

**CITY OF DAPHNE
ORDINANCE NO. 2024-36**

AN ORDINANCE TO AMEND THE CITY'S MILITARY LEAVE POLICY, ADOPT AN
ACCOMMODATIONS POLICY, AND REORGANIZE CHAPTER 1
OF THE CITY'S EMPLOYEE HANDBOOK

WHEREAS, the City Council of the City of Daphne, after due consideration, believes it appropriate to reorganize Chapter 1 of the City of Daphne Employee Handbook, adopts new accommodations policy, and revise the military leave policy;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:

SECTION I:

The City adopts a new Accommodations of Religion and Medical Conditions policy as set forth in Exhibit A to this Ordinance and places the policy as Section 1.4. in the Employee Handbook.

The City reorganizes Chapter 1 of the Employee Handbook with policies renumbered to include the new Section 1.4., and amends the titles of certain policies, as set forth in Exhibit B to this Ordinance.

The City amends Section 9.13 Military Leave Policy of the Employee Handbook, with the specific revisions set forth in Exhibit C to this Ordinance.

SECTION II: REPEALER

That any Ordinance, or parts thereof, heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance be and is hereby repealed to the extent of such conflict.

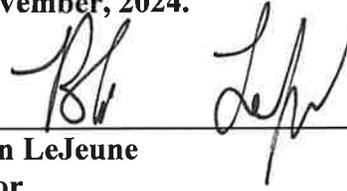
SECTION III: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA, THIS 18th DAY OF November, 2024.**



**Robin LeJeune
Mayor**

ATTEST:



**Candace G. Antinarella, MMC
City Clerk**

EXHIBIT A

ADOPTION OF NEW POLICY

1.4 ACCOMMODATION OF RELIGION AND MEDICAL CONDITIONS

The City will attempt to make appropriate accommodations for qualified employees or job applicants who have difficulty performing essential job functions or complying with our policies because of religious belief or practice, or any physical or mental disabilities, or any limitations created by pregnancy, childbirth, or related medical conditions. The City is committed to engaging in an interactive process regarding accommodations requests and evaluating if and how the City may provide accommodations. Individuals seeking accommodation must cooperate with the interactive process. The City will make every effort to handle accommodation requests sensitively and to protect the confidentiality of the information shared with the City whenever possible.

In general, a reasonable accommodation is a modification or adjustment of an individual's job or work environment that effectively enables the individual to perform essential job functions or enjoy equal employment benefits and privileges as similarly situated employees or applicants.

Requested accommodations must be reasonable and must not cause undue hardship to the City or pose a threat to the health or safety of the individual, co-workers, or others in the workplace. Some examples of unreasonable accommodation requests include permanently eliminating essential functions of a job, making other employees perform essential job functions for an employee, modifying a work schedule if the modification adversely affects other employees' ability to perform their jobs, completely excusing an employee from uniformly applied attendance rules or performance standards, indefinite leave of absence, unreasonable extensions of leave, or changes for the mere convenience or personal benefit of an employee.

Employees or applicants seeking accommodation must notify the Human Resources Director. Department Heads and other managers or supervisors who receive a request for accommodations from an employee or job applicant must notify the Human Resources Director. Individuals requesting accommodation are strongly encouraged to make these requests in writing. The City may require any person to follow up on a verbal request with a written request.

An individual seeking accommodation is responsible for reasonably describing the at-issue religious belief or practice, or the mental or physical disability, or the pregnancy-related limitation, how the individual is having difficulty or other issue with performing essential job functions or complying with the City's policies, and how the requested accommodation(s) will assist with performing essential job functions or complying with the City's policies. The City encourages individuals to suggest specific accommodation.

Individuals seeking accommodations may be required to provide further description or explanation of the requested accommodation or provide medical information concerning any pregnancy-related limitations or physical/mental disabilities. Where appropriate, the City may ask for the individual's permission to obtain additional information from medical provider(s) or require the individual to provide medical information related to the identified disability or limitation or requested accommodation.

The City reserves the right to make the final decision regarding accommodation. The City is not required to make any specific accommodation requested and may provide alternative accommodations if alternative accommodations reasonably address the issue. Accommodations

are subject to periodic review. As part of the review, the City may require employees to provide updated medical information to demonstrate that the need for accommodation is ongoing.

EXHIBIT B

REORGANIZATION OF HANDBOOK CHAPTER 1

CHAPTER 1 EMPLOYMENT PRACTICES

1.1.	GENERAL PROVISIONS RELATED TO POLICIES AND PROCEDURES	
	Purpose	
	Contract Disclaimer	
	Scope of Policies and Procedures	
	Amendment or Supplementation	
	Operational Guidelines	
	Responsibility for Personnel Administration	
	Appointing Authority	
	Department Head	
	Disciplining Individual	
1.2.	REPORTING MISCONDUCT AND INTERNAL INVESTIGATIONS	
	Reporting Misconduct	
	Investigations	
1.3.	DISCRIMINATION AND HARASSMENT PREVENTION POLICY	
	Commitment to Equal Employment Opportunities	
	Harassment Forbidden	
	Sexual Harassment Forbidden	
	Retaliation Forbidden	
	EEO/Harassment/Retaliation Complaint Procedure	
	Investigation	
	Remedial Action	
	Appeal of Findings and Action	
1.4	ACCOMMODATION OF RELIGION AND MEDICAL CONDITIONS	
1.5.	RESIDENCY REQUIREMENTS	
1.6.	ANTI-NEPOTISM POLICY	
	Purpose	
	“Relative” Defined	
	Notice Requirements	
	Prohibitions and Restrictions	
	Remedial Action	
1.7.	POLITICAL ACTIVITY POLICY	
	Not To Affect Employment	
	Improper Use of Influence	
	Participation Rights	
	On-the-Job Political Activity Prohibited	
	Use of City Resources for Political Activity Prohibited	

	Political Activity While in Uniform Prohibited	
	City Political Office Candidates	
	Other Government Political Office Candidates	
	Other Off-Duty Political Activity	
	Reporting Violations	
	Discipline	
1.8.	DRUG AND ALCOHOL POLICY	
	Purpose	
	Prohibited Activities	
	Testing	
	Pre-employment Testing	
	Prescription Medicine Reporting Responsibility	
	Enforcement and Discipline	
1.9.	WORKPLACE VIOLENCE POLICY	
	Prohibited Activities	
	Reporting Responsibilities	
	Investigation and Remedial Action	
	Victim Assistance	
1.10.	PRIVATELY-OWNED FIREARMS IN THE WORKPLACE	
	Definitions	
	Carrying of a Firearm On Duty	
	Transportation of Firearms and Ammunition upon City Employee Parking Lots	
	Firearm and Ammunition Policy Inspection and Discipline	
1.11.	ACCESS TO CITY PREMISES AND WORK SITES	
1.12.	SMOKING POLICY	
1.13.	VEHICLE AND EQUIPMENT USE POLICY	
1.14.	ELECTRONIC MEDIA USE AND MONITORING POLICY	
	Scope	
	City's Property; Primary Use for Business Purposes	
	Restrictions	
	No Right of Privacy	
	Loss or Theft	
	Limited Personal Use	
	Confidentiality	
	Personal Electronic Equipment	
	Return of Electronic Media	

1.15.	CELL PHONE USE	
1.16.	ATTIRE	
1.17.	MOONLIGHTING	
1.18.	SOCIAL MEDIA POLICY	
	Definitions	
	Application	
	Guidelines and Prohibitions	
	Enforcement	
1.19.	EMPLOYEE REFERENCE INQUIRIES	

EXHIBIT C

AMENDMENT
OF
EXISTING SECTION 9.13

9.13. MILITARY LEAVE POLICY

Scope and Eligibility. Employees who are members of the United States Armed Forces, the Reserves, the National Guard, or the Civil Air Patrol, or who hold certain positions with the Public Health Service positions or the National Disaster Medical System (including the AL3 Disaster Medical Assistance Team) are eligible for military leave for training, service, or fitness-for-duty examinations. Military leave is available if an eligible employee needs time off from work for military training and drills, or fitness-for-duty examinations, or is called into active service by the Governor of the State of Alabama (“state military service”) or is ordered into active service under the provisions of the National Defense Act, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 or the federal laws governing the United States Reserves (“federal military service”). This policy covers employees taking those types of leaves as well as employees who leave the City’s employment for lengthy absences or resign to enter full-time active duty service.

Notification of Military Absence/Documentation. If an employee requires leave, or desires to resign employment, due to military training, fitness-for-duty examinations, or active military service obligations, the employee must submit a written request for military leave or resignation notice to the Human Resources Director through the Department Head. The employee also must submit a copy of relevant military orders or other documentation unless the orders or documentation are not reasonably available. If orders or other documentation are not initially available, the employee must submit the orders or documentation as soon as possible after they become available. When requesting military leave, the employee also must notify the Human Resources Director through the Department Head of the reasons for the requested military leave, the anticipated date of departure, and the anticipated return-to-work date, if known. Resignation notices to become a full-time active duty member of the military should include a resignation date. Requests for extension of a previously granted military leave must be made to the Human Resources Director, provide the same information, and be supported with new orders or other written documentation provided when reasonably available.

Paid or Unpaid Military Leave. With two exceptions, military leaves are unpaid leave. An employee may elect to use available vacation pay during a military leave after exhausting available paid military leave. The City will not charge an employee’s vacation pay balance for any military leave without written instruction from the employee.

*“Federal Service” Paid Leave*_An employee granted a military leave of absence for “federal” service, and for training and fitness-for-duty examinations as a member of the National Guard or Reserves will be paid for up to one hundred sixty eight (168) working hours per calendar year for those hours the employee otherwise would have been working for the City. For example, if the employee is not otherwise scheduled to work on weekends, then the employee will not be paid for “weekend drill.”

“State Service” Paid Leave An eligible employee also will be entitled to be paid for up to one hundred sixty eight (168) working hours at any one time while called to duty by the Alabama Governor in the active service of the State of Alabama to assist with the enforcement of the law, the preservation of the peace or for the security of the rights and lives of citizens or protection of

property in aid and relief of citizens in disaster, or any similar duty, or any other service that the Governor may for specific reasons so designate.

Health/Dental Insurance Benefits During Military Leave. During an approved military leave of absence lasting 90 calendar days or less, the employee's health and/or dental insurance, if any, will continue just as if the employee had not taken leave. The City will continue to pay its portion of the premium, and the employee must arrange to pay on time any portion of the premium the employee usually pays. An employee's health and/or dental insurance coverage may terminate if the employee fails to pay on time any portion of the premium the employee is obligated to pay. If the employee resigns employment to enter active military service, or if an employee's military leave or military absence is for 91 days or longer, health and dental insurance coverage provided by the City will lapse, but the employee may elect "continuation coverage" at the employee's expense up to 102% of the full premium to maintain health insurance.

Vacation Pay and Paid Sick Leave. An employee who is on military leave for more than ten (10) working days during a month will not accrue any paid vacation or paid sick leave for the month, as it is with other employees on a leave without pay status. An employee who separates from employment in order to join the Armed Forces will not accrue any paid vacation or paid sick leave during the period prior to re-employment. An employee who separates from employment in order to join the Armed Forces and does not return to employment with the City will forfeit unused sick leave as provided in the Paid Sick Leave policy unless the employee retires.

Other Benefits. Employees on military leave are eligible for those other benefits to which employees on leave without pay status are eligible. Retirement credit for the military service will be in accordance with the City's retirement plan.

Notification of Return from Military Absence. When an employee seeks to return to work or apply for re-employment following a military absence, the employee must provide notice to the Human Resources Director of an intent to return to work or apply for re-employment according to following schedule:

(1) If the employee was absent for military fitness-for-duty examination or the military absence was for less than thirty-one (31) days, the employee must return to work and/or reapply for work at the beginning of the first full regular scheduled work period that starts at least eight (8) hours after the employee returns from the location of military service, training, or examination. For example, if an employee is released from a two-week National Guard drill at 8:00 a.m. on Monday, June 1, the City will allow the employee the time it takes to travel home, plus eight (8) additional hours. If the travel time is less than eight (8) hours, the employee would not be required to report for work until the next full scheduled work day, Tuesday, June 2. If the travel time is more than eight (8) hours, then the employee would not be required to report for work until Wednesday, June 3, because the travel time plus eight (8) hours will overlap into Tuesday, June 2.

(2) If the military absence was for more than thirty (30) days but less than 181 days, the employee must return to work and/or re-apply for work no later than fourteen (14) days after completing the service or training. But if circumstances beyond the employee's control make returning within this fourteen (14) day period impossible or unreasonable, then the employee

must notify the Human Resources Director about those circumstances and return to work on the next calendar workday when returning becomes possible or reasonable.

(3) If the military absence was for more than 180 days, the employee must notify the Human Resources Director of an intent to return to work no later than ninety (90) days after the completion of the service or training by submitting a written application for re-employment.

(4) If an employee is hospitalized or recovering from an injury or illness incurred or aggravated during the military service or training which makes the employee unable to perform job duties, the employee must: (i) as soon as possible, notify the Human Resources Director regarding the injury or illness and resulting inability to work; and (ii) at the end of the necessary recovery period, notify the Human Resources Director of the intent to return to work by submitting a written application for re-employment. The City cannot guarantee reinstatement if the recovery period exceeds two (2) years unless circumstances beyond the employee's control make re-application impossible or unreasonable. In such circumstances, the employee must re-apply to the Human Resources Director on the next calendar workday when notice becomes possible.

Return-to-Work Documentation. Within two (2) weeks after returning from any military leave or absence of longer than thirty (30) days, the employee must provide documentation (unless such documentation does not yet exist or is not readily available) showing: (i) the return-to-work notice was submitted within the required time period; (ii) the total length of the period of military service; and (iii) the employee received an honorable or general discharge (if applicable).

Re-Employment Rights. If an unclassified or classified employee is called to active duty or separates from employment to join the Armed Forces, the City will re-employ the individual in the old position or position of like seniority, status, and pay upon discharge from military duty, subject to the following conditions.

- Notice Given Prior to and Following Absence. The employee must have complied with the notice provisions of this policy prior to and following the absence for military duty.
- Honorable or General Discharge. The employee must have received an honorable or general discharge from military service unless the employee remains a member of the National Guard or Reserves or is otherwise not in an active-duty service.
- Length of Service Restrictions. The employee's total cumulative absence must not exceed five (5) years, excluding certain types of military service described under federal law.

Post-Military Employment Position, Pay, Benefits. When an employee returns to work after a military absence or military leave, the employee in most circumstances will be assigned to the former job or to an equivalent job with the pay, benefits, seniority, and working conditions the employee would have had if continuously employed. If an employee separates from employment in order to join the Armed Forces, and then later exercises re-employment rights described in this policy to return to work for the City, the City will credit unused sick leave that the employee had accumulated at the time of departure to the sick leave account when the employee returns to work.

Exceptions to Re-employment Rights. Re-employment will not be required if the City's circumstances have changed so as to make it impossible or unreasonable to re-employ the

individual. Such changes include: (i) the organization has changed drastically in nature and size; (ii) the individual's old job has been abolished and employment would have been lost anyway; or (iii) the individual is no longer physically or mentally qualified for the old job or a comparable job; or (iv) the position from which the employee departed was a temporary job.

"For Cause" Discharge Protection. The City makes a limited exception to its "at-will employment" rule for any employee who returns to work from military leave or is re-employed after a military absence. If a person's period of military service or training was more than 30 days but less than 181 days, then the City will not discharge or terminate the individual, except for cause, during the 180-day period after such reemployment or return to work from leave. If a person's period of military service before reemployment with us was more than 180 days, then after re-employment, the City will not discharge or terminate the individual, except for cause, during the one-year period after the date of such reemployment.