



POLICY ID# 2012-002
CLEARED BY: J. Donora
DATE: Feb. 28, 12

STATE OF ALABAMA DEPARTMENT OF
PUBLIC HEALTH

Donald E. Williamson, MD
State Health Officer

MEMORANDUM

TO: Office, Bureau, Division, and Branch Directors
Area and Local Health Officers
Assistant State Health Officers
Area Administrators and Assistant Area Administrators
Staff Assistants

FROM: Sandra Wood, SPHR, Director *SW*
Office of Human Resources

DATE: February 28, 2012

SUBJECT: HR Policy Manual, Revised 2012

Attached is the Department's revised Human Resources Policy Manual (Policy ID#2012-002), which replaces the ADPH Personnel Policy Manual (Policy ID#04-03).

The Manual provides a summary of human resources policies and practices, and in some cases, supplementary guidance to supervisors for handling personnel matters. It does not include human resources policies in their entirety and is not intended as a substitute for referenced policies. As policies are written or revised, they take precedence over any conflicting information found in this Manual.

Content of the following policies has been added to or expanded in this HR Policy Manual. Procedures relative to these policies are covered in the HR Procedures Manual, and information necessary for employees is included in the Employee Handbook. Therefore, these policies and policy numbers are being abolished.

Employment of Relatives and Household Members Policy (#2007-008)
Lateral Transfer Recruitment Policy (#2005-008)
Personnel Records Policy (#03-33)
Policy for Leave and Other Absences (#2007-013)
Educational Leave Policy (#2005-06)
Performance Appraisal Policy (#2007-009)
Policy for Reporting Job-Related Injuries, Illnesses, and Accidents/Incidents and
Temporary Alternative Duty (#04-09)
Policy for Processing Separation of Employment (#2006-18)
Policy for Recruitment of Public Health Employees (#01-03)

Other significant changes to the HR Policy Manual include:

- Addition of information on the federal Genetic Information Nondiscrimination Act (GINA).
- Updated guidance concerning professional dress and appearance.
- Additional guidance provided for interviewing job candidates.
- Additional guidance provided regarding orientation of new employees.
- Requests for donated leave and advanced sick leave will be submitted to Human Resources only if approved by the Area Administrator/Bureau Director at the work location.

Please ensure that all supervisors and managers under your direction become familiar with the contents of the Manual so the Department's human resources policies may be administered consistently.

SAW/lmj
Attachment

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HR Policy Manual

February 2012



Alabama Department of Public Health
Office of Human Resources

INTRODUCTION

This ADPH Human Resources Policy Manual (“Manual”) was developed by the Office of Human Resources (“Human Resources” or “HR”) to provide a summary of human resources policies and practices, and in some cases, supplementary guidance to supervisors for handling personnel transactions. It does not include human resources policies in their entirety and is not intended as a substitute for referenced policies. Instructions for completing human resources forms can be found in the ADPH Human Resources Procedures Manual.

As used in the Manual, the words “shall” or “will” should be interpreted as mandatory, and the word “may” as permissive. The masculine gender should be interpreted to include the feminine gender.

As policies are written or revised, they take precedence over any conflicting information found in this Manual.

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CHAPTER 1

General Employment Provisions

CHAPTER 1

GENERAL EMPLOYMENT PROVISIONS

Equal Employment Opportunity

It is the policy of the Alabama Department of Public Health (ADPH) to select, train, and promote employees based on their ability and job performance and to provide equal opportunities and treatment in all aspects of employment without regard to their race, color, religion, sex, national origin, citizenship, age, physical or mental disability, or genetic information. Such aspects of employment include: hiring, promotion, demotion, transfer, recruitment, advertising, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training, and all other human resources practices. **(Equal Employment Opportunity/ Affirmative Action Policy)**

Americans with Disabilities Act Amendments Act (ADA, as amended)

Under Title I of the ADA, as amended, the Department is prohibited from discriminating in the hiring process or any other aspect of employment against qualified individuals on the basis of disability.

Interview questions should focus on whether the applicant has the education, training, and skills required for the position and whether he can perform the essential job functions, either with or without a reasonable accommodation. Interviewers must not ask questions that are likely to elicit medical information and must not allow applicants to share medical information. All applicants should be given a copy of the job description, with essential functions of the position indicated, and asked if they can perform those essential functions, either with or without an accommodation. The interviewer should let the applicant know that a “yes” or “no” answer is all that is needed. If the applicant begins to offer specific information about a medical condition or possible accommodation needed, the interviewer should respectfully stop him and let him know

the question is being asked of each applicant merely to confirm the applicant is qualified for the position, and specific information is not needed at this stage of the hiring process.

Covered employers must provide reasonable accommodations to enable qualified individuals with disabilities to perform the essential functions of a job for which they are applying or in which they are working. A “reasonable accommodation” is any change in the work environment or in the way things are customarily done that enables the qualified individual with a disability to perform the essential functions of the job and does not cause an undue hardship to the employer.

Availability letters for vacant positions must inform applicants that if an accommodation is needed for the interview process, the applicant should give prior notice to the person or office conducting the interview. Supervisors who receive an applicant’s request for accommodation should promptly contact the Human Resources Director for guidance.

If an employee needs an accommodation, it is generally his responsibility to notify the Department that he needs an adjustment or change at work for a reason related to a medical condition. The employee is not required to put the request in writing and does not need to specifically mention the ADA or “reasonable accommodation.” When a supervisor receives such a request or notice, he should work through the chain of command and contact the Employee Relations Officer or Human Resources Director for guidance within three (3) days of the employee’s request/notice.

If a supervisor is meeting with an employee to discuss a work performance or work behavior problem, and the employee indicates that the problem is related to a medical condition, the supervisor should work through the chain of command and contact the Employee Relations Officer or Human Resources Director for guidance after discussion with the employee. This procedure should also be followed in situations where an employee has an obvious disability that is causing him workplace difficulties, but the disability impairs the employee’s ability to communicate the need for assistance (e.g., some types of mental impairment).

See the **ADA Employment Policy** for related definitions and details of the procedure for addressing accommodation requests.

Confidentiality

Employees who handle personal information, written or unwritten, such as medical, financial, and demographic information (e.g. addresses, social security numbers, telephone numbers, etc.) are required to uphold the individual's right to privacy and keep the information confidential. Confidential information may be released to individuals outside the Department only with written consent of the individual concerned and is to be discussed within the Department only with those who have a legitimate need to know. Employees may be held personally liable for any adverse consequences to the client of inappropriate release of information or breaches of confidentiality. **All suspected breaches of confidentiality must be reported immediately through the ARIA (Automated Report of Incidents and Accidents) to the Office of General Counsel.** Any employee may make a report through ARIA; it is not necessary that employees report through the chain of command. Violation of confidentiality will not be tolerated and is grounds for disciplinary action, up to and including termination of employment and/or legal action. Employees are protected from any discrimination, harassment, or retaliation for reporting a violation of this policy. **(Professional Conduct Policy)**

Employee Records

Personnel records of all present and former employees are confidential and must be maintained in a confidential area with access limited only to those with an official need to know. Verbal and written information concerning an employee or former employee must be strictly controlled by a designated employee in each work location. In accordance with federal laws, all medical information must be maintained in separate confidential files.

Employees may periodically review their own personnel files, under the supervision of the staff member designated to check out files. Employees must not place additional items in their personnel file without approval from their supervisor and must not remove items from their

file. Supervisors may review the personnel file of any employee under their immediate or general supervision. Each Office/Bureau/Area/County must have written procedures for checking out employee files, active or inactive, to ensure confidentiality is maintained.

In compliance with state law, employees must be provided a copy of all documents pertaining to disciplinary action against them within ten (10) days after the placement of the document in the employee's file. Disciplinary actions include written warnings, written reprimands, suspension, and involuntary demotions. (Notes regarding counseling should not be placed in an employee's file, unless they are part of documentation connected with a disciplinary action or the employee's performance appraisal.) If the employee is not provided a copy within ten (10) days, the disciplinary document must be removed from the file and not used against the employee in any future proceeding or disciplinary action. In order to ensure compliance with the law, supervisors are required to have employees sign a statement acknowledging receipt of disciplinary documentation prior to placing the documentation in the employees' files. Refusal to sign the acknowledgment will be considered insubordination, and appropriate action will be taken. Suggested wording:

“I, _____, acknowledge that I received this memorandum on _____ and was advised that a copy would be placed in my departmental employee file.”

Each Office/Bureau/Area/County must have a person designated to provide employment verification. This designee, upon verbal request for verification of employment, including references, may only verify whether or not a person is currently or was previously employed, with dates of employment and the person's classification. An employee or former employee may request that additional written information, such as work history, be released by providing written authorization specifying the extent of information to be released and to whom it should be released. These requests should be completed by the office designee or forwarded to Human Resources for completion. Only factual information contained in the employee's or former employee's file is to be released.

Financial questionnaires from governmental agencies or financial institutions may be completed by the designated person at the local office if information is available and the

employee gives written authorization. If specific detailed information is needed but unavailable at the local office, the request should be forwarded to Human Resources for completion. A copy of the signed release and the completed questionnaire should be kept in the employee's file in the office in which the form was completed.

Employee records properly subpoenaed by the courts shall be provided as ordered, in accordance with the Department's **Receipt of Legal Documents Policy**.

Inactive employee files will be maintained for six (6) years after the employee's separation from the agency and then will be destroyed, unless there is a pending lawsuit or EEOC charge in the work location. Where there is a pending matter, the administrator/director must consult with the Human Resources Director before destroying any personnel-related records, including employee files; Form 40s; job interview records and notes; requests for registers; files concerning any type of appointment, promotions, reemployment, or hiring of employees; and any documentation concerning employee relations matters.

Outside Employment

Employees must avoid any interest or activity which is, appears to be, or may be perceived as being in conflict with the conduct of their official duties. All employees, including contract and hourly employees, are required to disclose outside employment and certify that it will not/does not cause any conflict of interest; impose demands on the employee's time that would be detrimental to the Department; or otherwise adversely affect their employment with the Department. This requirement applies whether it is self-employment or a job with another employer. The *Outside Employment Notice Form* (ADPH-HR-44) must be submitted through the immediate supervisor and Area Administrator/Bureau Director for their review and routed to Human Resources for processing. **(Professional Conduct Policy)**

Community and Political Activity

The Department recognizes that running as a candidate for public office is an important component of political activity. However, a federal law, known as the Hatch Act, prohibits some state employees from running for office in any partisan election. **Because the penalties for violating the Hatch Act are severe (even if the candidate is not successful), employees are strongly encouraged to seek an advisory opinion from the federal Office of Special Counsel, before running for public office, as to whether or not their candidacy will violate the Hatch Act.** In addition, an employee who seeks public office must notify the State Health Officer of his intention to run in an election for public office. Violations of the Hatch Act may result in termination of employment.

Employee Assistance Program

Employee work performance may be affected by personal financial matters, substance abuse, mental/emotional problems, home and family problems, and other issues. In an effort to assist employees work through these problems, the Department participates in the State Employee Assistance Program (EAP), with services provided through Behavioral Health Systems, Inc. (BHS). All Department employees (merit system, hourly, and contract) and their dependents are eligible to participate in the program.

Participating in the program does not exempt employees from adhering to job performance and behavior standards and does not protect employees from disciplinary action. However, in cases where an employee's job performance or work behaviors are showing signs of deficiency, the supervisor should remind the employee of the Employee Assistance Program. Records of any participation will not become part of the employee's personnel file.

There are three avenues by which an employee can participate in the Employee Assistance Program:

1. Employees may directly contact BHS at (800) 245-1150 to schedule an appointment. Emergency access is available 24 hours a day, seven (7) days a week.

2. Employees may contact their supervisor or the Employee Relations Officer for enrollment information.
3. Supervisors may refer employees to the program, but participation in the program is strictly voluntary.

If an employee chooses to contact BHS directly and not inform his supervisor, the employee must use his leave for any time off used for appointments. In such cases, information about the employee's enrollment in the program will not be provided to the Department. If the employee wishes to notify his supervisor that he has an appointment with BHS, time off will be granted to the employee for the initial visit without the use of leave. For all other visits, the employee must use his leave. In all cases, the employee must follow the normal office procedures for having leave approved.

If an employee contacts his supervisor for enrollment or is being referred by his supervisor, the supervisor should contact the ADPH Employee Relations Officer at (334) 206-5815 or BHS at (800) 245-1150 for information. Although the Department may have knowledge of the individual's participation, no medical or personal information will be provided to the Department by BHS.

Each case is assigned to a professional Care Coordinator who will guide the participant through the process. The plan provides for up to three (3) sessions per plan year for each employee and each of the employee's dependents. If the participant requires treatment beyond the visits provided through the EAP service, the Care Coordinator will help with any referrals through the participant's health insurance plan.

Supervisors are encouraged to periodically remind employees of the EAP service through staff meetings or other methods of communication.

Grievances

It is the policy of the Department to provide employees with an opportunity to present their work-related complaints to management. In addition, no employee may be discriminated against in any aspect of his employment or seeking employment on the basis of race, color, religion, national origin, age, sex, genetic information, or disability; and any employee may file a grievance without fear of retaliation.

A grievance is a complaint regarding some matter considered by an employee as unresolved. Most complaints can be addressed informally, and both supervisor and employee are expected to make every effort to resolve problems as they arise, following the steps outlined in the Department's Grievance Policy. An employee wishing to file a grievance should complete an *Employee Grievance Report* (ADPH-HR-17) and submit it to the Bureau/Office Director or Area Administrator. Complaints of discrimination related to equal employment opportunity rights on the basis of race, color, religion, sex, national origin, age, disability, or genetic information may be taken immediately to the Employee Relations Officer in Human Resources.

The Department also participates in the State's Mediation Program where a certified mediator assists disputing parties in reaching a mutually acceptable agreement regarding their dispute. Employees may request the mediation process instead of the grievance process or may request it at any point during the grievance process. **(Grievance Policy)**

Job-Related Injuries/Illnesses

(State Employee Injury Compensation Trust Fund – SEICTF)

Employees must report to their supervisor (or other designated person in case of supervisor's absence) any personal bodily injury incurred on the job or the onset of any occupational disease within 24 hours, regardless of how slight the injury or whether or not medical assistance is required. All work units must permanently post a notice of this requirement in one or more prominent locations where it is likely to be seen and read by all employees.

The State Employee Injury Compensation Trust Fund (SEICTF) is an on-the-job injury program administered by the State Finance Department, Division of Risk Management (DORM). The plan covers full-time, part-time, hourly, and contract employees. SEICTF covers medical costs incurred with job-related injuries or illnesses, payment for job-related disability, and payment to dependents in the event of fatal job-related injuries. In order for an injury or illness to be covered under SEICTF, all required forms must be completed, and the employee must see specified doctors if medical attention is required.

All new employees must be provided with a *SEICTF card* (SEICTF Form 5) upon employment. The card outlines steps to take in the event of a work-related injury or illness.

Applicable forms, including the SEICTF card, are available in the Lotus Notes Document Library under the Human Resources category. For guidance concerning the SEICTF program, contact the Department's SEICTF Coordinator in the Office of Human Resources.

Procedures for supervisors in cases of an employee accident/injury:

1. Complete the *Employer's First Report of Injury or Occupational Disease* (SEICTF Form 1). Within 24 hours of notification of injury, fax the completed Form 1 to Risk Management at (334) 223-6170 and to the Office of Human Resources at (334) 206-5820. An online version is available on the Risk Management website. If you choose to complete the online form, you must still fax a copy to Human Resources and keep a copy for the office injury file (*not* the employee's personnel file).
2. Have the employee complete the *SEICTF Accident Report Employee's Statement*. Fax it to Human Resources and Risk Management with the SEICTF Form 1.
3. **If the situation is a medical emergency, do not delay treatment, but have the employee complete applicable forms as soon as possible.** Contact Risk Management by phone at (800) 388-3406 to make them aware of any emergency treatment required. If emergency care is provided by a medical facility outside the SEICTF network, follow-up care after an emergency must be coordinated through a Network Primary Care (Gatekeeper) Physician. A medical emergency is a sudden and unexpected onset of a medical condition which is so severe that failure to receive immediate treatment could

result in permanent damage or danger to health; serious impairment to bodily functions; serious permanent dysfunction of any bodily function, organ, or part; and/or other serious medical consequences.

4. Provide the employee a *SEICTF Guide to Benefits and Claims Filing* (SEICTF Form 4).
5. If medical attention is required and the employee wishes to receive SEICTF benefits, have the employee read and sign the top section of the *Authorization for Initial Treatment and Pharmacy* (SEICTF Form 3-A). Make a copy of the form for the office injury file. The employee must take the original form with him to the doctor and pharmacy (if needed) to avoid co-pays and deductibles. The employee must receive care from a Network Primary Care (Gatekeeper) Physician in order to obtain SEICTF benefits. A list of Gatekeeper physicians is available in the Lotus Notes Document Library, or you may contact Provider Relations at 1-800-977-0022 or (334) 223-6177 for a list of current Gatekeeper physicians. The physician's office should be contacted prior to the employee's visit. **To ensure compliance with the Genetic Information**

Nondiscrimination Act of 2008 (GINA), the following language must be attached to the *Authorization for Initial Treatment and Pharmacy* (unless the form has been revised to incorporate the language):

“The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. ‘Genetic information,’ as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.”

6. If the employee does not wish to seek treatment from a Gatekeeper physician and/or does not wish to receive SEICTF benefits, he must read and sign the *Forfeiture of Benefits* form (ADPH-HR-56), and the supervisor must fax the form to Human Resources.

7. If the employee is seeking SEICTF benefits, within 24 hours after the injury he must select a payment option under items A and B on the *Employee Election for Lost Time Benefits* (SEICTF Form 2). Item A concerns time lost from work for the three (3)-day waiting period (24 hours), and Item B concerns time lost in excess of three (3) days. Delay in option selection will delay compensation payment to the employee. The supervisor or designee must complete the section of the form labeled, “To Be Completed by Agency.” If the employee is expected to miss more than three (3) days of work, immediately *fax* the completed Form 2 to SEICTF at (334) 223-6170 and *mail* the original form to **SEICTF, P.O. Box 303250, Montgomery, AL 36130-3250**. In addition, fax the form to Human Resources. Retain a copy for your files.
8. If the accident/incident involves a traffic accident or damage to/theft of property, a copy of the police report must be faxed to Human Resources. In addition, if a traffic accident was involved, complete an *Automobile Loss Notice* form and fax it to both Risk Management and Human Resources.
9. If the employee was exposed to blood or body fluids, complete the SEICTF *Blood/Body Fluid Report Form* and fax it to Risk Management and Human Resources, in addition to other required forms.
10. All accidents/incidents must be reported to the Office of General Counsel by completion of the Automated Report of Incidents and Accidents (ARIA).

Employee’s Return to Work:

The Department will strive to accommodate the temporary physical limitations caused by an on-the-job injury or illness for employees eligible for benefits under SEICTF. Supervisors should consult the SEICTF Coordinator in Human Resources concerning any situations involving “light duty” assignments. If the treating physician authorizes an employee to return to work with activity restrictions, the Area Administrator or Bureau/Office Director should make every effort to temporarily make a job assignment which matches the abilities and limitations of the injured employee. Job assignments within the employee’s job classification are preferred; however, assignments may be made outside the employee’s classification if necessary. If there is

no work available for the employee to perform, the Bureau/Office Director or Area Administrator must notify the Department's Human Resources Director of that fact in writing.

When an injured employee returns to work on modified duty, the supervisor is responsible for monitoring the employee's compliance with the activity restrictions. The employee and supervisor must sign an *Employee Acknowledgment of Activity Restrictions* (ADPH-HR-58), and the supervisor must fax the form to Risk Management and Human Resources.

Within two (2) days of an injured employee's return to work, whether on modified duty or regular duty, the supervisor must complete a *Notification of Return to Work* form (ADPH-HR-10) and fax it to Risk Management and Human Resources.

When the employee reaches maximum medical improvement (MMI), he will either be returned to full duty within his job classification or placed on leave until a determination can be made as to his work status. The Employee Relations Officer will provide guidance to the supervisor as to the appropriate action to take (e.g., permanent accommodations, disability retirement, retirement, termination).

Note: Any paperwork submitted to Risk Management must also be submitted to Human Resources.

CHAPTER 2

Work Environment

CHAPTER 2

WORK ENVIRONMENT

Drug-Free Workplace

It is the Department's goal to provide employees with a safe, professional work environment and the public with safe and efficient facilities. Accordingly, it is the Department's policy to maintain a drug-free workplace. Employees found to have violated the Department's **Drug-Free Workplace Policy** will be subject to disciplinary action, up to and including termination of employment.

Employees are prohibited from:

- using unauthorized drugs or chemical substances, including alcohol, on the Department's premises at any time;
- reporting to work with detectable levels of unauthorized drugs or chemical substances, including alcohol, in their systems;
- possessing, manufacturing, selling, or dispensing illegal drugs or chemical substances during work hours or while on the Department's premises;
- using tobacco in any form in the Department's indoor premises;
- using tobacco in any form on the Department's outdoor premises if the location is a designated "tobacco-free campus."

If an employee is convicted for an offense involving the possession, use, or sale of a controlled substance, he is required to report the conviction to his supervisor within five (5) days.

If there is good reason to believe an employee has violated this policy, the Department may require the employee to submit to drug or alcohol testing or both. The behavior leading to the request to test must be documented by the observers on a *Report of Impaired Behavior* form. No employee may be instructed to undergo a drug/alcohol test unless authorization is received from the Department's Human Resources Director or designee.

See **the Drug-Free Workplace Policy** for testing procedures. It is important that the procedures be followed exactly as described to ensure the integrity of the process, including maintenance of proper chain-of-custody for the specimen.

All information regarding circumstances surrounding a request to test an employee must be kept in a file separate and apart from the employee file and must be kept confidential to the extent possible.

Workplace Threats and Violence

The Department is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. All reports of incidents will be taken seriously and dealt with accordingly. Supervisors and managers who receive such reports must seek advice from Human Resources regarding investigating the incident and initiating appropriate action. Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy. *Threats or assaults that require immediate attention by security or police should be reported first to local law enforcement officers by calling 911. For state offices located in Montgomery, the first contact in such cases should be the State Capitol Police at (334) 242-0700. (Policy Against Workplace Threats and Violence)*

Sexual Harassment

The Department is committed to maintaining a work environment free of all types of harassment, including sexual harassment. Accordingly, any verbal or physical conduct of a sexual nature that tends to create an abusive, hostile, intimidating, or offensive work environment by an employee, supervisor, manager, contractor, or vendor is strictly prohibited. Behaviors that may create such an environment include unwelcome sexual flirtations, advances, or propositions; verbal abuse of a sexual nature; subtle pressure or requests for sexual activities;

preferential or derogatory treatment based on gender; unwelcome touching of an individual; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; sexually explicit or offensive jokes; the display in the workplace of sexually suggestive objects or pictures; or actual sexual assault. Violation of this policy by employees shall be grounds for disciplinary action, including possible termination of employment. Any time an employee makes an allegation of sexual harassment or the supervisor becomes aware of behaviors that may reasonably be considered abusive, inappropriate, or offensive toward an employee, the supervisor must notify his superior in the chain of command and contact Human Resources for guidance. **(Sexual Harassment Policy)**

Professional Dress and Appearance

Employees contribute to the Department's professionalism and reputation by the way they present themselves. A professional appearance is essential to a favorable impression with patients, clients, regulators, and the general public. Supervisors must communicate dress requirements to their employees and ensure the requirements are followed.

Employees are expected to maintain good hygiene and grooming for work. Facial hair should be neat and well-trimmed. Due to sensitivity (allergies, illnesses) of some employees and patients, perfume and cologne should be used sparingly or not at all.

Earrings are acceptable; however, rings or studs through the nose, eyebrow, tongue, or body parts other than the ear lobe that are visible to others, may not be worn while working. All tattoos must be small in size or covered at all times and must not be offensive in nature.

In order to present to the public our best image, each employee is expected to wear appropriate business or office apparel. Certain employees may be required to wear uniforms, depending on the nature of their jobs. All employees must come to work dressed in clothing that is clean, neat, and fits properly. Clothing that reveals too much back, chest, or cleavage, or that reveals an employee's stomach or undergarments, is not appropriate for work. Clothing with wording or pictures that may be offensive to other individuals is unacceptable.

Appropriate Business Attire:

- * Blazers/sports coat
- * Blouses/shirts – tucked in unless made to wear outside of pants or skirts
- * Plain T-shirts worn under blouse or jacket
- * Polo shirts with departmental logo may be appropriate in certain limited circumstances, when work does not require routine contact with the public
- * Vests
- * Pants/slacks in business suitable fabrics
- * Skirts and dresses (length that covers thigh area when sitting)
- * Suits/pantsuits
- * Any type of business shoes (heels, flats, etc.)
- * Non-thong type sandals

When meeting someone from outside the agency, men should wear ties and suit jacket/blazer.

Casual business attire may be allowed on certain days (as designated by the State Health Officer for the central office and by Administrator/Director for locations outside the central office). Even when more casual attire is permitted, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing. Casual business attire is not appropriate if meeting with individuals outside the Department.

Acceptable casual business attire (for designated days):

- * Casual shirts with collars (golf and polo shirts)
- * Denim (including pants [jeans], shirts, skirts, dresses, etc. with no holes or frays)
- * Shirts with departmental logo/shirts with university or team names on designated “sports” days
- * T-shirts without logo
- * Capri pants; gaucho or similar pants (at or below mid-calf length)
- * Casual slacks (cargo pants)

- * Athletic shoes
- * Casual shoes

Attire which is unacceptable for work at any time:

- Halter tops/crop tops
- Sun dresses; strapless dresses; beach cover-up dresses
- Tank tops
- T-shirts with logos
- Flannel pants
- Jogging outfits
- Shorts or skorts
- Stirrup pants and leggings
- Sweatshirts/sweatpants
- Flip-flops

An employee reporting to work dressed or groomed inappropriately may be counseled by the supervisor and possibly sent home to change. In these instances, the employee will be charged the appropriate amount of annual leave.

If an employee requires a reasonable accommodation regarding his dress or appearance for bona fide health and/or religious reasons, he should contact his supervisor, and the supervisor should contact Human Resources for guidance.

Religious Expression

The Department does not seek to promote or discourage the practice of any religion or faith. Casual religious conversation between employees is not prohibited, but such conversation must not give the appearance of approval of any religion by the Department or supervisors and must not disrupt the work of the office. Verbal or written solicitation for membership in a religious group or for attendance of religious services, or advocacy of religious principles, may be conducted only during lunch times. However, such activities may not take place, even at

lunch times, when employees are not free to leave the lunch area if they wish (e.g., work-related meeting held during lunch).

Employees may attend prayer sessions and/or Bible or religious book studies during the work day during lunch times only. Sessions may be on Department premises but must be in an area that can be closed off, so as not to offend employees or patients/clients who do not wish to be involved. If inviting other employees to attend such sessions, the invitation must not carry any appearance of pressure, coercion, or approval by the Department or by supervisors.

Employees must not engage in religious solicitation or advocacy of religious principles to patients/clients, either during or after work hours.

Religious materials must not be displayed on official Department bulletin boards or on Department windows, doors, or walls. Employees may display religious materials in their personal work areas, so long as a reasonable observer would not interpret it as Departmental endorsement of any religion. Religious expressions are not to be included in written or electronic communication in which Department business is conducted, either within or outside the Department.

Employers are required by law to reasonably accommodate the religious practices of employees and prospective employees, unless to do so would create an undue hardship. Supervisors who receive requests from employees or applicants for religious accommodations should work through their chain of command and contact Human Resources for guidance.

Tobacco-Free Health Department Facilities

All buildings occupied by the Department are tobacco free; employees may not use tobacco in any form in indoor premises of the Department. In some locations, employees may smoke or use other forms of tobacco in designated areas outside of the buildings during their lunch and break periods. (Two [2] fifteen-minute breaks are granted each day – one in the first

half of the workday or shift and another during the second half.) Some locations have implemented tobacco-free policies prohibiting the use of tobacco both indoors and outdoors.

Security Measures

For the safety of Department employees and our clients and to protect the confidential information maintained by the Department, all employees must become familiar with and follow the Department's **Security Policy** and their location's security procedures. When in Department buildings or facilities or when performing work in the field, all Department employees and contractors must wear ID badges on their outer garments so that both the picture and information on the badge are clearly visible.

Emergency Guidelines

All employees must become familiar with and follow the Department's **Policy for Employee Safety** and their location's procedures for emergency situations such as fire, inclement weather, power failure, bomb threats, and medical emergencies.

CHAPTER 3

Establishing Positions and Position Control

CHAPTER 3

ESTABLISHING POSITIONS and POSITION CONTROL

Introduction

A position is defined as a group of duties and responsibilities constituting the full or part-time employment of one person. Position control is the responsibility of the State Personnel Department and Human Resources. A recommendation must be made, accompanied by a Position Classification Questionnaire (Form 40), to State Personnel, through Human Resources, justifying the establishment of a new position within the classified service.

Form 40 Files

Each Public Health office must maintain a Form 40 file by position number. When a position is established, or allocated by State Personnel to a classification, a copy of the approval and the Form 40 should be placed in the Form 40 file under the assigned position number. If the duties or other aspects of the position change significantly, a revised Form 40 must be submitted to Human Resources; however, it is not necessary to complete a revised Form 40 solely because the position becomes occupied by a different employee.

Reassignment of a Position

Under most circumstances, once a position is assigned to a particular office, it remains there until abolished. However, should it become necessary to move or reassign a position, whether occupied or vacant, from one section to another, a Form 11 must be submitted. A revised Form 40 must accompany the Form 11.

Changing the Classification of a Position

Sometimes the classification of a position should be reviewed and changed because of significant changes in the work performed. This process is referred to as the reallocation of the position to another class. The process is often initiated by the supervisor, but it may be initiated because of information identified by a classification survey or because of information brought to light by the incumbent. A new Form 40 must be prepared and submitted with the reallocation request.

Status of Incumbent on Position Reallocation: The classified employee will be given status in the new class, if qualified, according to the *Rules of the State Personnel Board* [Rule 670-X-7-.06] quoted below:

A position that is reallocated to a higher class should normally be filled by certification and appointment from the open-competitive or promotional eligible register for the higher class. However, if the incumbent has been performing the duties that are the basis for reallocation for three months or more in a completely satisfactory manner at the time the position is reallocated to a higher class, he may be given status in the new class, if his name is among the upper one-half of those on the competitive eligible list or promotional list, as of the date of its establishment; or when he passes an examination for the class with a similar rating. Provided, however, that if the incumbent has been performing the duties that are the basis for reallocation for five years or more in a completely satisfactory manner at the time the position is reallocated to a higher class, he will be given status in the new class if his name appears on the competitive or promotional eligible list, as of the date of its establishment; or when he passes an examination for the class with a similar rating.

When status in the higher class is given without the individual being promoted from a register, the employee is not eligible for either promotional or probationary salary increases.

CHAPTER 4

Recruitment and Hiring

CHAPTER 4

RECRUITMENT and HIRING

Employment of Relatives and Household Members

It is the policy of the Department that close relatives (as defined below) and/or members of the same household may not be employed within the same organizational unit without prior approval of the State Health Officer; shall not serve as rating or reviewing supervisor or have any influence in decisions affecting the employment of one another; and may not use their positions or influence to gain employment for one another. The intent of this policy is to avoid creating or continuing an employment situation where there is the potential for favoritism; conflict of interest, such as when personal conflicts from outside the work environment are carried over into the working relationship; and/or ethics violations, such as when an employee takes an action resulting in a financial benefit to a family member.

Violations of this policy may result in disciplinary action, up to and including termination of employment. Supervisors have a responsibility to carry out this policy in a fair and consistent manner.

Definitions: *Organizational unit* is defined as an office, bureau, division, branch, area office, or county health department, regardless of physical location of the work. *Close relatives* include husband, wife, father, mother, son, daughter, brother, sister, grandparent, grandchild, father/mother-in-law, son/daughter-in-law, brother/sister-in-law, uncle, aunt, nephew, niece, or first cousin. An individual is a *member of an employee's household* if he is currently residing there, even if on a temporary basis.

Before an employment offer is made to a close relative of a Department employee or to any person who resides with an employee, if the two would be employed in the same organizational unit, the supervisor must complete a *Request to Hire Relative or Household*

Member of Employee (ADPH-HR-75A) and submit it through the chain of command to the Director of Human Resources. This procedure must be followed for all types of employment, including merit, hourly, temporary, and contract.

Each employee has a responsibility to keep his supervisor informed of changes in circumstances relevant to this policy, such as becoming a relative through marriage or becoming members of the same household of another employee in the same organizational unit. The supervisor must complete a *Report of Coworker Relationship: Relative or Household Member* (ADPH-HR-75B) and submit it through the chain of command to the Director of Human Resources. A determination will be made as to whether or not both employees may continue their work assignments within the organizational unit. No employee is permitted to supervise, either directly or indirectly, within the line of supervision, a close relative or any person who resides with the employee.

Department employees may refer relatives and members of their households to the Department for employment, but any such appointments must follow normal hiring procedures. There must be a legitimate need to fill the position, and the position must be budgeted. Particularly for positions where direct appointment or a contract is involved, employees must not contact ADPH offices to ask about a job for a relative or member of their household, as this may cause a sense of obligation on the part of those being contacted.

Recruitment

The classified service consists of all positions in state service not specifically exempt or in the unclassified service. Most of the positions in the Department are in the classified service. All employees in the classified service are under the State Merit System, and recruitment of employees for positions in the classified service must be accomplished in accordance with the *Rules of the State Personnel Board*. Particular efforts should be made to recruit Merit System candidates in those classes specific to the Department, and sustained emphasis must be placed on recruiting Merit System candidates to fill existing and projected vacancies within the Department.

The Office of Human Resources monitors recruitment activities for the Department to ensure that resources are used efficiently and that recruitment records are maintained.

Employees scheduled to attend job fairs or conduct on-campus recruitment interviews must notify Human Resources in writing as early as possible prior to the date of the activity. Information provided must include date, facility, location, classifications for which individuals are being recruited, the name(s) of the interviewer(s), and the cost. Upon completion of the recruitment session, a *Summary of Recruitment Activities* form (ADPH-HR-40) must be completed and returned to Human Resources within five (5) working days.

All job advertisements for magazines, newspapers, brochures, letters, and e-mails must be submitted to Human Resources prior to release for review and approval.

Job recruitment mail outs to colleges, professional associations, outside agencies, and all other institutions must be submitted in writing to Human Resources. Information provided must include a copy of the letter, names and addresses of places mailed, classification title(s) and location of position(s).

In cases where there are budgeted vacant positions and an insufficient number of qualified individuals on the register for the classification appropriate for the duties, the office may contact Human Resources for review and assistance.

Lateral Transfer Recruitment

Managers have the discretion of filling a vacant position by requesting an employment register or by recruiting from current state employees and filling the position by lateral transfer. Job openings to be filled by lateral transfer must be posted to provide Department employees an opportunity to apply for the position.

Assignment changes within an area, county, bureau, or office do not have to be posted; however, supervisors must document the selection criteria used and follow all applicable laws and State Merit System rules when making assignment changes.

The following procedures must be followed in lateral transfer recruitment:

1. Complete page 1 of the *Lateral Transfer Job Announcement* (ADPH-HR-45) and submit it to Human Resources.
2. Human Resources will assign the dates the job is to be posted, allowing adequate time for locations to post. A copy will be returned to the location making the request. Human Resources will fax the posting to all ADPH locations outside the state office. The location with the vacancy may email the posting throughout the Department if they wish.
3. To ensure all employees are made aware of the vacant position, lateral transfer recruitment announcements must be posted for five (5) working days in a location conspicuous to all employees. Each location should designate an employee to post new announcements and discard old ones. Human Resources will post the Form 45, along with other job announcements, on the bulletin board next to the training room on the 9th floor in the RSA Tower.
4. Prior to making a job offer to an individual, whether employed by Public Health or another state agency, notify Human Resources of your selection so that the individual's personnel file can be checked. Also, for positions that require a college degree, notify Human Resources by following established procedures so the degree can be verified.
5. Before offering a job to a probationary employee, contact Human Resources to ensure the employee is appointable.
6. When an employee is transferring within the Department or from another state agency, selection results must be completed on page 2 of the Form 45 and submitted to Human Resources. Documentation (e.g., applications, interview questions and responses) of all interviews must be maintained at the local worksite for two (2) years and made available if requested.
7. Human Resources will not process a Form 11 for a lateral transfer into a vacant Health Department position unless this policy has been followed or an exception to the policy has been granted.

Exceptions to this policy may be granted in cases of layoff, demotions, reorganization, accommodations under the Americans with Disabilities Act (ADA), as amended, and when

deemed to be in the best interest of the Department. A memo stating the business-related reason for the request for exception must be submitted through the Area Administrator or Bureau/Office Director to Human Resources for review and approval. In cases of layoff, an exception may be made to the posting requirement if an employee volunteers to transfer to a vacant position in lieu of layoff. In situations involving involuntary demotion, the employee will be provided due process.

Applications

The Department will ensure that current State of Alabama Application for Examination forms are made available for each work site. Human Resources will maintain a supply of applications for current and prospective employees for the central offices. Each county and area office is responsible for ensuring applications are available for their location. Applications should only be accepted and kept on file for two (2) years for non-merit positions and direct appointment positions. All other applications should be submitted *by the applicant* directly to the State Personnel Department for processing.

Job Announcements

Human Resources will e-mail job announcements to each facility as the announcements are received from State Personnel. These announcements are to be printed and posted on a bulletin board located in a place readily accessible to all employees.

Rating

Staff members of the State Personnel Department will evaluate applications for minimum qualifications for merit system positions, except for direct appointments. Qualified applicants will be rated by one or a combination of examinations.

All persons honorably discharged from the Air Force, Army, Marine Corps, Navy, or Coast Guard, after serving in the armed forces of the United States, may have five (5) points added to any earned rating they achieve on an open-competitive examination. Those with

official evidence of a service-connected disability and their wives, or widows of a veteran, are entitled to have ten (10) points added to their earned ratings on open-competitive examinations. Individuals must provide documentation to the State Personnel Department to receive veterans' preference points. Veterans' preference points are not allowed on promotional examinations.

All candidates with passing scores are notified of their scores by mail and are placed on the register of candidates for the classification for which they tested. Candidates may request their standing on a register by visiting the State Personnel Department's website at www.personnel.alabama.gov at any time.

Appointing Authority and Selection Process

The appointing authority is the person who possesses the authority to select persons for employment or to make appointments to positions of employment within a department of state government. The State Health Officer is the appointing authority for the Department of Public Health, with the exceptions of Madison County and the counties in Area I, which have Local Health Officers. (The State Health Officer is the appointing authority for positions in the Area I office.)

When a position in the classified service is to be filled, the supervisor (or designee) in the office with the vacancy submits a *Request for Certification of Candidates* (Form 15) through Human Resources to the State Personnel Department. The State Personnel Department will nominate or "certify" on a *Certification of Candidates* (Form 16, "register") the highest ten (10) eligible candidates, plus the names of those whose grades are tied with the tenth highest eligible ("Rule of Ten") on the appropriate register for an existing vacancy, plus one (1) extra name for each additional vacancy. On registers with banded scores, each band is a group of tied scores. One of three (3) types of registers may be requested:

1. Eligible Register: (sometimes referred to as the "Open-Competitive Register")
An eligible register for each classification is established after an examination and includes all the names of individuals with passing scores. Names are placed on the register in descending order of their final ratings.

2. Promotional Register: This register is composed of employees who have passed a promotional exam. These exams are open only to persons in the classified service who have permanent status in a classification that is determined to be within the lines of promotion to the class for which the exam is being held. Such classification(s) will be indicated on the job announcement posted by the State Personnel Department.
3. Reemployment Register: This register is composed of names of former employees who held permanent appointments and were laid off; and any persons who have held permanent appointments and obtained permanent status in the classified service from which they have resigned in good standing and who request in writing, within two (2) years after their separation date, that they be considered for reemployment. Each name placed on a reemployment list will remain on the list for a period not longer than two (2) years from the effective date of resignation. The State Personnel Director may extend this period one (1) year at a time, not to exceed two (2) additional years, if the former employee submits a written request including documentation that he has maintained his qualifications for the work involved (either having performed related work or taken related coursework).

Since candidates on a register may limit their availability to certain locations, the names certified to the appointing authority are the highest names on the register who have indicated a willingness to accept employment in the county with the job vacancy or have placed no limitations on the job location. Once a register is received by the office with the vacancy, interviews are scheduled with the candidates to determine the best qualified person for the position. No interviews are to be conducted until the register is received.

Per order of the U.S. District Court in *U.S. vs. Frazer*, the following rules must be followed when selecting candidates:

- 1) Each black candidate certified must be sent a letter advising him that his name appears on a Certification of Candidates, the classification of the position to be filled, the agency, the location, his rank on the certificate, the number of persons certified, and the number of

vacancies to be filled. A copy of each letter must be returned to State Personnel with the completed certification.

- 2) A certification may not be cancelled or returned with one or more requested positions unfilled if it contains the name of one or more black candidates who are available. If a certification is returned with requested positions unfilled, copies of the documentation to substantiate compliance with this rule must be attached.

Interviews

Interviews may be scheduled by sending availability letters to applicants, 1) with instructions to contact the office for an interview if interested; or 2) notifying them that they have been scheduled for an interview and may call to reschedule or cancel if necessary. Availability letters include the job classification, the starting salary, the location(s) of the position(s), the number of vacant positions, the number of names certified, and the candidate's rank. This letter also requests information concerning the availability of the candidate. If necessary, applicants may be contacted by phone to schedule interviews instead of waiting for them to return availability letters. However, candidates must be given ten (10) calendar days before a register is returned indicating a candidate failed to respond.

If State Personnel sends copies of applications with the register, it is strongly recommended that supervisors require candidates to provide updated information before the job interview begins. It is acceptable to have a candidate review his application, make any updates/changes in red, and sign and date it prior to the interview. If State Personnel does not send copies of applications with the register, each applicant may be mailed a blank application form with the availability letter and requested to complete it and bring it to the interview. Updated applications will not be returned to State Personnel.

Some registers include a large number of candidates, making it impractical to interview everyone. While it is not necessary to interview every applicant, objective business criteria must be used in determining which applicants to interview, and the criteria must be documented for the interview file. Supervisors may contact Human Resources for guidance if needed.

Interviews should be conducted by the supervisor(s) in the section where the vacancy exists, along with another interviewer to take notes. Interview questions should be developed prior to beginning the interview process and must be job-related and linked to required knowledge, skills, and abilities; tasks and responsibilities; and other factors necessary for successful performance in the job. The same question format should be followed for all applicants, allowing for different follow-up questions based on responses given.

Personal questions must be avoided, and interviewers must not ask questions that are likely to elicit medical information nor allow applicants to provide medical information. If an applicant begins to share medical information, the interviewer should respectfully stop him and let him know the information is not needed, as it is not relevant to the applicant's qualification for the job. Applicants must not be asked about leave balances as their answers may reveal medical information. However, if the applicant is a current State employee, he should be informed that, if he owes advanced sick leave in his current job, he must clear up the obligation with his current department before beginning a job with Public Health. Applicants may be asked if they have ever been on *unapproved* leave or if they have ever been disciplined for leave usage or punctuality.

When taking notes during an interview, interviewers must document only the applicant's responses and observable behaviors, not the interviewers' opinions or judgments of the applicant or his responses. Also, they must not make notes concerning the applicant's age, race, apparent physical or mental disability, or other identifying factors that are not job-related.

At some point in each interview, the applicant should be asked to review the list of essential job functions and asked if he is able to perform those essential job functions either with or without a reasonable accommodation. The interviewer should let the applicant know that only a "yes" or "no" answer is needed. If the applicant begins to offer specific information about a medical condition or possible accommodation needed, the interviewer should respectfully stop him and let him know the question is being asked of each applicant merely to confirm the applicant is qualified for the position, and specific information is not needed at this stage of the hiring process.

It is not appropriate to ask an applicant if he has ever been arrested. However, the following two (2) questions should be asked of each applicant:

1. Have you ever been convicted of, plead guilty to, or plead no contest to a crime?
2. Do you have any criminal charges currently pending against you?

If an applicant answers yes to either question, the interviewer should ask for details of the situation and later consult with Human Resources to determine the appropriate action.

All interview documentation must be retained in interview files at the worksite for at least two (2) years (longer if there is pending litigation or EEOC charge).

It is the responsibility of the supervisor(s) to verify the information on the application for the candidate selected, prior to a job offer being made. Contacting personal references is not recommended. In addition to previous employment, college degrees or college attendance indicated on the application form, if part of the job qualifications, must be verified for the selected candidate. All degree/attendance verifications must go through Human Resources, following procedures provided to each office. If a candidate is or has been employed by the state, the supervisor must notify Human Resources of the candidate's name and social security number so the individual's personnel file can be reviewed.

Removal of Names

If, in the course of interviewing and verifying information, it is found that an individual does not meet the qualifications for the job classification, or if other adverse or derogatory information is available which would make employment of the individual unacceptable, such as evidence of a false statement on the employment application, a request should be made to remove the individual's name from the register. The supervisor should submit a written request, including supporting evidence, through the chain of command to the Human Resources Director. If the request is justified, a request from the State Health Officer to remove the candidate's name, or permission to bypass the candidate's name, will be submitted to the State Personnel Director for final approval.

Appointments

Regular Appointments

These appointments are made by the appointing authority, generally as outlined above, to fill permanent positions in the classified service. Regular appointments are made subject to a working test period (probationary period) of at least six (6) months. If the employee satisfactorily completes this working test period, he may be recommended by the appointing authority for permanent status under the Merit System.

Original appointments are normally made at the minimum step of the salary range. Requests for appointment above the minimum will be considered on a case by case basis, taking into account the needs of the office and the applicant pool. Appointments to classified positions above the minimum salary must be approved by the State Personnel Director. A letter to the State Personnel Director requesting approval for appointment at Step 2 or above, with appropriate justification, must be submitted to Human Resources for review and processing prior to the appointment being made and the register being returned. The employee may not begin work until this approval is received.

Temporary Appointments

Temporary appointments may be made to fill positions which are not likely to require services of an employee for more than 104 working days (or 832 hours). Temporary appointments may not exceed 104 working days (or 832 hours). Successive temporary appointments of the same person or to the same position shall not be made, and 60 calendar days must elapse between temporary appointments of an individual or of a position. FEDERAL COURT ORDER REQUIREMENT: One (1) out of every four (4) temporary appointments in the Department must be made to a black candidate.

Promotional Appointments

A promotional appointment is one method of filling a vacancy in a permanent position in the classified service. When a promotional register is to be established, the examination announcement will be directed to qualified employees and is identified as a promotional

examination. Employees may also receive a promotion by qualifying and receiving a competitive appointment to a higher class through an open-competitive register. Regardless of which register is involved, the promoted employee must satisfactorily complete a six-month working test period in the new assignment.

For promotional appointments, the starting salary must be indicated on the certification if it is above the minimum for that classification. The appointing authority may approve a two-step raise on promotion. Employees below the minimum for the new class will be brought to at least the minimum.

Reemployment Appointments

All former employees who held regular appointments and were laid off will automatically have their names placed on a reemployment register for their classification. In addition, any former permanent employee who resigned in good standing may have his name placed on the reemployment register by submitting a written request to the State Personnel Department, Certifications Division within two (2) years of resignation.

A person appointed from a reemployment register will be required to serve a three-month probationary period on the job before being restored to permanent status. An employee who had permanent status and was laid off may be appointed in the same work location from a reemployment register without serving a probationary period. An employee who had permanent status and was laid off in one work location and reemployed in another work location will be required to serve a three-month probationary period. If an employee is laid off while on probation and is later appointed from a reemployment register, he will be required to serve the remaining amount of time left on his six-month probationary period.

A reemployment register may be used instead of the open-competitive register or promotional register, and in the same manner.

For reemployment appointments, the in-hire rate paid depends on the amount the individual was earning (rate) at the time of separation and the current pay scale for the position. The salary rate at reemployment should be the same as or the nearest higher rate to that received

at separation, if such rate is within the range for the position, unless the person will accept a lower rate. If the rate previously paid is less than the current minimum rate for the job classification, the in-hire rate will be the minimum, which will be indicated on the certification.

Retired Employees

The hourly, conditional classification of Retired State Employee (11903) was established to reemploy State Merit System retirees in positions involving semi-skilled, clerical, technical, paraprofessional, and professional assignments. The following salary ranges, which are hourly equivalents of semi-monthly ranges, will apply to these appointments and will be based on work assignments. Assignment of the position to a salary range will be by the option number as indicated. In accordance with the *Rules of the State Personnel Board* concerning salary upon reemployment, the initial salary of a person appointed to this classification cannot exceed that pay rate or salary earned in his last classified position/class in which the person attained status prior to retirement.

<u>Option</u>	<u>Range</u>	<u>Work Assignment</u>
313	#41 (\$8.58 - \$11.82)	Clerical/Semi-Skilled
315	#54 (\$11.26 - \$16.30)	Technical/Paraprofessional
317	#67 (\$14.77 - \$22.41)	Professional

Offices wishing to establish a position in this class must submit a Form 40 to Human Resources. State Personnel will maintain the register for this classification and certify through normal established procedures. Appointments to the classification will be made using the reemployment register. Minimum qualifications are retirement from the State Merit System in a permanent position; therefore, any person on the register will have previously passed a competitive examination and gained permanent status in a merit system position. Employees who retire from the State Merit System may request to have their name placed on the reemployment register for this classification. Names will be added to this register at the request of the employee with no rank/standing. For those individuals who are no longer eligible for reemployment (retired more than four [4] years ago), a regular register will be established for the

Retired State Employee classification and individuals may file an application through the regular examination process.

Appointments to the class are made on an hourly, conditional basis. Retired State Employees are not eligible for longevity pay or any other benefits normally awarded to State employees. As with other appointments, persons hired in this class must remain off the payroll at least the number of hours for which they received annual leave payment upon separation. Annual performance appraisals will be conducted with these employees, and annual raises may be granted.

Salaries paid to these employees must be within the limits established by the Retirement Systems of Alabama. It is the employee's responsibility to monitor his earnings so the cap is not exceeded. If an employee elects to freeze his retirement and return to active employment with the State, he no longer meets the qualifications for this classification and must vacate the class and position.

Revolving Door Provision

Individuals who were public officials, directors, assistant directors, department or division chiefs, purchasing or procurement agents having the authority to make purchases, or any person who participated in the negotiation or approval of contracts, grants, or awards are specifically prohibited by the "Revolving Door Provision" of the State ethics law from entering into a contract with or otherwise accepting reemployment with the agency or department from which they separated from service for a period of two (2) years after that separation. Any individual who falls under the above definition may not be rehired, including as a Retired State Employee, by the department from which they were last employed for a period of two (2) years. Questions concerning the applicability of the "Revolving Door Provision" to a specific situation should be referred to the Alabama Ethics Commission.

Provisional Appointments

In the absence of an appropriate register for a particular classification, the appointing authority may nominate to the State Personnel Director a person who meets at least the

prescribed minimum qualifications. If the appointment is approved, it is termed a provisional appointment. This type of appointment is intended to last only until an appropriate register can be established and the position can be filled by appointment from the register. Should the provisional appointee not be reachable on the register to be certified, his employment must be terminated or he must be reassigned to his previous classification. Further, the provisional appointment is limited to 156 work days (or 1248 hours; does not include holidays or weekends) in duration by State Merit System Rules. No successive provisional appointments of the same person can be made. In addition, 60 days must elapse between provisional appointments for the same position.

Human Resources will forward the request for approval of a provisional appointment to the State Personnel Department. The State Personnel Department has final responsibility for checking the qualifications and determining the eligibility of the applicant for the position.

Emergency Appointments

When an emergency arises, the appointing authority, or designated representative, may immediately employ one or more persons for no more than ten (10) days, without requesting a Certification of Candidates as outlined above, if necessary to prevent loss of public property or serious inconvenience to the public. However, the appointing authority or his authorized agent must, as soon as possible, report the appointment to the State Personnel Director. Termination of an emergency employment must likewise be reported, and no emergency appointment may be renewed. No vacancy in a permanent position caused by a resignation of which the appointing authority has had reasonable notice shall be considered an emergency.

Exceptional Appointments

The State Personnel Board, upon recommendation from the State Personnel Director, may suspend the examination requirements whenever: 1) there is a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, professional, or educational character are required; 2) there is satisfactory evidence that, for specified reasons, competition in such special case is impracticable; and 3) the position can best be filled by the selection of some designated person of high recognized attainments in such qualities.

Conditional Appointments

Any position to be filled due to circumstances requiring limited tenure, such as federal grant funding or substitution for an employee on extended leave without pay, can be made on a conditional basis requiring the vacating of such position by the incumbent upon expiration of the special condition which authorized it, without further notice, process, or applicability of layoff procedures.

Direct Appointments

Direct appointments are made in certain nonprofessional classifications through the use of the *Departmental Appointment Form* (Form 5). These appointments should be consistent with the Department's affirmative action goals. Each applicant should be screened, using a standard State of Alabama Application for Examination Form, to ensure the applicant meets the minimum qualifications. This initial review by the Department for minimum qualifications is considered a test. The Form 5, the application, and a memo documenting recruiting and interviewing activities, must then be forwarded to Human Resources for submission to the State Personnel Department, Examinations Division, for a second minimum qualification review and to establish the appointment. Recruitment and interview notes must be maintained at the work site. Appendix A is a list of classifications currently used by the Health Department that are approved for direct appointment. The list is also available in the Lotus Notes Document Library.

Note: Clerical Aides are temporary appointments to non-merit classes using the direct appointment process.

Form 8 Appointments

Appointing authorities may request approval from the State Personnel Director to effect appointment of workers to designated unskilled positions without any of the appointment procedures outlined above. Laborers (90101) and Home Attendants (50503) are appointed on a *Notice of Appointment to Labor Position* (Form 8) in the Department of Public Health.

Recruitment: Employees in these classes are recruited from the local labor market; recruitment activities must be coordinated with Human Resources.

Selection: Selection of personnel in these classes must comply with Department hiring procedures for interviews and reference checks to ensure federal and state laws are followed.

When an applicant is being considered for a Form 8 appointment and has a current salary higher than the in-hire rate, approval for an appointment above the minimum must be obtained prior to the appointment. A letter requesting the higher rate must be submitted to Human Resources for processing to State Personnel for final approval.

When converting a Form 8 Laborer employee from hourly to semi-monthly pay status, or vice versa, State Personnel requires that a new Form 8 be prepared. This is because a change from one pay status to the other is treated as a new appointment, since hourly employees do not receive the same benefits as semi-monthly employees. State Personnel maintains separate files for each category. (Home Attendant positions are hourly and cannot be converted to semi-monthly.)

Appointments --- General Notes

(1) New appointments are normally made on the first working day of a pay period. If that day is a holiday, the following day is the appointment date.

(2) Appointments of employees to a new classification, such as for promotions, will be made on the first day of the pay period.

(3) A copy of the confirmation letter to the employee, including a statement of the agreed upon semi-monthly salary or hourly rate, must be included with the appointment paperwork.

(4) If an employee in a Laborer Position (Form 8 Appointment) is appointed from a register to a classified position, the effective date should be the beginning of a pay period.

CHAPTER 5

New Employee Orientation

CHAPTER 5

NEW EMPLOYEE ORIENTATION

Introduction

One of the most neglected processes in many organizations is the process of orientation for new employees. Too often, orientation is viewed as a short-term activity of completing paperwork rather than an important element of the hiring process. Yet a purposeful, organized orientation program is one of the most cost-effective ways to help employees reach a full productivity level sooner, and it is critical in establishing understanding of what is expected from the employee in terms of work conduct. One other important benefit of a good orientation program is that it increases employee retention, because it shows the employee he is valued, and it helps provide the information necessary to the employee's success in the job.

Completion of paperwork and review of policies are necessary steps in the orientation process. Human Resources and Finance forms must be completed within the employee's first two (2) work days, and the Employee Orientation Checklist (separate checklists for Merit System, Hourly, and Contract employees) must be completed within the first two (2) weeks. The checklist outlines some of the steps to be taken in introducing a new employee to the work unit and the job. Detailed information about completion of the forms and the checklist is included in the Human Resources Procedures Manual. **It is extremely important that procedures be followed and time frames be met in verifying a new employee's eligibility to work in the United States, through completion of a Form I-9 and registration of information in E-Verify.** Detailed procedures are available in the Lotus Notes Document Library under Human Resources.

The purpose of this chapter is to provide supplementary guidance on how managers and supervisors can ensure a smooth new employee orientation process and to present

some specific ideas that may be incorporated into the orientation program to make it more successful. The following are suggestions only, not required procedure.

Tips/Suggestions for Prior to the First Day of Work

- Assign a coworker as the new employee's "sponsor" who will help the employee get acclimated on the first day and serve as a resource to the employee in the first few weeks. The sponsor should be someone who has a positive attitude about his job, the office, and the Department.
- Once the job offer is accepted, send an orientation packet to the employee including welcome/appointment letter; information about parking, appropriate work attire, sponsor, etc.; first day agenda; and some of the more basic forms to complete, along with instructions and examples. Include the immediate supervisor's and sponsor's contact information. Let the employee know you will be following up with him a day or two prior to his first day on the job. Providing this information will let the employee know you are thoughtfully planning for his arrival and will help reduce his anxiety about starting a new job.
- Contact the new employee by telephone prior to the first day to be sure he received the orientation packet, answer any questions he may have, and let him know you are looking forward to having him onboard.
- Be sure the desk, workstation, and work area are clean. If the new employee has to clean the work space before using it, he will likely be left with the impression that you were too harried or disorganized to prepare for his arrival, or worse, that you do not care.
- Be sure the computer and telephone are operational.
- Have new office supplies ready for the employee.
- Schedule an appointment to have the employee's ID badge made on the first day of work.
- Have the sponsor send an introductory/welcome email to the employee.
- Set up a binder for the employee with the Employee Handbook, reference materials, list of contacts, memos, handouts, etc.

Importance of the First Day

When a person starts a new job, his family and friends want to know, “How was your first day?” The first day on a new job is exciting but can be stressful. It is easy for a new employee to feel anxious and overwhelmed. Managers and supervisors should make it their goal to ensure the employee does not go home at the end of the first day wondering if he made the right choice in accepting the job. They should strive to make the employee’s first day positive and memorable.

Tips/Suggestions for the First Day of Work

- Spend the first 30 minutes to an hour talking with the employee. Explain why the new employee’s job is important and how it fits in the organization. Ask why he thinks you chose him for the job; tell him why you chose him. Talk about the culture of the office. Ask how the employee learns best. Let the employee know what he can expect from you in terms of management style.
- Have a brief time for office staff to get together, have snacks, and meet the new employee.
- Arrange for the sponsor to take the new employee to lunch or for the new employee to have lunch with several coworkers (assuming the new employee does not have other plans).
- Do not overwhelm the employee with paperwork and mounds of reading material on the first day. A new employee can only take in so much information at one time.
- Assign the employee productive work to do on the first day.
- Get back together with the employee for a few minutes at the end of the first day to answer any questions or address any concerns. You do not want the employee to go home frustrated.
- Ensure that a senior leader within the office welcomes the new employee, if not on the first day, at least within the first week.

Importance of Probationary Period

The probationary period is a critical time, not only for a new employee to learn the job, but for him to learn what is expected of him in terms of work conduct. It is a manager's best opportunity to prevent new employees from developing problems with work habits (i.e., attendance, punctuality, compliance with rules, and cooperation with coworkers). Giving clear guidance and holding the new employee accountable will set the tone for the employee's time in the job.

See Chapter 8 for more specific information about the probationary period and the performance appraisal process.

Orientation of Transfer Employees

When an employee transfers from one office to another within the Department, the new location is responsible for ensuring the employee receives proper orientation and the orientation is documented. A new employee file must be established in the new location. The appropriate Employee Orientation Checklist must be completed and a copy returned to Human Resources as indicated. All Human Resources forms must be completed, except for the New Hire Reporting Form Information. **It is imperative that current procedures be followed regarding completion of the Form I-9 and registration of information in E-Verify. Current procedures may be found in the Lotus Notes Document Library under Human Resources.** Finance forms do not need to be completed unless the employee is making some type of change. If the employee's LCMS transcript or other verification shows that the employee has viewed the required videos/slide shows, he is not required to watch them again. However, if there is no verification, the employee is required to view them and document it has been completed

CHAPTER 6

Hours of Work

CHAPTER 6

HOURS of WORK

Introduction

Hours of work required for employees in the Department of Public Health are subject to regulations of the State Personnel Board as approved by the Governor.

Generally, the regular workday schedule is eight (8) hours, and the regular workweek is 40 hours. Normal work hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday, and the normal lunch period is from 12:00 p.m. to 1:00 p.m. However, the Department of Public Health is in business to provide a service to the citizens of the State of Alabama, so work schedules must be maintained for coverage of offices and telephones to meet the needs of the citizens. Lunch times are to be taken at approximately the middle of the work day and may not be combined with breaks or the beginning or end of work hours.

Work Units with Non-Regular or Continuous Operations

The local appointing authority, Area Administrator, or Bureau/Office Director shall approve work shifts to cover areas that require extended or continuous operations.

Rest Periods (Breaks)

Rest breaks of 15 minutes are normally acceptable, one during the first half and another during the second half of the work day. These rest periods are considered part of work time. They are not cumulative and may not be combined or taken in conjunction with the lunch break or the beginning or ending of the work day. Employee breaks must be regulated by supervisors to ensure proper functioning in their area of responsibility. Rest breaks are a privilege, not a

right, and must not interfere with the needs of the office; on occasion, work demands may prevent an employee from taking a rest break.

Flexible Working Hours (Flex Time)

The use of flex time was implemented in an effort to maintain or increase productivity, decrease tardiness and short-term absences, and benefit employees. While supervisors are encouraged to work with employees in scheduling their flexible working hours, the business of the Department must be the priority.

Definitions:

- * Basic Workweek --- The basic workweek consists of Monday through Friday, 8:00 a.m. to 5:00 p.m.
- * Core Time --- The hours during which all full-time employees must be present, except for the lunch period, are 9:00 a.m. to 3:30 p.m.
- * Flex Time --- The hours within which full-time employees may choose their starting (7:00 a.m. to 9:00 a.m.) and quitting times (3:30 p.m. to 6:00 p.m.).

Requirements and Procedures:

- * All full-time employees must work the core times Monday through Friday.
- * All full-time employees must account for 40 hours each week.
- * Minimum staffing as defined by the Bureau/Office Director or Area Administrator must be maintained.
- * Lunch time must be taken at approximately the middle of the work day with a minimum of 30 minutes and a maximum of one and one-half hours.
- * Normal policies governing leave will apply.

Each work unit must submit a work schedule for all employees to the Bureau/Office Director, Area Health Officer, or Area Administrator for review and approval. All program areas must be covered during normal working hours to perform all necessary duties. There must

also be a backup plan to ensure adequate coverage in case of illness or absence of scheduled staff. Upon final approval of the flex time plan, a copy should be maintained at the work site and with the Bureau/Office Director, Area Health Officer, or Area Administrator for review and to ensure proper leave and record keeping. If an employee wishes to change his work schedule, he must submit a written request to his supervisor for approval.

Authority to change working schedules within the flex time schedule is designated to each employee's supervisor. The supervisor or director has the authority to require employees to revert to the normal operating hours when workload requires. Employees should be notified as soon as possible (normally two [2] weeks) prior to the change and be provided the reason for such change. However, when circumstances related to workload warrant, employees' schedules may be temporarily changed with a one-day notice by the supervisor.

As many employees as possible will be allowed to participate in flex time. However, supervisors may identify employees or groups of employees who, because of the type of duties or workload, must be excluded from participation. In cases where several employees' choices conflict with each other or with the needs of the Department, every effort will be made to arrange a schedule that is satisfactory to all employees involved. In order to be fair to all employees, supervisors may devise a rotation system.

Employees who are attending training or a conference or who are in travel status will be subject to the hours of the training course or conference (assuming a full work day), which may or may not be the same as their normal working schedule.

Allowable starting and quitting times, as shown in the definitions section above, apply to full-time employees. Work hours for part-time employees may be set by each work location as deemed appropriate. Since flex time is a privilege and not a right, documented abuse of flex time may be cause to exclude an employee from participation.

Alternate Work Schedule

In some instances, it may be appropriate for employees to work hours outside of the normal workweek and flex time schedule (Example: four [4] 10-hour days per week). A written request to the State Health Officer must be forwarded through supervisory channels and Human Resources for the State Health Officer's approval prior to implementation of the schedule.

Holidays

State offices may be closed on legal holidays declared by the laws of Alabama, and on other days declared holidays by the Governor. When any holiday falls on a Sunday, the following Monday will be observed. Unless advised to the contrary, the following are the legal holidays which will be observed and on which the Department of Public Health offices will be closed:

New Year's Day	January 1
Birthday Observance of Martin Luther King, Jr. and Robert E. Lee	3rd Monday in January
Mardi Gras Day	As scheduled (Baldwin and Mobile Counties only)
Birthday Observance of George Washington and Thomas Jefferson	3rd Monday in February
Confederate Memorial Day	4th Monday in April
National Memorial Day	4th Monday in May
Birthday Observance of Jefferson Davis	1st Monday in June
Independence Day	July 4th
Labor Day	1st Monday in September
Columbus Day/Fraternal Day/ American Indian Heritage Day	2nd Monday in October
Veterans Day	November 11th
Thanksgiving	4th Thursday in November
Christmas	December 25th

Employees who work the normal workweek schedule of Monday through Friday will not normally work on legal holidays. If a full-time employee's work assignment requires that he work on a legal holiday, he will be scheduled for a compensatory day off at a later date, as soon after the holiday as possible.

Employees Entitled to Legal Holidays: All full-time employees shall be entitled to legal holidays, or other days declared holidays by the Governor, provided they are in pay status the day before and the day after the holiday. Full-time merit system employees not scheduled to work on a holiday are still entitled to the holiday time. For example, some employees work ten (10) hours per day with four (4)-day workweeks. If a holiday falls on a day that is not a normal workday for one of these employees, the employee still receives a day off (10-hour day) for the holiday. In such cases, it is recommended that the employee schedule his holiday for the first scheduled work day after the holiday.

Part-time employees are entitled to a holiday only if it falls on a day when they are normally scheduled to work. For example, if an employee's schedule is Tuesday through Thursday, eight (8) hours per day, he would not be entitled to time off for Monday holidays. If a holiday falls on a day when a part-time employee is normally scheduled to work less than eight (8) hours, the employee receives his number of scheduled work hours as holiday time. For example, a part-time employee who is scheduled for four (4) hours each Thursday and is off each Friday will receive four (4) hours for the Thanksgiving holiday and zero (0) hours for the Friday following Thanksgiving.

Hourly Form 8 employees who meet the requirements for earning annual leave (see page 7 - 5) are entitled to be paid for state holidays that fall on their regularly scheduled work days, provided they are in pay status the work day before and the work day after the holiday. They are not paid for a holiday if it falls on a day of the week on which they are not normally scheduled to work. The holiday pay will be based on the number of hours they normally work on that day of the week. If the number of hours varies, the holiday pay will be based on the average number of hours worked on that day of the week for the previous three (3) months.

Overtime and Compensatory Time

The regulations which govern compensation for overtime payment are contained in the U.S. Fair Labor Standards Act of 1938 (FLSA) as amended and Rule 670-X-11-.07 of the *Rules of the State Personnel Board*. All Department employees, other than those in the Executive, Administrative, and Professional categories, as determined by the State Personnel Department based on criteria established by the FLSA, are classified as nonexempt for overtime purposes (meaning the overtime provisions of the Fair Labor Standards Act apply to them). If an employee notifies his supervisor that he believes his position is incorrectly classified for overtime purposes, the supervisor must work through the chain of command and notify the Human Resources Director. **(See Appendix B, list of Class Codes with Overtime Status.)**

It is the State's policy to grant time off rather than wages to compensate nonexempt employees for overtime worked. Employees are expected to perform the duties assigned to them within their normal work hours. On those occasions when the workload requires employees to work outside their normal work hours, the following rules apply:

The seven (7)-day workweek for State employees begins at 12:01 a.m. on Saturday and ends at 12:00 midnight the following Friday. Overtime must be calculated on each seven (7)-day period. Hours worked during the pay period cannot be averaged to avoid counting overtime. However, the FLSA does not prohibit an employer from adjusting the work hours within the seven (7)-day workweek.

Nonexempt employees are granted compensatory time at one and one-half times the amount of time physically worked in excess of 40 hours per week. If a nonexempt employee is required to work longer than his normal shift on a given day or to work on a regular off day during a weekly period, but physically works 40 hours or less during the workweek because of a holiday, leave, or leave without pay, he is granted compensatory time off on an hour-for-hour basis (not time and one-half) for hours worked outside the normal work time.

A nonexempt employee may not voluntarily work overtime without compensation. In addition, the Department must compensate the nonexempt employee for overtime worked, even if the supervisor did not request that the employee work overtime. Therefore, supervisors must ensure that nonexempt employees are aware that they are not to work outside their normal work hours unless requested to do so because of a business need. Unapproved overtime should be treated as noncompliance with Departmental policy, and appropriate disciplinary action should be taken.

Nonexempt employees may accumulate a maximum of 240 hours of compensatory leave. Supervisors must monitor the overtime worked to ensure the maximum hours are not exceeded. An employee who exceeds the limit on accumulated compensatory time must be paid for hours which exceed the limit, and the supervisor may be subject to disciplinary action for failure to monitor the accumulation. Payment of compensatory time will be processed by supplemental payroll in the first pay period after earning over the maximum. Upon separation from the Department, nonexempt employees must be paid for their balance of compensatory time. They must be paid at the regular rate in effect at the time of their separation or the average of the last three (3) years, whichever is higher.

Compensatory time off should be scheduled as soon as possible after accrual and at the convenience of the employee, whenever work schedules permit. Accumulated compensatory time is to be used before annual leave unless this would cause loss of accumulated annual leave at the end of the calendar year.

Travel time incurred for the employer's benefit, as a part of a nonexempt employee's work, is compensable time, less the amount of time for normal home to work travel. Travel time that keeps an employee away from home overnight is clearly work time when it occurs during the employee's regularly scheduled work day. Regular meal periods, sleep time, and hours outside regular work hours spent on non-work activities are not counted as hours worked.

Required attendance at lectures, meetings, training programs, and similar activities is counted as work time. Attendance at such programs will not be counted as work time if all four (4) of the following criteria are met: 1) attendance is outside of the employee's regular working hours; 2) attendance is, in fact, voluntary; 3) the course, lecture, or meeting is not directly related to the employee's job; and 4) the employee does not perform any productive work during such attendance.

Exempt Employees with Department are not entitled by law to overtime compensation but may, on occasion, receive compensatory time on a time-for-time basis for hours worked in excess of their normal scheduled work hours. By adopting this policy, it is not the intent of the Department to reward inefficiency or the misuse of time by allowing overtime compensation for exempt employees, but rather to recognize that in some instances, it may be appropriate to compensate exempt employees for working more than their scheduled work hours when it is in the best interest of the Department. Overtime must be approved in advance by the supervisor and should be for the good of the business and not for the convenience of the employee.

Exempt employees may accumulate a maximum of 80 hours of compensatory time, and it must be taken within 60 days of the date it is earned, or it is lost. Accumulated compensatory time must be used before annual leave unless this would cause loss of accumulated annual leave at the end of the calendar year. Upon transfer or separation, exempt employees lose their accumulated compensatory time.

Record-keeping Requirements for Overtime and Comp Time: *All* employees are required to complete a monthly Electronic Cost Accounting Time Sheet (e-CATS) or comparable form. All hours worked and leave or comp time taken must be recorded on the report. Also, all employees must complete an Employee Weekly Leave Documentation Form (HR-71), which automatically calculates comp time based on hours worked and whether the employee's position is exempt or nonexempt from overtime provisions.

CHAPTER 7

Leave and Other Absences

CHAPTER 7

LEAVE and OTHER ABSENCES

Introduction

Employees have a duty and obligation to be at work as scheduled. Supervisors must notify employees of their starting, ending, lunch, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time. It is recognized that a reasonable amount of time off is beneficial to the employee and, in some cases, due to sickness or emergency situations, absences are beyond the employee's control. That is why provisions have been made for the accrual of annual and sick leave for state employees.

All leave must be authorized by the appropriate supervisor. Supervisors must notify employees of the procedures for requesting time off, including whom to notify in case of the absence of the immediate supervisor. Authorized leave is defined as any leave in which an employee has followed proper notification procedures and has received approval for such absence. Unauthorized leave is defined as any leave in which an employee is absent without following proper notification procedures or the absence has not been properly approved. Unauthorized leave may subject the employee to disciplinary action, up to and including termination of employment.

Supervisors must control the number of employees on leave at any one time in order to ensure proper functioning of the work sections under their supervision. Excessive absenteeism and tardiness disrupt work flow and customer service and will not be tolerated. When problems arise with absenteeism or tardiness, the supervisor should follow the steps of the discipline process as deemed appropriate. **Absences qualifying under the Family and Medical Leave Act (FMLA) cannot be counted toward an attendance problem.**

Failure to report to work for three (3) consecutive days without notifying appropriate personnel is considered job abandonment and may result in suspension or termination.

(Discipline Policy)

An employee requesting leave or out on unexpected leave must follow his office's procedures, indicating the type of leave being requested. Leave may be taken in quarter-hour increments (15 minutes). The supervisor has the responsibility of ensuring that FMLA leave is appropriately coded.

There are several different types of leave available to Department employees. Special attention must be paid to the requirements for each type of leave, and violations of leave requirements should be reported to the appropriate Bureau/Office Director or Area Administrator. The provisions of this chapter apply to exempt and unclassified employees, as well as classified employees.

Annual Leave

Annual leave is time off for conducting personal business, for vacation, or for any other reason.

Full-time employees in permanent positions, including provisional appointees, who are in pay status at least 80% of the semi-monthly pay period, earn annual leave according to the following schedule:

<u>Total Service</u>	<u>Accumulation Per Pay Period</u>	<u>Annual Accumulation</u>
Less than 5 years	4 hrs, 20 min	13 days
5 but less than 10 years	5 hrs, 25 min	16 days, 2 hours
10 but less than 15 years	6 hrs, 30 min	19 days, 4 hours
15 but less than 20 years	7 hrs, 35 min	22 days, 6 hours
20 but less than 25 years	8 hrs, 40 min	26 days
25 or more years	9 hrs, 45 min	29 days, 2 hours

Permanent part-time employees accrue annual leave according to the chart on page 7 - 4. The definition of a permanent part-time employee is one who is employed on a semi-monthly basis for a fixed percentage of time per pay period. Acceptable part-time percentages are 25%; 50%; and 75%; and 66% for employees on 2/3 benefits under SEICTF. Since the number of hours in a pay period fluctuates, a part-time employee's work schedule may have to be adjusted in some pay periods. As with full-time employees, permanent part-time employees must be in pay status 80% of their work schedule in order to earn leave for a pay period. Charts will be provided each calendar year showing the number of work hours per pay period and the minimum number of hours part-time employees must work to accrue leave.

Maximum Carried from One Year to the Next: No more than 480 hours of annual leave may be carried over beyond the end of the calendar year.

Payment for Unused Annual Leave on Separation: Upon separation from state service, an employee will be paid for the actual amount of annual leave he has accumulated up to the maximum of 480 hours. The payment amount is computed on the basis of the hourly rate of pay at the time of separation multiplied by the number of hours and minutes of leave due.

Note: If an employee resigns from one position in state government to accept employment in another state job, there must be a break in service greater than the amount of the employee's accumulated annual leave in order for the employee to be paid for that leave.

When Leave is Accrued: An employee eligible to earn annual leave will accrue annual leave only when he is working or on authorized leave with pay. In no case will leave accrue after actual separation from service. Leave accruals will be posted after 5:00 p.m. on the 15th and last days of the month, and leave may not be used until after it is posted.

ANNUAL LEAVE ACCRUAL

(For Sick Leave accruals, follow “Less than 5 Years” row.)

<p>PERCENTAGE OF TIME WORKED/ ACCRUALS EARNED</p>
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YEARS OF SERVICE	100%	75%	66% SEICTF	50%	25%
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LESS THAN 5 YEARS	4 HOURS 20 MIN	3 HOURS 15 MIN	2 HOURS 52 MIN	2 HOURS 10 MIN	1 HOUR 5 MIN
5 TO <10 YEARS	5 HOURS 25 MIN	4 HOURS 4 MIN	3 HOURS 35 MIN	2 HOURS 43 MIN	1 HOUR 22 MIN
10 TO <15 YEARS	6 HOURS 30 MIN	4 HOURS 53 MIN	4 HOURS 18 MIN	3 HOURS 15 MIN	1 HOUR 38 MIN
15 TO <20 YEARS	7 HOURS 35 MIN	5 HOURS 42 MIN	5 HOURS 2 MIN	3 HOURS 48 MIN	1 HOUR 54 MIN
20 TO <25 YEARS	8 HOURS 40 MIN	6 HOURS 30 MIN	5 HOURS 44 MIN	4 HOURS 20 MIN	2 HOURS 10 MIN
25 OR MORE YEARS	9 HOURS 45 MIN	7 HOURS 19 MIN	6 HOURS 27 MIN	4 HOURS 53 MIN	2 HOURS 27 MIN

Hourly Form 8 Employees (Hourly Laborers and Home Attendants): In accordance with the State Personnel Board policy for annual leave accumulation for hourly employees, the following procedures apply to Home Attendants and hourly Laborers:

To become eligible to earn annual leave, hourly employees must be in continuous service status for a minimum of one year and must have worked at least 1,500 hours. Eligibility is maintained by being in continuous service status and working 1,500 hours each year following the establishment of eligibility. Continuous service means having no break in service of 15 or more consecutive calendar days, unless the break is covered by illness or injury certified by a doctor's statement, military time, or annual leave. If an employee does not work 1,500 hours or remain in continuous service status, he must requalify for leave eligibility.

Eligible hourly Laborers and Home Attendant employees who work at least 80% of a full-time schedule each semi-monthly pay period will be credited with 4 hours and 20 minutes of annual leave per pay period, for a maximum of 13 days per year. They may not accumulate more than 120 hours (15 days) of annual leave; annual leave earned beyond the maximum of 120 hours will not be credited to the employee. Upon separation from state service, they will be paid for the amount of accumulated leave, up to the maximum of 120 hours.

Transfer of Annual Leave into State Merit System: Persons entering the State Merit System may not transfer into the State Merit System annual leave accumulated outside of the system except under certain circumstances. Annual leave may be accepted from non-merit system state agencies if the agency provides a letter verifying the leave balance and stating that the leave was earned in accordance with Merit System leave rules and procedures and that the employment was permanent. Requests to accept such leave balances must be forwarded through Human Resources to State Personnel for approval.

Sick Leave

Sick leave may be used to cover absence from work due to the employee's illness or injury; doctor/dentist visits; illness or injury of the employee's immediate family member

requiring the care of the employee; or death in the employee's immediate family. Immediate family is hereby defined to include spouse, children, grandchildren, parents, grandparents, sister, brother, mother-in-law, father-in-law, daughter-in-law, and son-in-law. Where unusually strong ties exist, due to an employee having been supported or educated by a person of some relationship other than those listed, this relationship may be recognized for leave purposes. In such cases, the employee concerned shall file with his appointing authority a written statement of the circumstances which justify an exception to the general rule.

Sick leave is not a right for which employees may make demand, but a privilege granted in accordance with prescribed rules. **Supervisors must not allow employees to use sick leave for non-qualifying reasons.** Any unjustified or fraudulent claim of sick leave may be punished by loss of pay, loss of accumulated leave, suspension, or dismissal.

In some situations, it may be appropriate for a supervisor to require an employee to provide a physician's statement to support an absence charged to sick leave. For guidance as to when it is appropriate to do so, supervisors should work through their chain of command and contact Human Resources. To ensure compliance with the Genetic Information Nondiscrimination Act of 2008 (GINA), the following language must be included in any request for a supporting physician's statement, for the employee to provide to the physician:

"The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

An employee who is eligible to earn sick leave will accrue sick leave only when he is working or on authorized leave with pay, and in no case shall he earn sick leave subsequent to actual separation from the service.

Leave accruals will be posted after 5:00 p.m. on the 15th and last days of the month, and leave may not be used until after it is posted.

Full-Time Employees: Full-time employees in permanent positions, including provisional appointees who are in pay status at least 80% of the semi-monthly pay period, earn sick leave the rate of four (4) hours and 20 minutes per pay period.

Part-Time Employees: Part-time employees in permanent positions who are paid on a semi-monthly basis will be eligible to accrue sick leave in proportion to the percentage of time worked. (See the leave accrual schedule for part-time employees on page 7 - 4.)

Temporary Employees: Part-time and full-time temporary employees will accrue sick leave in the same manner as part-time and full-time permanent employees.

Hourly Paid Employees: Employees paid by the hour do not earn sick leave.

Maximum That May Be Accrued: No more than 1,200 hours of sick leave may be accumulated. However, where an employee suffers extended illness or disability lasting more than 150 days (1200 hours), the State Personnel Board may, on recommendation of the appointing authority, approve the use of any sick leave earned in excess of this maximum.

Payment for Unused Sick Leave on Retirement: Upon retirement, but not upon other types of separation, the employee will be paid for 50% of his accumulated and unused sick leave, up to 600 hours.

Restoration of Accumulated Sick Leave Upon Reemployment: Employees who leave state service in good standing and are reemployed within a period of four (4) years from the date

of separation may have sick leave accumulated during previous employment restored, upon recommendation by the appointing authority and approval of the State Personnel Director.

Transfer of Sick Leave into State Merit System: Persons entering the State Merit System may not transfer into the State Merit System sick leave accumulated outside of the system except under certain circumstances. Sick leave may be accepted from non merit system state agencies if the agency provides a letter verifying the leave balance and stating that the leave was earned in accordance with Merit System leave rules and procedures and that the employment was permanent. Requests to accept such leave balances must be forwarded through Human Resources to State Personnel for approval. For those persons entering the system from the public schools or public post secondary institutions of the State of Alabama, a record may be retained, upon the approval of the appointing authority, of accumulated sick leave which may be used only in the case of illness and only when all sick and annual leave has been exhausted.

Use of Sick Leave for Maternity: Accumulated sick leave may be used for purposes of maternity leave so long as (1) the employee works up until the time she is incapacitated as a result of pregnancy, and (2) she returns to work as soon as she is released by her treating physician. Generally, unless complications develop, an employee may use up to six (6) weeks of sick leave following a normal delivery and eight (8) weeks of sick leave following a C-section. A doctor's verification of incapacity may be required.

Advanced Sick Leave

In the event of serious disability or illness, sick leave may be advanced to an employee. Advance of sick leave is not a right of employees, but a privilege granted in accordance with prescribed policies and procedures. Denial of leave is not grievable under the Department's Grievance Policy. If the administrator/director approves the employee's request, sick leave may be advanced under the following conditions:

1. The employee must have successfully completed a probationary period and have at least six (6) months of service with the Department.

2. All accrued leave (sick, annual, compensatory, and personal leave) must be exhausted before a request for an advance of sick leave is made.
3. No advancement of sick leave will be approved for an absence of less than five (5) consecutive work days. If an employee is approved for advanced sick leave but returns to work before using five (5) consecutive work days, the advanced sick leave request is null and void and LWOP will be charged.
4. The total advances of sick leave shall not at any time exceed 24 work days.

Procedures:

1. An employee requesting advanced sick leave must complete and sign an Application for Advanced Sick Leave (Form 12) and submit to his supervisor for review and recommendation to the Area Administrator or Bureau/Office Director.
2. The bottom portion of the Form 12 must be completed and signed by the employee's attending physician.
3. If the absence qualifies under the Family and Medical Leave Act (FMLA), the FMLA medical certification form must be attached.
4. Item 11 on the Form 12 must be marked as approved or disapproved and signed by the Area Administrator or Bureau/Office Director.
5. If the request is not approved by the Administrator/Director, the employee must be notified in writing of the decision and the reason(s) for the decision. The Form 12 and a copy of the response are to be kept on file at the worksite, separate from the employee's personnel file.
6. If the request is approved, the Form 12 must be submitted to Human Resources at least two (2) work days prior to the requested effective date. HR staff will verify information on the form and notify the Administrator/Director and the leave clerk if any change is needed or if the request is processed as submitted.
7. The employee's sick and annual leave accruals (and comp time for nonexempt employees) will be used to repay the advanced sick leave until the entire amount of leave has been repaid.
8. The employee may not transfer or promote to another state agency until the advanced sick leave is paid in full to the Department.

9. An employee may reimburse the Department with the amount of money equivalent to the hours owed. The amount paid back is at the net rate of pay in effect when the leave was borrowed.
10. Upon separating from the Department, the employee must reimburse the Department for any remaining leave owed. Any money owed to the Department will be deducted from the employee's final paycheck. If the paycheck is not sufficient to cover the amount owed, the employee must make additional payment.
11. Failure to reimburse the Department will result in a recommendation of "No" for rehire and possible disqualification for any state job until such time as the leave is repaid in full.
12. The Department will not accept any advanced sick leave balance of an individual transferring or promoting into the Department.

Note One: Employees earn leave while on advanced sick leave, provided they are in pay status for at least 80% of the pay period.

Note Two: Upon certification from the treating physician, advanced sick leave may be approved for an employee who is needed to attend to an immediate family member with a serious illness or injury. For these purposes, immediate family includes spouse, child, grandchild, parent, grandparent, sister, brother, mother-in-law, father-in-law, daughter-in-law, and son-in-law.

Leave Donation

Leave donation is a procedure which allows sick and annual leave (and compensatory time from nonexempt employees) to be transferred from one state employee to another under certain circumstances. It is not a right for which employees may make demand, but a privilege granted in accordance with prescribed rules and regulations. Following are the guidelines for requesting/donating leave:

1. The request must be made in writing on Form 25, Request for Donated Leave, and must be accompanied by supporting medical documentation.
2. Donated leave may be requested for a catastrophic illness or injury or for maternity leave (delivery and recovery). A catastrophic illness or injury is defined as one from which an individual will never fully recover or which is life threatening; or one requiring a recuperation period of approximately one (1) year or more, or which has deteriorated for this length of time until the employee can no longer function without surgical intervention.
3. The employee requesting donated leave (beneficiary employee) will be given an option to authorize the State Personnel Department to post information about the employee's situation on their website and in other publications so other employees can be aware of the need for donated leave.
4. The beneficiary employee must have exhausted all leave, including sick, annual, personal leave day, and compensatory time (with the exception of amounts of less than one [1] hour, since donated leave can only be used in hourly increments).
5. When an employee has been approved for donated leave and the condition continues to be certified by State Personnel, there is no limit on the number of hours of leave given or received. It is important that supervisors take this into consideration when recommending approval of an employee's request.
6. The beneficiary employee must be recertified by the date set by State Personnel, which depends on the medical documentation. A new Form 25, along with updated medical information must be submitted to Human Resources prior to the deadline date. The information will be reviewed to ensure the condition still qualifies.
7. Leave donations must be made in, and donated leave must be used in, hourly increments.
8. Leave that is donated remains in effect for 12 months.
9. Employees may donate leave to other employees who have been approved to receive donated leave, regardless of the classification or salary range of the employees. An employee wishing to donate leave must complete a Form 25A,

Request to Donate Leave. Donated leave will not be returned to the donating employee in instances where it is not used.

10. An employee may not donate leave upon resignation or retirement.
11. Leave is not considered donated until the request is approved by State Personnel.

Department employees requesting to receive donated leave must submit the completed Form 25 and medical documentation through the chain of command to the Area Administrator or Bureau/Office Director. Supervisors should review the employee's work history, leave usage, and the needs of the office when making their recommendation. If recommending approval of the request, the Administrator/Director must attach a memo stating that the employee's work can be handled and the office budget can support the employee's absence. The request must be forwarded to Human Resources for review and submission to State Personnel for final approval/disapproval. The process may take up to two (2) weeks for the initial request, so the request should be submitted as soon as possible.

If the Administrator/Director does not recommend approval of an employee's request for donated leave, the employee must be notified in writing of the decision and the reason(s) for the decision. The request and a copy of the response are to be kept on file at the worksite, separate from the employee's personnel file. Only requests that are approved at the work location should be submitted to Human Resources. Donated leave requests should not be submitted to Human Resources for conditions that obviously do not qualify (e.g., minor surgery, minor illness). If uncertain whether a condition may qualify, the administrator/director may contact Human Resources for guidance.

Leave may also be donated if the employee's husband, wife, son, daughter, father, or mother has a catastrophic illness or injury and requires attendance of the employee.

Personal Leave Day

Under the conditions described below, State employees (other than those employed in Baldwin and Mobile counties, who receive the Mardi Gras holiday) receive a personal leave day

each year. This includes full-time temporary, probationary, provisional, and non-merit system employees. Part-time employees are entitled to a partial personal leave day based on their percentage of time worked as of January 1 (i.e., the personal leave day is 6 hours for a 75% employee; 4 hours for a 50% employee; 2 hours for a 25% employee; and 5 hours, 30 minutes for an employee who is on 2/3 benefits under SEICTF).

The personal leave day is granted as of January 1 of each year; therefore, only those employees who are employed as of January 1 are entitled to the time. If an employee enters state service after January 1, he does not receive the personal leave day for that calendar year. Also, employees must be in pay status the work day before and the work day after January 1 of each year to receive a personal leave day for the year.

The first full day off (other than sick time) after January 1 should be charged as a personal leave day. All employees must use their personal leave day no later than November 1. Part-time employees will be allowed to use the personal leave day based on the percentage of time they work as of January 1. Employees who are part-time as of January 1 and later change to full-time do not receive the additional hours, and employees who are full-time as of January 1 and later change to part-time do not lose their hours.

Bereavement Leave

Employees in permanent merit system positions who have no accrued sick leave may be granted bereavement leave with pay for the death of a person related by blood, adoption, or marriage, or as otherwise provided by the Alabama State Personnel Board. A maximum of three (3) days per occurrence may be granted. Once the employee returns to work, the leave will be repaid in consecutive pay periods by accrued sick leave, annual leave, or personal leave day until paid in full. The leave must be repaid within one (1) calendar year of the use of the bereavement leave. If an employee leaves the Department prior to repaying the leave, the monetary amount of the remaining time will be deducted from the employee's final paycheck. If the final paycheck is insufficient to cover the amount of money owed, the employee must reimburse the Department.

Failure to do so will result in a recommendation of “No” for rehire and possible disqualification for any state job until such time as the leave is repaid in full.

An employee requesting bereavement leave must complete a Bereavement Leave Form (ADPH-HR-64) and submit it to his supervisor for signature. The form must be initialed by the office/bureau director or administrator and submitted to Human Resources for processing.

Leave without Pay (LWOP)

Employees are responsible for maintaining a sufficient leave balance so that going off the payroll is avoided. Employees who are absent from work unexpectedly and do not have the appropriate type of leave to cover their time off will be placed on leave without pay (LWOP). The employee is expected to follow his office’s procedures for reporting absences, and the supervisor must document the situation. The LWOP may be authorized or unauthorized, depending on the circumstances. If it is unauthorized, disciplinary action may follow. If the supervisor determines that the circumstances do not warrant authorizing LWOP, he must tell the employee that the absence is not authorized and let the employee know when to report back to work. If the employee fails to return to work as instructed, disciplinary action may follow.

Disciplinary action cannot be taken for absences that qualify under the Family and Medical Leave Act (FMLA).

Requests for scheduled LWOP should be made in writing by the employee, stating the reason and requested dates of absence. Employees must first use all of their leave in the appropriate categories (compensatory, annual, personal leave day, and, if applicable, all sick leave) prior to going on LWOP. In accordance with *Rules of the State Personnel Board*, LWOP cannot exceed one (1) year. The supervisor should review the request and ensure that the leave of absence is in the best interest of the Department. In some cases, LWOP may be an appropriate accommodation under the Department’s ADA Employment Policy. A written response must be provided to the employee. If the request is approved, the response must include the approved dates and the need for a release to return to full duty, if applicable. If the

request is not approved, the response must include the reason(s) for the disapproval.

Short-Term LWOP: Absences of less than 20 consecutive work days. The employee must indicate the absence on the Employee Weekly Leave Documentation form, and the supervisor must indicate approval or disapproval on the Comments line.

Long-Term LWOP: Absences of 20 or more consecutive work days. The employee must write a letter stating the reason for the request for LWOP and an expected date of return. The absence must be recorded on the Employee Weekly Leave Documentation form. The employee's written request and a Form 11 with a recommendation from the supervisor must be submitted to Human Resources for processing to State Personnel. Human Resources obtains the appointing authority's approval. The State Personnel Director has the final approval.

Return from Long-Term LWOP: When an employee returns to work from long-term LWOP, a Form 11 must be prepared and submitted to Human Resources.

Any long-term LWOP, while not constituting a break in service, changes the total service date for determining eligibility for increased annual leave and longevity payment; changes the continuous service date (continuous service without interruption); adjusts the annual raise month by the period of LWOP; and adjusts amount of service toward retirement, which is based on the number of months worked in the calendar year.

Failure of Employee to Return to Work: An employee who fails to report for duty at the expiration of an approved leave of absence without pay may be subject to dismissal. However, before expiration of the leave period, the supervisor should remind the employee in writing of the date he is expected to return to work. The supervisor should also notify the employee in writing that his failure to reply or to provide a declination, preferably in writing, may be treated either as a resignation or may be considered cause for dismissal, depending on the circumstances and the decision of the appointing authority. If the circumstances warrant treating the separation as a resignation, and if the employee's service record has otherwise been satisfactory, the State

Personnel Director may place the employee on a reemployment register, provided the employee requests this within two (2) years of expiration of the leave.

Family and Medical Leave

Under the federal Family and Medical Leave Act (FMLA), covered employers are required to provide a certain amount of job-protected time off to *eligible* employees for *qualifying* reasons. The law does not entitle employees to additional paid leave, nor does it apply only when an employee runs out of accumulated paid leave. The law allows employers to count applicable paid leave as part of the employee's protected time off, and it is the State's policy to do so. It is the goal of the Department to ensure that the policy is applied fairly and consistently, and **it is the responsibility of supervisors to determine if requested leave (whatever the type) qualifies under FMLA and if the employee is eligible.** If a leave occurrence qualifies under the FMLA, and the employee is eligible for FMLA leave and has time available under his FMLA entitlement, the leave must be counted as FMLA leave and appropriate procedures must be followed.

Eligible Employees:

Employees are eligible for leave under the FMLA if they:

1. have been employed by the Department for at least 12 months (the 12 months do not have to be consecutive; however, employment prior to a break in service of seven [7] years or more will not be counted unless the break was due to the employee's fulfillment of National Guard or Reserve military service obligation); and
2. have physically worked at least 1,250 hours during the 12-month period immediately preceding the leave (holidays; LWOP; and leave, with the exception of military leave; do not count toward hours worked).

Contract employees are eligible for time off under the FMLA if they meet the requirements stated above.

Temporary employees are not covered by this policy since the maximum length of a temporary appointment is 104 work days (832 hours); however, if by exception, a temporary appointment is extended beyond one year, the temporary employee would be covered if he had worked at least 1,250 hours in the previous 12-month period.

Qualifying Reasons for FMLA Leave:

- A. *Traditional FMLA Leave:* Employees who are eligible for leave under the FMLA are entitled to up to 12 workweeks (480 hours) of combined paid and unpaid leave during a 12-month period (not calendar year, but rolling year*) for one or more of the following reasons:
1. For the **birth of a child** and to be with the healthy newborn after birth (i.e., bonding time), provided the leave is taken within a 12-month period following the birth.
 2. For placement of a child with the employee for **adoption or foster care**, provided the leave is taken within a 12-month period following adoption or placement. This includes absences for related counseling sessions, meetings with attorneys, court appearances, social work home visits, and bonding time.
 3. For the employee to care for his or her child, spouse, or parent (but not parent-in-law) with a **serious health condition** (defined below).
 4. Because the employee has a **serious health condition** that makes him unable to perform one or more of the essential functions of his position.
 5. Because of a **qualifying exigency** (urgent matter) arising out of the fact that the eligible employee's spouse, son, daughter, or parent is on or has been notified of an impending call to **covered active duty** in the Armed Forces. For a member of a regular component of the Armed Forces, covered active duty means duty during deployment with the Armed Forces to a foreign country. For a member of the National Guard or Reserves, covered active duty means duty during deployment to a foreign country under a call or order to active duty in support of a contingency operation. There are several categories of qualifying exigency, which are explained in the FMLA Policy.

* The rolling 12-month period is measured backwards from the date an employee uses any FMLA leave. Each time an employee takes FMLA leave, the amount of FMLA leave still available is the balance of the 12 weeks that has not been used during the immediately preceding 12 months. When determining if an eligible employee's leave for a qualifying reason on a particular day may be covered under the FMLA, count the number of hours of FMLA leave the employee has used in the preceding 12 months. If the employee has used the maximum of 12 weeks of FMLA leave during that 12-month period, the leave for that particular day will not be FMLA-covered leave.

Serious Health Condition:

An illness, injury, impairment, or physical or mental condition that involves either: (1) inpatient care, or (2) continuing treatment by a health care provider. There are five (5) subcategories under the "continuing treatment" definition:

1. Inpatient care (meaning overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with the inpatient care; or

2. Continuing treatment by a health care provider. Includes any one or more of the following:

a) Incapacity and treatment. A period of incapacity of more than three (3) consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same health condition, that also involves either 1) or 2) below.

- 1)** treatment two (2) or more times by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider. The two (2) in-person treatment visits to a health care provider must occur within 30 days of the beginning of the period of incapacity, unless extenuating circumstances exist, and the first visit must take place within seven (7) days of the first day of incapacity; **or**
- 2)** treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider. In-person treatment visit must occur within seven (7) days of the first day of incapacity.

b) Pregnancy/prenatal care. Any period of incapacity due to pregnancy or prenatal care (even if no treatment is received from a health care provider during the absence, and even if the incapacity does not last more than three [3] days; for example, the employee may be unable to report to work because of severe morning sickness).

c) Chronic conditions. A chronic serious health condition is one that:

- 1) requires periodic visits (at least two [2] per year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;
- 2) continues over an extended period of time (including recurring episodes of a single underlying condition); **and**
- 3) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

Absences for any period of incapacity due to a chronic serious health condition are FMLA-qualifying, even if no treatment is received from a health care provider during the absence, and even if the incapacity does not last more than three (3) days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the health care provider has advised him to stay home when the pollen count exceeds a certain level.

d) Permanent or long-term conditions. Conditions for which treatment may not be effective and which may involve a period of incapacity which is permanent or long-term. In such cases, the patient must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's disease, a severe stroke, or the terminal stages of a disease.

e) Conditions requiring multiple treatments. Any period of absence to receive multiple treatments (including any period of recovery from treatment) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive, full

calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

The term “incapacity” means inability to work, attend school, or perform other regular activities due to the health condition; treatment for the health condition; or recovery from the health condition.

Following is a list of conditions that do not meet the definition of a Serious Health Condition, unless complications occur that require significant medical care:

- * Common cold
- * Flu
- * Earaches
- * Stress
- * Upset stomach
- * Minor ulcers
- * Headaches (other than migraine)
- * Routine dental or orthodontic problems
- * Periodontal disease
- * Allergies
- * Nausea (except when associated with pregnancy)
- * Cosmetic treatments - may be covered if there is hospitalization or if complications develop
- * Substance abuse – incapacitation due to substance abuse does not qualify as a serious health condition. However, *treatment* for substance abuse *may* qualify as a serious health condition (see categories of serious health condition above).

- B. *Military Caregiver Leave*: Eligible employees who are the spouse, son, daughter, parent, or next of kin of a **covered servicemember** are entitled to up to 26 weeks (1,040 hours) of leave during a single 12-month period (measured *forward from the beginning date of the leave*) to care for the covered servicemember. Any other FMLA leave taken during the same 12-month period will be counted against the 26-week leave entitlement. A **covered servicemember** is: 1) a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or

therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a **serious injury or illness (incurred in the line of duty on active duty or existed before the active duty and was aggravated by service in the line of duty on active duty)**; or 2) a veteran who is undergoing medical treatment, recuperation, or therapy for a **serious injury or illness** and who was a member of the Armed Forces, including the National Guard or Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

Work-related Injury - When an employee is absent from work due to a work-related injury, the time off qualifies as FMLA leave if the employee meets the eligibility requirements, has time available under his FMLA leave entitlement, and the condition meets the definition of a “serious health condition.” Work-related injuries for which an employee is eligible to receive 2/3 compensation under SEICTF automatically meet the definition of a “serious health condition.”

A husband and wife who are both employed by the Department and are both eligible for FMLA leave are entitled to:

- a maximum of 12 weeks of leave combined (rather than 12 weeks each) to care for a parent with a serious health condition; for the birth of a child; or for placement of a child with them for adoption or foster care;
- 12 weeks of FMLA leave each if the leave is due to their own serious illness or the serious illness of the spouse or a son or daughter;
- a combined maximum of 26 weeks of FMLA leave for military caregiver leave during a single 12-month period (maximum includes any other FMLA leave taken during the 12-month period).

Employee Responsibilities:

When requesting leave, an employee must:

- provide enough information for the supervisor to be aware that the leave may be FMLA-qualifying and let the supervisor know the anticipated timing and duration of the leave;

- provide notice of the need for leave at least 30 days in advance, if the need is foreseeable;
- provide notice of the need for leave as soon as practicable when the need for leave is not foreseeable 30 days in advance;
- follow office procedures (unless unusual circumstances justify otherwise) for requesting leave and for notifying the office in cases of unplanned absence;
- respond to the supervisor's requests or questions to determine if absences are potentially FMLA-qualifying; and
- discuss with the supervisor and make a reasonable effort to schedule planned medical treatments so as not to unduly disrupt work operations, subject to the health care provider's approval.

Overview of Procedures:

When an employee specifically requests FMLA leave or the supervisor has knowledge that an employee's leave may be FMLA-qualifying, the supervisor must provide the employee a **Notice of Eligibility and Rights & Responsibilities (ADPH-HR-79)** within five (5) *business* days. This form notifies the employee whether or not he meets the eligibility requirements for FMLA-protected leave and, if so, what his rights and responsibilities are. If the employee is eligible for FMLA leave, the supervisor also provides the employee with any required certification form for completion.

The supervisor will choose the certification form that is appropriate for the situation:

- **Certification of Health Care Provider for Employee's Serious Health Condition (ADPH-HR 41E)***
- **Certification of Health Care Provider for Family Member's Serious Health Condition (ADPH-HR-41F)**
- **Certification of Qualifying Exigency for Military Family Leave (ADPH-HR-80)**
- **Certification for Serious Injury or Illness of Covered Servicemember for Military Caregiver Leave (ADPH-HR-81)***

* To ensure compliance with the Genetic Information Nondiscrimination Act of 2008 (GINA), the following language must be attached to the form (unless the form has been revised to incorporate the language):

“The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. ‘Genetic information,’ as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.”

The employee is given 15 *calendar* days to return the completed certification form. When the employee returns the completed certification form, the supervisor reviews it to determine if the information is complete and sufficient and if the FMLA applies to the requested leave.

Within five (5) *business* days after making a determination, the supervisor must complete a **Designation Notice (ADPH-HR-54)** for the Administrator’s/Director’s signature and provide it to the employee. This form serves one of three (3) purposes:

- 1) notifies the employee that the leave will be counted against his FMLA leave entitlement; the amount of time to be counted, if known; that he is required to use accumulated paid leave as part of FMLA entitlement; and whether or not a fitness-for-duty certification is required for return to work (section A);
- 2) notifies the employee that additional information is needed to determine if the FMLA applies to the leave (section B); in this case, the supervisor will indicate the specific information needed and give the employee seven (7) *calendar* days to provide it; the supervisor will provide another Designation Notice after receiving and reviewing the additional information requested; **or**

3) notifies the employee that the leave is not FMLA leave and the reason (section C).

All completed FMLA forms and documentation must be kept in a confidential, secure medical file, separate and apart from the employee's personnel file.

Refer to the FMLA Policy for further details.

Military Leave

Below is information concerning Military Leave, quoted from the *Rules of the State Personnel Board*:

All employees in the state service, who shall be active members of the Alabama National Guard or Naval Militia, or of the reserve components of the Army, Navy, Marine Corps, Air Force, or Coast Guard shall be entitled to military or naval leave of absence from the respective civil duties and occupations on all days that they shall be engaged in field or coast defense or other training or on other service ordered under the provisions of the military laws of Alabama, or of the National Defense Act, or of the federal laws governing the United States Naval Reserves, without loss of pay, time, annual vacation, sick leave, but no person granted such leave of absence with pay shall be paid more than 21 working days per calendar year. In addition thereto, such persons shall be entitled to be paid for no more than 21 working days at any one time while called by the Governor to duty in the active service of the state.

All employees with the state who have served in permanent positions for three (3) months or more who are drafted into the military service of the U.S.; or who volunteer to join the U.S. Army, the U.S. Navy, the U.S. Marine Corps, the Air Force, or the U.S. Coast Guard, or the reserve components thereof, shall be allowed 21 working days leave with pay, as is provided in the Military Code of Alabama for members of the National Guard or military reserve who are inducted into active service.

If the absence extends beyond the 21-day period (168 hours) plus accrued annual leave, the employee will go on LWOP. Also, the employee may elect to go on LWOP and maintain a balance of annual leave.

Holidays during military leave will not be charged to military leave.

An Application for Military Leave (Form 14), along with a copy of the military orders, must be submitted to Human Resources for processing prior to the beginning of the leave.

When an employee returns from military leave where LWOP is not involved, the employee simply returns to work. If LWOP is involved, the procedures in the “Leave Without Pay” section of this chapter should be followed.

In accordance with **Act No. 2002-430**, which became effective July 1, 2002 and is retroactive to September 11, 2001, employees who are members of the military called into active duty for 30 or more consecutive days during the war on terrorism and who are on military LWOP may be due the additional compensation that is equal to the difference between the lower active duty base pay and the higher public salary. Also, employees under these circumstances who use annual leave for this purpose may request to have their annual leave restored.

Educational Leave

Eligible employees may be allowed, under certain circumstances to attend an accredited college or university during work hours and receive compensation with pay and benefits for the approved time (up to 20 hours per week). The coursework must be of benefit to the Department and to the employee in the direct performance of his current job.

Eligibility Requirements:

1. Must be full-time merit system employee with permanent status and at least two (2) years of continuous service with the Department.
2. Must have received a performance appraisal score of “Exceeds Standards” (26.7) or higher on his most recent evaluation and be free of any disciplinary action within the past twelve months.
3. Must submit a letter of acceptance/enrollment from an accredited school. If the employee has made application but the school has not made a decision regarding

acceptance/enrollment, he may submit a letter from the school indicating application has been made and a decision is pending. If he is approved for Educational Leave, it will be made contingent on his acceptance/enrollment in the school.

4. If requesting Educational Leave to obtain a Bachelor's Degree, must have completed at least two (2) years of college coursework toward the degree.
5. If requesting Educational Leave to obtain a Master's or Doctoral Degree, must be accepted into the Master's or Doctoral program.
6. Eligible employees in the classifications of Licensed Practical Nurse, Home Health Aide, or Clinic Aide may apply for Educational Leave to obtain an Associate Degree in Nursing.
7. Must have the recommendation of the immediate supervisor and the Area Administrator or Bureau/Office Director.

Applicants must agree, upon completion of Educational Leave, to continue employment with the Department for a period of time at least equal to two (2) hours for every one (1) hour of Educational Leave taken. The employee must complete at least one college course per semester or begin to fulfill the service obligation. Employees may apply for and accept promotions or transfers within the Department while working out the service obligation. If the service obligation is not completed, the employee agrees to make monetary payment to the Department for the amount of the unsatisfied obligation.

Applicants must complete and submit an *Application for Educational Leave* (form ADPH-HR-72) through their chain of command to Human Resources at least one (1) month prior to the beginning of the first semester the leave is to begin. The signatures of the immediate supervisor and Area Administrator or Bureau/Office Director indicate the applicant meets the eligibility requirements, the workload can be accomplished in the employee's absence, and approval of the request is recommended. Final approval from the State Personnel Director must be obtained prior to the leave being taken.

If more than one employee applies from an area/county or bureau/office, the Area Administrator or Bureau/Office Director will determine if more than one applicant can be

approved and will select the applicant(s) from their location. Selection criteria must be based on business reasons such as an employee's job assignment, length of service with the Department, performance appraisal scores, and area of discipline. Documentation of the selection criteria must be maintained at the local worksite.

Employees who are approved for Educational Leave may receive up to 20 hours per week to attend school when classes conflict with work time. Educational Leave is for the travel time to and from school and the time in the classroom. For online classes, educational leave may only be used for the online classes that are held in "real time" during the employee's work hours. Employees are expected to complete study assignments, attend meetings with advisors, and other related school activities on their own time.

Tuition, books, and travel expenses are the employee's responsibility. This does not preclude an employee from seeking other financial assistance.

Employees using educational leave must record the number of educational leave hours used each week under the heading "Holiday/Misc." on the Employee Weekly Leave Documentation form. On the comments line, the employee is to note that those miscellaneous hours are for Educational Leave and include his current equivalent hourly rate of pay. The number of hours documented will be used to calculate the service obligation.

Employees must submit their schedule each semester to the immediate supervisor, who will forward it to the Area Administrator or Bureau/Office Director and Human Resources prior to the beginning of the semester. Supervisors must approve Educational Leave at the beginning of each semester based upon availability of funds and the workload being completed in a timely manner. In the event the employee changes his major, job classification, or work location, a new request for Educational Leave must be completed and approved by the State Personnel Director.

Upon completion of the degree or other termination of the Educational Leave, the work location must notify Human Resources of the total number of Educational Leave hours used so the employee's total service date can be adjusted. In accordance with *Rules of the State*

Personnel Board, periods of educational leave, even if paid time, will not count toward the employee's total service date for annual leave accumulation. The total service date is also used to determine eligibility for longevity pay. Educational leave has no effect on service credit toward retirement.

The service obligation begins as soon as the use of Educational Leave has ceased. All paid time will count toward fulfillment of the service obligation. The supervisor must complete Section 1 of the *Service Obligation Documentation* form (ADPH-HR-73) and keep the form on file for further completion. Should the employee transfer to another work location within the Department, the form must be forwarded to the new location for completion.

If the employee is separated from the Department through resignation, retirement, or termination prior to fulfillment of the service obligation, the employee is expected to make monetary payment to the Department according to the following formula:

$$\begin{aligned} &\text{Number of Educational Leave Hours} \times 2 = \text{Total Number of Service Obligation Hours} \\ &\text{Service Obligation Hours} - \text{Obligation Hours Worked} = \text{Number of Hours Requiring Repayment} \\ &\text{Number of Hours Requiring Repayment} \times \text{Gross Hourly Salary at Time of Leave} = \text{Monetary Obligation} \end{aligned}$$

The supervisor must complete Section 2 of the *Service Obligation Documentation* form and submit it to Human Resources along with the Form 11 for processing the employment separation.

If the service obligation is satisfied, the supervisor must obtain all applicable signatures in Section 3 of the *Service Obligation Documentation* form and submit the form to Human Resources. A copy must be kept at the worksite for audit purposes.

Court Attendance (Jury Leave)

Employees who are summoned to attend court as jurors are granted Court Attendance Leave for the time their attendance is required by the court. The employee must present the summons to the supervisor for the leave to be granted. When using jury leave, the employee

may retain any jury fees received. If the employee is released from serving on the jury, he must return to work if time permits or be on other approved leave.

Note One: Employees who serve as witnesses or testify as part of their work assignment should not be placed on leave. However, employees who are called as witnesses in their individual capacities must take annual leave, personal leave day, or comp time, or be placed on LWOP, as appropriate.

Note Two: Form 8 employees eligible for leave will be granted jury leave in the same manner as merit system employees.

Blood Donation Leave

The Public Health Department encourages employees to participate in blood drives. State-level employees are allowed time off to donate blood in conjunction with blood drives sponsored by the Department of Public Health. Area and county employee are allowed time off to donate blood at an approved blood bank in accordance with the State of Alabama policy and upon supervisory approval. In addition, employees who donate blood accordingly will receive blood donation leave time in accordance with State policy. If, during the screening process, an employee does not meet the health requirements to donate blood, the employee is allowed the time off required for attempting to donate blood, but not the additional time awarded for donating blood. Blood donation leave should be used within 30 days of the donation and should be taken all at once. Supervisors are responsible for scheduling and coordinating the time their employees donate blood so that all program services continue to be provided.

Time Off for Voting and Working at Polls

Employees are encouraged to vote. Employees who wish to vote are expected to do so before or after work hours or to use their leave time, with supervisory approval. Exception: An employee may be granted time off to vote (not to exceed one [1] hour) without using accumulated leave only if his work hours begin less than two (2) hours after the polls open and

end less than one (1) hour prior to the closing of the polls (in other words, if polling hours do not allow him at least two [2] hours before work or one [1] hour after work to vote). Employees who are requested to work or who volunteer to work at the voting polls must take annual leave, comp time, or leave without pay for the time they are away from their jobs.

Time Off Due to Job-Related Injury or Illness State Employee Injury Compensation Trust Fund (SEICTF)

An employee who experiences an on-the-job injury resulting in lost work time must use his own accrued leave or LWOP for the first three (3) work days (24 hours). If the employee must be out of work for longer than three (3) work days, he may elect to continue using his own leave (2/3 of the current wage would not be taxed, subject to the maximum compensation rate in effect at the time) or to receive SEICTF 2/3 wage replacement, subject to the maximum compensation rate in effect at the time (not taxed). Should the lost time reach 21 calendar days, the initial three-day period is then paid. **(See the SEICTF section in Chapter 1 for more detailed information.)**

Compensatory Time

See Chapter 6 for details concerning overtime and comp time.

Mandatory Leave

With approval of the State Personnel Director, an appointing authority may require an employee to use accumulated annual leave, or be placed on LWOP if the employee does not have sufficient annual leave, under certain circumstances when the appointing authority deems the employee's absence from work to be in the best interest of the agency. Examples of such circumstances would include a period of time when the employee is under investigation for charges such as violence in the workplace or theft of state property; and when the employee is physically incapacitated from performing the work assignment (such as in a state of intoxication). **(Drug-Free Workplace Policy)** In cases where there is an immediate threat of

physical harm to employees, patients, or the general public, contact local law enforcement right away.

To meet the due process requirement, the supervisor or designee must inform the employee of the allegations and give him an opportunity to respond. The Area Administrator/Bureau Director or designee must contact the HR Director or designee with the request to place the employee on mandatory annual leave or LWOP; all pertinent information must be provided to support the request. The HR Director will obtain the approval from the State Personnel Director. Upon approval, the HR Director will provide the administrator/director a letter to the employee from the State Health Officer for delivery. Under no circumstances may the mandatory leave exceed 30 days in a calendar year.

The State Personnel Director has the discretion to restore accumulated annual leave and/or approve a subsequent reinstatement of any leave forfeited by the employee during the LWOP status, upon the recommendation of the appointing authority.

Total Service Date

An employee's total service date is the date used to determine the annual leave accrual rate and longevity payment. It counts all time worked in state service. When an individual is hired, he completes a form showing all previous periods of State employment so the date can be figured. All time is added together, and the total time is subtracted from the current date. That is the employee's total service date. *Example:* An individual worked for the State a total of four (4) years and five (5) months, left State service for a period of two (2) years, then is reemployed with the State. The employee's total service date would be four (4) years and five (5) months prior to the current date (the same total service date as someone who actually began State employment four [4] years and five [5] months prior to the current date).

When a part-time employee changes to full-time or some other percentage, his date is refigured to adjust for time not worked. For example, an employee working a half-time schedule

will receive one (1) year of credit for every two (2) calendar years. In computing a total service date, time is not counted for periods of LWOP for 20 or more calendar days and for any periods of educational leave, whether paid or unpaid.

CHAPTER 8

Performance Appraisal

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PERFORMANCE APPRAISAL

Introduction

Performance appraisal is an important management tool in providing feedback to employees and documenting their work history. It is not simply completing forms and providing feedback to employees at specific times, but a continuous process of observing, documenting, coaching, and counseling. The policy of the Department is that work performance of all employees will be evaluated at least annually. The Department has adopted the State of Alabama Performance Appraisal System for merit system employees, semi-monthly laborers, and hourly employees.

Other employees, including contract employees and temporary employees, should also be provided feedback concerning their work performance. Contract employees' work performance should be evaluated and documented after the first six (6) months of employment, followed by an evaluation with each contract renewal. For contract and temporary employees, written documentation should be maintained at the local worksite. The written documentation should include the employee's job duties, strengths and weaknesses, and signatures of supervisors and employee.

Appraisal scores are used in various ways, including: for determining merit raises; as a portion of promotion examination scores; and as 50% of the layoff retention score. Performance appraisals may also be considered when making decisions about disciplinary action to take against an employee.

General Guidelines

The immediate supervisor should serve as the Rating Supervisor (“Rater”) and is responsible for completing performance appraisal forms. **Rating Supervisors who have not completed Performance Appraisal training should receive guidance from the Reviewing Supervisor (“Reviewer;” usually the Rating Supervisor’s immediate supervisor) throughout the appraisal period.** The Rater must be in a classification with a higher pay range than the employee he is supervising, except under special circumstances and with the HR Director’s approval, such as when an administrator supervises an employee who is in a higher pay range but in a different job class series. It is important that an employee always knows who his Rating and Reviewing Supervisors are.

When evaluating an employee’s work performance, the Rater should obtain feedback from others who work closely with the employee. Ratings should be based on objective and definable criteria throughout the appraisal period. The supervisor should consider factors such as the employee’s attainment of previously set objectives, knowledge of the job, adherence to professional standards and practice, quantity and quality of work, promptness in completing assignments, cooperation, attendance, conduct, and acceptance of responsibility.

Work Habits ratings are intended to evaluate employees on their compliance with the terms and conditions of employment in four (4) areas:

Attendance – the use of leave in accordance with the Department’s policies and procedures;

Punctuality – the timing of an employee’s arrival to work, return from lunch and breaks, and departure from the shift; if the job requires that the employee routinely work outside the office, the definition of punctuality should include the employee’s dependability to attend necessary meetings and keep necessary appointments.

Cooperation with Coworkers – the extent to which an employee works with and does not hinder coworkers in their work to achieve work unit goals and directives; not a measurement of attitude, but an identified area that can be documented with job-related behavior;

Compliance with Rules – an employee’s conformance to policies and regulations that involve standards of conduct and apply to all, or the majority of, classified employees in the Department; regulations or policies that are specific to the performance of a Responsibility should be addressed through R&Rs.

Responsibilities and Results statements (R&Rs) must be written for each position to define performance expectations. Responsibilities are the hands-on job duties that an employee is to perform during the appraisal period and can be seen or reviewed by the supervisor. The Results are the outcomes and accomplishments produced by performing the Responsibility. Results describe how the supervisor will measure the performance and let the employee know the level of performance that is acceptable (“Meets Standards”).

Supporting documentation must be attached to appraisal forms for individual R&R ratings that fall below the “Meets Standards” level and for total appraisal scores at the “Consistently Exceeds Standards” level.

The Rating and Reviewing Supervisors must always discuss and come to an agreement upon an employee’s ratings prior to the Rater meeting with the employee to discuss the evaluation. It is the responsibility of the Rater to ensure that mandatory consultant reviews (required for some positions) are obtained prior to review by the Reviewer. Each person serving as a mandatory consultant should initial the appraisal form indicating review and approval.

The Reviewer has the responsibility of investigating any situation where the employee refuses to sign or attaches comments to the appraisal form. Refusal to sign the form, acknowledging discussion, is considered insubordination, and appropriate disciplinary action will be taken. Appraisal forms will not be processed without the employee’s signature.

When an employee is assigned to a new supervisor, documentation concerning work performance and work habits should be forwarded to the new supervisor unless an appraisal has been completed within the past three (3) months. If a Rating Supervisor is leaving his position, a

written summary of each employee's work performance and appropriate documentation should be provided to the Reviewing Supervisor of the employee or to the new Rater to be considered for the employee's next appraisal. This is not necessary if an appraisal or midappraisal has been completed within the past three (3) months. The employee must be informed if there is a change of supervisors.

Responsibilities and Results (R&Rs)

Responsibilities & Results (R&Rs) are statements that describe the functions of a position and the outcomes and accomplishments expected. Generally, a position should have no less than four (4) Responsibilities and no more than ten (10). R&Rs contain the following parts: Function (action), Object, Outcome (Results), and Measurement.

The **Function** is usually one action but may contain several activities (e.g., "Supervises" may include assigns work, trains employees, monitors employee performance, and evaluates employees).

The **Object** is the "what" of the Responsibility (e.g., Supervises *employees*). A Responsibility may list more than one object, but it is a representative group, not an exhaustive one.

The **Outcome** is the final accomplishment needed from performance of the Responsibility (Results). Results are described in one or more of four (4) dimensions of performance: quality, quantity, timeliness, and cost (e.g., Supervises employees *so that monthly quota of services is met by the unit and productivity goals are met in the time frame allotted, by proper use of counseling, coaching, discipline, appraisal, and other supervisory tools*).

The **Measurement** describes how the supervisor will know if the employee is performing at the fully competent level expected and what that expected level is (e.g., Supervises employees *so that monthly quota of services is met by the unit and productivity goals are met in the time frame allotted, by proper use of counseling, coaching, discipline, appraisal, and other supervisory*

tools, *with no valid complaints by clients; employee performance problems handled properly as observed and by review; and Department policies and procedures are followed correctly*).

R&Rs should be written at the “Meets Standards” level of performance. This is the fully competent level of performance expected in the position. A fully competent level should not hinder any service provided or product produced by the position. For most R&Rs there will be an error rate allowed since there are some mistakes that do not hinder agency missions or result in critical consequences; however, some Responsibilities may not allow for any errors.

After the “Meets Standards” results have been defined and written as part of the R&Rs, the Rater should define the performance that results in an “Exceeds Standards” or “Consistently Exceeds Standards” rating. Examples should be written so they can be discussed with and provided to the employee during the Preappraisal session. This important discussion leaves the employee accountable for his level of performance. If there is no allowable error rate, an employee may still earn a rating above “Meets Standards” by having no errors in performance and demonstrating other factors that enhance productivity or services (e.g., completing work before deadlines, handling large volume of work, developing better or smarter methods for performing a task, creating positive public relations for the Department or office, saving money or materials, etc.).

Once R&Rs are written, they must be examined to ensure they are of relatively equal “weight.” Two factors to consider in determining weight are: 1) how time-consuming the Responsibility is; and 2) how critical the Responsibility is. If the R&Rs are not of relatively equal weight, some may need to be combined or broken into more than one R&R.

Preappraisal

At the beginning of every appraisal period for each employee, the immediate supervisor (Rater) will complete the Employee Performance Appraisal Preappraisal (Form 13P) and discuss it with the employee (after appropriate discussion with the Reviewer and any mandatory

consults). This form will provide the employee with the R&Rs and expected Work Habits for the position.

The supervisor's meeting with the employee (Preappraisal session) should take place immediately upon the beginning of the employee's appraisal period. In some cases, it may be appropriate for both the Rater and Reviewer to meet with the employee. During the Preappraisal session, the supervisor will answer any questions the employee has; discuss the requirements to earn "Meets Standards" ratings and examples of how to exceed the standards; identify any training needs or interests of the employee for work assignments; discuss Departmental and office/program policies and procedures; and discuss the four "Work Habits" areas. A written policy on attendance and punctuality should be provided to the employee. This is generally found in the office procedures. If the office does not have written office procedures, the supervisor should provide the employee written guidelines for attendance, tardiness, and other work behaviors such as dress code.

A copy of the Preappraisal form (Form 13P) must be provided to the employee, and the original will be kept in the employee's worksite personnel file. The form is not submitted to Human Resources.

Midappraisal

During the Midappraisal phase of the Appraisal process, the supervisor observes the employee; trains or arranges for training; monitors ongoing performance; provides feedback to the employee; documents examples of performance and work conduct; completes the Midappraisal section of the Preappraisal form; and conducts a Midappraisal session with the employee.

Any changes made to R&Rs during the appraisal period must be written on the Form 13P. These changes must be discussed with the employee, with each change initialed and dated by the employee and the supervisor. Three (3) months of performance is the minimum period of time sufficient to observe an employee for a reliable evaluation.

The supervisor should keep notes on each employee's work performance during the entire appraisal period to ensure proper follow-up and to ensure sufficient data for making accurate appraisal ratings. Without documentation, the supervisor may remember only one or two situations instead of using examples of performance during the entire period. Supervisors should keep informal documentation in a single supervisory file separate from employee files. Files labeled for specific employees are considered employee personnel files and are subject to certain laws and rules, including those pertaining to records retention; access to the file by the employee; and the requirement to provide the employee a copy of any disciplinary/negative information placed in his personnel file within ten (10) days after placement in the file.

Informal communication and feedback should take place between the Rater and the employee on a frequent basis. This coaching consists of daily, weekly, and/or monthly discussion of work assignments, projects, performance results, and work habits. If there is an area in which the employee needs development or correction, and coaching and training have been unsuccessful, counseling may be necessary. Counseling sessions should be documented, with the documentation signed and dated by the employee and supervisor. The original document should be provided to the employee, with a copy placed in the employee's worksite personnel file. If the problem continues or escalates, disciplinary action may be appropriate. Documentation of counseling should not be submitted to Human Resources unless it relates to subsequent disciplinary action or to a Work Habits rating of "Unsatisfactory."

A Midappraisal Session must be conducted for each employee at the midpoint of each appraisal period for preliminary feedback regarding his work performance, providing an opportunity for improvement when needed. The Midappraisal session is a time to discuss what has occurred since the Preappraisal meeting; it is not a disciplinary session. Any necessary disciplinary action should be discussed with the employee in a separate meeting. An employee serving a six-month probationary period should receive a Midappraisal three (3) months into the appraisal period. Employees with permanent status with appraisal periods of one (1) year should receive a Midappraisal six (6) months into the appraisal period. If an employee is hired from a

reemployment register, he will serve a three-month probationary period, so the Midappraisal session will be at the six-week point.

The Rater will complete the “Employee Performance Midappraisal” section of the Form 13P and discuss it with the Reviewer prior to meeting with the employee. On this section of the form, the supervisor will describe the employee’s strengths, if any, in performing responsibilities and/or conducting work habits; any areas needing improvement in performance of responsibilities and/or conducting work habits, if any, including actions taken or corrective action plan developed; and/or areas where the employee has performed in a fully competent manner. The date of the Midappraisal session with the employee must be indicated on the form and signed by the employee and the Rating and Reviewing Supervisors. A copy of the Form 13P should be provided to the employee and the original kept in the employee’s worksite personnel file. The form is not submitted to Human Resources.

Probationary Performance Appraisal

Work performance of new employees hired from registers and those who are promoted to new classifications is evaluated at six (6) months with a recommendation concerning their permanent job status. (The Licensure & Certification Surveyor job class requires a one-year probationary period.) An employee hired from a reemployment register will serve a three-month probationary period. If an employee is hired from a reemployment register after being placed on that register due to a layoff, no probationary report is required if the employee completed the probationary period prior to being laid off. Hourly employees do not serve a probationary period.

The probationary evaluation is documented on the Employee Probationary Performance Appraisal (Form 13F). At the appropriate time, the form will be sent by Human Resources to the supervisor for completion. The Rater should review his documentation, seek input from appropriate individuals who work closely with the employee, and compare the employee’s work performance to the R&Rs listed on the Preappraisal form. Once the Rater has drafted appraisal ratings, he will discuss the evaluation with the Reviewer.

In the appropriate space on the form, the supervisor must mark the employee's conduct in each "Work Habits" area as either "Satisfactory" or "Unsatisfactory," depending on the defined expectations of the supervisor and the performance of the employee during the appraisal period. If a supervisor assigns an employee a rating of "Unsatisfactory" in the "Work Habits" section, it is the policy of the Department that some prior formal notification of the problem must have been given to the employee and documented, such as counseling, the Midappraisal session, or disciplinary action. If an employee is assigned a rating of "Unsatisfactory" for the "Work Habit" of "Compliance with Rules," the applicable Departmental policy or procedure must be indicated. If a step of disciplinary action (warning, reprimand, suspension) has been taken, it must be documented in the "Disciplinary Actions" section of the appraisal form and reflected in the "Disciplinary Score" section. If no disciplinary action was taken or the most severe step of discipline was a "Warning," the "Disciplinary Score" will be "0." If the most severe step was one (1) or more "Reprimands", the "Disciplinary Score" will be "7." If the most severe step was one (1) or more "Suspensions," the "Disciplinary Score" will be "17."

In the "Responsibilities" section of the form, an abbreviated version of the R&Rs should be written if the employee was assigned the task during the appraisal period. Any R&R that has not been performed by the employee during the appraisal period should not be listed on the evaluation; however, if it is an essential R&R for the position, the employee should not be recommended for permanent status until he has had the opportunity to perform the responsibility and has demonstrated fully competent performance.

The employee's performance of each R&R is to be compared to the requirements of the position as discussed and written in the Preappraisal. Employees are not to be compared to one another. The supervisor should be able to substantiate each rating with specific examples of performance or situations. Each R&R will be rated according to the following scale (using whole numbers only):

4 = Consistently Exceeds Standards: performance consistently and clearly exceeded requirements for the position during the appraisal period; employee can be relied upon to accomplish the most complex assignments with little or no supervision.

3 = Exceeds Standards: performance frequently exceeded expected Results for the Responsibility and the employee needed little or no supervision.

2 = Meets Standards: performance met the expected Results; fully competent performance.

1 = Partially Meets Standards: performance was below the expected level more often than not; requirements were not routinely met; may also indicate that the employee requires close supervision where he should be operating independently.

0 = Does Not Meet Standards: performance consistently and clearly fell below the expected Results during the appraisal period; may also indicate that the employee requires close supervision where he should be operating independently.

The total “Responsibility Score” is calculated according to the formula shown on the appraisal form. The employee’s “Probationary Performance Appraisal Score” is derived by subtracting the “Disciplinary Score” from the “Responsibility Score.”

Before recommending permanent status, a supervisor should have confidence that the probationary employee has demonstrated fully competent performance in all duties or has gone above the standard of expected results for the position. Also, the employee must be rated “Satisfactory” in all Work Habits, have a “0” Disciplinary Score, have obtained any required license or certification, and completed any required training. If the employee is recommended for permanent status, the supervisor will complete a Preappraisal (Form 13P) for the coming appraisal period and discuss it with the employee no later than the beginning date of the appraisal period.

Employees who do not receive an overall rating of at least “Meets Standards” on a final probationary performance appraisal will be considered for continued probation or separation from state service. If continued probation is recommended, the employee may be given additional time in three-month increments to improve his job performance. The probationary period may be extended only twice, for a maximum of 12 months (no extensions are allowed for jobs with 12-month probationary periods). Probationary extensions must be supported by documentation showing that the employee has not mastered the R&Rs of the position; there is a

work behavior problem that has been addressed but not totally corrected; and/or there is some required training that the employee has not yet completed. The documentation must also show that the issue was discussed with the employee prior to the performance appraisal. The supervisor may consider an extension of probation if the employee does fully competent work but needs too much supervisory guidance. If it is clear that the employee will not be able to meet standards even with additional training, etc., he should be separated from state service. Prior to the recommendation to separate an employee, the Rater and Reviewer must contact the Employee Relations Officer for review and concurrence with the decision (see page 10-3).

All probationary appraisals must be reviewed and initialed by the Area Administrator/ Assistant Area Administrator or Bureau/Office Director. It is imperative that probationary appraisal forms be received in Human Resources by the deadline; otherwise, the employee's name will be removed from the payroll, and the employee will not receive a paycheck.

Note: LWOP or time on 2/3 SEICTF benefits automatically extend an employee's probationary period for the number of calendar days of LWOP or 2/3 status. Employees who are on probation and are called to active military duty have their probationary period "frozen" until they return to work from active duty. The remainder of the probationary period will be served upon the employee's return.

Annual Performance Appraisal

The annual Employee Performance Appraisal (Form 13) is completed in conjunction with the annual service date, following the same instructions provided for completion of the Probationary Appraisal form. There are some differences in the annual appraisal form and the probationary form. Since the employee has permanent status, there is no section on the annual form for making a recommendation concerning permanent status. Also, unlike the probationary appraisal form, the annual appraisal form includes the disciplinary action of "Demotion," which results in a Disciplinary Score of "24."

Along with the Form 13, the supervisor must complete and submit to Human Resources a Form ADPH-HR-63, Departmental Rules & Policies for Review at Annual Performance Appraisal.

Also at this time, the supervisor must complete, but not submit to Human Resources, a Preappraisal (Form 13P) for the coming appraisal period and an Employee Training Report (ADPH-HR-33) covering the current appraisal period. The Employee Training Report should list any training not documented on the employee's Learning Content Management System (LCMS) transcript. The Employee Training Report should include staff meetings, workshops, seminars, on-the-job training, video conferences, reference materials, etc. The Training Report is to be kept in the employee's worksite file, and a copy is to be provided to the employee.

Note: Completion of annual performance appraisals for employees who have been on LWOP (*except* for military leave or FMLA leave) or 2/3 SEICTF benefits for any period of 20 days or more will be postponed by the appropriate amount of time, and the annual raise date will be adjusted.

Performance Raises

If an employee satisfactorily completes the regular six-month probationary period with an overall rating of "Meets Standards" or above, he will receive a two-step raise effective the first pay period following completion of the probationary period, unless raises are frozen. If the employee had a raise during the probationary period due to a change in salary range or a cost of living adjustment, the probationary raise may still be given. At no time may an employee's salary be raised higher than the maximum salary for the pay range.

If an employee is appointed from a reemployment register at the first or second step of the pay range, a raise to the third step will be given following satisfactory completion of the three-month probationary period. The employee is not eligible for a probationary increase if he is appointed at the third step or above from the reemployment register.

When an employee receives a probationary raise, that month becomes the employee’s annual raise month. Performance raises are given only when the appointing authority certifies the employee has earned a raise by his level of work performance. Each employee below the maximum of the salary range may be considered for a performance salary increase once each year after attaining permanent status, provided raises are not frozen. Progress within a salary range is determined by the employee’s performance evaluation. Employee evaluations are related to performance raises according to the following schedule:

<u>Performance Appraisal Score (Service Rating)</u>	<u>Number of Steps</u>
Does Not Meet Standards	0
Partially Meets Standards	0
Meets Standards	1*
Exceeds Standards	2
Consistently Exceeds Standards	2

*For *probationary* ratings in the “Meets Standards” category, State Personnel Board Rules allow for a one- or two-step raise to be granted; Department policy is to grant a two-step raise. For *annual* ratings in this category, only a one-step raise is granted. In no case can step raises exceed the maximum rate of a salary range. Raises may at times be frozen for all State employees or for Department employees.

CHAPTER 9

Salary Increase Procedures

CHAPTER 9

SALARY INCREASE PROCEDURES

Introduction

The State Personnel Director maintains a pay plan for all state employees in the classified service. This plan includes for each class of positions a minimum and a maximum salary rate, and such intermediate rates as are considered necessary and equitable. In establishing these rates, consideration is given to recruiting and turnover experience; the type of work performed; rates of pay for comparable work in other public and private employment; the cost of living; benefits received by state employees; the state's financial condition and economic policies; and other relevant factors.

All salary advances within the established salary ranges shall be based on meritorious performance on the job.

Probationary Raise

A classified employee who is appointed from an open-competitive or promotional register, even if appointed above the entry level, may receive a two-step raise upon successful completion of his probationary period (subject to the maximum of the pay range), unless raises are frozen.

A classified employee who is appointed from a reemployment register may not receive a probationary raise if he was appointed at or above step three (3) of the pay range.

Form 13F, *Employee Probationary Performance Appraisal*, is the form used to process the probationary raise. The raise cannot become effective earlier than the first pay period after the end of the probationary period.

Note: If an employee on probation receives a raise due to a class pay range change requiring him to be brought to the new minimum salary, he may still be granted a probationary raise.

Annual Merit Raise

Classified Employees: All regular employees (including part-time) who are paid less than the maximum provided for their position will receive consideration for a salary increase at least once each year. This does not mean that every employee is entitled to an increase once each year, as merit raises may be frozen at times for all State employees or for Department employees. Furthermore, increases may be granted only upon the appointing authority's certification that the employee's work has been of a caliber to merit the raise (for further guidance, see Chapter 8, Performance Appraisal).

An employee who has not had a salary increase in more than 12 months due to being at the maximum of the pay range may be placed on the annual raise list for the first pay period after a class pay range increase allows a raise, at the discretion of the appointing authority. In such situations, the month in which the raise was granted becomes the employee's annual raise date. An employee's annual raise date is not changed by a salary increase due to a classification pay range increase or by a cost of living adjustment (COLA).

Form 8 Employees: Form 8 employees who are being paid on a semi-monthly basis at the time their annual raises are due (even if they have changed from an hourly status during the year) should appear on the annual raise list from State Personnel.

To grant an annual raise to a Form 8 employee who is paid on an hourly basis at the time his annual raise is due, a new Form 8 should be submitted with "change of pay" indicated and the new pay rate reflected in the proper blank.

Exempt and Unclassified Employees: The appointing authority may recommend a one- or two-step raise to the State Personnel Board for exempt and unclassified employees who have not received a pay increase during the past 12 months, and who are not at the maximum step for their pay range.

Note: When converting from exempt to classified, any action by the State Personnel Board affecting salary, reduction or increase, constitutes a change in the annual raise date.

Employees Who Have Been Laid Off: Employees reappointed from a layoff register, who return in less than one (1) year, may be given the benefit of any adjustment granted in their classification during layoff.

Employees on LWOP or 2/3 SEICTF Benefits: The annual raise date will be adjusted by the appropriate amount of time for employees who have been on LWOP (*except* for FMLA leave or military leave) or 2/3 SEICTF benefits for any period of 20 days or more during the appraisal period.

Note: Employees on LWOP or 2/3 SEICTF benefits when a pay adjustment for the classification is effective may be given the adjustment when they return to duty. Employees who resign while on LWOP are not eligible to be re-employed at the adjustment rate but at a rate of pay no higher than they were making when they were last in pay status, unless the employee must be brought to the minimum of the new range. When employees resign while on LWOP, payment for any accumulated annual leave should be calculated on the salary they were making on their last day in active pay status before LWOP began.

Promotional Raise

The appointing authority may approve a two-step raise on promotion. If the employee is making below the minimum salary of the new class, the appointment will be at least the first step of the new pay range, so the raise may be more than two (2) steps in some cases.

If a promotion is effective in the same month as the employee's annual raise, State Personnel allows departments to give the annual raise and a two-step promotional raise. The annual raise is based on the status in the class from which the employee is promoted. Employees at the maximum of the lower class cannot receive the annual raise and the promotional raise at the same time.

Note: Until further notice, the State Personnel Board has continued a cap of two (2) steps on promotional raises, except in cases where it takes more than two (2) steps to put the employee's salary at the entry level for the new class.

Salary Increase --- Notes

Notification of Salary Increase: Regardless of the type of salary increase, it is the responsibility of the work unit supervisor to notify the affected employee. Notification of a probationary salary increase is effected by providing the employee a copy of the final probationary report. Confirmation of a promotional appointment, including salary information, should also be made to the employee in writing.

Prohibition of Salary Increase on Reemployment or Transfer: No salary increase is authorized on reemployment except to the nearest rate without reduction in salary. Increase in salary on a transfer is prohibited.

CHAPTER 10

Separation and Other Personnel Actions

CHAPTER 10

SEPARATION and OTHER PERSONNEL ACTIONS

Separation of Employment

Separation of classified employees (including Home Attendant and Laborer Form 8 appointees) is subject to the provisions of the State Personnel Board and is effected through the use of the *Recommendation for Personnel Action*, Form 11. A *Separation Checklist* (ADPH-HR-67) must be completed on all employees on their last work day. A Form 11 must be completed and submitted to Human Resources along with the resignation letter/termination letter; the letter from the supervisor, if applicable; and the *Separation Checklist*.

The Information Technology, Security Unit, must be notified by the work unit immediately upon receipt of an employee's written notice of intent to leave his position and upon dismissal or death of an employee. The work unit security coordinator should call the ADPH Help Desk at (334) 206-5268 to request the Computer Access Removal Form. Upon receipt of the removal form, the security coordinator will complete all highlighted areas of the form and email it back to the Help Desk employee who provided the form. The information will be entered into the ADPH Help Desk Work Order System. The form will be processed on the effective date, and all computer access will be removed. The actions taken will be documented on the form, and the completed work order will be retained in the Work Order System, with a notice sent to the initiating work unit.

Upon separation of employment, employees must reimburse the Department for any advanced sick leave or bereavement leave owed and for any unfulfilled service obligation for Educational Leave used. In the event the money is not paid in full prior to the last work day, the employee will not be recommended for rehire with the Department. Furthermore, the employee will not be eligible for employment with any state agency until any advanced sick leave or bereavement leave is paid in full. Once payment is made in full, employment records will be revised with Human Resources and State Personnel to indicate that payment has been made. If

the employee was not recommended for reemployment solely because of the money owed, the recommendation will be changed to “Yes.” If the employee is not recommended for reemployment due to performance or work behavior problems, the recommendation will remain “No.” The Department will not accept an employee’s advanced sick leave or bereavement leave balance from another department.

Human Resources staff will send an *Exit Interview Questionnaire* for completion to separated employees along with an addressed, stamped envelope.

The various separation actions are discussed below.

Resignation

The expected advance notice from permanent employees upon resignation is two (2) weeks. Temporary employees or hourly workers should give at least a one (1) week notice. The employee should submit a letter of resignation addressed to his appointing authority through the immediate supervisor. If the employee verbally resigns, acknowledgment of the resignation must be sent to the employee confirming the acceptance with a statement indicating whether reemployment will be recommended. In any case, the employee must be informed in writing if he will not be recommended for rehire.

The supervisor and Administrator/Director should note their acceptance and immediately forward the resignation letter and a Form 11 to Human Resources. The resignation is not considered final until signed by the appointing authority. If necessary, the supervisor may fax resignations to Human Resources to obtain immediate signature of the State Health Officer. The work location should notify HR staff that a resignation letter is being faxed in order to obtain the appointing authority’s signature.

If an employee does not give the proper advance notice of resignation, the Form 11 should indicate “No” for rehire, and a written explanation must be attached. In addition, the employee must be informed of the recommendation in writing. If an employee does not give

proper advance notice but is being recommended for rehire due to extenuating circumstances (for example, an employee on LWOP for medical reasons is not able to report back to work), the supervisor must provide a written explanation of the circumstances with the Form 11.

A “No” for rehire prevents an employee from being placed on a re-employment register for that classification. Also, the employee’s application will not automatically be accepted for other registers (open-competitive or promotional) in that same classification. State Personnel will review the reason given by the agency and, in most cases, reject the application and notify the applicant.

Separation during Probationary Period

The probationary or working test period for regular and promotional appointees of the classified service is typically a six-month period. Employees appointed from a reemployment register serve a three-month probationary period. During the probationary period, the employee is entitled to careful attention and guidance. However, the probationary employee may be separated involuntarily during this period if unable or unwilling to perform the duties of the position satisfactorily, or if the employee is found to be unsuitable for continuance in service. A written request from the immediate supervisor through the chain of command to the appointing authority stating the reasons for the termination must be submitted to Human Resources at least 15 days before the end of the probationary period. A written letter of termination of the probationary appointment from the appointing authority to the affected employee giving the reasons why the employee is not considered suitable for permanent employment in the position will be given to the employee to initiate the dismissal. A Form 11 must be submitted with a copy of the letter of dismissal to Human Resources.

Note One: Should the State Personnel Director determine the dismissed employee is suitable for appointment to another position, his name may be restored to the list of eligibles from which originally certified.

Note Two: If a probationary employee who has been promoted within a state agency does not successfully complete the working test period, he shall not be separated but shall be demoted to the regular classification held prior to the promotion. An employee gives up his rights to permanent status in his previous class when he accepts employment with another department. This also applies when an employee is promoted between the state, area, and county levels within the Department.

Expiration of Temporary Appointment

The Form 11 is completed for signature of the appointing authority and is sent to Human Resources. All paperwork should be submitted no later than the last work day.

Expiration of Provisional Appointment

As indicated in the preceding chapter, it is intended that the provisional appointee will either succeed to a regular appointment in the position or be separated prior to the expiration of the 156 work days (1,248 hours, not including holidays or weekends). If the provisional appointee does not score high enough on the examination to be certified in the top ten (10) and given a regular appointment in the position, he must be replaced by a qualified candidate from the register and be separated or reassigned to his previous classification. For separations or reassignments, prepare the Form 11 for the appointing authority and submit to Human Resources.

Job Abandonment

Job abandonment is defined as three (3) days of unexcused, unreported absence and is grounds for dismissal. If an employee is absent from work unexpectedly and does not notify his supervisor or designee, efforts should be made to contact the employee as soon as possible after his failure to report at the specified work time. If unable to reach the employee, the supervisor should attempt to reach the employee's emergency contact person. If the supervisor has not heard from the employee for three (3) consecutive work days and reasonable efforts have been

made to contact the employee to no avail, the supervisor should work through the chain of command and contact the Employee Relations Officer in Human Resources for guidance.

Transfer between Departments

Classified Employees: By definition, a transfer involves assigning an employee from one position to another position in the same class. Normally the transfer between departments is initiated by the classified employee and must be approved by both appointing authorities who agree to disposition of the leave balance of the employee. If the appointing authority to whose department the transfer is proposed is unwilling to accept the transfer with accumulated leave, the employee will lose his accumulated leave upon the transfer.

In order for a probationary employee to transfer, it must first be determined that he could have been certified to the position in the gaining location. The supervisor should call Human Resources for approval prior to offering the probationary employee a job.

Exempt and Unclassified Employees: For transfer of exempt and unclassified employees between departments, the employee must resign his old position in order to accept a new position in the other department.

Dismissal

Although supervisors may counsel and reprimand employees under their supervision, only the appointing authority may demote, suspend, or terminate them. Technical assistance concerning disciplinary procedures is available from Human Resources. **(Discipline Policy)**

All recommendations for dismissal must be coordinated with Human Resources. A permanent employee may be removed for cause only and must be provided an opportunity for a pre-termination conference before a designated Department representative. The employee may waive his right to the conference. The permanent employee may, within ten (10) days after written notice of dismissal, appeal the dismissal to the State Personnel Board who, after

conducting a hearing, will either approve the dismissal or order reinstatement of the employee. Non-merit employees are not entitled to a pre-termination conference, but they should be given an opportunity for an exit interview by their appointing authority (or designee) to tell their side of the story. In all cases, the appointing authority is required to furnish the affected employee, on or before the effective date of dismissal, a written statement, signed by the appointing authority, of the reasons for dismissal. Supervisors should recommend dismissals, with supporting documentation, through the chain of command to the appointing authority. Once the decision is made to dismiss the employee, the Form 11 will be used to effect the dismissal action.

Layoff

An appointing authority may lay off an employee whenever it is deemed necessary by reason of shortage of work or funds or other material change in duties or organization. The order in which employees are to be laid off in the classified service will be in accordance with the *Rules of the State Personnel Board*. Under no circumstances is a layoff to be used in a disciplinary action against an employee.

Employees who are temporary, provisional, conditional, or probationary are considered to be non-status. Before permanent status employees in a job class are laid off or demoted, all non-status employees in the job class must be separated.

A letter outlining a plan for the layoff should be submitted to the appointing authority for approval. The plan should include the circumstances for the layoff; steps taken to minimize the need for a layoff; the position number(s) and class title(s) to be abolished or changed; and the implementation date.

The order of the layoff is determined by a formula using annual performance appraisal ratings and continuous state service in the class or classes affected. A veteran shall have preference over a non-veteran.

Employees who are laid off will have their names placed on the reemployment register for two (2) years. During this time period, the location involved may not hire persons in the class from any register, or provisionally, as long as one available employee laid off by the department is on the reemployment register for the class. However, a person who refuses offers of reemployment shall forfeit such rights to subsequent placements.

Any person who is laid off and is re-employed within the prescribed time shall not be required to serve a probationary period if re-employed in the same department and job class.

An employee who bumps to a lower class in the related series as a result of layoff shall be reinstated to the former higher class with permanent status whenever a vacancy occurs in such higher class within the department. However, an employee who accepts a voluntary demotion in the department in lieu of a layoff and who is subsequently promoted to the class from which he was demoted may be promoted with permanent status at the discretion of the department head. Such promotion shall be considered a return to former status and does not entitle the employee to a promotional raise or a probationary raise.

Advance written notice of the layoff, including the reason(s) for the layoff, will be provided to all affected employee(s). Reasonable advance notice should take into consideration the needs of the employees as well as the agency; however, where possible the notice should be at least ten (10) working days. In addition, the appointing authority shall make all reasonable efforts to provide information to each employee, both orally and in writing, regarding benefits to which employees may be entitled, including unemployment compensation, employment rights, options for health insurance, retirement, and efforts toward alternative jobs.

The plan as adopted by the appointing authority shall be available upon written request for perusal by an employee or former employee adversely affected.

In addition to any rights currently provided to state employees, any permanent state employee who is laid off from a position under the State Merit System shall have priority for any

other position in the same class filled from an open-competitive register by any appointing authority in accordance with rules adopted by the State Personnel Board.

Note: Under the Code of Alabama 1975, 22-3-1, et al., the Public Health Department can appoint employees at the local and area level. Specifically, each county is allowed to restrict certification to names of county or area residents. For layoff purposes, county, area, and state offices affect only the employees based in the location which is laying off employees. Furthermore, seniority time consists of uninterrupted time with the base location and not other time with the department.

Death of Employee

When an individual dies while employed by the Department, a Form 11 must be completed and submitted to Human Resources. In addition, a *Separation Checklist* must be completed and submitted as soon as items are collected. The employee's paycheck and any other moneys owed to the employee are to be forwarded to Health Finance, where they will be kept until the estate produces appropriate authorization for release of the assets. Final authorization for release will be given by the Office of General Counsel.

Retirement

The employee must complete a Form 10, *Application for Service Retirement*, and forward to the Employees' Retirement System no less than 30 days before the effective date of retirement. The effective date of retirement must be the first of the month. An application filed with the Employees' Retirement System less than 30 days before the requested date of retirement will result in the loss of a month's retirement pay. The Form 11 is the document for effecting the separation of the employee. The employee must first prepare a letter of intent to retire addressed to his appointing authority, and give his requested date of retirement and intended last day of work. (See the reverse side of the Form 10 for further details.)

Note One: Annual leave will be paid in a lump sum after retirement, not to exceed 480 hours. Leave is not earned after the last day of service. Fifty percent of the actual accumulated sick leave days (up to 600 hours maximum) will also be paid in a lump sum after retirement. An employee may elect to have his sick leave credited toward retirement in lieu of payment.

Note Two: An employee may use leave prior to his retirement date, but not to exceed 160 hours of leave, subject to his supervisor's approval. During his absence, the employee is expected to have a plan to ensure the continuation of work. The employee must also be reachable by telephone and available to return to work if needed. Sick leave cannot be used in conjunction with retirement unless the employee has an unplanned medical event that requires immediate treatment prior to the scheduled retirement date. Employees who are retiring are not eligible for Family and Medical Leave since they are not returning to work.

Note Three: Refer to Chapter 11 for additional retirement information.

Other Personnel Actions

Transfer within Department

Any employee, other than one in probationary status, regardless of service category (exempt, unclassified, or classified) may transfer from a position in one organizational unit of Public Health to another in the same class, provided both directors/administrators concur and the transfer is approved through Human Resources. Additionally, an appointing authority may at any time transfer an employee under his jurisdiction from one position to another within an organizational unit in the same classification. It is important to ensure that newly assigned duties are appropriate for the classification. Also, the selection criteria must be documented and all applicable laws and State Merit System rules must be followed when making assignment changes. All transfers must follow the procedures outlined in Chapter 4 (pages 4-3 to 4-5).

In order for a probationary employee to transfer, it must first be determined that he could have been certified for appointment to the position in the gaining location.

Voluntary Demotion

A classified employee may request a demotion to a lower class within his classification series or a comparable series upon approval of the appointing authority, with final approval from the State Personnel Director.

If the employee's salary is above the maximum of the lower class, the salary must be reduced to that maximum. A salary step within the lower range can be mutually agreed upon by the appointing authority and the employee.

Employees who are taking a demotion and have received a promotional raise within the last year must have the number of steps received taken away, unless their annual raise date was originally within that time period. *Example 1:* Upon promotion, Mary Smith received a two-step raise effective January 1, 2007. Her annual raise date was originally April 1, 2007. She demoted to her previous classification May 1, 2007. Since she would have been eligible for an annual raise in April, she would not lose the promotional raise. *Example 2:* John Doe received a promotional raise and an annual raise (4 steps) effective January 1, 2007. He demoted to his previous classification May 1, 2007. In this example, he would lose the two-step promotional raise.

Involuntary Demotion

An appointing authority may demote a classified permanent employee from a position in one class to a position in a lower class in the same series, with the approval of the State Personnel Director and written notice to the employee stating reasons for the demotion. **Prior to putting in writing a recommendation for involuntary demotion, supervisors must contact Human Resources.**

Involuntary demotions are not appealable to the State Personnel Board or grievable under the Department's Grievance Policy. To ensure that employees are afforded their due process rights, permanent merit system employees are offered a pre-demotion hearing before an

administrative hearing officer. A letter will be presented to the employee from the appointing authority that outlines the problem(s) with the employee's behavior or job performance, the counseling and disciplinary actions taken with the employee, the recommendation for involuntary demotion, and the date, time, and location of a pre-demotion hearing. The employee has the option of waiving his right to the hearing. If a hearing is held, the hearing officer will make a recommendation to the appointing authority, based on the information presented at the hearing. A letter from the appointing authority stating the final decision and the dates of suspension or effective date of demotion, if recommended, will be given to the employee.

Exempt and Unclassified Employees: Since exempt and unclassified appointments are not administered according to Merit System rules and regulations relating to appointment, tenure, or compensation, the procedures outlined above do not govern the demotion of exempt and unclassified employees. However, Departmental policy allows the appointing authority to demote an exempt or unclassified employee under his jurisdiction to a lower position in a classification in which the employee had permanent status, if the circumstances so warrant and the employee does not resign in lieu of demotion.

Note One: The employee may request a transfer prior to the effective date of the demotion, provided the appointing authority of the new jurisdiction approves the transfer.

Note Two: Upon demotion of an employee for disciplinary reasons to a position of a class assigned to a lower salary range, the salary rate of the employee will be adjusted to a rate in the lower range as recommended by the appointing authority and approved by the State Personnel Director, provided the new rate shall not be higher than the maximum rate in the lower salary range.

Suspension

An appointing authority may suspend an employee without pay or other compensation as disciplinary action for just cause, but such suspension shall not exceed 30 calendar days during

any 12-month period. **All recommendations for suspensions must be coordinated with the Employee Relations Officer in Human Resources.**

Suspensions are not appealable to the State Personnel Board or grievable under the Department's Grievance Policy. To ensure that employees are afforded their due process rights, the Department offers permanent employees a pre-suspension hearing before an administrative hearing officer. The employee may waive his right to the hearing. If a hearing is held, the hearing officer will make a recommendation to the appointing authority, who will make the final decision. The suspended employee has the right to file with the State Personnel Board and the appointing authority a written answer or explanation of such charges, which will be kept with and be a part of the service record of the employee in the offices of the Board and the appointing authority. **(Discipline Policy)**

A non-status employee is presented, orally and in writing, the charges against him and is given an opportunity to present his side of the story. A non-status employee is defined as an employee who is temporary, provisional, or probationary. In addition, all Form 8 and contract appointments are non-status employees.

Miscellaneous Personnel Actions

Item 25 on the Form 11 is marked for non-routine or infrequent personnel actions. An example is changing the employee's work hours from full-time to part-time, and vice versa. The Form 11 is used for changing work hours of an employee so that payroll recording will not overpay or underpay the employee. Any change in an employee's percentage of time worked must remain in effect for a minimum of three (3) months. For example, if an employee changes from full-time to part-time, he may not revert to full-time for at least three (3) months.

CHAPTER 11

Retirement

CHAPTER 11

RETIREMENT

Introduction

This chapter provides a summary of some of the important basic retirement issues. More detailed information can be obtained by contacting the Retirement Systems of Alabama, Employees' Retirement System (ERS), at (334) 517-7000 or 1-877-517-0020, or by visiting their website at www.rsa-al.gov/ers/ers.html. Employees who have specific questions about their retirement benefits should contact the ERS directly.

Eligibility to Participate in ERS

All new employees of the Department of Public Health, except those individuals excluded by the Alabama ERS Law, shall be enrolled in the ERS effective the first day of contributions being deducted from their pay.

Participation in the ERS is mandatory if a person is employed in a position eligible for coverage that is:

1. non-temporary
2. on at least a half-time (50%) basis, and
3. earning at least the federal minimum wage.

Once enrolled, the member must continue participation until employment is terminated, even if the employment decreases to less than half-time (50%).

In order to classify a position as "temporary," and thereby ineligible for participation in the retirement program, the following criteria will be used:

1. A “temporary” position must be one that has a predetermined termination date of one (1) year or less.
2. Should a person be employed in an otherwise eligible position classified as “temporary” and be continued into a second year, the person must be enrolled and will be allowed to make up contributions for the previous year.

Enrollment Procedure

Within a new employee’s first two (2) work days, the supervisor must ensure the new employee completes a Form 100, *Member Information Record*. The original should be submitted to Health Payroll to be forwarded to ERS. Once enrolled, each member receives from the ERS an ERS Member Handbook, which provides detailed information about retirement benefits. Employees returning from LWOP are not required to re-enroll in the ERS.

Deductions

Employee contributions will be deducted from the regular salary payments and overtime payments of all members. As of October 1, 2011, the ERS Law provides for the employer to deduct from the salary of each regular employee member 7.25% of his gross earnable compensation each payroll period (will increase to 7.5% beginning October 1, 2012). The Health Payroll Division will deduct the proper amount from each employee’s paycheck. Members who terminate their employment for any reason shall contribute to the ERS through the last payroll period. If an employee worked any part of a payroll period, deductions will be made for that period. However, no retirement deduction will be made from a payment for unused accumulated annual leave and sick leave made to an employee after he separates from state service.

Change in Beneficiaries

Members of the ERS may change their beneficiaries at any time. To change the beneficiary, the employee must complete the Form 100C, *Change of Information Form*. This

form must be notarized and the original form sent to the ERS.

Transfers of State ERS Member

For transfers within the Department of Public Health, no action is required, as deductions will continue to be made. For transfers from other departments of state government, the employee must complete a Form 100 indicating transfer from another ERS agency. The form is submitted to Health Payroll for completion of the appropriate section and submission to the ERS.

Transfer into Department by Member of the Teachers' Retirement System

In addition to completing and forwarding a Form 100 as a new member, individuals who previously worked for an agency covered under the Teachers' Retirement System (TRS) must complete a Form TR-1, *Transfer of Membership from the Teachers' Retirement System*, if they wish to transfer service credit established in the TRS to the ERS. The employee should be advised to mail the Form TR-1 directly to the Teachers' Retirement System.

Termination of Service Prior to Retirement Eligibility

Once a member terminates employment prior to retirement eligibility, he has three (3) options:

1. If the member is vested (has at least ten [10] years of service), retirement contributions may be left in the system until age 60, when the member may apply for service retirement.
2. With less than ten (10) years of service, the member may leave contributions in the system for up to five (5) years. If he has not returned to state service as a participating member, the account is terminated and contributions plus any refundable accrued interest will be payable to the member.
3. The member may withdraw all retirement contributions and refundable interest.

Withdrawal and Refund: A Form 7, *Notice of Final Deposit and Request for Refund*, must be completed by the employee and the original form mailed to the ERS. In addition to the employee's contribution, a portion of interest credit may be returned in accordance with ERS Law. The following table gives the rate of returnable interest per years of membership prior to withdrawal:

AMOUNTS RETURNABLE (REFUNDS)

<u>Years of Membership Upon Withdrawal</u>	<u>Portion of Interest Returnable</u>	<u>Contributions Returnable</u>
Less than 3	None	All
3, but less than 16	50%	All
16, but less than 21	60%	All
21, but less than 26	70%	All
26 or more	80%	All

Refunds cannot be made until the ERS receives the member's final contribution from the employing agency; that is, the employee must have terminated his employment and be off the payroll of the employer before any contributions are returned. Further, under no circumstances will the ERS refund more than has been received and currently credited to a member's account.

Purchase of Additional Service Credit

Re-establishment of Creditable Service After Reentry Into State Service: A former employee (member) who withdraws his contributions upon separation, or whose account with the ERS has been terminated due to five (5) years' absence, who reenters state service, may after two (2) additional years of contributing membership service, repay such withdrawn contributions in a lump sum, plus interest from date of withdrawal to date of repayment, and reestablish whatever creditable service he lost by withdrawal or termination.

Purchase of Eligible Military Service: During an active member's first year of participation in the ERS, he may purchase up to four (4) years of eligible military service

provided he has had no previous period of eligibility. Eligible service includes honorable service in the U.S. Armed forces for which the member is not currently receiving service retirement benefits. Weekend service and summer camp service with the National Guard and Reserves are not eligible to be purchased as creditable service. If the member does not purchase the eligible military service during his first year of participation in the ERS, his next opportunity to purchase it will be after accumulating ten (10) years of creditable service.

Note: LWOP is not considered creditable service, and no make-up of contributions covering periods of LWOP is authorized.

Death of Member Prior to Retirement

When a member of the ERS dies before retirement, the ERS Law provides several options which are explained in the ERS Member Handbook. You may also contact the ERS at (334) 517-7000 or 1-877-517-0020, or visit their website at www.rsa-al.gov/ERS/ers.html, for more information.

Service Retirement

Eligibility: The requirements for **service retirement** are:

- a. Must have completed 10 or more years of creditable service and be 60 years of age or older; or
- b. May retire with full benefits with 25 years of service at any age.

Application Procedure: Application for retirement must be submitted by the employee at least 30 days, but not more than 90 days, in advance of retirement date. The effective date of retirement is always the first day of the month. The employee must forward the ERS Form 10, *Application for Retirement*, and the ERS Form 12, *Insurance Authorization Form* (both found in the Retirement Application Packet, Part I), to the ERS. The application must be notarized and submitted to the ERS prior to the 30th day deadline.

Note One: Employees may elect to leave a gap between the last day of work and the effective date of retirement, with approval of the appointing authority. In other words, an employee may apply for retirement while on leave without pay.

Note Two: An employee may use his annual leave immediately preceding his retirement date, but not to exceed 160 hours, with supervisory approval. During his absence, the employee is expected to have a plan to ensure the work is covered. The employee must also be reachable by telephone and available to return to work if needed.

Note Three: Sick leave may not be used in conjunction with retirement unless the employee has an unplanned medical event that requires immediate treatment prior to the scheduled retirement date. Employees who are retiring are not eligible for Family and Medical Leave since they are not returning to work.

Disability Retirement

Eligibility: The ERS Law provides that a member who becomes totally and permanently disabled after ten (10) years of service may be retired on a disability retirement.

Application Procedure: Application for disability retirement is the same as for service retirement, except a medical examination is required. The applicant must submit a Form 10, *Application for Retirement*, indicating disability by checking the appropriate block. The Form 10 must be forwarded to the ERS. In addition, the employee must complete an *Applicant Authorization*, Part II of the Report of Disability Packet. The applicant must mail this authorization to his physician and have the physician complete Part I of the Packet, the Statement by Examining Physician. The physician will submit the completed form directly to the ERS. Before approval, the Medical Board of the Employees' Retirement System must certify that the member is mentally or physically incapacitated for further performance of duty, and that such incapacity is likely to be permanent and that such member should be retired.

Conversion of Unused Sick Leave to Retirement Service Credit

Employees of agencies which have adopted the provisions of Act 88-904 may, at their retirement, convert unused sick leave to retirement credit in lieu of receiving a lump sum payment for one-half of unused sick leave. The service credit may be applied toward meeting the minimum service requirement for service retirement eligibility (age 60 with 10 years OR 25 years of service, regardless of age). A member retiring on a disability may convert unused sick leave to retirement credit only if he meets the minimum qualifications for service retirement.

Post-Retirement Employment

Service Retirees: **An ERS retiree employed with an ERS or TRS member agency** may continue to receive full retirement benefits provided that the retired member meets both of the following conditions: (1) the retiree must not be employed or under contract for permanent full-time employment, and (2) the retiree's compensation cannot exceed the limitation on earnings. The limits are subject to change from year to year. Retirees who return to work with an ERS or TRS member agency in the same calendar year as their retirement are subject to a monthly earnings limitation, which is one-twelfth of the yearly limitation. Retirees who return to work with an ERS or TRS member agency in a subsequent year from their retirement are subject to a yearly earnings limitation.

There are no limitations on earnings for a service retiree employed in private industry, private education, or a non-participating RSA agency.

A retiree who is reemployed full-time with an ERS agency will have his retirement benefit suspended. If the retiree is reemployed full-time for a minimum of two (2) years, he is eligible to request reenrollment in the ERS. A retiree who is employed full-time with a TRS member agency must immediately enroll in the TRS. The retired member's ERS account will be terminated and the service credit and existing ERS annuity will be transferred to the TRS.

However, if the retiree is employed with a non-participating agency or in the private sector, earnings cannot exceed the difference between the average final salary and the annual retirement benefit.

CHAPTER 12

Personal Services Contracts

CHAPTER 12

PERSONAL SERVICES CONTRACTS

Introduction

Contract employment is designed to accommodate the need to obtain the services of a person or organization where the duties are of a part-time, temporary, or intermittent nature or the qualifications of a person or organization are such that merit system employment would not be administratively, programmatically, or economically justifiable. The hiring of personal services contract employees must comply with Department hiring procedures to ensure federal and state laws are followed. Specifically, recruitment activities must be coordinated with Human Resources, and the selection process (including interviews and reference checks) must comply with Department policy and procedures.

The contract employee may not be a close relative or household member of another Public Health employee within the same organizational unit without the prior approval of the State Health Officer. An organizational unit is an office, bureau, division, branch, area office, or county health department, regardless of the physical location of the work. Close relatives include husband, wife, father, mother, son, daughter, brother, sister, grandparent, grandchild, father/mother-in-law, son/daughter-in-law, brother/sister-in-law, uncle, aunt, nephew, niece, or first cousin. Before an offer of employment is made to a relative or household member of an employee, the supervisor must complete a *Request to Hire Relative or Household Member of Employee* (Form ADPH-HR-75A) and submit it through the chain of command to the Director of Human Resources.

A merit system employee may not revert to a contract position except for the good of the business. These requests must be made in writing to the State Health Officer for approval before an offer of employment is made.

Supervisor's Responsibility

Under no circumstances shall unit supervisors permit a contract employee to begin duties prior to the effective date of a contract or to continue to perform duties after expiration of a contract. Also, contract employees must not be allowed to work in excess of the approved maximum salary, the approved maximum expenses, **or** the specified maximum number of hours per week. Unit supervisors will be subject to disciplinary action for such violations of the contract.

Note: All personal services contract employees are considered nonexempt under the overtime provisions of the Fair Labor Standards Act (FLSA). Therefore, they will be paid at one and one-half times their hourly rate for any hours physically worked in excess of 40 hours in a workweek.

Approval Process

Due to the number of parties involved in the review process, both within the Department and in other agencies, personal services contracts must be submitted to Human Resources at least three (3) months prior to the effective date. Pre-approved contracts (see below) must be submitted to Human Resources at least two (2) months prior to the desired effective date. If any item in a contract needs to be changed once the contract is approved, an amendment must be submitted for approval through the same process as the original contract.

Pre-Approved Personal Services Contracts

To help expedite the process, some personal services contracts have been pre-approved by the State Personnel Department, the Contract Review Permanent Legislative Oversight Committee, the State Finance Director, and the Governor. **Pre-approved contracts may not be changed in any way without losing their pre-approved status.** The use of these contracts should be monitored by the appropriate program coordinator and the administrator with budget

responsibilities to ensure compliance with the merit system, program quality, and cost effectiveness.

Pre-approved contracts are available for the services listed below:

Clinic Care:

Clinic Aide
Registered Nurse (RN)
Certified Registered Nurse Practitioner (CRNP)

Home Care:

Home Care Home Health Aide (HHA)
Home Care Licensed Practical Nurse (LPN)
Home Care Registered Nurse (RN)

Wellness:

Wellness Clinic Aide
Wellness Licensed Practical Nurse (LPN)
Wellness Registered Nurse (RN)

Other:

Interpreter
Breastfeeding Peer Counselor
Physician

Payment

Personal services contract employees are paid semi-monthly with payroll warrants through the Government Human Resources System (GHRS). Checks are distributed to the originating unit by the Office of Financial Services, Payroll Division.

APPENDIX A

Direct Appointment
Job Classifications

APPENDIX A

DIRECT APPOINTMENT JOB CLASSIFICATIONS

10103 – Clerical Aide

MQ's: Completion of 10th grade and enrollment in high school OR graduation from a standard senior high school or GED certificate.

10901 – Canteen Clerk

MQ's: Six months of retail store experience.

10920 – Warehouse Worker

MQ's: Completion of 8th grade and at least one year of experience in manual labor in a large warehouse OR high school diploma or GED.

11403 – Employment Security Temporary Clerk

MQ's: Graduation from a standard senior high school or GED.

80101 – Custodial Worker

MQ's: Six months of experience in janitorial work, grounds maintenance or related work.

80111 – Building Custodian I

MQ's: One year of experience in janitorial or general cleaning work and routine building maintenance tasks.

80211 – Laundry Worker I

MQ's: Completion of 8th grade.

80301 – Food Service Worker

MQ's: Completion of 8th grade.

90103 – Utility Laborer

MQ's: One year of semi-skilled work experience in a building or mechanical trade OR one year of semi-skilled work experience operating equipment such as tractors or forklifts.

90140 – Grounds Worker

MQ's: Completion of 6th grade. Two years of experience in groundskeeping and gardening work.

90240 – Transportation Worker, Senior

MQ's: Completion of 8th grade, plus one year of experience in maintenance work at the level of a Transportation Worker.

90241 – Transportation Worker

MQ's: Completion of 8th grade.

APPENDIX B

Class Codes/Overtime Status

APPENDIX B

ALABAMA DEPARTMENT OF PUBLIC HEALTH CLASS CODES / OVERTIME STATUS

June, 2009

N = Overtime provisions of the Fair Labor Standards Act (FLSA) apply to positions in the class.
E = Positions in the class are exempt from the overtime provisions of the FLSA.
M = Positions in the class may be either exempt or nonexempt, depending on the nature of the work. For some classifications, positions are nonexempt during probationary status and exempt once permanent status is attained; those classes are noted as such. For other classes, determination will be made by the Human Resources Director for a specific position, upon review of the Form 40, when requested by the office where the position is located. If designation has not been made, the position should be treated as nonexempt.

<u>Class Code</u>	<u>Class Title</u>	<u>Overtime Status</u>
10103	Clerical Aide	N
10121	Clerk	N
10124	Clerk IV	N
10143	Clerk Steno III	N
10145	Executive Secretary	M
10196	Admin. Support Asst. I	N
10197	Admin. Support Asst. II	N
10198	Admin. Support Asst. III	N
10310	Graphic Arts Operator	N
10312	Graphic Arts Technician	N
10314	Graphic Arts Specialist	N
10323	Graphic Arts Facility Supervisor	E
10410	Data Entry Operator	N
10421	IT Operations Technician	N
10422	IT Operations Specialist	N
10423	IT Operations Supervisor	E
10424	IT Operations Manager	E
10511	Data Processing Specialist I (T)	E
10515	Programmer	M (probation - N; permanent - E)
10516	Programmer Analyst, Associate	E
10517	Programmer Analyst	E
10518	Programmer Analyst, Sr.	E
10525	IT Systems Tech.	N
10526	IT Systems Tech., Sr.	E
10527	IT Systems Specialist, Associate	E
10528	IT Systems Specialist	E
10529	IT Systems Specialist, Sr.	E

10582	IT Functional Systems Analyst	E
10584	IT Project Manager	E
10586	IT Manager I	E
10587	IT Manager II	E
10588	IT Manager III	E
10601	Account Clerk	N
10605	Accounting Technician	N
10608	Accounting Director I	E
10610	Accounting Director III	E
10611	Accountant	M (probation - N; permanent - E)
10612	Staff Accountant	E
10613	Senior Accountant	E
10614	Accounting Manager	E
10803	Equal Employment Opportunity Coordinator	E
10830	Personnel Assistant I	N
10831	Personnel Assistant II	N
10832	Personnel Assistant III	N
10851	Dept. Personnel Manager I	E
10852	Dept. Personnel Manager II	E
10853	Dept. Personnel Manager III	E
10911	Stock Clerk I	N
10912	Stock Clerk II	N
10920	Warehouse Worker	N
10924	Warehouse Supervisor	M
10930	Inventory Control Officer	N
10948	Dept. Procurement Officer I	N
11042	Public Information Specialist	E
11043	Public Information Manager	E
11047	Audiovisual Specialist I	N
11048	Audiovisual Specialist II	N
11049	Audiovisual Specialist III	E
11106	Statistician Manager	E
11503	Legal Research Assistant	N
11530	Attorney I/II	E
11533	Attorney III	E
11534	Attorney IV	E
11901	Student Aide	N
11903	Retired State Employee	N
11927	Office Services Supervisor	E
11930	General Services Supervisor	E
11948	Health Insurance Specialist	E
11949	Health Insurance Assistant	N
11978	Departmental Operations Specialist	M
20212	Artist Illustrator II	N

20619	Radiation Safety Specialist	E
20621	Radiation Physicist	M (probation - N; permanent - E)
20622	Radiation Physicist, Senior	E
20623	Radiation Physicist Supervisor	E
20624	Radiological Health Assistant Director	E
20625	Radiological Health Director	E
20649	Animal/Vector Control Technician	N
20651	Environmental Health Specialist	N
20652	PH Environmentalist	M (probation - N; permanent - E)
20653	PH Senior Environmentalist	E
20654	PH Environmental Supervisor	E
20655	PH Environmental Manager	E
20671	Environmental Engineering Specialist	E
20672	Environmental Engineering Specialist, Senior	E
20673	Environmental Engineer Supervisor	E
20674	Environmental Engineer Manager	E
20677	Soil Evaluator	E
20712	X Ray Technician II	N
20713	X Ray Technician III	E
20742	Pharmacist	E
20743	Senior Pharmacist	E
20751	Microbiologist	N
20753	Microbiologist, Senior	E
20754	Microbiologist Lab Supervisor	E
20755	Microbiologist Lab Division Manager	E
20757	Molecular Diagnostic Specialist	E
20770	PH Lab Assistant Director	E
20772	PH Lab Director	E
20812	Chemist II	E
20813	Chemist III	E
20911	Laboratory Technician I	N
20912	Laboratory Technician II	N
20913	Laboratory Technician III	N
21042	Building Construction Specialist	M (probation - N; permanent - E)
30609	Departmental Marketing Specialist	E
30651	APT Assistant Broadcast Director	E
40102	Clinic Aide	N
40111	Home Health Aide	N
40120	Licensed Practical Nurse	N
40203	Nurse Practitioner	E
40220	Nurse-Midwife	E
40229	Home Care Services Nurse	E
40233	Home Care Services Nurse Care Coordinator	E
40234	Home Care Services Nurse Supervisor	E
40235	Home Care Services Nurse Manager	E
40236	State Home Care Director	E

40238	Home Care Services Nurse Administrator	E
40240	Staff Nurse	E
40244	Nurse Coordinator	E
40245	Nurse Supervisor	E
40246	Nurse Manager	E
40247	Nurse Administrator	E
40250	State Public Health Nurse Director	E
40310	Dental Assistant	N
40320	Dental Hygienist	N
40422	Dentist I	E
40423	Dentist II	E
40424	Dentist III	E
40431	Public Health Physician	E
40435	Public Health Physician, Sr.	E
40434	Public Health Physician Director	E
40512	Physical Therapy Assistant	N
40541	Physical Therapist	E
40543	Physical Therapist, Senior	E
40556	Newborn Hearing Screen Coordinator	E
40601	Nutritionist, Associate	N
40611	Dental Ed. Consultant I	E
40612	Dental Ed. Consultant II	E
40622	Public Health Educator	E
40623	Public Health Educator, Sr.	E
40625	Public Health Education Manager	E
40636	Disease Intervention Program Manager	E
40637	Disease Intervention Director	E
40641	Disease Intervention Specialist	M (probation - N; permanent - E)
40642	Disease Intervention Supervisor	E
40645	Disease Control Division Director	E
40660	Nutritionist	E
40663	Nutritionist, Sr.	E
40667	Nutritionist, Assistant Administrator	E
40669	Nutritionist, Administrator	E
40670	Public Health State Veterinarian	E
40676	Environmental Toxicologist	E
40677	Epidemiologist	E
40678	Epidemiologist, Sr.	E
40679	Epidemiologist, Supv.	E
40680	State Epidemiologist	E
40681	Public Health Social Worker I	M (probation - N; permanent - E)
40682	Public Health Social Worker II	E
40683	Public Health Social Worker III	E
40684	Public Health Social Worker IV	E
40685	Public Health Social Work Director	E

40687	Public Health Research Analyst I	E
40688	Public Health Research Analyst II	E
40689	Public Health Research Analyst III	E
40721	Emergency Medical Services Specialist	E
40723	Emergency Medical Services Coordinator	E
40724	Emergency Medical Services Manager	E
40726	Licensure & Certification Surveyor	M (probation - N; permanent - E)
40729	Licensure & Certification Officer	E
40730	Licensure & Certification Officer, Sr.	E
40735	Licensure & Certification Coordinator	E
40737	Licensure & Certification Supervisor	E
40738	Licensure & Certification Manager	E
40739	Licensure & Certification State Program Director	E
40756	State Vital Statistics Registrar	E
40758	Public Health Administrative Officer	E
40760	Public Health Programs Deputy Director	E
40761	Health Services Administrator I	E
40762	Health Services Administrator II	E
40763	Health Services Administrator IV	E
40766	Health Services Administrator III	E
40770	AIDS Service Coordinator	E
50304	Language Interpreter	N
50420	Medical Care Benefits Spec. I	N
50422	Medical Care Benefits Spec. II	N
50452	Medicaid Administrator II	E
50503	Home Attendant	N
60162	Emergency Management Planner, Sr.	E
60320	Special Investigator	E
70250	State Animal Industry Assoc. Vet.	E
80101	Custodial Worker	N
80111	Building Custodian I	N
90101	Laborer	N
90501	Maintenance Repairer	N
90552	Maintenance & Repair Supervisor	N
90621	Biomedical Eng. Tech. I	N
90622	Biomedical Eng. Tech. II	N
99003	Executive Assistant III	E