

BE IT REMEMBERED THAT THERE WAS BEGUN AND HELD THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON DECEMBER 21, 2004 AT 7:00 P.M. IN THE BOARDROOM OF SAID CITY.

THOSE PRESENT	MAYOR TONY PHILLIPS
CITY ATTORNEY	THOMAS W TYNER
ALDERMEN	MICHAEL W DRAUGHN WILLIE W HINTON STEVE STRINGER WILLIAM A TRAVIS
OTHERS	DAN TOLBERT JO DOHERTY TOMMIE CORLEY MACK SHACKLEFORD

THE MAYOR DECLARED A QUORUM PRESENT AND DECLARED THE CITY COUNCIL IN SESSION.

THE INVOCATION WAS OFFERED BY MAYOR TONY PHILLIPS.

WHEREAS, MAYOR PHILLIPS PRESENTED THE AGENDA WITH THE FOLLOWING CHANGES:

- V. APPROVAL OF MINUTES OF SPECIAL MEETING OF DECEMBER 15, 2004.
- VI. BIDS-QUOTES
 - 1. APPROVAL TO OPEN BIDS FOR ASPHALT/ASPHALT OVERLAY FOR JANUARY 1, 2005 TO JUNE 30, 2005
- IX. GENERAL BUSINESS
 - 11. REQUEST TO ACCEPT ESTIMATE #9 IN THE AMOUNT OF \$212,578.66 ON SOUTH MAIN STREET PROJECT.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ACCEPT THE AGENDA AS AMENDED. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE MINUTES OF THE REGULAR MEETING OF DECEMBER 7, 2004 AND THE SPECIAL MEETING OF DECEMBER 15, 2004.

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION THAT THE MINUTES OF THE REGULAR MEETING OF DECEMBER 7, 2004 AND THE SPECIAL MEETING OF DECEMBER 15, 2004 BE APPROVED AS WRITTEN. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS CALLED FOR PUBLIC COMMENT. THERE WAS NONE.

WHEREAS, THE HOUR OF 7:00 P.M. HAVING ARRIVED, THE MAYOR AND BOARD OF ALDERMEN PROCEEDED TO PUBLICLY OPEN AND READ THE SEALED BIDS FOR THE ASPHALT/ASPHALT OVERLAY SIX (6) MONTHS TERM CONTRACT. THE BIDS READ AS FOLLOWS TO-WIT:

DUNN ROADBUILDERS	FOB PLANT	\$28.00
P O BOX 6560	IN PLACE	\$50.00

LAUREL, MS 39441

WARREN PAVING
P O BOX 572
HATTIESBURG, MS 39401

FOB PLANT \$27.50
IN PLACE \$41.50

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ACCEPT BOTH OF THE FOREGOING BIDS. ALDERMAN TRAVIS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST TO ADVERTISE FOR BIDS ON SEWER LINES FOR ANNEXED AREA ON HIGHWAY 42, UPON ACCEPTING SPECIFICATIONS FROM SHOWS, DEARMAN, AND WAITS, INC.

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION TO TABLE THE REQUEST UNTIL SHOWS, DEARMAN AND WAITS, INC CAN SEND THE SPECIFICATIONS. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING PROOF OF PUBLICATIONS:

- A. PUBLIC NOTICE-ZONING CHANGE
- B. NOTICE TO BIDDERS-ASPHALT

THEREUPON, ALDERMAN STRINGER MADE A MOTION THAT THE FOREGOING PROOF OF PUBLICATIONS BE ACCEPTED AND FILED. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST FROM POLICE CHIEF LEE SHELBORN TO PURCHASE 1996 CHEVROLET CAMARO AND BE UNMARKED IN THE AMOUNT OF \$721.00.

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION TO AUTHORIZE THE CITY CLERK TO PURCHASE THE 1996 CHEVROLET CAMARO IN THE AMOUNT OF \$721.00 AND USE IT AS UNMARKED IN THE POLICE DEPARTMENT. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST FROM POLICE CHIEF LEE SHELBOURN TO ACCEPT INTO INVENTORY 1990 CHEVROLET VAN TO BE USED AS A PRISONER TRANSPORT VEHICLE.

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION TO ACCEPT THE 1990 CHEVROLET VAN INTO THE POLICE DEPARTMENT INVENTORY TO BE USED AS A PRISONER TRANSPORT VEHICLE. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST TO USE ASBURY UNITED METHODIST CHURCH AS A VOTING PRECINCT FOR WARDS 2 AND 3.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ACCEPT ASBURY UNITED METHODIST CHURCH AS A VOTING PRECINCT FOR WARDS 2 AND 3 UPON THE APPROVAL OF THE U.S. DEPARTMENT OF JUSTICE. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A RECOMMENDATION FROM THE PLANNING COMMISSION TO GRANT THE ZONING CHANGE REQUEST FOR PROPERTY LOCATED ON HIGHWAY 42.

SEE EXHIBIT "A"

ORDINANCE 1979 (42A-160)

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADOPT THE FOREGOING ORDINANCE 1979(42A-160) AMENDING AND CHANGING THE ZONING MAP OF THE CITY OF PETAL FROM R-1 TO C-1. ALDERMAN TRAVIS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST FOR A ZONING HEARING TO BE SET FOR BOB REEVES PROPERTY LOCATED AT 30 GADSBY ROAD.

THEREUPON, ALDERMAN TRAVIS MADE A MOTION TO SET THE ZONING HEARING FOR JANUARY 11, 2005 AT 7:00 P.M. FOR BOB REEVES'S PROPERTY LOCATED AT 30 GADSBY ROAD. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE REVENUE AND EXPENDITURE REPORT FOR THE MONTH OF NOVEMBER 2004.

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION TO ACCEPT THE REVENUE AND EXPENDITURE REPORT FOR THE MONTH OF NOVEMBER 2004. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE PRIVILEGE LICENSE REPORT FOR THE MONTH OF NOVEMBER 2004.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ACCEPT THE PRIVILEGE LICENSE REPORT FOR THE MONTH OF NOVEMBER 2004. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE PERSONNEL RULES AND REGULATIONS HANDBOOK FOR THE CITY OF PETAL EMPLOYEES.

SEE EXHIBIT "B"

PERSONNEL RULES AND REGULATIONS HANDBOOK

THEREUPON, ALDERMAN TRAVIS MADE A MOTION TO ACCEPT THE NEW PERSONNEL RULES AND REGULATIONS HANDBOOK WITH THE CORRECTION OF SICK LEAVE TO BE EIGHT (8) HOURS A MONTH FOR ALL ELIGIBLE EMPLOYEES. ALDERMAN DRAUGHN SECONDED THE MOTION.

ALDERMAN STRINGER STATED THAT HE VOTES FOR THE PERSONNEL RULES AND REGULATIONS HANDBOOK BUT WOULD LIKE TO COME BACK LATER TO IT TO DISCUSS SECTION 8, #4 ON THE SICK LEAVE POLICY.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED ESTIMATE #9 FROM SHOWS, DEARMAN, AND WAITS, INC IN AMOUNT OF \$212,578.66 FOR SOUTH MAIN STREET PROJECT.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ACCEPT ESTIMATE #9 FROM SHOWS, DEARMAN, AND WAITS, INC FOR THE SOUTH MAIN STREET PROJECT FOR CONTRACTOR IN AMOUNT OF \$201,968.00 AND SHOWS, DEARMAN, AND WAITS, INC IN AMOUNT OF \$10,610.66. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO RECESS THIS MEETING UNTIL 4:00 P.M. ON DECEMBER 22, 2004. ALDERMAN DRAUGHN SECONDED THE MOTION.

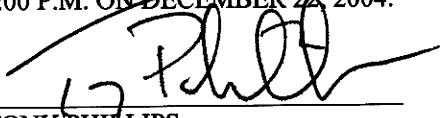
THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

THEREBEING NO FURTHER BUSINESS OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI WAS RECESSED ON THIS THE 21ST DAY OF DECEMBER, AD, 2004 UNTIL 4:00 P.M. ON DECEMBER 22, 2004.



TONY PHILLIPS
MAYOR

(SEAL)

ATTEST:



JEAN WISHEE
CITY CLERK

CITY OF PETAL
ORDINANCE BOOK 3

ORDINANCE NUMBER 1979 (42-A160)

AN ORDINANCE CHANGING AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 1979 (42) OF THE CITY OF PETAL, MISSISSIPPI, AS AMENDED BY ORDINANCE NUMBERS 1979 (42-1) THROUGH 1979 (42-A159) SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY LOCATED ON HIGHWAY 42 BETWEEN TWIN LAKES ROAD AND DEERWOOD DRIVE CONTAINING 14.686 ACRES, PETAL, MS, FROM R-1 (LOW DENSITY RESIDENTIAL) TO C-1 (NEIGHBORHOOD COMMERCIAL DISTRICT).

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI:

SECTION 1. That the Comprehensive Zoning District Map, adopted as part of the Comprehensive Zoning Ordinance Number 1979 (42) of the City of Petal, Mississippi, as amended by Ordinance Numbers 1979 (42-1) through 1979 (42-A159) and the same is hereby changed and amended as per petition filed in connection therewith so that the land described as listed below. Change of current zoning from R-1 (Low Density Residential) to C-1 (Neighborhood Commercial District).

Said land being more particularly described as follows, to wit:

COMM AT THE NE COR OF THE NW ¼ OF THE SW ¼ OF S34, T-5-N, R-12-W, FORREST COUNTY, MS, AND RUN S FOR 298.85'; THENCE W FOR 50' TO THE W R.O.W. OF DEERWOOD PAVED PUBLIC DR; THENCE S ALG SAID W R.O.W. FOR 348.85' TO R" ROUND CONCRETE MONUMENT AND THE P.O.B. FROM THE P.O.B. CONT S ALG SAID W R.O.W. FOR 492.95' TO A R" ROUND CONCRETE MONUMENT AND THE N R.O.W. LINE OF MS ST HWY 42; THENCE RUN S81°52'11" W ALG SAID N R.O.W. LINE FOR 42.89' TO A ½" REBAR; THENCE S87°34'45" W ALG SAID N R.O.W. LINE FOR 1183.04' TO A 4" ROUND CONCRETE MONUMENT AND THE E R.O.W. LINE OF TWIN LAKES PAVED PUBLIC RD; THENCE RUN N00°16'13"E ALG SAID E R.O.W. LINE FOR 548.99' TO A 4" ROUND CONCRETE MONUMENT; THENCE RUN E FOR 1221.86' BACK TO THE P.O.B., SAID PARCEL BEING PART OF THE NW ¼, OF THE SW ¼ OF S34, T-5-N, R-12-W, FORREST COUNTY, MS AND CONTAINS 14.686 ACRES, MORE OR LESS.

as per map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi, is hereby classified and placed in the C-1 (Neighborhood Commercial District).

SECTION 2. Except as hereby expressly changed and amended, the aforesaid Comprehensive Zoning Ordinance No. 1979 (42) of the City of Petal, Mississippi,

ATTEST:


JEAN ISHEE, CITY CLERK

PUBLISH 1 TIME: January 4, 2005.

CITY OF PETAL
MINUTE BOOK 24

as amended by Ordinance Numbers 1979 (42-1) through 1979 (42-A159) shall be and remain in full force and form as adopted on December 21, 2004.

SECTION 3. That this Ordinance shall take effect and be in full force within thirty (30) days from and after its passage as provided by law.

The foregoing Ordinance having been reduced to writing, the same was introduced and read, and a vote was taken thereon, first section by section and then upon the Ordinance as a whole with the following results:

Those present and voting "AYE" and in favor of the passage, adoption and approval of Sections 1, 2 and 3 of the foregoing Ordinance:

ALDERMAN MICHAEL W. DRAUGHN
ALDERMAN WILLIE W. HINTON
ALDERMAN JOE C. MCMURRY, SR.
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A. TRAVIS

Those present and voting "NAY" or against the adoption of any section of the foregoing Ordinance:

NONE

Those present and voting "AYE" and in favor of the adoption of the foregoing Ordinance as a whole:

ALDERMAN MICHAEL W. DRAUGHN
ALDERMAN WILLIE W. HINTON
ALDERMAN JOE C. MCMURRY, SR.
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A. TRAVIS

Those present and voting "NAY" or against the adoption of the foregoing Ordinance as a whole:

NONE

WHEREUPON, the foregoing Ordinance be, and the same is hereby passed, adopted and approved on this the 21st day of December 2004.


TONY PHILLIPS, MAYOR

(SEAL)

PERSONAL RULES AND REGULATIONS

RULE 1. GENERAL PROVISIONS

1. **PURPOSE.** The purpose of these rules is to set forth the principles and procedures that are to be followed by the City in the administration of its personnel program. These rules are not intended to be inflexible; therefore, it is expected that amendments and revisions will be made in the manner provided by the rules whenever these are necessary to assure effective administration of the City's personnel program.
 2. **POSITIONS COVERED.** These rules and amendments when approved by the Mayor and Board of Aldermen shall be applicable to positions in all departments of the City.
 3. **ADMINISTRATION.** These rules shall be administered by the Department Heads under the direction of the Mayor and Board of Aldermen.
 4. **USING OFFICIAL AUTHORITY.** No employee of the City shall use his official authority or influence to coerce the political action of any person or body. No person shall dismiss, or cause to be dismissed, or threaten to dismiss, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any person in the City because of his political opinions or affiliations. No employee in the City shall make any contribution to the campaign fund of any candidate for municipal public office, or take any part in the management affairs or political campaign of any candidate while the employee is representing the City in an official capacity. In no way shall this interfere with an employee as a citizen to express his/her opinion and cast his/her vote.
 5. **BECOMING A CANDIDATE FOR PUBLIC OFFICE.** No employee of the City shall continue in such position after becoming a candidate for nomination or election to any public office representing the City of Petal. In the event any employee of the City shall file with the Chairman or other proper officer of any political party within the State, or with the proper officer of the State of Mississippi or any City, County precinct, or other political subdivision of the State of Mississippi, an application or a request to be a nominee of any political party or candidate for public office in the City of Petal shall constitute an automatic resignation of said City employee without further action by the City of Petal. Mayor and Board of Aldermen shall declare said position vacant and said City employee shall be compensated for his/her services up to and including the day of his/her filing said application or request.
- Any city employee who becomes a candidate of public office, not within the City of Petal infrastructure, may do so without penalty as long as said employee does not campaign while representing the City in an official capacity.

**CITY OF PETAL
MINUTE BOOK 24**

EXHIBIT "A"

The limitations contained in this section shall not apply to a part-time employee of the City or an employee who derives his/her principle income from other employment or the practice of a profession.

6. **POLITICAL OR RELIGIOUS BELIEFS OR ACTIVITY.** No discrimination shall be exercised, threatened, or promised against or in favor of any applicant, competitor or eligible employee, because of his/her political opinions or affiliations or religious beliefs or creeds, provided such opinions, beliefs, or creeds do not advocate the overthrow of the Government by force or violence.
7. **EMPLOYMENT OF RELATIVES.** It is the policy of the City that relatives within the third degree or relationship may not be employed in the same department. Except for department heads or division heads and this would be qualified by education and experience of the appointee. Relatives include spouse and in-laws, step-relatives, and half relatives to the third degree. This is defined specifically as parent; then first degree - child; second degree - grandchild, grandparent, brother, sister, third degree - great grandchild, great grandparent, uncle, aunt, nephew, niece. If two employees become relatives; in any manner as set forth in this paragraph as a result of marriage, they will not be allowed to work in the same department of the city. It will be necessary for one to be transferred or to resign effective on or before this date of marriage. This rule shall apply to any person who is re-employed as well as a new employee. 12/13/01
8. **POLICY OF EQUAL EMPLOYMENT OPPORTUNITY.** It is a firm policy of the City to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, physical handicap, or age, and to promote the full realization of equal employment opportunity through a continuing affirmative program. This policy applies to, and is an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of employees.
9. **POLICY OF EQUAL ACCESS TO SERVICES AND PROGRAMS PROVIDED BY THE CITY.** It is a firm policy of the City to provide equal access to services and programs provided by the City for all persons without discrimination because of race, creed, color, sex, age, national origin or handicap. All employees will be continually reminded to be sensitive to the needs of the handicapped in order to maintain compliance with this policy. 10/16/84
10. **SEXUAL HARASSMENT POLICY.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile, or offensive working environment. It is the policy of the City of Petal to maintain a work environment that is free from the hostile atmosphere created by sexual harassment or

intimidation. Such conduct will not be tolerated. Any employee who is subjected to sexually, harassing or intimidating conduct by any individual, including supervisory personnel, employed by the City, should immediately report the incident to their Department Head and or Mayor. Such charges will be properly investigated and if substantiated, the offending individual will be appropriately disciplined. 7/17/90

- M. Mustache, beards and hair shall be clean and neatly trimmed at all times.
- N. No employee of the City of Petal shall report to work with offensive breath or body odor.

RULE II: RECRUITMENT POLICY

11. **PERSONAL HYGIENE AND DRESS**
 - A. Employees wearing civilian clothing on duty shall wear clothing that reflects a positive image and should not be offensive to the general public.
 - B. Employees that are issued uniforms shall wear the uniform in its entirety.
 - C. Clothing shall be kept clean, neatly pressed and in good repair at all times. Faded or threadbare items of clothing shall not be worn.
 - D. Shirts shall be buttoned/zippered full length except top buttons of the shirts which may remain unbuttoned. Any variation from this will have to be at the discretion of the department head.
 - E. No body piercing will be visible to the public with the exception of earrings worn on the ear.
 - F. Female employees are permitted to wear dresses and/or skirts that are of reasonable length (no shorter than three (3) inches above the knee). Strapless, backless, halter type dresses: are not allowed to be worn.
 - G. Pants and slacks should not be worn by employees that fit excessively tight. Stirrups and/or stretch pants should be worn only when accompanied by an oversized or tunic type sweater or blouse. The hem of that top should be arms length at the sides (i.e., ends of the fingertips).
 - H. Loose fitting walking shorts may be worn, applying the same standards for length as dresses and skirts.
 - I. Loose fitting clothing may not be worn by male employees of the City of Petal when working around/with machinery.
 - J. T-shirts, tank, tube, midriff, crop, halter tops, shorts, athletic apparel or sweatshirt/sweatpants are not allowed unless approved by the department head.
 - K. Bras and camisoles should be worn with blouses made of sheer material.
 - L. Employees shall not cut or wear hair in a style as to cause adverse public reaction or comment.

1. **PROMOTION FROM WITHIN THE DEPARTMENT.** The factors in determining promotions will be personal file, continued development, education, length of service and the results of departmental testing. This practice is observed so that both employees and the public will regard the government service as a career: efficiency and ability will be recognized: and the turnover of personnel will be minimized.
 - A. **Promotion within the Police Department:** will be based upon: length of service, personal file, education, continued development in work related subjects, written test, in-basket test and oral review board. Once a passing grade has been obtained the officer will be placed on the eligibility list for a period of two years.
2. **TRANSFER OF QUALIFIED CITY EMPLOYEES:** Transfers may be made between positions within a department or between departments within the city. Should the new positions have a different minimum qualification, the employee seeking the transfer shall be required to prove he/she is qualified for the said position. A request for transfer must be initiated in writing by the employee so affected on forms furnished by the City and must be approved by the Department Head.
3. **RECRUITMENT OF NEW EMPLOYEES:** If no employees are available for promotion or no request for transfer to the position is made, or if no employee available for promotion or transfer is satisfactory, the position may be filled by employment of new personnel, (If the new personnel are qualified to do the work of said position).

RULE III EMPLOYMENT POLICY

It is the policy of the City of Petal, Mississippi, to fill all vacant positions in the City service with the best qualified applicants available.

1. **PROBATIONARY PERIOD:** Following the conditional appointment of any applicant into the employ of the city, except the Policemen and Firemen, a probationary period of six (6) months exists during which time an employee must serve to the satisfaction of the Department Head, and in the case of a Policeman and Firemen, a probationary period of one (1) year exists for the same purpose. The probationary period shall be utilized for closely observing the employee's work, for securing the most; effective adjustment of a new employee to his/her position, and for eliminating any conditional employee whose performance does not meet the required

standards. During this period of probation, probationary appointees may be discharged from their positions. 12/18/90 - 6/18/96

2. RESIDENCY REQUIREMENTS:

- (a) All employees will be hired with the following priority:
- (1) residents of the City of Petal
 - (2) residents of Forrest County
 - (3) residents of other areas

3. DISQUALIFICATION: The City Clerk with the approval of the Mayor may remove from further consideration at any time the application of an applicant who:

- (a) does not possess the minimum qualifications
- (b) has established an unsatisfactory employment or personnel record as evidenced by reference check of such a nature as to demonstrate insatiability for employment
- (c) has made false statement of any material fact or practiced deception in his/her application
- (d) is afflicted with any mental or physical disqualifying disease or defect that would prevent satisfactory performance of his/her duties
- (e) is addicted to the habitual use of drugs or intoxicants
- (f) has been convicted of crimes other than misdemeanor violations
- (g) does not reply to a mail inquiry within ten (10) business days or does not return a telephone inquiry within two (2) business days
- (h) fails to accept appointment within two (2) business days or to report for duty within the time prescribed
- (i) does not meet residency requirements.

4. PHYSICAL REQUIRED: Employees will be required to undergo a pre-employment physical and drug screening and the statement of the physician and a copy of the drug screening results will be placed in the employee's file. If the employee leaves the City's employment within six (6) months, the employee will reimburse the City the actual cost of his/her pre-employment physical. 7/17/90

RULE IV. OVERTIME

The City of Petal complies with Overtime compensation under the Fair Labor Standards Act.

Overtime shall be defined as work authorized by the supervisor and performed in excess of an employee's regularly prescribed work week. The work week for all City employees, other than Policeman and Firemen, will be a seven (7) day work week, not to

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by employees should conform to published rules and regulations and accepted customs and standards of courtesy, conduct and cooperation. Whenever employee performance, attitude, work habits, or personnel conduct at any time falls below a desirable level, supervisors shall inform employees promptly and specifically of such lapse and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident may justify severe disciplinary action in and of itself. However, the action to be taken depends on the seriousness of the incident and conduct. Listed below are examples of actions and conduct (although this is not an exhaustive list) which are unacceptable to the City and will result in disciplinary action, up to and including discharge.

- a. Unauthorized absences or excessive tardiness
- b. Abuse of City Leave Policy
- c. Leaving work without permission or stopping work before time authorized
- d. Conviction of a felony, a crime involving moral turpitude, or job-related misdemeanor
- e. Conduct unbecoming a City employee while on or off duty
- f. Negligence in performing job duties
- g. Failure to follow instruction of individual's in line of supervisor authority
- h. Insubordination
- i. Willful disregard or violation of safety rules
- j. Failure to report an accident, incident and/or injury
- k. Unauthorized use of or misuse of City equipment or property (including traffic signal control devices)
- l. Theft or removal of City property or that of a fellow employee
- m. Involvement in an accident chargeable to the employee while operating any City vehicle/equipment
- n. Accidents/incidents chargeable to the employee that results in injury and/or property damage
- o. Possession, use, distribution or sale of drugs or alcohol on the job
- p. Reporting to work under the influence of alcohol or drugs
- q. Testing positive (as defined by the alcohol/drug testing policy) on an alcohol/drug test
- r. Falsifying leave or work records, giving false information, or giving false testimony in an administrative or judicial proceeding
- s. Use of abusive language
- t. Threats against supervisors, co-workers, or other individuals encountered in the performances of his/her duties
- u. Fighting on the job (when not in the performance of duties)
- v. Failure to cooperate in an internal investigation, including but not limited to, taking a polygraph examination

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**CITY OF PETAL
MINUTE BOOK**

EXHIBIT "A"

exceed forty (40) hours. Any time worked over the forty (40) hours will be given, either as comp-time or cash at a rate of one and one-half (1 1/2) times the regular hourly rate of

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work period for law enforcement activities as set in article 553.230 (b) section 7 (k) of the FLSA states, For those employees engaged in law enforcement activities (including security personnel in correctional institutions) who have a work period of at least 7 but less than 28 consecutive days, no overtime compensation is required under section 7 (k) until the number of hours worked exceeds the number of hours which bears the same relationship to 171 as the number of days in the work period bears to 28. All hours over will be compensated with time at one and one-half (1 1/2) times the hours worked.

The work period for fire protection activities as set in article 553.230 (a) section 7 (k) of the FLSA states, For those employees engaged in fire protection activities who have a work period of at least 7 but less than 28 consecutive days, no overtime compensation is required under section 7 (k) until the number of hours worked exceeds the number of hours which bears the same relationship to 212 as the number of days in the work period bears to 28. All hours over will be compensated with time at one and one-half (1 1/2) times the hours worked.

RULE V. CHANGES IN STATUS AND TRANSFERS

1. STATUS CHANGE. When it is necessary to change an employee to a different position, change his name or address, increase or decrease his pay, grant a leave of absence, or suspend him from duty, the action is considered a status change.

Request to affect these types of action shall be submitted by the Department Head to the Mayor in writing.

2. TRANSFERS. Any employee of the City who has successfully completed his/her probationary period may be transferred to the same or similar position in a different department, providing they meet all the requirements of the position they are asking to be transferred to, without being subject to a probationary period. An employee who seeks a transfer to another department should submit a letter requesting such transfer to his/her department head for approval. If the transfer is acceptable to both department head's and it is in the best interest of all concerned, the transfer will be processed by the City Clerk and submitted to the Mayor and Board of Aldermen for approval.

RULE VI. DISCIPLINARY ACTION

1. Personal Conduct: City Employees are always in the public eye. It is, therefore, especially important that actions which bring discredit to the City should be avoided in our relationships with the public and each other as fellow employees. Conduct

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- w. Failure of a supervisor to discipline his/her employees at all or consistently
- x. Incompetence or inefficiency in the performance of duties of the position to which he/she is appointed
- y. Failure to pay or make reasonable provisions for the future payment of just debts due and owing by him/her
- z. Aiding in assessment or collection from any employees in the service of the City for the purpose of securing the nomination of any person to municipal, county, state, or federal office, or for the purpose of making a gift to any elective officer or superior officer in the City's employ
- aa. Any attempt to include any employee of the City to commit an illegal act or acts in violation of any law or reasonable departmental regulation
- bb. Employment in gainful occupation for profit in addition to regular full-time employment with the City of Petal where such occupation tends to leave the employee physically or mentally unfit for his regular work
- cc. Willful and wanton brutality or cruelty to a prisoner or one under arrest or sentenced, provided the act committed was not necessarily lawfully done in self-defense or to protect the lives of others or to prevent the escape of a person lawfully in custody

2. DISCIPLINARY ACTIONS MAY TAKE THE FORM OF:

- (a) **Counseling:** Counseling is the process of approaching a suspected or identified problem with an employee through a private interview.
- (b) **Reprimand:** In situations where an oral warning has not resulted in the expected improvement, or where more severe initial action is warranted, a written reprimand may be sent to the employee, and a copy shall be placed in the employees departmental file and his/her personnel folder in the Personnel Department.
- (c) **Dismissal:** An employee may be dismissed by his/her department head with the approval of the Mayor and Board of Aldermen for the appropriate reasons. The employee shall be furnished a written notice containing the nature of the proposed action, the charges against him/her, and his/her right to answer the charges in writing. After receiving notice, but prior to the proposed effective date of dismissal, the employee may be placed on administrative leave, vacation leave, (if accrued), or suspended without pay at the discretion of the department head.

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3. **GIFTS.** Any public employee who receives any gift from a private citizen or business firm is subject to criticism. This is particularly true if the citizen or business firm is one with which the employee must deal with in their official capacity. In order to eliminate criticism and misunderstanding, the following rules shall constitute the official policy of the city with regard to the acceptance of gifts by city employees:

- (a) No gift shall be received if a favor or consideration is either expressed or implied by the giver.
- (b) No money shall be accepted under any circumstances.
- (c) City employees may accept, on rare occasions, any gift which they could normally consume (eat or drink) in one day, or which has a retail value of Twenty Dollars (\$20.00) or less.
- (d) City employees may accept any inexpensive item which is mass produced and would normally be given to the general public, such as imprinted pencils, pens, calendars, or other novelty items.

Failure to comply with this policy could lead to disciplinary action being taken.

4. **TELEPHONE USE:** The City normally adopts a modest budget for necessary long distance calls. To safeguard the City where such calls are concerned, the following is herewith stated as the City's procedure:

- (a) The employee must receive permission from the department or division head before making the call;
- (b) The employee must make proper arrangements for charging the cost of the call to his/her own private number if the call is not job related.

Any change in telephone service involving additions, alterations or adjustments must be approved by the Board of Aldermen of the City of Petal.

5. **POLICY ON USE OF CITY OWNED VEHICLES:**

- (a) Vehicles will not be used for personal use at any time unless authorized by the Board of Aldermen of the City of Petal.
- (b) Unauthorized passengers will not be allowed in any City vehicle, unless authorized by a supervisor.
- (c) Vehicles used by the Police and Fire personnel will be parked at the station when not in use on official business, unless authorization is obtained from the Board of Aldermen of the City of Petal.
- (d) Vehicles of the Chief & Assistant Chief of Police, Chief and Assistant Chief of Fire may be used by these officers at the discretion of the Board of Aldermen of the City of Petal.
- (e) No parts or equipment may be removed or installed on any city of Petal vehicle, unless authorized by the department head or the Mayor of the City of Petal.
- (f) No tobacco products to be used within the interior of any City vehicle.

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The rule of three (3) in making selections may still be exercised by appointing officials. The eligibility of all applicants on a reemployment list will expire one year from the date on which they become entitled to re-employment rights. Continuation may be granted upon application to the Director of Personnel and the Mayor and Board of Aldermen. The employee's efficiency or performance rating may also be taken into consideration in deciding upon reemployment.

(C) **DISABILITY OR ILLNESS:** An employee may be separated for disability or illness when they cannot perform the required duties because of a physical or mental impairment. Action may be initiated by the employee or the City for disability benefits. An employee who is disabled on the job and is participating in The Public employee's retirement System (PERS) is eligible for disability retirement benefits through PERS. An employee who is otherwise disabled and who has four (4) years in the PERS may be eligible for disability retirement benefits. (Details of this program are available in the City Clerk's office). 7/17/90—6/18/96

(D) **DEATH:** Separation shall be effective as of the date of death. All compensation due in accordance with Section 3 of this rule shall be paid to the surviving spouse. Further, all unused vacation leave of an employee separated by death shall be paid to the surviving spouse or to his/her estate.

(E) **DISMISSAL:** See RULE VI.

(1) **CITY PROPERTY:** At the time of separation and prior to final compensation, all records, assets or other items of City property in the employee's custody shall be returned to the department head. Any amount due because of a shortage in the above shall be withheld from the employee's final compensation or collected through other appropriate action.

(2) **RIGHTS OF EMPLOYEES:** Permanent employees who separate shall receive payment for all earned salary or wages subject to deductions for any indebtedness pursuant to Section 2 of this rule. Employees, other than those dismissed for cause, shall be paid for their accrued vacation, provided they have given two weeks notice or for a lesser time if approved by the department head.

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EXHIBIT B

I. **TYPES OF SEPRATION.** All separations of employees shall be designated as one of the following types and shall be accomplished in the manner indicated: Promotion, lay-off, disability or illness, death, retirement, and dismissal.

(A) **RESIGNATION:** An employee desiring to resign shall submit the reason therefore and the effective date in writing to his department head as far in advance as possible, but a minimum two weeks notice is desired. Failure to comply with this requirement may be cause for denying future reemployment with the City.

(B) **LAY-OFF:** The department head, upon approval of the Mayor and Board of Aldermen may lay off an employee when he/she deems it necessary by reason of shortage of funds or work, the abolition of the position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The duties performed by an employee laid off may be reassigned to other employees already working who hold positions in appropriate classes. No permanent employee shall be laid off while another person is employed on a probationary or temporary appointment in the same class in the same department.

(1) **ORDER OF LAY-OFF:** The lay-off of employees shall be made in inverse order, determined on the basis of length of service in the class and in the department or other organizational unit involved so long as the employee's efficiency or performance rating are satisfactory. An employee's unsatisfactory efficiency or performance rating may overrule his/her tenure based on length of service if such action is in the best interest of the department.

(2) **RE-EMPLOYMENT LISTS:** Employees separated from the city through no fault of their own shall be placed on a reemployment list in the order of their length of service with the City. Personnel eligible on reemployment lists shall be given preference in employment in positions for which they are qualified over eligible personal not previously employed by the City.

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RULE VIII. LEAVES OF ABSENCE

1. **GENERAL POLICY:** The following types of leaves are officially established: Holidays, Vacations, Sick, Military, Maternity, Civil, Sickness or Death in family, Leave without pay. All leaves may be granted by the department head in conformance with rules established for each type of leave and shall receive approval of the Mayor and Board of Aldermen or their designee as specified. All departments are required to maintain permanent records of any absence from duty of their employees.

2. **HOLIDAYS WITH PAY:**

(A) **Authorized Holidays:** The following days are official holidays for regular full-time employees whose work does not require being on duty on holidays:

1. January 1st—New Year's Day
2. —Robert E. Lee. / Martin Luther King Jr.
3. Friday before Easter—Good Friday
4. Last Monday in May—Memorial Day
5. July 4—Independence Day
6. First Monday in September—Labor Day
7. A day fixed by proclamation of the Governor to correspond with the date set by the President— Thanksgiving Day
8. December 25—Christmas Day

And other days as proclaimed by the Governor and approved by the Mayor and board of Aldermen.

Provided, however that in the event any holiday herein before declared legal shall fall on Saturday or Sunday, then the following Monday shall be a legal holiday.

If any of the observed holidays fall on a normal workweek day within a scheduled vacation period, one additional day of vacation will be granted.

Police department and fire department personnel who work shifts will not be entitled to paid holidays due to the nature of their duties and the requirement that the departments be manned twenty four (24) hours a day, 365 days a year. 6/11/91

(B) **Eligibility for Holiday Pay:** In order to receive the benefits of an authorized holiday, an employee must not have been absent without leave either on a work day before or after the holiday. If an employee is absent from work because of illness or emergency leave, as it applies in RULE VIII. LEAVES OF ABSENCE 8. (b), in order to receive the benefits of an authorized holiday, the employee must notify his supervisor, as directed in RULE VIII. LEAVES OF ABSENCE - 4 (e), and bring a doctor's excuse when he returns to work. 12/16/97

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3. VACATION LEAVE:

General Information:

(A) Regular full time employees of the City of Petal, Mississippi, are eligible to earn vacation leave. Temporary and/or non-full time City employees are not eligible to earn such leave.

(B) Effective January 6, 2004, an eligible City employee who has worked twelve (12) months will be awarded one week annual leave on his/her anniversary date. Two (2) weeks annual leave is awarded to the employee on his/her two (2) year anniversary date. Upon the employee reaching his/her tenth (10) anniversary date they will receive three (3) weeks vacation.

For employees regularly scheduled to work forty (40) hours a week. Upon reaching the sixteenth (16) anniversary, one (1) day of vacation will be added and on every anniversary date thereafter one (1) day of vacation will be added until a maximum of five (5) weeks or twenty-five (25) days of paid vacation per year is reached.

Effective January 6, 2004, for Fire Department personnel, Vacations will be scheduled by shifts, one (1) week of vacation will be equal to two (2) twenty-four (24) hour shifts, two (2) weeks of vacation will be equal to four (4) twenty-four (24) hour shifts three (3) weeks of vacation will be equal to six (6) twenty-four (24) hour shifts, four (4) weeks of vacation will be equal to eight (8) twenty-four (24) hour shifts and five (5) weeks of vacation will be equal to ten (10) twenty-four (24) hour shifts. Upon reaching the fifteenth (15th) anniversary, the employee will be entitled to one additional twenty-four (24) hour shift. Upon the 20th anniversary, the employee will be entitled to one additional twenty-four (24) hour shift. Upon reaching the 23rd anniversary, the employee will be entitled to one additional twenty-four (24) hour shift. Upon reaching the 25th anniversary the employee will be entitled to one additional twenty-four (24) hour shift, totaling up to five (5) weeks or ten (10) twenty-four (24) hour shifts of vacation.

Effective January 6, 2004 for Police Department sworn personnel. Vacations will be scheduled by shifts, one (1) week of vacation will be equal to four (4) twelve (12) hour shifts, two (2) weeks equal eight (8) twelve (12) hour shifts, three (3) weeks equal to twelve (12) twelve (12) hour shifts. Start of seventh (7) month to twelve (12) months equal one (1) week, thirteen (13) months thru one hundred eighty months equal two (2) weeks, one hundred eighty one (181) months thru two hundred forty (240) month equal three (3) weeks, two hundred fourth one (241) months thru two hundred sixty four (264) months equal four (4) weeks, two hundred sixty five (265) months thru two hundred seventy six (276) months one (1) additional twelve (12) hour shift will be added, two hundred seventy seven (277) months thru two hundred eighty eight (288) months one additional twelve (12) hour shift will be added, two hundred eighty nine (289) months thru three hundred (300) months one additional twelve (12) hour shift will be added, three hundred one (301) months equal five (5) weeks or twenty twelve (12) hour shifts.

EXHIBIT "B" SCHEDULING VACATION LEAVE:

- (1) Department heads or their designees is responsible for preparation of vacation schedules. Employees must submit in writing a request for leave as early in the year as possible but no later than two (2) weeks before the first day of the scheduled vacation. Emergency situations will be handled by the department head or their designees.
- (2) The essential need for continuing city operation will be a primary factor for consideration in either approving or disapproving vacation leave periods.
- (3) Supervisory personnel are responsible for counseling with their employees to the end that vacation leave periods are scheduled in such a manner to least interfere with orderly city operations. This matter will be given careful thought and attention, by both supervisory personnel and their employees, in order that sufficient qualified personnel will be on duty at all times to carry on assigned city functions.
- (4) Vacation days may be taken at the discretion of the department head or their designees.
- (5) Each employee of the City of Petal must take at least one (1) full week of vacation in three hundred sixty five (365) days.

4. SICK LEAVE:

General Information

- (A) Regular full-time employees of the City of Petal are eligible to earn sick leave. Temporary and/or non-full time city employees are not eligible to earn sick leave.
- (B) Eligible city employees who have worked six (6) months are credited with forty-eight (48) hours of sick leave at the end of the probation period

(C) Amount of Sick Leave

Each employee working a minimum of one hundred sixty (160) hours or more per month shall earn sick leave at the rate of eight (8) hours per month. Sick leave may be accumulated to a maximum of four hundred eighty (480) working hours. Any sick leave credits accumulated while the employee is at the maximum four hundred eighty (480) hours can be accumulated and applied at retirement, upon written request of the employee at the start of the accumulation period, along with any remaining sick leave, toward additional quarters for the purpose of computation of retirement benefits through the Public Employees Retirement System. 1/1/1990----7/17/1990--6/18/1996

(D) Approval of Sick Leave.

Employees eligible for sick leave may be granted such leave with pay, upon approval of the department head or his/her designee for the following reasons:

- a. Personal illness or injury not related to the job.
- b. Personal medical, dental or optical examination.
- c. Employees injured on the job will be paid until worker's compensation takes effect. This injury will be verified by medical statements furnished by the employee. Supervisors will let City Hall know as soon as there is an injury.

Employees who do not take over two (2) hours for medical, dental, or optical examinations shall not be charged with sick leave provided they present appropriate written evidence verifying such an examination.

A medical certificate will be required in connection with all absences due to illness in excess of three (3) consecutive days.

If employees are absent from duty on a recurring basis due to illness, supervisory personnel of the City may require a medical certificate for each period of absence regardless of duration. If an employee is suspected of abusing his/her sick leave a medical certificate may be required for each day of sickness. However this procedure will not ordinarily be enforced until the employee is officially advised that he/she will be subject to the requirement.

(E) Notification of Absence.

Employees who are absent from duty due to illness will be expected to notify the shift supervisor or the department head at least two (2) hours prior to the normal beginning tour of duty, on the day of their illness. If the employee is unable to provide such notice their self,

they will be expected to have someone else notify their supervisor as to the reason for the absence from work.

(F) Terminations.

An employee at the termination of employment with the City of Petal, either by retirement, resignation, lay-off, termination for cause, or other reason shall not be given accumulated sick leave. This is a gratuity to be paid only during illness, accident while in the employ of the City. In the case of a disability retirement, the employee shall be allowed to use up all accumulated sick leave and/or vacation leave before the effective date of his/her disability retirement.

(G) Transfer.

When an employee is transferred to another position within the City of Petal any unused sick leave which may have been accumulated to his/her credit shall continue to be available for his/her use as necessary.

(H) Computing Sick Leave.

Sick leave absence will be computed hour for hour.

(I) Coordinating of Sick Leave with Workmen's Compensation.

In the event an employee is injured on the job within the purview of Workmen's Compensation coverage, he/she shall come under and be governed by the terms and conditions of the Workmen's Compensation Act, and time lost from work covered by the terms and conditions of the Workmen's Compensation Act shall not be chargeable to either his/her accumulated sick leave or vacation leave. Provided, that if an employee elects to do so, he/she, by written request to the City Clerk, may supplement his/her Workmen's compensation weekly benefit up to his/her regular weekly income with accumulated sick leave and/or vacation leave for the length of time that such accumulated leave can be applied and until its dollar value is exhausted. That percent of the day's pay not paid under Workmen's Compensation, but paid by the City shall be the percentage off the work days absent charged to sick leave and/or as a supplement to Workmen's Compensation weekly benefits, only the Workmen's Compensation benefit will be paid.

Employees who do not use any sick leave during a calendar year will be allowed eight (8) additional hours of scheduled leave during the upcoming year.

CITY OF PETAL
MINUTE BOOK 24

EXHIBIT "B"

they serve in such capacity. A sum equal to the amount for compensation received by the city employee for such services will be refunded to the City for proper accounting. 6/18/96

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5. MATERNITY LEAVE:

Family Medical Leave Act states for birth or placement for adoption or foster care must conclude within twelve (12) weeks of the birth or placement. In addition, spouses who are both employed by the City are jointly entitled to a combined leave of twelve weeks.

6. MILITARY LEAVE:

"Armed Forces" is defined to include the Army, Navy, Marine Corps, Air Force, and Coast Guard. "Reserve Components" is defined to include the federally recognized National Guard and Air National Guard of the United States, the Officers Reserve Corps, the Regular Army Reserve, the Naval Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Marine Corps reserve, and the Coast Guard Reserve.

Full-time employees of the City who are members of any of the reserve components of the Armed Forces of the United States shall be entitled to leave of absence from their respective duties, without loss of pay, time, annual leave, or efficiency rating, on all days during which they shall be ordered to duty to participate in training at encampments, field exercises, maneuvers, outdoor target practice or for other exercises, for periods not to exceed fifteen (15) days, and, all such officers and employees shall for such periods in excess of fifteen (15) days, be entitled to leave of absence from their respective duties without loss of time, annual leave, or efficiency rating until relieved from duty, and shall when relieved from such duty, be restored to the positions held by them when ordered to duty, or a position of like seniority, status and pay, 7/17/90

Full service credit with the City is to be allowed permanent full-time employees for time spent in the active military service, provided that the employee goes directly from City employ into military service, and makes application for re-employment within thirty (30) days and reports for work within forty-five (45) days after being released under honorable conditions for such military service.

It shall be the policy of the City to guarantee its permanent employees, who volunteer or are called for active military service during a national emergency a position upon their return to civilian life equal to one they left, provided that the requirements set forth in the above paragraph are met. The employee will be allowed all benefits added and all pay scale increases which might have occurred during his/her period of absence.

7. CIVIL LEAVE

- (A) Regular full-time employees of the City of Petal, Mississippi who are required to serve as jurors, or to attend court or coroner's inquest as a witness, may be excused from work with pay, for the day or days in which

- (B) A copy of the summons to report for jury duty or to serve as a witness in court or at a coroner's inquest will be presented by the employee to his/her supervisor prior to departure for such service, if possible. If, due to unusual circumstances, this procedure is not possible, the employee will make it a point to notify his/her supervisor of his/her proposed absence at the earliest possible date. In such instances, a copy of the appropriate summons will be furnished by the employee, to his/her supervisor, when he/she returns to work.
- (C) If an employee is released from jury duty by the court at noon, or at any time prior thereto, on a regularly scheduled duty day, the employee shall report to work within one hour after being released by the court.

8. SICKNESS OR DEATH IN THE FAMILY

Up to three (3) working days to be granted for death of a member of an employee's immediate family, except for the Firemen in which case one (1) shift will be granted. Immediate family is defined to mean the following: wife, husband, mother, father, son, daughter, brother, sister.

- (A) For the death of a half-sister, half-brother, grandmother, grandfather, step-mother, step-father, grandson, granddaughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, the employee will be granted one (1) day or in the case of the firemen one (1) shift. Leave may not be granted an employee for the death of any other relative, but employee may use accrued /vacation leave.
- (B) Sickness in immediate family that requires the employee's personal care and attention, up to two (2) working days at one time, maximum of four (4) working days per year, except for the Firemen in which case one (1) shift will be granted at one time with a maximum of two (2) per year, with the approval of the department head. Supervisors must notify City Hall. 7/16/91

9. LEAVE WITHOUT PAY

Upon application in writing and upon recommendation of the department head, a permanent employee may be granted a leave of absence without pay by the Mayor and Board of Aldermen not to exceed one (1) year for the reason of personal illness in the immediate family, disability, for the purpose of furthering the employee's education that will benefit the City of Petal, or for other reasons acceptable to the Mayor and Board of Aldermen. Vacation and sick leave

benefits shall not be earned and the employee shall pay the total required hospitalization insurance premium.

10. PERSONAL LEAVE

Personal leave will be granted to employees in the Police and Fire Departments Who work shift work at the following rates:

Police Department -----84 hrs. per calendar year
Fire Department -----96.0 hrs. per calendar year

Personal leave hours may be scheduled for use by the employees upon the approval of the Department Head. Personal leave hours will be used within the calendar year or lost. Employees will not be paid for unused personal leave upon the termination of their employment with the City, nor can unused personal leave be carried forward to be applied toward additional quarters at retirement.

11. FAMILY AND MEDICAL LEAVE (FMLA) POLICY

The City will comply with all applicable requirements of the Family and Medical Leave Act (FMLA). The City will provide eligible employees up to twelve (12) weeks of unpaid, job-protected leave in any twelve (12) month period for certain family and medical reasons.

The FMLA defines eligible employees as employees who: (1) have worked for the City for at least twelve (12) months and (2) have worked for the City for at least 1250 hours in the previous twelve (12) months.

Eligible employees may take leave for the following reasons: (1) to care for a child upon birth or upon placement for adoption or foster care; (2) to care for a parent, spouse, or child with a serious health condition; or (3) when an employee is unable to work because of the employee's own serious health condition.

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care, including any period of incapacity or any subsequent treatment in connection with the inpatient care; or (2) "continuing treatment" by a health care provider. Examples of a "serious medical condition" include, but are not limited to, pregnancy, heart conditions requiring surgery, back conditions requiring surgery or extensive therapy, severe respiratory conditions, and injuries caused by accidents on or off the job.

The City will require certification of an employee's need for sick leave or the family member's serious health condition, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider or the family

member's health care provider, as the case may be. The City also may require a second or third opinion, at the City's expense, and when the leave is a result of the employee's own serious health conditions, a fitness for duty report will be required before the employee is allowed to return to work. The City may deny leave to employees who do not provide proper advance leave notice or medical certification.

FMLA leave for birth or placement for adoption or foster care must conclude within twelve (12) weeks of the birth or placement. In addition, spouses who are both employed by the City are jointly entitled to a combined leave of twelve (12) workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

Eligible employees may take FMLA leave intermittently (for example, in blocks of time) or by reducing a work schedule in certain circumstances. The City reserves the right to reassign (at his/her current pay and benefits) the employee to a position where the intermittent leave or reduced hours schedule can be better accommodated.

Requests for a leave of absence or any extension of a leave should be submitted in writing to the employee's department head thirty (30) days but not less than five (5) days prior to commencement of the leave period, or as soon as is practicable. The request for leave under this policy due to serious medical conditions must include: (1) the date on which the serious medical condition commenced; (2) the anticipated length of the condition (a date must be supplied) (3) the appropriate medical facts regarding the condition known by the health care provider on the day certification is given. The department head will forward the request to the City Clerk recommending approval or denial. The final decision concerning the request will be made by the Mayor and Board of Aldermen.

All employees on approved leave are expected to report, in writing, at the end of three (3), six (6) and nine (9) weeks to their department head who will pass the information on to the City Clerk, their status and their intent to return to work. This is to be done not less than one (1) week prior to returning, the employee shall give the City a physician's release and formal notice of the intent to return to work on a specific date.

Employees who are on approved leave of absence will be required to use all accrued personal, vacation, and sick days in the case of personal illness, while on leave. The City will provide health insurance and other benefits to employees on leave, as required by law. Benefits that accrue according to length of service, such as paid vacation, holiday, personal, and sick days, do not accrue during periods of unpaid leave. 08/04/98

Employees returning from a leave of absence to full-time duty will be reinstated to their same job or to an equivalent job with equivalent status and pay, as required by law. Employees returning from sick leave must provide certification of their ability to perform the functions of their job.

If an employee voluntarily chooses not to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment and will be liable for insurance premiums paid for the employee by the City during the leave of absence. 5/16/95

CITY OF PETALUMA
MINUTE BOOK 24

EXHIBIT "C"

If an employee is aggrieved by the decision of the committee that the employee is not eligible to receive donated leave because in the committee's determination the injury or illness is not a catastrophic injury or illness. The employee may appeal the decision to the board of aldermen/alderwomen.

If the total amount of leave that is donated to any employee is not used by the recipient employee, the donated leave shall be returned to the donor employees on a pro rata basis, based on the ratio of the number of days of leave donated by each donor employee to the total number of days of leave donated by all donor employees.

Donated leave shall not be used in lieu of disability retirement.

12 DONATED SICK LEAVE POLICY REVISED 1/6/2004

Any City employee may donate a portion of his/her unused sick leave to another City employee who is suffering from a catastrophic injury or illness.

"Catastrophic injury or illness" Means a severe condition or combination of conditions affecting the mental or physical health of an employee, including pregnancy, that requires the services of a licensed physician for an extended period of time and that forces the employee to exhaust all leave time, accumulated by that employee, resulting in the loss of compensation from the city.

"Donor" employee donating sick leave to another employee.

"Recipient" employee receiving the sick leave from another employee.

"Committee" will consist of the Mayor, City Clerk and the Department head or supervisor of the recipient.

An employee must have an accumulation of forty (40) sick days in order to qualify as a donor and then can only donate a maximum of up to twenty (20) days. The donor must maintain a balance of forty (40) sick days. The donor must designate the employee who is to receive the leave and the amount of leave to be donated in writing to the City Clerk, who will then notify the department heads of both the donor and recipient.

An employee must have exhausted all of his/her earned vacation and sick leave to be eligible to receive any leave donated by other employees. The maximum amount of leave that an employee may receive is a total of sixty (60) days.

Before an employee may receive donated leave, he/she must provide the city clerk with a physician's statement that states the beginning date of the catastrophic injury or illness. A description of the injury or illness, and a prognosis for recovery and the anticipated date that the employee will be able to return to work.

RULE X. OTHER BENEFITS

1. **REST PERIODS.** Employees will be granted fifteen (15) minutes in the morning and fifteen (15) minutes in the afternoon as a "coffee break" or rest period, further employees will be granted thirty (30) minutes for a meal break unless prior arrangements are made with the department head.

2. **PERFORMANCE APPRAISALS.** The Director of Personnel in cooperation with the department heads and subject to approval by the Mayor and Board of Aldermen shall establish a system of employee performance appraisals based on standards of performance. The standards shall have reference to the quality and quantity of work done, the manner in which the service is rendered, the faithfulness of employees to their duties and any other factors related to a true evaluation of the total job performance of the employee. Performance appraisals shall be so developed that they can be used as a factor in granting merit salary increases and determining promotions. Performance appraisals shall be confidential between the immediate supervisor and/or department head, the employee and the Personnel Department. Performance appraisals shall be placed in the employee's personnel file for review by the Mayor and Board of Aldermen in considering merit salary increases or promotions.

3. **TRAVEL EXPENSE.** Any officer or employee who is required to travel outside the City of Petal with prior approval of the Mayor and Board of Aldermen may receive funds prior to such travel. The officer or employee shall provide receipts of, lodging, fees and any other expenses incurred during the travel and return any advanced funds which have not been expended to the City Financial Office within two (2) working days upon their return from such travel.

Pursuant to section 25-1-41, the City will adhere to the maximum daily rates for meal reimbursement as set by the State of Mississippi Department of Finance and Administration which are currently:

MAXIMUM DAILY REIMBURSEMENT

IN STATE	\$30.00 PER DAY
* HIGH COST AREA	\$35.00 PER DAY
OUT OF STATE	\$35.00 PER DAY
** HIGH COST AREA	\$40.00 PER DAY
	\$45.00 PER DAY
	\$50.00 PER DAY

* In-state high cost area is defined as those areas which have experienced significant impact from the gaming and tourist industry, e.g., Adams, Harrison, Hancock, Jackson, Tunica, Warren and Washington counties.

RULE IX. RETIREMENT AND GROUP INSURANCE

1. **SOCIAL SECURITY.** All full-time employees are enrolled under the Federal Old-Age and Survivor's Insurance Law by contributions through payroll deduction. Full information regarding the requirements and benefits of this law is contained in various pamphlets published by the Social Security Office.

When an employee has enough quarters under Social Security to become insured and their employment is sufficiently current, he/she is entitled to certain benefits. Information as to the number of quarters that are required to be fully insured or currently insured, may be obtained from any Social Security Office.

2. **PUBLIC EMPLOYEES RETIREMENT SYSTEM.** Effective October 1, 2004, all current employees who work thirty (30) hours or more and hired after this date will participate in the Public Employees Retirement System (PERS). Details of this retirement program are available in the City Clerk's office.

3. **GROUP INSURANCE.** The City of Petal provides a group health and life insurance plan and pays the total premium for the employee's share. The employee may pay, if he/she elects to cover their dependents, through the payroll deduction plan. The City complies with the Cobra Act of 1986 which requires that continuation of coverage under an employees' group health plan be made available to covered persons (called "qualified beneficiaries") in the event of a "qualifying event." Details of this benefit are available in the City Clerk's office.

The City of Petal will allow full-time City employees, with twenty (20) years of service, who retire with the Public Employees retirement System and who are not yet eligible for Medicare, to pay to the City, in advance, the appropriate premiums on the first business day of each month and be covered by the City's group insurance until such time as they are qualified for Medicare, or any governmental sponsored healthcare benefits, and that the same consideration be given to employees with four (4) years of service who are compelled to retire because of disability. 6/18/96

** Out-of-state high costs areas are those cities outside the State of Mississippi designated in the Federal Register as having a prescribed minimum per diem daily rate of seventy-five (\$75.00) dollars or higher. 5/3/94

If a privately owned vehicle is used, the employee will also be paid for mileage at a rate of pay as set by the State Financial Department to point of destination and back.

4. **LONGEVITY PAY:** Longevity pay will be awarded to employees based on their years of service to the City of Petal, figured from the employees latest date of hire, and according to the following schedule beginning on the first pay period in December following the anniversary of the employees date of hire.

5 years - 9 years	\$25.00 per month
10 years - 14 years	\$50.00 per month
15 years - 19 years	\$75.00 per month
20 years - 24 years	\$100.00 per month
25 years - 29 years	\$125.00 per month
30 years - plus	\$150.00 per month

RULE XI. CONDUCT OF EMPLOYEES

1. **HOURS OF WORK:** The hours of work shall be determined by the Mayor and Board of Aldermen with the assistance of the department heads. When an employee's normal work schedule is changed, notice of such change shall be given to the employee at least three (3) days prior to the effective date thereof, if possible.

Most city employees work a forty-hour (40) week of five (5) eight (8) hour days. City Hall offices are open from eight (8:00) o'clock A. M. until five (5:00) o'clock P.M. with an hour for lunch. Starting and quitting time in some departments vary depending on the service they provide. Employees are expected to do so at the request of their department head.

The Police and Fire departments must give twenty-four (24) hour service, seven (7) days a week, to protect the public's life and property. Many of the employees in these departments are required to take off days other than Saturday and Sunday, and therefore, the hours worked will be determined by the department head, Mayor and Board of Aldermen.

2. **OUTSIDE EMPLOYMENT:** No employee may engage in incompatible employment which could cause conflict of interest or permit use of his city employment for personal gain. Outside employment must not interfere with performance of duties for the City. Any outside employment must meet with the approval of the department head and the Mayor and Board of Aldermen.

Request for permission to engage in outside employment must be submitted to the department head and include name of firm, position, duties and hours of employment.

The department head will then endorse the request with his recommendation and transmit the request to the Mayor and Board of Aldermen for approval.

3. **POLITICAL ACTIVITY.** A city employee may express his/her opinion privately as a citizen, (while not on the time clock or wearing any uniform in part or in whole issued by the City) and may vote in any election for which he/she is qualified. In fact, all employees are urged to use their right as citizens to vote.

4. **PAYMENT OF BILLS:** Prompt settlement of lawful bills is the solemn obligation of every employee. The reputation and credit rating of all employees can be directly affected by one employee's action or actions. 6/18/96

5. **BULLETIN BOARD:** Each department shall have one or more bulletin boards located in places readily available to all employees. Job announcements will be posted on them as well as other items of importance to employees. Employees should be encouraged to read the items on the bulletin board regularly to keep abreast of current events and information that will inform them of changes in policies and procedures.

6. **PROHIBITIONS:** No employee shall willfully or corruptly make any false statement, certificate, or report regarding his/her position or other employees. No employee, shall permit or be a party to fraud preventing the impartial execution of the personnel rules.

No employee considered for merit salary increases or promotion in the city service shall either directly or indirectly give, render or pay any money, service, or other valuable thing to any person for or in connection with his/her merit salary increase or proposed promotion.

No employee shall continue in such position after being qualified as a candidate for nomination or election to any public office with the City of Petal.

Violation of any of the above provisions shall be grounds for dismissal or rejection of an application.

RULE XII. RECORDS AND REPORTS

1. **PERSONNEL CHANGES:** The City Clerk shall prescribe necessary forms and reports for all necessary changes.

2. **SERVICE RECORDS:** A personnel file shall be kept at Petal City Hall which shall contain the name of every person employed or performing duties for the City of Petal. Each file shall show the following information:

Name address and phone number of Employee
Social Security Number

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Drivers License Number
Date and place of Birth
Race and Sex
Date of Hire
Department where hired
Class title of position held.
Such other information as the Mayor and Board of Aldermen may direct to be placed in the file.

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RULE XIII. SAFETY AND ACCIDENT PREVENTION

1. **POLICY:** In order to provide a safe working environment for its employees, it is the policy of the City of Petal to conduct a comprehensive safety program.

Safety is an integral part of each job in the City and every employee of the City is charged with the responsibility of preventing accidents. The full cooperation of every employee is essential in the maintenance of safe, sanitary and healthful working conditions.

2. **PURPOSE OF THE ACCIDENT PREVENTION PROGRAM:** The basic objective of accident prevention in the City is to minimize human suffering and to promote efficient City operations. The City's accident prevention program is designed to eliminate on-the-job accidents as far as possible, and by so doing, accumulate dividends, both in human values and in dollars and cents by:

- Reducing human suffering and loss of income caused by accidents;
- Avoiding loss of work time caused by wasted material;
- Reducing the cost of operating the City government through lowering both the direct and indirect cost incurred in accidents.

3. **ORGANIZATION OF THE ACCIDENT PREVENTION PROGRAM :** The City's accident prevention program is decentralized with each department of the City responsible for carrying out its own safety program.

4. **ACCIDENT REPORTING PROCEDURES:**

(a) **Personal Injuries.** If an employee has "on the job injury" he/she will report the full facts surrounding the injury immediately to his/her supervisor. If medical treatment is necessary, the City supervisor concerned will refer the employee for medical treatment to a physician designated by the City policy.

As soon as possible after the accident, the injured employee and his/her immediate supervisor will complete a "Report of Personal Injury" and forward the complete report to the City Clerk for review and recording.

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(b) **Accidents involving City Equipment:** In any vehicular accident involving City equipment, the operator of the equipment will immediately notify the department head and the law enforcement agency and request investigation of the accident. The driver of the equipment or vehicle will be required to take a breath test and or urine test and or blood test.

As soon as possible after the accident, the operator of the equipment will complete an 'Accident Report Involving City Equipment'.

5. **COMPENSATION TO INJURED EMPLOYEES:** (To be furnished)

6. **EMPLOYEE PARTICIPATION:** Each employee of the City of Petal is encouraged to take an active part in the safety program of the City. This can be accomplished by working in a safe, accident-free manner, and by offering suggestions to the supervisor on any matter concerning safety.

RULE XIV. ADMINISTRATION POLICIES FOR DISASTER RELIEF PROGRAMS:

Because the City has written personnel policies, formally adopted by the City, all sections of the referenced manual shall apply to employees charging time and costs to the Disaster Relief Program. In addition to the policies already adopted, the following administrative policies will also apply to the Disaster Relief program, funded by the Department of Housing and Urban Development.

1. The City can be reimbursed for wages paid to employee spending time on the Disaster Relief Program. This reimbursement will be for actual time spent on the program (to be supported by time sheets), at the normal rate of pay for the employee.

2. **Expenses.** When an employee is required to travel outside the City of Petal on behalf of the Disaster Relief Program, the employee will be reimbursed for actual expenses. If a privately owned vehicle is used, the employee will also be paid for mileage at the rate adopted by the city.

3. All other charges made to the Disaster Relief Program will be supported by adequate documentation to show that the costs are attributable to the program.

SECTION 504 GRIEVANCE PROCEDURES

Required under revenue sharing regulations (31 CFR 51.55 (d) (2)). The City of Petal, Mississippi has adopted and internal grievance procedure providing for prompt

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and equitable resolution of complaints alleging any action prohibited by the Office of Revenue Sharing (ORS) regulations (31 CFR 51.55 (d) (2)) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794). Section 504 states, in part that "no otherwise qualified handicapped individual...shall, solely by reason of his handicap, be excluded from the participation in , be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..." Complaints should be addressed to the Mayor of Petal at Petal City Hall, who has been designated to coordinate Section 504 compliance efforts.

- A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- A complaint should be filed within seven (7) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis).
- An investigation, as may be appropriate, shall follow a filing of a complaint, the investigation will be conducted by the Mayor or his/her designee. These rules contemplate informal, but through investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 31 C.F.R. 51.55 (d) (2), the City of Petal, need not process complaints from applicants for employment or from applicants for admission to post-secondary educational institutions.
- A written determination as to the validity of the complaint and description of resolution, if any, may be issued by the Mayor, and a copy forwarded to the complainant no later than fourteen (14) days after its filing.
- The Section 504 coordinator shall maintain the files and records of the City of Petal relating to the complaints filed.
- The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution, the request for reconsideration should be made within fourteen (14) days to the Mayor of Petal.
- The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- These rules shall be construed to protect the substantive rights of interested person, to meet appropriate due process standards and to assure that the City of Petal complies with Section 504 and the ORS regulations.

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RULE XV. DRUG AND ALCOHOL ABUSE POLICY AS FOLLOWS:

CITY OF PETAL ALCOHOL AND CONTROLLED SUBSTANCE POLICY FOR EMPLOYEES

The City of Petal recognizes that alcoholism and drug abuse is a highly complex disease which is treatable. The City of Petal also acknowledges the problem of substance abuse (including alcohol) in our society. Substance abuse is a serious threat to our Employees and the community. A substance abuse program is to ensure safety for our Employees, and the community.

While the City of Petal understands Employees and applicants under a physician's care are required to use prescription drugs, abuse of prescribed medications will be dealt with in the same manner as the abuse of illegal substance.

The ultimate goal of the City of Petal's substance abuse program is to balance our respect for individual privacy with our need to maintain a safe, productive, drug-free environment. Our intention is to prevent and treat substance abuse. We would like to encourage those who may use drugs or abuse alcohol to seek help in overcoming this problem. In this way, a rehabilitated abuser who remains drug free can return to work as an Employee in good standing. With these basic objectives in mind, The City of Petal has established the following policy with regard to use, possession or sale of alcohol and drugs.

DEFINITIONS:

Legal Drug: Includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.

Illegal Drug: Any drug; (a) which is not legally obtained, (b) which may be legally obtainable but has not been legally obtained, or (c) which is being used in a manner or for a purpose other than as prescribed.

Driver: From this point forward in this policy, the word "Driver" means every person who drives or is in actual physical control of a vehicle, and employee drivers of commercial motor vehicles who are subject to commercial driver's license requirements.

On Duty: This policy and federal regulations that require it often use the term "on duty" in conjunction with prohibited conduct or drug and alcohol testing. Whenever used in this policy, the term "on duty" has the meaning given to by the Department of

of this policy. Employees subject to the drug free work place act who are convicted of any criminal drug violation must report such condition to the Personnel Department within five (5) days. The Personnel Department will take appropriate action.

Any Employee who refuses to take a drug and alcohol test will be subject to discipline, up to and including termination of employment.

Employees who must use prescribed drugs or narcotics during work should report this fact to the Department head who will in turn report it to the Personnel Director along with acceptable medical documentation. A determination will be made as to whether the Employee is able to perform his/her job safely and properly.

Employees who are experiencing work related problems resulting from drugs, narcotics or drug abuse or dependency may request, or be required, to seek counseling or help. Company sponsored or required counseling is to be kept confidential and is to have no influence on performance appraisals. Job performance alone, not the fact that the Employee seeks counseling, is to be the basis of all performance appraisals.

An Employee who is abusing drugs or alcohol may be granted a medical leave of absence in accordance with established corporate policy to undertake rehabilitation treatment. The Employee would not be permitted to return to work until certification is presented to the Department Head who will present it to the Personnel Department that the Employee is capable of performing the essential function of his/her job. Failure to cooperate on an agreed upon treatment plan (if organizationally referred) may result in discipline, up to and including termination. Participating in a treatment program does not insulate an Employee from the imposition of discipline for violations of this or other City policies.

The City of Petal will, to the extent feasible, provide continuing education to Employees regarding the ill effects of drug and alcohol abuse.

Effective Date: This policy and the testing and other requirements of it go into effect on October 1, 1996. After that date, all Equipment operators will be subject to both the drug and alcohol testing and to the prohibitions of this policy. All other Employees will be subject to the drug testing components.

Prohibited Conduct: All Employees are prohibited from using controlled substances and will be subject to testing for Marijuana, Amphetamines, Opiates, Cocaine, and Phencyclidine (PCP). All Employees are prohibited from possessing alcohol while on duty. In addition, Employees are prohibited from consuming alcohol while on duty, for a period of four hours before going on duty and for a period of eight hours after being involved in an accident. Employees are also prohibited from refusing to consent to this policy or to an alcohol or drug test under the terms of this policy.

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Transportation Regulations found in 49 C.F.R. 395.2 (a). "on duty" includes all the time a Driver is preparing to work or is working until relieved from all work responsibility. It includes time spent awaiting dispatch, inspecting equipment, assisting with loading or unloading a commercial vehicle, as well as time spent repairing, obtaining assistance for, or remaining in attendance with a disabled vehicle. **Whenever a Driver is "on duty" as defined in this section, that Driver is considered to be performing safety-sensitive functions and is subject to all aspects of The City of Petal's policies and regulations on which it is based.**

"Employee": Full time employees, part time employees, and officials of the City.

POLICY:

The City of Petal's policy is to employ a work force without the presence of alcohol or illegal drugs in his/her system. Likewise, the sale, possession, transfer, or purchase of controlled substances while on the property of the City of Petal or while performing company business is strictly prohibited. The use, sale, or possession of an illegal or non-prescribed drug or controlled substance while on duty (unless a component of one's job) will result in disciplinary action, up to and including discharge. No alcoholic beverages are to be brought or consumed on City of Petal property unless in the line of duty and with the approval of the Mayor and department head. Prescription drugs are to be used only in the manner, combination and quantity prescribed and to who prescribed.

Additionally, Employees are prohibited from the off premises use of alcohol and possession, use, or sale of illegal drugs when such activity can adversely affect job performance, job safety, or the company's reputation in the community.

The City of Petal will not hire, unless federal or state law provides otherwise, alcoholics or drug abusers whose current use of such substances prevents them from performing their jobs or who would constitute a direct threat to the property or safety of others.

Employees will be subject to disciplinary action, up to and including dismissal, for violations of this policy. Such violations include, but are not limited to, possessing illegal or non prescribed drugs and narcotics or alcoholic beverages at work, being under the influence of or such substances while working, or dispensing, distributing or illegally manufacturing or selling them on company premises. Employees, their possessions, and company issued equipment and containers under their control are subject to search or surveillance at all times while on The City of Petal's premises or while Employee is conducting company business.

Employees may be required to take a test at any time (for reasonable suspicion) to determine the presence of drugs or alcohol, unless such tests are prevented by law. Testing positive (with supporting confirmation test) for drugs or alcohol is a violation

Drug and Alcohol Testing: In order to detect and deter violations of this alcohol and controlled substances policy, The City of Petal is implementing a drug and alcohol testing program. This testing program is required by the FHWA regulations for Employees who must participate in the testing as a condition of employment in The City of Petal. Testing of all Employees of The City of Petal is a decision made by the Board of Supervisors. The City of Petal has contracted with Work Well, an Occupational Health and Safety Program at Methodist Hospital, which provides drug and alcohol testing services in compliance with Federal regulations.

Controlled substances' testing uses a urine specimen provided by the employee. Alcohol testing utilizes a breath testing machine into which the employee will blow. This machine is similar to the "breathalyzer" machines utilized by law enforcement personnel. Testing procedures; and security precautions are discussed in detail in Appendix "A" to this policy. This section will only summarize how testing is done, in most general terms. Employees must be familiar with the detailed statement of procedures set in appendix "A" of this Policy.

Controlled substances testing will be limited to tests for (1) Amphetamines, (2) Cocaine, (3) Marijuana, (4) Opiates, and (5) Phencyclidine (PCP) the terms "drug" and "controlled substances" are used interchangeably in this Policy and refer to the five (5) substances just listed. No controlled substance test will be ruled as a verified positive until the Employee's urine specimen has been tested once by a federally certified laboratory and found positive, has been tested again by the laboratory and confirmed positive and then has been reviewed by a Medical Review Officer ("MRO"). The MRO gives the Employee an opportunity to explain any circumstances which might indicate the test is invalid or otherwise does not represent a violation of The City of Petal's policy, such as use of prescription medications pursuant to a doctor's order. The MRO for The City of Petal will be a licensed medical or osteopathic doctor with particular knowledge of substance abuse.

Since alcohol is not an illegal substance, The City of Petal's policy does not prohibit or test for responsible alcohol use by Employees of legal drinking age. Testing will be conducted only at times when the Employee is either on duty or is about to come on or off duty, and the testing levels for alcohol are designed to register positive only when a Employee has consumed alcohol within four (4) hours of reporting for duty or while on duty. There are six (6) different circumstances under which Employees will be subject to testing. However, all drug and alcohol tests will be conducted according to strict privacy protection and safety/security procedures that are required by Federal law. These are explained in detail in Appendix "A" to this Policy.

THE TESTS

Pre-employment

The City of Petal will conduct pre-employment drug and alcohol testing for all Employees applicants and no person shall be allowed to perform safety-sensitive functions (i.e., on-duty Employee functions) until they have satisfactorily passed both an alcohol and drug screen.

Post-Accident

Post accident testing for drugs and alcohol is also required for each surviving Employee if the accident involved the loss of human life or if the Employee receives a citation for a moving violation arising from the accident. The alcohol test is to be administered within eight (8) hours following the accident. If a test is not administered within two (2) hours, The City of Petal must prepare and maintain a written statement of the reason for the delay. If the test is not performed within (8) hours of the accident, there shall be no further attempts to administer an alcohol test and the records shall reflect why no test was administered. Drug testing, on the other hand, must be conducted within thirty-two (32) hours following the accident.

Employees must remain readily available for testing after an accident, though necessary medical attention will not be delayed. Your supervisor will provide instructions to you as to how to conduct yourself after an accident in order to help comply with post accident testing requirements. This information is summarized in Appendix (B) to this Policy. If a local law enforcement official conducts a drug and/or alcohol test after an accident in compliance with federal, state or local law and provides the results of those tests to The City of Petal, the results of those tests will satisfy post accident testing requirements of this policy. If the test is positive, it will be a violation of this policy.

Random Test

The City of Petal will conduct random testing for drugs for all Employees. Random tests will be spread reasonably throughout the calendar year. When a person is notified of selection for random testing, he/she must proceed immediately to the designated testing site. Selection for random testing will be made by Work Well using a random number generator computer program. All Employees are subject to selection every time, even if that Employee has earlier been selected for a random test.

The random alcohol testing is for all Employees of the City of Petal. Initially, the random testing rate for alcohol will be twenty-five percent (25%) of the average number of Driver/Employee positions. This rate means that The City of Petal will conduct a number of tests at least equal to the required percentage of Driver/Employee positions. For drug testing, the requirement is fifty percent (50%) of the average number of driver/employee positions, through a proposed DOT

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Return to Duty/follow-up

The final testing provided for in the regulations is return to duty testing and follow-up testing. Return to duty testing is required for any Employee who has previously violated this policy or a similar policy mandated by The City of Petal or the FHWA, such as by testing positive for drugs or alcohol. If a Driver/Employee has tested positive for either, the Employee must, in addition to other requirements, pass another test before returning to duty. In addition, once back on duty, the Employee is subject to unannounced follow-up alcohol and/or controlled substance testing for a period of up to sixty (60) months, all as directed by the EPA Counselor who has evaluated the Employee prior to the return to work. **PLEASE NOTE: ANY EMPLOYEE WHO VIOLATES THE CITY OF PETAL'S POLICY WILL BE SUBJECT TO DISCIPLINARY ACTIONS UP TO AND INCLUDING TERMINATION.**

Effect of a Positive Test or Refusal to Be Tested: A positive test result for alcohol or any of the five controlled substances is a violation of this policy. Any refusal to submit to a test when required by this policy is also treated as a positive test result. Whenever this policy talks about a positive test, it includes a refusal to submit to testing as well as a confirmed and verified positive test result measured in accordance with the procedures and cut-off levels specified in the FHWA and DHHS regulations.

An Employee will be considered to have refused to submit to a test if: (1) the Employee refuses to sign a consent form at the time the test is to begin, (2) the Employee refuses to cooperate in the testing process; or (3) the Employee is unable or unwilling to provide the required breath an/or urine samples and there is no plausible medical explanation for the failure, as determined by the MRO.

As was stated above (under the heading "Effects of Violation"), testing positive is a violation of this policy and will result in discipline. Any Employee found in violation of this policy will be subject to disciplinary actions up to and including termination. In addition, Employees will be subject to the mandatory EPA Assessment.

Special Alcohol Rule: To be considered a confirmed positive alcohol test, the Employee's level must register point zero four (.04) or greater. However, a special rule applies to Drivers/Employees whose alcohol level is less than point zero four (.04) but greater than point zero two (.02). This result does not trigger all of the effects noted above. Instead, the Driver/Employee must not drive or perform any safety-sensitive duties until the later of twenty-four (24) hours or the beginning of his next scheduled shift.

Pre-Employment Screening and Background Checks: As a condition of applying for employment with the City of Petal, an applicant must consent in writing to a pre-employment drug and alcohol test and to a two (2) year background check by the City of Petal of the applicant's previous employers to determine whether the applicant has tested positive for drugs or alcohol or has otherwise violated the drug and alcohol policies of a

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regulation would eventually lower the drug testing percentage rate. For now, however, drug and alcohol random testing will remain at different rates. Some Drivers/Employees chosen for random testing will be tested for both drugs and alcohol some will be tested only for drugs. Before signing the consent form to be tested, Drivers/Employees will be told whether the test is for drugs, alcohol or both.

From year to year, the FHWA may change the random testing rate of Drivers/Employees and The City of Petal will be required to test at whatever rate the FHWA sets. The Federal Highway Administration, through audits, will determine on an industry-wide basis the annual percentage rate of positives for random alcohol testing. If, in two (2) consecutive calendar years, the positive rate is less than five percent (5%), the rate will decrease to ten percent (10%) of Driver/Employee positions. If, however, in a two (2) year period, the rate for each year is less than one percent (1%) but equal to or greater than point five percent (.5%), the rate of testing will be twenty-five percent (25%). On the other hand, the driver/Employee position percentage rate may be increased if in any one (1) calendar year the positive rate increase to more than point five-percent (.5%). For example, if the rate were lowered to ten percent (10%), and then the following calendar year the positive rate was point seven percent (.7%), the testing rate would return to twenty-five percent (25%) of driver/employee positions. If the positive rate were to increase to one percent (1%) or greater, alcohol testing would be conducted at a fifty percent (50%) rate. Random rates will be published in March of each year by the FHWA for each industry segment.

Reasonable Suspicion

The City of Petal will also conduct reasonable suspicion testing for both alcohol and drugs. A decision to conduct reasonable suspicion testing must be based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech or body odors of an Employee consistent with drugs or alcohol use. The decision must be made by a supervisor who has received training in detecting such conduct. All City of Petal supervisors who may make reasonable suspicion testing decisions will be provided training in detection in accordance with the FHWA regulations.

Like the post accident testing for alcohol reasonable suspicion testing for alcohol should be conducted within two (2) hours of the determination to test but in no event later than eight (8) hours after that determination. If it takes more than two (2) hours to get the test, documentation must be maintained explaining the delay and no alcohol test shall be conducted more than eight (8) hours after selection. A written record must be made of the observation leading to the reasonable suspicion test and it must be made within twenty-four (24) hours of the observed behavior or before the results of the controlled substance test are released, whichever is earlier.

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previous employer. The City of Petal will be required to respond to similar inquiries from other prospective employers in the event a City of Petal's Driver/Employee or a former City of Petal's Driver/Employee applies for work with another employer. These requirements are designed to prevent Drivers/Employees who test positive from applying elsewhere for a job without first completing the required follow-up evaluations and treatments specified in the federal regulations and explained in the preceding section of this policy.

Notification of Test Results to Drivers: The results of a driver's/Employees drug or alcohol test will be reported to him/her by his supervisor. If the test is positive, the Driver/Employee will be informed which substance or substances for which the test is positive. Employee applicants wishing to have the results of their drug and alcohol tests must request them in writing within sixty (60) days of being informed of the disposition of their application for employment.

Access to Records: The FHWA regulations require The City of Petal to keep detailed records of its drug and alcohol testing program. However, these records are confidential and can only be released upon written consent of the Driver/Employee involved or by regulatory or court order. If a Driver/Employee makes a claim to a fact finder, such as a workers compensation claim The City of Petal may turn over results of drug or alcohol testing records by requesting them in writing and paying the cost of the copies. A Driver's/Employee's supervisor will assist him, upon request, in making an appropriate request for a copy of the records.

Employee Information and Training: As noted above, supervisory personnel who may be involved in making reasonable suspicion testing determinations must receive required training in making those determinations pursuant to FHWA regulations. In addition, all affected Drivers/Employees are being provided information about the effects and consequences of alcohol and controlled substance use/abuse on personal health, safety in the work environment as well as information regarding manifestations and causes that may indicate controlled substance use/abuse. Information being provided also discusses available methods of interviewing when an alcohol or controlled substance problem is suspected. The information, which is summarized in Appendix "C" to this Policy, is a part of the policy and all Employees are required to carefully review it in conjunction with reviewing this Policy. Employees should direct any questions regarding this information to their supervisor or designated person in charge of the City of Petal's testing program.

APPENDIX "A" TESTING PROCEDURES AND SAFEGUARDS

Introduction: The City of Petal will contract with Work Well to provide all of The City of Petal's drug and alcohol testing services, including Medical Review Officers

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or other consulting physicians to review and evaluate drug testing results. The APPENDIX will outline the procedures and Employee can expect when called upon to give a drug and/or alcohol test specimen. These procedures are required by Federal law. If you believe that a test was conducted in a manner other than specified in the procedures please inform your supervisor immediately. The procedures are specifically designed to safeguard an Employee's privacy during the testing process and to assure accurate test results.

Initial Presentation: A person required to give a drug or alcohol testing specimen at Work Well will be tested courteously and with individualized attention to minimize any stress or anxiety associated with the testing procedure. The Work Well Employee conducting the drug testing specimen collection process is called a Collection Site Person ("CSP") and the Work Well Employee who conducts alcohol testing is called a Breath Alcohol Technician ("BAT"). Work Well's BAT's and CSP's will not use language that might be considered offensive or accusatory, but will strive to be courteous at all times to the person to be tested. In addition, Work Well's BAT's and CSP's will follow the procedures outlined in this policy and procedure statement to assure the integrity and quality of the alcohol and drug testing process, thereby maximizing accurate test results.

A particular CSP or BAT works with only one person to be tested at a time. Prior to beginning the testing process, each person must show proof of identification through a driver's license or other picture-bearing identification card. If positive proof of identification is not possible, the BAT or CSP will not proceed with specimen collection or any aspect of alcohol or controlled substance testing.

DRUG TESTING

Since the procedures for alcohol testing are different from those for drug testing they will be discussed separately. Drivers/Employee's are subject to both types of tests and will be informed by Work Well personnel whether the test is for alcohol, drugs or both.

Specimen Collection Process: After an Employee has presented proper proof of identification, the CSP will conduct a short interview to document the relevant information about the person to be tested. Relevant information from this interview and from the complete specimen collection process is documented on a carbonless custody and control form, which identifies the specimen donor, the particulars of the collection process, and the transfer of the specimen to the appropriate lab or other facility for testing. In addition, the Employee will be provided a consent form to sign, giving written consent to the testing procedure. If an Employee refuses to consent or revokes his/her consent at any point, the BAT or CSP will not proceed with the process and the City of Petal will consider this a Refusal to Submit and a violation of The City of Petal's policy.

After the initial interview, the Employee will be requested to remove any coat or any other unnecessary outer garments that might conceal materials that could be used to alter or affect the specimen to be given in any event, the Employees will be allowed to retain

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specimen is split by the CSP into a "primary" specimen consisting of at least thirty (30) ml. and second "split" specimen containing at least fifteen (15) ml. of urine. Both are labeled and forwarded to a DHHS certified lab as outlined in the preceding section. All initial and confirmation testing conducted by the certified laboratory will be conducted on the primary specimen only. However the laboratory must also maintain the split specimen in secure storage.

If an Employee is informed by the Medical Review Officer that the result of the laboratory's analysis of his/her primary specimen is positive, the Employee has seventy-two (72) hours from the time he/she is informed of the verified positive result to request an analysis of the split specimen being held by the laboratory. Any request for analysis of the split specimen made after this seventy-two (72) hour period will not be honored unless the MRO, in his/her discretion, determines after discussion with the Employee that there were unusual circumstances that caused an excusable delay in requesting the test. Any test of the split specimen pursuant to an Employee's request will be at the expense of the Employee.

If the Employee makes a timely or otherwise proper request for a split sample test, the MRO must inform the lab in writing and the lab must immediately forward the split specimen to a second certified laboratory, with the seal intact and with proper chain of custody documentation, as well as a copy of the MRO's request. The second lab will perform the split specimen test and will report the results to the MRO. If the split test does not confirm the results of the first test, the test is canceled. However, The City of Petal and the MRO need not await the results of the split specimen test to initiate administrative action and EAP referral or to take such other actions as are provided for in the City of Petal's drug and alcohol testing policy.

Other Security Precautions: In addition to the security precautions inherent in the specimen collection and Employee identification system outline above, the following additional precautions are used by Work Well to maximize the integrity and accuracy of the drug specimen collection process.

- A. Toilet bluing agents are used to tint the water in the toilet located in the collection room where the Employee provides the actual specimen. All other sources of water in that area are secured so that the Employee cannot obtain access to them. In addition, the Employee is not allowed to flush the commode while in the collection room, because flushing may be used to dispose of evidence of materials used to contaminate or tamper with the specimen. If the seal on the commode that secures it against flushing is broken or if flushing sounds are heard from the specimen collection room, that specimen will be considered questionable and the Employee must submit to a retest.
- B. While the CSP will remain courteous and respectful of the Employee at all times, any unusual or suspicious actions or behavior on the part of the Employee will be noted on the custody and control form.

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EXHIBIT "A"

his/her wallet during the process of urine collection or if they prefer, their wallet can be securely locked in a storage compartment at the clinic.

The specimen is collected in a clean, single use, sealed and securely wrapped container. Work Well will keep a supply of these containers on hand. Before giving the specimen collection container to the Employee, the CSP will allow the Employee to wash and dry his/her hands in the view of the CSP. The CSP will remain with the Employee and observe him/her to make certain that the Employee has no access to water or other substances that might be used to alter the specimen.

The CSP will then give the specimen collection container to the Employee and place him/her in the collection room, where the Employee will fill the collection container with at least forty-five (45) milliliters of urine. If the Employee is unable to urinate or is unable to provide the required minimum urine amount of forty-five (45) ml, the specimen collection process must be begun again, and the CSP will assist the Employee by providing fluids to drink. Any urine sample collected that is less than forty-five (45) ml. will be discarded since Work Well does not combine urine from two collections to reach the required volume. The Employee will be allowed a reasonable time (not to exceed two (2) hours) to consume fluids (not to exceed twenty-four (24) ounces) and provide a specimen. If the Employee is unable to provide a specimen in two hours, a physician will evaluate him/her to determine if his/her problem is a medical one or constitutes a refusal to cooperate. The physician will report the results of this evaluation to The City of Petal. (Note: There will be no such medical evaluation for pre-employment tests unless The City of Petal agrees in advance to it.)

Unless circumstances require (as outlined below), there will be no direct observation of the Employee while he/she is providing the urine specimen. All aspects of the collection process are designed to maintain the modesty and privacy of the Employee. No unauthorized persons shall be allowed to be present in the specimen collection area during the procedure. After the Employee returns with the specimen in the collection container, he/she will be allowed to wash and dry their hands.

After the Employee delivers the containerized specimen to the CSP, the specimen will remain in the view of the Employee at all times until it is split into two separate specimen containers, labeled and sealed. The Employee will observe the sealing and labeling of the specimen containers by the CSP and the Employee will initial the identification labels on the bottles to verify that they contain his/her specimen. The specimen containers are then sealed in the appropriate mailing envelope or container and remain under the control and supervision of the CSP at all times until the package is prepared for shipment to the laboratory. After the container has been sealed and initialed by the Employee and the custody and control form has been completed by the CSP, the urine specimen collection process is complete.

Split Specimen Collection: Using two separate containers for the Employee's urine specimen is known as the split specimen collection method. With this method, the

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- C. Within four (4) minutes after collection of the specimen, the temperature of the specimen will be measured to make certain that it is within the acceptable range of 32.5 degrees to 37.7 degrees centigrade (90.5 degrees to 99.8 degrees Fahrenheit). In addition, the CSP will check the color of the urine specimen and look for any evidence of contamination or tampering. Any unusual appearance of the urine or unusual temperature will be noted on the custody and control form.
- D. In any instance where the CSP suspects that the specimen was tampered with, the test specimen will be sent to the laboratory, but a new test will be scheduled, including a test under direct observation if The City of Petal consents to direct observation. (Direct observation testing is discussed below).
- E. After the specimen has been split, sealed, labeled, and placed in the mailing envelope or other shipping container, it will either be shipped immediately or stored securely in a locked space under the control of Work Well and the appropriate CSP. The completed custody and control form, including the chain of custody portions, will be completed and certified by the CSP and placed in the shipping container with the specimen which is being shipped or stored for shipping.
- F. From the time the Employee is initially identified until the specimen has been collected, split, labeled, initialed, and sealed, the CSP is not allowed to leave the specimen collection area at any time. If it becomes necessary due to emergency or other unavoidable circumstance for the CSP to leave, any collection begun at that point will be nullified and the test must be begun again.

Direct Observation Testing: Since Work Well's drug testing specimen collection process seeks to protect the privacy and modesty of all Employees tested, direct observation of the person giving the specimen during the time they are providing it is not part of the normal collection procedure. However, under certain circumstances, direct observation specimen collection may be necessary to assure the integrity of the drug testing process. Whenever direct observation testing is required under the guidelines set forth below, the person observing the Employee giving the specimen will be of the same gender as the Employee. The following guidelines will be used in determining whether direct observation collection is necessary and, in all cases, the decision to conduct direct observation collection will be made only after consultation with the approval by the City of Petal or a higher-level supervisor of the CSP. The following circumstances are the exclusive grounds for direct observation testing.

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and review of the individual's medical history, or review of any other relevant biomedical factors revealed by the Employee.

Prior to making a final decision to verify a positive test result for an individual, the MRO gives the individual an opportunity to discuss the test results. The MRO may verify a test as positive without having communicated directly with the Employee about the test in three circumstances:

- A. The Employee has presented a urine specimen that falls outside the acceptable temperature range (32.5 degrees to 37.7 degrees Celsius; 90.5 degrees to 99.8 degrees Fahrenheit) and (a) the Employee declines to provide a measure of oral body temperature; or (b) body temperature is measured and it varies by more than one degree Celsius or 1.8 degrees Fahrenheit from the temperature of the specimen;
- B. The last urine specimen provided by the Employee (i.e. on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and Creatinine concentration below .2g/l.
- C. The CSP observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the specimen (for example, substitute urine in plain view, blue dye in specimen presented, ect.), or
- D. The Employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under FHWA approved follow-up testing upon or after return to service.

1. The Employee expressly declines the opportunity to discuss the test;
2. More than five days have passed since the date the Employee was contacted by designated Company representative and informed to contact the Medical Review Officer as soon as possible; or
3. Other circumstances provided for in Department of Transportation Agency Drug Testing Regulations.

If the MRO is unable to reach the individual directly, the MRO will contact the designated official of The City of Petal who, in turn, will contact the Employee. In the case where the Employee has failed to contact the MRO for more than five (5) days since the date the Employee was contacted by the designated Company representative, the MRO may report the test results as "confirmed positive"

However, the MRO may still reopen the verification process if the Employee contacts the MRO and presents information that his delay in getting in touch with the MRO resulted from serious illness, injury or other unavoidable circumstances.

The purpose of the MRO interview is to allow the Employee to present information concerning a legitimate explanation for the positive laboratory test. If after such action, the Medical Review Officer concludes that there is a legitimate explanation of the positive test; The Medical Review Officer may declare the test to be negative. Otherwise the result will be verified as a "confirmed positive" Following verification of a positive test result, the Medical Review Officer will refer the case to the City of Petal's designated management official empowered to recommend or take administrative action.

The Medical Review Officer is the only person authorized to order a re-analysis of the original sample or a test of the split specimen. Authorization for a split specimen test may be made by the Employee within seventy-two (72) hours of his/her having received actual notice of a positive test. If the retest or split specimen is negative, the Medical Review Officer will cancel the test. (See section above regarding "Split Specimen Analysis").

The Medical Review Officer will not disclose to any party any medical information provided by the individual as part of the testing verification process. There is an exception to this rule where, in the MRO's reasonable medical judgment, the information indicates that continued performance by the individual of his/her safety sensitive function

Medical Review Officer: Work Well is staffed with qualified physicians who serve as Medical Review Officers ("MRO") (for federally required drug testing) and who assist other, voluntary drug testing programs (not federally managed) in evaluating laboratory results of drug testing. Work Well's physicians shall have served as MRO's in numerous testing programs for several years and are familiar with DHHS, DOT, and FHWA requirements for interviewing Employees who test positive to determine whether a particular test result is "confirmed positive," and they also maintain the required drug testing records for blind sampling and composite reporting, as well as individual test results.

A report in each person tested will be sent to the MRO by the laboratory. This report will identify the drugs tested for, whether positive or negative results were obtained, the specimen number assigned and the drug testing laboratory specimen identification number.

A positive laboratory test result does not automatically identify an Employee, applicant, or independent contractor Employee as having used drugs in violation of a DOT or FHWA rule. Instead, the MRO reviews the laboratory results along with the circumstances of the tested Employee to determine whether the test is in fact a "confirmed positive". This review must be performed prior to reporting the test results to the Company's administrative officials. The MRO, being a licensed physician with knowledge of substance abuse disorders, examines alternate medical explanations for any positive laboratory test results. This generally includes conducting a medical interview

could pose a significant safety risk. Before obtaining medical information from any individual as part of the verification process, the MRO explains to the Employee that any information provided may be disclosed to third parties if continued performance by the Employee of his/her safety-sensitive function could pose a significant safety risk.

ALCOHOL TESTING

As noted earlier, alcohol testing is different from drug testing because it involves testing breath with a machine. Thus, no laboratory or urine samples are involved. This section will explain alcohol testing procedures.

The Testing Machine/EBT. The testing apparatus is a breath machine, referred to as an EBT (evidential breath testing device), and the particular make and model used is certified by the National Highway Traffic Safety Administration (NHTSA) and must appear on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices." This list is referred to in the industry as the CPL, and it is somewhat analogous to the drug testing requirement that labs be listed as certified by the DHHS. All Work Well machines will meet these requirements.

The requirements for the EBT are somewhat different for initial screening vs. confirmatory testing, but if the machine meets the requirements for confirmatory testing, it can be used for the initial screening as well. For confirmation testing, the EBT must be able to distinguish between alcohol and acetone at concentrations of a .02 alcohol concentration (Drug Testing Measured in terms grams per 211 liters of air). Also, the machine must be capable of printing in triplicate or on three consecutive and identical copies of the test result, the EBT's serial number and manufacture, the time of the test, and a unique number generated by the EBT to identify the particular specimen being tested. The unique identification number produced by the EBT must also be capable of being read before the test is conducted.

For the initial screening test only, it is permissible to use an EBT that is on NHTSA's CPL list but does not meet all the other requirements just discussed. If such a machine is used, the tester must use a highly stylized log book to track the data for each initial screening test. **However, in all cases, confirmation testing for alcohol must be conducted on an EBT meeting all the requirements of the preceding paragraph.**

The regulations require that the manufacturer of the EBT develop a Quality Assurance Plan of testing and maintenance for the machine and Work Well's personnel will follow that plan to assure proper function of the EBT's used in the City of Petal's program. Work Well will keep the machines securely stored when not in use. Work Well's personnel will conduct testing of calibration, tolerances, and testing intervals, as well as machine inspection and maintenance procedures. Work Well is required to keep detailed records of their EBT Quality Assurance Plan.

The BAT: The person who conducts the alcohol testing is called a breath alcohol technician or BAT and this person is the functional equivalent of the CSP who collects drug testing specimen. Work Well BAT's are trained on the type of EBT to be used and are trained at an approved course meeting NHTSA model course requirements. Work Well maintains documentation for The City of Petal of the proficiency and training of its BAT's, along with other required records of compliance with FHWA regulations.

Testing Procedures: The procedures for alcohol testing are similar to drug testing. For example, the BAT must initially confirm the identity of the person to be tested and BAT must explain the testing procedure to the Employee. The BAT is to work with only one Employee at a time. The testing is to be conducted at a location and in a manner that ensures aural and visual privacy. A mobile testing unit (i.e., van) may be used but must meet the privacy requirements. The only exception to the privacy requirement arises in the case of accident scene or other emergency testing, and in the event, Work Well will assure the Employees are provided as much privacy as the situation will allow.

Initial Screening: After the BAT has identified the Employee and has explained the testing procedure, the next step is to fill out the first part of the Breath Alcohol Test form, which includes the Employee's consent to be tested? (If the Employee refuses to sign, this constitutes a refusal to be tested and is treated as a positive test would be), after consenting, the Employee watches the BAT open an individually wrapped and sealed mouthpiece, which is then attached to the EBT. The Employee is instructed to blow forcefully into the mouthpiece for at least six (6) seconds or until the EBT indicates a valid sampling amount had been obtained.

The EBT will then provide the results of the initial test and the BAT will share these with the Employee. (Note. The methods of communicating and documenting these steps; will vary depending on whether the machine is fully digital or whether a log book is used.) If the test results are a breath alcohol concentration of less than .02 the test is considered negative and the Employee and BAT complete the remainder of the form, sign it and report the results to The City of Petal.

If the results of the initial screening test is .02 or greater, it will be necessary to conduct a confirmation test. This second test will use a fully digital EBT meeting the confirmation testing requirements noted earlier above and may be conducted by the same BAT. If a different BAT will perform the confirmation test, The BAT who did the initial testing must sign off in the appropriate place on the form.

Confirmation Testing: Generally, the same BAT will perform the initial and the Confirmation test, though this is not required. If a new BAT will perform the confirmation test, the new BAT must reperform the Employee identification steps and must explain the testing procedures to the Employee. In addition, the new BAT will need

to complete section 1 of the test report form. In all cases, the confirmation test must be performed within twenty (20) minutes of the completion of the screening test.

There is a waiting period between the initial screening test and the confirmation test of fifteen (15) minutes, counted from the conclusion of the screening test. The BAT will instruct the Employee not to eat or drink anything during the waiting period and not to belch, if possible. The restrictions, like the waiting period itself, are for the Employee's benefit by preventing an inflated or otherwise inaccurate alcohol reading. However, the test will be conducted at the end of the waiting period, regardless of whether the Employee follows the forgoing instructions. Any failure by the Employee to follow instructions will be noted by the BAT in the "Remarks" section of the testing form.

The testing procedures themselves for the confirmation test are identical to the initial test in terms of instructions to the Employee, using a new mouth piece and getting a valid specimen. Before administering the test, however, the BAT must conduct an Air Blank test to assure that the EBT registers 0.00 on the Air Blank (a test of room air). If the first Air Blank registers greater than 0.00, one additional Air Blank may be conducted. If that second Air Blank test is 0.00, the test may proceed. If not, the test must not proceed using that machine. That EBT will not be used in FHWA testing again until it has been checked for calibration and tolerances in accordance with the manufacturer's quality assurance program.

If the EBT confirmation tests result is different from the initial test result, the confirmation test result controls. As with the initial test, the BAT will show the result of the confirmation test to the Employee and will complete the testing form. Both the Employee and the Bat must then sign the testing form. The BAT will then conduct an additional Air Blank test and, if the result is greater than zero, the confirmation test is invalid.

To be considered positive and in absolute violation, a driver's confirmed alcohol level must be .04 or greater. Results between .02 and .04 are not absolute violations but require that the Employee be relieved of safety-sensitive duties until the longest of twenty-four (24) hours or the start of his/her next shift.

Reporting Results: The result of the alcohol test is reported on a triplicate form, the format of which is required by the FHWA regulations.

The City of Petal has designated the City Clerk to communicate with Work Well's BAT on alcohol testing matters. If test results are initially communicated other than in writing, the BAT and the City of Petal's representative must have a system of identification before the information is provided. The initial oral report must be followed by delivery of the City of Petal's copy of the testing form and the City of Petal is responsible for maintaining this and all other required records in a secure manner

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conduct testing. However, if you are unable to do so, inform the medical personnel of the need for the testing for drugs and alcohol.

5. If you are unable, due to injuries, your signed consent form on file allows The City of Petal to order the necessary tests for you.

APPENDIX "C"
SUMMARY OF INFORMATION ON EFFECTS, MANIFESTATIONS AND METHODS OF INTERVENTION IN ALCOHOL AND DRUG USE/ABUSE

- A. Drug and Alcohol Use/Abuse in the Workplace
 1. Physical, Behavioral, Speech and Performance Indicators
 2. Methods of Intervention
 3. The Facts about Substance Abuse (6 minutes)
- B. How Drugs Affect the Body
 1. Stimulants
 2. Depressants (Including Alcohol)
 3. Narcotics
 4. Hallucinogens
- C. The Personal Effects of Drug and Alcohol Use/Abuse
 1. Health
 2. Work
 3. Personal Life
- D. The Role of the Supervisor/Manager
 1. Supervisor/Cop/Counselor
 2. Proper Job Performance Documentation
 3. Five Steps on How to Confront a Troubled Employee
- E. Certificate of Completion

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EXHIBIT "B"

Miscellaneous Provisions: As with drug testing, any suspicious behavior, failure to cooperate, inability to provide a specimen or other behavior which makes completion of an alcohol test impossible shall terminate the test and shall be documented by the BAT. Similarly, if a test is interrupted or events occur which would render the test invalid, the test must be aborted and started over using new materials and new forms.

If an Employee is unable to provide a specimen of air suitable for testing. The City of Petal shall be so informed and The City of Petal will select a physician to evaluate whether the failure to provide enough air is; medically explainable. This is the same requirement as the "shy-bladder" evaluation preformed; by the MRO under the drug testing regulations and, as in drug testing, the physician's report to The City of Petal must be in writing. If there is no valid medical explanation for the failure to provide the specimen, it is treated as a refusal to co-operate and thus a positive test. (Note: This medical evaluation will not be conducted if the test is a pre-employment test.)

A breath alcohol test is considered invalid under the following circumstances: failure to observe the fifteen (15) minute waiting period; failure of EBT to pass calibration and tolerance tests at the next subsequent check; failure of the BAT to conduct Air Blank testing; failure of the BAT to sign the form or to note in the "remarks" section that the Employee failed or refused to sign the form; EBT fails to print a conformation test result; disparity between the Employee identification number or alcohol concentration as between the printed result form and the digital reading on the machine.

APPENDIX "B"
SUMMARY OF POST-ACCIDENT REQUIREMENTS FOR TESTING

If a Driver/Employee is involved in an accident driving while on duty, a post accident drug and alcohol test is required if: the accident involves a fatality or the driver receives a citation for a moving violation. To assist Drivers/Employee's in complying with this requirement, District Supervisors will discuss with you procedures for post accident testing. They are summarized as follows:

1. If you are involved in an accident you should immediately contact law enforcement, who will investigate the accident and administer a breath test.
2. You should contact your Supervisor:
3. If you receive a citation or if the accident involves a fatality (or potential fatality), you must be alcohol and drug tested:
4. If you need medical assistance, that assistance is not to be delayed to

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ORDER ADOPTING POLOGRAPHY PROCEDURES

The Mayor and Board of Aldermen of the City of Petal, Mississippi, do hereby adopt, approve, and promulgate the following addition to the "Personal Rules and Regulations" of the City of Petal, Mississippi, as follows, to-wit:

RULE XVI POLYGRAPH POLICY

1. PURPOSE

This order establishes requirements for all employees of the City of Petal, Mississippi, and future employees to submit to polygraph examinations relating to their employment, as a condition of employment; and/or as a condition for continued employment.

2. POLICY

All employees of The City of Petal, Mississippi, both present and future, are required to perform their assigned duties and responsibilities effectively, satisfactorily, and efficiently while protecting the safety of the public and the safety of their fellow city employees. It is the intent of this policy to promote professional conduct and competence among employees of the City of Petal while safeguarding the interest of those fellow employees and their interest of the general public.

3. PROCEDURE

A. All employees of the City of Petal shall submit to a polygraph examination when ordered to do so by the Mayor and/or Board of Aldermen, in any intradepartmental inquiry into alleged violation of laws, city rules, regulations, and policies, or as condition for employment.

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B. The results of a polygraph examination ordered by the Mayor and/or the Board of Aldermen may not be used in any criminal proceeding, these tests are intended for administrative use only, are confidential in nature, and may only be disseminated to those persons who serve in a "need to know" capacity. However, results of a polygraph examination may be used in all administrative proceedings, personnel appeals, or any civil actions resulting there from.

The above and foregoing addition or amendment to the personnel rules and regulations of the City of Petal, Mississippi, shall be effective from and after the

_____ day of _____, A.D., 1997/2004

SO ORDERED BY THE MAYOR AND BOARD OF ALDERMEN on this, the

_____ day of _____, A. D., 1997/2004

MAYOR /CITY OF PETAL, MISSISSIPPI

ATTEST:

CITY CLERK/CITY OF PETAL, MISSISSIPPI

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