eliminating duplication of effort in recruiting qualified applicants, and to insure that all citizens of the Town of Sullivan's Island have the opportunity to learn of vacancies in Town Government service, it shall be the policy of the Town of Sullivan's Island that only the Personnel Committee or Council shall be authorized to expend Town funds for the advertisement of vacancies, or for any other purpose related to the recruitment of applicants. All department heads shall notify the Personnel Committee, through the Administrator, immediately upon learning that a vacancy may occur. The Personnel Committee shall then take those steps as may be necessary to attract qualified applicants. The Personnel Committee shall eliminate those applicants who do not meet the minimum training and experience requirements before forwarding the remaining applications to the appropriate department head for further consideration. (Ord. 3-15-76, S2.2)

Sec. 16-8. Criteria and physical examination.

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As determined by the Personnel Committee, the selection process may include one or more of the following: oral interviews, evaluation of experience and training, reference checks, and performance tests. Physical examinations shall be required for such classes of positions as may be determined necessary by the Personnel Committee and the Department Head.

Sec. 16-9. Promotions and transfer.

In order to provide upward mobility for the employees in Town service, it is the policy of the Town of Sullivan's Island to consider persons currently employed by the Town for all vacancies before applications from the public are considered. The Personnel Committee should post a notice on the bulletin board for each vacancy that occurs stating the position, the minimum training and experience requirements, the salary range, and how and when to apply.

First consideration should be given to those persons in the department where the vacancy occurs for whom the vacant position would represent a promotion. If none of these persons are selected to fill the vacancy, all other Town employees requesting consideration shall be considered. Finally, any other applicant may be considered. (Ord. 3-15-76, S2.4)

Sec. 16-10. Final selection of new employees.

The final selection of the person to fill each vacancy shall be made (subject to provisions of Section 16-4 and 16-6) by the appropriate department head with the advice and consent of the Town Council. Utilizing reporting forms designated by the Personnel Committee, the Department head should appraise each applicant referred to him or her. (Ord. 3-15-76, S2.5)

Sec. 16-11. Probationary Periods.

All new employees shall serve a probationary period of six (6) months. During this period, the new employee's performance will be evaluated; if it is determined that the new employee's performance is not coming up to expected levels, he may be terminated at any time during this probationary period, by written notice. If requested by the department head and approved by the Town Council, the probationary period may be extended for up to 90 days.

If, at the end of the probationary period, the employee has earned a satisfactory rating, he shall be given regular status and will be eligible for consideration of a pay raise at the end of an additional six months. (Ord. 3-15-76, S2.6)

Section 16-12. Regular Status.

Employees who have satisfactorily completed at least six (6) months of continuous service with the town shall be granted regular status. Regular employees are entitled to all benefits and privileges provided in this chapter. (Ord. 3-15-76, S2.7)

Section 16-13. Job tenure not established.

Nothing contained in this chapter shall be deemed to confer job tenure upon any Town employee. Any employee may terminate his employment with the Town at any time with or without reason or notice. The Town reserves the same right.

ARTICLE III - Attendance, Leave, and Related Personnel Policies

Sec. 16-14. Attendance and work schedule.

Each department and office head shall be responsible for the attendance, work schedule and on-the-job performance of employees in his department and shall submit such personnel records to the Personnel Committee as may be required by the Committee. The attendance and work schedule of Town departments and offices shall be maintained on as uniform a basis as is practical for the purpose of providing maximum service for the public. (Ord. 3-15-76, S3.1)

Sec. 16-15. Holidays.

A. All regular full-time employees of the Town of Sullivan's Island shall observe the following official holidays as vacation with pay:

1. January 1, New Year's Day
2. Memorial Day

3. July 4, Independence Day
4. First Monday in September, Labor Day
5. November 11, Veteran's Day
6. Thanksgiving Day
7. Day after Thanksgiving Day
8. December 24, Christmas Eve
9. December 25, Christmas Day
10. December 26, day after Christmas
11. Personal Day of choice (with Supervisor's approval)
12. Other holidays as may be designated by the town. (9/19/00, 12/3/01)

B. For each paid holiday, each regular, full-time employee shall receive a holiday allowance equal to his normal pay for one workday. This time shall not be counted as hours worked for the purpose of computing overtime.

C. If one of the above holidays falls on other than a workday, employees shall be granted a holiday on a day either preceding or following the holiday, the determination to be made by the Personnel committee with the approval of Town Council.

D. Notwithstanding the foregoing provisions of this Section, holidays for personnel providing 24-hour essential services to town residents shall be governed by the practices essential to appropriate operation within that department.

Section 16-16. Vacation Policy.

It is the policy of the Town of Sullivan's island to provide a vacation affording the

opportunity for healthful rest and relaxation to all regular employees.

A. All full-time employees assigned to regular positions who have completed at least six (6) months of satisfactory service shall earn vacation time according to the following schedule:

1. regular full-time employees with less than ten (10) years of continuous service shall receive credit for one (1) working week of paid vacation at the end of each six (6) months of service.

2. Regular full-time employees with at least ten (10) years but less than twenty (20) years of continuous service shall receive credit for one (1) work week of paid vacation at the end of each four (4) months of service.

3. Regular full-time employees with twenty (20) or more years of continuous service shall earn credit for one (1) work week of paid vacation at the end of each three (3) months of service.

4. Regular part-time employees who are scheduled to work at least one-half the regular work week shall earn credit for paid vacation at a rate based on above schedule and in proportion to the percentage of the 4 regular work week that they are scheduled to work. (Example: A regular part-time employee who works twenty-five (25) hours per week with less than ten (10) years of continuous service would earn vacation time equal to one of his regularly scheduled work weeks (25 hours) each six (6) months).

5. Part-time employees hired to fill temporary or seasonal positions shall not earn or be paid for any vacation time.

6. Employees on full-time leave without pay for more than ten (10) consecutive workdays shall not earn credits for paid vacation while on leave status.

B. Vacation time may be charged in units of whole hours or whole days.

C. All full-time employees are required to take the equivalent of at least one (1) work week of paid vacation each calendar year.

All full-time employees entitled to three (3) or more weeks of vacation annually

may elect to be reimbursed for no more than one (1) work week of unused vacation. (7-15-86)

D. Except in the case of an emergency, all vacation time must be approved utilizing appropriate provided forms, in advance, by the employee's department head or, in the case of department heads, the Town Administrator. An employee wishing to take more than four (4) hours of vacation time would request approval at least one (1) week in advance. Request forms for this purpose are presented as Exhibit A.

E. Whenever possible, employees should be allowed to take paid vacation at times most convenient to them. However, in order to insure continued smooth operation and maintain a high level of quality in the delivery of services to the citizens of Sullivan's Island, the Town reserves the right to limit the number of employees that may be absent from the given department at any one time. When there is a conflict in the vacation choices of two or more employees who cannot be spared at the same time, generally preference will be given to the employee with the longest continuous service to the Town.

F. When a paid holiday is observed by the Town during the period an employee is on paid vacation, the employee shall receive only his regular holiday pay and that day shall not be charged against the employee's vacation balance.

G. Vacations shall be taken in increments of no more than two (2) consecutive calendar weeks except with the special permission of the Personnel Committee upon recommendation of the department head.

H. Should an employee be requested to work during all or part of his scheduled vacation, if he agrees, he may reschedule his vacation for a later time during the same year.

I. Up to the equivalent of three (3) workweeks of unused vacation earnings may be carried forward from one (1) calendar year to the next.

J. When an employee's employment with the Town is terminated by the Town for whatever reasons, he shall be paid at his regular straight time rate for all hours of unused vacation earnings. An employee who resigns without proper notice as set out in Article VI, 16-26 or who abandons his job is disqualified from receiving this benefit (See Art. VI, 16-26 & 16-27). In the event of death of an active employee, this payment shall be made to the executor or the administrator of his estate.

K. Notwithstanding the foregoing provisions of this section, vacation policy for personnel providing 24-hour essential services to Town Residents shall be governed by the appropriateness of the activity to that particular department. (note)

(3-15-76, S3.3; 7-17-78)

Section 16-17. Maintenance of attendance records and schedule of compensation.

An attendance record shall be maintained for each employee by the administrative office. This record should reflect all absences including sick leave, vacations, civil leave, etc., and shall be made available to him for inspection upon request.

The head of each department shall be responsible for the completion of a weekly attendance report for his department. This report should be filed with the administrative office no later than noon the following Monday. (Ord. 3-154-76, S3.4)

Employees shall be paid BI-weekly, on Friday, for work accomplished during the prior two week period. Attendance shall be approved by the Administrator, checks issued by the Town Clerk and signed by a representative of Town Council and the Town Clerk. Checks shall be issued to the Department heads for distribution within their departments.

Sec. 16-18. Sick leave policy.

It is the policy of the Town of Sullivan's Island to provide reasonable time off with pay, up to the amount of unused sick leave earnings, to employees who are unable to work due to personal illness or injury.

A. All regular full-time employees shall earn credit for paid sick leave at the rate of one day of paid leave per month of continuous service. Sick leave shall accrue the first day of the month.

Employees hired on or after the 15th of the month shall begin accruing sick leave on the first day of the month following the first full calendar month of employment. (Example: An employee hired January 16th will accrue his first day of sick leave March 1st. An employee hired January 15th will accrue his first day of sick leave on February 1st.) Regular part-time employees who are scheduled to work at least one-half the regular work week shall earn credits at a rate in proportion to the percentage of the regular work week that they are scheduled to work. Employees who work less than one-half the regular work week or who are on full-time leave without pay for more than ten (10)

consecutive workdays shall not earn sick leave credits.

B. Sick leave shall be charged in units of whole hours or whole days.

C. Sick leave may be paid when an employee is unable to work due to personal illness, pregnancy, or injury, when the employee's presence may endanger the health of fellow workers, or upon enforced quarantine of the employee.

D. Sick leave may not be used to cover absences made necessary by illness in an employee's family.

E. When a paid holiday occurs during the period an employee is on sick leave with pay, the employee shall receive only regular holiday pay and the day shall not be charged against sick leave earnings.

F. Payment of sick leave - In order to be eligible for sick leave with pay, an employee must:

1. Report to his supervisor within sixty (60) minutes of the scheduled starting time the reason for the absence, except as otherwise outlined in police or fire department policies. An employee who fails to so notify his superior shall not be paid for the day(s) taken prior to notification.
2. If the absence extends beyond three (3) days, keep his supervisor advised as to his condition and anticipated date of return.
3. Submit a statement from the attending physician as to the nature and duration of the illness, when requested, in case of duration of more than three (3) days, repeated absence, and cyclic illness.
4. Upon leaving employment of the Town, for whatever reasons, an employee will not be reimbursed for unused accrued sick leave.
5. Upon returning to work following sick leave, complete appropriate forms documenting sick leave taken.
6. Complete the appropriate sick leave form attached as Exhibit B.

G. Long term illness - After an employee has used all accrued sick leave credits, he may elect to use his annual leave earnings before being placed on leave without pay.

Such leave without pay may be up to one (1) full year from the last day worked. An extension of up to six (6) months may be granted with approval of the Town Council.

H. Notwithstanding for foregoing provisions of this section, sick leave for personnel providing 24-hour essential services to Town residents shall be governed by the Policy Manuals of the affected departments. (3-15-76, S3.5; 7-17-78)

Sec. 16-19. Returning to work.

The position held by an employee may be held open while he is on extended medical leave by redistributing the work among other employees in the department or by filling the position on a temporary basis, if possible. The position may be filled on a regular basis, if necessary, to ensure the continued smooth operation of the department and maintain a high level of quality in the provision of services to the citizens of the Town of Sullivan's Island.

An employee who wishes to return from leave may be reassigned to his former position if there is a vacancy to be filled. If there is no such vacancy, the employee may be placed in any vacant position to be filled for which he is qualified. If there is no position available for which he is qualified, the employee may be granted an extension of leave until a position becomes available, provided that the total leave period shall not exceed one year. An employee who is unable to return after one year will be automatically terminated.

The Town may require a statement from the employee's physician, confirming that the employee is able to return to work.

Sec. 16-20. Educational Leave.

Educational leave is provided to encourage all regular employees to continue their

education in order to maintain and improve skills and knowledge useful in their current positions or necessary for assuming additional responsibilities in the future. Classes should be scheduled during off-duty hours. An employee must obtain permission of his department head to miss work for educational purposes, subject to approval of Town Council.

A. Approved courses - As used in this section, an approved course shall be:

1. Any course taken at an accredited institution which has been determined will help the employee improve his performance in his present position or prepare him for opportunities for advancement.

2. All courses taken at an accredited institution as part of a curriculum leading to a certificate, diploma or degree which the Town determines will help the employee improve his performance or prepare him for opportunities for advancement.

B. Educational Leave without pay:

1. Definition - Full or part-time leave in a non-pay status requested by employee so that he may take approved courses; such leave shall be approved in advance by the employee's department head and the personnel committee.

2. Applying for leave - An eligible employee may apply by submitting a letter of request to his department head at least thirty (30) days before the first day of leave requested or within five (5) days of notification of his acceptance for admission by the school, whichever is later. The letter of request must include:

- a. The type and purpose of leave requested.
- b. The duration.
- c. An attached copy of the letter of acceptance from the school at which the leave will be taken.
- d. Such other information as may be helpful to the reviewing authority in reaching its determination based upon evidence of previous progress.

C. Notification - The employee's request shall be acted upon and the employee notified within ten (10) working days.

D. Reinstatement - Upon an employee's successful completion of a full-time leave, the Town shall reinstate the employee to his former position, provided such vacancy exists and is to be filled.

E. Part-time education leave with pay - When an approved course cannot be scheduled during off-duty hours, any regular, full-time employee may request time off from his regular work schedule so that he may meet classes. Such requests shall be made in writing, using the "Request" for Educational Leave for Professional Development" form, and shall be submitted to the employee's department head.

If his request is endorsed by the department head and approved by the Personnel Committee, the employee may be granted time off with pay to take one course per school term for up to the equivalent of four (4) semester hours credit, provided such time off will not interfere with the normal operation of the department.

F. Required courses - From time to time it may be necessary for the Town to require certain employees to take one or more courses. When this does occur, the Town will pay all of the costs of the course including tuition, fees, books and reasonable transportation costs.

G. Request form - The request form referred to in Subsection E shall be as follows:

REQUEST FOR EDUCATIONAL LEAVE FOR PROFESSIONAL DEVELOPMENT

I am interested in taking the course described below at _____ .
Classes will meet from _____ to _____
on _____. So that I may attend these classes, I request
permission to be off work from _____ to _____
on the days the class meets.

COURSE DESCRIPTION

First day of class: _____ Last day of class: _____
(date) (date)

Goals to be achieved (immediate and long term goals):

Employee Signature

Date

PERSONNEL COMMITTEE:

APPROVED:

Department Head

Date

Date

(ord. 3-15-76, S3.7)

Sec. 16-21. Military Leave

Employees are entitled to such leave of absence and reinstatement upon return from leave of absence for military service (including Reserve and National Guard duty) as may be provided by applicable state and federal law. The provisions of such laws change from time to time and, for that reason, no effort is made to set forth the law in this policy.

Sec. 16-22. Civil Leave

A. Jury duty - all regular Town employees selected for jury duty shall be entitled to civil leave with pay for a period up to a maximum of two weeks per calendar year. Such leave shall not be charged to annual or sick leave earnings, except that on any day when such employee is excused from service on a jury he will be expected to report for duty at his regular place of work if within reasonable commuting distance or be charged annual leave for time excused from jury duty. Likewise, any period of time for which any employee is excused from jury duty because of illness shall be charged to sick leave. An employee shall be entitled to all fees received as a juror.

B. Official court attendance - All employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the Town shall be entitled to leave with pay for such period as his court attendance may require. Any fees paid for such service shall be retained by the employee.

C. Private litigation - Absence of a town employee to appear in private litigation in which he is a principal or in which he has an interest shall be charged to annual leave or to leave without pay.

(Ord 3-15-76, S3.9)

Article IV - Hiring of Relatives: Nepotism

Sec. 16-23. Limitation of Hiring of Relatives.

A. Persons in the same immediate family will not be employed or continue to be employed if one directly supervises another or interacts with another in the handling of money or compensation. Immediate family is defined as spouse, parent, child, grandparent, grandchild, brother or sister, parent-in-law, grandparent-in-law, brother-in-law and sister-in law. The immediate family will be considered to include step-parents, step-children, step-brothers, and step-sisters when the employee and the step-relative

have lived together regularly in the same household.

B. If employees become related by marriage and create a situation prohibited by this policy, one of the employees must give up his position. If the employees cannot choose which of them it will be, the employee having the lower budgeted annual compensation will be removed. The Town will make an effort to find another position for the removed employee.

C. Unrelated employees residing together in an apparently romantic relationship will be treated as being within the immediate family of each other for the purposes of this nepotism policy.

Sec. 16-24. Safety

the to of Sullivan's Island is concerned for the welfare and safety of its employees and the public it serves.

In that regard, the Town requires that all personnel develop reasonable, practical, safe job procedures and participate in training, training on equipment and continuing education to ensure safety. The Town further requires that all employees adhere to state and federal requirements for safety such as those mandated by OSHA and South Carolina State Law. Some, but not all, of these include personal protective equipment and seat belt laws.

The Town has in place a Town Safety Committee and the need to have periodic meetings of this committee. In part, it is the Committee's responsibility to develop, administer and encourage safety programs. The Town acknowledges the designation of the Town's Hazardous Communication Officer as the Fire Chief.

All employees acknowledge the responsibility for safety and the need to follow safe practices and report accidents when they occur to their Supervisor. The Supervisor will then report same to the Town Administrator and Town Clerk. Additionally, periodic safety inspections shall be conducted by the Public Safety Officer and the Town Administrator to insure safety practices and to seek ways to improve and evaluate work conditions.

Each new employee shall acknowledge by signing the Safety Policy Exhibit that he or she has been given and read this policy. A copy of the Safety Policy Exhibit shall be included in each employee's personnel record. (9-21-99)

Article V. Grievance Procedure

1.0 General

This procedure is adopted in accordance with the "County and Municipal Employees Grievance Procedure Act," Section 8-17-110, et seq., code of Laws of south Carolina, 1976, as amended.

1.1 A Grievance is defined as any complaint by an employee that he has been treated unfairly, unlawfully, or in violation of his rights under Town policies, with regard to any matter pertaining to his employment by the Town. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion, and demotion. If an employee believes that he has not received or been credited with or has otherwise lost wages or benefits to which he is entitled, he must present his grievance in accordance with this procedure or such wages or benefits may be forfeited.

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

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

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

Step 3. If the head of the department in which the employee is employed denies

the grievance, this decision shall be final as to any grievance brought by a probationary employee. A new employee shall be considered probationary until his probationary evaluation is completed and approved by his department head.

1.3 Other employees may appeal to the Employee Grievance committee the denial of their grievances by the department heads by filing a written request for appeal via the Administrator to the Town' Personnel Committee. This must be done within 14 calendar days of the time at which the facts on which the grievance is based became available to the employee. The written request for appeal must include the following information:

(a) The purpose of the appeal and what recommendation is requested of the Grievance Committee; and

(b) A statement that the chain-of-command has been followed in the appeal as is required by the grievance procedure.

1.4 Within ten (10) days of the receipt of the employee's request, the Chairman of the Grievance Committee shall schedule the requested hearing and notify the Grievance Committee, the employee requesting the hearing, the affected department, and the Administrator.

2.0 The Employee Grievance Committee

The Town Council shall appoint a Committee composed of five (5) employees to serve for terms of three (3) years, except that the members appointed initially shall be appointed so that their terms will be staggered, and approximately one-third (1/3) of the terms shall expire each year. A member shall continue to serve after the expiration of his term until a successor is appointed. Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term shall be for the unexpired term. Any member may be reappointed for succeeding terms at the discretion of Town Council. All members shall be selected on a broadly representative basis from among Town employees. Members employed in the same department as the grieving employee and members having formed an opinion on the issues prior to the hearing, shall not participate in that employee's hearing.

2.1 The Committee annually shall select its own chairman from among its members. The Chairman shall serve as the presiding officer at all hearings which he attends but may designate some other member to serve as presiding officer in his absence. The chairman shall have authority to schedule and to re-schedule all hearings.

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

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

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

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

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

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

2.8 In non-disciplinary grievances the employee must establish that a right existed

and that it was denied him unfairly, illegally or in violation of a Town policy. The employee shall make the first presentation.

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

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

2.11 The Committee shall, within 20 days after hearing an appeal, make its findings and recommendations and report such findings and recommendation to the Town Administrator for transmittal to Town Council. If Council approves, the recommendation of the committee shall be its decision and copies of the decision shall be transmitted by the Committee to the employee and to the head of the particular department involved. If, however, the Town Council rejects the decision of the Committee, Council shall make its own decision without further hearing, and that decision shall be final. Copies of the decision shall be transmitted to the employee and to the head of the particular department involved.

2.12 Nothing in this grievance procedure creates a property interest in employment or a contract of employment, nor does this procedure limit the authority of the Town to terminate any employee when the Town considers such action to be necessary for the good of the Town.

Article VI. Separation from Service.

Sec. 16-26. Resignations: notice.

To resign in good standing, an employee shall give and properly work his department or office head at least two (2) weeks notice in writing. Failure to comply with this rule shall be entered on service record of the employee and disqualify them for vacation pay. The department head or office head, with the approval of Town Council, may exempt an employee who has given less than the required notice if, in his judgment,

exception circumstances warrant such exemption. (Ord. 3-15-76, S6.1)

Sec. 16-27. Job Abandonment

An employee who, without valid reason, fails to report to work for three (3) consecutive work days without authorized leave shall be separated from the payroll and reported as compulsory resignation. Such an employee is not entitled to pay for any unused vacation and is not eligible for reemployment, except upon approval of Town Council. (Ord. 3-15-76, S6.2)

Sec. 16-28. Lay-offs.

A. When it becomes necessary to reduce the work force in a department or division thereof because of lack of funds or other causes, employees generally shall be laid off on the basis of the following factors, subject to paragraph B of this section: Length of service with the Town, and the average performance rating for the last three (3) years of service or for the entire period, if less than three (3) years.

B. When a department head believes that a certain individual is essential to the efficient operation of the department or the organizational unit because of special skills or abilities, and he wishes to retain this individual in preference to a person with a higher rating as provided above, he must submit a written request to the Town Council for permission to do so. This request must be set forth in detail the specific skills and abilities possessed by the individual and the reasons why such individual is essential to the effective operation of the department or organizational unit. If the Town Council approves the request, the individual may be retained.

C. If a regular employee is scheduled to be laid off, he may be offered a demotion to a lower class if qualified and provided suitable vacancy exists.

D. Prior to a reduction in force, the names and class titles of any and all regular employees scheduled for lay-off shall be submitted to the Town Council for approval, and not until approved shall any lay-off be consummated.

E. Regular employees shall be notified in writing of their lay-off by the department head at least fourteen (14) days prior to the effective date of the lay-off or shall receive the cash equivalent.

Sec. 16-29. Dismissals or suspensions.

Any employee may be dismissed or suspended by the Personnel Committee, subject to appeal to the Town Council. Such employee may also be dismissed or suspended by a department head with the approval of the Personnel Committee, but a written statement of reasons for the dismissal shall be submitted to Town Council through the Personnel Committee. There is some employee conduct which is unacceptable. The Town reserves the right to determine, at its sole discretion, what discipline, if any, will be imposed in any particular situation. Any employee conduct which the Town deems unacceptable may result in discharge. No Town employee can be terminated by anyone other than Town Council or its personnel committee. Department head and the Town Administrator can suspend an employee without pay pending council or the committee's approval for discharge, demotion, or disciplinary suspension. Department heads and the Town Administrator shall have the authority to issue reprimands and counseling memoranda without council or committee approval. Any employee who receives written discipline must sign a copy of the document. His signature does not signify agreement, but only acknowledges receipt. Any employee refusing to sign a disciplinary document is subject to discharge.

Sec. 16-30. Demotions

If an employee is not performing up to expected levels, he may be demoted to a lower classification or reduced in salary if such action is recommended by the department head and approved by the Personnel committee.

Sec. 16-31. Loss of Job Requirements.

Any employee who is unable to adequately perform his job, due to his loss of an necessary license or similar requirement, shall be subject to termination. Such an employee may, at the Town's discretion, be placed in an alternative position for which he is qualified if such a vacancy exists which is to be filled.

Sec. 16-32. Annual leave accumulated at death.

When an employee dies, his estate or such beneficiary as designated shall be eligible to receive his accumulated annual leave remuneration. (Ord. 3-15-76, S6.7)

Sec. 16-33. Employment Termination: interview and property in custody.

The Personnel Committee should conduct an exit interview with each employee who resigns or otherwise is separated in good standing with the view toward reducing turnover and improving personnel administration generally. Before receiving the last pay check, an employee shall have surrendered any Town property or materials assigned to him/her and have completed other separation actions which may be prescribed by the Personnel committee. Exit interviews conducted by the Personnel Committee shall not preclude such interviews by department heads or Town Council (Ord. 3-15-76, S6.8).

Sec. 16-34. Retirement benefits.

Retirement benefits are available for Town employees who are members of either the South Carolina Retirement System or the South Carolina Police Officers Retirement System. The department head shall provide assistance and direction for any employee eligible for retirement. In any case, retirement applications must be made in compliance with rules of the South Carolina Retirement System. (Ord. 3-15-7, S69)

Article VII. Employment Records and Reports.

Sec. 16-35. Personnel transactions.

All appointments, separations and other personnel transactions shall be made on forms and in the manner designated by the Personnel Committee. (Ord. 3-15-76, S7.1)

Sec. 16-36. Public inspection of certain records.

The following information relative to employees and former employees is available for public inspection at reasonable times and in accordance with such procedures as the Personnel Committee may prescribe: name, address and class (job) title. Examination records, performance rating reports and salary are accessible only to the department head concerned, the Personnel Committee, and the employee involved. Other personnel information may be made available for official purposes at the discretion of Town Council, but in compliance with all state and federal freedom of information acts. (Ord. 3-15-76, S7.2)

Sec. 16-37. Record Destruction.

All records shall be kept three years. All other records, including correspondence, applications, and examinations may be destroyed after three (3) years at the discretion of the Personnel Committee. (Ord. 3-15-76, S7.3)

Article VIII. Transportation and Subsistence Allowance.

Sec. 16-38. General Policy.

When employees of the Town of Sullivan's Island are required to travel on official business, the Town will pay reasonable amounts for transportation, meals, lodging, should this not be provided. (Ord. 3-15-76, S8.1)

Sec. 16-39. Transportation Costs.

A. The Town may purchase tickets in advance for employees traveling by common carrier. All employees shall travel in tourist class whenever possible.

B. Employees who, with proper authorization, use their personal vehicles for official business may be reimbursed at the current approved state employee mileage amount.

C. Employees may be reimbursed upon proper receipt for all ferry, bridge, road and parking tolls. Receipts for taxi fares are not required; however, taxi expenses must be itemized.

Sec. 16-40. Meal Allowance.

Employees may be reimbursed for actual meal expenses incurred while traveling, not to exceed limits set for state employees unless otherwise authorized. Receipts must be presented for all meals. (7-16-84)

Sec. 16-41. Lodging expense.

When lodging is required, employees are expected to utilize standard, medium-priced hotels and motels whenever possible. If any employee is to attend a formal, organized meeting or convention, he may stay at the hotel or motel where the meeting is to be held. In all cases, the Town will pay no more than the regular single room rate. Receipts must be presented for all lodging. (Ord. 3-15-76, S8.4)

Sec. 16-42. Travel advances and report.

Travel advances may be made to cover anticipated travel expenses with the approval of the Personnel committee. All travel must be authorized by the department head with the approval of the Personnel Committee of all expenses must be supported by an expense report. Expenses not reported within 4 weeks of the time incurred will not be reimbursed. Travel advance and travel expense forms must be submitted and are presented as Exhibits C and D. (Ord. 3-15-76, S8.5)

Sec. 16-43. Special Expense Allowances.

Special expense allowances will be determined on an individual basis and shall be approved in advance by the Personnel Committee. Allowances will be considered in connection with the preparation of the annual budget. (Ord. 3-15-76, S8.6)

Sec. 16-44. Use of Town Vehicles and equipment; restrictions.

The use of Town owned vehicles or equipment for private business is strictly prohibited. Vehicles shall be used for official business only and shall be operated within the limits of the law at all times. Operators shall be held responsible for fines or damages resulting from their own negligence or willful acts. (Ord. 3-15-76, S8.7)

Article IX. Other Fringe Benefits

Sec. 16-45. Publication of benefits.

The Town will provide a description of health benefits provided by the health plan administrator.

Article XI. Drug Free Work Place Policy

Sec. 16-47. Use of Drugs in the work place.

1. The illegal manufacture, distribution, dispensation, possession, or use of any controlled substances is strictly prohibited on all Town of Sullivan's Island premises, including any site where performance of work is done in connection with the Town.
2. "Controlled Substance" means any controlled substance listed in Schedules 1 through V of Section 202 of the Federal Controlled Substances Act, Title 21, United States Code, Section 812.
3. Violation of this policy by any employee of the Town of Sullivan's Island will result in his/her immediate discipline up to and including discharge.
4. Each employee shall be given a copy of this policy and required to sign acknowledgment receipt (Exhibit A). By continuing to work, the employee agrees that he/she will abide by the policy as a condition of employment. Failure to sign the form or abide by the policy will result in discipline up to and including discharge.
5. As a condition of employment, employees agree to notify his/her Department Head who shall notify the Administrator who shall notify Town Council within five calendar days after any criminal conviction for the manufacture, distribution, dispensation, possession, or use of any controlled substance at the work place. Criminal conviction means a finding of guilt, including a plea of no contest (nolo contendere), or imposition of a sentence, or both, by any judicial body charged with responsibility to determine violations of Federal or State criminal drug statutes.
6. On the form attached as Exhibit E, the Town of Sullivan's Island shall notify all federal contracting agencies or grantors of such conviction within ten days after receiving notice of the conviction.

B. Drug Free Awareness Program

1. Drug abuse is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury or possible death.

2. In order to prevent these consequences of drug abuse, the Town has implemented the drug free work place policy to ensure that the work place and employees remain drug free.

3. The following local organizations have drug counseling, rehabilitation, and/or employee assistance programs:

Fenwick Hall

Charleston County Substance Abuse Commission

Berkeley County Alcohol & Drug Abuse Commission

Dorchester County Commission on Alcohol & Drug Abuse

4. Violations of any provision(s) of this policy will result in immediate and appropriate disciplinary action against the employee, up to and including discharge.

5. In considering what disciplinary action is appropriate for a drug-related conviction arising in the work place, the Town of Sullivan's Island Town Council may consider the employee's agreement to enroll in and complete a Town-approved counseling/rehabilitation program as a factor in determining the severity of the disciplinary action. When an employee agrees to undergo counseling or rehabilitation, it shall be at the employee's expense, and any absences necessitating thereby will be handled in accordance with then-existing policy regarding sick leave and/or unpaid leave of absence.

6. When an employee agrees to counseling or rehabilitation, he/she cannot be reinstated to full employment until he/she achieves a negative test for controlled substances, as determined by a laboratory approved by the Town. If any employee is unsuccessful in achieving rehabilitation, termination will follow.

7. An employee desiring to return after completing the agreed upon counseling or rehabilitation may be reassigned to his former position if such a vacancy exists and is to be filled. If his former position is not available, he may be placed in any other vacancy which is to be filled and for which he is qualified. If there is no such vacancy, he may be granted leave without pay in accordance with the Town's leave policy.

8. Nothing in this policy shall be construed to require that the Town offer any particular employee an opportunity to complete counseling or rehabilitation in lieu of discharge. Any employee who violates this policy is subject to immediate discharge.

EMPLOYEE ACKNOWLEDGMENT OF DRUG-FREE
WORK PLACE ACT

(Pub. L. 100-690)

I have received a copy of a statement that the unlawful manufacture, use, distribution, or possession of drugs or other controlled substances is absolutely prohibited on Town premises, and agree to abide by the terms of this statement. I further understand and agree that I must notify my Department Head if I am convicted in a criminal court of violating any drug laws. This notification must be given no more than FIVE days after the conviction. I agree that my compliance with these terms of my employment is required as long as I work for the Town of Sullivan's Island. My failure to comply will result in discipline up to and including discharge.

DATE

EMPLOYEE SIGNATURE

EXHIBIT A

NOTIFICATION FORM

(USE OF DRUGS IN THE WORK PLACE)

The Town of Sullivan's Island is a federal grant recipient. Pursuant to the Drug-Free Work Place Act, Pub. L.100-690, Title V, Subtitle D, Section 5153 (a)(1)(E), the Town is notifying all federal granting agencies, including yours, that its employee, (insert name) was convicted of the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the work place. The Town learned of this conviction less than ten days ago.

Date

Authorized Signature

EXHIBIT E

NOTICE OF DISMISSAL FOR VIOLATIONS
OF DRUG-FREE WORK PLACE ACT

You have been convicted of violating drug abuse laws while an employee of the Town of Sullivan's Island. Your use of drugs violates the Town's drug free work place policy. You received a copy of this policy and were obligated to comply with it. Under the policy, your conviction warrants your immediate dismissal or entry into a drug rehabilitation program. You are hereby (discharged) (required to complete a rehabilitation program).

Date

Authorized Signature

EXHIBIT F

Article X Anti-Harassment

Sec. 16-48 Anti-harassment

The Town of Sullivan's Island prohibits employment decisions from being made on the basis of race, sex, religion, national origin, age, handicap, and similar distinctions. In addition, it is the policy to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being.

If this policy is violated by anyone with who you come in contact with on the job, regardless of whether it is by a fellow worker, a supervisor, a customer, or a member of the general public, please use the grievance procedure to let us know. If you feel that your supervisor is violating this policy you should initiate your complaint with your supervisor's supervisor. Your grievance will be kept as confidential as possible, consistent with its efficient investigation.

Employees (including supervisors) who are found to have violated this policy will be subject to discipline commensurate with the seriousness of their conduct.

