

STATE OF ALABAMA
DEPARTMENT OF FINANCE

EMPLOYEE HANDBOOK



Department of Finance
Personnel Division
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SECTION 1: GENERAL INFORMATION

1.1 PURPOSE OF HANDBOOK

This Employee Handbook (Handbook) has been prepared to provide employees (Employees) of the Alabama State Finance Department (Department) with a written summary of the personnel policies, rules, and standards of conduct which govern employment with the Department, but it is not all-inclusive. This Handbook, including without limitation those policies and procedures contained in the Handbook, supersedes and replaces any and all conflicting policies and/or procedures of the Department which address personnel issues. Any such conflicting policies and procedures are hereby rescinded. This Handbook should be read carefully and kept as a reference. Any Employee with questions about the content of this Handbook should seek clarification from his or her immediate supervisor, Division Director, or the Finance Personnel Division.

1.2 DISCLAIMER NOTICE TO EMPLOYEES

This Handbook is meant to be a quick reference. In the event of a conflict between a provision of this Handbook and applicable law, the Administrative Rules of the State Personnel Department, or other source document, the provisions of that law, Administrative Rules, or source document shall govern. The policies set forth in this Handbook may be altered, modified, or rescinded and new policies may be issued by the Finance Director at any time.

This Handbook is not a contract of employment between the Department and its Employees. All persons employed by the Department are hired, evaluated, promoted, and/or discharged in accordance with the rules and laws governing employment with the State of Alabama (State) and its agencies.

The Department reserves the right to change policies and rules based on Department needs and other requirements. As policies are written, changed, or updated, they take precedence over any conflicting information found in this Handbook.

1.3 DEPARTMENT MISSION STATEMENT

The mission of the Department is to provide financial and administrative direction and services to State government that benefit the citizens of the State of Alabama.

1.4 DEPARTMENT ORGANIZATION

The Department is more than just dollars and cents. With multiple divisions and more than 400 Employees, the Department claims a very large number of responsibilities. From formulating the Governor's annual budgets to maintaining the grounds of the Capitol complex in downtown Montgomery, the Department leaves its mark on State government.

When used in this Handbook, the term “Division Director” shall refer to the director of one of the divisions described in this section.

1.4.1 FINANCE DIRECTOR’S OFFICE

The Finance Director is the chief financial officer of the State, serves as advisor to the Governor and the Legislature in financial matters, and is responsible for protecting the financial interests of the State. The Finance Director is also responsible to the Governor for the administration of the Department.

1.4.2 CONTROL AND ACCOUNTS

The Control and Accounts Division has the responsibility to keep all books, records, and accounts relating to the finances of State government that are authorized or required to be kept by the Department; to control and make records of all payments into and out of the State Treasury and each special fund and account therein; to pre-audit and determine the correctness and legality of every claim submitted for the issuance of a warrant and to determine that funds have been appropriated and are available for payment.

1.4.3 DEBT MANAGEMENT

The Division of Debt Management is responsible for the accounting for various authorities and commissions that issue bonds, administration of the Volume Cap Program, Site Grant Program, Gulf Opportunity Zone Act of 2005, Knight vs. State final settlement, and the Alabama Capital Improvement Trust Fund. The division also maintains certain other records for various authorities and commissions including minutes of meetings and assists in the preparation of Official Statements and continuing disclosure for certain bond issues.

1.4.4 EXECUTIVE BUDGET OFFICE

The Executive Budget Office (EBO) operates under the direction of the Assistant Finance Director for Fiscal Operations. The mission of the EBO is to effectively prepare the Governor's budget proposal, properly administer and supervise the execution of legislative appropriations, estimate revenues for budget preparation and administration, and assist in the drafting of budget appropriation bills.

1.4.5 FINANCE ACCOUNTING AND ADMINISTRATION

The Division of Finance Accounting and Administration provides financial services to the Department of Finance divisions to promote the effective and efficient use of public resources while ensuring compliance with fiscal procedures, published financial standards, and statutes which impact fiscal matters. Finance Accounting provides guidance to the divisions of Finance by establishing procedures to ensure compliance, process financial transactions timely and accurately, and provide division management with accurate financial information needed to make managerial decisions.

1.4.6 INDIGENT DEFENSE SERVICES

The Office of Indigent Defense Services, in cooperation and consultation with other state agencies, professional associations, and other groups interested in the administration of criminal justice and the improvement and expansion of defender services, provides financial services, guidance, and statistical data to the judicial circuits of the State of Alabama.

1.4.7 INFORMATION SERVICES

The Information Services Division (ISD) provides enterprise services to all levels of State government that enable improved communications and interoperability in a way that is affordable and available. ISD offers categories of service including Electronic Government Support Services, Network Services, Information Service Operations, Software Application Development, Infrastructure, eCommunications, Telephone Services, Support Services, and Information Technology Planning, Standards, and Compliance.

1.4.8 LEGAL

The Legal Division provides legal services to the Finance Director and the Department's divisions. The Legal Division also provides clerical support for the State Board of Adjustment. The Chief of the Legal Division serves as Legal Counsel for that board as well.

1.4.9 PERSONNEL

The Personnel Division ensures compliance with personnel policies and procedures and oversees personnel actions, training, payroll, and leave administration for the Department. The Personnel Division also provides interpretation of Department rules and policies and State Personnel Department rules.

1.4.10 PURCHASING

The Purchasing Division provides assistance involving the letting of contracts for goods and most services for approximately 130 state agencies. The Division of Purchasing establishes and supervises the execution of all contracts and leases for the use or acquisition of any personal property and nonprofessional services unless otherwise provided by law. The Division serves as an agent between the State and those who wish to offer goods and services to the State.

1.4.11 RISK MANAGEMENT

The Division of Risk Management (DORM) administers the State Insurance Fund, General Liability Trust Fund, the State Employee Injury Compensation Trust Fund, the State Employee Assistance Program, and the Equipment Maintenance Program. DORM also manages insurance coverage of various departments of state government that require commercially provided insurance and provides risk management guidance on risk issues affecting the State.

1.4.12 SERVICES

The Division of Services is responsible for a wide range of infrastructural operations within the State Capitol complex. These operations include, but are not limited to: maintenance of State Buildings, Space Management, Fleet Management, Shop Operations, and the Central Mailroom.

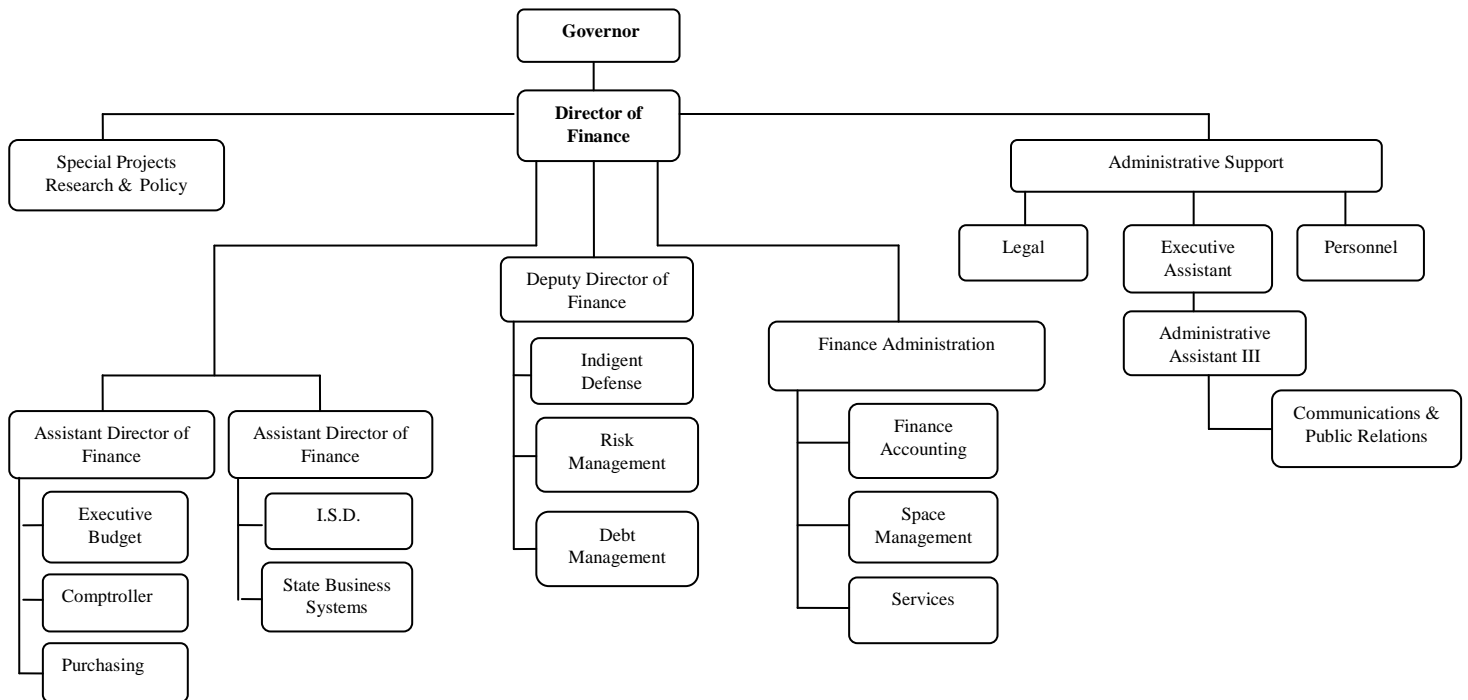
1.4.13 SPACE MANAGEMENT

Space Management reviews and recommends for the Governor’s approval real estate leases of executive branch agencies, maintains an inventory of these leases, and manages a variety of building projects.

1.4.14 STATE BUSINESS SYSTEMS

The State Business Systems Division is a cross-discipline unit that supports and works to improve state-wide business processes. The current organization structure includes AFNS Agency Assistance, FRMS Support, and Business Process Management.

1.5 DEPARTMENT ORGANIZATION CHART



SECTION 2: EMPLOYEE SELECTION

2.1 THE MERIT SYSTEM

The State's Merit System Law was passed in 1939 and now appears in Sections 36-26-1 through 36-26-116, *Code of Alabama, 1975*. The purpose of the merit system, as stated in the law, is as follows:

“To assure all citizens of demonstrated capacity, ability, and training an equal opportunity to compete for service with the State of Alabama; to establish conditions in the state service which will attract officers and Employees of character and capacity; and to increase the efficiency of the governmental departments and agencies by improvement of the methods of personnel administration.”

The merit system offers Employees protection against job discrimination and unfair dismissal. It requires Employees to be judged on their own merit.

2.2 POSITION CLASSIFICATION

The State Personnel Department has responsibility for the merit classification of positions to classes, the reallocation of positions from one class to another, the establishment of new classes, and the abolition of existing classes.

2.3 NEW APPOINTMENTS

New Employees normally begin at the minimum pay rate for the job classification. The effective date of an initial appointment into State service must be the first day of work and may be any day during the pay period.

2.4 TYPES OF APPOINTMENTS

2.4.1 REGULAR APPOINTMENT

A regular appointment is a selection by the appointing authority from the names certified by the State Personnel Department of a person to occupy a permanent position subject to a working-test (probationary) period of at least six months.

2.4.2 TEMPORARY APPOINTMENT

A temporary appointment is the appointment of a person for a temporary period not to exceed 104 days actually worked.

2.4.3 PROVISIONAL APPOINTMENT

A provisional appointment is made when there is no appropriate register from which a regular appointment can be made or when there are fewer than three available candidates. A provisional appointment does not serve a probationary period or attain permanent status. In no case is a provisional appointment to be continued for more than 156 days actually worked.

2.4.4 DIRECT APPOINTMENT

A direct appointment is the appointment of a qualified person without qualifying on an examination by applying directly to state departments. The status of persons appointed through direct appointment is the same as any Merit System Employee. They serve the same probationary periods, are eligible for the same raises, benefits, etc.

2.4.5 UNSKILLED APPOINTMENT

An unskilled appointment is the appointment of a qualified person to a position that involves unskilled or semiskilled manual labor. Because these persons are not hired competitively, they are not eligible for permanent status and are not considered Merit System Employees.

2.5 BACKGROUND INVESTIGATIONS

To assure that each job applicant is suitable for employment by the Department, there shall be a verification of education, training, character references, and any other information that might be appropriate, for each permanent and temporary new hire, reemployment, appointment, and contract personnel completed prior to a conditional offer of employment or engagement being made final and the Employee beginning work. Each prospective Employee to whom a conditional offer of employment has been extended and accepted must complete the forms required for the background check.

A criminal record does not disqualify a prospective Employee, as all of the circumstances surrounding the Employee's criminal offense will be considered. (Reference Department's Background Investigation Policy and Procedure – Appendix A)

2.6 EMPLOYMENT OF RELATIVES

The Department does not employ relatives through temporary, provisional, or direct appointments, including but not limited to laborer positions. Employment of a relative from a register and through lateral transfer is permissible; however, Employees will not be placed under the direct or indirect supervision of a relative. Relative is defined as (but not limited to) spouse, child, grandchild, parent, grandparent, sibling, parent-in-law, daughter-in-law, and son-in-law. Direct or indirect supervision refers to either rating or reviewing supervisor and/or Finance Director.

2.7 NEW EMPLOYEE ORIENTATION

The Personnel Division will provide orientation for new Employees. All new Employees will be required to complete necessary employment forms, furnish a Social Security card, and provide proof of their identity and their ability to work in this country. If these items are not provided within three working days from the date of employment, the Employee will be required to provide a receipt for application for replacement documentation. The Employee will then have 90 days to provide the original documentation.

During the orientation session, the Employee will be given an opportunity to ask questions about any information contained in this Handbook. All new Employees are required to sign a form acknowledging their receipt, review, and understanding of the policies included in this Handbook prior to continuation of employment with the Department.

SECTION 3: PERSONNEL POLICIES AND GUIDELINES

3.1 AMERICANS WITH DISABILITIES ACT

It is the policy of the Department to comply with all provisions of the Americans with Disabilities Act (ADA), as amended. The Department will not refuse to hire, dismiss from employment, or discriminate in compensation or other terms of employment because of an otherwise qualified Employee's or applicant's mental or physical disability. The Department does require that all of its Employees, including those with disabilities, be able to perform the essential functions of their job or jobs for which they apply.

Consistent with the ADA, it is the policy of the Department, upon request, to provide reasonable accommodation to the known physical or mental limitations of an otherwise qualified Employee or applicant with a disability, unless such accommodation would cause an undue hardship.

An Employee with a complaint regarding the ADA should first discuss the matter with his/her immediate supervisor or a higher-level supervisor in the chain of supervision. If the matter remains unresolved, the Employee may file a complaint per the Department's Grievance Resolution Policy and Procedure. (Reference Appendix E.) The Department is committed to promptly and fairly resolving such complaints.

If an Employee is not satisfied with the Department's resolution of the complaint, he/she may file a complaint with the Equal Employment Opportunity Commission (EEOC). Complaints must be filed within 180 days of the date of the alleged violation in order to be considered by the EEOC. (Reference the Department's ADA Policy – Appendix B.)

3.2 CONTACT WITH THE NEWS MEDIA

It is the policy of the Department to cooperate as fully as possible with news media inquiries and to manage contacts with the news media in such a manner as to ensure accurate dissemination of information on matters appropriate for public knowledge. The Finance Director or a person designated by the Finance Director shall serve as the only authorized news media spokesperson for the Department. Except as provided for the release of general information by a Division Director, if an Employee is contacted by the news media, the Employee shall not provide any statements and shall refer the inquiry to the Finance Director or his/her designee.

Employees shall not initiate contact with the news media or issue any statements to the news media regarding the operations and policies of the Department and information generated by the Department in the conducting of its business, or otherwise discuss Department matters with the news media without prior approval from the Finance Director or the Director's designee. (Reference the Department's Contact with the News Media Policy – Appendix C.)

3.3 DRESS AND APPEARANCE

The Department's Employees are required to maintain a high level of professionalism and a professional appearance during the performance of their duties. Since there are constantly changing styles of dress, it is impossible to list all of the appropriate or inappropriate styles of clothing for the office. The following examples illustrate appropriate and inappropriate dress for the work place. The fact that a specific article of clothing is not mentioned as inappropriate does not mean that it is acceptable for the workplace. Employees must use good judgment and common sense in complying with this policy.

Acceptable dress may vary in the different divisions of the agency. In a few instances, especially for tasks involving manual labor, a more casual, durable form of dress may be worn. In these instances, the applicable Division Director should give approval to any deviation from the appropriate dress on an individual basis.

If an Employee has a question concerning whether a certain type of clothing is appropriate, he or she should ask his or her supervisor prior to wearing the clothing. Should the supervisor find that the Employee is in violation of the dress code, the Employee will be sent home to change and will be placed on annual leave or leave without pay during this time. Employees who continue to violate the dress code may be disciplined under the Progressive Discipline system. (Reference Progressive Discipline, Section 9.4.)

3.3.1 APPROPRIATE DRESS EXAMPLES

Clothing that is clean and free of wrinkles
Clothing that is suited for activities scheduled that day (public contact or meetings)
Suits, sport coats, dress shirts, ties, and dress slacks
Dresses, skirts, pants, blouses, sweaters
Polo, golf, and sport shirts
Dress sandals, loafers, and boots
Neat jeans and t-shirts (for certain classifications in the Department)

3.3.2 INAPPROPRIATE DRESS EXAMPLES

Clothing not properly laundered or having tears or holes
Visible undergarments
Clothing with inappropriate advertising, slogans, or emblems
Revealing, see-through, or strapless attire
Clothing that does not fit properly (too tight or too baggy)
Sweat suits or wind suits
Shorts or skorts
Short skirts or dresses (more than 3 inches above the knee)
Skirts or dresses with revealing splits
Tank tops, halter-tops, or crop tops
Flip-flops or house shoes
Open-toe shoes worn around heavy equipment or machinery

Employees whose duties typically require meeting with members of the general public or employees of other State agencies in an office setting should not wear denim jeans or other clothing made of denim which is not designed for business attire.

Certain medical situations, such as a foot ailment or injury or temporary activities such as cleaning or moving may necessitate temporary exceptions to this dress code or a change of clothing during the work day. Employees should make their supervisor aware of a need to deviate from the above criteria and include the anticipated length of time the need is expected to continue.

3.3.3 PERSONAL APPEARANCE

The Department expects all Employees to maintain good hygiene and grooming while in the workplace. Employees should be conservative with wearing scented products, hairstyles, and jewelry. With the exception of earrings, visible pierced jewelry must be removed while at work and tattoos must be covered if they could be considered offensive.

If an Employee requires a reasonable accommodation regarding their dress for bona fide health and/or religious reasons, they should contact their supervisor to discuss an exception to the policy. (Reference the Department's Dress and Personal Appearance Policy and Guidelines – Appendix D.)

3.4 EQUAL EMPLOYMENT OPPORTUNITY

The State of Alabama prohibits discrimination against any Employee or applicant for employment with the State because of race, color, religion, age, sex, national origin, or disability. The Department is committed to recruiting, hiring, training, and promoting qualified individuals without regard to the above-mentioned protected statuses.

An Employee who feels that he or she has been discriminated against by the Department based on one or more of the statuses listed above should file his or her complaint with the Department of Finance, Personnel Division, 64 North Union Street, Suite 203, Montgomery, Alabama 36130. Note: Complaints of unlawful employment discrimination may also be filed with the Equal Employment Opportunity Commission (EEOC), 1900 Third Avenue North, Birmingham, Alabama 35203-2397. Complaints must be filed with the EEOC within 180 days of occurrence.

3.5 GRIEVANCE RESOLUTION

It is the Department's policy that any Employee who believes that he or she has been aggrieved in a manner that affects the performance of his or her duties or creates an adverse work environment may seek resolution of the grievance, without fear of reprimand or retaliation, through a resolution process established by the Finance Director. Examples of situations covered under this policy include granting of time off, work assignments, shift assignment, work conditions, or the application of Department rules or policies.

Most grievances can be addressed informally; supervisors and Employees are expected to make every effort to resolve problems as they arise. Grievances should be heard through the normal chain of supervision and should be resolved at the lowest level possible. However, an Employee may skip a step in the grievance procedure if he or she believes that a resolution at that level is not likely to result in fair consideration. (Reference the Department's Grievance Resolution Policy and Procedure – Appendix E.)

3.6 SEXUAL HARASSMENT

Sexual harassment will not be tolerated in the Department workplace. Such harassment, in any form or format (including but not limited to: physical, verbal, written, electronic, or any other means), whether intentional or unintentional, is strictly prohibited. Individuals found in violation of this policy will be subject to appropriate disciplinary action.

An Employee who feels that he or she has been the subject of sexual harassment while performing job duties must report the matter immediately to his or her supervisor. If the Employee is uncomfortable reporting the matter to their supervisor, he or she must report the matter to one of the following:

- Finance Legal Counsel (242-4220)
- Finance Personnel Director (242-3199)
- Finance Director (242-7160)

That supervisor or director must immediately provide written notice of the allegations to Finance Legal and must assist in the investigation process as directed by Finance Legal. (Immediately is defined as by end of business on the day the complaint is received.)

Finance Legal will investigate allegations of sexual harassment, unless an allegation originates in Finance Legal. If that is the case, the Finance Director will appoint an independent investigator to act in the place of Finance Legal. Finance Legal will report the results of the investigation to the appropriate supervisory personnel.

Such action as may be required by the results of the investigation will be taken by the Department's management. (Reference the Department's Sexual Harassment Policy – Appendix F.)

SECTION 4: GENERAL WORK RULES

4.1 FLEXIBLE WORKING HOURS

The use of Flex Time is authorized; however, it must not reduce the Department's ability to respond to citizens and other Department priorities. When Flex Time is requested by Employees, it should be clearly noted that it is a privilege and not a right to be demanded simply because other Department Employees may be using Flex Time and that documented abuse of Flex Time may be cause to exclude an Employee from participation. Flex Time hours must be pre-approved by Division Directors.

All division areas must be covered during normal working hours (8 AM – 5 PM) on each business day to perform all necessary duties. There must also be a backup plan to ensure adequate coverage during absence of scheduled staff.

Supervisors may identify Employees or groups of Employees who, because of the type of duties or workload, must be excluded from participation.

4.2 LUNCH AND BREAK PERIODS

Most Employees have a one-hour lunch period at a beginning time, designated by the supervisor. Nonexempt Employees who take their lunch break in their work area will not perform work duties during the specified lunch period. Remaining at the workstation and eating lunch does not constitute work performance.

Breaks are not a right or required under the Fair Labor Standards Act. Breaks are given at the approval of the supervisor, dependent upon the workload. Two 15-minute breaks may be allowed each workday, one mid-morning and one mid-afternoon. Breaks will be arranged so that not all personnel in a section will be away at the same time. If an Employee does not take a break, the time is lost. Breaks cannot be accrued or taken just before or after lunch or at the start or end of the workday.

4.3 ON-CALL TIME

An Employee who is required to remain on-call on the Department's premises or so close thereto that he cannot use the time effectively for his own purposes is working while "on-call." If Employees who are on-call are not confined to their homes or any particular place, but are required only to leave word where they may be reached, the hours spent on-call are not regarded as working time.

4.4 PERSONAL BUSINESS AND OTHER PERSONAL ACTIVITIES

No Department Employees shall engage in any activity other than regular duties during working hours which materially interfere with the performance of his or her duties or the performance by other Department Employees of their duties. This includes but is not limited to selling jewelry, makeup, or other merchandise to other Employees, lending money for profit, sponsoring various sales parties, etc. Under no circumstances shall Employees utilize Department facilities or equipment for personal gain. Department Employees shall not meet with a salesperson in Department space during work hours to discuss products or services, or to deliver previously ordered products.

The Central Mail Room operated by the Division of Services was established by state law for the purpose of processing and delivering mail to and from the U.S. Postal Service on behalf of State agencies located in Montgomery. It is the position of the Department that the Central Mail Room is to be used for official business purposes and that the use of these facilities by individual State Employees for personal reasons is inappropriate. Further, in no event shall the letterhead of either the Department or any division of the Department be used by any Employee for any purpose other than official Department business.

4.5 FRIENDS AND FAMILY IN THE WORKPLACE

Employees are expected to respect their coworkers and the Department by limiting the amount of time family members and friends are present in the workplace and these visits should not disrupt the operations of the office. Family members and friends should not spend any unsupervised time in Department facilities. Also, the use of State equipment or work products by anyone other than an Employee of the Department is prohibited.

It is not acceptable for Employees to bring their children or grandchildren to work in lieu of making childcare arrangements. When emergency circumstances occur, such as a weather-related closure of a school or childcare facility, an Employee with the permission of his or her Division Director may be granted leave to provide the needed childcare.

4.6 PRIVATE EMPLOYMENT

No Department Employee shall engage in employment in the private sector during scheduled working hours. An Employee of the Department may accept employment in the private sector so long as the employment does not cause any conflict of interest nor materially interfere with assigned work or otherwise materially affect performance of the Employee's duties in the Department. Employees must request approval, in writing, from their Division Director prior to seeking employment in the private sector. If approved by the Division Director, the request will be forwarded to the Personnel Division to be placed in the Employee's personnel file. If it is not approved, the Employee may seek resolution through the Department's Grievance Resolution Policy and Procedure. (Reference Appendix E.)

Some Employees are prohibited from engaging in any private sector employment by specific laws. An example is Section 36-1-11, *Code of Alabama, 1975*, which may be read to prohibit any private sector employment activity, even during breaks and lunch periods. Other statutes that apply to a specific job or position absolutely prohibit the holder of that job or position from holding a private sector job in addition to a State job. No Employee shall be employed by an entity that does business with the Department.

Use of State property to operate a private business is prohibited. This prohibition covers conducting any non-State business activity of any type while on duty or in a State facility or vehicle. State property includes an Employee's time, office supplies, and equipment such as telephones, computers, email, Internet, copier, printers, motor vehicles, paper, or postage.

4.7 TELEPHONE/CELL PHONE USAGE

Office telephones are installed to facilitate State business. Personal telephone calls must be kept to a minimum.

Department Employees may not use State telephones or offices to conduct their own business for profit or act as agent for others to take orders for merchandise. Telephone solicitation to or by an Employee is prohibited. State telephone work numbers will not be listed for sales of personal items.

It is recognized that situations may arise where State telephones must be used for personal matters such as emergency family problems, scheduling doctors' appointments, etc., when these calls cannot normally be made on off-duty hours. However, all Employees are cautioned to keep such calls to an absolute minimum number and time of use, and to refrain from making long distance calls or those which involve payment of a toll or charge for personal reasons. Misuse of state telephones will not be tolerated. Any misuse may result in disciplinary action.

Personal cell phones and texting for personal reasons should not be used in the workplace when that use would materially interfere with the performance of an Employee's duties or the performance by another employee of his or her duties. Texting during meetings should be kept to a minimum unless the text is related to the meeting or other professional duties. Personal cell phones must be kept on vibrate or mute at all times in such meetings or elsewhere in the workplace where necessary to avoid distracting other Employees.

All laws regarding cell phones and texting must be observed while driving State vehicles.

4.8 WORK HABITS

"Work Habits" are terms and conditions of employment. When someone says "yes" to a job, they are saying "yes" to compliance with the four Work Habit areas as defined below. Failure to comply with Work Habits may result in the following of Progressive Discipline procedures.

4.8.1 ATTENDANCE

Leave must be taken in accordance with Department policy and procedures and in compliance with appropriate federal employment law. Leave should be utilized in a way that assures productivity is maintained and work is not disrupted. Neither annual leave nor sick leave is considered a right for which Employees may make demand, but each is considered a privilege granted to be used in accordance with applicable laws and prescribed rules and regulations.

It is a requirement of each job that each Employee must report to work on time and work all scheduled work hours as well as any required overtime. If an Employee is ill or unable to report to work on schedule, the Employee must call their supervisor or designated personnel within the first hour of their shift. Voice mail messages and/or leaving a message with another Employee are strongly discouraged unless there is no alternative. If an Employee has to leave work before the conclusion of his or her shift, permission must be obtained as soon as possible from the immediate supervisor or designated personnel.

An Employee who has been absent three consecutive days without calling to speak with his or her immediate supervisor or designated personnel may be considered by the Department to have voluntarily resigned.

Disciplinary action may occur if an Employee exhibits a pattern of absenteeism despite having sufficient leave to cover those absences. Examples include consistently missing a specific day of the week, the day before or after a holiday, or payday. This provision shall not apply to absences which were approved in advance by an Employee's supervisor.

Family and Medical Leave Act (FMLA) leave and military leave are two attendance areas that are to be provided to an Employee that qualifies without consequences or retaliation to the Employee's evaluation.

4.8.2 PUNCTUALITY

Punctuality is the timing of the Employee's arrival to work, return from lunch and breaks, and departure from work. Employees are expected to be at their respective workstation and ready to work at the assigned time. When the position requires that an Employee routinely work outside the office as a daily necessary requirement of the job description, the Employee's dependability to timely keep appointments and attend meetings should be considered as the definition for punctuality.

4.8.3 COOPERATION WITH COWORKERS

Cooperation with coworkers within the Department is the extent to which a Department Employee works with and does not hinder coworkers in their work to achieve the goals and directives of the work unit. Employees should not interfere with the productivity of coworkers in other work units. Employees should always work with others to ensure that productivity is maximized and goals are met.

4.8.4 COMPLIANCE WITH RULES

Compliance with rules is defined as the Employee's conformance to established departmental rules and policies, division procedures, and to the general work rules as outlined in the *Rules of the State Personnel Board*. Work Habits focus on those State Personnel and departmental regulations that involve standards of conduct and apply to all Employees. Violations of work rules normally result in disciplinary actions of increasing severity; however, more serious violations may result in suspension or discharge on the first offense. The following will be considered on all disciplinary actions for serious violations of work rules: work rule violated, work record of Employee, and length of service of Employee.

4.9 WORK HOURS

All Employees in the Department must observe the attendance rules regarding hours of work. You are in "pay status" when actually working or when on authorized paid leave. The normal workweek for most Employees is eight hours a day, Monday through Friday, with an hour for lunch. However, the beginning and ending work hours may vary in some divisions. Every Employee is expected to comply with established work hours.

Tardiness and absenteeism disrupt work schedules and place an added burden on fellow Employees and supervisors, and may subject you to disciplinary action. If an Employee is required by his or her supervisor to work over 40 hours in a workweek, he or she may be entitled to overtime or compensatory time. An Employee should see his or her supervisor regarding the hours-of-work rules for their work section and details concerning overtime and compensatory time.

Division Directors do not have the authority to grant time off except through the leave process or as provided in the Department's Overtime and Compensatory Time Policy and Procedure. (Reference Appendix G.)

4.10 WORKING FROM HOME OR ANOTHER REMOTE LOCATION

Upon an Employee's request, a Division Director may, due to extraordinary circumstances, allow an exempt Employee to work from home or another location on a short term basis. Working from home or another location different from the Employee's usual duty station on a recurring basis shall require the written approval of the Finance Director. Such a request must be submitted in writing directly to the Employee's Division Director. The request shall state in detail the extraordinary circumstances necessitating the Employee's request and be accompanied by written information from third parties, as appropriate, to support the circumstances, as well as state specific dates of departure and return.

4.11 WORKING OUT OF CLASS

An Employee will not be routinely assigned to work on a permanent basis beyond the scope of the specification for his or her job classification. In extraordinary circumstances, and only with the concurrence of the Finance Director, a Division Director may assign duties outside the Employee's classification.

SECTION 5: PAYROLL INFORMATION

5.1 PAY SYSTEM

A semi-monthly system is used as the basis for calculating pay for Employees and is used to figure deductions from the base pay for leave without pay or any other type of authorized leave. That semi-monthly period is known as a “pay period.” The number of “pay status” days in each pay period varies based on the number of days in each month.

5.2 SALARY ADMINISTRATION

A State pay plan establishes the salary scale (pay range) for each job classification. The scale consists of a minimum and a maximum salary with intermediate steps. Employees may be recommended for salary increases at the end of the probationary period and annually thereafter, up to the maximum of the salary scale. The amount of the salary increase will be determined by your work performance and rules and procedures in effect at that time. Until further notice, salary increases are limited to two steps.

State Employees are paid on a semi-monthly basis. Paydays will normally be on the 1st and 16th of each month unless the date falls on a weekend or holiday. In those cases, the payday will be the last workday prior to the pay date. The one exception to this is at the beginning of the fiscal year. If October 1 falls on a weekend, payday will be the following Monday.

5.3 DIRECT DEPOSIT

Employees are encouraged to have their payroll checks deposited directly to a financial institution. A direct deposit sign-up form is provided to all new Employees or may be obtained from the Personnel Division. Employees must complete the appropriate portions of the form, obtain proper signatures, and take the form to their financial institution. Once the financial institution completes their portions of the form, the Employee should return the original form to the Personnel Division.

5.4 DEDUCTIONS

Payroll deductions will be made from your gross salary for federal and state income taxes, Social Security tax, and retirement contributions. Upon authorization by the affected Employee, the following may, to the extent permitted by applicable law, also be deducted: savings deposits or repayment of loans to approved credit unions, deferred compensation contributions, State Combined Charity Campaign, personal insurance premiums to companies on approved state lists, and other approved payroll deductions.

5.5 NAME AND ADDRESS CHANGES

In the event of a name or address change, the Employee should contact the Personnel Division immediately so that the necessary paperwork may be completed to correct the information on the State payroll. A new Social Security card must be presented before the name can be changed.

It is the Employee's responsibility to notify agencies such as credit unions, private insurance companies, and other entities for which payroll deductions are being made in order to process a name or address change.

5.6 PERSONNEL FILES

The Personnel Division maintains a personnel file on each Employee that contains payroll information, performance evaluations, disciplinary actions, personnel actions, etc. Letters of commendation or certificates will not be placed in personnel files. Employees should give these to their immediate supervisor to be kept in the supervisor's file.

Access to personnel files is controlled and unauthorized persons may not view personnel materials. Employees who wish to view their personnel file in the Personnel Division will be required to produce a picture I.D.

An Employee may view his or her personnel file upon request. An Employee may receive a copy of his or her entire personnel file once at no charge. After that, there will be no charge for copies of any documents added to that Employee's personnel file. However, there will be a charge for additional copies of personnel files at the same rates as are in effect at that time for viewing of public records. This charge must be paid before copies will be made. The Finance Personnel Director for good cause, such as a current disciplinary action, may make an exception to this policy.

Supervisors will have access to personnel records of Employees under their supervision.

When viewing a personnel file, no document will be removed.

5.7 RELEASE OF SALARY WARRANTS

Upon termination of employment with the Department, final salary warrants will be mailed to the Employee's last known home address unless the Employee makes other arrangements with the Personnel Division.

Salary warrants will not be released prior to payday.

SECTION 6: LEAVE AND OTHER TIME OFF

All Employees must follow the procedures in their respective divisions for requesting leave. Authorized leave is defined as any leave in which an Employee has followed proper notification procedures and has received approval for the absence. Unauthorized leave is defined as any leave in which an Employee is absent without following proper notification procedures or the absence has not been properly approved. Unauthorized leave may subject an Employee to leave without pay and/or disciplinary action, up to and including dismissal.

Leave balances are printed on the payroll check stub for your information. In addition, each division has an Employee with access to the State payroll system who can look up leave balances for Employees in that division.

6.1 LEAVE USAGE

In computing annual, sick, military, and other leave for Employees in State service, off days and holidays are not counted. Leave taken for less than a full hour, other than military leave, is charged in 15-minute increments.

Management has the right to schedule time off for overtime worked by nonexempt Employees within the workweek, when feasible.

Leave cannot be used before it is accrued. The leave balance an Employee has at the end of a pay period is the amount available for use during the next pay period. Employees must be in pay status 80% of their normal work schedule in order to earn leave. An Employee must be actually working or on authorized leave with pay to earn leave.

It is the responsibility of the Employee to ensure appropriate types and amounts of leave are taken during the calendar year. Sick leave taken during the year will not be changed to annual leave at the end of the calendar year to prevent the loss of excess annual leave.

An Employee is expected to be at work or on authorized leave during all regularly scheduled work hours. Leave must be properly requested and approved. Supervisors are responsible for maintaining documentation of attendance and leave on each Employee. All errors on leave balance summaries should be reported to the Personnel Division within 30 calendar days of the date of the leave. Any changes made will require the approval of the Employee's supervisor and the Division Director. There are no time limits on corrections for errors made by the Personnel Division.

6.2 ADVANCED SICK LEAVE

The Department will not authorize advanced sick leave to Employees. (Reference the Department's Advanced Sick Leave Policy – Appendix G.)

6.3 ANNUAL LEAVE

All full-time Employees in permanent positions, including provisional appointees, who are in pay status at least 80% of their normal work hours for the pay period, earn annual leave on a semimonthly basis.

Employees may use accumulated annual leave with the approval of their immediate supervisor at the time they prefer, subject always to the right of the supervisor to plan the work under their control and to authorize leave when the Employee can best be spared.

Annual leave is accrued according to the following schedule:

ANNUAL LEAVE SCHEDULE		
Employee's Total Service	Accumulation of Leave Per Pay Period	Annual Accumulation
Fewer than 5 years	4.20 hours	13 days
5 but less than 10 years	5.25 hours	16 days 2 hours
10 but less than 15 years	6.30 hours	19 days 4 hours
15 but less than 20 years	7.35 hours	22 days 6 hours
20 but less than 25 years	8.40 hours	26 days
25 years of service or more	9.45 hours	29 days 2 hours

A change in the rate of accumulation does not become effective until the beginning of the first full pay period following the leave accrual date.

No more than 60 days or 480 hours of annual leave may be carried from one calendar year to the next. Employees separating from state service will be paid for the actual amount of annual leave accumulated up to a maximum of 480 hours based on the Employee's rate of pay at separation. Separating Employees cannot return to state service until there is a break in state service between jobs equal to the amount of accumulated annual leave paid.

6.4 BEREAVEMENT LEAVE

Bereavement leave may be granted to all Employees regularly employed by the Department and who are subject to the Merit System. A maximum of three days of bereavement leave with pay per occurrence may be granted to an Employee who does not have accrued sick leave available to use for the death of a person related by blood, adoption, marriage, or as otherwise provided by the State Personnel Board rules. Any leave granted to an Employee must be repaid in the form of leave days; including sick leave, annual leave, compensatory time, and personal leave within one calendar year. An Employee must repay the leave prior to transferring to a different agency. Employees separating from state service prior to repaying the leave will have the remaining liability deducted from their final paychecks.

6.5 BLOOD DONATION

Employees, who donate blood during State blood drives hosted by the American Red Cross or LifeSouth, are eligible to receive two hours of leave each time they donate blood not to exceed four hours each year. The two hours should be taken on the day of donation when possible, but not later than two weeks after the date of donation. Employees will be required to provide adequate evidence of donation.

6.6 COMPENSATORY TIME

It is the Department's policy to grant compensatory time (time off), rather than wages, to compensate nonexempt Employees under the provisions of the Fair Labor Standards Act (FLSA) for performing work in excess of 40 hours during a workweek. The FLSA is a federal law that governs wages, hours, and working conditions. It allows the payment of overtime wages or the granting of compensatory time for certain classifications of Employees based upon salaries, job duties, and responsibilities. All new Employees are required, as a condition of employment, to complete a Compensatory Time Agreement.

Nonexempt Employees are granted compensatory time at one and one-half times the amount of time physically worked in excess of 40 hours per week. If a nonexempt Employee does not physically work more than 40 hours in a workweek due to time off, they will earn straight time for time worked outside their normal work hours. However, a nonexempt Employee should not be required to work in excess of 40 hours per workweek. The Division Director or a member of the Employee's chain of supervision above the Division Director or a person granted that authority by the Finance Director must authorize work in excess of 40 hours in writing in advance. Any compensatory time that has been earned without prior approval by an authorized person will be awarded. However, responsible parties may be subject to disciplinary action for noncompliance with policy should the facts warrant such action.

Overtime work will be based on the needs of the Department and not for the convenience of the Employee. Overtime is not intended to reward inefficiency or the misuse of time.

Compensatory time shall be used within 90 days of being earned; if the requested leave dates do not unduly disrupt the operations of the work unit to which the Employee is assigned. The Employee's supervisors shall make this determination in their sole discretion. Compensatory time shall be used before annual leave and accrued holidays are used unless this will cause an Employee to lose accumulated annual leave at the end of the calendar year. The Department may schedule the use of compensatory time for Employees.

Upon separation from State service or transfer to another State agency, a nonexempt Employee will be paid for accumulated compensatory time up to 240 hours. Accumulated compensatory time is not transferable from one State agency to another State agency.

Jobs that are exempt from coverage under the FLSA are not entitled to compensatory time or overtime compensation. Most executives, administrative, and professional Employees are not included within the requirements of the FLSA and are referred to as exempt Employees.

Each division, in coordination with the Personnel Division, must identify its Employees as FLSA-exempt or nonexempt. (See the Department's Overtime and Compensatory Time Policy and Procedure – Appendix H.)

6.7 COURT ATTENDANCE LEAVE

Employees in the state service who are required to attend court as jurors in a non-work related capacity are granted Court Attendance Leave with pay. Attendance in a court by any Employee in an official capacity is not considered leave; they must observe the provisions of the Department that may require them to turn over witness fees to the Department. Employees who are called as witnesses in their individual capacities are not entitled to a Court Attendance Leave, and should arrange for time off through annual leave or leave without pay.

An Employee who reports for jury duty and is not selected or is otherwise dismissed prior to the end of the normal work shift must report for work or charge annual leave. Employees must provide documentation from the court to be entitled to Court Attendance Leave as a juror.

6.8 DONATED LEAVE

The Department will adhere to the guidelines set forth by the State Personnel Department for the donation of leave. Whether to allow donated leave for an Employee is at the discretion of the Finance Director.

In order to receive donated leave, an Employee must have suffered a catastrophic illness or injury, or be the caregiver for a member of his/her immediate family, as defined by the Family and Medical Leave Act, with a catastrophic illness or injury. A catastrophic illness or injury has been defined as one from which an individual will never fully recover the ability to work or which is life threatening, or one requiring a recuperation period of approximately one or more years to be able to perform the Employee's normal job duties or which has deteriorated for this length of time until the Employee can no longer function without surgical intervention, including medical conditions related to pregnancy or childbirth that cause the individual to be absent from work for an extended period of time. The catastrophic illness must be certified by a licensed physician and approved by the Finance Director and the State Personnel Director.

An Employee eligible for maternity leave may qualify for donated leave during the time her doctor states she is disabled due to the pregnancy. A physician's verification of disability is required.

The Employee receiving donated leave must have exhausted all of his/her annual and sick leave, secured approval from his/her Division Director and the Finance Director, and submitted the appropriate forms to Finance Personnel in time for it to be acted upon prior to the donated leave being used.

Sick, annual, or compensatory leave may be donated; however, it will be credited as sick leave for the beneficiary Employee. Donations of leave may occur between the executive, legislative,

and judicial branches of government regardless of classification. Leave shall be donated and taken in whole hours only. Employees who are leaving State service are not allowed to donate more leave than could be taken prior to their separation date.

Effective October 1, 2012, leave donations shall be subject to the approval of the appointing authority of the Employee making the donation and, if the donating Employee is in a position with a lower pay grade than the position of the Employee receiving the donation, the approval of the State Personnel Board. The appointing authority of the Employee receiving the donation may limit the number of hours an Employee may receive per catastrophic illness or maternity leave. No Employee may receive more than 480 hours of donated leave throughout his/her career with the State without the approval of the State Personnel Board.

6.9 EDUCATION LEAVE

Education leave with full or part pay may be granted to permanent full-time merit system Employees if the courses are related to current duties. Requests for educational leave must be submitted in writing in advance and approved by the Finance Director and the State Personnel Director prior to use.

6.10 FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Act (FMLA) provides eligible Employees the opportunity to take job-protected leave for certain specified reasons. The maximum amount of leave an Employee may use is either up to 12 workweeks within a 12-month period for certain family and medical reasons, or up to 26 workweeks to care for a covered service member with a serious illness or injury. The purpose of this policy is to balance the needs of the Department for Employee attendance and productivity at work and the needs of Employees to be available for family and personal medical needs.

The Department will treat all eligible Employees fairly and equally in the administration of the FMLA and will not interfere with, restrain, or deny the exercise of any right provided under the FMLA.

Eligible Employees may take up to 12 workweeks per 12-month period for the following reasons under traditional FMLA leave:

- The birth of an Employee's child, including, but not limited to, prenatal doctor appointments, morning sickness, bed rest, childbirth, and care for the newborn child within the first 12 months after birth.
- The placement of a child with the Employee for adoption or foster care, including, but not limited to, court appearances, social work home visits, attorney appointments, and to bond with and care for the child within the first 12 months after placement.
- To care for an immediate family member such as an Employee's spouse, child, or parent/legal guardian who has a serious health condition.

- For a serious health condition that makes the Employee unable to perform the essential functions of his/her job.

From the inception of the qualifying event, the 12-week FMLA leave entitlement is to be charged concurrently with accumulated sick leave, annual leave, personal day, compensatory time, and, if needed, leave without pay. Any leave that an Employee takes due to an on-the-job injury covered by the State Employee Injury Compensation Trust Fund must be concurrently designated as FMLA leave if the Employee meets the FMLA criteria. Family and Medical Leave Act leave can be applied retroactively. (See Section 7.8 State Employee Injury Compensation Trust Fund)

To qualify for leave under the military FMLA provisions, an Employee must be eligible for traditional FMLA leave and be either:

- The parent, spouse, son, daughter, siblings, grandparents, aunts, uncles, first cousins, or any blood relative specifically designated in writing as the next of kin by a service member in the Regular Armed Forces, National Guard, or a Reserve component of the Armed Forces, or of an Armed Forces retiree, who is on active duty (or has been notified of an impending call or order to active duty) in a foreign country; or
- The spouse, son, daughter, parent, or next of kin of a covered service member or a veteran who has served within the last five years undergoing medical treatment, recuperation, or therapy, who is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Under the military FMLA, eligible Employees may be able to take:

- Up to 12 workweeks of leave in a 12-month period because of a qualifying exigency that arises out of the fact that a spouse, parent, or child has been called to or is on covered active military duty in the Armed Forces or deployed to a foreign country; or
- Up to 26 workweeks of leave in a 12-month period to care for a covered service member of the Armed Forces who has a serious injury or illness. This 12-month period is measured forward from the beginning date of leave, even if this is different to the rolling year for other FMLA leave.

Employees will be required to provide a medical certification if the leave request is for the Employee's own serious health condition or to care for an immediate family member's serious health condition. Failure to provide the medical certification to the Personnel Division within 15 calendar days after requested may result in denial of the leave until it is provided. If an Employee refuses to provide a medical certification, his or her leave request may be denied and the Employee may be disciplined. An Employee may obtain forms from his or her immediate supervisor or the Personnel Division.

If an eligible Employee has a complaint regarding an FMLA violation, he or she should discuss it with the supervisor, following the chain of supervision leading to the Personnel Division. After pursuing this course of action, if the Employee is not satisfied with the resolution of the problem, the Employee may contact the State of Alabama Personnel Department or the Secretary of

Labor, who is authorized to investigate and attempt to resolve complaints of violations. (See the Department’s Family and Medical Leave Act Policy – Appendix I.)

6.11 HOLIDAYS

Most divisions of the Department will close on all days deemed legal holidays as established by Alabama law and on any other days as may be declared holidays by the Governor. However, some Employees may be required or requested to work on a holiday. In that case, the Employee may accrue holiday leave to be taken later, subject to the approval of the supervisor, but no later than the quarter in which it was accrued. If the holiday leave cannot be scheduled during the designated quarter, the holiday leave may be accumulated at the request of the Employee for up to one year. If the supervisor fails to ensure that the holiday leave was scheduled within the quarter, and the holiday leave is not carried forward at the request of the Employee, the supervisor shall justify that action in writing to the Finance Director, with a copy to the Personnel Division, and the Employee shall receive pay at the Employee’s current rate of pay for any holiday leave to which the Employee is entitled and has not been taken.

Accrued holidays will be used in eight-hour increments and will be used prior to the use of annual leave.

An Employee must be in active pay status (eight hours) on the workday before and after the holiday to be entitled to the holiday. Part-time Employees may receive the amount of time for which they are scheduled to work on that holiday; however, they must be scheduled to work on the holiday in order to receive it.

The following legal holidays are observed:

New Year's Day	-	January 1
Robert E. Lee/Martin Luther King, Jr.	-	3rd Monday in January
George Washington/Thomas Jefferson	-	3rd Monday in February
Confederate Memorial Day	-	4th Monday in April
National Memorial Day	-	last Monday in May
Jefferson Davis	-	1st Monday in June
Independence Day	-	July 4
Labor Day	-	1st Monday in September
Columbus Day	-	2nd Monday in October
Veterans' Day	-	November 11
Thanksgiving	-	4th Thursday in November
Christmas Day	-	December 25
Mardi Gras Day*	-	Tuesday before Ash Wednesday

*Mardi Gras is observed in Baldwin and Mobile Counties only. All other State Employees are granted a personal leave day on January 1, which must be taken prior to December 31.

6.12 INCLEMENT WEATHER

The Department recognizes there will be instances when inclement weather causes concerns for Employees. In general, however, inclement weather does not warrant the closing of state offices, and it shall be the policy of the Department to make every effort to maintain normal working hours during periods of inclement weather in order to continue providing necessary services.

Extreme or severe weather conditions will exempt an Employee of the affected area from reporting to work on time or reporting to work for the duration of the condition only if any of the following announcements are made:

1. The Governor declares that State offices in a specific area or on a statewide basis are closed.
2. The mayor or chief city official declares the area closed where the Employee's office is located or where the Employee lives.
3. The highway that the Employee would normally use to travel to work is closed by the Department of Public Safety or other law enforcement agencies.

This policy applies only to an Employee's principal place of residence. An Employee who is not at his or her principal place of residence and who, due to any of the above conditions, must be absent from work will be charged annual leave for the time taken.

If State offices remain open and an Employee does not feel secure in coming to work, the Employee should contact their supervisor through normal reporting procedures and request the use of annual leave, personal leave, compensatory time, or LWOP to cover the absence. Sick leave may not be authorized for any weather-related absence unless the Employee is legitimately sick. The Finance Director may require that anyone who calls in sick during inclement weather bring adequate evidence, including a physician's statement, to document their illness.

Employees who are required to work when state offices have otherwise closed shall be granted compensatory time for hours actually worked during the period of closing up to their regularly scheduled hours for the workday.

Employees on previously approved leave during the affected period must continue to charge the appropriate leave.

6.13 LEAVE OF ABSENCE WITHOUT PAY

A permanent Employee may request a leave of absence without pay for up to one year. Leave without pay not used for FMLA-purposes is subject to the approval of the Finance Director and State Personnel Director. The Finance Director will approve or disapprove the request based upon the best interest of the Department. The failure of an Employee to report for work promptly at the end of a leave of absence will be just cause for dismissal. If necessary to the business of the Department, an Employee on a leave of absence may be notified to return to work prior to the end of the leave period. If the Employee fails to return after being notified to return, the position will be considered vacant and may be filled by other means.

A leave of absence without pay will not be granted to allow Employees to pursue other employment or go in business for themselves.

6.14 LEAVE WITHOUT PAY

Employees are responsible for maintaining sufficient annual and sick leave balances so that unofficial leave without pay (LWOP) is avoided. Unofficial LWOP is defined as an absence that results in the Employee going off the payroll because of the lack of annual or sick leave to cover the absence. Absences resulting in unofficial LWOP are prohibited and shall result in disciplinary action. Excessive unofficial LWOP may warrant reconsideration of the retention of the Employee or of the need for the position.

Disciplinary action will not be taken for official LWOP absences. Official LWOP is defined as an absence without sufficient leave to cover an Employee on approved FMLA leave, an Employee with a work related injury covered by the State Employee Injury Compensation Trust Fund, or an Employee on approved military leave.

6.15 LIGHT DUTY

The Department will attempt to assign an Employee to temporary light-duty work, whenever practical, because of a documented on-the-job injury or illness. The assignment of light-duty work will be based on the Employee's capabilities and, when necessary, his or her attending physician's approval.

6.16 MANDATORY LEAVE

The Finance Director, with the approval of the State Personnel Director, may require an Employee to use accumulated annual leave or compensatory time under certain circumstances when the Finance Director deems the Employee's absence from work to be in the best interest of the Department. Examples of such circumstances include a period of time when the Employee is under investigation leading to disciplinary proceedings, the period of time pending a disciplinary hearing after the Employee has received notice of such hearing, and at such times as the Employee is physically incapacitated from performing the work assignment, such as in a state of intoxication. In the event an Employee does not have sufficient accumulated annual leave or compensatory time, the Employee may be placed on mandatory leave without pay.

6.17 MILITARY LEAVE

All Employees in the State service, who are active members of the Alabama National Guard or Naval Militia, the Alabama State Guard organized in lieu of the National Guard, the civilian auxiliary of the U.S. Air Force (Civil Air Patrol), the National Disaster Medical System, or of the reserve components of the U.S. Army, Navy, Marine Corps, Air Force, or Coast Guard are entitled to military leave of absence on all days that they shall be engaged in field or coast defense or other training or on other service ordered under the provisions of the military laws of

Alabama, or of the National Defense Act, or of the Federal laws governing the U.S. Naval Reserves, without loss of pay, time, annual vacation, or sick leave.

No such leave with pay shall be for more than 168 hours (21 days) in any one calendar year. In addition, such persons are entitled to be paid for no more than 168 hours when called by the Governor to duty in the active service of the State.

Military leave is not granted in less than 8-hour increments.

Employees will earn both annual leave and sick leave at their regular rate while on military leave with pay and while on annual leave with pay. No Employee shall accrue annual or sick leave while on military LWOP.

Requests for military leave must be submitted on the appropriate form to Finance Personnel with a copy of orders to report for active duty prior to the use of the leave.

6.18 PERSONAL LEAVE DAY

The Legislature created a personal leave day in lieu of the Mardi Gras holiday for state Employees, except for those Employees in Baldwin and Mobile Counties. To be eligible for a personal leave day, a person must be employed on January 1 of each year. Employees who are entitled to receive the personal leave day must be in pay status the workday before and after January 1 of that year. Employees hired after this date are not entitled to a personal leave day that calendar year.

A personal leave day must be used as an eight hour day and prior to use of any other leave for a full day except sick leave. A personal leave day must be used prior to December 31 each year. For an Employee who has not used the day, the supervisor should schedule this time off for the Employee before the end of the calendar year.

Part-time Employees are entitled to a partial personal leave day calculated in the same manner as annual leave. Part-time, hourly Employees are not eligible for a personal leave day.

6.19 SICK LEAVE

Employees in full-time permanent or temporary positions accrue sick leave at a rate of four hours and twenty minutes per semi-monthly pay period regardless of the Employee's number of years' service. Sick leave accrual for part-time Employees will be prorated. Employees must be in pay status 80% of their work schedule to receive leave accruals. Leave does not accrue except when an Employee is actually working or on authorized leave with pay.

No more than 150 days (1,200 hours) of accumulated sick leave may be carried over beyond the end of the calendar year. Accumulated leave above this amount is placed into an escrow or "excess" account. Effective October 1, 2012, accumulated leave above 1,200 hours will be placed into escrow each pay period. Should an Employee suffer an extended illness or disability lasting more than 150 days, the State Personnel Board may, on the recommendation of the

Finance Director, approve the restoration and use of any sick leave that might have been earned in excess of this maximum. Restoration of sick leave may be requested only when all leave balances have been exhausted.

Sick leave is defined as the absence from duty of an Employee because of (1) illness; (2) bodily injury not incurred in line of duty; (3) attendance upon members of the immediate family whose illness requires the care of such Employee; or (4) death in the immediate family of the Employee. Immediate family is defined to include wife or husband, children, grandchildren, parents or grandparents, sister or brother, mother-in-law, father-in-law, daughter-in-law and son-in-law. Where unusually strong personal ties exist due to an Employee having been supported or educated by a person of some relationship other than those listed, this relationship may be recognized for leave purposes. In each such case, the Employee concerned shall file with the Finance Director a written statement of the circumstances that justifies an exception.

Sick leave with pay is not a right for which an Employee may make demand, but a privilege granted in accordance with prescribed rules and regulations, to which the State Personnel Board may make exceptions as the best interest of work demand.

Employees may be required to provide medical documentation to support leave for illness or injury. Any unjustified or fraudulent claim for sick leave may be punished by loss of pay, loss of accumulated leave, suspension, or dismissal.

An Employee who retires shall be entitled to payment of 50% of his/her accumulated sick leave at the time of retirement, not to exceed 600 hours. For state Employees in the classified service that die while in active state service, the estate of the deceased Employee shall receive 50% of the accrued and unused sick leave, not to exceed 600 hours.

Employees who leave State service in good standing and are reemployed within a period of four years from the date of separation may request to have the sick leave accumulated during previous employment, or any part thereof, restored upon recommendation by the Finance Director and approved by the State Personnel Director. It is the Employee's responsibility to notify Finance Personnel if this applies to you.

Accumulated sick leave may be used for maternity purposes. An Employee may be granted up to 12 weeks leave of absence under FMLA for maternity purposes. The health care provider must document the beginning and ending dates for maternity reasons in writing. Employees may use up to six weeks of sick leave and may use annual leave or LWOP for the remaining six weeks. Any additional total time and/or sick leave may be granted where a doctor's certificate indicates the need.

6.20 VOTING AND WORKING AT VOTING POLLS

Each Employee may be allowed to take necessary time off to vote in any local, state, and national primary or election for which the Employee is qualified and registered to vote on the day the primary or election is held. The necessary time off shall not exceed one hour and if the hours of work of the Employee start at least two hours after the opening of the polls or end at

least one hour prior to the closing of the polls, then the time off for voting will not be available. Employees must secure the approval of their supervisor before taking time off work to vote.

Employees who are requested or who volunteer to work at the voting polls must take annual leave or leave without pay, if no annual leave is accrued, for the time they are away from their job.

6.21 LEAVE REPORTING AND TIME SHEETS

Instructions for completing time sheets:

A time sheet/leave usage form must be completed by all Employees each pay period and submitted to the Personnel Division on payday. The form must be completed in black or blue ink only and all items at the top of the form must be completed accurately and legibly. Nonexempt Employees are to notate the number of hours worked from the previous pay period in the appropriate block.

If leave is taken, it should be notated in the appropriate column (annual, sick, personal, etc.) and should be reported in 15 minute increments (.15, .30, .45). If leave is for FMLA purposes, the approved FMLA column should be marked.

If an Employee donates blood or is summoned for jury duty, documentation reflecting these events must be attached.

Nonexempt Employees must enter the actual total hours worked (shift time in – shift time out and lunch out and lunch in). This information must be accurate to ensure compliance with the Fair Labor Standards Act. If no leave is taken, it is not necessary to enter zeros in the leave used column. The exact number of overtime hours worked should also be entered. Time-and-one-half, if authorized, will be computed by the Personnel Division.

Exempt Employees will use the time sheets for leave reporting. Exempt Employees must submit a semimonthly time sheet even though they use no leave during the reporting period. If no leave is taken, exempt Employees should indicate total hours worked.

Comments Section – Enter a notation in this section when an Employee uses two hours after donating blood and attach documentation from the Red Cross. Do not enter leave taken for donating blood in the leave used column, as it is not entered into the leave system.

The comments section may also be used by supervisors to document actions such as the Employee did not call in, did not obtain advance approval for leave, explanation for overtime worked, etc. This section is not for comments unrelated to time worked or leave taken.

Signature – Time sheets must always have the signature of the Employee and the supervisor. Signature of the Employee indicates that the hours worked as reported are true, correct, and complete. If overtime is worked, the Division Director must sign the time sheet and attach his/her prior approval to the Employee allowing overtime work.

SECTION 7: EMPLOYEE BENEFITS

7.1 EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is a short-term counseling and referral service designed to help Employees become more effective and efficient in their jobs by having professional, confidential assistance with problems that are likely to affect their family life and/or job performance. The Department assumes the cost for the EAP assessment, referral, and follow-up. EAP services are managed by Behavioral Health Systems, Inc. (BHS) and are provided through a network of mental health professionals, psychologists, and psychiatrists.

The EAP is available to all Employees and their dependents who choose to utilize the service. Participation in the EAP is voluntary. Employees may access the program by self-referral or supervisory referral. Problems such as substance abuse, financial management, marital and family disruption, emotional and mental stress, and supervisor and subordinate conflict are among those that are addressed by the EAP.

An Employee or family member wishing to make a self-referral should call BHS at 800-245-1150 or 205-879-1150 to schedule an appointment. An initial assessment and up to two follow up sessions will be provided annually at no cost. Additional sessions or treatments beyond the three EAP provided visits must be covered through the state-provided health insurance. The BHS Care Coordinator will assist you in the transition to your medical plan or community resources.

Supervisory referral may occur on an informal basis, when a supervisor becomes aware that an Employee is experiencing difficulties that may have little or no impact on the job, and the supervisor recommends EAP services to the Employee. The supervisor may recommend EAP services but, in accordance with state and federal law, the Employee's participation, or lack of, is not reported to the supervisor.

Supervisory referral may also occur on a formal basis when a supervisor formally or specifically emphasizes to an Employee the importance of resolving a personal problem that appears to be contributing to poor job performance. The supervisor wanting to make a formal referral should contact the Care Coordinator to discuss the problem and provide the information needed for the Release of Information (ROI). The ROI is required in order for the Care Coordinator to communicate compliance information to the supervisor. If referral is deemed appropriate, the supervisor will inform the Employee verbally and in writing of the referral decision. A referral form should be completed.

The Employee's involvement in the program is still voluntary; however, if the Employee chooses not to participate, the supervisor should document this. The supervisor should then follow normal disciplinary procedures regarding the job-related issue(s) that led to the referral.

For access to the program, contact the BHS Care Coordinator at 800-245-1150 or 205-879-1150 or visit the BHS website at www.behavioralhealthsystems.com. The member password is DORM.

7.2 FLEXIBLE EMPLOYEES' BENEFITS PLAN

Flexible Employees' Benefits are available to State Employees pursuant to *Code of Alabama*, Section 36-29-20 through 30 as last amended and *Internal Revenue Code of 1986* Sections 105, 125, and 129. The IRS regulations enable Employees to pay premiums and pay for eligible health care and dependent care expenses with payroll deductions before state and federal taxes are applied.

The Plan offers three programs designed to save you money:

The Premium Conversion Plan (PCP) – allows eligible Employees the opportunity to pay premiums for State Employees' Health Insurance Plan (SEHIP) and certain qualified voluntary insurance programs using pre-tax dollars.

The Dependent Care Reimbursement Account Plan (DCRA) – allows eligible Employees the opportunity to pay dependent care expenses using pre-tax dollars.

The Health Care Reimbursement Account Plan (HCRA) – allows eligible Employees to set aside tax-free money in an account to pay themselves back for eligible health care expenses incurred by them and their dependents.

For more information, contact the Flexible Employees' Benefits Board at 334-263-8312 or visit the SEIB website at www.alseib.org.

7.3 GENERAL LIABILITY TRUST FUND

The General Liability Trust Fund (GLTF) provides liability protection for state Employees and agents of the state acting in the line and scope of their job requirements. The GLTF is not insurance, but a fringe benefit for state Employees. It is a set of written guidelines, similar to an insurance policy, which outlines the conditions of coverage.

If you are sued because of an act or omission in the line and scope of your job requirements, the GLTF will pay to defend you, and will protect you from money damages up to the coverage limits. The limits are \$1,000,000 per occurrence, regardless of the number of Employees sued as a result of that occurrence.

If you are served with a lawsuit, immediately forward the original suit papers to Finance Legal and send a copy to the Attorney General.

Auto Liability is an extension of the GLTF and provides liability protection for state Employees while operating vehicles licensed for road use in the line and scope of their job duties. The auto liability program offers a \$1,000,000 limit per accident. You are covered while driving state-

owned or leased vehicles and rental cars when on state business. If you drive your personal vehicle on state business, your personal liability insurance is the primary coverage.

7.4 HEALTH INSURANCE

Health insurance is furnished by the State of Alabama to all full-time Employees. An Employee's insurance coverage is effective on the day of employment. New Employees may elect to enroll their dependents on the date the Employee is hired or no later than the first day of the second month following their effective date of coverage. Thereafter, dependants may be added to your coverage only during the open enrollment period in November of each year. Premiums for insurance are payroll deducted from the last paycheck of the month.

Part-time Employees may elect to have basic medical health insurance coverage by paying a prorated share of the premium. A part-time Employee may enroll dependents in the health insurance plan also. Coverage for part-time Employees and/or dependents may be effective on the date the Employee is hired or no later than the first day of the second month following their effective date of coverage. Premiums may be payroll deducted provided the Employee's salary warrant is sufficient to cover the cost.

Once an Employee has terminated his or her employment, SEIB will send information on the continuation of health insurance (COBRA) and paperwork to the Employee to complete.

Questions regarding health insurance should be directed to the Personnel Division. Information and forms are available at www.alseib.org.

7.5 LONGEVITY PAY

Permanent full-time and permanent part-time Employees with five years or more of State service may be eligible for a longevity bonus check. Longevity payments to permanent part-time Employees are prorated based on the percentage of part-time hours worked.

To be eligible for longevity pay an Employee must be in pay status on December 1. Longevity payment is made the first payday in December. Longevity payments are not subject to retirement. An Employee on leave without pay for Family and Medical Leave Act purposes is eligible for the longevity bonus.

The longevity payments due to full-time Employees are as follows:

Less than 5 years total service (0-59 months)	\$0.00
Completed 5 but less than 10 years total service (60-119 months)	\$300.00
Completed 10 but less than 15 years total service (120-179 months)	\$400.00
Completed 15 but less than 20 years total service (180-239 months)	\$500.00
Completed 20 but less than 25 years total service (240-299 months)	\$600.00
Completed 25 or more years total service (300 months or more)	\$700.00

Each fiscal year, in which an Employee does not receive a cost-of-living increase in compensation, each longevity payment amount shall be increased by \$100 per year to a maximum amount of \$1,000 for 25 years of total service as long as the Employee remains in service.

7.6 RETIREMENT

The Employees' Retirement System (ERS) is a defined benefit plan providing disability and service retirement benefits to members and survivor benefits to qualified beneficiaries. A defined benefit plan provides the Employee with a specific benefit at retirement. Benefits are payable monthly for the lifetime of the member, possibly continuing for the lifetime of his or her beneficiary.

Participation in the ERS is mandatory for Employees in eligible positions. To be eligible, Employees must be non-temporary, working on at least a one-half time basis earning at least the federal minimum wage. Once enrolled, a member must continue participation until employment is terminated.

Temporary Employees with a specific termination date not exceeding one year are ineligible. However, temporary Employees employed longer than one year must begin participation in the ERS at the beginning of the second consecutive year of employment. The member will be given the opportunity to purchase the first year of temporary employment.

Law sets contributions and retirement benefits. The Employee's present rate of contributions is 7.25% of gross earning each pay period but will increase to 7.5% effective October 1, 2012. Employees hired with the State for the first time on or after January 1, 2013, will have a contribution rate of 6%. There are also provisions for withdrawal of contributions, reinstatement of service credit, retirement employment, and post retirement, death benefits. Since the provisions of the retirement law are so extensive and subject to change, contact the Employees

Retirement System, 201 South Union Street, Montgomery, Alabama 36104, telephone number 877-517-0020 for specific information. Information and forms are available at www.rsa-al.gov. It is important for members to keep their beneficiary designations current. Failure to do so can result in possible loss of valuable benefits to your survivors. Changes in beneficiaries must be submitted to the ERS. Employees may name more than one beneficiary and designate them as contingent or co-beneficiaries. If, at the member's death, there is no beneficiary, the member's estate will be paid the appropriate death benefit.

It is also important to have your current mailing address on file with the ERS. Many important documents are mailed to members at their home address. Any change of address must be submitted to the ERS in writing, by letter, change of address card, or by a downloaded Address Change Notification Form from the ERS website.

7.6.1 ELIGIBILITY

Employees in the classified service are eligible to retire at age 60 with at least ten years of service or upon the completion of 25 years of service at any age. Employees hired for the first time with the State on or after January 1, 2013, are eligible to retire at age 62 with at least ten years of service. Employees may also be approved for retirement without meeting these qualifications if the retirement is due to a disability. In this case, however, the Employee must have at least ten years of service with the State.

When an Employee intends to retire, he or she must notify the Finance Director and the Personnel Division, in writing, and make application for retirement directly with the ERS. Application must be made not less than 30 days or more than 90 days prior to the effective date of the retirement, which must be effective on the first day of a month. Applications for retirement are also available in the Personnel Division.

A member's contributions are only refundable at the request of the member upon termination of employment and through application for refund. Interest on the account is only refunded if the member has at least three years of service. The member is not entitled to the total interest credited to the account.

7.6.2 PURCHASE OF MILITARY SERVICE

An Employee has one year from the date the Employee enrolls and begins making contributions to the RSA to purchase credit for up to four years of eligible military service. Previous eligible military service is defined as service not presently being paid for (i.e. retirement benefits) through the federal government. Active members, who fail to purchase their military service during their first year of employment, must wait until at least ten years of creditable service is accrued before purchasing military service time. Questions regarding purchase of military service should be directed to the ERS.

7.6.3 REPURCHASE OF PRIOR SERVICE

A person re-entering State service who has withdrawn prior contributions to the Employees' Retirement System or the Teachers' Retirement System may, after completing two years of contributing service, repurchase the prior service. The payment must be a lump sum payment of

prior contributions plus interest. Anyone interested in repurchase of prior creditable service should contact the ERS.

7.7 STATE EMPLOYEE INJURY COMPENSATION TRUST FUND (ON-THE-JOB INJURY)

The State Employee Injury Compensation Trust Fund (SEICTF) was created by the Alabama Legislature and is administered according to the administrative rules developed by the Division of Risk Management. Its purpose is to provide indemnity and medical benefits for injuries incurring on and relating to the Employee's job.

Full-time Employees who are injured while performing the duties of their job will obtain medical care from a pre-approved health care provider (physician, hospital, or clinic) in SEICTF's Preferred Provider Network, unless emergency treatment is required. SEICTF is responsible for payment to the medical care provider with no co-payments and deductibles due from the Employee.

The injured Employee must report the incident to the supervisor immediately and complete the "Accident Report/Employees Statement." The supervisor, along with their division's point-of-contact designee, will direct the Employee to a Network Preferred Provider/Gatekeeper who will provide any necessary medical care. The supervisor must complete the "Employer's First Report of Injury" and the "Authorization for Initial Treatment and Pharmacy" forms if medical treatment is required. All of these forms must be completed and sent to SEICTF within 24 hours of the injury. In the event of an emergency, the Employee should seek immediate care at the nearest medical facility and notify their supervisor as soon as possible.

The Employee will need to take the "Authorization for Initial Treatment and Pharmacy" form to the medical provider. This form will ensure that the Employee will not pay any co-pays or deductibles. After the medical provider has completed their portion of the form, the Employee will return the form to their supervisor to fax to SEICTF.

If the injured Employee does not wish to seek medical treatment, indicate this on the "Employer's First Report of Injury" under Section 17. The supervisor may recommend that the Employee seek medical attention if it is believed that the injured Employee may be a threat to the safety of the Employee, coworkers, and/or others. If the Employee continues to refuse treatment, the supervisor may direct the Employee to leave work and obtain a medical release from a physician before being allowed to return to work.

The following is an outline of the benefits related to on-the-job injuries that result in lost work time.

Waiting Period - There is a three workday period for which no lost time benefit is paid, which is normally covered through the use of the Employee's accumulated annual and sick leave or leave without pay. Should the lost time reach 21 calendar days, the initial three work day period is then paid if two-thirds pay has been elected.

Option to Use Sick/Annual Leave – The injured Employee may choose to use his or her accumulated annual or sick leave. If this option is selected, SEICTF 2/3's lost wage benefits will start when leave is exhausted, or whenever the Employee chooses to accept benefits as opposed to using leave. The Employee will be paid through the State payroll system and normal retirement, leave, and payroll procedures apply; the Employee receives his or her usual net pay and semi-monthly payroll deductions remain the same. The State Comptroller's Office is notified of the amount considered non-taxable and this is reflected on the annual W-2 statement for the Employee. The Employee continues to accrue leave and retirement credit at the normal rate and stays on the State payroll until leave is exhausted.

Option for Lost Time Benefit – The Employee may choose to receive compensation at a 2/3's rate, subject to the maximum compensation rate in effect at the time of the injury. The Employee is paid directly by the Division of Risk Management via SEICTF warrant. There are no deductions for State or Federal Income Taxes, Social Security or Medicare, dependent health care coverage, or authorized payroll deductions. Compensation payments issued by SEICTF are non-taxable, and they are not reflected on the Employee's annual W-2 statement. Leave is accumulated at two-thirds of the normal rate and the Employee stays on the State payroll system as long as permissible. The State continues to pay 100% of the employer's contribution to the State Employee Insurance Plan, but the Employee must pay dependant coverage separately.

Duration of Payments – Payments for temporary disability continue as long as the Employee cannot work as a result of the covered injury and is supported by medical and vocational opinions, subject to the rules and regulations.

All elections must be made by the Employee and received by SEICTF before any compensation benefits are paid. An Employee may change his or her election before the beginning of the next payroll period but not retroactively. Used leave cannot be restored by SEICTF.

Additional information on SEICTF and forms are available at:
www.riskmgt.alabama.gov/RM/EmplInjuryComp.aspx.

7.8 TAX DEFERRED COMPENSATION PLANS

There are two tax deferred compensation plans available to Employees. Information concerning the plan offered by the Retirement Systems of Alabama (RSA-1) is available by calling 334-517-7000 or visiting the RSA website at www.rsa-al.gov. Information regarding the Great-West plan is available by calling 1-877-313-2262 or visiting www.gwrs.com.

SECTION 8: PERFORMANCE APPRAISAL

8.1 OVERVIEW

The State Performance Appraisal System continuously manages and evaluates an Employee's performance of assigned work responsibilities and work conduct. The basis of the appraisal system is responsibilities and results. Responsibilities are the essential job functions and important activities of the position while results are the expected level of fully competent performance of each responsibility. Therefore, appraisal is the process to manage Employee performance – communicate responsibilities, monitor performance, and provide feedback.

8.2 PROBATIONARY PERIOD

Every person appointed to a position in the classified service must successfully pass a probationary period (working test period) before receiving permanent status. This is generally a six-month period. Reemployment hires serve a three-month probationary period.

During the probationary period, you must reach the satisfactory or fully competent level of performance on both your work habits and responsibilities and results as shown on your Preappraisal Performance Appraisal form. The criteria for success are stated in the responsibilities and results written for each position and provided by your supervisor.

Once the probationary period is completed, the Employee may be eligible for a salary increase determined by the probationary performance appraisal score and the recommendation of the supervisor.

An unsatisfactory or unsuitable Employee will be recommended for separation prior to the end of the probationary period based upon written justification provided by the probationary Employee's supervisor and Division Director. The supervisor of a probationary Employee is responsible for carefully evaluating that Employee and taking the appropriate action to initiate the removal process.

No Employee is allowed to transfer during the probationary period unless the State Personnel Director determines that the Employee could have been certified for appointment to the position.

8.3 EXTENSION OF PROBATIONARY PERIOD

Supervisors may recommend extension of the probationary period in three-month increments. Only two probation extension recommendations are allowed as a probationary period may never exceed one year.

One significant reason for extending the probationary period is to allow the Employee more time to achieve a "fully competent" level of performance. If a supervisor extends or considers extending the probationary period, they should make sure the Employee knows the exact reasons

for the extension, including possible areas of weak performance and the time period to achieve an acceptable level of improved performance.

8.4 PERFORMANCE APPRAISAL PROCESS

Performance appraisals are to be accurate and objective as they are used to determine salary increases, layoff calculations, calculations of scores on promotional registers, and in hearings for Employees who have been recommended for suspension or termination. Performance appraisals can also be used as a motivational tool to boost productivity. It allows the Employee with weak performance an opportunity to improve performance and become a more productive Employee.

The performance appraisal process consists of three distinct phases: preappraisal, midappraisal, and final appraisal. Signatures are mandatory, denote review and discussion with the supervisor, and do not denote agreement.

8.4.1 PREAPPRAISAL

The Employee preappraisal form must be completed and discussed with Employees at the beginning of the Employee's appraisal cycle. This form is utilized to clearly define the responsibilities and results and expected work habits for the position. The supervisor should define the responsibilities for the position and write results for each responsibility. Whenever feasible, at least four responsibilities should be provided for Employee evaluation.

The completed preappraisal form should be kept in the supervisor's file or filed with your division's personnel representative to be completed at the midappraisal session. The Employee and Finance Personnel should receive a copy of the preappraisal form. Any changes in the responsibilities and results during the appraisal period must be documented on a new preappraisal form and discussed with the Employee.

8.4.2 MIDAPPRAISAL

The midappraisal must be conducted with Employees at the midpoint of the appraisal period. This is a sit-down session between the Employee and the rating supervisor to reveal the Employee's performance in meeting the defined results and work habits to include strengths and weaknesses. This meeting should be documented through utilization of the preappraisal form under the midappraisal section and signed by the Employee and the rating supervisor. A copy of the midappraisal should be made for the Employee, rating supervisor, and Finance Personnel. The original form should be held in the supervisor's file or filed with your division's personnel representative and submitted to Finance Personnel with the completed final appraisal.

8.4.3 FINAL APPRAISAL

The Employee performance appraisal form is used to document responsibility performance, work habits, and disciplinary actions during the annual appraisal period. The rater should consider the Employee's work habits and performance of responsibilities while reviewing documentation and seeking input from others. The performance should then be compared to what is listed on the

preappraisal and each responsibility is rated based on the meets standards performance level as discussed on the preappraisal.

A performance appraisal form must be completed for any Employee leaving State service for any reason including retirement, termination, or resignation. (Reference the Department's Performance Appraisal Guidelines and Procedure – Appendix J.)

SECTION 9: EMPLOYEE CONDUCT

9.1 GIFTS AND FAVORS

The Alabama Ethics Law prohibits Employees from offering a member of a regulatory body a “thing of value” (i.e. gifts, favors) or a member of a regulatory body accepting/soliciting a “thing of value.” It further prohibits Employees from soliciting a “thing of value” for himself/herself or a family member for influencing official action. Nor shall an Employee offer a public official or family member a “thing of value” for influencing official action.

Questions concerning these matters should be referred to the Finance Legal Division or the State Ethics Commission.

9.2 JOB STANDARDS

Each Employee is expected to perform his or her job according to standards set by his or her supervisor, Division Director, and the Finance Director. Inattention to the job, leaving the workstation without being properly relieved, and misuse and abuse or unauthorized operation of equipment and vehicles will not be tolerated and may subject an Employee to disciplinary action. Serious violations such as insubordination, theft or unauthorized possession of state property, fighting on the job, use of profane/vulgar, abusive, or threatening language, falsification of records, possession or use of alcohol, controlled substances, or dangerous weapons, sleeping on the job, and abandoning the job may result in suspension or dismissal for the first offense. The Employee’s work record and length of service will be taken into consideration in any disciplinary action.

9.3 PROHIBITION OF POLITICAL ACTIVITIES

Each Employee may participate in city, county, state, or national political activities to the same extent as any other citizen of the State of Alabama, which includes the right to join and contribute to political clubs, organizations, and parties; publicly support issues and candidates; make financial contributions; hand out campaign literature; put up campaign signs in his or her yard; and express his or her individual opinions on political subjects and candidates. However, an Employee may not use any state funds, equipment, vehicles, or supplies for such political activity. In addition, an Employee must be away from the work place and on approved leave or holiday or on his or her own personal time before or after work to engage in these activities. It is the Employee’s responsibility to ensure that his or her conduct and representations are such that no one may reasonably perceive the Employee’s views, position, or actions as officially representing those of the Department.

An Employee may not use his or her official authority or influence for affecting an election, even if on his or her own time and away from the workplace. If an Employee is a supervisor, he or she may not solicit any contributions from his or her subordinates or force or attempt to force them to refrain from working in any political campaign or cause.

Any Employee who seeks public office must notify the Finance Director of his or her intention to run in an election for public office.

9.4 PROGRESSIVE DISCIPLINE

Failure by an Employee to conform to the policies, procedures, and directives of the Department may result in demotion, suspension, or dismissal. The Finance Director shall decide what disciplinary action shall be taken.

The Department follows the progressive discipline system taught by the State Personnel Department. Progressive discipline is a system of escalated penalties that are imposed with increasing severity for repeated infractions. The four steps of discipline are written warning, written reprimand, suspension, and dismissal.

At each step, the supervisor provides a clear statement of the problem behavior, expected actions to correct the problem, a time limit for correction, and consequences of continued undesired conduct. All disciplinary actions must be documented with copies submitted to Finance Personnel.

9.4.1 DEMOTION

A demotion is an assignment of a classified Employee from a position in a higher classification to a position in a lower classification. The Employee must have attained permanent status in both classifications. This may occur within the Department or from one department to another.

The Finance Director and the State Personnel Director must approve demotions. The Employee is given a letter informing them of the demotion and notice of appeal rights to the State Personnel Director.

When an Employee is demoted, the salary must be reduced to at least the maximum rate for the new classification. If the Employee's present salary falls within the range for the lower classification, the salary may be decreased at the time of demotion, at the request of the Finance Director.

9.4.2 SUSPENSION

The Finance Director may suspend an Employee if the good of the State will be served. A permanent classified Employee is entitled to due process before suspension. Total suspension days cannot exceed 30 calendar days during any twelve-month period. A suspension cannot be appealed to the State Personnel Board or the State Personnel Director.

9.4.3 DISMISSAL

The Finance Director may dismiss an Employee if he or she considers that it is for the good of the State. A pre-dismissal conference shall be held to afford a permanent classified Employee due process. If a decision is made to dismiss the Employee, reasons for dismissal must be stated in writing to the Employee. A dismissed Employee may, within ten business days from the

receipt of written notice, answer the charges and request a hearing before the State Personnel Board.

In addition to disciplinary action, criminal violations shall also be subject to prosecution in accordance with the Alabama Criminal Statutes.

9.5 STANDARDS OF CONDUCT

It is essential that every Employee remain aware of his or her role as an Employee of the Department. An Employee is not only employed by a State agency, but more importantly, the people of Alabama pay him or her. Therefore, it is essential that each Employee adheres to the highest ethical and moral standards in his or her business relationships and personal conduct and that each Employee shows a sense of dedication and responsibility toward his or her job. Courtesy, fairness, and competence must characterize each contact that is made with the public.

The Department expects its Employees to act in a professional and ethical manner in circumstances not covered in the Standards of Conduct. Failure to do so may result in disciplinary action, up to and including dismissal.

9.6 WORK ENVIRONMENT

9.6.1 ALCOHOLIC BEVERAGES

No Employee shall be permitted to work while under the influence of alcoholic beverages. Use or possession of alcoholic beverages by an Employee at any time on State premises is prohibited. Employees who violate this policy will be subject to disciplinary action, which may include immediate suspension or termination of employment.

9.6.2 DRUG-FREE WORK ENVIRONMENT

The Department absolutely prohibits all Employees from manufacturing, distributing, dispensing, possessing, or using illegal drugs and controlled substances on State of Alabama premises or in State motor vehicles. The “use” of an illegal drug is defined as both using such drug in the workplace and/or working under the influence of illegal drugs taken prior to reporting to work. For purpose of this policy, “premises” will be defined as “space leased, owned, or otherwise occupied by the State of Alabama.”

Employees who violate this policy will be subject to disciplinary action, which may include immediate suspension or termination of employment.

9.6.3 SMOKING AND USE OF TOBACCO PRODUCTS

All buildings occupied by the Department are tobacco free. Employees may smoke or use tobacco in other forms in designated smoking areas outside of buildings during their two 15-minute break periods. Employees are encouraged not to smoke outside the main entrance of buildings. Employees who smoke are not allowed additional breaks. The current policy of

allowing one 15-minute break in the morning and one 15-minute break in the afternoon at the discretion of the supervisor applies equally to both smoking and non-smoking Employees.

Smoking in state vehicles is prohibited.

9.6.4 WEAPONS

All Employees are strictly prohibited from carrying firearms, knives, and other weapons onto State property or within the assigned workplace premises.

9.7 WORK RULES

In addition to the various work rules issued by the Department, the State Personnel Board has published the following standard work rules that apply to all merit system Employees.

Violations that normally result in disciplinary actions of increasing severity:

- Violation of safety rules
- Absenteeism - Unexcused absence, unreported absence, a pattern of absence, or excessive absences
- Tardiness - Not on the job ready to work at the beginning of the work shift
- Inattention to job - Doing anything distracting while on the job
- Failure to perform job properly
- Leaving job station without permission
- Disruptive conduct of any sort
- Abuse of equipment
- Unauthorized operation of vehicles, machinery, or equipment
- Participation in unauthorized activity or solicitation on work premises
- Poor housekeeping
- Unauthorized use of telephones
- Unauthorized use of bulletin boards
- Violations of specific department rules

More serious violations that may result in suspension or discharge on the first offense, considering work record and length of service:

- Violations of safety rules that endanger life or property
- Insubordination - Failure to follow an order; disobedience; failure to submit to authority as shown by demeanor or words, with the one exception of not following an order that the Employee has good reason to believe is unsafe or illegal
- Theft or unauthorized possession of state property
- Fighting
- Use of abusive or threatening language
- Falsification of records - application for employment, time sheet, doctor's excuse, etc.
- Possession or use of alcohol, narcotics, or dangerous weapons

- Sleeping on the job
- Leaving before the end of the shift/walking off the job
- Serious violation of any other Department rule
- Job abandonment, which consists of three days of unexcused, unreported absence

The listing of violations above is not meant to be all inclusive and does not imply that discipline may not be imposed for other sufficient reasons.

9.8 EMPLOYEE/WITNESS STATEMENTS

Employees may be required to make written or verbal statements in conjunction with due process/disciplinary hearings, grievance/harassment complaints, and investigations by supervisors or other designated personnel. Employees shall cooperate fully to include, but not limited to, providing truthful and complete information or written and/or verbal statements. Any employee, who knowingly provides false information, intentionally omits facts, is evasive in answering questions, or refuses to provide information shall be subject to disciplinary action, up to and including dismissal. Any employee, who threatens, harasses, intimidates, or coerces another employee during such hearings or investigations shall be subject to disciplinary action, up to and including dismissal. This policy is not intended to replace and does not conflict with an individual's rights against self-incrimination in situations that may lead to criminal prosecution for the violation of a law.

SECTION 10: SEPARATION FROM EMPLOYMENT

10.1 DISMISSAL

See Dismissal under Employee Conduct, Section 9.4.3.

10.2 LAYOFF

The Finance Director may lay off Employees whenever it is deemed necessary due to shortage of work or funds, or the abolition of a position or other material change in duties and organization. The Finance Director in accordance with the *Rules of the State Personnel Board* determines the order in which Employees in the classified service are to be laid off.

Each Employee to be laid off shall be notified in writing in advance of the layoff date, and shall be placed on the appropriate reemployment register.

10.3 REMOVAL OF A PROBATIONARY EMPLOYEE

A probationary Employee does not have permanent status and may be terminated at any time prior to attaining permanent merit system status. A probationary Employee who is terminated during probation does not have appeal rights to the State Personnel Board.

10.4 RESIGNATION

10.4.1 RESIGNATION BY LETTER

An Employee who intends to resign from employment with the Department must submit a letter addressed to the Finance Director and forwarded to the Personnel Division at least two weeks prior to the effective date of separation. Failure to give proper notice could result in the Employee not being recommended for reemployment.

10.4.2 RESIGNATION BY JOB ABANDONMENT

An Employee can also resign from his/her position through job abandonment. Job abandonment consists of three days of unexcused, unreported absence from work. “Unreported absence from work” means that the Department has no knowledge of the Employee’s location and has no contact with the Employee.

10.5 RETIREMENT

See Retirement under Employee Benefits, Section 7.6.

10.6 TRANSFER

An Employee who plans to transfer to or accept an appointment with another State agency must submit a letter addressed to the Finance Director and forwarded to the Personnel Division at least two weeks prior to the effective date of separation. Transfers and appointments with another State agency must be effective the first day of a pay period. Copies of the letter should be sent to the Employee's immediate supervisor and the Division Director.

When an Employee transfers from one merit State agency to another merit State agency both Appointing Authorities must agree to the transfer and the disposition of the leave balances before the transfer is effective. Any accumulated annual or sick leave, except comp time, may be transferred to another merit agency. Finance Employees must pay any bereavement leave balance due to the Department prior to transferring. Employees will not be allowed to transfer into the Department with an advanced sick leave or bereavement leave balance.

10.7 RETURN OF STATE PROPERTY UPON SEPARATION

An Employee who separates from employment with the Department under any circumstances (resignation, transfer, dismissal, etc.) is responsible for returning any property that belongs to the State. State property includes, but is not limited to, official records/documents, credit cards, identification cards, equipment, and keys.

SECTION 11: EMPLOYEE SYSTEM USE

The Employee System Use Policy is a tool that all Employees must use in order to exercise informed good judgment when using State provided information technology (IT), including Internet, e-mail, social media, and removable storage devices. Always remember that State information systems are to be used for business purposes in serving the interests of the government and of the people it serves in the course of normal operations. Misuse of State IT exposes the State and its data to risks, compromise of network systems, and legal liabilities.

While not intended to replace the actual Employee System Use Policy, the following are guidelines for Employee system use.

11.1 GENERAL GUIDELINES

Use strong passwords. Strong passwords are at least 8 characters utilizing at least three of the following four properties; upper case, lower case, numeric, and special characters. Use different passwords for different accounts.

Activities that are not allowed regardless of the State system being used are; a) illegal activity, b) non-incident personal use, c) accessing, possessing, or transmitting any sexually explicit, offensive, or inappropriate images and/or text, d) any activity promoting chain letters, commercial ventures, religious or political causes, endorsement of candidates, or supporting non-government organizations, e) all communication, whether verbal, print, or image, considered obscene, offensive, racist, libelous, slanderous, or defamatory, f) communication with newsgroups without authorization from the Finance Director, g) posting or releasing confidential, sensitive, personally identifiable information, or other State government Intellectual Property without authorization from the Finance Director.

11.2 INTERNET ACCESS

Activities that are prohibited when using the State's Internet access are; a) introducing unauthorized software to State systems, b) causing/enabling security breaches, network or access disruption, or unauthorized network/device scanning, unauthorized system/network access, or data interception, c) accessing electronic game related websites or other websites deemed to be a threat to security.

11.3 E-MAIL USAGE

Employees shall delete personal e-mail or save it separately from work-related e-mail.

Activities that are prohibited when using State IT resources are; a) sending or forwarding mass mailings unrelated to Department or other State business without prior approval from the ISD IT Director, b) sending unsolicited e-mail messages including junk mail, spam, or other advertising material to individuals who did not specifically request such material, unless part of assigned duties, c) disguising or attempting to disguise your identity when sending e-mail, forging e-mail

header information, using another person's e-mail account, or intercepting e-mail destined for others.

Mass mailings are defined as mailings addressed to more than 50 persons.

11.4 SOCIAL MEDIA

Users who are authorized to speak on behalf of the Department or State shall identify themselves by: 1) full name; 2) title; 3) agency; and 4) contact information, when posting or exchanging information on social media forums, and shall address issues only within the scope of their specific authorization.

Users who are not authorized to speak on behalf of the Department or State shall clarify that the information is being presented on their own behalf and that it does not represent the position of the Department or State.

Users shall not utilize tools or techniques to spoof, masquerade, or assume any identity or credentials except for legitimate law enforcement purposes or for other legitimate Department or other State purposes.

Employees may use personal social media for limited family or personal communications during normal business hours so long as those communications do not interfere with their work. Employees and their managers are responsible for exercising good judgment regarding personal use.

Users shall not use their state e-mail account or password in conjunction with a personal social media site.

11.5 REMOVABLE STORAGE DEVICES

Removable storage devices (USB Flash drives, PC Cards, FireWire devices, MP3 players, camcorders, digital cameras, etc.) could be used to infect an information system with a virus, or transport unencrypted sensitive data that could be lost or stolen.

Never install a removable storage device when you are not certain of the origin of its contents. Infected USB drives are commonly left in parking lots and other common areas in hopes that they will be installed by the finder and then enabled to infect that individual's computer.

Removable storage devices should not be attached to a State information system unless approved by supervisor.

Do not store sensitive or confidential data on any removable storage device unless encrypted.

Maintain physical security of removable storage devices. Report immediately the loss or theft of any device containing sensitive State data to ISD's Chief Information Security Officer. (Reference the Department's Employee System Use Policy - Appendix K.)

APPENDIX A: BACKGROUND INVESTIGATION POLICY AND PROCEDURE

PURPOSE

The purpose of this policy is to provide assurance that employees hired to work in the Department of Finance have the appropriate work ethic and habits, character, education and training necessary to perform the required duties of the position in which they are to be employed.

POLICY

To assure that each job applicant is suitable for employment by the Department of Finance there shall be a verification of education, training, character references and, at the discretion of the appointing authority, such other information which might be appropriate under the facts of a particular engagement, for each permanent and temporary new hire, reemployment, appointment and contract personnel, completed prior to a conditional offer of employment or engagement being made final and the employee commencing work. Each prospective employee to whom a conditional offer of employment has been extended and accepted must complete the forms required for the background checks.

A criminal record does not disqualify a prospective employee. All of the circumstances will be considered.

If it is determined, that material information in an application is false, the Finance Personnel Division will be notified and the conditional offer of employment will be withdrawn. The facts will be reported to the Finance Legal Division and a request to remove the applicant from the register will be submitted to the State Personnel Department.

SCOPE OF THE INVESTIGATION

To determine suitability for a final offer of employment, the background investigation shall include a criminal record check, verification of education, experience and training credentials that are prerequisites for the job, and inquiries of former employers, character references and other resources to determine character traits, work ethic and work habits.

PROCEDURE

A. Preliminary Action - The hiring division director or his/her staff will have the new, reemployed, or appointed employee complete the following forms and forward the completed forms to the Finance Personnel Division.

1. Alabama Background Check (ABC) System Criminal History Record (CHR) report waiver

2. Department of Finance Authorization for Release of Information and Release of Liability Form

B. Criminal Background Check

1. The Finance Personnel Division will utilize the ABC System, which is administered by the Alabama Criminal Justice Information Center, working in partnership with the Alabama Administrative Office of Courts and the Alabama Department of Public Safety. The ABC System fee for the background investigation will be charged to the hiring division.
2. The ABC System will provide the criminal history record to the Finance Personnel Division. The Finance Personnel Division and the Deputy Finance Director will review the criminal history record to decide if the prior criminal record should disqualify the employee. The Finance Personnel Division will notify the division director of the results.
3. Information received as a result of the background investigation will be maintained in the Finance Personnel Division.
4. A criminal record does not disqualify a prospective employee. All of the circumstances will be considered.

C. Verification Of Education And Training Credentials, Contacts With Former Employers and Character References

1. It is the responsibility of the Finance Personnel Division to verify education and training credentials. Copies of transcripts, certifications of satisfactory completion and other relevant information shall be collected, compared to similar documents provided by the employee, and made a part of the Personnel Division file.
2. It is the responsibility of the supervisor conducting the interviews to contact former employers and character references. Contact results shall be recorded and placed in the Personnel Division file.
3. Information adverse to the employee will not be made known to the prospective employee.

D. Retention of Results of Background Check

1. Information received as a result of the background investigation will be maintained in the Finance Personnel Division. The information will only be used for determining suitability of the employee for a specific job and will be held in confidence and shared with management only on a need-to-know basis.
2. All information obtained through the ABC System will be destroyed after six months.

E. Miscellaneous

If it is determined that material information in an application is false, the Finance Personnel Division will be notified and the conditional offer of employment will be withdrawn. The facts will be reported to the Finance Legal Division and a request to remove the applicant from the register will be submitted to the State Personnel Department.

APPENDIX B: AMERICANS WITH DISABILITIES ACT POLICY AND PROCEDURE

PURPOSE

The Americans with Disabilities Act (ADA) prohibits employment discrimination against qualified individuals with disabilities and was designed to remove barriers that prevent qualified individuals with disabilities from enjoying the same opportunities as individuals without disabilities.

POLICY

This policy is to provide assurance that the Department of Finance (Department) will comply with all provisions of the ADA, as amended by the ADA Amendments Act of 2008. The Department will not refuse to hire, dismiss from employment, or discriminate in compensation or other terms of employment because of an otherwise qualified employee's or applicant's mental or physical disability. The Department does require that all of its employees, including those with disabilities, be able to perform the essential functions of their job or jobs for which they apply.

Consistent with the ADA, it is the policy of the Department, upon request, to provide reasonable accommodation to the known physical or mental limitations of an otherwise qualified employee or applicant with a disability, unless such accommodation would cause an undue hardship.

DEFINITIONS

Disability - A person with a "disability" is an individual who (a) has a physical or mental impairment that substantially limits one or more major life activities, (b) has a record of such impairment or (c) is regarded as having such impairment.

Major Life Activities – These are activities that an average person can perform with little or no difficulty. Examples include walking, seeing, hearing, speaking, breathing, learning, performing manual tasks, caring for oneself, and working. Major bodily functions such as functions of the immune system, respiratory system, circulatory system, and reproductive functions are also included.

Qualified Individual with a Disability - A person with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Essential Functions - Essential functions are the basic job duties that an employee must be able to perform with or without reasonable accommodation. Essential functions are limited to the

duties fundamental to a particular job or task and do not include marginal functions. Generally, a task is an essential function if:

- The performance of the task is the reason the position exists.
- A limited number of employees are available to perform the task.
- The task may require highly specialized expertise, limiting hiring to persons with those skills or training.

Tasks may also be considered essential job functions based on the Department's judgment, written job descriptions and task statements, statutory requirements for the job, current and past work experience, the amount of time spent on the job function, and the consequences of failure to perform the function.

Reasonable Accommodation - Reasonable accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for an individual with a disability to enjoy an equal employment opportunity unless the Department can show that the accommodation would cause an undue hardship. The ADA does not require lower quality or quantity standards to make an accommodation. Nor is the Department obligated to provide personal use items, such as glasses, hearing aids, or a wheelchair, as accommodations.

Undue Hardship – An accommodation that would require an unreasonably large amount of money or resources, or result in a significant negative impact on the Department's ability to conduct its business.

REASONABLE ACCOMMODATION PROCEDURE

In the event that an employee is impaired and cannot perform the essential functions of his/her job, the employee shall notify the immediate supervisor and division director of the impairment and then submit a request for a reasonable accommodation to the Finance Personnel Director (FPD) or his/her designee. Medical documentation of the disability shall be required and requested by the FPD. Upon receipt of the medical information, the FPD shall meet with the employee, if feasible, immediate supervisor, and division head to evaluate the situation to determine if the employee has a disability covered by the ADA.

Consideration must be given to the extent, duration and impact of the impairment in determining whether the impairment is temporary. Temporary, non-chronic impairments that do not last for a long time (less than six months) and that have little or no long-term impact usually are not disabilities under the ADA.

If the medical information provided reflects that the impairment is a disability under the ADA as defined above, and if the employee is unable to perform job functions, the FPD shall consider the employee's request with the immediate supervisor and division head as to whether or not the accommodation is reasonable and does not cause a hardship.

EXCEPTIONS

Undue Hardship. The ADA does not require that an employer provide an accommodation if it will impose an undue hardship on the operation of its business. Undue hardship is defined by the ADA as an action that is “excessively costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the business.” In determining undue hardship, factors to be considered include the nature and cost of the accommodation in relation to the size, the financial resources, the nature and structure of the employer’s operation, as well as the impact of the accommodation on the specific facility providing the accommodation.

Health and Safety. The Department may require that an individual not pose a “direct threat” to the health or safety of himself/herself or others. A health or safety risk can only be considered if it is “a significant risk of substantial harm,” not a slightly increased risk. An assessment of “direct threat” must be strictly based on a valid medical analysis and/or other objective evidence and not on speculation. Like any qualification standard, this requirement applies to all employees, not just to employees with disabilities.

COMPLAINT PROCEDURE

An employee with a complaint regarding the ADA should first discuss the matter with his/her immediate supervisor or a higher-level supervisor in the chain of supervision. If the matter remains unresolved, the employee may file a complaint per the Department’s grievance procedure. The Department is committed to promptly and fairly resolving such complaints.

If an employee is not satisfied with the Department’s resolution of the complaint, he/she may file a complaint with the Equal Employment Opportunity Commission (EEOC). Complaints must be filed within 180 days of the date of the alleged violation in order to be considered by the EEOC.

APPENDIX C: CONTACT WITH THE NEWS MEDIA POLICY AND PROCEDURE

PURPOSE

The purpose of this policy is to ensure accuracy and consistency when providing information to the news media regarding the operations and policies of the Department of Finance (Department) and information generated by the Department in the conducting of its business.

POLICY

It is the policy of the Department to cooperate as fully as possible with news media inquiries and to manage contacts with the news media in such a manner as to ensure accurate dissemination of information on matters appropriate for public knowledge. The Finance Director or a person designated by the Director shall serve as the only authorized news media spokesperson for the Department. Except as provided for the release of general information by a Division Director, if an employee is contacted by the news media, the employee shall not provide any statements and shall refer the inquiry to the Finance Director or his/her designee.

Employees shall not initiate contact with the news media or issue any statements to the news media regarding the operations and policies of the Department of Finance and information generated by the Department in the conducting of its business, or otherwise discuss Department matters with the news media without prior approval from the Finance Director or the Director's designee.

DEFINITION

News Media – reporters or other representatives of the print media such as newspapers and magazines; online media such as blogs and websites; broadcast media such as radio and television stations; other third-parties which may have communication with media representatives.

PROCEDURE

1. If a news media representative contacts an employee of the Department for an interview, that employee shall direct the caller to the Finance Director or his/her designee.
2. If a news media representative contacts a Division Director of the Department for an interview, that Division Director may provide general information regarding the statutory responsibilities of that Division. For additional information the media representative shall be referred to the Finance Director or the Director's Designee.

APPENDIX D: DRESS AND PERSONAL APPEARANCE POLICY AND GUIDELINES

PURPOSE

To provide a policy and guidance on appropriate office attire and personal appearance.

POLICY

The Department of Finance (Department) expects all employees to present a business-like appearance during office hours and to dress conservatively and professionally at all times, keeping in mind the job duties being performed, as our attire is a significant part of the overall perception that other State employees, the business community, and the general public have of the Department.

GUIDELINES

To make certain that employees maintain a level of professionalism the following examples illustrate appropriate and inappropriate dress for the workplace. However, since there are constantly changing styles of dress, it is impossible to list all of the appropriate or inappropriate styles of clothing for the office. The fact that a specific article of clothing is not mentioned as inappropriate does not mean that it is acceptable for the workplace. Employees must use good judgment and common sense in complying with this policy.

Acceptable dress may vary in the different divisions of the Department. In a few instances, especially for tasks involving manual labor, a more casual, durable form of dress may be worn. In these instances, the division director should give approval to any deviation from the appropriate dress on an individual basis.

If an employee has a question concerning whether a certain type of clothing is appropriate, he/she should ask their supervisor prior to wearing the clothing. Should the supervisor find that the employee is in violation of the dress code, the employee will be sent home to change and will be placed on annual leave or leave without pay during this time. Employees who continue to violate the dress code may be disciplined under the Progressive Discipline system.

Appropriate Dress

Clothing that is clean and free of wrinkles
Clothing that is suited for activities scheduled that day (public contact or meetings)
Suits, sport coats, dress shirts, ties, and dress slacks
Dresses, skirts, pants, blouses, sweaters
Polo, golf, and sport shirts
Dress sandals, loafers, and boots
Neat jeans and t-shirts (for certain classifications in the Department)

Inappropriate Dress

Clothing not properly laundered or having tears, or holes
Visible undergarments
Clothing with inappropriate advertising, slogans, or emblems
Revealing, see-through, or strapless attire
Clothing that does not fit properly (too tight or too baggy)
Sweat suits and wind suits
Shorts or skorts
Short skirts or dresses (more than 3 inches above the knee)
Skirts or dresses with revealing splits
Tank tops, halter-tops, or crop tops
Flip-flops and house shoes
Open-toe shoes worn around heavy equipment or machinery

Employees whose duties typically require meeting with members of the general public or employees of other State agencies in an office setting should not wear denim jeans or other clothing made of denim which is not designed for business attire.

Certain medical situations, such as a foot ailment or injury or temporary activities such as cleaning or moving may necessitate temporary exceptions to this dress code or a change of clothing during the work day. Employees should make their supervisor aware of a need to deviate from the above criteria and include the anticipated length of time the need is expected to continue.

Personal Appearance

The Department expects all employees to maintain good hygiene and grooming while in the work place. Employees should be conservative with wearing scented products, hairstyles and jewelry. With the exception of earrings, visible pierced jewelry must be removed while at work and tattoos must be covered if they could be considered offensive.

If an employee requires a reasonable accommodation regarding their dress for bona fide health and/or religious reasons, they should contact their supervisor to discuss an exception to the policy.

APPENDIX E: GRIEVANCE RESOLUTION POLICY AND PROCEDURE

PURPOSE

The purpose of this Grievance Resolution Policy is to provide employees of the Department of Finance with a method of presenting and resolving grievances that arise in the workplace.

POLICY

It is the policy of the Department of Finance (Department) that any employee who believes that he or she has been aggrieved in a manner that affects the performance of his or her duties or creates an adverse work environment may seek resolution of the grievance, without fear of reprimand or retaliation, through a resolution process to be established by the Finance Director.

DEFINITIONS

For the purpose of this Grievance Resolution Policy and Procedure, the following terms shall have the meaning stated.

Grievance – a grievance under this Policy and Procedure is a situation in which an employee considers himself or herself to have been treated wrongly or placed in a situation of hardship.

Examples of situations where this Policy does apply – granting of time off, work assignments, shift assignment, work conditions, or the application of Department rules or policies.

Examples of situations where this Policy does not apply – challenges to performance appraisals, complaints for which Personnel Policies prescribe a procedure such as charges of sexual harassment or discrimination, and progressive discipline actions.

Business day – a normally scheduled day to work, usually Monday through Friday.

PROCEDURE

The following procedure is established for the purpose of implementing the Grievance Resolution Procedure of the Department.

NOTE: Should you feel that because of the circumstances of the grievance, beginning the Grievance Resolution process at Step 1 or 2 of the Procedure is not likely to result in fair consideration of the grievance, you should begin at Step 3, the Division Director Level. Should you believe that there can be no resolution at Steps 1, 2, or 3 because of the circumstances of the grievance, including the positions of the persons involved, the process may begin at the Department Personnel Director Level by filing a written grievance complaint as provided in Step

4 and Step 5. The grievance may be returned to a previous Step in the process if it is determined appropriate.

STEP 1. CO-WORKER ISSUES. If the problem involves behavior of one or more co-workers on your same level, you should attempt to discuss the problem with those involved and try to reach an understanding that will resolve the problem. If requested, a division supervisor will moderate the discussion. Each employee is expected to participate at this level of the process and to make a good faith attempt to reach a resolution and thereafter to conform to its terms.

STEP 2. RESOLUTION AT THE IMMEDIATE SUPERVISOR LEVEL. If Step 1 is not successful or you have determined that it would not resolve the grievance, an attempt must be made to resolve the problem with the immediate supervisor. The grievance must be submitted, in writing to the immediate supervisor with a copy to Finance Personnel, within five business days of the issue occurring or your knowledge of the issue. The immediate supervisor should provide a decision to affected employees, the Division Director, and Finance Personnel within five business days of being given specific notice of the grievance.

If the grievance is not resolved at the Immediate Supervisor Level, proceed to Step 3 – Division Director Level Resolution.

STEP 3. RESOLUTION AT THE DIVISION DIRECTOR LEVEL. If Step 2 does not produce a satisfactory result you should report the problem to the Division Director, in writing with a copy to Finance Personnel, within five business days of receipt of the decision in Step 2. The request must include a description of the facts of the grievance, the supervisor's response and the employee's suggestion for resolution. If the Grievance Process is initiated at the Division Level, the reasons for skipping the Immediate Supervisor Level must be described.

The Division Director will review the request, investigate as appropriate and provide a written response to you, the immediate supervisor, and a copy to Finance Personnel within five business days of receiving the request. The response will address the problems and prescribe a solution. If the response does not address the issues satisfactorily any involved employee may appeal to the Department Personnel Director as provided in Step 4.

STEP 4. RESOLUTION AT THE DEPARTMENT PERSONNEL DIRECTOR LEVEL. The grievance and all related information with a written request for review must be delivered to Finance Personnel, within five business days of the date of the Division Director's written response. Finance Personnel will provide a written solution to the employee, with a copy to the immediate supervisor and Division Director, within ten business days of receipt of the request for review. If the Grievance Process is initiated at the Finance Personnel Level, the reasons for skipping the Immediate Supervisor Level and the Division Director Level must be described.

The decision of the Department Personnel Director may be appealed to the Finance Director as provided in Step 5.

STEP 5. APPEAL TO THE FINANCE DIRECTOR. An appeal of the Personnel Director's decision must be started within five business days of the date of the written decision

of the Personnel Director. All information relating to previous proceeding in the Grievance Process must be delivered to the Finance Director. The Finance Director will conduct or cause to be conducted such investigation as is deemed necessary and render a written final decision on the matter to all persons involved, Finance Personnel, and the Division Director as soon as possible. The Finance Director's decision will be final and binding on all parties.

Should an employee elect to drop the complaint during the process, that employee must give written notice to all persons involved. All parties must agree to the dismissal. Management may proceed with the process.

MISCELLANEOUS

Employees are not permitted to skip any step of the Grievance Process, except as specifically provided for herein.

Documentation of a grievance shall be retained by Finance Personnel and not be placed in the personnel files of the involved employees.

Anonymous complaints will not be investigated.

APPENDIX F: SEXUAL HARASSMENT POLICY

POLICY

Sexual harassment will not be tolerated in the Department of Finance workplace. Such harassment, in any form or format (including but not limited to: physical, verbal, written, electronic, or any other means), whether intentional or unintentional, is strictly prohibited. Individuals found in violation of this policy will be subject to appropriate disciplinary action.

DEFINITION

Unwelcome conduct of a sexual nature (including actions targeted toward one gender), which may include, but is not limited to: sexual advances, request for sexual favors, verbal, non-verbal, or physical conduct, and/or disseminating information by any means or in any form (including but not limited to written and electronic data), constitute sexual harassment when such conduct:

1. Is made explicitly or implicitly a term or condition of employment
2. Is used as a basis for employment decisions
3. Has the purpose or effect of unreasonably interfering with work performance or creating a hostile or abusive work environment

Sexual harassment may be open or subtle. Some behavior which is appropriate in a social setting may not be appropriate in the workplace. But whatever form it takes, verbal, non-verbal, physical, written, or electronic, sexual harassment can be insulting and demeaning to the recipient and will not be tolerated in the workplace.

Sexual harassment does not refer to behavior or occasional compliments of a professionally acceptable nature. It refers to behavior that is not welcome, is personally offensive, fails to respect the right of others, lowers morale, and, therefore, interferes with an employee's ability to substantially perform his/her job functions. The prohibited behavior need not consist of sexual advances or have clear sexual overtones, but may consist of non-sexual degrading behavior directed at one gender.

EXAMPLES

Verbal: Sexual suggestions, suggestive comments, jokes of a sexual nature, sexual propositions, threats

Nonverbal: Sexually suggestive objects, pictures, emails, faxes, electronic communications, graphic commentaries, or any insulting sounds or actions including, but not limited to, leering, whistling, obscene gestures

Physical: Unwanted physical contact including, but not limited to, touching, flirting, pinching, brushing the body, coerced sexual activity, or assault.

RETALIATION

Retaliation in any form, for making a good faith report of sexual harassment, is prohibited. If an employee believes that he/she is being retaliated against for making a complaint, he/she must report the retaliatory behavior immediately, using the reporting procedures set out in this policy.

COMPLAINT PROCEDURE

REPORTING A SEXUAL HARASSMENT COMPLAINT

An employee who feels that he/she has been the subject of sexual harassment while performing job duties must report the matter immediately to his/her supervisor. If the employee is uncomfortable reporting the matter to their supervisor, he/she must report the matter to one of the following:

1. Finance Legal Counsel (242-4220)
2. Finance Personnel Director (242-3199)
3. Finance Director (242-7160)

That supervisor or director must immediately provide written notice of the allegations to Finance Legal and must assist in the investigation process as directed by Finance Legal. (Immediately is defined as by end of business on the day the complaint is received.)

INVESTIGATION OF COMPLAINTS

Finance Legal will investigate allegations of sexual harassment, unless an allegation originates in Finance Legal. If that is the case, the Finance Director will appoint an independent investigator to act in the place of Finance Legal. Finance Legal will report the results of the investigation to the appropriate supervisory personnel.

Such action as may be required by the results of the investigation will be taken by the Department's management.

APPENDIX G: ADVANCED SICK LEAVE

PURPOSE

Rules of the State Personnel Board, Rule 670-X-14-01, provide for the advance of sick leave to permanent employees under the following conditions: (1) all accrued leave (sick and annual), as well as accrued compensatory time or personal leave day if applicable, must be exhausted before an advance is made, (2) no advance shall be made to any employee unless the absence from duty because of disability or illness is for a period of five consecutive work days or more, (3) each application for an advance shall be supported by a certificate from a registered practicing physician, (4) the total of advances of sick leave shall not at any time exceed 24 work days. An employee of the Department of Finance (Department) files a request for advance of sick leave to the Finance Director on forms provided by the State Personnel Department. The request is submitted through Finance Personnel. After conducting investigations as necessary, the Finance Director either approves or disapproves the request. Finance Personnel notifies the employee and State Personnel of the determination. Justification for disapproved requests must also be provided to State Personnel.

Payment of the advanced sick leave is recovered by charging leave subsequently accumulated after the employee returns to work or from the employee when the employee does not return to work. No employee shall be readmitted to State service until this debt to the State has been satisfied.

In advancing sick leave, the State incurs a liability or debt, particularly when the employee does not return to work. Employees are now afforded coverage under the Family and Medical Leave Act (FMLA), which provides job protection and insurance coverage for up to 480 hours per rolling year. Therefore, most departments do not authorize advanced sick leave to employees, which is an option provided by State Personnel.

POLICY

The Department will not authorize advanced sick leave to employees. It is the standard operating procedure of the Department, under the signature of the Finance Director that advance sick leave will not be provided to any employee at any time.

APPENDIX H: OVERTIME AND COMPENSATORY TIME POLICY AND PROCEDURE

PURPOSE

The purpose of this policy is to assure compliance with the Fair Labor Standards Act (FLSA), a federal law that governs wages, hours and working conditions, and state law and regulations regarding the compensation of employees for overtime work, including granting of compensatory time for work in excess of 40 hours during a workweek for employees who are classified as nonexempt under those laws and regulations. Those authorities shall control in the event of conflicts or inconsistencies with this statement of policy.

POLICY

It is the policy of the Department of Finance (Department) to comply with all laws governing compensation for overtime work imposed by federal law under the FLSA and its implementing rules and regulations, and the laws of the State of Alabama and implementing regulations, which are primarily the *Rules of the State Personnel Board* as follows:

Nonexempt Employees. Compensatory time, rather than wages, shall be used to compensate nonexempt employees for performing work in excess of 40 hours during a workweek (“overtime work”) unless otherwise dictated by law, subject to the limitations set out in the “PROCEDURES” section.

Exempt Employees. There shall be no compensation for work exceeding the normal or traditional 40-hour workweek for exempt employees.

DEFINITIONS

Compensatory time – leave in lieu of cash payment, that has been properly authorized for a nonexempt employee as compensation for all hours physically worked in excess of 40 hours in a single workweek. Compensatory time will be awarded at a rate of one and one-half hours for each such hour of overtime.

Exempt employee – an employee who is not entitled to compensatory time or overtime payment for work in excess of 40 hours in a single workweek under the FLSA and the *Rules of the State Personnel Board*. These are usually employees in professional or managerial jobs.

Nonexempt employee – an employee who is entitled to compensatory time or overtime payment for physical work in excess of 40 hours in a single workweek under the FLSA and the *Rules of the State Personnel Board*.

Overtime – physical work in excess of 40 hours per workweek. Overtime is calculated on a workweek and not on a daily basis.

Workweek – a period, which begins at 12 AM Saturday and ends at midnight on Friday.

PROCEDURES

- A. All new employees shall sign a compensatory time agreement during new employee orientation. After employment an employee must sign a compensatory time agreement when required by management.
- B. Each division, in coordination with the Personnel Division, must identify its employees as FLSA-exempt or nonexempt.
- C. A nonexempt employee should not be required to work in excess of 40 hours per workweek. Work in excess of 40 hours must be authorized in writing in advance by the Division Director or a member of the employee's chain of supervision above the Division Director, or a person granted that authority by the Finance Director. Any compensatory time that has been earned without prior approval by an authorized person will be awarded. However, responsible parties may be subject to disciplinary action for noncompliance with policy should the facts warrant such action.
- D. A part-time employee is not eligible to earn compensatory time unless the total hours physically worked in a workweek exceed 40 hours. A part-time employee who works more than the scheduled hours during a workweek will be paid for the excess hours up to 40 hours at the base hourly rate. Any hours worked over 40 in a workweek will be compensated with compensatory time.
- E. Overtime work will be based on the needs of the Department and not for the convenience of the employee. Overtime is not intended to reward inefficiency or the misuse of time.
- F. A nonexempt employee shall:
 - 1. Receive compensatory time off at a rate of one and one-half hours for each hour physically worked over 40 in a workweek, not all hours worked over eight in a single day. Partial hours of overtime will be allocated proportionately. Any leave taken during the workweek does not count toward the 40-hour total.
 - 2. Receive compensatory time off at a straight rate (hour for hour) for time worked over 40 hours in a workweek with a leave event, such as sick leave, annual leave or holiday.
 - 3. Accumulate no more than 240 hours of compensatory time.
 - 4. Use compensatory time within 90 days of being earned; provided that the requested leave dates do not unduly disrupt the operations of the unit to which the employee is assigned. The employee's managers shall make this determination in their sole discretion.

5. Use accumulated compensatory time before annual leave is used unless this will cause an employee to lose accumulated annual leave at the end of the calendar year.
- G. Upon separation from state service or transfer to another state agency, a nonexempt employee will be paid for accumulated compensatory time up to 240 hours. Accumulated compensatory time is not transferable from one state agency to another state agency.
- H. A request for an exception to this policy to allow pay for overtime will be considered only in extreme circumstances. A request must include a detailed justification. A request shall be submitted to Finance Personnel by the Division Director and approved by the Finance Director and the State Personnel Board.

APPENDIX I: FAMILY AND MEDICAL LEAVE ACT POLICY AND PROCEDURE

PURPOSE

The Family and Medical Leave Act (FMLA) provides eligible employees the opportunity to take job-protected leave for certain specified reasons. The maximum amount of leave an employee may use is either up to 12 workweeks within a 12-month period for certain family and medical reasons, or up to 26 workweeks to care for a covered service member with a serious illness or injury. The purpose of this policy is to balance the needs of the Department of Finance (Department) for employee attendance and productivity at work and the needs of employees to be available for family and personal medical needs.

POLICY

The Department of Finance will treat all eligible employees fairly and equally in the administration of the FMLA and will not interfere with, restrain, or deny the exercise of any right provided under the FMLA.

DEFINITIONS

Chronic condition – a condition that requires periodic visits for treatment by a health care provider at least twice a year, continues over an extended period of time, including recurring episodes of a single underlying condition, and may cause episodic incapacity rather than continuing incapacity.

Eligible employee – an employee who has worked for the Department for at least 12 months, which need not be continuous, has worked at least 1,250 hours for the Department over the past 12 months, and works at a worksite where there are at least 50 employees within a 75-mile radius.

Health care provider – a professional authorized under state law who is performing within the scope of his/her practice as defined by state law. 34-24-50 et seq., Code of Alabama, 1975

Qualifying exigency – a non-medical activity that is directly related to the covered service member's active duty or deployment to a foreign country.

Serious health condition – an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Inpatient care (e.g. an overnight stay) in a hospital, hospice, or residential medical care facility.
- A period of incapacity of more than three consecutive full calendar days that also involves two or more treatments by a health care provider.

- A period of incapacity relating to pregnancy or prenatal care.
- A period of incapacity due to a chronic condition that involves treatment.
- A period of incapacity due to a permanent or long-term condition that may not be treatable.
- Any period of absence for multiple treatments (including recovery from treatments) either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment.

TRADITIONAL FAMILY AND MEDICAL LEAVE

Availability

Eligible employees may take up to 12 workweeks per 12-month period for the following reasons:

- The birth of an employee's child, including, but not limited to, prenatal doctor appointments, morning sickness, bed rest, childbirth, and care for the newborn child within the first 12 months after birth.
- The placement of a child with the employee for adoption or foster care, including, but not limited to, court appearances, social work home visits, attorney appointments, and to bond with and care for the child within the first 12 months after placement.
- To care for an immediate family member such as an employee's spouse, child, or parent/legal guardian who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the essential functions of his/her job.

The 12-month period is not a calendar year but is a rolling year. The rolling year is measured 12 months backwards from the date an employee uses any FMLA leave. Each time an employee takes FMLA leave the remaining leave entitlement will be the balance of the 12 weeks, which has not been used during the immediate preceding 12 months.

From the inception of the qualifying event, the 12-week FMLA leave entitlement is to be charged concurrently with accumulated sick leave, annual leave, personal day, compensatory time, and, if needed, leave without pay. Any leave that an employee takes due to an on-the-job injury covered by the State Employee Injury Compensation Trust Fund must be concurrently designated as FMLA leave if the employee meets the FMLA criteria. Family and Medical Leave Act leave can be applied retroactively.

PROCEDURE

Notice of Leave

When requesting leave, an employee must:

- Supply sufficient information for the Department to be aware that the FMLA may apply to the leave request, as well as information regarding the anticipated timing and duration of leave.
- Request FMLA-qualifying leave at least 30 days in advance of the need for leave or as soon as possible. If 30 days notice is not possible, such as a medical emergency, written notification must be given to the Department within one or two business days of when the need for leave becomes known to the employee.
- Make a reasonable effort to schedule foreseeable leave so the leave is as least disruptive to work operations, subject to the doctor's approval.
- Cooperate with all requests for information regarding whether absences are FMLA-qualifying.

Failure to comply may result in leave being delayed or denied.

Intermittent Leave

When medically necessary, an employee may take FMLA leave intermittently or on a reduced work schedule for his/her own serious health condition or the serious health condition of a family member. The immediate supervisor must approve any intermittent leave and/or reduced work schedule and the employee shall schedule treatments and/or appointments so it is as least disruptive to business operations as possible.

Leave because of the birth or adoption of a child shall not be taken intermittently or on a reduced work schedule unless the employee and appointing authority agree and must be completed within the 12-month period beginning on the date of birth or placement of the child.

Medical and other Certifications

Employees will be required to provide a medical certification if the leave request is for the employee's own serious health condition or to care for an immediate family member's serious health condition. Medical certification forms may be obtained from the Finance Personnel Division.

The certification must be submitted within 15 calendar days after requested by the Department. Failure to provide the requested certification in a timely manner may result in denial of the leave until it is provided. If an employee refuses to provide a certification, his/her leave request may be denied and the employee may be disciplined.

The Department may require, at its discretion and expense, a second medical opinion if it has a reasonable question regarding the medical certification provided by the employee. The doctor providing the second medical opinion cannot be one who is regularly employed by the Department. If the first and second opinions differ, the Department, at its own expense, may require the binding opinion of a third health care provider approved jointly by the employee and the Department. In lieu of a second opinion, the Finance Personnel Division may contact the health care provider, after receiving the employee's permission, to clarify a medical certification. The Department may contact the health care provider to authenticate any medical certification

without receiving the employee's permission. The immediate supervisor may not contact the health care provider for any reason.

The Department may require periodic recertification on a reasonable basis, generally 30 days, for chronic/long-term illness. A recertification may be requested in less than 30 days if the employee asks for an extension of leave, circumstances have changed, or the Department has doubts about the employee's FMLA status. While on FMLA leave the employee is required to report periodically as defined by the Department on the status of the condition and/or intention to return to work.

Fitness for Duty Certifications

Because the Department wishes to ensure the wellbeing of all employees, any employee returning from FMLA leave for his/her own serious health condition will need to provide a fitness for duty certification signed by his/her health care provider. Forms may be obtained from the Finance Personnel Division. An employee who fails to provide a fitness for duty certification will be prohibited from returning to work until it is provided and may be disciplined or dismissed.

Fitness for duty certifications may be required when an employee returns from intermittent FMLA leave if serious concerns exist regarding the employee's ability to resume his/her duties safely.

Married Couples Who Work for the Department

If an employee and his/her spouse both work for the Department, they are both eligible for leave. The employee and employee's spouse are limited to a combined total of 12 weeks of FMLA leave in a 12-month period if the leave is taken for:

- The birth, adoption, or foster placement of a child.
- To care for and bond with such child who does not suffer from a serious health condition.
- To care for a parent with a serious health condition.
- A combination of the above.

Maintenance of Insurance

During FMLA leave, the Department will maintain the employee's individual group insurance benefits at the same level and under the same conditions. Dependent insurance coverage must be paid by the employee to the State Employees' Insurance Board. If an employee elects not to return to work at the conclusion of the approved leave, the employee will be required to reimburse the Department for the employer's portion of the premiums paid on his/her behalf during the leave. If an employee returns to work for at least 30 calendar days after the FMLA leave expires, the employee is considered to have returned to work and will not be liable for insurance repayments. Additionally, an individual who retires immediately (or within the first 30 days) after the expiration of FMLA leave is not required to pay back any health insurance premiums. Insurance premium reimbursement is not due if the failure to return to work is due to

the continuation, recurrence, or onset of a serious health condition of the employee or qualifying family member that would otherwise entitle the employee to FMLA leave.

Return from Leave

Upon return from FMLA-qualifying leave, an eligible employee who has not been designated a “key” employee by the Department, will be restored to his/her last or an equivalent position with equal pay, benefits, and other conditions and terms of employment. An employee who fails to return at the end of FMLA leave will in most cases be considered to have voluntarily resigned his/her position with the Department unless they are entitled to additional leave as a reasonable accommodation under the Americans with Disabilities Act.

Employees involved in disciplinary actions from management will still be under those actions after returning to work from an FMLA leave of absence.

MILITARY FAMILY AND MEDICAL LEAVE

Unless specifically stated otherwise, procedures stated above for traditional FMLA apply to military FMLA.

Availability

To qualify for leave under the military FMLA provisions, an employee must be eligible for traditional FMLA leave and be either:

- The parent, spouse, son, daughter, siblings, grandparents, aunts, uncles, first cousins, or any blood relative specifically designated in writing as next of kin by a service member in the Regular Armed Forces, National Guard, or a Reserve component of the Armed Forces, or of an Armed Forces retiree, who is on active duty (or has been notified of an impending call or order to active duty) in a foreign country; or
- The spouse, son, daughter, parent, or next of kin of a covered service member or a veteran who has served within the last five years undergoing medical treatment, recuperation, or therapy, who is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Under the military FMLA, eligible employees may be able to take:

- Up to 12 workweeks of leave in a 12-month period because of a qualifying exigency that arises out of the fact that a spouse, parent, or child has been called to or is on covered active military duty in the Armed Forces or deployed to a foreign country; or
- Up to 26 workweeks of leave in a 12-month period to care for a covered service member of the Armed Forces who has a serious injury or illness. This 12-month period is measured forward from the beginning date of leave, even if this is different to the rolling year for other FMLA leave.

PROCEDURE

Notice of Leave

When the need for leave is caused by a qualifying exigency related to a family member's active duty is foreseeable, the employee should provide notice as soon as practicable, regardless of how far in advance such leave is foreseeable. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day.

Intermittent Leave

When medically necessary, an employee may take FMLA leave intermittently or on a reduced work schedule for military caregiver leave. The immediate supervisor must approve any intermittent leave schedule and the employee shall schedule leave so that it is least disruptive to business operations.

Qualifying exigency leave may be taken intermittently without regard to medical necessity or disruption of business operations.

Medical and other Certifications

Employees will be required to provide a medical certification if the leave request is for military caregiver leave. In lieu of any certification, the Department will accept Invitational Travel Orders (ITOs) or Invitational Travel Authorizations (ITAs) issued to any family member to join an injured or ill service member at his or her bedside, regardless of whether the employee is named in the order or authorization. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA.

If an employee needs leave to care for a covered service member beyond the expiration date specified in an ITO or ITA, the employee shall provide a medical certification for the additional time.

The Department may seek authentication and/or clarification of medical information but will not seek second opinions or recertifications for military caregiver leave.

Certification may also be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency. The first time an employee requests leave because of a qualifying exigency, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military. The documentation must indicate that the covered military service member is on active duty or called to active duty status in a foreign country and the dates of active duty service. The employee shall need to supply such documentation again only if requesting leave for a different active duty or call to active duty status of the same or a different covered military member.

The Department may contact an appropriate unit of the Department of Defense to request verification that a covered military service member is on active duty or called to active duty status, without the employee's permission.

Married Couples Who Work for the Department

For military caregiver leave, the employee and employee's spouse may be limited to a combined total of 26 weeks of leave in a 12-month period.

COMPLAINT PROCEDURE

If an eligible employee has a complaint regarding an FMLA violation, he or she should discuss it with the supervisor, following the chain of supervision leading to the Finance Personnel Division. After pursuing this course of action, if the employee is not satisfied with the resolution of the problem, the employee may contact the State of Alabama Personnel Department or the Secretary of Labor, who is authorized to investigate and attempt to resolve complaints of violations.

APPENDIX J: PERFORMANCE APPRAISAL GUIDELINES AND PROCEDURE

PURPOSE

The State of Alabama Performance Appraisal System continuously manages and evaluates an employee's performance of assigned work responsibilities and work conduct. The basis of the appraisal system is responsibilities and results. Responsibilities are the essential job functions and important activities of the position while results are the expected level of fully competent performance of each responsibility. Therefore, appraisal is the process to manage employee performance – communicate responsibilities, monitor performance, and provide feedback.

The performance appraisal and progressive discipline systems are to be used together. The appraisal system links disciplinary problems to reporting performance. Performance, work habits, accomplishments, or disciplinary actions that have taken place during the appraisal period should be reflected on the applicable form(s).

Performance appraisals are to be accurate and objective as they are used to determine salary increases, layoff calculations, calculations of scores on promotional registers, and in hearings for employees who have been recommended for suspension or termination.

APPRAISAL PROCESS

The appraisal period for both probationary and permanent employees consists of three distinct phases – preappraisal, midappraisal, and the final appraisal. Appraisals for probationary employees typically cover a six-month period while appraisals for permanent employees cover a twelve-month period. The immediate supervisor of the employee being evaluated should serve as the rating supervisor and should ensure the accurate and timely completion of all appraisal forms. The rating supervisor must be in a higher classification than the employee being evaluated unless the State Personnel Director authorized an exemption under special circumstances.

1. Preappraisal – The Employee Performance Preappraisal (Form 13P) must be completed and discussed with probationary and permanent employees at the beginning of the employee's appraisal cycle. This ivory colored form is utilized to clearly define the responsibilities and results and expected work habits for the position. The supervisor should define the responsibilities for the position, write results for each responsibility, and define the ratings for each responsibility. Whenever feasible, at least four responsibilities should be provided for employee evaluation.

The preappraisal session should be viewed as a two-way discussion. It is an ideal time for the employee to have questions answered that specifically or generally pertain to the appraisal process. Supervisors should be prepared to answer questions and be able to provide one or two examples of how an employee can exceed performance of the defined responsibilities.

The Work Habit section is used to discuss the employee's compliance with the terms and conditions of employment. The four areas to be covered with the employee are attendance, punctuality, cooperation with coworkers, and compliance with rules. To clarify expectations about the employee's work habits, the supervisor should define his/her expectations in writing and give a copy to the employee.

The completed preappraisal form should be kept in the supervisor's file or filed with your division's personnel representative to be completed at the midappraisal session. The employee and Finance Personnel should receive a copy of the preappraisal form. Any changes in the responsibilities and results during the appraisal period must be documented on a new preappraisal form and discussed with the employee.

2. Midappraisal – The midappraisal must be conducted for probationary and permanent employees at the midpoint of the appraisal period. This is a sit-down session between the employee and the rating supervisor dedicated to revealing the employee's performance in meeting the defined results and work habits to include strengths and weaknesses. This meeting should be documented through utilization of the preappraisal form under the midappraisal section and signed by the employee and the rating supervisor. A copy of the midappraisal should be made for the employee, rating supervisor, and Finance Personnel. The original form should be held in the supervisor's file or filed with your division's personnel representative and submitted to Finance Personnel with the completed final appraisal.
3. Final Appraisal – The Employee Performance Appraisal (Form 13) is used to document responsibility performance, work habits, and disciplinary actions during the annual appraisal period. At this point, the rating supervisor reviews, evaluates, and documents the performance of the employee during the appraisal period. The rater should consider the employee's work habits and performance of responsibilities while reviewing documentation and seeking input from others. The performance should then be compared to what is listed on the preappraisal and each responsibility is rated based on the meets standards performance level as discussed on the preappraisal.

The supervisor should carefully plan and conduct the final appraisal session with the employee in a formal sit-down session. The supervisor should be ready to respond to any questions regarding the reasons for the ratings. For areas in which the employee struggles with compliance or has deficiencies, the supervisor may want to develop an action plan that identifies the needed changes in behavior; explains the expected results or work conduct; signifies the timeframe in which the behavior will be monitored more strictly; schedules a follow-up session to discuss progress; and indicates the type and level of assistance that will be provided by the supervisor or agency (e.g., training programs or closer supervision).

There are times when more than one person has supervised the employee during the rating period. It is desirable for the new supervisor to receive ratings/feedback from the previous supervisor. The current supervisor should consult with the previous supervisor to arrive at an appropriate rating. This is especially important when the current supervisor has managed the employee for less than three months. In some cases, the supervisor may separate from a

position due to retirement, promotion, or transfer. Prior to separating from the position, the supervisor should complete an unofficial appraisal form to leave for the new supervisor. The new supervisor is responsible for ensuring that the previous supervisor’s unofficial appraisal is integrated into the final assessment when the current supervisor has managed the employee for less than three months.

Once the final appraisal session has been completed, the employee, rating supervisor, and reviewing supervisor shall provide their signatures on the form. Signature of the employee does not denote agreement, but merely acknowledges that the form has been discussed with the employee. Should an employee refuse to sign, the supervisor should explain to the employee that refusal to sign will result in disciplinary action. If refusal continues, discipline continues.

The original form and two copies must be submitted to Finance Personnel, along with any disciplinary documentation reflected in the performance appraisal score, for review and processing. A justification memo for an overall performance appraisal score of consistently exceeds standards, partially meets standards, or does not meet standards must also be submitted to Finance Personnel. A copy of all this information will be placed in the employee’s departmental personnel file.

The final appraisal must be turned in within the designated timeframe or the employee will not be included on the annual raise list and will not receive their annual raise, if applicable, for the appropriate pay period.

Performance raises are given only when the appointing authority certifies that the employee has earned a raise by the level of performance of his work. Each employee, who is not at the maximum of the salary range, may be considered for a performance salary advance once each year. Progression within a salary range is determined by the employee’s performance evaluation. Employee evaluations are related to performance raises according to the following schedule:

<u>SERVICE RATING</u>	<u>NUMBER OF STEPS</u>
Does Not Meet Standards	0
Partially Meets Standards	0
Meets Standards	1
Exceeds Standards	2
Consistently Exceeds Standards	2

In no case can step raises exceed the maximum rate in a salary range.

4. Probationary Appraisal. The Employee Probationary Performance Appraisal (Form 13F) serves to document performance during the working test (probationary) period. This documentation is used to determine whether the performance of the employee warrants permanent status within the State Merit System. All employees in classified service are required to successfully complete a probationary period before receiving permanent status according to Merit System Law. The working test period for employees appointed from

open-competitive or promotional certifications within the Finance Department is a minimum of six months and cannot exceed 12 months. Employees appointed from a reemployment certification typically serve a three-month probationary period.

A preappraisal and midappraisal session must be completed during the probationary period within the designated timeframes. At the end of the probationary period, the Employee Performance Probationary Appraisal is to be completed on the employee. The ratings for performance should complement the recommendation of the supervisor to make the employee permanent, continue the employee on probation, or separate the employee from State service. The Employee Performance Probationary Appraisal should be prepared in the last month of the employee's probationary period and returned to Finance Personnel by the specified due date. The completed form must be received by the State Personnel Department no later than ten calendar days before the end of the probationary period. In conjunction with the Employee Performance Probationary Appraisal, a new preappraisal form must also be completed for the coming appraisal period.

A. Completion of Probation – Upon the satisfactory completion of a probation period and a recommendation by the appointing authority, an employee in a regular appointment shall be given permanent status in the classification to which they were appointed. Subject to the availability of funds, such employees may be granted a performance salary increase effective at the beginning of the first semi-monthly pay period after completion of probation. The salary increase shall be one or two steps, depending on the performance of the employee during probation and in conjunction with the recommendations and ratings of the immediate supervisor and approved by the appointing authority. The month in which the salary increase is effective is then the anniversary month for future annual increases.

B. Extension of Probation – An employee whose Final Employee Performance Probationary Appraisal rating does not meet standards OR an employee whose conduct is not satisfactory in all work habits areas, may have their probationary period extended. Usually, an extension is for a three-month period but can last up to six months. An employee may not serve in probationary status longer than a calendar year (one six-month probationary period and two three-month extensions). The extension must be recommended by a Division Director and submitted through Finance Personnel to the Finance Director for approval.

C. Removal/Dismissal during Probation – During probation an employee may be separated from State service for being unable or unwilling to successfully perform his/her job responsibilities or for any other reason the employee is found to be unsuitable for continued employment. Such removal shall be accomplished by notice in writing to the employee, giving the reasons the action has been taken. This action must be recommended and documented by a Division Director and submitted through Finance Personnel to the Finance Director for approval.

RATING CATEGORIES

Ratings for each responsibility assigned to the employee ranges from 0 to 4. The level of performance expected of an employee to be considered fully competent is “meets standards;”

which is the level of performance that reflects the full scope/depth of expectations for the position.

The specific rating categories are as follows:

Does Not Meet Standards (rating of “0”) – Employee has serious performance deficiencies and has clearly failed to demonstrate the minimum level of performance expected for the position. Remedial training is required and, depending upon the success of retraining, administrative action (reclassification/demotion) or disciplinary action may be appropriate. A rating of “0” must be justified with appropriate documentation attached.

Partially Meets Standards (rating of “1”) – Employee has demonstrated limited capability but fails to achieve the full result expected for the responsibility. Remedial training is required. A rating of “1” must be justified with appropriate documentation attached.

Meets Standards (rating of “2”) – Employees who fully achieve the level of performance expected for each responsibility are considered fully competent and are satisfying all expectations of them. The employee performed the necessary responsibility. Most employees should be rated in the category.

Exceeds Standards (rating of “3”) – Some employees may frequently exceed the expected results for a responsibility. Such performance is clearly above and beyond the expectations of the supervisor and has a significant and identifiable positive impact upon office operations.

Consistently Exceeds Standards (rating of “4”) – Few employees will demonstrate such consistent and significant performance. This rating is used to recognize that the employee can be relied upon to accomplish the most complex assignments required of an employee in the position with little or no supervision. Such performance is consistently above and beyond the expectations of the supervisor every time the responsibility was performed.

JUSTIFICATION OF RATINGS

The tendency of supervisors to inflate the performance ratings of subordinates is the greatest weakness of any evaluation system. In order to accurately identify the top performers in each classification, supervisor ratings must be honest and founded upon objective observations of an employee’s performance. Those employees who demonstrate the truly exceptional performance will exhibit specific, identifiable, and/or uncommon achievements. These distinctive accomplishments serve as the means to justify a rating of consistently exceeds standards. Employees who fail to meet standards likewise exhibit specific, identifiable deficiencies, which require remedial attention.

Employees rated at the extremes of the performance spectrum (does not meet standards, partially meets standards, and consistently exceeds standards) must be justified by citing (in writing) specific examples of performance demonstrating the rating given. A rating of does not meet standards would suggest that consideration of further administrative actions (i.e. involuntary demotion or disciplinary action) should be taken.

RESPONSIBILITIES

1. Personnel Division

- A. Draft/coordinate/publish agency specific policies and guidelines relative to the Employee Performance Appraisal process.
- B. Provide Division Directors with performance appraisal forms and notification of when appraisals/mid-appraisals due.
- C. Monitor appraisals for compliance with existing policy.

2. Rating Supervisor

- A. General Guidelines – A supervisor should take the following guidelines into consideration when appraising an employee’s performance:
 - (1) Appraising employee performance is a continuous process of daily observing, documenting, and counseling, not simply an action to be performed once a year.
 - (2) Responsibilities and results of an employee’s position need to be clear, accurate, and written in the proper format as outlined in the State of Alabama Performance Appraisal Manual.
 - (3) Feedback to the employee, both positive and negative, is critical to the evaluation process.
 - (4) Appraisals are to be accurate and objective. Evaluate the employee’s performance for the entire period to be rated. Do not be influenced by one or two unusual incidents or based on just the most recent performance. Do not compare employees to one another. Keep notes and documentation. Refer to them before and during the appraisal.
 - (5) Documentation is an important part of the appraisal process. A supervisor must be able to substantiate ratings of employee performance on responsibilities and work habits.
- B. Specific Guidelines – Supervisors should use the following information as a guide to ensure fulfillment of all obligations associated with the appraisal process. Finance division directors may have implemented specific guidelines that are to be followed within the division.
 - (1) Define responsibilities on the Employee Performance Preappraisal and discuss with employee.
 - (2) Observe employee performance daily and document significant observations.

- (3) Provide employee feedback on the positive/negative aspects of their job performance. Negative observations of performance on any responsibility should be documented and discussed with the employee.
- (4) Conduct the midappraisal counseling session after completing the midappraisal form.
- (5) Prepare the Probationary/Annual Employee Performance Appraisal. Refer to documentation regarding positive/negative performance and develop an accurate assessment of the employee's performance for each responsibility representing typical performance for the entire period.
- (6) Prepare written documentation for an overall performance appraisal score that falls in the consistently exceeds standards, partially meets standards, or does not meet standards category. Documentation must explain the performance and provide specific examples of the strong or poor performance.
- (7) Discuss the proposed appraisal with the reviewing supervisor and consider any supervisory input before making final rating.
- (8) Discuss the appraisal with the Finance Personnel Manager if the overall rating falls into the partially meets standards or does not meet standards category. Be prepared to substantiate responsibility ratings with supporting documentation.
- (9) Ensure math is correct, the last four digits of the rater and reviewer are listed, all corrections on the form are initialed by the appropriate person, and that the final appraisal score is carried out two decimal places and rounded to the nearest digit using standard accounting principles.
- (10) Discuss appraisal with employee in a private/formal setting. The rater should be prepared to discuss his/her rationale in arriving at the final ratings.
- (11) Inform employee he/she may submit written comments if a disagreement is noted.
- (12) When the appraisal form has been completed, the rating supervisor should forward the Employee Performance Appraisal and any attached documentation to the reviewing supervisor for signature.

3. Reviewing Supervisor

- A. Review the appraisal and discuss the rating supervisor's rationale for proposed ratings and review the quality of the documentation supporting the ratings.
- B. Counsel rating supervisor if ratings appear unfair or inadequately documented/justified. Add written comments to the appraisal if required to explain any disagreement with rater or add to content of the appraisal.

- C. The reviewing supervisor must investigate any situation when an employee refuses to sign the form, or when rebuttal comments are attached. Problems should be addressed, and attempts made to resolve the conflicts at this time. When a reviewing supervisor investigates a situation, it is important to document the actions and discussions on a comment page and attach it to the form. The reviewer should then initial on the appropriate line denoting that comments are attached.
- D. The reviewing supervisor must forward the Employee Performance Appraisal and any documentation to Finance Personnel.

4. Employee

- A. When the appraisal is discussed with the employee by the rating supervisor, the employee may ask for the rater's rationale in making the assessment and ask that any omitted accomplishment be taken into consideration.
- B. The employee must sign and date the appraisal acknowledging that the information on the form was discussed with the employee. Signature does not denote agreement but indicates discussion. Refusal to sign can result in the initiation of disciplinary action.
- C. If the employee disagrees with the appraisal, a rating, or a comment, the employee should advise the rater of the disagreement and ask for reconsideration. If the rater fails to change the rating/comment, the employee may then submit written comments within ten working days explaining the disagreement to the rater for attachment to the appraisal. The employee will initial and date the appropriate line in the signature section of the appraisal.

APPENDIX K: EMPLOYEE SYSTEM USE POLICY

Inappropriate use of State information technology (IT) resources exposes the State and its data to risks including potential virus attacks, compromise of network systems and services, and legal liabilities. Effective security is a team effort involving the participation and support of every Employee who deals with information and/or information systems. It is the responsibility of every IT user to know these rules and to conduct their activities accordingly. These rules are in place to protect the Employee, the Department, the State, as well as the data of the Department and other State data.

PURPOSE

Define acceptable and non-acceptable use of State-owned IT resources including systems and devices, software, Internet, and communications capabilities including e-mail, instant messaging, and social media.

SCOPE

This policy applies to all Employees. Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, and network accounts providing electronic mail, Internet access, and Web browsing are the property of the Department. These systems are to be used for business purposes in serving the interests of the Department and of the people it serves in the course of normal operations.

PERSONAL USE

Limited personal use of State-managed computing resources is anticipated; however, Employees and managers are responsible for exercising good judgment regarding the reasonableness of personal use.

PROHIBITED ACTIVITIES

The following activities are prohibited when using State IT resources:

- Any activity that is illegal under local, state, federal, or international law
- Non-incident personal use of State-managed computing resources
- Activities in support of personal or private business enterprises
- Unauthorized reproduction of copyrighted material
- Violating the rights of any person or other legal entity protected by copyright, trade secret, patent or other intellectual property laws, or similar laws or regulations, including, but not limited to laws which protect against the installation or distribution of software products that are not appropriately licensed for use by the State
- Exporting software, technical information, encryption software, or technology, in violation of international or regional export control laws

- Introducing malicious software (malware) into the network or systems (e.g., viruses, worms, Trojan horses, logic bombs, etc.) within reason of user's control
- Making fraudulent offers of products or services
- Making statements of warranty, expressed or implied, unless part of normal duties
- Accessing, possessing, or transmitting material that is in violation of sexual harassment or hostile workplace laws.
- Accessing, possessing, or transmitting any sexually explicit, offensive, or inappropriate images and/or text
- Effecting security breaches or disruptions of network communication (security breaches include, but are not limited to, accessing data of which the Employee is not an intended recipient or logging into a server or account that the Employee is not expressly authorized to access, unless within the scope of regular duties; potential disruptions include, but are not limited to, ping sweeps, IP spoofing, and forging routing information for malicious purposes)
- Port scanning, packet sniffing, or other security scanning without prior approval of the Finance Director or his or her designee
- Executing any form of network monitoring which will intercept data not intended for the Employee's host, unless this activity is a part of the Employee's normal job/duty
- Circumventing user authentication or security of any host, network, or account
- Interfering with or denying service to any user except in the course of assigned duties
- Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the network
- Accessing web sites offering online gambling, games, and related information such as cheats, codes, demos, online contests, role-playing games, traditional board games, game reviews, and sites that promote game manufacturers

INTERNET ACCESS POLICIES

Access to the Internet is provided as a business and informational resource to support and enhance the capability of Internet users to carry out their job responsibilities. Internet users are expected to handle their access privileges in a responsible manner and to follow all Internet-related policies and procedures.

The Department reserves the right to access, monitor, or disclose all Internet activity as required in the course of monitoring, auditing, or responding to legal processes or investigative procedures.

Users do not enjoy any right of personal privacy when using Department-provided Internet services. All records created as a result of using Internet services are government records. As such, these records are subject to the provisions of State laws regarding their maintenance, access, and disposition.

Internet usage records may be public records under the Alabama public records laws and may be made available to the public upon lawful request.

It is the responsibility of every supervisor to take appropriate managerial and/or disciplinary action for inappropriate uses of Internet services by State Employees or other persons accessing Internet services.

INTERNET CONTENT MANAGEMENT

Use of Internet resources for the purpose of accessing online games, Internet gambling sites, and viewing or downloading content inappropriate for official State business exposes the State and its data to risks including virus attacks, spyware and other malware threats, compromise of network systems and services, and potential legal issues. To mitigate these risks, access to certain categories of Internet content is restricted (blocked).

The following categories of Internet content present a threat to the security of State systems or have been deemed not necessary for conducting official State business and are therefore blocked:

- Pornography/Nudity
- Gambling
- Online Games
- Spyware/Malware Sources and Effects

Exceptions may be granted to access blocked web sites for Employees that have a business need for access in order to do their jobs. Each request for access to a blocked web site requires a legitimate business need and written approval of the Finance Director or his or her designee.

E-MAIL USAGE POLICIES

All electronic communications are expected to comply with relevant Federal and State laws as well as State policies and standards formulated to ensure the integrity and availability of e-mail system resources. The following requirements apply to the use of State-provided e-mail systems.

E-mail shall be distributed, stored, and disposed of based on the data content in accordance with State information management requirements.

E-mail content created, stored, transmitted, or received using State resources are the property of the State. Nothing in this policy shall be construed to waive any claim of privilege or confidentiality of e-mail content. Authorized ISD personnel may access, monitor, or disclose e-mail content for state business purposes or to satisfy legal obligations.

PERSONAL USE OF STATE E-MAIL

State e-mail systems are to be used for business purposes in serving the interests of the government and of the people it serves; however, incidental, occasional personal use of State e-mail is permitted.

Employees and supervisors are responsible for exercising good judgment regarding the reasonableness (frequency and duration) of personal use.

In accordance with Section 36-25-5, *The Code of Alabama, 1975*, State e-mail shall not be used for “personal gain.”

Personal e-mail shall be deleted or saved separately from work-related e-mail.

Users are permitted to include personal appointments in their Outlook calendar to help eliminate scheduling conflicts.

Users may store personal contact information in their Outlook contacts folder.

PROHIBITED USES OF STATE E-MAIL

State e-mail systems shall not be used for the creation or distribution of any disruptive or offensive messages, including offensive (vulgar or pornographic) content or offensive comments about a person’s race, gender, age, appearance, disabilities, political beliefs, or religious beliefs and practices. Employees who receive any e-mails with this content from any State employee should report the matter to their supervisor immediately.

In addition, the following activities are prohibited:

- Sending or forwarding remarks and/or images considered obscene, offensive, racist, libelous, slanderous, or defamatory (as defined, where applicable, in *The Code of Alabama, 1975*)
- Using a State e-mail account to send or forward mass mailings of virus or malware warnings, security advisories, terrorist alerts, or other mass e-mailings without prior approval of the ISD IT Director, ISD Chief Information Security Officer, or Group Distribution List Owner unless in the course of normal assigned duties
- Sending unsolicited e-mail messages including junk mail, spam, or other advertising material to individuals who did not specifically request such material except in the execution of normal government information dissemination
- Postings to newsgroups by personnel using a State e-mail address unless in the course of business duties
- Using State e-mail for personal or commercial ventures, religious or political causes, endorsement of candidates, or supporting non-government organizations
- Sending or forwarding chain letters
- Disguising or attempting to disguise your identity when sending e-mail
- Sending e-mail messages using another person’s e-mail account
- Intercepting e-mail messages destined for others
- Unauthorized use, forging, or attempting to forge e-mail header information or messages

AUTO-FORWARDING STATE E-MAIL

To preclude inadvertent transmission of inappropriate information onto the Internet, auto-forwarding shall not be used to send State e-mail to an Internet e-mail address.

MASS E-MAIL

Material sent to group distribution lists must be relevant to the group being mailed and shall pertain to State business and/or serve the interests of State Employees or constituents.

Message Content/Format

Message format may be text, HTML, or RTF and should not include attachments.

HTML or RTF format messages may contain artwork, but shall be limited to a single page.

Each message shall contain a signature block with the sender's name, department/division, office telephone number, and e-mail address.

Sender is responsible for all replies, responses, and complaints.

Message Approval

It is the responsibility of the sender/requestor of a mass e-mail to obtain the necessary approval from the person, group, or designated owner of the distribution list.

Authority to use the "all-employees" distribution list rests with the Governor's office.

Approval authority for agency/organization-level groups (e.g., "ISD – All Users") shall rest with the management presiding over that group.

Message shall include a line indicating the State office that approved the mass e-mail.

Message Transmission

Mass electronic mailings shall only be transmitted in the evenings (after 5 PM).

List Owner Responsibilities

Owners of group distribution lists shall develop and monitor compliance with written operating procedures for the use of their lists. All list owners are encouraged to consider the benefits of moderating or otherwise controlling access to large lists. This applies whether a list has been created for one-time use or is maintained as a standing list.

INSTANT MESSAGING POLICIES

Instant Messaging (IM) is subject to many of the same threats as email (known security holes, information leaks, vulnerability to malware, etc.), and IM users are frequently the target of phishing attempts. For these reasons the following policies shall apply to all IM communications.

IM shall be used only for business communications (it is not provided for personal use).

IM shall not be used to communicate sensitive or confidential information.

IM shall be limited to text messages only.

IM is correspondence that creates a record that can be subpoenaed and used as evidence in litigation or regulatory investigations; therefore, IM correspondence shall be retained in accordance with applicable State data and record retention policies.

IM content created, stored, transmitted, or received using State resources is the property of the State. Nothing in this policy shall be construed to waive any claim of privilege or confidentiality of IM content. Only authorized State personnel may access, monitor, or disclose IM content for any business purpose or to satisfy legal obligations.

REMOVABLE STORAGE DEVICE POLICIES

Removable storage devices (USB Flash drives, PC Cards, FireWire devices, MP3 players, camcorders, digital cameras, etc.) have the same vulnerabilities as disk media (malware, data loss) but greater capacity, and could be used to infect an information system to which they are attached with malicious code, could be used to transport sensitive data leading to potential compromise of the data, and are frequently lost or stolen. Careful attention to the security of such devices is necessary to protect the data they may contain. For these reasons the following requirements apply to the use of removable storage devices.

Removable storage devices shall be secured, marked, transported, and sanitized as required by State standards in the manner appropriate for the data category they contain.

Removable storage devices shall, whenever possible, be formatted in a manner that allows the application of Access Controls to files or data stored on the device.

Sensitive or confidential data shall not be stored on any removable storage device unless encrypted. For devices that do not support encryption of the storage media, sensitive and confidential data shall, as promptly as possible, be transferred to a device that does support the required encryption and access controls. In the interim, the device shall be securely stored apart from its storage media (whenever possible) and physical security must be assured.

Virus-scan all portable storage media (diskettes, CDs, USB drives, etc.) before files residing on the media are transferred or accessed.

Maintain physical security of removable storage devices. Report immediately the loss or theft of any device containing any State data to the ISD Chief Information Security Officer.

User awareness training shall describe the risks and threats associated with the use of removable storage devices, the handling and labeling of these devices, and a discussion of the devices that contain persistent non-removable memory.

SOFTWARE LICENSING AND USE POLICIES

Under the provisions of U.S. copyright law, illegal reproduction of software can be subject to civil and criminal penalties including fines and imprisonment. Therefore, all system users must use only properly licensed software and must use that software in accordance with the terms and conditions of the license agreement.

IT Users shall NOT:

- Copy, download, nor install unlicensed software
- Install personally-owned software onto State-managed computer systems
- Install State-owned software on any non-State-owned computer systems, including home computers, unless specifically authorized in the software license agreement

Division Directors shall:

- Ensure only software that is licensed to the Department is installed and used
- Ensure software is installed and used in compliance with the license agreements
- Routinely perform software audits for unauthorized software and license compliance
- Remove any software found on State information systems for which a valid license or proof of license cannot be determined

The term “software” includes the program, media, and licenses for all operating systems, utilities, services, and productivity tools whether freeware, shareware, open source, off-the-shelf, or custom-developed without regard to the system(s) on which it is installed (workstation, server, etc.).

SOCIAL MEDIA POLICIES

Employees desiring to enhance their ability to communicate and interact are turning to social media technologies such as weblogs, wikis, Facebook®, Twitter®, etc.

As with most technologies, social media poses certain risks including but not limited to:

- Adverse impact to network bandwidth
- Reputational risk to personnel, the Department, and the State
- Potential exposure or leakage of sensitive or protected information (such as copyrighted material, intellectual property, personally identifying information, etc)

- Potential avenue for malware introduction into the Department's IT environment

The following policies are established to address and minimize these risks and define the allowable and prohibited uses of social media technologies in the State IT environment.

SOCIAL MEDIA USE

Employees may utilize commercial social networking websites (such as Facebook and Twitter) or integrate social media capabilities (such as a wikis or weblogs) into State-hosted websites.

Information Services Division (ISD) Responsibilities

ISD will provide security awareness training to educate users about the risks pertaining to social media and social networking, and provide best practices for risk remediation.

Management Responsibilities

Conduct a formal assessment, with assistance from ISD, of the risk resulting from Departmental use of social media technologies.

Assign appropriate personnel (Public Information Officer) to oversee the use of agency social media, evaluate and authorize agency requests for usage, and determine appropriateness of the content posted to social media sites.

Understand that social media website contents are public records that must be retained and archived in accordance with applicable agency records disposition requirements.

Obtain ISD approval before integrating social media capabilities on any websites hosted, developed, or administered by ISD.

Periodically review social media usage to ensure it continues to reflect the agency's communication strategy and priorities.

Website Administrator Responsibilities

Disable (if possible) any unnecessary functionality within social media websites or applications, such as instant messaging (IM) and file upload/exchange.

Minimize or eliminating links to other websites, such as "friends", to minimize the risk of exposing a government user to a link that leads to inappropriate or unauthorized material.

Suppress any commercial or third-party advertisements (sometimes present when using freeware versions of social media software or tools).

Monitor (and filter as necessary) all social media website content posted and/or viewed.

Prohibit/block file uploads to the maximum extent possible. Where file uploads are allowed, ensure all user-submitted files are automatically virus scanned.

Include appropriate statements on State-hosted social media sites advising users of the public nature of the information they post.

User Responsibilities

Social media may not be used for personal gain, conducting private commercial transactions, or engaging in private business activities.

Understand that postings to social media websites immediately become part of a public record.

Users shall not post or release proprietary, confidential, sensitive, personally identifiable information, or other State government Intellectual Property on social media sites.

Users who connect to social media websites through State information assets, who speak officially on behalf of the Department or the State, or who may be perceived as speaking on behalf of the Department or the State, are subject to all Department and State requirements addressing prohibited or inappropriate behavior in the workplace, including acceptable use policies, user agreements, sexual harassment policies, etc.

Users shall not speak in social media websites or other on-line forums on behalf of the Department, unless specifically authorized by the Finance Director or the agency's Public Information Office. Users may not speak on behalf of the State unless specifically authorized by the Governor.

Users who are authorized to speak on behalf of the Department or State shall identify themselves by: 1) full name; 2) title; 3) agency; and 4) contact information, when posting or exchanging information on social media forums, and shall address issues only within the scope of their specific authorization.

Users who are not authorized to speak on behalf of the Department or State shall clarify that the information is being presented on their own behalf and that it does not represent the position of the State or an agency.

Users shall not utilize tools or techniques to spoof, masquerade, or assume any identity or credentials except for legitimate law enforcement purpose or for other legitimate State purposes.

Users shall use different passwords for different accounts; do not use the same password for both a social media site and State network or e-mail accounts.

PERSONAL USE OF SOCIAL MEDIA SITES

Employees may use personal social media for limited family or personal communications during normal business hours so long as those communications do not interfere with their work.

Employees and their managers are responsible for exercising good judgment regarding personal use.

Users shall not use their state e-mail account or password in conjunction with a personal social media site.

ADDITIONAL RECOMMENDED SECURITY MEASURES

For added security, all users of Facebook are encouraged to enable SSL activation in their Facebook account settings.

POLICY ENFORCEMENT

REPORTING

Users should report security-related issues and policy non-compliance to their immediate supervisor, manager, or the ISD Chief Information Security Officer.

NON-COMPLIANCE

Employee conduct or behavior while using any State-managed information system must comply with Departmental security policies. Violation can result in disciplinary action up to and including dismissal. Conduct or communications which violate State or Federal laws will not only be grounds for immediate dismissal, but may also subject the employee to criminal prosecution. Suspected violators of any laws, including copyright laws and FCC regulations, involving information services provided by the State of Alabama will be reported to the Finance Director and/or the Attorney General of Alabama for investigation and appropriate legal action. Some policy non-compliances may be punishable under Sections 13A-8-100 through 13A-8-103, *The Code of Alabama, 1975*, Alabama Computer Crime Act. Such cases will be referred to the appropriate authorities. Other policy non-compliances by users shall be handled in accordance with the applicable disciplinary guidelines established by the Finance Department. ISD will determine on a case-by-case basis when policy non-compliance is sufficient grounds to deny the user access to information services.

DICTIONARY OF IT TERMS

Cheats (for online games) - These usually take the form of secret access codes with which to gain advantage or a bonus.

Encryption - Encryption is the conversion of data into a form that cannot be easily understood by unauthorized people.

Forging routing information - This is replacing correct routing information on a packet of information with false information that makes the original source of the packet difficult to determine.

Freeware - Computer software distributed without charge.

IP spoofing - This is replacing source IP address on a TCP/IP packet with false address information in order to hide the source of a message. This can be used to exploit applications that use a security authentication that is based on IP addresses.

Malware - Software intended to damage a computer, computer system, or computer network, or to take partial control over its operation.

Mass mailings - The sending of a letter or email in large quantities to many recipients. If used indiscriminately with email, it may overcome the capacity of the computer network and cause it to break down.

Open source - Denotes software whose source code is available free of charge to the public to use, copy, modify, sublicense, or distribute.

Packet sniffing - A form of wire-tap applied to computer networks. It is a technique for collecting information on information packets flowing through a network that can be used to attack the network.

Phishing - This is a way of attempting to acquire information such as usernames, passwords, and credit card details by masquerading as a trustworthy entity in an electronic communication.

Ping sweep - A method that can establish a range of IP addresses which map to the host device(s). This is a form of system surveillance usually employed by a computer hacker.

Port scanning - This involves examining a range of computer ports to determine which are open. This is a form of system surveillance usually employed by a computer hacker.

Shareware - Computer software distributed without initial charge but for which the user is encouraged to pay a nominal fee to cover support for continued use.

SSL activation - A security feature that helps prevent a third party from obtaining one's network information or watching one's transactions over a wireless connection.

Text message - An electronic message sent over a cellular network from one cell phone to another by typing words.

HANDBOOK RECEIPT AND ACKNOWLEDGMENT

I have received a copy of the Alabama Department of Finance Employee Handbook and agree to read and familiarize myself with the contents of the manual, ask questions about any items I do not understand, and will follow it during my employment with the Department of Finance. I understand that my failure to adhere to and follow the policies and regulations contained therein and any subsequent revisions, additions, or amendments to said policies may result in adverse action on my employment status up to and including separation from State service.

This Handbook replaces any prior Handbooks.

Employee Name (Printed)

Employee Signature

Date