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City of Walterboro

242 Hampton Street

Walterboro, South Carolina 29488

Mailing Address:

Post Office Box 709

Walterboro, SC 29488-0008

**Walterboro City Council
Regular Meeting
April 2, 2019
City Hall
6:15 P.M.**

A G E N D A

I. Call to Order:

1. Invocation.
2. Pledge of Allegiance.

II. Public Input on Agenda Items:

III. Approval of Minutes:

1. Minutes of the March 5, 2019, Regular City Council Meeting (Minutes attached).

IV. Old Business:

V. New Business:

1. **Ordinance # 2019-02**, An Ordinance to Amend the Zoning Map of the City of Walterboro, South Carolina to provide for changes in the zoning districts of the City of Walterboro by changing the zoning classification of one parcel of land on Bells Highway designated as TMS # 147-09-00-041 from Highway Commercial District (HCD) to Interstate Interchange Commercial District (IICD) (Ordinance attached).
2. Request to Use Downtown Plaza and to Close Street for Annual Memorial Day Ceremony on **May 29, 2019**, by Colleton County Veterans Council (Letter attached).

VI. Committee Reports:

VII. City Manager's Report:

1. Introduction of New Fire Captain, Wilson Murdaugh - Fire Chief, Paul Seigler.
2. Consideration of Adoption of Updated City of Walterboro Personnel Administrative Guidelines (attached).

Page -2-
City Council Meeting
Agenda
April 2, 2019

VII. City Manager's Report Cont'd:

3. Consideration of Approval of Task Order from Hybrid Engineering, Inc. for Engineering Services for Mable T. Willis Boulevard Well (attached).
4. Lowcountry Regional Cleanup - Monday, April 22, 2019.

VIII. Executive Session:

1. Contractual Matters:
 - A. Electric Franchise Agreement.
 - B. I-95 Business Loop Project Phase 1B/1E.
2. Receipt of Legal Advice - News Article.
3. Personnel Matter - Appointment to Historic Preservation Commission.

IX. Open Session:

1. Council May Take Action on Matters Discussed in Executive Session.

X. ADJOURNMENT.

Walterboro City Council
Regular Meeting
March 5, 2019

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, March 5, 2019 at 6:15 P.M. with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Carl Brown, Judy Bridge, Paul Siegel, Bobby Bonds and James Broderick. City Manager Jeff Molinari, Assistant City Manager Hank Amundson, City Clerk Betty Hudson, and City Attorney George Cone were also present. There were approximately 19 persons present in the audience. Council Member Pryor was absent.

There being a quorum present, Mayor Young called the meeting to order and invited everyone to join in the invocation and the pledge of allegiance to our flag. Mayor Young gave the invocation and Council Member Bonds led the pledge of allegiance to our flag.

PUBLIC INPUT ON AGENDA ITEMS:

There were no comments or questions on agenda items.

PRESENTATION:

Ms. Vernelle Simmons - U.S. Census Bureau

Ms. Vernelle Simmons, a partnership specialist with the U.S. Census Bureau, appeared before Council to discuss the federal agency and the city teaming up to improve the census count for 2019. Ms. Simmons handed out resource materials to all Council Members.

Ms. Simmons told Council this was her second term working with the census. She stated that she worked in 2010, and in 2010 her territory started in Georgetown and went straight out that corridor.

You have to have a plan starting early. So, people say, why do you start the census so early, it's not until April 1, 2020? Well, again, this is about the plan. The census started in 1790, and the first census was done on horseback. At that point, we've got to do something, we've got to do this because we need to make sure people are getting what they are supposed to in their communities. Then, it expanded from horseback as we all know. Now, we do the census because it is a constitutional mandate. We must do it every 10 years. It is generally done with a year with a zero (0). So whatever figures you get from your county in 2020 will last for ten (10) years. George Washington University did a survey to find out where the census money is really going. This would give a rough estimate or a good idea of where dollars are going from the census, because we know the census gives resources back into the community. So, they itemized some different places where your money would go, but more importantly we found that in South Carolina, based on the last census, we get \$1,499 per capita, every other 10 years.

Mayor, I say to you, look at your budget. So, now we ask how do we get to look better. How do we get better than \$1,499 per capita? There are many different ways. First, is by partnering with the Census. By partnering with us, you become a partner on a large scale. You will have a person, like me, who will help and advise. Because there is so much energy in this county, there are such great minds here. We know that if we start this planning, we can get to where we need to go. So, my job is to get you to be our partner. By becoming our partner, we think, and we know from past censuses that we can help you get a better count. There are a lot of ways to partner with us to try and get a better count. It is by creating a Complete Count Committee. You probably did this 10 years ago. Your liaison is the person who connects with me, and I become that person who helps you to understand how to fine tune some things.

MINUTES/Page II

You make the plan and you live your plan. In making a plan, you must include several people on that committee, because the Mayor and all Council members are trusted voices, but you have other trust voices. A trusted voice is a voice that people listen to. People go to beauty shops and barber shops and there is always conversation. Now, some of the people in these places you listen to and some you don't. But the people you listen to are trusted voices. So, if you know that if Mr. So and So says it, it's true. So, the Complete Count Committee will provide the sub committees. One subcommittee will be for recruitment, because there are jobs. We have jobs. The census brings jobs. Again, helping your community.

Census Day is April 1, 2020, but everyone may not complete their forms on that day. So, before August, we need to have people knocking on doors saying, "remember to complete your forms." There are no forms this year to give out as such. The census is different this time from 10 years ago. This time, you will have three different ways to file your form - by computer, smart phones (internet), you can request a paper copy, or you can call on the telephone. This is the very first time we have ever done that. For those people who would say "why would I file this, you know people just want my information." The census is safe and secure, completely secure. No one will know what's on your form. By helping your count, we can get more resources into this community.

By mid-March, you will get a card in the mail, and it will say "Census day is April 1, 2020", and it will also say there are three ways you can complete it. So, you go back to your Complete Count Committee. You may even have your library where you can use their computers. That person again is a part of your Complete Count Committee. We are going to have this event, and that is another person. You will have someone from education, social work, someone from the business sector. You have several different people on this committee, and you come together to form one big plan. Many times, when you do plans like this, people start out thinking small. I say, "think outside the box," because your community is unique to you. You know what it needs, you have a pulsing City, because you have already tapped into your "trusted voices." And you can get people on your committee who are from your local city, because that's how it works. This is not a committee that starts from top down. This is a committee that's all inclusive, a committee that says we are working at this together, so that those pockets that we think are hard to count who don't believe, we will get them on our side and believing.

One of the things we do know is our communities have changed in ten years. They have truly changed. But the one thing that we have found to be true, through our research throughout the ten years is that the people we find to be the hardest to count are children. Why, there are many different reasons, but I say to you our family structure has changed, so maybe that's why we are not counting kids like we use to. Again, the kids are the hardest to count. We want to make sure they are counted.

We need to count everyone once and in the right way. Everyone needs to be counted first where they spend the majority of their time, wherever that is. Some people say, what does that mean. It means wherever you spend most of your time. That's where you are counted. College kids will be counted in dormitories, if they live in a dormitory. If there are college students who live in apartments, that's where they will be counted at their residence. We will have people out to count the homeless. So, there will be no sector of your community that will go untouched. But in order for us to make sure that you get a better count and get the resources back in your community, we ask you to partner with us. I will come in and ask you to do a Complete Count Informational Session as your training, so you will understand exactly what your rolls will be and how to get the best bang for the committee. This is where we need you. We need you in other ways too. We need you to say (at your next Council meeting), we will pledge April 1, 2020 as Census Day - make sure you complete your census form. We need you. I would encourage people to go for jobs because they are coming.

MINUTES/Page III

In your folders you will see a flyer in there talking about jobs. She then pointed out the different flyers in the folders previously passed out the Council.

But we need you to be our partner, and that's my story and I am sticking to it. I live in South Carolina and I know that we can get a better count than we did in 2010, and I am here to help you.

Council Member Bridge then asked if the partnership would be with Walterboro as opposed to the county? Would you partner with Walterboro and the county? Ms. Simmons responded, yes, I would do both. I would speak with anybody you tell me to, because the point is, we need to count everyone once and in the right way.

Ms. Simmons then said, so, before I leave, could I get a head nod that you will at least consider this? Some Council members answered with a "yes" and others nodded affirmatively.

Concluding Ms. Simmons said I look forward to hearing from you. We do want you to partner with us and we do want your count to be better than it was in 2010. I am not saying that it was bad, we just want it to be better. When you know more, you do better and right now that's where we are.

Mayor Young then thanked Ms. Simmons for coming and speaking before Council. He also told Ms. Simmons, we will try to remind everybody at meetings as we go forward with this.

The Mayor then asked Ms. Simmons, once we have the self-reporting, then will you have people who will actually go out to the homes? Ms. Simmons answered, we will have them to go out, because generally what we are hoping is that, being that we have the three different ways of actually getting the census done at this time, we won't need as many enumerators as we did in the past, but we are expecting we will need some. So, we will send people out knocking on doors.

This agenda item was accepted by Council as INFORMATION. No formal action was taken.

APPROVAL OF MINUTES:

The Minutes of the February 12, 2019 Regular Meeting were approved as submitted on the motion of Council Member Bridge, seconded by Council Member Broderick and passed unanimously, except Council Member Pryor was absent and did not vote.

OLD BUSINESS:

There was no Old Business before Council.

NEW BUSINESS:

1. Resolution # 2019-R-01, A Resolution Recognizing April 2019 as Fair Housing Month and Annual Notice on Policy of Nondiscrimination

City Manager Molinari told Council, this is something we do on an annual basis as part of one of the requirements of our participation in the CDBG Program.

A motion was made by Council Member Broderick, seconded by Council Member Siegel to adopt Resolution # 2019-R-01 designating April 2019 as Fair Housing Month and approval of the Annual Nondiscrimination Policy. The motion passed with all members voting in favor, except Council Member Pryor was absent and did not vote.

MINUTES/Page IV

A copy of this Resolution # 2019-R-01 and the City's Annual Policy on Nondiscrimination is attached as part of these minutes.

2. Consideration of Funding Recommendations from the Accommodations Tax Advisory Committee

City Manager Molinari stated that the Accommodations Tax Advisory Committee met on February 21, 2019 and there were two requests that went before them - both from the Colleton Civic Center. The requests were as follows:

<u>Requests for 65% Tourism Fund</u>	<u>Requested /Approved</u>	
The Colleton Center - Mo'Soul at the Legends Cabaret	\$4,000	\$4,000
The Colleton Center - "Chairmen of the Board"	\$4,000	\$4,000
Total Approved		\$8,000

The City Manager advised that the A-Tax Committee is recommending \$4,000 for each request. Should these requests be approved as submitted, the projected remaining balance for the end of this fiscal year will be approximately \$44,231. Concluding, Mr. Molinari stated that the Accommodations Tax Advisory Committee respectfully requests City Council's approval of these items.

A motion was made by Council Member Bridge to accept the funding recommendations from the Accommodations Tax Advisory Committee. Council Member Brown seconded the motion that passed with all members voting in favor, except Council Member Pryor was absent and did not vote.

3. Discussion of Potential Uses of CDBG Funds

City Manager Molinari said, at last month's Council Meeting, we conducted a public hearing for input on CDBG Projects. Pursuant to the goals and objectives adopted by City Council for 2010, I recommend the following CDBG priority needs for the next funding cycle. He stated that the top three priorities will be eligible for funding.

1. Public Infrastructure and Facilities
 - Improvements to Wastewater Treatment Plant
 - Upgrades of water and sewer lines as needed
 - Other projects as identified
2. Community Enrichment
 - I-95 loop project
 - Adaptive reuse of existing structures
 - Demolition of properties that are attractive nuisances
 - Others as identified
3. Multiple Activity Neighborhood Improvement Projects
 - Neighborhoods as identified
4. Special Projects as identified.
5. Economic Development projects as identified.

Mayor Young then entertained a motion to approve the CDBG prioritization. At this point, Ms. Carol Black, a citizen, then asked, are we allowed to see what those are, are they available? Mayor Young then corrected Ms. Black stating, you are out of

MINUTES/Page V

order, I'm sorry. We can make that available to you after the meeting. Ms. Black said that is fine, excuse me.

A motion was then made by Council Member Bonds to approve the recommendations on the prioritization of CDBG funds as outlined by Mr. Molinari. Council Member Broderick seconded the motion that passed with all members voting in favor. Council Member Pryor was absent and did not vote.

Also, under New Business, the following agenda items were approved by motion as follows:

4. A request to hang a banner April 7-13, 2019 for National Crime Victims Rights Week by Shatoya Gray, Crime Victim/Witness Advocate. Mr. Molinari stated that the City's Victims Advocate, Ms. Shatoya Gray, is here with us this evening. She is requesting permission to hang a banner to recognize National Crime Victims Rights Week during the week of April 7-13. This banner will be placed on N. Jefferies Boulevard near the intersection of Paul Street. A motion to approve the request was made by Council Member Siegel, seconded by Council Member Brown, with all members voting in favor. Council Member Pryor was absent and did not vote.
5. A request to close the streets for March of Dimes "March for Babies" Walk on April 13, 2019 by Holly Mardell, Chairman. The City Manager noted that this event will be held on Saturday, April 13, 2019 beginning at 9:00 A.M. and will start at the end of the campus of the Colleton County Museum and Farmer's Market. The Chief of Police has reviewed this request and we can handle it from a staffing perspective. He then recommended approval of the request. A motion was made by Council Member Bridge to approve the request for the March of Dimes "March for Babies" 2019 Walk. Council Member Broderick seconded the motion that passed unanimously. Council Member Pryor was absent and did not vote.
6. A request to close the streets for the Annual Cubmobile Race on April 27, 2019 by Ms. Denise Godley-Givens, Cub Scouts Pack 646. Mr. Molinari noted that this request is to close Forest Hills Road between S. Jefferies Boulevard and Ivanhoe Creek Drive on Saturday, April 27, 2019 from 6:00 A.M. to 11:00 a.m. for the annual Cubmobile race. I have discussed this request with the Chief of Police, and we have resources to handle this event and I recommend approval. A motion to approve the request for the Annual Cubmobile Race on April 27, 2019 was made by Council Member Bonds, seconded by Council Member Bridge, with all members voting in favor, except Council Member Pryor was absent and did not vote.
7. A request for street closings and use of the City Parking Lot for the Annual Walterboro Criterium Pro-Cycling Event, May 1, 2019 by Christan Spires, Tourism Director. A motion was made by Council Member Brown to allow the street closings and use of the City Parking Lot for the Annual Walterboro Criterium. Council Member Broderick seconded the motion. All in favor. None opposed. Motion carried. Council Member Pryor was absent and did not vote.
8. A request to place purple ribbons downtown May 6, 2019 until the week of May 20, 2019 to recognize the Relay for Life Event. A motion was made by Council Member Broderick to approve the request to place purple ribbons downtown May 6, 2019 until the week of May 20, 2019, for the Relay for Life Event. Council Member Bridge seconded the motion. All in favor. None opposed. Motion carried. Council Member Pryor was absent and did not vote.

MINUTES/Page VI

9. A request to hang a banner from May 11-18, 2019 for the Relay for Life Event on May 17, 2019, by Jessica Cartrette, Chairperson. Mr. Molinari stated that this banner would be removed the week of May 20th. A motion was made by Council Member Siegel to approve and give permission to the Colleton Relay for Life to put their banner across Jefferies Highway from May 11-18, 2019. Council Member Bridge seconded the motion. All in favor. None opposed. Motion carried. Council Member Pryor was absent and did not vote.

COMMITTEE REPORTS:

There were no Committee Reports given.

CITY MANAGER'S REPORT:

1. Consideration of Selection of Engineer for Water and Sewer Infrastructure Projects

The City Manager announced that in January 2019, the City issued an RFQ from qualified engineering firms to serve as the consultant engineer to the City for water and sewer projects. The City received nine (9) statements of qualifications and selected four (4) firms to interview:

Thomas & Hutton (Columbia, SC)
Hussey Gay Bell (Columbia, SC)
Hybrid Engineering, Inc. (Columbia, SC)
Hazen (Mount Pleasant, SC)

Mr. Molinari further stated that an internal committee comprised of himself, the Assistant City Manager, Utilities Director and Public Works Director interviewed the four (4) firms. After the interviews were completed, the firms were ranked in order by the committee. Hybrid Engineering of Columbia, SC was the consensus for the top selection. Mr. Molinari then stated that City staff requests authorization from City Council to negotiate a contract for engineering services with Hybrid Engineering, Inc. Mr. Molinari further stated that the City has worked with Hybrid Engineering before. They were the firm that did the PER for expansion of the Wastewater Treatment Plant. They also assisted the City when we made application to Rural Infrastructure for the \$1,000,000 grant to fund the well on Mable T. Willis Boulevard.

A motion was made by Council Member Brown to accept Hybrid Engineering (Columbia, SC) from the City Manager's recommendation. Council Member Broderick seconded the motion. All in favor. None opposed. Motion carried. Council Member Pryor was absent and did not vote.

2. Consideration of Change Order for the Discovery Center - Exhibit Hall Windows

City Manager Molinari said, as you are aware, the exhibit hall windows in the Discovery Center need to be replaced. Replacement of the windows was not included in the bid package. The City's contractor, IP Builders, Inc., solicited quotes from three (3) companies for the windows and received a response from two (2) firms and a "no bid" from one (1) firm. The total cost of the change order, including labor, is \$48,845.39. City staff asks for Council's favorable consideration of this request.

A motion was made by Council Member Siegel to approve the change order by IP Builders for the windows at the Discovery Center. Council Member Brown seconded the motion. In discussing the motion, Council Member Broderick asked, from the drawings, are the windows going to be the same shape and size? Mr. Molinari responded that they will be the same shape and size, but it's a different window. Actually, the windows

MINUTES/Page VII

that are in there right now are not up to code and this will be bringing us up to code. Assistant City Manager Amundson stated that the only difference is that there will be a transom at the top. There will not be one single sheet of low-e glass. It will have a large bottom portion with a top transom to accommodate that large span in the way that those windows are supported. The bottom portion will be a large open area in the main visible area and a small transom at the top, this is because of the current, large opening that cannot be replaced with a single sheet of glass.

Council Member Brown then asked, where will this funding come from? Are there funds in there for this? Mr. Molinari responded, yes, this will be absorbed as part of our contribution to the project. It will be absorbed by our Local Hospitality and Local Accommodations Tax funds. Mr. Brown also asked, is the glass low-e and insulated? He said, that's a huge annual savings. Council Member Bonds then asked, does that glass have to be clear, like the glass on Main Street. Assistant City Manager Amundson responded, that's very possible, but it is maximum visible light transmission. Council Member Bonds added, I just wanted to make sure we are in complete compliance with our code.

Mayor Young then stated that the reason we have this is because originally, we did not think we would have to replace those windows. Mr. Molinari added that the architects did not include that in the bids and specs, but it became apparent to us early on that they would need to be replaced.

No further discussion was held, and the motion passed with all members voting in favor. Council Member Pryor was absent and did not vote.

EXECUTIVE SESSION:

The Mayor then entertained a motion to enter into an Executive Session. Council Member Bridge then made a motion to enter Executive Session, and Council Member Brown seconded the motion. All in favor. None opposed. Motion carried.

The Mayor announced that the meeting will convene into an Executive Session to discuss the following items:

1. Personnel Matters:
 - a. Employee Handbook Revisions.
 - b. Appointment to the Election Commission.
2. Contractual Matter: Electric Franchise Agreement.

The Mayor announced that Council may take action on matters discussed in Executive Session when we come back into Open Session. The meeting then entered into an Executive Session.

At approximately 8:02 P.M., a motion was made by Council Member Bridge to exit Executive Session and return to Open Session. Council Member Brown seconded the motion. All in favor. None opposed. Motion carried. Council Member Pryor was absent and did not vote.

The meeting returned to Open Session, and a motion was made by Council Member Brown, seconded by Council Member Bridge, to appoint Mr. Mark McCroy to the Election Commission. All in favor. None opposed. Motion carried. Council Member Pryor was absent and did not vote.

There being no further business to consider, a motion to adjourn the meeting was made by Council Member Bonds, seconded by Council Member Bridge and passed unanimously. The meeting adjourned at 8:02 P.M. Notice of this meeting was distributed to all local media and posted on the City's website and the City Hall bulletin board at least twenty-four hours prior to meeting time.

Walterboro City Council
Regular Meeting
March 5, 2019

MINUTES/Page VIII

Respectfully,

Betty J. Hudson
City Clerk

ORDINANCE # 2019-02

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF WALTERBORO, SOUTH CAROLINA, TO PROVIDE FOR CHANGES IN THE ZONING DISTRICTS OF THE CITY OF WALTERBORO BY CHANGING THE ZONING CLASSIFICATION OF ONE PARCEL OF LAND ON BELLS HIGHWAY DESIGNATED AS TMS # 147-09-00-041 FROM HIGHWAY COMMERCIAL DISTRICT (HCD) TO INTERSTATE INTERCHANGE COMMERCIAL DISTRICT (IICD).

WHEREAS, the Planning Commission of the City of Walterboro met on March 26, 2019 to consider a change in zoning classification from Highway Commercial District (HCD) to Interstate Interchange Commercial District (IICD) for the above mentioned property; and

WHEREAS, pursuant to said meeting, the Planning Commission has recommended that the zoning classification of the property aforesaid be changed to the Interstate Interchange Commercial District (IICD).

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and City Council of the City of Walterboro, South Carolina, that the Zoning Map of the City of Walterboro, South Carolina is hereby amended by changing the Zoning District classification of the property located on Bells Highway, designated as tax map number 147-09-00-041 from Highway Commercial District (HCD) to Interstate Interchange Commercial District (IICD) as shown on the attached map.

DONE, this _____ day of May, 2019

William T. Young, Jr
Mayor

ATTEST:

Betty J. Hudson
City Clerk

First Reading: _____
Public Hearing: _____
Second Reading: _____

147-9@41 Re-Zoning



3/28/2019, 4:33:24 PM

Lines

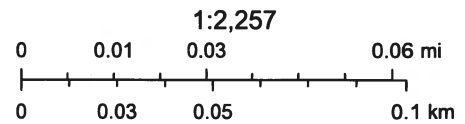
- █ Override 1
- █ Override 2
- █ Override 3

Parcels (1/31/2019)

● Address Points

— Road Centerlines

Municipal Boundaries



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Colleton County Veterans Council

P.O. BOX 256
WALTERBORO, SC 29488
TELEPHONE: (843) 908-2123

JOHNNY HOLMES
CHAIRMAN

WILLIAM H. PROCTOR
CO-CHAIRMAN

BOB TIEGS
TREASURER

JANET D. SMITH
VA OFFICER

KIMBERLY BROWN
SECRETARY

Date: March 20, 2019

Mr. Jeff Molinari, City Manager
P.O. Box 709
Walterboro, SC 29488

Dear Mr. Molinari:

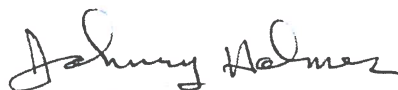
The Colleton County Veterans Council is writing to extend an invitation to you and City Council to attend this year's Memorial Day and Dedication Ceremony. The Ceremony is scheduled for Monday, May 27, 2019, 9:00 a.m. at the Downtown Plaza, Washington Street.

The Veterans Council is requesting to be placed on the agenda for approval of the following in honor of our Veterans on Memorial Day:

1. Display the US flags on Washington Street from May 13 -31, 2019
2. Reserve the Waterfall Plaza for setup and turn the water off from 12:00 pm - May 24th to May 27th, 12:00 pm.
3. Close Washington Street on Monday, May 27th from 8:00 a.m. to 12:00 pm.

The Veterans Council appreciates your continued support. If you have any questions, please give me a call on my cell at (843) 908-2123.

Respectfully,


Johnny Holmes
Council Chairman



MEMORANDUM

TO: Mayor and City Council
FROM: City Manager
DATE: March 26, 2019
SUBJECT: Update to City of Walterboro Personnel Manual

The City's Personnel Administrative Guidelines have not been updated since 2012. The City's insurance carrier (SCMIT/SCMIRF) is requiring that the personnel manual be updated. The recommended changes are highlighted in yellow.

Staff recommends adoption of the revised Personnel Administrative Guidelines. If City Council is comfortable with these changes, the current guidelines need to be revoked and the new guidelines adopted. If you have any questions, comments or concerns, please do not hesitate to contact me or come by City Hall at your convenience.

Sincerely,

Jeffrey P. Molinari
City Manager

Attachments

**City of Walterboro
South Carolina**



**Personnel
Administrative Guidelines**

April 2019

NOT A CONTRACT

DISCLAIMER

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

I acknowledge receipt of the City's Personnel Administrative Guidelines AND UNDERSTAND THAT IT IS NOT A CONTRACT OF EMPLOYMENT.

[Signature]

Date

Printed Name

General Administrative Guidelines

Equal Employment Opportunity

The City prohibits discrimination in hiring, conditions, and privileges of employment, compensation, training, promotions, transfer, discipline and other aspects of employment on the basis of race, color, religion, gender, disability, age, national origin, or similar distinctions. Any employee who believes that he has been discriminated against in violation of these laws should report the matter to their supervisor or Personnel.

Anti-Harassment

As noted above, various laws and regulations prohibit employment decisions from being made on the basis of race, sex, religion, national origin, color, age, disability, or similar distinctions. In addition, in an effort to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, threats and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being the following administrative guideline has been established.

The City does not tolerate harassment of any kind and forbids retaliation against anyone who has reported harassment in good faith.

Sexual Harassment

Sexual harassment warrants special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitute sexual harassment when

1. Submission to the conduct is an explicit or implicit term or condition of employment; or
2. Submission to or rejection of the conduct is used as the basis for an employment decision; or
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, "put-downs" or condescending or derisive comments or terms based on gender, and physical conduct, such as patting, pinching or brushing against another

person. Although most commonly the "perpetrator" of such conduct is male and the "victim" is female, this administrative guideline prohibits such conduct regardless of the gender of the perpetrator or victim.

Disputes sometimes arise as to whether the conduct was "welcome" or "unwelcome." Conduct which would violate this section if it were unwelcome violates this section if anyone complains of it. Not all conduct prohibited by this administrative guideline constitutes a violation of the law.

Complaint Procedure and Investigation

If you feel that this administrative guideline has been violated by anyone with whom you come in contact on the job, regardless of whether it is a fellow worker, a supervisor or a member of the general public, you should report the incident(s). You may do this by:

- a. reporting to your supervisor or to a higher level in your "chain of command." Complaints against the City Manager should be made to the Mayor,
- b. reporting to the Finance Director, or
- c. reporting to Personnel.

Supervisors and managers who receive complaints of or become aware of harassment should coordinate immediately with Personnel.

Harassment allegations will be investigated, and the investigatory process may vary from case to case. The investigation is conducted as confidentially as possible consistent with the efficient handling of the complaint. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential, whether the employee is the accused person, the complaining one or merely a potential witness. Persons who are interviewed should not discuss the matter at all with co-workers, friends or management. This does not mean, however, that employees may not complain to civil rights agencies.

Employees may be asked to submit to a polygraph (lie detector) examination.

-- IMPORTANT --

In order to avoid misunderstandings, complaints made to members of management or to Personnel involve the completion of a complaint report, either by you or by the person to whom the complaint is made, which summarizes the allegations and lists any witnesses to the alleged harassment. You should be sure to get a copy of this initial complaint report to confirm you have complied with this procedure.

These procedures have been established to enable you to get relief if you feel that you are the victim of harassment. The reporting procedures which we have adopted are intended to establish a clear record of what has been reported.

Employment

Hiring/Recruiting

The City endeavors to hire the most suitable candidate for open positions and encourages current employees to apply for positions for which they are qualified. The City may also solicit and consider applications from external applicants. Decisions to fill an open position that are made by lower levels of management require prior approval by the City Manager.

Nepotism/Employment of Relatives

Persons in the same immediate family may not be employed or continue to be employed if one directly or indirectly 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 is also 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. Unrelated employees residing together or otherwise engaged in an apparently romantic relationship (such as domestic partner, cohabitant or significant other) are treated as being within the immediate family of each other for the purposes of this section. Members of the immediate family of elected officials of the City and the City Manager are not eligible for City employment.

If employees become related by marriage and create a situation prohibited by this section, one of the employees may be asked to give up his position. If the employees cannot choose which of them it will be, the employee having the lower budgeted annual compensation may be removed. The removed employee may be considered for other positions within the City for which he is qualified.

Situations not specifically addressed in this section which, in the City's opinion, create a conflict of interest or give the appearance of a conflict of interest, will be handled at the City's discretion.

Employment Status

Regular full-time employees are those that have completed their probationary periods and fill a full-time position with the City. Employees in this status are normally scheduled to work at least 37.5 hours per week. However, the City does not guarantee any minimum number of hours of work per week. Regular full-time employees are generally eligible for fringe benefits.

Regular part-time employees are those that have completed their probationary periods and fill a part-time position with the City. Employees in this status are normally scheduled to work less than 37.5 hours per week but may be called upon to work above their normally scheduled hours of work when workloads require. Regular part-time employees are generally not eligible for fringe benefits.

Probationary employees are part-time and full-time employees who have not yet completed their probationary period.

Temporary employees are those hired for a limited period of time or until completion of a particular project or projects. Such employees may work part-time or full-time hours depending on the needs of the City. Temporary employees are generally not eligible for fringe benefits.

Exempt positions – Persons appointed to municipal positions (i.e. Municipal Judge, City Attorney, City Prosecutor, and City Manager), boards, commissions, or committees by Council are exempt from the requirements of this handbook.

Light Duty

A. Guidelines

The City will make an effort to provide temporary work assignments for an employee who is recovering from a medically documented mental or physical illness, injury or medical condition that is sustained on or off the job if the illness, injury, or medical condition precludes the employee from satisfactorily performing the essential functions of his or her position. Work assignments will be consistent with the employee's physical or mental capabilities during his or her recuperation period, prior to returning to full duty status.

Light Duty assignments are granted as a privilege, not a right, entitlement, or guaranteed. Depending on the needs of the City and other relevant factors, light duty may be available. Light Duty is intended for employees with a temporary illness, injury or medical condition and will be provided only if there is a reasonable expectation that the employee will resume his or her regular duties at the end of the light duty assignment

1. Employee Responsibility

The Employee shall provide a licensed Physician's written release indicating specific work restrictions prior to being placed on Light Duty status. A generic time-off slip from the Physician will not be accepted. The City shall make the final decision in consultation with a Physician as to whether the employee is qualified to return to work, with or without evaluation by a Physician of its choice.

2. Department Responsibility

The Employee's supervisor will attempt to find appropriate Light Duty assignments within his or her department. Light Duty assignment shall benefit the City and be tailored to the employee's skills and abilities.

If a Light Duty assignment is not available within the employee's department, the supervisor shall seek assistance from other City departments. If a Light Duty assignment is not available in any other department and the employee is currently on leave, he or she shall contact his or her supervisor regularly to determine if Light Duty work has become available.

B. Duration

Light Duty shall be up to ninety (90) calendar days per temporary injury, illness or medical condition, with department head approval. If a Light Duty assignment needs to be prolonged for up to an additional ninety (90) calendar days, it may be extended with the written approval of the City Manager.

Employees who believe they are no longer able to satisfactorily perform a light duty assignment after they have been released by their Physician to work a light duty assignment shall return to the treating physician for a medical evaluation before the start of his or her next regularly scheduled work shift. Based on the treating physician's opinions a decision will be made regarding the availability of light duty work and/or a leave.

Upon return to full work, employees are required to submit to their supervisor documentation verifying that their treating physician has released them to full duty status. The employee can be required to use their accrued annual or sick leave for the day(s) they were absent. This policy will be implemented in conjunction with the City's FMLA policy. ****See FMLA Policy**

Time spent performing "light duty" work as a result of a condition which qualifies for FMLA leave does not count against the employee's FMLA leave entitlement and an employee's right to restoration to his former job or an equivalent position is held in abeyance during the period of time the employee performs light duty (or until the end of the applicable 12-month FMLA leave

year). The employee may be returned to the same position he or she held before going on light-duty status if the position is available.

Probationary Period

All new employees, including former employees who have been rehired, are considered to be on probation for the first six (6) months. This period is a continuation of the selection process and is a time in which the new employee should make extra effort to demonstrate that he is well-suited for his job.

If the department head concludes at any time during the probation period that the new employee is not well-suited for his position, the employee may be terminated or may be placed on extended probation if approved by the City Manager.

The probation period ends successfully when the department head, not sooner than six (6) months after the employee was hired, evaluates the new employee in writing and authorizes his classification as a "regular" employee.

All newly promoted employees are considered to be on probation in their new jobs for three (3) months. This period is a continuation of the selection process and is a time in which the newly promoted employee should make extra efforts to demonstrate that he is well suited for the promotion.

If the department head concludes at any time during the promotion probation period that the newly promoted employee is not well suited for his new position, the employee may be removed from that position. If there is a vacancy in his former position which is to be filled, he may be returned to it. If there is no such vacancy, he may be considered for the filling of other vacancies for which he is qualified. If no other position is found for him, the employee may be terminated. This action does not prohibit an employee from applying as a new employee for future vacancies with the City.

Outside Employment

The City expects an employee's work for the City will take precedence over any outside employment engaged in by an employee. Employees must get prior written approval from the City Manager before engaging in other employment. Should the City, in its sole discretion, determine that the outside employment interferes with or is otherwise incompatible with employment for the City; the employee may be asked to choose between the jobs.

Employees may not engage in any private business or activity while on City work time or at their City workstations or using City property.

Conflict of Interest

Employees of the City are covered by state ethics laws which prohibit public employees from using their public position for their own personal gain or to benefit a family member or business associate. State law also prohibits employees from making governmental decisions on matters in which they or their family or business associates have an economic interest. Employees must notify their supervisors in writing of any matter in which they, their family or business associates have an economic interest and in which they must act on behalf of the City. The supervisor must send the notification to the City Manager for review. If the City determines a potential conflict of interest exists, the matter will be reassigned to another employee.

Gifts and Gratuities

No employee may directly or indirectly solicit any gift or accept or receive a gift under circumstances in which it could be inferred that the gift was intended to influence him in the performance of his official duties or was intended as a reward for an official act on his part. A gift is defined as any benefit, favor, service, privilege or thing of value which could be interpreted as influencing an employee's impartiality. A gift includes but is not limited to meals, trips, money, loans, rewards, merchandise, foodstuffs, tickets to sporting or cultural events, entertainment, and personal services or work provided by City suppliers or contractors. This section is not intended to prohibit the acceptance of items of nominal value which are generally distributed to all employees.

A determination as to whether this section has been violated is in the City's sole discretion.

Political Activity

Employees may fully and freely associate themselves in organizations of their own choosing, except those organizations whose purpose is to overthrow the government of the United States, the State of South Carolina or any of its political subdivisions.

In certain circumstances involving real or potential conflicts, employees who run for any partisan or non-partisan public office may not be allowed to continue in City employment. The employee/candidate will be placed on an unpaid leave of absence until after the election. If an employee is placed on a leave of absence, his employment will terminate upon his election to a partisan public office. Upon return to work, if prior position is not available, employee will be terminated.

For purposes of this section, an employee is considered a "candidate for public office" as soon as he begins actively campaigning for nomination or election, or when he files for candidacy, whichever comes sooner.

Workplace Privacy

The workplace is intended to be a place of work. An important part of work is communications and record keeping. No employee is at work 24 hours a day, seven days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces. Each employee must understand that personal items and personal communications received or stored on City premises are not entitled to a guarantee of privacy.

Management may search City property such as employee desks, lockers, file cabinets, city-owned vehicles, etc.

Electronic media raise similar issues. The City provides electronic and telephonic communication and, when necessary, computers to employees. Although assigned to the employee, these items belong to the City. Similarly, any computer files created on a City computer belong to the City. While the City permits limited personal use of the computer, it retains the right to determine what use is appropriate. Unauthorized programs and files may not be used on City computers without the written permission of the City. The City reserves the right to review voice mail, electronic mail, computer files and other electronic information generated by or stored in the City's electronic systems.

Upon request by a department head or City Manager, an employee must immediately provide any and all password or codes associated with any electronic device owned by the City. Failure to do so may result in dismissal. Upon leaving the employ of the City for any reason, all passwords or codes must be given to the employee's immediate supervisor. Failure to do so will result in the withholding of any salary or other payments.

Appropriate Computer/Internet Usage

The City of Walterboro provides employees access to the vast information resources of the Internet with the intention of increasing productivity. While Internet access has the potential to help you do your job faster or smarter, there is justifiable concern that it can also be misused. Such misuse can waste time and potentially violate laws, ordinances or other City policies. This Internet usage policy is designed to help you understand the expectations for the use of these resources.

Detailed Internet Policy Provisions

1. City Internet access is provided to employees for the purposes of study, research, service and other activities, which, with the exception of occasional minimal personal use, must be in the conduct of official business or in support of the City's mission.

2. City Internet facilities and computing resources must not be used to knowingly violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province or local jurisdiction in any material way
 3. It is possible to monitor Internet usage, and the City reserves the right to inspect any and all network traffic and files stored on City resources. The City reserves the right, without notice, to limit or restrict any employee's Internet usage.
 4. Offensive content may not be accessed, displayed, archived, stored, distributed, edited, or recorded using City network, printing, or computing resources. Offensive content includes, but is not limited to, pornography, sexual comments or images, profanity, racial slurs, gender-specific comments, or any content that can reasonably offend someone on the basis of sex, race, color, religion, national origin, age, sexual orientation, gender identity, mental or physical disability, veteran status or any protected status of an individual or that individual's relatives or associates. Any content that may be interpreted as libelous, defamatory or slanderous is prohibited.
 5. City Internet access shall not be used to conduct personal business, play computer games, gamble, run a business, conduct political campaigns, for personal gain, or to take part in any prohibited or illegal activity.
 6. No employee may use City facilities knowing to download or distribute pirated software or data. Any software or files downloaded via the Internet may be used only in ways that are consistent with their licenses or copyrights.
 7. City computers are to be used solely by City employees. Non-employees are expressly forbidden access to City computers.
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Inclement Weather

1. Employees whose departments are closed due to inclement weather will be paid their regular straight time earnings if scheduled to work the day of the closure.
2. Employees whose departments are not closed due to inclement weather or whose jobs require that they report are expected to report to work. Those who fail to report are considered unexcused and may not use leave to make up their work hours.

Smoking/Tobacco

In keeping with the City's intent to provide a safe and healthful work environment, smoking or any use of tobacco in the workplace is discouraged. Nonsmoking areas are clearly designated where smoking is expressly prohibited, and employees must respect these designations. This prohibition extends likewise to e-cigarettes and vaping which are also prohibited. There shall be no smoking, tobacco use, vaping in any City vehicle.

Safety

Establishment and maintenance of a safe work environment is the shared responsibility of the City and all employees. Employees are expected to obey safety rules and to exercise caution in all their work activities. Failure to utilize required safety equipment or standard safety precautions is considered a serious offense and will result in disciplinary action up to and including discharge. Employees are to **immediately** report any unsafe conditions to their supervisor. All employees are expected to correct unsafe conditions as promptly as possible.

All accidents that result in injury must be reported **immediately** to the appropriate supervisor, regardless of how insignificant the injury may appear.

Lost or Damaged City Property

Employees entrusted with City property are responsible for its proper use, care, custody, and safekeeping. Property lost or damaged through negligence will be paid for by the employee(s) determined to be responsible. The cost to replace or repair lost or damaged City property will be deducted from the employee(s) paycheck.

Wages & Hours of Work

Classification System

The City Manager may develop a system for classifying positions within the City, including pay ranges for those positions. Classification systems and pay ranges are subject to change at any time. The establishment of pay ranges or grades for any position does not guarantee the occupant of that position any particular rate of pay.

Hours of Work

The City's normal hours of business are from 8 a.m. to 5 p.m. However, some departments must operate outside the City's normal hours of business, and schedules of employees of those departments may differ from the City's normal hours. Each department is responsible for scheduling its employees so as to meet the needs of the City. Employees may be required to work overtime.

Regular full-time employees who work during the City's normal hours of business receive one (1) unpaid meal break of 60 minutes. Breaks and meals for employees whose departments operate outside the City's normal hours are set by those departments. All breaks are workload permitting.

Employees may not use break times and meal periods to report late or to leave early nor may break periods be combined with the meal period unless otherwise approved by their supervisor.

Overtime and Compensatory Time

Non-exempt employees, with the exception of law enforcement and fire suppression personnel, receive overtime premiums at 1.5 times their regular hourly rate for all hours worked in excess of 40 in a work week. Law enforcement personnel receive overtime premiums after 86 hours in 14 days. Fire suppression personnel receive overtime premiums after 106 hours in 14 days. In lieu of cash payment, the City may credit employees with compensatory time at the rate of 1.5 hours for each overtime hour worked.

Employees must accurately record all hours worked and must have worked all hours recorded. Employees may not work "off the clock," and employees may not work overtime without the permission of their supervisor except in cases of emergency.

Employees who are exempt from overtime receive a salary that compensates them for all hours worked in the workweek. Such employees do not receive overtime pay or compensatory time off. The City Manager has authority to grant additional time off to exempt employees who have worked unusual amounts of time in excess of the normal schedule, but no exempt employee has a right to such additional time off. Any unused time awarded to an exempt employee is not paid at termination under any circumstances.

Payment of Wages

Employees are paid bi-weekly at their workstations or by direct deposit.

The City deducts from employees' gross pay taxes and withholding that are required by the taxing authorities. The City may also deduct from employees' pay the employees' share of any premiums or plan contributions for insurance, retirement and similar plans that are elected by the employee. The City may make other deductions as required by law or court order.

Cash, debts owed to the City, fringe benefits, uniforms, tools, equipment, vehicles, instruction manuals, keys, city identification cards and other items belonging to the city that are advanced or issued to an employee but not repaid or return at the time of termination are considered advances of wages, the value of which may be deducted from the employee's final paycheck(s).

Performance Evaluations

The City may periodically conduct oral or written evaluations of employees' performance. Employees must sign written evaluations. The

employee's signature does not necessarily indicate agreement with the contents of the evaluation, only that he has been made aware of it. While favorable performance evaluations may be a factor in determining wage increases, no employee is entitled to a wage increase because he receives a favorable evaluation.

Leave

Annual Leave

Employees accrue annual leave on a monthly basis as follows:

Assigned Work Hours	0-9 Yrs. Service	10+ Yrs. Service
Exempt Employees	8 Hours	12 hours
8-hour shifts, 40 hours per week	8 Hours	12 hours
12-hour shifts (Police)	8.42hours	12.63 hours
18-hour shifts (Fire)	9 hours	13.5 hours
Part-time	0 hours	0 hours

Employees desiring to take annual leave should give their supervisors at least two (2) weeks advance notice. Annual leaves will be scheduled as much as practical in accordance with employee requests. The City's workload demands, however, are paramount.

When more employees request particular days off than can be accommodated, supervisors will make annual leave assignments taking into account the date the requests were made, special needs for particular annual leave dates and the employees' lengths of service.

The maximum number of annual leave days which can be carried over from one calendar year to the next is 144 hours.

Unused annual leave will be paid for at termination only if the employee is terminated for non-disciplinary reasons or if the employee gives and properly works a two-week notice of resignation. The notice may be waived by the City Manager. Unused, accrued annual leave paid at termination will not exceed 144 hours plus one-half (1/2) of the current year's unused accrual.

Annual leave balances may be reduced for disciplinary reasons.

Annual and sick leave may only be used to make up to an employee's regular full-time hours. i.e. 40 regular; 84 Police & 90 Fire in a 14 day period.

Sick Leave

Regular full-time employees accrue sick leave as follows:

Assigned Work Hours	Monthly Sick Leave Earning Rate
Exempt Employees	8 Hours
8-hour shifts, 40 hours per week	8 Hours
12-hour shifts (Police)	9 hours
18-hour shifts (Fire)	9 hours
Part-time	0 hours

Sick leave may be carried over from calendar year to calendar year, except however, that the maximum amount of sick leave that may be accrued is 824 for 40 hours per week employees and 864 hours for employees working rotating shifts of 12 hours or greater.

Sick leave is paid when an employee is excused from work due to his own non-occupational disability or for medical and dental appointments. Sick leave may be used to cover absences made necessary by an illness of an employee's immediate family. For the purposes of this section, immediate family is defined as spouse, parent, child, grandparent, grandchild, brother, 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, and step-brothers and step-sisters only when the employee and the family member live together regularly in the same household. The City Manager has the authority to define each of the aforementioned family members. Employees may be required to submit a physician's statement of disability before being eligible for sick leave payment, including when absent for prolonged periods of time or if the employee has been counseled for excessive use of sick leave. Employees may be required to provide certification from their physician that they are able to return to work. Abuse of leave or failure to call in as required may result in denial of paid sick leave or disciplinary action.

Employees are not paid accrued, unused sick leave at termination.

Sick Leave Bank

General Overview

A Sick Leave Bank is established for full-time employees who have completed six (6) months of continuous full-time employment, successfully completed their six (6) months probationary period and have a sick leave balance of at least 30 hours before the initial reason for the leave prior to the illness and 40 hours of vacation leave. The purpose of the Sick Leave Bank is to relieve eligible employees from undue financial burdens due to absence from work when attendance is inadvisable and/or impossible.

To become a member of the Sick Leave Bank, an employee must initially contribute sixteen (16) hours of sick leave to the bank. Thereafter, the employee must contribute eight (8) hours of sick leave during each fiscal year. **There will be a 6-month waiting period from the date of enrollment before any employee can access sick leave from the Bank.**

Any unused sick leave that exceeds the maximum allowed (824 hours for 40-hour employees and 864 hours for employees working 12-hour shifts or greater) will be transferred to the sick leave bank annually.

Purpose

- a) The plan will provide extended sick leave to any employee for prolonged illness, injury, quarantine or incapacitations sufficiently severe to oneself so that regular attendance is inadvisable and/or impossible. Leave drawn from the bank may not be used for illnesses of family members. All unused sick leave days in the Bank at the end of the fiscal year shall be carried over to the next fiscal year.
- b) Members wishing to draw upon the Sick Leave Bank must submit to the Personnel Office a completed Application for Sick Leave Bank. This application must be accompanied by medical certification (Certification of Physician or Practitioner) every thirty (30) calendar days confirming the existence and expected duration of a serious health condition and must be signed by the licensed physician or practitioner.
- c) The maximum number of sick leave days that can be granted and drawn by an employee from the Sick Leave Bank during his or her career is based on length of continuous full-time service as reflected below:

<u>Length of Service</u>	<u>Maximum Hours</u>
6 months to 1 year	80 (10 days)
1 to 4 years	200 (25) days

5 to 9 years	480 (60 days)
10 to 14 years	720 (90 days)
15 to 19 years	960 (120 days)
20 years plus	1200 (150 days)

- d) Extended leave from the Bank cannot be used for any period of disability during which monies are paid to an employee under Workers' Compensation Law or Social Security, long-term disability or disability retirement.
- e) No employee will be entitled to draw more than 800 hours (100) days from one absence from work or during a twelve (12) month period.
- e) Unless required by state or federal law, members shall not be entitled to accumulate sick leave or vacation leave while drawing sick leave from the bank; however, should a holiday occur while member is drawing sick leave from the bank, the member shall be entitled to 8 hours holiday pay rather than drawing 8 hours from the sick bank.
- f) All contributions to the Bank remain the property of the Bank and under no circumstances can a member withdraw his/her contributed hours from the Bank.

Process

- 1) Application for leave from the Sick Leave Bank will be made by the member or member's designee on the Application for Sick Leave Bank (Form SLB-1)
- 2) All applications must be submitted to employee's supervisory chain and the Supervisor will submit an application to Personnel. The City Manager considers the request and renders a decision taking into account all relevant circumstances. Personnel will then forward the decision to the employee in writing.
- 3) The employee's direct supervisor, department head or Personnel may appeal to the City Manager for revocation of Bank membership if they suspect abuse of sick leave. If the City Manager finds abuse, then the employee can no longer participate in the Bank and forfeits any prior donations to the Bank

- 4) When a day(s) is granted, payment will be made in accordance with the City of Walterboro's payroll procedure.
- 5) The Sick Leave Bank program, administrators, monitors will be bound by the medical certification and limitations and confidentiality requirements of the Americans with Disabilities Act of 1990, Family and Medical Leave Act of 1993 and the Health Insurance Portability and Accountability Act.

Termination or Modification of the Sick Leave Bank

The City of Walterboro has every intent to continue the Bank as an employee benefit, but if for any reason it becomes necessary to terminate or modify the Bank or any part of the Bank, the City of Walterboro reserves the right to make such termination or modification unilaterally and without prior notice. However, all existing and pending disability withdrawals will be honored by the Bank to the extent Sick Leave Bank days remains available. Should the Sick Leave Bank be terminated, all unused sick leave days will be distributed to the then current participating employees based on the number of hours each has transferred to the Bank.

Sick Leave Donation

Any employee can voluntarily donate sick leave to a specific employee by using the sick leave donation form. However, an employee cannot solicit sick time donations but can request an anonymous donation and the donation forms will be circulated to all City employees. Violations of this administrative guideline will result in discipline up to and including discharge.

The employee donating sick leave has to have at least 80 hours of sick leave and cannot go below 80 hours. The employee to receive the donation must be on approved medical leave and have exhausted their accrued sick leave and have 40 hours of vacation leave on the books.

Sick leave donations cannot be made without prior approval of the Department Head and the City Manager.

All donations are voluntary and irrevocable. If the sick leave bank recipient does not use all of the donated sick leave, the unused amounts are returned to the would-be donors.

Military Leave

Employees are entitled to such leave of absence and reinstatement upon return from a 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 administrative guideline.

Jury Duty

An employee will be paid for wages lost from scheduled straight time work due to jury service up to a maximum of eighty hours per calendar year.

In order to qualify for this payment an employee called for jury service must:

- a. give his supervisor notice of such service within two (2) workdays of the time the employee is called for such service;
- b. report for work when released by the court on any day of jury service;
- c. submit a written statement from the court indicating the days of jury service and the time released each day; and
- d. turn over to finance any compensation received.

Bereavement Leave

An employee will be paid for time actually lost from straight time scheduled work up to three (3) days due to attendance at the funeral of a member of his immediate family, which is defined as spouse, parent, child, grandparent, grandchild, brother, 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, and step-brothers and step-sisters only when the employee and the deceased had lived together regularly in the same household at or prior to the time of death. The City Manager has the authority to define each of the aforementioned family members. The City may require proof of relationship and attendance at the funeral. Bereavement leave is charged against an employee's sick leave.

Employees may be excused from work to attend the funerals of other family members and, upon request, may be paid for such absences from accrued annual leave balances.

Physical Disability and Personal Leave

A. Leave for Employees Employed Less Than 12 Months; for Employees Who Have Worked Fewer Than 1250 Hours in Preceding 12 Months; and for Employees Whose Reasons for Leave are not Covered by the Family and Medical Leave Act.

1. An employee who has completed his initial probation (and any extension thereof) may request a leave of absence for up to 3 months when unable to work because of sickness, pregnancy or injury on or off the job. Such an employee may also apply for a leave of absence for personal reasons. Personal leaves are

granted only in the discretion of the City Manager upon recommendation by the employee's department head. Employees still in their probation periods who are absent for more than five (5) consecutive scheduled workdays because of any physical disability are automatically terminated but are eligible for rehire. The circumstances of each employee situation will be reviewed by the City Manager before termination.

2. Employees are requested to apply for leaves of absence as far in advance of need as is possible, but an employee may be placed on leave status without application when the circumstances warrant such action.
3. Physical disability leave begins on the first day of absence.
4. After the employee has exhausted his annual and/or sick leave, as a general rule, an employee on leave of absence is not entitled to wages or fringe benefits and does not accrue fringe benefits. Certain exceptions may be established by law.
5. Employees on leave of absence may not engage in other employment.
6. Employees desiring to return to work from an unpaid leave of absence should notify their department head in writing at least ten (10) days prior to their desired return date. If the City finds that the employee is fit to resume his duties, the employee may be recalled to his former job if a vacancy exists which is to be filled. If no such vacancy exists, the employee may be recalled to any job in which there is a vacancy which is to be filled and for which he is qualified. If no such vacancy exists at the time the employee desires to return to work, the employee's leave of absence may be continued. Any employee who has not been reinstated within six (6) months following the commencement of a leave of absence is generally terminated. This action does not affect the employee's eligibility to be considered for hire as a new employee at some future time. The circumstances of each employee situation will be reviewed by the City Manager before termination.

B. Family & Medical Leave Act – (Applies Only to Employees Employed 12 Months or Longer And Who Have Worked 1250 Hours or More in the Preceding 12 Months, Both Prior to Commencement of Leave.)

General

Employees who meet the length of service and hours worked requirement described above have rights under the Family and Medical Leave Act. As a general rule, employees must request leaves of absence under this law, but in appropriate situations, employees may be placed on leave status without application. The City uses the rolling 12-month period for calculating FMLA leave.

Reason for Leave of Absence

1. Medical and Family Leave. An eligible employee may be entitled to a leave of absence under this law and policy if a serious health condition, including disability resulting from an on-the-job injury, prevents the employee from being able to perform his job, if the employee's spouse, child or parent has a serious health condition and the employee must be absent from work in order to care for that relative or to care for a natural child, adopted child, or formally placed foster child, provided that entitlement to leave to care for a child who is newly born or newly received in the employee's household shall end 12 months after a natural child is born or 12 months after an adopted or foster child is received in the employee's household.

2. Military Caregiver Leave. An eligible employee whose spouse, parent, child or next-of-kin is a covered service member of the Armed Forces of the United States may be entitled to leave of absence to care for the service member if he is injured while on covered active duty.

3. Qualifying Military Exigency Leave. An eligible employee whose spouse, parent or child is a member of the Armed Forces of the United States and is on active duty or called to active duty in federal service may be entitled to a leave of absence due to one or more qualifying exigencies arising out of the active duty or call to active duty. Qualifying exigencies are: (1) Short-notice deployment (*i.e.*, notice of 7 days or less); (2) Military events and related activities; (3) Childcare and school activities (regular or routine childcare by the employee does not count); (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

Proof of need for a leave of absence may be required.

Length of Leave

1. Medical and Family Leave. An eligible employee may take the equivalent of a total of 12 work weeks of leave during any 12 consecutive months for his own serious health condition, that of a parent, spouse or child, or to care for a newly born or newly received child. Leave to care for a newly

born or newly received child must be taken consecutively. Leave required because of the employee's own serious health condition or that of a spouse, child, or parent, may be taken intermittently or by means of a modified work schedule when necessary.

2. Military Caregiver Leave. Leave to care for an injured service member may be taken for up to 26 work weeks in a single 12-month period. Any leave taken by the employee for any other FMLA-qualifying reason will count against the 26 weeks of leave permitted to care for an injured service member.

3. Qualifying Military Exigency Leave. Leave taken because of a qualifying exigency is available for up to 12 work weeks in any 12 consecutive months. Leave taken because of a short notice deployment is limited 7 days from the date of the notice, and leave taken to be with the service member during periods of rest and recuperation are limited to 5 days per period of rest and recuperation. Leave taken to attend post-deployment activities must be taken within 90 days of the end of active duty service.

Effect of Leave on Paid Time Off

An employee who must be absent due to his own disability will be paid for time lost from work first from accrued sick leave balances and then from accrued annual leave balances and similar balances. An employee who takes leave for any other reason will be paid for time lost from work from his annual leave balance and similar balances. Leave taken under this administrative guideline counts towards the employee's 12 weeks of leave (or 26 weeks, where appropriate) regardless of whether all or part of the employee's leave is paid.

Effect of Leave on Accrual of Fringe Benefits

1. **Health benefit plan.** Employees taking leave under this administrative guideline must continue to pay their portion of health benefit plan premiums on the same date that such portion of premiums would be deducted from the employee's wages.
2. Unpaid time lost from work due to leave granted under this administrative guideline is not considered time worked for the purpose of accrual of any paid time off.

Employee Responsibility

Employees who request leave under this administrative guideline must give 30 days advance notice or such lesser amount of notice as is possible in the particular circumstances.

Employees may not engage in other employment while on leave of absence **without express written permission of the City Manager.**

Termination of Leave of Absence

A leave of absence under this administrative guideline ends when the need for the leave of absence ends or when the maximum leave described above has been taken, whichever occurs sooner.

Reinstatement

At or before the conclusion of the FMLA leave of absence, the employee is entitled to reinstatement to his former position or to a position equivalent to his former position. The employee must demonstrate that he is fit for duty and must give reasonable notice of intent to return to work.

Extension of Leave without Benefits

An employee who is unable to perform the duties of his position due to his own disability and who has exhausted his entitlement to leave under the Family and Medical Leave Act by taking 12 weeks of leave may, upon written application, be granted an additional 12 weeks of leave. This additional leave of absence does not entitle the employee to reinstatement nor to the payment of any portion of his health benefit plan premiums. If the employee is able to return to work prior to the exhaustion of his extended leave, he may be returned to his previous position if there is a vacancy in it which is to be filled, or to some other position of equal or lesser compensation for which he is qualified and in which there exists a vacancy which is to be filled.

An employee's employment generally terminates if he does not return to full active employment status at the conclusion of his leave of absence or extended leave of absence. The circumstances of each employee will be reviewed by the City Manager prior to any decision being made.

Special Situations

1. **Spouses.** When both a husband and a wife are employed, their combined right to a leave of absence to care for a child or parent is 12 weeks in a 12-month period or 26 weeks in a single 12 month period to care for an injured service member.
2. **Key Employees (salaried employee in highest paid 10% of all employees).** Such employees may be denied reinstatement rights if reinstatement would cause substantial and grievous economic injury to operations.

Notice of Rights Under Federal Law

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or childbirth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition, or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

The City requires the use of any accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.

Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Holidays

The following are observed as official paid holidays for all full-time, non-temporary employees of the City:

New Years Day
Martin Luther King, Jr. Day
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving
Day after Thanksgiving
Christmas Eve
Christmas

For each holiday, each regular employee receives a holiday allowance equal to his normal scheduled hours. **All employees are paid for the holiday when it occurs except for Fire.**

A holiday falling on Saturday is observed on Friday; a holiday falling on Sunday is observed on Monday.

A non-exempt employee, other than emergency personnel, who is required to work on an official holiday receives, in addition to his normal pay for the hours worked, an alternate day off to be taken, if possible and workload permitting, within (30) calendar days. An exempt employee, other than emergency personnel who works a holiday earns his regular salary for such work and, in addition, receives an alternate day off to be taken, if possible and workload permitting, within (30) calendar days.

Benefits

The City currently offers a competitive benefits package. The terms of the City's benefits plans are subject to change, and the City is not responsible for any changes in or elimination of benefits or benefit plans. Please see Personnel for specific information on the City's benefit plans.

Take-Home Vehicle Policy

Non-Compensatory Benefit

Per the Employer's Tax Guide to Fringe Benefits, as set down by the IRS in Publication 15-B, employees who drive City vehicles home may be subject to reporting their mileage to and from work and reporting this as non-compensatory income on their tax returns at the rate of \$1.50 per mile. Employees are not allowed to use company vehicles except for commuting back and forth to work and *de minimus* personal use (such as a stop for a personal errand on the way between business and home).

Employees who are on a LOA or suspension will have their assigned vehicle parked at City Hall or their department for the duration.

Meal and Travel Reimbursement

Meal Allowance

- a) Reimbursements shall not be allowed for employees when an employee is working in the same County as his residence. Exception will be allowed under special circumstances (snow, storms, special assignment, etc.)

- b) Employees required by their department head to attend a meeting that is within the employee's county of residence may receive reimbursement for the costs of meals served at such meetings.
- c) Travelers who depart their official headquarters or residence for an official function prior to 5:15 pm, and where lodging will not be required, will be allowed to claim reimbursement for their dinner meal if their return to the office/residence is after 8:30 pm.

Meal allowances are based on per diem rates as set by the federal government in Section 301-11.18 of the Federal Travel Regulation guideline.

You can find information on the Per Diem Rates listed by destination or zip code on www.gsa.gov/portal/category/100120.

A breakdown of meal allowances and incidentals can be found on the internet at www.gsa.gov/portal/content/101518.

Per Federal Regulations, travel for days you depart and return are prorated from the standard meal allowance. You may claim 75% of the total meal allowance for those days. (Example: if your daily allowance is \$51.00 then your prorated amount for the days you depart and return will be \$38.25 for that day).

Dependents accompanying Employee

If a dependent accompanies an employee on an authorized business trip, only those expenses directly attributed to the employee shall be reimbursed.

Mileage Reimbursement

When an employee is required to use their personal automobile for necessary business, a charge per mile will be allowed as set by the Federal government. Generally, personal cars shall not be used if a pool car is available. Two employees traveling to the same destination will only be reimbursed for a single vehicle. Only actual miles driven on official business shall be subject to reimbursement at the applicable rate.

Travel Advances

The primary purpose of providing cash advances to persons traveling on official business for the City is to reduce the amount of personal funds required to finance such trips, thereby relieving the financial burden of the traveler. The policy regarding a travel advance is as follows:

1. A request for a travel advance must be approved by your supervisor or department head.
2. No travel advance shall be made to a non-city affiliated person.
3. No travel advance shall be made to an employee for travel within S.C. without specific approval of the appropriate department head.
4. No advancement shall be authorized for taxi fares, tips, etc.
5. Request for advances must be submitted to the Finance Department no later than 7 (seven) working days prior to the beginning of the trip for which advancement is requested.

General Rules:

Time of Travel and Departure. When disbursements for meals are claimed, the time of arrival and departure, the starting point, and destination shall be shown on the travel claim.

Portage and Gratuities. Gratuities shall be an allowable reimbursement for municipal employees. Portage, in general, shall be reimbursable if a person flies to a major city where there is no option concerning baggage handling. It may also be reimbursed when heavy, excess equipment is needed to conduct official business.

Telephone Calls. Calls made for official business shall be reimbursable. One brief personal call will be allowed if the employee is out of town overnight.

Receipts. Receipts for lodging, parking, and other expenses shall be attached to claim before reimbursement. Receipts for meals and taxis shall not be required.

Traveling by automobile when Air Fare is more economical. Employees are required to use the most economical mode of transportation available; therefore, a person who elects to drive a personal vehicle for his own convenience, when more economical modes of travel are available, shall be entitled to reimbursement for:

1. Mileage
2. Vicinity mileage incurred on official business in lieu of using a taxi
3. Storage fees for automobile equal to that which would have been incurred if the automobile had been stored at the airport.

Parking

Parking fees for vehicles shall be reimbursable upon presentation of a paid receipt. No reimbursement shall be made to pay fines for moving or non-moving violations.

Tuition Reimbursement

Employees intending to apply for tuition reimbursement must receive written approval prior to enrollment in the course(s) if reimbursement is anticipated and included in the current budget. The availability of reimbursement is limited to the level of budgeted funds. Funds are allocated on a first come, first serve basis.

An employee who takes an approved course during off-duty hours or while on a leave of absence may be reimbursed for certain expenses as provided below.

1. Covered Expenses – An employee may be reimbursed for the cost of tuition, all course-related fees, and one-half the cost of required books for up to ten (10) hours of courses per quarter or semester in which grades of “B” or better are received. All other cost must be paid by the employee.
2. Applying for reimbursement – Within ten (10) days after receiving his grades, the employee must submit a letter requesting tuition reimbursement to the City Manager with the following attachments.
 - a. Receipts showing the amounts paid for tuition, fees, and books
 - b. A copy of the grade sheet or other proof of satisfactory completion, as appropriate
3. Employee obligation – Employees receiving tuition reimbursement are obligated to remain with the City for six (6) months after each reimbursement. Any employee who fails to remain employed with the City for the entire obligation, for any reason, must repay the City, prorated to time worked. Obligation periods begin upon reimbursement. The City Manager may, in his discretion, waive the remaining obligation.

Workers' Compensation

City employees are covered by workers' compensation for on-the-job injuries. Benefits are governed by state law and not set by the City.

Employees must report immediately any on-the-job injury, regardless of severity, to their supervisor.

Discipline

Employees are subject to disciplinary action up to and including discharge when the City Manager determines that such action is necessary for the good of the City.

Employees must sign disciplinary notices, counseling memoranda, performance appraisals and similar documents. The employee's signature indicates only that the employee is aware of the action taken and does not indicate that the employee agrees with such action.

An employee who refuses to sign such a document will be relieved of all duty until the document is signed. If the document has not been signed and returned by the end of the employee's next scheduled work day, the City will consider the employee to have resigned.

Examples of Conduct Warranting Disciplinary Action

It is not possible to list all acts and omissions which may result in disciplinary action. The disciplinary action that is appropriate for any particular misconduct is at the sole discretion of the City. The following are merely examples of some of the more obvious types of misconduct which may result in disciplinary action, up to and including discharge:

- a. conviction of or plea of guilt or no contest to a charge of theft, violation of drug laws, sexual misconduct, offense involving moral turpitude or offense that affects the City's reputation or that reasonably could create concern on the part of fellow employees or the community. Employees who are arrested may be relieved of duty (with or without pay) pending the City's determination on continued employment.
- b. incompetence
- c. unauthorized absence or tardiness
- d. insubordination, including disrespect for authority, or other conduct which tends to undermine authority
- e. failure or refusal to carry out instructions
- f. unauthorized possession or removal, misappropriation, misuse, destruction, theft or conversion of City property or the property of others
- g. violation of safety rules; neglect; engaging in unsafe practices

- h. interference with the work of others
- i. any form of harassment, threatening, coercing or intimidating fellow employees, including "joking" threats
- j. dishonesty
- k. tardiness or absenteeism
- l. failure to provide information; falsifying City records; providing falsified records to the City for any purpose
- m. failure to report a personal injury or property damage
- n. neglect or carelessness
- o. introduction, possession or use of illegal or unauthorized prescription drugs or intoxicating beverages on City property or while on duty anywhere; working while under the influence of illegal drugs or intoxicating beverages; off-the-job illegal use or possession of drugs. For purposes of this administrative guideline, an employee is "under the influence" if he has any detectable amount of any such substance in his system.
- p. unsatisfactory performance
- q. violation of City administrative guidelines
- r. lack of good judgment
- s. any other reason that, in the City's sole determination, warrants discipline

Drug-Free Workplace

It is well-recognized that drug abuse has a harmful effect on public health and safety, on the welfare of employees, on morale, and on productivity. Furthermore, it is the intent of the City of Walterboro to comply with the Drug-Free Workplace Act, to establish and maintain drug-free workplaces, and to prohibit the unauthorized or unlawful manufacture, distribution, dispensation, possession, and use of controlled substances on or off the job.

For this reason, the City of Walterboro adopts the following administrative guideline:

All employees of the City are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using illegal drugs and substances (such as

marijuana, cocaine, LSD, heroin, etc.) and prescription drugs which are not prescribed for the employee's own use. This prohibition applies to use at any time, both on the job and off the job. City employees are, of course, permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

Similarly, employees are prohibited from reporting to work, using or being anywhere on City property while under the influence of alcohol, illegal drugs or controlled substances. For purposes of this administrative guideline, "under the influence" means having any detectable amount of any such substance in the employee's system.

The City may test employees for drug or alcohol use anytime the City has reasonable suspicion of a violation or as applicable laws allow.

Applicants for Employment

The City may conduct pre-employment drug tests for all applicants tentatively selected for employment. The City shall not hire any applicant tentatively selected for employment who refuses to submit to a drug test or who tests positive for use of illegal or unauthorized substances. An applicant who is rejected under this administrative guideline may be considered for future vacancies if he can demonstrate that he is no longer a user of any such substances. For example, the applicant may successfully complete a drug abuse treatment program or pass a more thorough drug test conducted at the applicant's expense.

Current Employees

- A. Effective immediately, all City employees will be subject to drug testing where "particularized suspicion" of drug use in violation of this administrative guideline exists or under other lawful conditions.
 1. Particularized suspicion is deemed to exist when:
 - a. information that an employee has used illegal drugs or substances is provided by a reliable informant;
 - b. testing for the presence of drugs or alcohol may be conducted following a work-related accident or other occurrence that involves a fatality, injury, damage to City property or damage to the property of others or an employee exhibits any of the following:
 1. Direct observation of drug-related activity;
 2. A pattern of abnormal conduct;

3. Unusual, irrational or erratic behavior;
4. Slurred speech, glassy or bloodshot eyes, poor coordination/reflexes, inability to walk a straight line, and other physical symptoms of being under the influence of alcohol or drugs;
5. Unexplained, increased or excessive absenteeism or tardiness;
6. Sudden changes in work performance;

7. Repeated failure to follow instructions or operating procedures;
8. Unexplained or excessive negligence or carelessness;
9. Discovery or presence of drugs or drug paraphernalia in an employee's possession, or near the employee's workplace;
10. Odor of and/or residual odor peculiar to some drug or to alcoholic beverages;
11. Arrest or conviction for a drug or alcohol-related crime;
12. Information provided either by reliable and credible sources or independently corroborated

13. An apparent state of facts and/or circumstances which would lead a reasonable person to believe an individual has been using drugs or alcohol in violation of this Administrative guideline.
14. Employees required by their jobs to possess a Commercial Driver's License must provide a specimen for testing within 32 hours following a serious accident for which they arguably are at fault. (Such employees who are injured and cannot provide a specimen at the time of the accident will provide necessary authorization for obtaining hospital reports or other documents which would indicate the presence of controlled substances in the employees' systems.)
15. Employees required by their jobs to possess a Commercial Driver's License must submit to a drug test whenever they are issued a citation for a moving violation in connection with an accident.

16. Particularized suspicion testing shall not be conducted without the approval of the City Manager or his designee(s).
- B. Random testing for illegal or unauthorized drug use shall be conducted for all sworn police officers, firefighters, and personnel responsible for maintaining the City's water treatment facilities.
 - C. Random testing for illegal or unauthorized drug use shall be conducted for all employees who are required by their jobs to possess a Commercial Driver's License.
 - D. Any employee involved in an accident on the job or incident involving property damage in excess of \$500 is subject to drug testing.
 - E. If an employee refuses to submit to, **interferes with, or tampers with** a drug test when ordered to do so, the City shall terminate the employee.

Testing Procedure

- A. The collection of samples will be performed under reasonable and sanitary conditions. The City may utilize any methodology for testing it deems appropriate.
- B. If testing by urinalysis:
 - a) Urine normally will be collected under conditions of semi-privacy – that is, a person of the same gender will be in a position to observe obvious attempts to substitute or adulterate a urine sample. Collection of the urine sample may be directly observed by a person of the same gender, however, where the person supervising the collection believes an employee has tampered with an earlier urine sample or the employee has previously admitted or been proved to have used drugs in violation of this rule.
 - b) Urine samples will be sealed, labeled, and documented in accordance with the procedure of the drug testing company. Labeling, storage, and transportation of samples shall be performed so as reasonably to preclude the probability of erroneous identification, sample contamination, or sample adulteration.
- C. If testing by oral fluid method:

1. Oral Fluid Samples will be collected by City Employees, trained by the drug testing company.
 2. Oral Fluid Samples will be collected, sealed, labeled and documented in accordance with the procedure of the drug testing company. Oral Fluid Samples will be collected, sealed, labeled and documented in the presence of the employee being tested. Labeling, storage, and transportation of samples shall be performed so as reasonably to preclude the probability of erroneous identification, sample contamination or sample adulteration.
- D. Applicants and employees will have an opportunity to provide any information which they consider relevant to the test, including identification of currently used prescription or nonprescription drugs, or other relevant information.
- E. Samples which initially result in a positive finding for drug use will be re-tested by the gas chromatography/mass spectrometry (GCMS) method. If the GCMS test results in a positive finding of drug use, and is verified by the Medical Review Officer, the written report of the Medical Review Officer shall be conclusive for all employment-related purposes.
- F. The City's medical Review Officer normally will allow an employee whose drug test results have been confirmed as positive the opportunity to justify the result before the Medical Review Officer notifies the City of the test results.
- G. Sample Collection and Testing Procedures for Alcohol.
- a. Employees suspected of being under the influence of alcohol during working hours shall be transported to a testing facility designated by the City.
 - b. An employee whose Breath Alcohol Content (BAC) is .05 percent or higher shall be driven home and remain off duty pending disciplinary action.
 - c. If the BAC is more than 0.0 percent but less than .05 percent, the employee will be suspended without pay for the remainder of the work shift and will be required to obtain an EAP evaluation to determine if an alcohol abuse problem exists.
 - d. An employee may immediately request, at his or her expense, a further confirmation through analysis of a

blood sample.

- e. Alcohol testing for DOT requirements may have additional consequences.

Additional copies of this administrative guideline are available upon request. By continuing to work, the employee agrees that he will abide by the administrative guideline as a condition of employment.

Notice to Employer, State and Federal Grantor/Contracting Agencies and Law Enforcement Authorities

As a condition of employment, employees agree to notify the City within five (5) calendar days after any criminal conviction for the workplace manufacture, distribution, dispensation, possession or use of illegal drugs and prescription drugs not prescribed for the individual employee's use. As required by the state and federal Drug-Free Workplace Acts, the City must notify all state and federal grantors/contracting agencies of such employee convictions. "Conviction" means a finding of guilt, the imposition of a sentence, a plea of no contest or a plea of guilty.

The City may notify law enforcement authorities whenever illegal drugs are found in the workplace.

Violations

Violations of this administrative guideline will result in discipline up to and including discharge.

- A. For all Police Department employees, violations of this administrative guideline will result in termination.
- B. For probationary employees, violations of this administrative guideline will result in termination.
- C. For all other employees, the City shall impose discipline up to and including discharge for an employee who tests positive for illegal drug use or who otherwise violates this administrative guideline.
 - 1. The City, in lieu of terminating an employee, may suspend the employee and condition the continued or future employment of an employee who tests positive for illegal drug use upon the successful completion of a drug counseling/rehabilitation program (the cost of which shall be borne by the employee if

insurance benefits are inadequate or not available).

2. If the City, after considering all of the relevant circumstances, allows an employee who tests positive for illegal drugs to continue as a City employee, the City will do the following:

- (a) Refer the employee for drug abuse counseling;
- (b) Retest the employee for controlled substances before allowing the employee to return to duty;
- (c) Require the employee to authorize the Employee Assistance Program or another facility to report periodically to the City during the course of treatment/counseling;
- (d) Place the employee on probation for at least six months following the employee's return to duty; and
- (e) Require the employee to submit to periodic and/or unannounced drug testing for a period not to exceed two years.

D. Should an employee whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program refuse or fail to participate in at least one counseling or treatment session, the employee will be terminated.

E. An employee whose return-to-duty test sample does not indicate that the employee has discontinued use of illegal drugs will be terminated.

F. Employees who have substance abuse problems, other than Law Enforcement, and report them to the City before being selected for testing, and before the occurrence of an event which normally would result in testing, will normally not be disciplined upon the first violation but will be subject to Part C (2) of the Violations section of this administrative guideline.

G. If an employee admits to a violation of this administrative guideline or tests positive for drugs in violation of this administrative guideline but seeks counseling and remains an employee of the City, the employee will be discharged if

he again either admits to a violation of this administrative guideline or tests positive for drugs in violation of this administrative guideline.

Confidentiality

Any drug test results or information supplied by employees and applicants as part of the City's drug testing program will be kept as confidential as possible, consistent with the purposes of this administrative guideline.

Testing Cost

The City will pay the costs of all drug tests to which the City requires an employee to submit except as indicated in this administrative guideline.

Notification of Results

- A. Applicants will be notified of the results of a pre-employment drug test, provided the applicant requests the results within 60 days of being notified of the disposition of the employment application.
- B. Employees will be notified of the results (including the drug(s) discovered) of all drug tests, provided the results are positive.

Employee Assistance Program

Drug abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. In order to prevent these consequences of drug abuse, the city has implemented the above administrative guideline and made available to its employees an Employee Assistance Program. The program provides employees with professional help for problems such as alcohol and drug abuse, emotional stress, money management difficulties and unpleasant family situations.

- A. The City's Employee Assistance Program is coordinated through the City Manager's office. Most services provided through the program are at no cost to the employee. If any costs will be borne by the employee, the costs will be communicated in advance.
- B. Periodically, the City will make available to employees' information regarding substance abuse. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material.

- C. Information about the Employee Assistance Program is available through the Personnel Department.

Texting and Driving

Employees assigned a City vehicle or use their personal vehicle for work are prohibited from the use of hand-held electronic devices, including but not limited to cell phones. Employees are encouraged to pull over or stop car to engage in lengthy conversations.

Attendance & Punctuality

Punctual attendance is an essential responsibility of each employee of the City of Walterboro. It is the responsibility of the City to provide excellent service to our customers, which cannot be achieved without sufficient staff.

Employees are expected to arrive in time to be ready to begin their workday at their scheduled time. If employees cannot report to work as scheduled, they should notify their immediate supervisor or department head no later than 30 minutes before their regular starting time. *This notification does not excuse the tardiness or absenteeism, but simply notifies the supervisor or department head.*

1. Absent

An employee is deemed absent when he/she is unavailable for work as assigned/scheduled & such time off was not scheduled/approved in advance as required by department notification procedure.

2. Tardy

An employee is deemed to be tardy when he/she:

- Fails to report for work and be ready to work at the assigned/scheduled work time. In these instances, managers may replace the tardy employee for the full shift without pay.
- Leaves work prior to the end of assigned/scheduled work time without prior supervisory approval.
- Takes an extended meal or break period without approval

3. Time Clocks & Failure to Clock in/out

Employees are required to follow established guidelines for recording their actual hours worked. Employees are required to fill out a timesheet or use a timeclock. A

missed clock in/out on either method is a violation of this policy & includes:

- Failure to clock/in out on their designated time clock/timesheet at the beginning and/or end of their assigned shift.
- Failure to clock in/out for their lunch break.
- Failure to accurately & timely report time worked.
- Clocking in/out early (or late) of assigned shift without prior approval. (See item #6)
- Employees are required to fill out a missed punch sheet and have supervisor approval before time will be entered into payroll system.

4. Progressive Discipline Process

Supervisors should monitor their employees' attendance on a regular basis & address unsatisfactory attendance in a timely & consistent manner. If supervisors notice a pattern of unscheduled usage of accrued time off banks, they should discuss this concern with the employee. When an employee has been previously counseled, the totality of the circumstances will be assessed when determining further action. For situations involving suspension or termination of employment, the supervisor should consult with Human Resources prior to implementing the disciplinary action.

5. Occurrences

An occurrence is documented as an absence, tardy, or missed time clock in/out. While an absence refers to a single failure to be at work, an occurrence may cover consecutive absent days when an employee is out for the same reason.

The following grid is designed to provide guidelines when addressing the total number of occurrences in a rolling 6-month period, provided that the reason for an occurrence is not protected under FMLA.

Occurrence	Occurrences/Days	Discipline Step and Action
1 Occurrence is equal to: 1 Tardy 2 Missed Clocks	5 Occurrences	Step 1: Verbal Warning
	10 Occurrences	Step 2: Written Warning
	15 Occurrences	Step 3: Suspension
	20 Occurrences	Step 4: Termination
Total # of Days Absent Consecutive or Non- Consecutive Does Not Apply to Tardy	3 days	Step 1: Verbal Warning
	6 days	Step 2: Written Warning
	9 days	Step 3: Suspension
	12 days	Step 4: Termination

6. Employees are not allowed, without permission from their supervisor or department head, to clock in any earlier than 7 minutes prior to their scheduled shift start. Any clock in 7 minutes past your scheduled shift start will default to the next quarter hour. This will be considered a tardy unless otherwise approved by your supervisor or department head. By clocking out more than 7 minutes after your scheduled work time without prior approval is subject to disciplinary action.

7. If there is a time-clock malfunction, note the time and contact HR or your supervisor immediately.

8. Tardy is defined as arriving past the start of your shift or returning from your lunch late. (i.e. one (1) minute past)

Employees exhibiting a pattern of tardiness or absenteeism will be subject to disciplinary action, up to and including discharge.

Open Door Policy

The City has an open-door policy, and employees are encouraged to speak with their supervisors about issues of concern to them. If, after speaking with his supervisor, an employee still has concerns about the issue(s), he may take the matter up with higher levels of supervision, following the chain of command. Employees may also speak with Personnel at any time.



MEMORANDUM

TO: Mayor and City Council
FROM: City Manager
DATE: March 26, 2019
SUBJECT: Mable T. Willis Boulevard Well Design and Engineering Services Proposal

The City was awarded a \$1,000,000 grant from the South Carolina Rural Infrastructure Authority for the construction of a new well on Mable T. Willis Boulevard. Hybrid Engineering has submitted a proposal for design and engineering services in the amount of **\$99,992**.

The FY 2019-2020 Enterprise Fund budget will allocate \$99,992 for this expenditure. City staff asks for Council's favorable consideration of this request. If you have any questions, comments or concerns, please do not hesitate to contact me or come by City Hall at your convenience.

Sincerely,

Jeffrey P. Molinari
City Manager

Attachment



Task Order No. 1

Master Agreement for Professional Engineering Services

Client: City of Walterboro

Project: Mable T. Willis Boulevard Well

Date: March 15, 2019

Scope of Services:

Perform administrative, investigative, design, permitting, contract administration, and construction observation services for the Mable T. Willis Boulevard Well located on the parcel known as Colleton County TMS No. 178-00-00-205 along Mable T. Willis Boulevard (S-15-782) in Walterboro, South Carolina. The improvements will be substantially as indicated in the Grant Application submitted to the South Carolina Rural Infrastructure Authority in September 2018. Includes the following tasks:

1. Project Kickoff Meeting with Client & SCRIA
2. Field Investigations & Verifications
3. Design
4. Project Manual (Contract Instruments & Technical Specifications)
5. Construction Drawings
6. Prepare SCDOT Encroachment Permit Application (S-15-782)
7. Prepare Coastal Zone Consistency (CZC) Request
8. Prepare SCDHEC Notification Form for Sites Disturbing Less Than 1-Acre
9. Bid Solicitation
10. Contract Award Activities
11. Preconstruction Conference
12. Submittal Data Review
13. Periodic Construction Observation Site Visits (Average 2 Visits/Week for 30 Weeks of Activity)
14. Review & Process Contractor's Applications for Payment (9)
15. Record Construction Drawings
16. Final Site Visit & Project Closeout

Payment:

Payment shall consist of an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times Standard Hourly Rates for each applicable billing class plus Reimbursable Expenses, the total of which shall not exceed \$99,992 without prior written approval.

City of Walterboro Approval: _____

Date: _____

Attachment: Engineering Labor & Fee Projection

ENGINEERING LABOR AND FEE PROJECTION
Mable T. Willis Boulevard Well
City of Walterboro
Walterboro, South Carolina
December 8, 2018



LABOR PROJECTION						
Task	Project Manager Manhours	Design Engineer Manhours	Electrical Engineer Manhours	CAD Specialist Manhours	Field Investigator Manhours	Construction Manager Manhours
Project Kickoff Meeting w/ Client & SCRIA	4				4	
Field Investigations & Verifications	2	4	8		18	
Design	16	40	40			8
Project Manual (Contract Instruments & Technical Specifications)	8				4	
Construction Drawings	2		40	80		
Prepare SCDOT Encroachment Permit Application (S-15-782)		2				
Prepare Coastal Zone Consistency (CZC) Request	2			8		
Prepare SCDHEC Notification Form for Sites Disturbing Less Than 1-Acre		2				
Bid Solicitation	8					16
Contract Award Activities	8					8
Preconstruction Conference	6					6
Submittal Data Review	8	24	24			24
Periodic Construction Observation Site Visits (Avg. 2 Visits/Week for 30 Weeks of Activity)						300
Review & Process Contractor's Applications for Payment (9)		18				18
Record Construction Drawings				12		8
Final Site Visit & Project Closeout	8		8			8
Total Manhours	72	90	120	100	26	396
COST PROJECTION						
Labor			Manhours	Hourly Rate*	Total	
Project Manager			72	\$165	\$11,880	
Design Engineer			90	\$125	\$11,250	
Electrical Engineer			120	\$155	\$18,600	
CAD Specialist			100	\$120	\$12,000	
Field Investigator			26	\$95	\$2,470	
Construction Manager			396	\$95	\$37,620	
					\$93,820	
Expenses						
Mileage:			8,720 miles @ \$0.60/mile		\$5,232	
Printing:			Lump sum estimate		\$200	
Per Diem:			74 days @ \$10/day		\$740	
Expenses Subtotal					\$6,172	
Total Projected Cost						\$99,992

Notes:

1. Owner will pay all permit application fees
2. Presumes that only treatment will be chlorine disinfection. Design/permitting of other treatment facilities can be added as additional services.