

**Shelby County Law Enforcement
Personnel Board**

Rules and Regulations

Adopted November 9, 2017

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Article II. Definitions and Terms

Section 2.01 Common Words and Phrases

For the purpose of this manual, words, terms and phrases not specifically defined shall be interpreted according to common usage.

Section 2.02 Computation of Time Limits

For the purpose of this manual, time limits relating to notices, appeal dates and hearings, specified as “days”, shall be interpreted to mean consecutive calendar days, provided that if the last day of any such period ends on a Saturday, Sunday, or designated Holiday, the period shall be automatically extended to include the following regular business day.

Section 2.03 Typographical and Grammatical Errors

Typographical and/or grammatical errors shall not alter the interpretation of the manual when the intended meaning is apparent.

Section 2.04 Definitions

The following definitions and terms shall apply in this manual:

- ACT - The Civil Service Act commonly known as the Shelby County Civil Service Law for Law Enforcement Officers, or Alabama Act # 79-524, as amended.
- APPOINTING AUTHORITY - Person, officer, board, council, commission, or other body which possesses final power to appoint persons to services, jobs, offices, or positions, subject to this Act. For the Sheriff’s Office, the Appointing Authority is the Sheriff.
- BOARD or the LEPB - The Law Enforcement Personnel Board created by Act # 79-524 of the Alabama legislature.
- CALENDAR QUARTER – For the purpose of these Rules, calendar quarters will encompass the following periods:
 - 1st Calendar Quarter – January 1 through March 31.
 - 2nd Calendar Quarter – April 1 through June 30
 - 3rd Calendar Quarter – July 1 through September 30
 - 4th Calendar Quarter – October 1 through December 31
- CANDIDATE – A person whose name has been certified to an appointing authority for the purpose of filling a position in the classified service.
- CERTIFICATION - A submission of names of eligibles from an eligible register to an appointing authority for the purpose of filling positions in the classified service.
- CLASS or CLASS OF POSITIONS - A group of positions in the classified service sufficiently similar in respect to the duties, responsibilities, and authority that the same descriptive title may be used to identify all positions allocated to the class, that the same requirements

as to education, experience, capacity, knowledge, proficiency, ability, and other qualifications shall be required of the incumbents, that the same tests of fitness shall be used to choose qualified employees and that the same schedule of compensation shall be made to apply with equity.

- CLASSIFICATION - The assigning of a position to the appropriate class in accordance with its duties, responsibilities, and authority.
- COUNTY COMMISSION - The Shelby County Commission.
- DAY – Unless otherwise defined in the Rules, a “day” and hours worked within that day, shall be defined by the appointing authority.
- ELIGIBLE - A person whose name is on a layoff, promotion, or open-eligible register.
- EMPLOYEE or APPOINTEE - A person in the classified service, appointed by an appointing authority, unless specifically excluded by the Rules and/or applicable law.
- EXECUTIVE EXEMPT- As defined by FLSA
- FLSA – The Fair Labor Standards Act.
- FMLA – The Family Medical Leave Act.
- FUNCTIONAL ANALYSIS AND RECORDS DISPOSITION AUTHORITY- Establishes retention periods and disposition instructions for records and provides legal authority for law enforcement agencies to implement records destruction.
- LAYOFF REGISTER - A list containing the names of persons who have been separated from the classified service due to a layoff action, and who are entitled to preference in classified appointment to vacancies in positions.
- LOCAL GOVERNING BODY – The Shelby County Commission, or in the case of a Municipality, the City Council.
- MUNICIPALITY or CITY – A town or city duly incorporated within Shelby County, and not accepted, excluded, or excused from the operation of this Act, and which has elected to be subject to the Act.
- OPEN ELIGIBLE REGISTER - A record containing the names of those persons, who have successfully completed prescribed preliminary tests, listed and ranked in order of their final score from the highest to the lowest and are considered qualified for original classified appointment to entry level positions in the class for which the test was held.
- PERMANENT POSITION - Any position in the Classified Service requiring the full-time or part-time employment of one person in the performance and exercise thereof, on an ongoing basis.
- PROBATIONARY EMPLOYEE - An employee appointed to a permanent position from a layoff register, promotion register, or open eligible register, who has not completed his or her probationary period.
- PROMOTION - An advancement from one class to a higher occupational class with increased duties and/or responsibilities.
- PROMOTIONAL REGISTER - A record containing the names of those employees who have successfully completed prescribed preliminary tests,

listed and ranked in order of their final score from the highest to the lowest and are considered qualified for promotion to a higher classification.

- PUBLIC HEARINGS - A meeting of the Board, open to the public, whereas any citizen, taxpayer, or party at interest may appear and be heard subject to such rules and regulations as may be fixed by the Board.
- PUBLIC NOTICE - A written notice placed upon the bulletin board maintained at or near the entrance to the offices of the Board in a place accessible to the public during business hours, and placed upon a bulletin Board maintained in the Sheriff's Office.
- PUBLIC RECORDS - A record which the public shall have the right to inspect in a reasonable manner during ordinary business hours.
- QUALIFICATIONS - The minimum requirements determining the eligibility of an applicant for examination.
- REGULAR EMPLOYEE - An employee who was appointed under the provisions of the Act to a permanent position and who has completed his or her probationary period.
- RULES or THE RULES – The Rules and Regulations of the Board.
- SEASONAL POSITION - Any position in the Classified Service which requires or is likely to require the services of an incumbent during certain parts of each year, only at recurring annual or other periods.
- SHERIFF'S OFFICE – The Shelby County Sheriff's Office.
- SPECIFICATIONS - A formal statement descriptive of a position, and containing the title and class, the description of the duties and/or responsibilities thereof, and the minimum qualifications required of applicants.
- TEMPORARY POSITION - Any position in the Classified Service which is not permanent, but which requires or is likely to require the service of an incumbent for a period of four months or less.
- TESTS - Written and/or oral examinations and/or other methods established by the Board to determine the merit, efficiency, and general fitness of applicants for positions.
- WRITTEN TESTS – Pen and paper tests used to establish preliminary scores for eligibility registers. For the purpose of these Rules, "Written Test" may include computer based testing, when such testing is approved by the Board, and is of a similar format as a conventional written test.

Article III. General Provisions

Section 3.01 Purpose

The purpose of the Rules is to carry out the provisions of Act # 79-524 as amended, and to provide for the orderly administration of a civil service system for law enforcement employees of Shelby County, including but not limited to:

- For the preparation and maintenance of a position classification plan for all positions in the classified service.
- For the implementation of pay plan for all employees in the classified service.
- For the administration of open and promotional exams to determine the relative fitness of individuals, meeting basic requirements, to perform the duties of positions in the classified service.
- For the establishment of eligible registers for classified appointment and promotion, containing names of qualified individuals relative to their ranking scores on respective tests.
- For the maintenance of a layoff register containing the names of former employees who have been separated from the classified service as a result of a layoff action, and who are eligible for re-employment.
- For the certification of candidates from the appropriate eligible register to the appointing authority, in order to fill vacant positions in the classified service.
- For rejection of applicants or candidates who are found to be lacking in qualifications, or who have attempted any deception or fraud with respect to their application or tests, or for any other reason deemed appropriate.
- For the administration of a probationary period of twelve months before regular employee status is conferred upon an appointee or employee.
- For providing regulation for the provisional, emergency, temporary, seasonal and part-time employment of individuals as authorized by these rules.
- For establishing procedures for the implementation of disciplinary measures of dismissal, demotion, suspension, and for establishing procedures for the appeal of disciplinary action.
- For establishing procedures governing layoffs and reinstatements of employees.
- For establishing rules concerning normal hours of work, holidays, vacation leave, sick leave, and other special leaves.
- For the examination and certification of the rate of pay to assure adherence to the rules and regulations.
- For establishing rules concerning exemptions from coverage of the rules and regulations.
- For other rules, directives, or regulations not inconsistent with Act # 79-524 as amended.

Section 3.02 Organization

Employees of the Shelby County Sheriff's Office, and law enforcement employees of any other municipalities that become subject to the provisions of the Act, shall be in the classified service and subject the Rules of the Board in accordance with the Act, except that the following positions shall be exempted from coverage by the Rules:

- Elective Officers
- Members of any county or municipal board, commission or committee
- Any judge of any court
- Any employee of the United States Government
- Any employee of the State of Alabama
- Common laborers
- Unclassified Appointments

Section 3.03 Composition of the Law Enforcement Personnel Board

The Board shall consist of five members appointed by members representing Shelby County, as herein provided. Appointments to the Board shall be made as follows:

- The Shelby County Commission shall name one member.
- The Shelby County Legislative Delegation shall name two members.
- The Sheriff of Shelby County shall name one member.
- The employees of the Shelby County Sheriff's Office shall name one member. The Sheriff shall be responsible for certifying that this member was chosen by a majority vote of the employees.

Appointees shall serve terms of four years. All appointees shall be residents of Shelby County and qualified electors.

Vacancies on the Board shall be filled in the same manner as original appointments.

The members of the Board shall annually elect a Chairman and Secretary from among their number.

In the event any Board member becomes a candidate for, or is elected or appointed to another public office, he shall immediately vacate his position as a member of the Board.

Section 3.04 Duties of the Law Enforcement Personnel Board

In addition to duties set forth elsewhere in the law and these Rules, the Board shall:

- Meet in regular session on a monthly basis and at other times as necessary to transact the business of the Board.
- Prepare and adopt such policies, rules and regulations as are necessary to carry out the duties of the Board, the provisions of the Act and other

applicable law, and other rules deemed necessary to administer a sound civil service program.

- Issue subpoenas, hold hearings and render decisions related to disciplinary and related matters as set forth in the Act and the Rules.
- Transact other business within the purview of the board and the intent of the Act.
- Provide for periodic evaluation of employee performance.
- Provide for the maintenance of the classification plan.
- Maintain a roster of all positions in the classified service and the persons filling those positions.
- Maintain layoff, open, and promotional registers of applicants meeting the minimum qualifications to fill vacant positions in the classified service, and to certify candidates from such registers as required by the appointing authority.
- Insure the accuracy of payrolls in compliance with the Act and the Rules.

Section 3.05 Expenses of the Law Enforcement Personnel Board

All expenses incurred in the implementation and administration of the Act, the Board, and the Rules, shall be paid in accordance with the Act, as amended.

Section 3.06 Services for the Law Enforcement Personnel Board

The county governing body shall provide the Board suitable office space, equipment, furnishings, supplies, utilities, and other services necessary for the Board’s operation.

The Board shall have the power to appoint such assistants and legal counsel as may be necessary to perform its functions.

(a) Board Meetings.

The Board shall hold such regular and special meetings called by the Chairman as may be required to properly transact its business.

A majority of members present shall constitute a quorum.

For regular and special meetings of the Board, each member shall receive compensation as provided in the Act, plus such mileage as is provided by law and County Commission policy.

Section 3.07 Present and Future Employees

Classified employees are subject to the Rules upon adoption by the Board as specified in the Act.

Matters concerning incidents which occurred prior to the adoption of these Rules shall be resolved according to the rules and regulations in effect at the time of the incident.

Future employees shall be appointed in accordance with the Rules and Regulations and shall serve a probationary period of twelve (12) months from the date of classified appointment. Upon satisfactory completion of the probationary period, and employee shall attain regular status.

In the event that a municipality becomes subject to the Act by resolution adopted by its local governing body, the Board may extend regular status to the employees of the municipality, taking into consideration the length of service and related conditions of employment.

Section 3.08 Records

The Board shall keep minutes of its meetings and records of all business transacted by it. All Board records, except those required by Board rules to be held confidential for reasons of public policy shall be open for inspection by any resident during regular office hours. Records shall be retained as required by law and as necessary for the normal operation of the Board. Records that are no longer required to be retained, and which are not necessary for the normal operation of the Board, shall be destroyed in compliance with the "Functional Analysis Disposition Authority".

Section 3.09 Amendments to the Rules

The Personnel Board, by public hearing, may from time to time amend the Rules. No amendments to the Rules shall be made, nor shall any rule be repealed, nor any new rule be promulgated at the same meeting at which it is proposed. Final action to amend the Rules shall not take place less than seven (7) days after notice is given, and after a public hearing. Adequate notice of public hearings shall be sent to the appointing authorities and employees. Notice of proposed rule changes and rule adoption shall be certified to the county clerk and with the city clerk of any municipality electing to come under the Act.

ARTICLE IV. PURPOSE, AUTHORIZATION AND FORMAT OF THE RULES

Section 4.01 Purpose of Rules and Regulations

The purpose of the Rules is to provide for the orderly and efficient operation of the Board.

Section 4.02 Authorization of Rules and Regulations

These Rules, upon adoption by the Board as specified in Act # 79-524, as amended, shall be the official Rules and Regulations, and shall apply to all matters of the Board and members of the classified service.

Section 4.03 Formatting of Rules and Regulations

- The Rules are formatted into Articles, Sections, and Sub-sections for convenience and clarity in an effort to organize the Rules in a logical, easy to understand manner. The headings used are not intended to expand or limit the text of the Rules, but are designed to assist the user in locating and referencing particular articles, sections and sub-sections, and text passages.
- Unless specifically exempted, text passages that use one gender are to be interpreted as to include the other gender as well.
- “Shall” is mandatory, unless the text clearly indicates otherwise.
- “May” is permissive, unless the text clearly indicates otherwise.

Article V. The Classification Plan

Section 5.01 Purpose

The classification plan provides a complete inventory of all positions in the classified service, and an accurate description of and specifications for each class of work. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities. The Board shall prepare or direct the preparation of the classification plan, and shall deliver a copy of the proposed plan to each appointing authority. Each appointing authority shall have the opportunity to appeal position allocations and other elements of the plan prior to adoption by the Board.

Section 5.02 Preparation and Adoption

(a) The classification plan shall consist of:

- A grouping in classes of positions which are approximately equal in difficulty and responsibility which call for the same general qualifications and which can be equitably compensated within the same range of pay under similar working conditions.
- Class titles, description of the work of the class, which identify the class, shall be used in all personnel, payroll, and related records. No person shall be appointed to or employed in a position in the classified service under a title not included in the classification plan, except as provided elsewhere in the Rules. Working titles used in the course of departmental routine to indicate authority, status in the organization, or administrative rank may be used for those purposes.
- Written specifications for each class of positions consisting of:
 1. A title which is descriptive and consistent with other titles in the plan
 2. A brief overall description of the kind and level of work
 3. Examples of typical duties performed in positions in the class
 4. Qualification requirements setting forth the necessary experience, education, license and/or other special requirements, and the required knowledge, skills and abilities needed in order to perform the work.

Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Specifications are descriptive of the kind of work performed and not necessarily inclusive of all duties performed.

- An allocation list showing the class title of each position in the classified service, identifying by name, the incumbent in each position.

(b) The classification plan is to be used:

- As a guide in recruiting and examining candidates for employment.
- In determining lines of promotion and in developing employee training programs.
- In determining, in conjunction with wage surveys and job analysis, salaries to be paid for various types of work.
- In preparing and submitting departmental payrolls, leave reports and related personnel transactions.
- In providing uniform job terminology understandable by all officials, employees, and the general public.

Section 5.03 Maintenance

The Board shall be charged with the responsibility for maintaining the classification plan so that it will reflect the duties performed by each employee in the classified service and the class to which each position is allocated. It shall be the duty of the Board to:

- Establish new position classes and delete or revise existing classes.
- Review the duties and responsibilities of each new position established and allocated the position to the appropriate position class. It shall be the responsibility of the appointing authority to submit to the Board, a comprehensive job description for each new position established.
- Make periodic studies of positions in order to determine the changes in duties and responsibilities and make reallocation or reclassification of positions as necessary. Classification studies may be made at the request of an appointing authority or on the initiative of the Board. Changes in duty assignments must be more than of a temporary nature and the incumbent must be performing the duties for a sufficient duration to warrant a study or review.
- Direct the periodic grading and classifying of all positions in the classification service.
- Make provisions for appointing authorities, department heads, and employees affected by the allocation or reallocation of positions to be given reasonable opportunity to be heard by the Board.

When a position is reallocated to a higher position class, a lower position class, or another position class at the same level, the method of filling the position shall be determined in accordance with the Rules regarding transfers, demotions, or promotions as may be appropriate.

ARTICLE VI. THE PAY PLAN

Section 6.01 Salary and Benefit Schedule for the Shelby County Sheriff's Office

The Board shall, at least every five (5) years, provide for a compensation study, designed to assist the Board in establishing fair and competitive salary ranges for each classification.

All persons beginning employment in the classified service shall receive a salary corresponding to pay step #1 in the classification to which they are appointed, provided, however, that persons beginning employment in any classification may, upon approval by the appointing authority, receive an advancement of one pay step for every two full years of relevant, similar experience, provided further, however, that no person shall begin in a pay step higher than pay step # 4.

One pay step advancement shall be awarded each year until the maximum pay step is achieved, upon the following conditions:

- At least 30 days before any pay step advancement is due to be awarded, a written evaluation shall be submitted to the appointing authority by the employee's supervisor(s).
- The appointing authority shall determine, based on the evaluation, whether the pay advancement should be granted, and shall notify the Board of their determination.

Employees who are promoted from one classification to a higher classification shall begin in their new classification at a pay level one full pay step higher in the new classification pay plan than the pay step that employee would have been eligible for on October 1 following the promotion, including any annual advancements that would have been awarded prior to October 1, had the employee remained in the lower classification. Such employees shall continue to receive annual advancements as outlined above.

Section 6.02 Amending of Salary and Benefit Schedules.

Salary and Benefit Schedules shall remain as stated herein unless amended by the Board. Prior to July 1 of each year, the Board shall allow all interested parties to have a reasonable opportunity to be heard regarding proposed changes in the schedules. Any changes approved by the Board shall become effective on October 1, or at the beginning of the first pay period of the fiscal year as defined by the county commission or municipal governing authority, of the year in which the changes are adopted.

Section 6.03 Educational Incentives.

Those classified employees who have completed coursework at an institution that has been recognized as receiving regional accreditation (MSA, NWCCU, NCA-HLC, NCA-CASI, NEASC-CIHE, NEASE-CTCI, SACS, WASC-ACCJC, WASC-ACSCU) will be eligible to receive the following educational incentives:

- All classified employees with an associate degree or junior class status shall receive, in addition to their salary, a five percent (5%) educational incentive.
- All classified employees with an undergraduate degree shall receive, in addition to their base salary, a ten percent (10%) educational incentive.
- All classified employees with a master's degree shall receive, in addition to their base salary, a fifteen percent (15%) educational incentive. This advanced degree must be in a field related to the job functions in the Sheriff's Office (Criminal Justice, Education, MBA, Law and Public Administration). If an employee is interested in pursuing an advanced degree that is not one of the above-mentioned disciplines, it should be submitted to the Board prior to enrollment to determine if it meets the selection criteria established by the Board.
- All Educational Incentives, once verified by the granting institution, are subject to approval by the Board on an individual basis. Transcripts must reflect graduation before the classified employee is granted this incentive.
- All decisions on educational incentives made by the Board are not eligible for appeal.
- All classified employees who apply for these educational incentives will be eligible for these incentives if they have (1) completed these requirements prior to being employed by the Shelby County Sheriff's Office or (2) have completed these requirements after being employed by the Office.
- No classified employee will be eligible for reimbursement of expenses associated with obtaining any degree that would make them eligible for these incentives.

Section 6.04 Longevity Pay.

In addition to all other benefits provided herein, each eligible classified employee shall receive longevity pay according to the following schedule and eligibility requirements:

As of September 30, service of:

- From 5 years to 9 years ----- \$300.00 annually
- From 10 years to 14 years --- \$400.00 annually
- From 15 years to 19 years --- \$500.00 annually
- From 20 years to 24 years --- \$600.00 annually
- 25 years or more ----- \$700.00 annually

To be eligible for the longevity pay for the current year, an employee must have at least five years of service on or before September 30 of the current year, and must have been employed as a full time employee for one full calendar year immediately preceding and including September 30 of the current year. Payment is to be made as outlined in the

above schedule. Any person whose employment status ends prior to September 30 shall not be eligible for the longevity pay for that year. Any person who is an employee on September 30, and has met the other requirements outlined in the section, is deemed to have earned the longevity pay, and shall be paid the appropriate amount regardless of any employment status change that occurs after September 30.

Section 6.05 Fitness Incentive/Pay

The appointing authority shall determine the physical fitness program testing for each job classification. The fitness testing shall be administered semi-annually and the results of these tests shall be forwarded to the Board. The purpose of forwarding the test to the Board is to approve pay incentives associated with the tests.

Any employee that attempts each section of the fitness program testing shall be granted one day off, with pay. An attempt is defined as the employee making an effort at each section, regardless if the employee successfully completes each section.

Any employee that successfully completes all sections of the fitness program testing shall receive a two (2) percent pay incentive for the period in which that test is valid. An employee who fails to successfully complete the test at any subsequent time will no longer receive the two (2) percent pay incentive.

Employees may appeal to the Board for circumstances in which they received an on-the-job injury that prevented them from taking the test at the prescribed time. The appeal must have supporting documentation to confirm the injury was job-related and shall be submitted within ten (10) calendar days of the final opportunity to test.

ARTICLE VII. RECRUITMENT AND CLASSIFIED APPOINTMENT

Section 7.01 Announcements

The Board shall prepare or supervise the preparation of announcements to publicize vacancies and to provide candidates for the public service. Announcements shall specify the position title and description, base salary range, and other pertinent information relating to the position. Announcements shall set forth the time, place, and requirements of application.

Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions.

Section 7.02 Entry Level Applications

All entry level applications for employment and examinations shall be made on forms prescribed by the Board. The Board shall make application forms available to potential applicants at its business office in Columbiana AL, at the Sheriff's Office, and other locations as deemed appropriate by the Board.

Completed applications must be submitted to the Board, either by mail or hand delivery at its business office in Columbiana, AL during normal office hours.

All persons who meet the minimum requirements set forth in the public announcement are eligible to apply for examination upon filing the prescribed forms as required, provided however, that no person who has applied and been examined for a particular classification will be examined again for the same classification sooner than the third calendar quarter from the time of certification of scores from the previous examination. Upon approval of examination scores by the Board, the eligible register shall be updated to reflect the new scores, provided that new scores for applicants who are already on the eligibility list will only be updated upon the expiration of the previous score.

Application forms shall be maintained by the Board for two years, or as required by law, then destroyed.

Section 7.03 Background Investigations

Background Investigations are designed to safeguard against the classified appointment of individuals who have a history of criminality, unethical behavior, poor work performance, or who have given untruthful information during the application/selection process, or for any other reason are unsuitable for public service.

Background investigations are considered part of the testing process and may or may not be completed prior to an offer of employment. Background Investigations may extend

past the date of probationary classified appointment, but shall be completed prior to the end of the probationary period.

The information gathered shall be handled as privileged information available to appointing authorities and others when appropriate, in considering applicants. Files maintained by the Board containing background check information should be kept secured and separate from files containing non-confidential information.

As part of the background investigation process, former employers, police, FBI, and other public files, plus references provided by candidates, associates, neighbors, acquaintances and others may be checked as a precaution against obtaining undesirable employees.

Applicants may be required to submit to polygraph, psychological, personality, personal history interview, or other similar tests as part of the process.

Applicants may be required to undergo credit or other financial checks as part of the process.

The Board shall forward all pertinent information revealed during its background investigations to the appointing authority.

Unless otherwise specified, the Board delegates the process of background investigations to the appointing authority. The appointing authority shall notify the Board when any fact revealed during the background check of an applicant renders the applicant disqualified for service.

Section 7.04 Disqualifications

The Board may remove from further consideration at any time the application of an applicant who:

- does not possess the minimum qualifications;
- has established an unsatisfactory employment or personnel record as evidenced by reference check of such a nature as to demonstrate unsuitability for employment;
- has made a false statement of any material fact or practiced deception or fraud in his application, examination, or medical history;
- is addicted to or is a habitual user of drugs or intoxicants, rendering the individual unable to perform the duties of the position;
- is a user of illegal drugs;
- has been convicted of crimes other than minor traffic violations;
- has an unsatisfactory driving record as evidenced by a pattern, frequency, and/or severity of traffic violations or accidents;
- has refused or failed to report for interview, request for information, additional testing, or other similar process after certification to an appointing authority;
- has failed to report for duty at the time and place designated after appointment;

- has failed to respond to any official notice or phone call from the Board or appointing authority;
- has failed to notify the Board or postal authorities of a change in address;
- has been found to be unsuitable for employment, by the Board, for any good and articulable cause not inconsistent with the intent of the Act.

If during the pre-employment or probationary process, the appointing authority discovers that an applicant should be disqualified for any of the reasons mentioned above, or for any other reason that would make the applicant unsuitable for employment, the appointing authority shall notify the Board in writing, and the application shall be removed from further consideration. The appointing authority shall notify the applicant in writing.

Section 7.05 Examinations

(a) Types of Examinations.

Except as otherwise provided in the Rules, all appointments in the classified service, either at entrance level or promotional, shall be based on merit, efficiency, and fitness, to be determined as far as practical by competitive examination. Examinations shall be thorough and practical and shall relate to those matters which fairly reflect the relative capacity and fitness of those examined to perform the duties of the classification. All examinations shall be designed and administered in a manner consistent with applicable State and Federal laws. Examinations shall be one of the following types:

- **OPEN COMPETITIVE.** Examinations in which competition is open to all applicants meeting the announced requirements for admission to the examination. Unless otherwise specified by the Board, written exams for entry level positions shall be given at least once every calendar quarter.
- **PROMOTIONAL.** Examinations in which competition is limited to present employees. Except as provided elsewhere in the Rules, such examinations shall customarily be restricted to employees serving in a lower, related classification with regular status, and possessing the following levels of experience and education:
 - For promotional examinations for the classification of Sergeant Deputy, employees must hold an Associate Degree or junior class status from an accredited college or university, provided that this does not apply to employees who were employed prior to June 18, 1991. Prior to testing, the employee must also have four (4) years experience as a sworn law enforcement officer, three (3) of which are with the Shelby County Sheriff's Office.
 - For promotional examinations for the classifications of Lieutenant Deputy, employees must hold a Bachelor Degree from an accredited college or university, provided that this does not apply to employees who were employed prior to June 18, 1991. Prior to testing, the employee must be a Deputy Sergeant for a period of two (2) years, have six (6) years' experience as a sworn law

- enforcement officer, four (4) of which are with the Shelby County Sheriff's Office.
- For promotional examinations for the classifications of Captain Deputy, employees must hold a Bachelor Degree from an accredited college or university, provided that this does not apply to employees who were employed prior to June 18, 1991. Prior to testing, the employee must be a Lieutenant Deputy for a period of two (2) years, have eight (8) years' experience as a sworn law enforcement officer, seven (7) of which are with the Shelby County Sheriff's Office.
 - For promotional examinations for the classification of Corrections Officer Sergeant, the employee must have four (4) years' experience as a sworn law enforcement officer or corrections officer, three (3) of which are with the Shelby County Sheriff's Office.
 - For promotional examinations for the classification of Corrections Officer Lieutenant, employees must hold a Bachelor Degree from an accredited college or university, provided that this does not apply to employees who were employed prior to June 17, 2003. Prior to testing, the employee must be a Corrections Sergeant or Sergeant Deputy Sheriff, have six (6) years' experience as a sworn law enforcement or a corrections officer, four (4) of which are with the Shelby County Sheriff's Office.
 - Promotional examinations and or transfers within the job classifications not listed under 7.05 (a) require no prior experience in their current job classification or time in service.

Additional training, education, and/or experience may be required as determined by the Board in the best interests of the service.

Written tests used as promotional examinations for Sergeant Deputy, Lieutenant Deputy, Captain Deputy, Corrections Sergeant, and Corrections Lieutenant, are given at least biannually provided that the Board may order testing more frequently in order to maintain a sufficient roster of eligible candidates for other job classifications.

An employee who signs up for a promotional examination, and is unable to take the test because of an unforeseen emergency over which he/she had no control, may, upon recommendation by the appointing authority and approval by the Board, be allowed to take the same or a similar test, at a later date. If such employee scores a seventy (70) or above, his/her name shall be added to the promotional register in the appropriate band. In order to apply for this right, the employee must notify the appointing authority and the Board, in writing, within one (1) day of the original test date, or, if the emergency renders the employee unable to file such notice, one (1) day after the employee is first able to file the notice. This notice must contain:

- The details of the reason(s) the employee could not attend the scheduled test.
- The expected ending date of the emergency, if ongoing.

(b) Content of Examinations.

Examinations may consist of any, all, or part of the following examinations, sections, parts, and or tests. However, no questions in any examination, form, or application or any other proceedings shall be framed to elicit the political or religious beliefs of applicants; or shall in any way discriminate for or against an applicant because of his or her sex, nationality, race, color, ethnic origin, disability or any other factor that would constitute a violation of applicable law.

- **WRITTEN TESTS.** Unless otherwise specified, a written test will be used to establish an initial roster of applicants. Written tests shall be designed to show the familiarity of applicants with the knowledge, skills and abilities necessary in the class of positions to which they seek appointment, the range of their general knowledge, or their general educational attainments, mental alertness, aptitudes, and skills. The Board may prepare and administer written tests, or it may contract the preparation and administration of the tests to an independent person or company, as the Board chooses. Written test will be scored on a one hundred (100) point scale. Except by special action of the Board, applicants who score below seventy (70) on the written test will not be certified. Based on their tests scores, applicants will be grouped in bands according to the following schedule:
 1. Written test score of 90-- 100 ---- Band "A"
 2. Written test score of 80 – 89.99 ---- Band "B"
 3. Written test score of 70 – 79.99 ---- Band "C"
- **PERFORMANCE TESTS.** This part when required shall include such tests of performance as would determine the ability and manual skills of competitors to perform the work involved. Unless otherwise provided, the Board delegates the administration of such testing to the appointing authority, but requires that all such testing comply with accepted practices and applicable laws. Performance tests results which indicate that that applicant is unable to perform the work involved will result in the disqualification of the applicant, as outlined elsewhere in these Rules. Reasonable accommodations will be made for applicants with disabilities, as required by the Americans with Disabilities Act and other applicable laws.
- **PHYSICAL TEST.** This part, when required, shall consist of tests of bodily condition, muscular strength, coordination, agility, and physical fitness of competitors. This may be given a weight in the examination or may be used in the disqualification from further consideration of those applicants who do not meet the required minimum standards, provided that such test shall comply with all state and federal laws concerning employment discrimination. Reasonable accommodations will be made for applicants with disabilities, as required by the Americans with Disabilities Act and other applicable laws. Unless otherwise provided by the Board, the administration of physical tests is delegated to the appointing authority.

- **ORAL INTERVIEW.** This part, when required, shall include a personal interview for classes of positions where the ability to communicate and deal with others, to meet the public, or other similar qualifications are to be determined. Unless otherwise provided, the administration of oral interviews is delegated to the appointing authority, and may be used in excluding from further consideration applicants who do not possess the minimum requirements of performance, as demonstrated during the interview.
- **TRAINING AND EXPERIENCE.** This part, when required, shall be marked from the statements of the education and experience contained in the application form or from such supplemental data as may be required. The Board shall determine the minimum training and experience requirements prior to all promotional written tests.
- **OTHER TESTS.** Other reasonable tests may be utilized by the Board or the appointing authority to determine the relevant qualifications of an applicant for a particular position. These tests, when utilized, may be used to further screen, rank, or disqualify applicants based on their suitability or non-suitability for the position. These tests shall be utilized for the purpose of appointing the most qualified applicants, and shall be used in accordance with all applicable laws regarding employment practices and discrimination.
 - In the event the appointing authority provides for such tests, the Board shall provide the appointing authority with the names and contact information of all persons scoring seventy or above on the written exam, in order for the physical test to be performed in an efficient and timely manner.

(c) Rating of Examinations.

Unless otherwise provided by action of the Board, written tests scores will constitute 100% of the score used to rank applicants for entry level positions. Once ranked according to Bands as outlined in the Rules, other testing, whether performed by the Board or the appointing authority, may be used to further screen and/or disqualify applicants in order to insure that the most qualified candidate is appointed.

Results of any and all tests given for the Law Enforcement Personnel Board for promotional or entry-level positions shall be delivered to the Board's secretary via mail and/or email, placed in a sealed envelope, and given to the Board Chairman or a designated member, to be opened and approved by the Board at a meeting. Approved test results shall then be forwarded to the appointing authority for consideration.

The appointing authority shall be given all the names of individuals passing the promotional exam designated by their score and band. The appointing authority may use other testing procedures to further qualify applicants as outlined elsewhere in these rules (i.e., 7.05 (b)).

(d) Written Test Material.

The individual written tests used are property of the Board. Promotional candidates may, within thirty (30) days of notice of results, inspect their respective test papers. Candidates for open or entrance level examinations shall not have right of inspection. The Board shall retain the final right of confidentiality of test material in all instances and may destroy the test one year after the certification of test scores, provided that any agreement made between the Board and a vendor of tests shall supersede the rules regarding test material and confidentiality of test scores.

No request for a change of an examination rating shall be entertained by the Board unless such request is made within thirty (30) days after notice to the applicant of his rating, and the applicant shall specify the matters to which he objects. No change in ratings shall be made unless some manifest error shall appear in the fact of the paper; provided that no appointment previously made shall be changed or canceled.

(e) Fraud.

If an applicant during an examination is found to be committing any type of fraudulent act, such as but not limited to, using, without permission, any extraneous information such as other candidates' papers, memoranda, crib notes, pamphlets, and/or books of any kind, his test papers shall be taken and graded with a zero and a note made on the test papers stating the reason for such marking. Such applicant shall be barred from taking any future examinations.

No person shall willfully or corruptly make a false mark, grade, estimate, or report on an examination with respect to the proper standing of any person examined; or willfully or corruptly make any false representation concerning any person examined; or furnish to anyone special/secret information for the purpose of improving or injuring the prospects or chances of the appointment, employment, or promotion of any person examined or to be examined.

Any person guilty of such acts shall be deemed guilty of a misdemeanor.

Section 7.06 Eligible Registers

The Board shall establish and maintain such eligible registers for the various classes of positions as deemed necessary to meet the needs of the service. Names of eligibles shall be placed on lists in the order of their examination score, separated into bands "A" through "C" as outlined under the section dealing with written examinations.

(a) Open - Competitive Registers.

Such lists shall contain the names of those applicants attaining a minimum passing score on the open-competitive examination, ranked according to the Band dictated by their examination score.

Individual applicants shall remain on the list for one (1) year, or until appointed, disqualified, or until they request to be removed from consideration, provided that those individuals certified to the appointing authority for the purpose of filling one or more

positions, shall not have their names removed until appointments are made for the positions or the appointing authority requests a new list, whichever comes first.

Upon the certification of written test scores in a particular classification, those applicants with passing scores shall have their names added to the eligible list in the appropriate band, provided that new scores for applicants who are already on the eligible list will not have their scores added until the expiration of the previous score.

(b) Promotional Registers.

Such lists shall contain the names of employees attaining qualifying grades on promotional examinations, according to the test score band.

The duration of promotional registers is two years from the date of certification by the Board, provided that under special circumstances, the Board may extend the list for no more than one additional year. When a promotional register does not contain a sufficient number of eligible candidates to fill current or projected vacancies, the Board may order a supplemental examination be given. An applicant otherwise qualified, who did not take the previous examination, may apply for the supplemental examination. Such applicants will have their names added to the promotional register in the appropriate band, according to their test score.

(c) Layoff Registers.

This eligible list contains the names of former regular employees who were separated from various classes because of a lack of either work and/or funds, or whose positions were abolished as a result of departmental reorganization or for some other just reasons. The names of such former employees shall be placed on the list in order of seniority.

Employees placed on the layoff register shall be removed from the layoff register when reinstated, otherwise disqualified, or two (2) years after the layoff action, whichever comes first. Employees who are not reinstated within two (2) years of the layoff action must reapply for employment as a new candidate. Employees who are affected by a layoff while they are in probationary status shall have their names reinstated to Band "A" of the appropriate open eligible list, and shall not be placed on the layoff register. When there are two (2) or more employees who are equal in seniority, they shall be placed on the layoff list in the order of their most recent efficiency rating.

(d) Related Registers.

In the absence of an eligible list for a particular class within which a vacancy exists, the Board may certify from a register of a related class which they deem appropriate. Such related register should be for a class having substantially the same requirements as the class in which the vacancy exists, and the pay range should be commensurate between the classes.

(e) Municipal Contracts.

- Employment of Municipal Officers
 - In the event that the appointing authority enters into a contract to provide

law enforcement services to a municipality with existing employees certified by the Alabama Peace Officers Standards and Training Commission (APOSTC), those certified employees of the municipality shall be placed into band “A” of the current eligible hiring register. These names shall remain on the eligible register for a period of one (1) year from the date of addition, or until appointed, disqualified, or they request to be removed from consideration. Once certified, these names shall be dealt with as any other eligible candidate with the exception that the appointing authority may waive certain hiring requirements that would have been successfully addressed with APOSTC certification.

- **Rank/Promotion of Municipal Officers**
 In the event that the appointing authority enters into a contract to provide law enforcement services to a municipality with existing employees certified by the Alabama Peace Officers Standard and Training Commission (APOSTC), and the addition of employees would cause the appointing authority to increase supervisory level personnel within his/her agency, those certified employees of the municipality holding rank may be added to a current promotional register and treated as any other promotional candidate. The appointing authority will be responsible for determining the appropriate promotional register for each municipal candidate based on current span of control measures employed by the agency. The appointing authority may waive certain testing requirements as necessary to ensure effective operations of the agency. This request must be made in writing to the Board by the appointing authority to include the reason for the request, the name of the proposed candidate, and the appropriate promotional register for the name to be added.

- **Contracting with Municipality that has existing Police Department**
 In the event the Shelby County Sheriff’s Office contracts with a Municipality that has an existing Police Department, the following provisions may be made to offer a seamless transition.

 Any existing Municipal employee named by the contracting City for a position that the Municipality has agreed to fund may receive the following benefit.
 1. The person will be placed on the eligible list of qualified candidates by the Board.
 2. The Sheriff’s Office may waive the required physical fitness test for an APOSTC-certified candidate.
 3. All other established hiring requirements or any future requirements added must be passed for the candidate to be hired.

- **Span of Control**

In the event the Municipality agrees to contract for a significant number of employees that would require a supervisor, the Sheriff may ask the Board to waive the rule for time in service with the Sheriff's Office and that a municipal supervisor be allowed to test for promotional consideration. If this occurs and the Board approves, the established Span of Control theory will be utilized.

- Probation requirement
Any employee added by contract using this Rule must complete a one-year probation period.

Section 7.07 Removal from Register

When an applicant is employed through certification, his name shall be removed from the appropriate eligible register. In addition to the reasons for disqualification cited in Rule 7.4, eligible candidates shall have their names removed from eligible registers one (1) year from the date their name was placed on the list, or at the expiration date of the eligible register, provided that certified candidates who are being screened shall remain certified and eligible for appointment until the positions are filled or until the appointing authority requests an updated list of candidates.

Section 7.08 Reinstatement of Former Employee to Register

A former employee, who held regular status while employed, and who was separated from the classified service without fault or delinquency, may within one (1) year from the date of separation request reinstatement to the appropriate eligible register for the classification in which he/she served at the time of their separation. Requests for reinstatement shall be made in writing to the appointing authority. Upon the recommendation of the appointing authority, the Board may consider the former employee's reinstatement.

If approved by the Board, the former employee shall be added to Band "A" of the appropriate eligible register. The former employee's name shall remain on the eligible list for one year from the date of reinstatement, until the employee is re-hired, or until his/her name is removed as otherwise provided, whichever comes first.

All standards for hiring new employees shall apply to hiring a reinstated employee. A former employee who is restored to service shall re-enter service at a pay rate equivalent to a new employee. Additionally, any seniority held by a former employee at time of separation is forfeited upon reinstatement. An employee who is restored to service shall be subject to a one-year probationary period.

A former employee may request a reinstatement to eligibility only one time. Otherwise, former employees must compete for eligibility as if they were a new candidate.

Within ten (10) calendar days of completion of the probationary period the reinstated employee may request, in writing, to have his/her prior service credit reinstated to the Appointing Authority.

A decision will be made within ten (10) days of receipt of the request in the Appointing Authority's office. The Appointing Authority may reinstate the prior service credit of the employee. If no action is taken, the reinstatement is deemed denied.

If any former employee is reinstated under this rule, all benefits will be calculated based on the total service with the agency, effective with the date of reinstatement.

Section 7.09 Certification of Candidates.

Based on the receipt of an authorized requisition from the appointing authority, the Board shall certify the names of eligibles from the appropriate eligible roster in the following manner:

- First, the name of any ranking former employee(s) currently listed on the Layoff Register, if any, for the classification in which the vacancy exists, and any former employee that has been approved by the Board to be reinstated.
- Second, the names of all applicants listed in Band "A", "B", and "C", sequentially, of the current eligible roster for the classification in which the vacancies exist, until the certified list contains no less than ten (10) names for each current vacancy.
- Third, in the absence of an eligible list which meets the above requirements above, the Board may certify the names of eligibles from an eligible register for a related classification. Names from the related register shall be added to the certified eligibles list in the same manner as outlined above.

Section 7.10 Bypassing Names on an Eligible Roster

No employee who has been suspended shall be certified as eligible for promotion or advancement to another class or position within one year following the imposition of such suspension, unless approved by the Board.

Before certification, an eligible employee may waive his/her right to be certified for a period of not more than six (6) months. Such request must be filed with the Board in writing, and must contain the reason for such request and the ending date of the requested waiver period.

Section 7.11 Supplemental Certifications

On request by the appointing authority, the Board shall certify additional names, in order to update a certification list, when applicants on the former list have been disqualified for any reason or have declined to accept a position, or when a new examination has been given. Supplemental certifications shall be done in the same manner as outlined for certifications elsewhere in this section.

Section 7.12 Classified Appointment

Except as otherwise provided in the Rules, vacancies and newly created positions in the classified service shall be filled by transfer, promotion, classified appointment, classified reappointment or demotion, as necessary.

When a vacancy exists, the appointing authority shall submit to the Board a request for a certified list of eligibles for the position. The Board shall then compile the certified list as provided by the Rules, and submit the list to the appointing authority. The appointing authority shall then evaluate the eligibles and make a classified appointment from the certified list, or request a supplemental certification if necessary. If no classified appointment has been made 90 days after the last certification list was submitted, the appointing authority shall notify the Board in writing, stating the reason no classified appointment has been made, and the status of the screening process.

(a) Probationary Appointment.

A classified appointment to a full-time permanently budgeted position made from a certified eligible list or promotional register, shall be a probationary classified appointment subject to the completion of a satisfactory 12 month probationary period and satisfactory evaluation by the employee's supervisor. The probationary period shall be regarded as an integral part of the examination process, and shall be utilized to evaluate the employee's performance on the job, and shall also be utilized for dismissing any employee who does not meet the required standards of performance, or for a reduction in classification in the event the probationary period is for a promotion. The duration of such probationary period shall be for twelve (12) months from the date of classified appointment or promotion with no interruptions in service. The appointing authority may extend the probationary employee for the purpose of remedial training or to accommodate scheduling.

(b) Separation of Entry Level Probationary Employees.

An employee with probationary status may be discharged without the right of appeal to the Board.

(c) Promotional Probationary Employees.

A promotional probationary who is demoted shall have the option of returning to the position held prior to promotion.

(d) Regular Appointment.

Employment of an eligible person from a certified list, in a full-time regularly budgeted position, after the satisfactory completion of a 12 month probationary period, shall be considered a regular classified appointment.

(e) Provisional – Temporary Classified Appointment.

In the absence of an eligible list, the Board may, for urgent need, authorize the filling of a vacancy by provisional classified appointment. Any such candidate for provisional

classified appointment must meet education, experience, and related requirements set by the Board. Provisional classified appointments shall be for a period of not more than four (4) months. No provisional classified appointment shall be continued for more than thirty (30) days after the establishment of an eligible list for the class. The provisional classified appointment of an individual shall not confer on the appointee any rights of status, appeals, or related rights set forth under these Rules.

(f) Federally Funded and/or Grant Funded Positions.

Positions created in the classified service through federally financed employment programs or grants shall terminate at cessation of such federal funding, conveying no rights of tenure or permanency to incumbents, unless, as a condition of participation in the program or grant, the local governing body, appointing authority, and/or the Board has agreed to extend such rights of tenure or permanency.

(g) Other Types of Appointments Made Permanent.

An eligible person who has been temporarily appointed or appointed to a seasonal or part-time position, and who at the time of said appointment was a ranking eligible at the time of certification, is willing to accept the appointment under the conditions and for the period stated, may be permanently appointed to said position irrespective of the number of higher ranking eligible candidates available only for permanent appointment. Such appointment can be made only when:

- The fact that the position would become permanent was not known to the appointing authority at the time the temporary, part-time or seasonal appointment was made.
- That the incumbent has worked the stipulated time period for which initial appointment was made.
- All permanent appointments arising out of the foregoing provision must be approved by the Board.

Section 7.13 Approval of Classified Appointments.

No officer or employee of any department or jurisdiction shall make or approve any payment for personal services to any person holding a position in the classified service unless approved by the Board. In the event an appointing authority fails or refuses to fill a vacancy in an existing position from a certified list of eligibles, the Board may refuse to certify the payroll, voucher, or account of any ineligible person found to be performing the duties of said position.

Section 7.14 Contracted Services, Seasonal Appointments, Part-Time Appointments, Students, Interns, Temporary Appointments, Emergency Appointments, Volunteers, and other services not certified as classified positions.

Nothing contained in these rules shall restrict the right of the Sheriff, appointing authority, and/or governing body, to enter into contractual agreements with individuals, companies, or other entities, to provide products and/or services necessary for the

efficient operation of the agency, provided that those performing such services are at all times self-employed or employees of the business or entity under contract with the Sheriff, appointing authority, or governing body.

No person working under such contract shall be subject to the rules and regulations of the Board, and no such person shall be granted any status, right or privilege related to the provisions of the Act or these Rules, as a result of such contractual agreement.

Section 7.15 Promotions, Demotions, Transfers, Assignments and Layoff

(a) Promotions.

Vacancies in positions above the lowest rank in any category in the classified service shall be filled as far as practical by the promotion of employees in the service. The Board shall in each case determine whether an open-competitive or promotional examination will serve the best interests of the service in attracting well-qualified candidates.

Promotions in every case must involve a definite increase in duties and responsibility.

(b) Demotions.

An employee may be demoted to a position of any lower grade for which he is qualified for any of the following reasons:

- When an employee would otherwise be laid off because his position is being abolished, reclassified to a higher grade or a lower grade, lack of work, lack of funds, or because of the return to work from an authorized leave of another employee to such a position in accordance with the rules on leave.
- When an employee does not possess the necessary qualifications to render satisfactory service in the position he holds.
- When an employee is removed during probation.
- When an employee voluntarily requests such demotion.
- For disciplinary reasons.

If the employee is demoted against his or her will (other than probationers), he/she may appeal to the Board as provided elsewhere in the Rules.

The change of an employee from a position in one class to another class for which the maximum pay rate is lower shall be deemed a demotion and shall be effected in accordance with these Rules.

(c) Position Assignment.

An appointing authority may at any time assign a classified employee under his jurisdiction from one position to another in the same class regardless of the shift, location, hours of work, or other consideration as long as the new duties are consistent with the classification. Such transfers shall be made with the retention of all rights of seniority, vacation, sick leave, and overtime as the employee may have accrued.

Employees transferred from one position to another may not appeal to the Board unless the transfer involves new duties that are inconsistent with the classification and such inconsistent duties have been performed for more than thirty (30) consecutive days.

Any position assignment that will change the classification of the employee must be approved by the Board.

(d) Duty Assignments.

An appointing authority may assign any employee in the classified service under his jurisdiction to any duties so long as such duties are consistent with the classification. No employee in the classified service may be assigned duties of a different class for a period in excess of thirty (30) days without the approval of the Board. Any and all such assignments outside the classification must be reported to the Board when such assignments extend for more than ten (10) consecutive work days.

(e) Layoff.

In the event that it becomes necessary because of lack of work, lack of funds, or advisable in the interest of economy to reduce staff, the following procedure shall govern the layoff:

- The reason for such layoff shall be reported in writing and shall stipulate the number and classifications to be effected.
- The Board shall determine in consultation with the appointing authority the organizational units to be effected by the layoff.
- If such reduction is departmental, then the layoff shall be made by laying off the employee(s) in the classification to be effected by the layoff who are provisional, temporary, seasonal, part-time, and probationary, if any. From that point, layoff shall be of permanent employees in the classification on the basis of their relative seniority. In the event there are two or more employees who would be effected by the layoff, and have equal seniority, the employee who stands lowest on the efficiency or performance ratings, last regularly filed with the Board, shall be laid off first.
- When an employee is laid off in a department which has other classifications or grades lower than the classification or grade from which he or she is laid off, he or she shall have the option of working in any other lower classification or grade in the same department, providing the Board finds that he, or she, is qualified to perform the duties of such lower classification or grade, such option being subject, however, to the following:
 - Where an employee so laid off elects to drop to a lower classification or grade, and where the appointing authority reduces the number of employees in such lower classification or grade, the reduction shall be made in the manner herein provided, except that such reduction shall in no case cause the layoff of any permanent employee in such lower classification or grade who has more seniority in the department than the employee laid off from the higher classification or grade.

- A person laid off from a classification or grade shall have the right, so long as he or she is in the service or on the layoff register, to return to the position from which he or she is laid off, in the event such position is refilled.
- The duties previously performed by the employee or employees so laid off may be assigned to any other permanent civil service employee or employees in the department or office, who, in the opinion of the Board, are qualified to perform such duties regardless of the specific classification or grade to which such employees are allocated.
- Except in cases of emergency, any employee to be effected by layoffs shall be given a minimum of fourteen (14) days' notice.

ARTICLE VIII. ATTENDANCE, LEAVES, RESIGNATIONS, & RETIREMENTS

Section 8.01 Attendance

(a) Hours of Work.

The hours of work shall be fixed by the appointing authority in cooperation with the governing body with due regard to the convenience of the public.

(b) Overtime Work.

Employees may be required to work overtime when necessary in the interest of public safety or other reasonable objectives. The appointing authority shall determine when overtime work is required, and shall schedule employees as necessary. Overtime work shall not be granted, withheld, or otherwise used as a form of reward or punishment.

It is the intent of the Board to comply with the FLSA and applicable state law, in relation to overtime work. Overtime work may be compensated by pay or leave time, but in no event shall any employee be compensated with pay and leave time for the same overtime worked.

(c) Authorization of Overtime Work.

Overtime work shall be authorized only in the following cases:

- In the event of fire, flood, catastrophe, or other unforeseeable emergency;
- Where a work station must be manned and another employee is not available for work;
- To provide essential services when such services cannot be provided by overlapping work schedules;
- To carry on short-range projects in which the utilization of present employees is more advantageous to the department than the hiring of additional personnel.

In general, no employee shall be regularly scheduled to work overtime. Exceptions, based on seasonal variations in work programs, shall be recognized when approved by the appointing authority.

Section 8.02 Leave

(a) Types of Leave.

The following types of leave are officially established:

Holidays, vacation leave, sick leave, family medical leave, reserve sick leave, injury with pay leave, overtime leave, military service leave, jury duty leave, leave without pay, personal leave, administrative leave, temporary disability leave and bereavement leave.

(b) Attendance and Leave Reporting.

The appointing authority shall maintain attendance and leave records on all classified employees.

(c) Failure to Report Absences.

If an appointing authority or department head fails to report the absence of an employee and the employee is paid in excess of the amount due him, the appointing authority or department head shall be liable for the overpayment.

(d) Absence Without Leave.

An employee who is absent without leave shall be subject to the provisions of the Rules governing disciplinary actions.

(e) Seasonal, Temporary, and Part-time Employees.

Under no circumstances shall seasonal, temporary, and part-time employees be allowed to earn or use vacation leave, sick leave, or military leave.

(f) No Advance Leave.

Vacation leave, sick leave, and overtime leave shall not be allowed in advance of being earned. If an employee has insufficient leave to cover a period of absence, no allowance shall be posted in advance or in anticipation of future leave credits. In such cases, payroll deductions for the time lost shall be made for the pay period in which the absence occurred.

(g) Holidays.

The governing body of each jurisdiction served shall fix by resolution, the holidays that employees shall observe. Employees on non-pay status, such as a leave of absence, or on paid military leave, shall not earn additional time for holidays.

Executive Exempt employees shall not work on holidays approved by the County, unless approved by the appointing authority.

Employees who are required to work on a holiday shall be compensated at a rate that is two and one-half (2½) times their regular rate of pay for the number of hours worked. Employees whose regular off-day falls on a holiday shall be compensated at a rate that is one and one-half (1½) times their regular rate of pay. Employees who are not required to work on an observed holiday, and whose regular off-day does not fall on the holiday, shall be compensated for eight (8) hours at their regular rate of pay.

(h) Vacation Leave.

All employees holding regular full-time positions in the classified service shall be allowed to earn and accrue vacation with pay. Beginning with the calendar year following the calendar year of initial employment, employees shall be deemed to have earned vacation leave on January 1 of each year, according to their tenure in the classified service as shown in the schedule below. During the first calendar year of employment, employees shall earn and accrue vacation leave bi-weekly, on a prorated basis, at the rate of eighty (80) hours per full year. The time of such vacation leave shall be determined by the appointing authority or department head with due consideration to seniority, length of service, and request of the employee. Effective January 1, 2006, all employees shall earn and accrue vacation leave according to the schedule below, bi-weekly, on a prorated basis.

(i) Computation of Vacation Leave.

For the purpose of computing vacation leave, each week of seven (7) days, excluding holidays, shall be considered as containing five (5) work days. An employee holding a regular position shall earn vacation leave in accordance with his longevity of service as of his anniversary date as follows:

- Less than 1 year to 5 years service – 80 hours annually
- 5 years to 10 years service – 120 hours annually
- 10 years to 20 years service – 160 hours annually
- 20 years or more of service – 200 hours annually

Effective January 1, 2005, each employee shall be granted vacation based on the number of years of service completed during 2005 as follows:

- Less than 1 year to 5 years service – 80 hours
- 5 years to 10 years service – 120 hours
- 10 years to 20 years service – 160 hours
- 20 years or more service – 200 hours

Additionally, effective January 1, 2005, vacation shall also be accrued each pay period between January 1, 2005 and the employee's anniversary date at a rate consistent with the number of years of service completed as of January 1, 2005. If appropriate, the rate of accrual will change on the anniversary date of the employee.

Effective January 1, 2006, vacation will be accrued each pay period at a rate consistent with the number of years of service completed as shown in the table above. If appropriate, the rate of accrual will change on the anniversary date.

(j) Accumulation of Vacation Leave.

A maximum of 240 hours of Vacation Leave earned but not used may be accumulated and carried over to the next year. Any accumulated Vacation Leave in excess of 240

hours on January 1 shall be forfeited, except when the accumulation was required by the appointing authority in an emergency situation.

(k) Restrictions on Vacation Leave.

Vacation leave shall be subject to the following restrictions:

- An employee shall not earn vacation leave during a leave of absence without pay, a suspension, or when the employee is otherwise in a non-pay status for more than fifteen (15) calendar days in a month. In such cases the vacation earned will be calculated on a prorated basis.
- An appointing authority or department head shall not require an employee to forfeit his earned vacation as punishment through the action of suspension.
- Vacation leave must be taken as leave rather than payment, except as terminal pay.

(l) Sick Leave.

All full time employees holding regular positions shall be allowed to accrue sick leave. Sick leave is not a right for which employees may make demand, but a privilege granted in accordance with prescribed Rules which may be changed from time to time as the best interests of the service demand.

(m) Computation of Sick Leave.

For the purpose of computing sick leave, each week of seven (7) days, excluding holidays, shall be considered as containing five (5) work days.

(n) Accumulation of Sick Leave.

Sick leave shall be accrued at the rate of one (1) day for each month of service. Sick leave accrued but not used may be accumulated up to a maximum of one hundred fifty (150) days.

(o) Reasons for Use of Sick Leave.

An employee shall be allowed to use accumulated sick leave for the following reasons:

- Personal illness of the employee, including sick leave for maternity purposes.
- Personal physician and dental appointments.
- Illness arising from exposure to contagious disease endangering the health of employees.
- Illness in the employee's immediate family which necessitates his absence from work. In this case "immediate family" shall be defined as the employee's spouse, children, and parents.
- As a part of leave for circumstances covered by the FMLA, according to the policies of the appointing authority regarding the FMLA.

An employee who is absent on sick leave continuously for a period of five (5) work days or more shall submit a doctor's certificate or other written evidence to substantiate his sick leave usage. However, the appointing authority or Board may require evidence to substantiate any claim for sick leave.

Sick leave shall be subject to the following restrictions:

- An employee shall not accrue sick leave during a leave of absence without pay, a suspension, or when the employee is otherwise in a non-pay status for more than fifteen (15) calendar days in a month. An employee currently using Reserve Sick Leave Bank leave shall not accrue additional vacation or sick leave during the period when he is on Reserve Sick Leave Bank leave.
- Sick leave may not be granted to an employee whose absence from duty is a result of his own criminal misconduct.

Classified employees leaving the employment while in good standing may be paid for one-half of their accumulated sick leave at their regular rate of pay, provided however, this would not apply to an employee who is terminated for disciplinary reasons.

Employees who retire from the classified service may elect to be paid for one half of their accumulated sick leave, or accept retirement credit for the accumulated sick leave as allowed by the governing body and the State Employee's Retirement System. In no event shall a retiring employee be granted both pay and retirement credit for accumulated sick leave.

(p) Reserve Sick Leave.

The Reserve Sick Leave Bank was created to assist participating employees in the event of a Serious Health Condition of the employee that makes the employee unable to perform the essential functions of his or her position.

"Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or a period of incapacity requiring absence of more than **three calendar days** from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or any period of incapacity due to pregnancy, or for prenatal care; or any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or, any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

Participation in the Reserve Sick Leave Bank is on a voluntary basis.

In order to participate in the Reserve Sick Leave Bank, an employee shall irrevocably relinquish two days annually of their accumulated sick leave to the Reserve Sick Leave Bank. To become a participant in the program, an employee must complete a participation form. The total of days pledged will create the Reserve Sick Leave Bank to

be used by participating employees that have depleted their personal sick days, vacation, and holidays due to a Serious Health Condition.

Once all employees have contributed eight (8) days to the Reserve Bank, those employees would not have to make future donations to the bank unless the total allotment in the bank falls below five hundred (500) days. If the allotment drops below five hundred (500) days, all employees would be required to donate one (1) day to re-establish the Bank. If this one (1) day did not allow the Reserve Bank to go above five hundred (500) days, each employee would be required to donate one (1) additional day.

Only regular employees are eligible to participate in the Reserve Sick Leave Bank. An employee must have completed one year of tenure in order to participate. Enrollment in the Reserve Sick Leave Bank will take place during the next open enrollment for Benefits after the employee has completed one (1) year of service.

Once an employee becomes a participant, such participation shall continue as long as the employee remains employed in the classified service; the only exception to this rule is as follows: said employee, after becoming a member of the Reserve Bank, and having never requested the use of the bank, may submit to the Board in writing a request to withdraw from the bank, agreeing to forfeit all donations made to the bank; the Board may consider this request and vote to allow the employee to remove themselves from the bank.

The Shelby County Law Enforcement Personnel Board will oversee the administration of the Reserve Sick Leave Bank, and all decisions made by the Board are final.

Reserve Sick Leave may only be requested due to the Serious Health Condition of the employee, and no Reserve Sick Leave shall be granted to an employee due to the Serious Health Condition of another person.

A participating employee requesting days from the Reserve Sick Leave Bank must submit a Reserve Sick Leave Request Form to the Board. This paperwork includes sections that must be completed by the employee, the employee's physician, and the appointing authority. The employee must submit a timely, complete, and sufficient medical certification to support a request for leave due to your own serious health condition.

The appointing authority may take into consideration an employee's attendance record and use of earned sick leave. Any reasonable suspicion that causes the appointing authority to suspect that sick leave has been abused shall be cause to deny the request.

When the need for Reserve Sick Leave is foreseen, the employee is encouraged to submit the necessary paperwork to the appointing authority as soon as possible. The Board will accept the appointing authority's approval of Reserve Sick Leave leave as satisfactory proof that proper grounds for application for Reserve Sick Leave exist. The Board may approve the leave in advance based on the employee's request and the documentation, however the Reserve Sick Leave shall not be actually granted until the employee has

exhausted all other accumulated leave with pay. If the Board approves leave in advance, such leave is conditional upon the continued existence of the Serious Health Condition as presented in paperwork to the appointing authority and referenced in the application submitted to the Board, and upon the condition that the employee has exhausted all other available leave with pay.

The Board will be the final authority to approve or disapprove all requests submitted, and will require the completion of Reserve Sick Leave paperwork from the attending physician. A second medical opinion by a physician selected by and paid for by the LEPB may be required to substantiate a request. The number of days granted on each request will be determined by the Board. No employee will be granted more than thirty (30) days at a time from the Reserve Sick Leave Bank.

Any unused days will be returned to the Reserve Sick Leave Bank if the condition of the employee no longer qualifies under the circumstances for which the leave was requested.

Reserve Sick Leave may be requested only in the event of the employee suffering individually from a Serious Health Condition. In addition, such condition must prevent the employee from performing regular work duties or light duty.

Reserve Sick Leave is only for the employee's illness and cannot be used for the illness of another.

(q) Injury with Pay Leave.

An employee who sustains a disabling injury while performing the duties of his position shall notify the appointing authority as soon as possible. The appointing authority shall ensure that all documentation for a State Worker's Compensation Claims are filed with the jurisdiction's governing body, which administers the Worker's Compensation Claim process. The amount of leave time granted, the method and amount of compensation granted, and a determination of the degree and duration of any disability of such employee will be determined in accordance with the governing body's policies relating to Worker's Compensation Claims, and temporary and permanent disability benefits, as administered by the governing body. In the event that an employee is compensated through the State Worker's Compensation process, or by a temporary disability benefit program provided by the governing body, said employee shall not be entitled to his or her regular pay for the same time period covered by the other compensation nor shall they be allowed to accrue any type of leave.

(r) Overtime Leave.

It is the intent of the Board to comply with the Fair Labor Standards Act and applicable state laws concerning overtime. All rates of compensation in force are based on a forty (40)-hour work week unless otherwise accepted by the Board. Work being performed in the classified service in excess of the normal work week shall be governed by the following:

- **ELIGIBILITY for Overtime Leave.** All employees, with the exclusion of Executive Exempt employees, in the classified service shall be subject to these provisions, as required by state and federal law.
- **OVERTIME LEAVE.** Accrued Overtime leave may be taken at any time by an employee, provided said employee follows procedures established by the appointing authority regarding the request for overtime leave, and further provided that the granting of overtime leave does not cause an undue hardship on the agency or cause a danger to the public as a result of understaffing.
- **MAXIMUM LIMIT FOR OVERTIME LEAVE ACCUMULATION.** A maximum limitation of eighty (80) hours overtime leave is hereby set. Any employee accrual of overtime leave in excess of this amount (80 hours) shall, within the following pay period, be disposed of by either (a) payment at the currently hourly pay step of the incumbent, or (b) granting time off as outlined in this section.
- **SPECIAL OVERTIME PAYMENT PROVISIONS** upon separation from the service, an employee shall be compensated at his regular, hourly pay step, for each hour of overtime; such compensation shall be made as terminal pay, with the limitations engrossed in sub-section (p) of this rule.
- **REPORTING AND PAYMENT of OVERTIME**
- The Board reserves the right to make final disposition of all payments for overtime and to periodically conduct reviews of departmental practices of granting overtime.
- Prompt and accurate reports of overtime earned and used shall be maintained by the departments and shall be subject to periodic review by the Board for conformance to these Rules.

(s) Military Leave.

Military Leave will be granted to qualified employees according to applicable law and the policy of the local governing body. (See appendix A)

(t) Jury Duty Leave.

An employee summoned for jury duty or as a witness in court, shall be granted leave with pay.

(u) Leave of Absence without Pay.

Leave of Absence without pay, except for leave granted under the provisions of the Family Medical Leave Act, may be granted only when the leave will not cause an undue hardship or inconvenience to the agency or the public. The impact of the leave upon the agency and the public shall be considered on a case by case basis when such request is presented. Upon recommendation of the appointing authority and approval of the Board, such leave may be allowed in the following categories:

An employee occupying a regular, full-time position, who is temporarily incapacitated to perform duties, may be granted a leave of absence for no more than one (1) year.

An employee with permanent status who desires to engage in a course of study which will increase his usefulness upon his return to duty may be granted a leave of absence for not more than one (1) year.

An employee with permanent status may be granted a leave of absence for not more than one (1) year for any reason considered good by the appointing authority subject to the approval of the Board.

Leave without pay requests must be submitted in writing and must state the purpose of the leave, the date the leave is to begin and end, and must be accompanied by approval of the appointing authority.

(v) Temporary Disability Leave.

In the event that the local governing body provides Temporary Disability Benefits for employees, such leave time may be included as a part of the employee's FMLA time, if the employee is eligible for FMLA leave. The provision of such benefits by the local governing body shall not increase the amount of leave time earned by, or granted to, an employee.

(w) Family Medical Leave Act Leave.

Eligible employees will be granted leave time under the FMLA, as required by law. The appointing authority shall receive requests for FMLA leave, and determine when leave should be classified as FMLA leave. The appointing authority shall collect and maintain all associated documentation for such leave time, and inform the Board when such leave is to be granted, and whether the leave time is to be with pay or without pay. The appointing authority shall have the right to coordinate FMLA leave with other leave time, and to institute other regulations relating to the use of FMLA leave as is deemed necessary. (See Appendix B)

(x) Personal Leave.

Personal leave is that leave provided for employees who are absent for personal reasons and who are not paid or reimbursed from any other source. Personal leave shall be limited to two (2) days annually with pay.

(y) Administrative Leave.

When necessary, the Appointing Authority may place an employee on Administrative Leave pending the outcome of an internal investigation. Administrative Leave is limited to thirty (30) days, unless extended by request of the Appointing authority and approval by the Board. Administrative Leave may be either with pay or without pay, as deemed appropriate by the appointing authority.

(z) Bereavement Leave.

All full-time employees shall be granted up to three days off (with pay) when the employee experiences a death in his or her immediate family (spouse, child, parent, step-parent, parent-in-law, brother, sister, brother-in-law, sister-in-law, grandparent, or grandchild, or the death of a family member for whom the employee has been the

primary care-giver). The employee must use the three days off within ten (10) calendar days from the date of death.

Section 8.03 Resignation or Retirement.

An employee with permanent status who wishes to resign or retire from his position in the classified service in good standing shall submit his notice in writing to the appointing authority not less than fourteen (14) days prior to the effective date. Under unusual conditions the appointing authority may reduce the required number of days notice.

A permanent employee separating or retiring from the service shall receive terminal pay at their regular rate, for any accrued leave time except sick leave. The last day actually worked shall constitute the close of business for computational purposes.

Employees who resign or retire in good standing may within one (1) year following separation apply for reinstatement to the eligible register, as outlined elsewhere in the Rules.

Employees who wish to retire must comply with additional procedures as dictated by the State Employee's Retirement System.

Article IX. EFFICIENCY RATINGS

Section 9.01 Reports.

The Board shall be responsible for obtaining and preserving ratings on all personnel, such ratings to reflect the performance of incumbents of positions of the same class and/or grade, so that standards of performance may be established to determine the relative abilities of such incumbents; and to discover these employees who, measured by the performance of their assigned duties and demonstrated promotional potential shall be subject to:

- Promotion.
- Merit Increase.
- Transfer.
- Reduction in Pay.
- Demotion.
- Dismissal.

Section 9.02 Rating Plan

The appointing authority shall use a rating plan approved by the Board. Such plan shall be based on accepted personnel administration practices in respect to the measurement of performance and promotional potential.

Section 9.03 Appeal of Efficiency Rating

Every rated employee shall have the opportunity to discuss and review his rating with the person or persons rating him. He shall also have the opportunity in the event of a disagreement to discuss and review his rating with supervisors in his/her chain of command. If unable to reconcile any differences through this process, the employee shall further have the opportunity to have his rating reviewed by the Board. The employee shall make this request within ten calendar days, and in writing.

Article X. Disciplinary Actions and Appeals

Section 10.01 Disciplinary Policy.

The tenure of every employee in the classified service shall be conditioned on the satisfactory conduct of the employee and continued, efficient performance of assigned duties and responsibilities.

Employees serving in a probationary period may be disciplined or dismissed by an appointing authority without right of appeal to the Board.

A permanent employee may be dismissed, demoted, or suspended for cause or for any reason deemed to be in the best interest of the public service and shall have the right of appeal as set forth in the following provisions.

The reasons for such action shall be furnished in writing to the employee and the Board.

Section 10.02 Causes for Disciplinary Action.

The following are among the causes which shall be sufficient for dismissal, demotion, or suspension:

- Absent without leave.
- The commission of any criminal act.
- Conduct unbecoming an employee in the public service.
- Conviction of a criminal offense or of a misdemeanor involving moral turpitude.
- Disorderly or immoral conduct.
- Incompetence or inefficiency.
- Insubordination.
- Intoxication or consumption of alcohol while on duty.
- Neglect of duty.
- Negligence or willful damage to public property or waste of public supplies or equipment.
- Violation of any lawful or reasonable regulation or order made and given by a superior officer.
- Willful violation of any of the provisions of the Act or of these Rules.
- For any other reason deemed to be in the best interest of the public service and not inconsistent with the intent of the Act or the rules and regulations arising therein.

Section 10.03 Self-Incrimination.

An employee shall have the right of any other citizen in regards to constitutional protection from self-incrimination with regard to criminal investigations, however, employees may be ordered to answer questions relating to employment issues, as part of non-criminal investigations.

Section 10.04 Suspension.

An appointing authority may suspend, for any reason listed in the Rules, without pay, an employee in the classified service. In the event such suspension is for more than one (1) day, a permanent employee shall have the right of hearing. Such suspension shall be effected by service upon the employee by the appointing authority, a written statement of the delinquency for which suspension was made, a copy of which must be delivered to the Board. The suspended employee shall have a right to file an answer with the Board and appointing authority.

Section 10.05 Notice of Dismissal or Demotion.

Notice of dismissal or demotion shall be in writing and shall set forth:

- The cause of action.
- The date dismissal or demotion is to become effective.
- Any other information deemed appropriate.
- The employee's right to appeal the dismissal or demotion to the Board.

A copy of such notice shall be delivered to the Board on the same day that notice is served on the employee. Notification shall be made prior to or on the date such dismissal or demotion is to be effected, or as soon as practical thereafter.

Section 10.06 Appeal.

An employee with permanent status shall have the right to appeal disciplinary action of dismissal, demotion, or suspension, within the limits prescribed in the Rules. An employee desiring to appeal shall, within ten (10) calendar days after notice thereof, file with the Board, in duplicate, a written answer to the charges and request for a hearing. Such answer shall contain:

- The reason of dismissal, demotion, or suspension.
 - An admission or denial of guilt.
 - Reasons why the dismissal, demotion, or suspension should not take effect.
- Upon receipt of the appeal, the Board shall forward a copy thereof to the appointing authority concerned.

Section 10.07 Hearings

(a) Open to Public.

The Board shall order a public hearing of such charges within thirty (30) days from receipt of notice of appeal. The hearing shall be for the purpose of determining whether or not the employee, by reason of his act or acts as charged and his record of service, merits retention in the service or should be dismissed or otherwise disciplined; and to that end the Board shall not be bound by the technical rules of evidence but shall diligently seek all of the information and evidence bearing on the merits of the case. Either party at interest may be represented by counsel.

(b) Witnesses.

It shall be the duty of the Board to subpoena witnesses other than character witnesses, for or against the employee upon written request and affidavit that their testimony is necessary. Employees in the classified service shall be required to attend and testify without subpoena.

(c) Record of Testimony.

The Board shall require that testimony introduced at hearings be recorded but same shall not be transcribed except upon further order.

(d) Decision.

The Board shall render its decision within ten (10) calendar days after the conclusion of the hearing which shall forthwith be certified to the appointing authority and enforced by him. Copies of the decision shall be delivered to all other parties at interest. The Board may affirm, rescind, modify, or increase the penalty imposed by the appointing authority as warranted by the facts adduced at the hearing.

(e) Further Appeal and Review.

Any employee or appointing authority aggrieved and effected by a decision of the Board on the original hearing of a disciplinary case shall be entitled to a rehearing of the issue by filing with the Board within five (5) days of an adverse decision, a written request for rehearing. The Board shall hold such rehearing within (30) days of receipt and shall render its decision upon conclusion of such rehearing.

(f) Judicial Review.

The decision of the Board based upon all proceedings before the Board shall be final subject to appeal by an aggrieved employee or appointing authority to the Circuit Court to review questions of law and the question of whether or not the decision or order of the Board is supported by the substantial and legal evidence. On such appeal the Circuit Court shall review the record and shall affirm, reverse, remand, or render said cause. The decision of the Board shall be controlling until reversed on appeal as provided for herein.

The appeal shall be perfected by filing with the Board and the Court, a statement in writing, to the effect that said party appeals from the decision or order of the Board to the Circuit Court, which statement shall be filed within thirty (30) calendar days from the announcement of the decision or order of the Board. Review by the Court shall be without jury, and be confined to the record, and to a determination of the questions of law presented.

Section 10.08 Citizens May File Charges.

Any person who desires to file Rule charges against an employee shall file such Rule charges in writing and shall recite therein the specific act or acts of the employee constituting such cause. The Board shall serve a copy of the Rule charges on the accused employee, shall investigate the validity of such charges and if warranted, shall fix a day for the hearing.

The accused employee shall, within five (5) calendar days after service, file a written answer to the charges. Failure on the part of the accused employee to file such answer shall be deemed an admission of the truth of such charges without further investigation or hearing on the part of the Board. A decision shall be rendered by the Board in accordance with these Rules.

If the Board determines that a citizen complaint does not warrant a hearing, the Board may refer the complaint to the appointing authority for disposition. The Board may also, at its discretion, seek assistance from the appointing authority in the investigation of such complaints.

Section 10.09 Activities Prohibited

No person shall be appointed or promoted to, or dismissed from any position, or in any way favored or discriminated against with respect to employment because of his sex, political or religious opinions or his race, except as allowed by law.

No person shall seek or attempt to use any political endorsement in connection with any appointment to a position.

No person shall use or promise to use, directly or indirectly any official authority or influence, whether possessed or anticipated, to secure for any person an appointment or advantage in appointment to a position, or any increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

No person shall solicit any such assessment, subscription, or contribution of any employee.

Any officer or employee under the jurisdiction of this Act who violates any of the foregoing provisions of this section shall forfeit his office or position, however, nothing in this provision shall be construed to deny any employee his rights to associate or be represented by any organization of his choosing nor shall an employee be denied this right to petition his city, state, or national government.

Article XI. Duties of County and Municipal Officials

All elected authorities and officials subject to this Act shall assist in the implementation and maintenance of the provisions of the Act and the Rules and Regulations, and aid in the administration of the merit system program.

Appendices

Appendix A

Job Classifications

Appendix B

Reserve Sick Leave Bank

Appendix C

The Shelby County Commission Policy on Military Leave

6.16 MILITARY LEAVE

(a) Authorization of military leave will be in accord with the Code of Alabama 1975, 3 1-2-13 and applicable federal law, as summarized bellow:

1. All county employees who are active members of the Alabama National Guard, Naval Militia, or the Alabama State Guard organized in lieu of the national guard or of any other reserve component of the Armed Forces of the United States, are entitled to military leave of absence from their respective duties on all days that they are engaged in field or coast defense or other training, or on other service ordered under the provisions of the National Defense Act, or of the federal laws governing the United States Reserves, without loss of pay, time efficiency rating, annual or sick leave, or any other county provided benefit.
2. No such persons granted such military leave of absence with pay will be paid for more than 168 working hours per calendar year.
3. Eligible employees are entitled, in addition to the foregoing, to be paid for no more than 168 working hours at any one time while called to active military duty by the Governor.

(b) An eligible employee who wishes to be granted military leave will submit a copy of the Employee's Military Orders with a leave notice through the appointing authority to the director. A notice must be submitted as soon as the employee becomes aware of the projected dates of service.

(c) County employees will receive payment for 168 working hours per calendar year while on active duty. An employee that is eligible to accrue annual and sick leave will accrue said leave for the applicable month in which they are in pay status and meet all leave of absence accrual requirements.

(d) Upon exhaustion of the military leave, a classified service employee will be eligible to receive Active Military Duty Without Pay. Before going into Active Military Duty Without Pay status, the employee may request to use his or her accrued annual leave and/or compensatory time. Usage of accrued leave will occur after the exhaustion of the 168 working hours of Military Leave pay.

(e) The county intends to comply with any applicable and constitutional laws with respect to military leave but recognizes that the applicable laws are sometimes amended and/or superceded. Therefore, to the extent any portion of this policy conflicts with applicable and constitutional laws, the county will abide by the applicable law.

6.18 ACTIVE MILITARY DUTY WITHOUT PAY

(a) Classified service employees who are voluntarily or involuntarily called to active duty with the Armed Forces of the United States will be granted leave without pay for the duration of their obligated military duty subject to the cumulative totals provided by applicable law.

- (b) Upon release from military service they will be entitled to reemployment with the county in a comparable job that is no lower in grade or pay than that in which they were employed at the time of their call-up, provided:
1. They are physically and mentally suited to perform the required duties;
 2. They make application for reemployment to the county within ninety (90) days following honorable separation from the Armed Forces of the United States ten (10) days if rejected for service) or from hospitalization continuing after discharge for a period of not more than one (1) year; and
 3. No more than five (5) cumulative years of military leave have passed as calculated by federal law.

In the event that conditions have changed such that reinstatement is not feasible, the employee will be placed on the layoff list with priority right to reinstatement.

- (b) Upon receipt of voluntary or involuntary active duty orders, a classified or unclassified service employee will submit a notice for a leave without pay for military duty through the appointing authority or designee to the director. Active military duty leave without pay will begin after any and all requirements of the military leave policy are met for classified and unclassified service employees.
- (c) The Military Leave Policy for the Local Government Health Insurance Program (LGHIP) is in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 64317. Under the USERRA, an employee on qualified military leave has the right to elect continued health insurance coverage for himself or herself, and his or her dependents, during periods of military service.

An employee on qualified military leave for periods up to 30 days of training or service will be maintained on the county's health insurance coverage and will be charged for their normal share of the health insurance premium. For periods of service longer than 30 days, the employee will be offered COBRA continuation coverage after receipt of the appropriate military documentation.

When an employee on qualified military leave with family coverage has his or her coverage terminated, the dependents will be offered COBRA continuation coverage. The COBRA period for dependents is limited to 36 months. The COBRA coverage period will terminate prior to 36 months if the employee's military leave period ends within the 36 month period or the employee returns to work within 63 days of the end of the military leave.

An employee (and his or her eligible dependents covered at the time of his or her military leave) returning to work less than 63 days after the expiration of military leave will be added to the existing coverage without a waiting period for preexisting medical conditions.

- (d) The county intends to comply with any applicable and constitutional laws with respect to military leave but recognizes that the applicable laws are sometimes amended and/or superceded. Therefore, to the extent any portion of this policy

conflicts with applicable and constitutional laws, the county will abide by the applicable law.

6.19 VETERANS' REEMPLOYMENT RIGHTS

- (a) County regular classified and full-time unclassified service employees who enter, either voluntarily or involuntarily, active military duty in the Armed Forces of the United States shall be entitled upon release or discharge from service under honorable conditions to reemployment with the county and reinstatement of benefits unless the active duty period exceeds five (5) years subject to the calculation equations set forth in federal law.
- (b) Reemployment with the county after the release or discharge from active duty is permitted without loss of seniority, status or pay if six conditions are satisfied:
1. The veteran must have been the employ of the county as a regular classified or full-time unclassified service employee. Those employees who were in a probationary status when they entered the Armed Forces will have to complete their probationary period upon reemployment with the county in order to be reinstated. Part-time and temporary county employees would not qualify for reinstatement to the pre-service position unless it was reasonably probable that they would have continued in that position until the end of their service.
 2. The employee must have left for the purpose of going on active duty. This includes leaving to undergo military training or service or to undergo a pre induction physical or other qualifying examination.
 3. The veteran must not have exceeded five (5) years of cumulative military leave as calculated by federal law.
 4. The veteran must have been discharged or released from active duty under honorable conditions to qualify for reinstatement rights.
 5. The veteran must apply for reemployment with the county within ninety (90) calendar days after the separation from active duty or from hospitalization continuing after such a release for not more than a year to qualify for reinstatement rights. It is not necessary to return to work within the ninety (90) days period only to make the application to the county for reinstatement rights. A veteran who does not seek reinstatement within the time frame enumerated in the preceding sentences will be subject to the county's no call/no show policy in the Resignation Policy.
 6. The veteran must be qualified to perform the duties of the pre-service position or a similar position sought in terms of physical and mental abilities, performance standards, etc. Those veterans who as a result of military service sustained, aggravated or manifested a disability and are unable to perform duties of the position that would otherwise be due him or her, and are qualified to perform the duties of any other available position in the county, will be entitled to such other positions as will provide the applicant with like seniority, status and pay or the

nearest approximation. The disability must arise during military training or service but need not be service connected or service aggravated.

- (c) Rights of Returning County Employee Veteran If the above six conditions are met the county within a reasonable period of time after the application for reemployment is made, will reinstate the qualified veteran to a position of like seniority, status and pay. However, if the county's circumstances have changed as to make it impossible or unreasonable to reemploy the veteran then the county may deny reinstatement. In the event a vacancy does not exist the veteran will be placed on the layoff list with priority right of reinstatement.
 - (d) Termination for Cause For veterans who served more than 180 days, the county may not terminate reinstated veterans within the first year of reinstated employment except for cause. For veterans who served from 31-180 days, the county may not terminate reinstated veterans within the first 180 calendar days of reinstated employment except for cause.
 - (e) Notification to the County of Military Orders Upon receipt of written or oral active duty orders, (including training and drills), an employee is required to submit a notification of a leave of absence for military service through the appointing authority to the director. The notification of leave can be either oral or written.
- Upon completion of duty, the Reservist or National Guard member is required to report back to work with the county through the appointing authority to the director pursuant to the schedule set by applicable law. Should the Reservist or National Guard member be late in returning to work without adequate explanation, the employee will be subject to the County's usual disciplinary actions for tardiness or unexcused absences.
- (f) Miscellaneous Eligible employees are not required to use their available annual or compensatory leave days to satisfy their military service obligations. The county is not required to compensate eligible employees for hours or days not worked or for accruing leave time for period of their military obligations.
 - (g) The county intends to comply with any applicable and constitutional laws with respect to military leave but recognizes that the applicable laws are sometimes amended and/or superceded. Therefore, to the extent any portion of this policy conflicts with applicable and constitutional laws, the county will abide by the applicable law.

