

DEPARTMENT OF VETERANS AFFAIRS



Employee Handbook

June 2016

STATE OF ALABAMA DEPARTMENT OF VETERANS AFFAIRS

Our Mission

It is the mission of the Alabama Department of Veterans Affairs to promote awareness, assist eligible veterans, their families, and survivors to receive from the Federal and State Governments any and all benefits to which they may be entitled under existing laws or those to be enacted.

Our Vision

It is the vision of the Alabama Department of Veterans Affairs to ensure that all veterans and their families understand and receive all the benefits, support, care, and recognition that they have earned and are entitled to, by expertly administering all current programs, anticipating future needs, and taking appropriate action to meet these needs.

Our Core Values

We hold ourselves personally and professionally accountable to deliver on America's promises to all veterans through courage, conviction, and a belief in our core values:

- **Professionalism** - Providing accurate and timely assistance and information in a manner consistent with the core values of the Department of Veterans Affairs.
- **Integrity** - Provide fair, honest and objective advocacy in an ethical manner while displaying the highest standard of conduct both on and off duty.
- **Compassion** - Consistently demonstrate care, concern and understanding in every encounter.
- **Commitment** - Fully dedicated to develop yourself to become the best you can be in carrying out the mission of the department.
- **Teamwork** - Everyone working together in a positive and productive manner to accomplish the mission and goals of the department.

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INTRODUCTION

PURPOSE

This handbook has been prepared to provide employees with a written **summary** of the personnel policies, regulations, and standards of conduct that govern employment with the Alabama Department of Veterans Affairs (ADVA). This handbook supersedes all previous employee handbooks published by the ADVA. **Please read the handbook carefully, and keep it for a reference.** Each employee is expected to understand and abide by these policies. Questions or concerns about the contents of this handbook should be directed to your immediate supervisor.

DISCLAIMER

Nothing in this handbook should be construed to promise continued or future employment. Further, no employee of the ADVA has the right to make commitments that negate the handbook.

In addition, certain policies and procedures contained in this handbook are subject to change or revision without prior notice due to pending judicial action or future interpretations of federal and state statutes, laws, and acts. Employees will be notified in writing as soon as practicable when changes or revisions in policies and procedures occur.

The policies described in this handbook are not conditions of employment and the language is not intended to create a contract between the ADVA and its employees.

SUMMARY AND CHANGES

The handbook summarizes most of the important information regarding employment with the ADVA, ***but it is not all-inclusive***. Personnel policies and rules can be clarified through your immediate supervisor or district manager. In addition, the ADVA periodically issues policy statements that provide further guidance on work-related issues. In circumstances not covered specifically in the handbook, the ADVA expects its employees to act in a professional and ethical manner.

The ADVA reserves the right to change policies and rules based on mission needs and other requirements; such changes will be forwarded to employees with effective dates.

EMPLOYMENT POLICIES AND ISSUES

THE MERIT SYSTEM

The ADVA employs both merit system employees and non-merit system employees to fulfill its mission of promoting awareness and assisting eligible veterans, their families, and survivors to receive from the Federal and State Governments any and all benefits to which they may be entitled.

The law that set up the merit system was passed in 1939 and now appears in Section 36-26-1, *et seq.* of the 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 the governmental departments and agencies by the improvement of methods of personnel administration.”

What does being a merit system employee mean? The merit system offers merit system employees protection against job discrimination and unfair dismissal. It gives you protection so long as you deserve it through your own merit. For example, you are protected against demands that have nothing to do with how well you do your job such as:

- You cannot be forced to pay any political contribution or assessment.
- You cannot be made to vote “as you are told.”
- You cannot be fired for failing to “vote right” in any election.
- You cannot be replaced by someone who happens to have more “pull.”

As a merit system employee, you **CAN** be fired for cause if you fail to earn the protection of the system by your work or conduct. Some rule violations for which you can be fired are as follows:

- Neglect of duties, sub-standard performance, or careless work.
- Violations of work rules or regulations of the State Personnel Board or ADVA.
- Drawing pay for any day when you are not actually doing a full day's work or on authorized leave.

- Use of state equipment or supplies for any reason other than for ADVA business.
- Deliberate or careless misuse of state equipment or supplies resulting in loss or damage.
- Claiming reimbursement for money not actually spent in connection with ADVA business.
- Partiality, unfairness, or discourtesy in dealing with any citizen.
- A fault-finding, uncooperative or deliberately unpleasant attitude toward your fellow employees or supervisor.
- Deliberate failure to pay your just debts.
- Disgraceful conduct on or off the job.
- Getting your job by fraud or misstatement of facts.

Non-merit system employees are considered “at-will” employees and are subject to the State and Federal laws governing “at-will” employment. Although non-merit employees do not receive or enjoy the same level of employment protection afforded to merit system employees, they are expected to abide by the same rules and regulations governing standards of conduct while employees of the ADVA.

Non-merit system employees include the following positions:

- Assistant Veterans Service Officers;
- Veterans Service Officers;
- District Managers;
- Veterans Home Directors;
- Veterans Home Executive Director;
- Training Manager;
- State Cemetery Director/Assistant Cemetery Director;
- Claims Manager/Assistant Manager;
- Claims Reviewers;
- Support Services Manager;
- Public Information Officer; and
- Assistant Commissioners

Further details on the terms of your employment are specified in this handbook. The information presented in the sections on Employment Policies and Standards of Conduct (while not all-inclusive) is of particular importance because this information provides guidelines about the behavior the ADVA expects from each employee as a prerequisite for continued employment.

EQUAL OPPORTUNITY STATEMENT/GRIEVANCE POLICY

The ADVA is committed to providing an equal employment opportunity for all qualified persons without regard to race, color, national origin, religion, gender, disability, age, or status as a disabled veteran. The ADVA is committed to recruiting, hiring, training and promoting qualified individuals without regard to the above-mentioned protected classes.

The ADVA shall ensure that all other personnel actions such as compensation, benefits, department sponsored training, transfer, demotion, termination, leave without pay, return from leave without pay, and social recreation programs shall be administered without regard to race, color, religion, age, gender, national origin or disability.

Any employee who feels that the ADVA on the basis of items listed above has discriminated against him/her should file his/her complaint with the Alabama Department of Veterans Affairs, Equal Employment Officer, 100 North Union Street, Suite 850, Montgomery Alabama, 36104. Complaints must be filed within 10 days of the occurrence. **Note: Filing a complaint with this office does not toll the time for filing such a complaint with any other State or Federal agency.**

Furthermore, employees have the option of filing a complaint with the State Personnel Board if they believe that they have been discriminated against because of religious or political affiliations, race, gender, national origin, age, or disability in any personnel action.

AMERICANS WITH DISABILITIES ACT

The ADVA is subject to the Americans with Disabilities Act of 1990 (ADA), as amended by the ADA Amendments Act of 2008 (ADAA). These acts collectively are designed to remove barriers that prevent otherwise qualified individuals with disabilities from enjoying the same opportunities as individuals without disabilities, including employment opportunities.

Reasonable accommodation is a key non-discrimination requirement of the ADA because of the special nature of discrimination faced by people with disabilities. The ADA requires reasonable accommodation as a means of overcoming

unnecessary barriers that prevent or restrict employment opportunities for otherwise qualified individuals with disabilities. A reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things are usually done that enables a qualified individual with a disability to enjoy an equal employment opportunity, so long as it does not result in much difficulty or expense on the employer.

It is the policy of the ADVA to provide reasonable accommodations to the known physical or mental limitations of a qualified applicant or employee with a disability unless the accommodation would impose an undue hardship on the ADVA.

Requests for accommodations under the ADA shall be made in writing through an employee's immediate supervisor. Such request shall be forwarded up the supervisory chain of command to the ADVA Personnel Division. Medical documentation may be requested to verify the request for an accommodation. When a qualified individual with a disability makes a request for an accommodation, the ADVA will make a reasonable effort to provide an accommodation that is effective for the individual. Reasonable accommodation needs will be determined on a case-by-case basis.

HARASSMENT & DISCRIMINATION

Title VII of the Civil Rights Act of 1964, as amended, "prohibits discrimination in hiring, promotion, discharge, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex, or national origin."

Office Policy

It is the policy of the ADVA that the work environment be free of unlawful discrimination and harassment. Harassing behavior, either physical or verbal, will not be tolerated within the ADVA. No employment related practice or decision shall, in whole or in part, be based upon unlawful discrimination or harassment or any employee's opposition to such conduct. Discrimination or harassment based on an employee's race, color, religion, age, gender, national origin, ancestry, or disability is a violation of the law.

The ADVA will take all reasonable steps to discourage unlawful discrimination and harassing behavior from occurring and will impose appropriate sanctions or discipline where it is found to have occurred. These sanctions shall be appropriate to the circumstances and may include discharge of the offending party. The purpose of this policy is to ensure the following:

- The ADVA is free from unlawful discrimination and harassment;
- An employee does not have to report the alleged harassing behavior to a supervisor who is the alleged harasser;
- An employee is encouraged to report all allegations of harassment.

Harassment by Non-Employees

Every employee shall be free from harassing behavior in the workplace. No visitor, client, or other employed person shall be permitted to engage in harassment of any employee in the workplace.

Sexual Harassment

Sexual harassment is any *unwelcomed* conduct of a sexual nature, sexual advances, requests for sexual favors, and other words, sounds, gestures, or conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may take many forms, including but not limited to:

- verbal harassment or abuse, including unwelcomed sexually-oriented communications;
- subtle pressure or requests for sexual activity;
- unnecessary touching of an individual, *e.g.*, patting, pinching, hugging, or brushing against another person's body;
- requesting or demanding sexual favors accompanied by implied or overt threats concerning an individual's employment; or
- requesting or demanding sexual favors accompanied by an implied or overt promise of preferential treatment with regard to an individual's employment.

Sexual harassment knows no gender. A male may be harassed by a female and vice versa. Same-sex harassment is also included in this policy and will not be tolerated.

Employees who believe that they have been unlawfully harassed by a co-worker, supervisor, or client/visitor, or employees who believe that adverse decisions

concerning their employment have been based on unlawful discrimination should promptly report the incident to their immediate supervisor. In the event that the alleged perpetrator is an employee's immediate supervisor, the employee shall report to the ADVA EEO Coordinator. In no event shall the employee's complaint of harassment or discrimination be filed with or appealed to the alleged perpetrator. **Note: Filing a complaint with this office does not toll the time for filing such a complaint with any other State or Federal agency.**

No Retaliation or Reprisals

There will be no reprisals or retaliation against any employee for reporting cases of harassing behavior or discriminatory conduct.

EMPLOYEE ISSUES

CHAIN OF COMMAND

As an ADVA employee, you have a chain of command (as defined by the ADVA Organizational Chart) to follow should you have questions about your job and/or ADVA policies and procedures. Your immediate supervisor is the start of your chain of command. If you have any questions about pay, benefits, or need help or additional training, see your immediate supervisor guidance.

HOURS OF WORK

All employees in state service must observe the attendance rules regarding hours of work, holidays, and annual, sick, military, and special leaves of absence with or without pay. Employees are in "pay status" when actually working or when on authorized leave.

The normal workweek is eight (8) hours a day, Monday through Friday, with an hour for lunch. Although the beginning and ending work hours may vary office to office, all employees are required to work eight (8) hours per business day.

Employees are expected to comply with established work hours. Tardiness and absenteeism disrupt work schedules and place an added burden on fellow employees and supervisors. Such conduct will subject an employee to disciplinary action.

FLEXIBLE WORKING HOURS

The primary objectives of the use of flexible working hours (flextime) are to improve morale, to maintain or increase productivity, and to decrease tardiness and short-term absences. Flextime allows employees input into their working schedules, and it gives employees more control of their work time. However, the use of flextime must not reduce the ADVA's ability to respond to veterans and other departmental priorities. When flextime is requested by employees, it should be clear that it is a privilege; it is not a right to be demanded simply because other ADVA employees may be using flextime. Although the ADVA is responsible for reviewing and administering the flextime program, each district manager and appropriate division head are responsible for insuring adherence to the flextime policy for offices under their supervision.

LUNCH AND BREAK PERIODS

ADVA employees who work an 8-hour day (8 a.m. to 5 p.m.) are authorized a one (1) hour lunch period at a beginning time designated by their immediate supervisor. These employees are also allowed one 15-minute break in the morning and one 15-minute break in the afternoon. Lunch schedules and breaks may vary depending upon office hours, location, and the supervisor.

Morning and afternoon breaks will not be taken in conjunction with the beginning and ending of work hours or the lunch break. Breaks are not cumulative. If an employee does not take a break, the employee does not have the right to add this to a later break. Your immediate supervisor has the responsibility to arrange your breaks to give you some rest during your workday.

Employees with questions regarding the hours-of-work rules should contact their immediate supervisor.

APPEARANCE/DRESS CODE

As an employee of the ADVA, you reflect the dignity of your public service largely by the appearance you make. An employee's appearance can enhance or detract from your ability to work effectively with co-workers and the public. Your dress and appearance should be in accordance with the highest standards of public service and should reflect a respectful attitude for the state and the ADVA. Dress should also express an individual's pride in neatness and cleanliness.

During regular office hours, all personnel, both in the office and outside the office, when acting as a department representative, are expected to be dressed and groomed in a manner that projects a professional and business-like image. For all employees, professional appearance also means that the department expects you

to maintain good hygiene while working. It is critical that employees who have regular, face-to-face contact with the public or are representing the department before any public official or body dress in appropriate business attire.

District managers and supervisors are responsible for monitoring and enforcing the dress code. If an employee has any questions concerning whether a certain type of apparel is appropriate, the employee should consult with his/her immediate supervisor prior to wearing the garment to work.

INCLEMENT WEATHER

Extreme or severe weather conditions such as freezing rain, ice, snow, storms, floods, etc., or other natural emergencies, will exempt an employee of the affected area from reporting to work on time or for the duration of the condition (and the employee will not be charged leave for his/her absence). This exception applies *only* if any of the following announcements are made, in response to inclement weather:

- The Governor declares that State offices in a specific area or on a statewide basis are closed; or
- The City Mayor declares the area closed where the employee's office is located or where the employee lives; or
- The Department of Public Safety or other law enforcement officers or agencies closes the highway that the employee would normally use for travel to work; or
- The Senior County Administrator (i.e., Probate Judge, Commission Chairperson, etc.) closes county offices where the employee's office is located.

RECRUITMENT AND SELECTION

The ADVA recognizes the need to staff all positions with highly qualified individuals. Maintaining the superior quality of the ADVA work force is essential. The ADVA Commissioner has the administrative responsibility for recruitment and selection matters.

Merit positions are filled through registers listing eligible persons developed by the State Personnel Department (SPD). Information regarding registers established by the SPD is available through both State Personnel and the ADVA Personnel Division. A vacancy may also be filled by a transfer in some cases (i.e., a change from one position to another in the same classification). Transfers

within the ADVA or transfers of individuals from other state agencies may be utilized to fill positions.

Non-merit system employees will be recruited through media advertisements. When filling a position in a specific county, advertisements will be published in the county where the vacancy exists. Only those applicants that meet the basic eligibility requirements of the position will be considered in the selection process.

BACKGROUND INVESTIGATIONS

The ADVA requires every new, non-merit employee to sign an authorization for release of information to the department concerning previous employment, educational records/transcripts, military service, credit checks, and criminal records. This authorization allows the ADVA to verify that all statements on or attached to a request for employment are true and accurate. If any statements are found to be false, the employee may be released from state service.

VERIFICATION OF U.S. CITIZENSHIP OR LAWFUL PRESENCE

Effective April 1, 2010, the U.S. citizenship or lawful presence of all current and future ADVA employees will be verified through the federal government's Systematic Alien Verification for Entitlements (SAVE) Program. *See* ALA. ACT No. 2011-535. All employees are to comply with the ADVA's policies and procedures for this verification process and shall complete and submit the required documentation. The ADVA will terminate the employment of any employee whose U.S. citizenship or lawful presence cannot be verified.

PROBATIONARY PERIOD

Merit system employees appointed to a position from a promotional or open-competitive register must serve a probationary period (which is a working test period) of not less than six (6) months. Veterans Service Officers and other non-merit employees will serve a twelve (12) month probationary period. Probation begins the date of employment or date of promotion, whichever is applicable.

During the probationary period, employees must reach a satisfactory level of performance on both the work habits and task statements shown on their Preappraisal Performance Appraisal forms (merit system employees). The criteria for success are stated in the responsibilities and results written for each position and provided by your supervisor.

High responsibility and results ratings help you successfully complete the probationary period. Continued high ratings may help you in promotion and

raises. Ratings of “unsatisfactory” during the probationary period can be grounds for discharge.

EXTENSION OF PROBATIONARY PERIOD

Supervisors may recommend extension of the probationary period in three-month increments. For merit system employees, the maximum period of probation is one year (the normal period of six months is extended by a **MAXIMUM** of six more months).

Non-merit system employees have an initial probationary period of 12 months. Upon a supervisor’s recommendation, this probationary period may be extended in three-month increments, for a **MAXIMUM** of six more months. Successful passage of the ADVA accreditation program is necessary for a VSO/AVSO to complete the probationary period.

One significant reason for extending the probationary period is to allow the employee more time to achieve the "fully competent" level of performance. If a supervisor recommends extending an employee’s probationary period, the supervisor must ensure the employee knows the exact reasons for his/her actions, including the areas of weak performance and the time limit available to achieve an acceptable level of performance.

PERFORMANCE APPRAISAL

All ADVA employees will have their performance evaluated annually. The performance appraisal system is designed to help employees grow personally and professionally and to provide supervisors with a method of objective ratings of assigned tasks and responsibilities as spelled out in detailed task statements. Moreover, ratings should be based on a comparison of the employee's performance to the requirements of the position rather than a comparison to the performance of other employees.

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. Within the ADVA, classification matters are assigned to the Personnel Division. If you have questions about job classes in general, or your particular classification, consult with your immediate supervisor.

PERSONNEL RECORDS

Official records are maintained on all ADVA employees. Personnel files are kept in the ADVA Personnel Division. The State Personnel Department maintains official personnel records on each merit-system employee. Employees may review their personnel records and obtain copies from their files. For additional information, you may contact your immediate supervisor.

Employees must inform the ADVA Personnel Division of any necessary updates to their personnel file, such as a change of address, change of telephone number(s), emergency contact, marital status, number of dependents, or military status, within a reasonable time period. In addition to a general personnel file, the ADVA may maintain a separate medical file on each employee, if required. This file will contain any information concerning requests for disability accommodations or other similar medical information. Access to an employee's medical file is extremely limited and based on a need-to-know-only basis.

The ADVA will only verify dates of employment and job titles to outside agencies inquiring by telephone. No other information will be given out about an employee without written authorization from the employee, except what is required to comply with applicable laws or court orders.

PRIVATE OR OUTSIDE EMPLOYMENT

It is permissible for an ADVA employee to accept private or secondary employment as long as the private or secondary employment does not conflict with the objectives of the ADVA nor interfere with the official duties of the employee. Non-merit system employees (see Page 9) desiring to obtain private or secondary employment must request permission in writing through their appropriate supervisory "chain of command" and obtain the Commissioner's approval prior to accepting such employment.

No employee, merit or non-merit shall:

- accept outside employment, which may impair "independence of judgment" in the exercise of official duties; or
- accept outside employment or engage in any business or professional activity that will require employee to disclose confidential information, which was gained by reason of official position or authority.

An activity that is permissible for an employee in one function may not be permissible for another employee due to a possible conflict of interest with that employee's official duties. Therefore, in considering each case on its individual merits, the employee must satisfy the following principles:

- The outside activity would not place the employee in a situation where there is a conflict or in a situation which gives the reasonable basis for the impression of a conflict between his/her private interests and his/her official duties and responsibilities (See page 50 on conflicts of interests).
- The outside activity (unless otherwise permitted) would not relate directly to matters associated with the employee's official duties;
- The nature of the employment or business activity or the hours to be devoted to such activity would not impair the employee's availability, capacity, or efficiency for the performance of his or her official duties as an employee of the ADVA;
- Employees will not, in any manner, advertise or make it known that they work for the ADVA in order to generate or enhance business for themselves, or any member of their immediate family;
- Employees shall not engage directly or indirectly in financial transactions as a result of, or primarily relying on, information obtained through their employment. In particular, they shall not use confidential information obtained in the course of their employment with the ADVA to obtain benefits, financial or otherwise, for themselves, their families or others; and
- Employees may not use state telephones or any other equipment for conducting private business activities or other activities where the employee will benefit from personal gain. Employees are further prohibited from giving out or publicizing the state telephone numbers for personal business use.

ELECTRONIC EQUIPMENT USE

The ADVA's electronic equipment (which includes but not limited to telephones, e-mail, voice and video communications, facsimiles, internet, computers, copiers, and cell phones) are provided to support the ADVA in achieving its goals and missions.

Incidental and occasional personal use is permitted, as long as it does not adversely affect the performance of your duties, interfere with existing rules or policies pertaining to the department, overburden the communication system, create significant additional cost to the department, involve a for-profit personal business activity, have potential to harm or reflect adversely on the state, or involve illegal activities.

See also the "Computer Policies" section of this handbook at page 58.

LEAVE AND OTHER TIME OFF

The leave information in this section provides you with the basic policy concerning leave in each of the named categories. See your immediate supervisor if you have questions on the details and procedures associated with these leave categories. All leave requests must be submitted and approved **prior** to taking leave, with the exception of emergency or unplanned sick leave. All leave must be reported during the pay period in which it was taken.

DOCUMENTATION OF ATTENDANCE AND LEAVE

The ADVA as a State Agency, is subject to numerous laws and regulations that govern the way the department conducts business. The laws that regulate employees' wages and hours are designed to ensure that employees are paid, as specified, within these regulations. These records contain valuable information pertaining to scheduled hours worked, actual hours worked, vacation accruals, sick accruals and leave reporting. Errors in reporting hours worked, even those occurring inadvertently; can result in serious consequences to ADVA and the individuals involved. Penalties to the ADVA may include civil liability and, in extreme cases, criminal fines.

It is the responsibility of each employee to report his/her time worked, meal periods, and/or leave accurately and completely for each pay period. Supervisors are responsible for verifying employees report accurately and completely. Any falsification or misrepresentation of time and attendance information may result in disciplinary action up to and including termination.

It is the expectation that every ADVA employee will adhere to all timekeeping practices and Personnel Memorandum policies that address payment of employee hours and wages.

EMPLOYEE RESPONSIBILITIES

You will enter your time and attendance in eStart on a daily basis. The time you record in eStart will reflect the start, meal period, and end of your compensable time for the workday. ADVA employees **must** clock in/clock out within five (5) minutes of their scheduled start/completion times each work day. Any variation must be **pre-approved** by your immediate supervisor.

1. At the end of each pay period, you are required to approve your time worked and any leave hours recorded for the pay period by entering your approval to the eStart electronic record. Approval must be accomplished no later than close of business the business day following the last day of the pay period. By approving your

electronic timecard, you are attesting to the best of your knowledge that your information submitted is complete and accurate. You are responsible for any inaccuracies or omissions of which you are aware at the time the electronic timecard is approved and submitted.

2. Annual and sick leave accrual balances can be viewed on the electronic eStart timecard. The accrual balances are also listed on the statement of earnings that you receive each pay period. You will enter requests for leave into eStart and management will timely adjudicate leave requests electronically. As necessary, **emergency** leave requests may initially be handled outside of eStart and later entered into the system.
3. Doctor's excuses are still required for any absence of three (3) days or more where sick leave is requested. Timely submit a legible copy of your excuse to your supervisor or manager to be maintained in your local personnel folder. Your leave request will not be approved until you submit the excuse.
4. If you are unable to use eStart because you are away from a department worksite on approved department business or official time, you and your supervisor will make arrangements in advance for the proper recording of your daily time and attendance.
5. Make up time must be **pre-approved** by your immediate supervisor and recorded in the same FLSA work week as the time off that was not work-related. No more than 3 hours of missed time can be made up during any single FLSA work week.
6. Any time (not previously reported) from a prior pay period, must be reported to your supervisor and, in turn, department head. If you need to change any Prior Pay Period Leave Type, you must also inform your supervisor and, in turn, department head.

ANNUAL LEAVE

All full-time and part-time employees earn annual leave on a semi-monthly basis. Annual leave is accrued after the end of each semi-monthly pay period and employees must be in pay status at least 80 percent of their work time to accrue annual leave. The maximum amount of annual leave that can be carried over to the next calendar year is 480 hours (60 days), except for certain military personnel returning from active duty. Employees are paid for one hundred percent of accumulated annual leave, up to 480 hours, upon separation from state service.

The amount of annual leave an employee accrues is based in accordance with the following schedule:

Employee's Total Service	Leave Accumulation Per Pay Period	Annual Accumulation
Fewer than 5 years	4 Hours 20 Minutes	13 Days
5 but less than 10 Years	5 Hours 25 Minutes	16 Days, 2 Hours
10 but less than 15 years	6 Hours 30 Minutes	19 Days, 4 Hours
15 but less than 20 years	7 Hours 35 Minutes	22 Days, 6 Hours
20 but less than 25 years	8 Hours 40 Minutes	26 Days
25 years or more	9 Hours 45 Minutes	29 Days, 2 Hours

MANDATORY LEAVE

The ADVA Commissioner, 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 Commissioner 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.

LEAVE WITHOUT PAY (LWOP)

As there are severe consequences for an employee entering leave without pay (LWOP) status, ADVA employees must be continually aware of their available leave balances to ensure they are not entering LWOP status.

According to the rules of the State Personnel Board, Section 670-X-15-03, the appointing authority (ADVA Commissioner) may grant in writing to any employee a leave of absence without pay (LWOP) for a period not to exceed one year. LWOP for a period of more than 19 consecutive working days is subject to the approval of the ADVA Commissioner and the State Personnel Director.

A permanent position requires a full-time employee; therefore, LWOP shall be taken only when necessary and must not be abused. Excessive use of LWOP may warrant reconsideration of the retention of the employee or of the need for the position. To be considered for LWOP, an employee must exhaust all annual leave prior to being placed on official leave without pay. Failure of an employee to report for duty promptly at the expiration of a leave of absence will be just cause for dismissal.

If an employee has exhausted annual leave, the employee cannot use LWOP for discretionary purposes (i.e., vacations) without the prior written approval of the ADVA Commissioner. Failure to obtain prior written approval may subject the employee to disciplinary action. Also, an employee cannot use LWOP to pursue other employment, work other jobs, or to go into business for himself/herself. LWOP for “sick leave” purposes is permissible; however, the absence must have prior approval from the employee’s district manager or department head (i.e., HQ, Claims Manager, or Veterans Executive Director).

All requests for LWOP must be submitted to the ADVA Personnel Division through the immediate supervisor to appropriate district manager/department head prior to LWOP being taken. That division will forward requests to the Commissioner for final consideration. Failure to properly request LWOP may result in denial of leave and/or disciplinary action to include termination. If an employee has three days of unreported absences, the ADVA may consider such conduct as job abandonment, and the ADVA may deem the individual to have resigned his/her position with the ADVA.

The following supplemental information is provided for those personnel considering LWOP:

- An employee must obtain written permission from the Commissioner to be placed on LWOP;
- An employee on approved LWOP cannot be placed in pay status for the day before and/or the day after a paid state holiday;
- If an employee is not in pay status on the first working day of the month, the employee must pay his/her health insurance premium for that month. Regardless of the reason the employee is on LWOP, the employee is responsible for payment of dependent’s health insurance premium; and
- The employee cannot be placed in pay status solely to have insurance coverage paid by the state.

PERSONAL LEAVE DAY

The personal leave day is granted on January 1 to each employee (except those in Mobile and Baldwin counties who receive Mardi Gras day). The day is granted to those people employed before January 1. If an individual is hired after January 1, he/she is not eligible for the personal leave day that calendar year. Part-time hourly employees are not eligible for the personal leave day.

Employees must use their personal leave day as the first 8-hour annual leave increment taken during the calendar year. This leave day must be used prior to December 31st of the calendar year in which it was granted.

MILITARY LEAVE

The ADVA's policy on military leave is established by state law. All employees who are active members of the Alabama National Guard, Naval Militia, or of the reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard are entitled to military or naval 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 provision 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 leave, or sick leave. No such leave with pay shall be for more than 168 hours in any one calendar year. Additionally, such persons are entitled to be paid for not more than 168 hours when called by the Governor to duty in the active service of the state. Therefore, a qualifying service member is entitled to 168 hours of leave with pay while in federal status per calendar year and an additional 168 hours of leave with pay per calendar year if called to duty in the active service of the state by the Governor.

If an employee is required to serve beyond the military leave period(s), the additional time must be treated as LWOP, unless the employee wishes to use accumulated annual leave or compensatory time. State law allows for a pay differential and leave restoration for any state employee called into active service in any of the Armed Forces of the United States during the War on Terrorism. Military personnel should contact the ADVA Personnel Division to apply for pay differentials and/or leave restoration.

The above constitutes the policy of the ADVA with regard to those employees who are also members of the military. The rights of those employees, who are also members of the military, are to be strictly observed and will be protected. All supervisory personnel are cautioned against making any statements or taking any actions that may be considered contrary to this policy. This policy is in full force and effect.

Requests for military leave must be submitted to your immediate supervisor and include a copy of the orders. All requests for military leave must be approved by your immediate supervisor prior to such leave being taken. Once military leave is submitted, supervisors are to contact the ADVA Personnel Division for further instructions.

BEREAVEMENT LEAVE/ATTENDING FUNERALS

The State of Alabama makes provisions for bereavement leave due to the death of an *immediate family member. If an employee does not have any sick, annual, or personal leave available, the employee may take three days of paid bereavement leave. This leave will be charged against the first annual, sick, or personal leave the employee accrues. If an employee leaves state service prior to repaying the bereavement leave, the remaining liability will be deducted from the employee's final paycheck.

*Immediate family is defined to include spouse, children, grandchildren, parents, grandparents, siblings, mother-in-law, father-in-law, daughter-in-law, and son-in-law. Where unusually strong personal ties exist, due to an employee's 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 case, the employee must file a written statement of the circumstances with the ADVA Personnel Division, which justifies an exception to the general rule. To attend other funerals, you must use annual leave only.

SICK LEAVE

Full-time employees accrue sick leave at a rate of 4 hours and 20 minutes per semi-monthly pay period. Individuals who are part-time permanent employees accrue sick leave on the same basis as their percentage of part-time employment.

State Personnel Board Rules define "sick leave" as "the absence from duty of an employee because of: (1) illness; (2) bodily injury **not** incurred in the line of duty, or bodily injury or occupational illness incurred in line of duty, but for which special leave is not granted; (3) attendance upon members of the immediate family whose illness requires the care of such employee; (4) death in the immediate family of the employee." An immediate family member includes spouse, children, grandchildren, parents or grandparents, brother or sister, and mother-in-law or father-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 case, the employee must file a written statement of the circumstances with the ADVA Personnel Division which justifies an exception to the general rule.

Sick leave is a privilege granted to an employee and is not a right that can be demanded. If a supervisor has reason to believe an employee is abusing leave or a claim is thought to be false, an employee may be punished by loss of pay, loss of accumulated leave, suspension, or dismissal.

Sick leave requests in the form of scheduled doctor's visits, inpatient hospital stays, and planned medical tests and procedures should be approved in advance.

In the event of an emergency, sick leave requests such as an unexpected illness of the employee or an immediate family member, employees are to notify their immediate supervisors as soon as possible.

Once an employee has exhausted all paid leave, the employee may be placed on sick leave identified as regular leave without pay (LWOP), upon approval of the Commissioner. The use of LWOP is strongly discouraged, and employees are urged to accumulate all leave in order to remain covered in all situations.

Any absence of three (3) days or more must be supported by a doctor's excuse. The Commissioner may also require at any time that a doctor's excuse or other adequate evidence support a request for sick leave.

FAMILY AND MEDICAL LEAVE (FMLA)

The ADVA is not an "employer" required to provide employees leave under the Family and Medical Leave Act, as amended. Therefore, FMLA leave is not available to ADVA employees. For additional information regarding the FMLA, contact your immediate supervisor.

DONATED LEAVE

The ADVA will adhere to the guidelines set forth by the State Personnel Board for annual, sick, or compensatory leave donation for catastrophic leave or maternity leave purposes. Contact your immediate supervisor for information regarding donated leave.

Catastrophic Leave Donations

Annual, sick, and/or compensatory leave donation may occur for catastrophic purposes, only if an employee or a member of the employee's immediate family has suffered a catastrophic illness or injury.

A catastrophic illness or injury has been defined as one from which an individual will never fully recover or which is life threatening; or one requiring a recuperation period of approximately one or more years; or which has deteriorated for this length of time until the employee can no longer function without surgical intervention. The State Personnel Department will determine whether an illness or injury qualifies as catastrophic. Permanent status in a merit system classification is not a requirement for giving or receiving donated annual, sick, or compensatory leave. Therefore, permanent, appointed, or probationary employees may either donate or accept annual, sick, or compensatory leave. Contact your immediate supervisor for information regarding donated leave.

Maternity Leave Donations

A female employee may qualify for donated leave for the time she is disabled due to pregnancy. Illnesses or injuries suffered as a direct result of pregnancy are also eligible for donated maternity leave. A doctor's verification of disability will be required. Contact your immediate supervisor for information regarding donated leave.

Requirements for all Leave Donations

All of the following items are required for any leave donations:

- the accepting/receiving employee has exhausted all personal, annual, compensatory, and sick leave;
- the accepting/receiving employee has officially requested donated leave, obtained the necessary doctor's verification, and coordinated a donated leave request through the ADVA Personnel Division;
- the accepting/receiving employee submits donated leave requests to the ADVA Personnel Division prior to use of the leave; and
- the donating employee secured approval of his/her appointing authority prior to donating leave.

In general, an employee may donate (transfer) a specified number of his/her sick, annual, and/or compensatory leave days/hours to another employee of equal or lower classification.

All requests for donated leave should be made through your immediate supervisor to the ADVA Personnel Division and must meet the following conditions:

- The request for donated leave must be in writing and include a statement from the attending health care professional about the employee's diagnosis and/or prognosis; and
- Any leave that is donated (transferred) is lost to the donating employee, even if the receiving employee does not utilize it.

Although donated leave may occur between all state agencies, ADVA non-merit system employees may donate sick leave to other ADVA non-merit system employees only. Employees who are leaving state service are not allowed to donate more leave than could be taken prior to their separation date.

ADVANCED SICK LEAVE

In case of serious disability or illness, sick leave may be advanced by the appointing authority to any employee who has successfully completed a probationary period under the following conditions:

- All accrued leave (sick and annual), as well as accrued compensatory time or personal leave day, if applicable, must be used before an advance is made;
- No advance of sick leave may be made to any employee, unless the absence from duty is for 5 consecutive days or more;
- Each application for an advancement of sick leave must be supported by a doctor's certificate;
- The total days of sick leave advanced may not at any time exceed 24 workdays, including any additional time granted before the first amount is "paid off";
- An employee must file a written request for advanced sick leave with his/her immediate supervisor, who, upon approval, then forwards the request to the ADVA Personnel Division through the chain of command;
- Advances in sick leave are charged against sick, annual, and compensatory leave as it is accrued. Advances may also be liquidated by a payment of the value of the sick leave at the time it was granted; and
- An employee must repay each advanced sick leave application in FULL before an additional sick leave advancement application will be considered.

If an employee receives advanced sick leave and terminates state service, **the employee must pay for the outstanding advanced sick leave balance on the basis of the employee's salary rate at the time the sick leave was advanced.** If there is no salary due from which deductions may be made, or the salary due is insufficient to cover the amount due the ADVA, the employee must still repay the amount due. If the employee refuses to pay, the amount due may be recovered through legal proceedings.

A person's reemployment in the classified service of the state will be prohibited until full satisfaction of any existing debt is made. Also, employees cannot transfer or receive a promotion to another agency if advanced sick leave is owed. It must be paid back before a transfer is processed.

COURT ATTENDANCE LEAVE AND JURY DUTY

Leave with pay will be granted to permanent employees who are required to attend court as a witness in their official capacity or as jurors. An employee who attends court on his/her own behalf must use annual leave to cover the absence even if he/she was subpoenaed. Employees who are called as witnesses in their individual capacities (not job-related) must take annual leave or leave without pay (LWOP). Employees must coordinate scheduling with their supervisors, complete the proper leave request, and submit supporting documentation. An employee who reports for jury duty and then is not selected must return to work or be charged annual leave.

If the ADVA requires an employee to attend a court proceeding, then the appearance is “official” and is a requirement of the job. The employee will then be released from his/her typical job duties to attend court and will receive appropriate travel reimbursement under State law.

VOTING AND WORKING AT THE VOTING POLLS

Employees will be provided the opportunity to vote as they choose in local, state, and national elections. If work hours start less than two hours after the polls open and end less than one hour before the polls close, employees may be allowed up to one hour off to vote without the loss of accumulated leave. Otherwise, employees must use the appropriate leave if they wish to vote during work hours. Employees must secure their immediate supervisor’s approval before taking time off work to vote. Employees who are requested or who volunteer to work at the voting polls must have their immediate supervisor’s approval and take annual leave for the time they are away from their jobs.

HOLIDAYS

The ADVA will close on all legal holidays as established by Alabama law and on other days as designated by the Governor. However, there are times when some employees may be required or requested to work on a holiday. Compensatory time will be provided to such employees in accordance with applicable laws, State Personnel rules, and ADVA policy.

All full-time employees must be in pay status the day before and the day after the holiday to be entitled to receive pay for the holiday. (LWOP on either day excludes payment for the holiday.)

***Note:** On occasion, county courthouses and offices will close and declare a holiday for county employees. When county office closings force you to close your office for other than an authorized State or Federal holiday,

comply with ADVA policy regarding inclement weather and office closings. (Page 16)

STATE EMPLOYEES' INJURY COMPENSATION TRUST FUND (SEICTF)

For all on-the-job injuries, supervisors and employees must follow the instructions provided in your office copy of the "SEICTF Packet." Updated information will be provided when available. The purpose of the SEICTF program is to provide medical and compensation benefits for employees of the state and its agencies, boards, departments, or commissions (except as excluded by law or regulation) who suffer personal injury as a result of accidents arising out of and in the course of their state employment.

For the employee to be eligible for benefits from the SEICTF program, the employee must satisfy certain concurrent eligibility and compensability regulatory conditions.

The first set of conditions for eligibility is:

- The employee must have an accident. An accident is defined as an "unexpected or unforeseen event, happening suddenly and violently, with or without human fault, and producing at the time of injury damage to the physical structure of the body or to an artificial member of the body by accidental means"; and
- The injury must arise out of the employment and in the course of the employment. Therefore, workers are only covered while engaged in or about the premises where their services are being performed or where their service requires their presence at the time of the accident and during the hours of service as workers. Only injuries by accident during performance of the employee's duties while under the right of control of the ADVA shall be considered arising out of and in the course of employment.

The second set of conditions is:

- The employee must be in the full-time, paid status of the employer;
- The employee must be covered through the State Employees' Insurance Board's medical insurance plan; and
- The employee's wages must be paid through the State Comptroller.

Medical Emergency

A medical emergency is a sudden and unexpected onset of a medical condition that is so severe that failure to receive immediate treatment could result in:

- permanent damage or danger to health;
- serious impairment to bodily functions;
- other serious medical consequences; and/or
- serious or permanent dysfunction of any body organ or part.

What Should you do if Injured on the Job?

- **NOTIFY YOUR IMMEDIATE SUPERVISOR OF ALL WORK-RELATED INJURIES!** *Notification is your responsibility!* Your supervisor must then contact the designated Risk Manager at ADVA Headquarters, 334-242-5077, to report the incident, regardless of how slight the injury and regardless of the opinion of whether the injury is actually work-related. Both you and your supervisor will complete forms to submit.
- If your injury is not an emergency and medical treatment is required, contact the ADVA Risk Manager immediately for further instructions.
- If emergency treatment is required, you should seek immediate treatment from the nearest emergency care facility; however, follow-up care must be obtained from one of the Network Primary Care Physicians. Contact the ADVA Risk Manager for a list of Network Primary Care Physicians.

The ADVA will administer SEICTF in accordance with the directions of the Finance Department's Division of Risk Management.

Lost Time Benefits

Benefits applicable to on-the-job injuries that result in lost work for full-time employees will be administered as follows:

- Waiting Period - There is a three-day period for which ***no*** lost time benefit is paid. Should the lost time reach twenty-one days, the initial three-day period will be paid. The employee may use sick or annual leave to cover the three-day waiting period.

- Option One - The injured employee chooses to use his/her accumulated leave and will be paid through the Government Human Resources System (GHRS) utilizing normal leave and payroll procedures. The employee will continue to accrue leave and retirement credit. When this option is elected, the employee may choose to exhaust all of his/her accumulated leave.
- Option Two - The employee may choose to receive two-thirds of his/her weekly wage subject to the minimum and maximum weekly benefit amounts as adjusted annually by the Division of Risk Management. The employee is then paid directly by the Division of Risk Management and not through GHRS. There are no deductions for state or federal income taxes, Social Security or Medicare, because on-the-job injury compensation benefits are *not* taxable. The employee will continue to accrue leave but is ineligible to accrue retirement credit.
- Duration of Payments - Payments continue for as long as total disability exists. The employee remains on the state payroll for up to twenty-six (26) weeks from the date of injury. After that time, SEICTF will make tax-free payments directly to the employee. Also, after that time, payments to RSA cease until the employee returns to work, as does state paid participation in the State Employee Insurance Plan.

Note: Supervisors have a significant responsibility in the implementation procedures for the SEICTF Plan. All questions should be referred immediately to the ADVA Risk Manager.

DONATING BLOOD

An employee who donates blood to a charity or organization (such as the Red Cross) may be granted two hours of leave with pay upon the approval of the employee's immediate supervisor. This leave must be taken within two weeks after the blood donation is made. Also, the employee must provide adequate evidence of donation. Employees should complete appropriate leave request and provide immediate supervisor evidence of blood donation when requesting paid leave.

OVERTIME/COMPENSATORY TIME UNDER THE FAIR LABOR STANDARDS ACT (FLSA)

The Fair Labor Standards Act (FLSA) is a federal law governing minimum wage, overtime pay, equal pay, record keeping, and child labor laws. The Wage and Hour Division within the Employment Standards Administration of the U.S. Department of Labor has authority for enforcing the FLSA.

According to the FLSA's criteria, there are two basic categories of employees, exempt and non-exempt. Exempt employees are those in positions, which meet the test for the executive, administrative, and professional positions. Such employees are not covered by the overtime provisions under the FLSA. Thus, exempt employees are not entitled to **overtime** or **compensatory** time. FLSA-exempt ADVA employees include VSOs/AVSOs, District Managers, Assistant Commissioners, Claims Manager/Assistant Manager, Claims Reviewers, Training Manager, Cemetery Director/Assistant Director, Homes Executive Director/Directors, Public Information Officer, and General Counsel.

Non-exempt employees are employees covered by the overtime provisions of the FLSA. In most cases, support employees (administrative support assistants) are considered to be non-exempt and are subject to the overtime provisions of the FLSA.

It is the policy of the ADVA that no merit system, non-exempt employee may work more than eight (8) hours per day and 40 hours per week. Supervisors must ensure that each merit system employee is afforded and takes scheduled lunches and breaks throughout the workday to make certain the ADVA is in full compliance with the FLSA. **Non-compliance with this policy may result in disciplinary action being taken against the supervisor.**

PAY ISSUES

SALARY ADMINISTRATION

Salaries of ADVA employees are established and administered in accordance with the rules of the State Personnel Board and the State Board of Veterans Affairs, as appropriate.

PAY DAYS

State employees are paid on a semi-monthly basis (24 paydays per year). 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 work day prior to the pay date. The one exception is at the beginning of the fiscal year. If October 1 falls on a weekend or holiday, the payday will be the following Monday. When you begin work, the state delays your first paycheck for approximately one month to be sure that all administrative paperwork has cleared.

DEDUCTIONS

Payroll deductions will be made from your gross salary for federal and state income taxes, social security tax, and retirement contributions. Upon your authorization, the following but not limited to may also be deducted: savings deposits or repayment of loans to the Employees' Credit Union, deferred compensation contributions, State Combined Charity Campaign, and personal insurance premiums to companies on approved state lists.

DIRECT DEPOSIT

As a condition of employment, all ADVA employees are REQUIRED to have their payroll checks deposited directly to a banking account. Contact the ADVA Personnel Division to obtain the appropriate paperwork.

LONGEVITY PAY

Permanent full-time and part-time employees are entitled to longevity pay based on the total number of months in active status since the original date of employment. Employee eligibility for longevity pay is based on pay status as of December 1. Longevity pay is made the first payday in December to employees in pay status. Longevity payments are not subject to retirement benefit calculations.

Unless provided otherwise by law, the amount received is based in accordance with the following schedule:

<u>Employee Total Years of Service</u>	<u>Amount of Payment</u>
Less than 5 years (0-59 months)	None
5 but less than 10 years (60-119 months)	\$600
10 but less than 15 years (120-179 months)	\$700

15 but less than 20 years (180-239 months)	\$800
20 but less than 25 years (240-299 months)	\$900
Over 25 years (300 or more months)	\$1000

Longevity payments to permanent part-time employees are prorated based on the amount of time worked. Hourly employees are also entitled to longevity payments on a prorated basis.

Act 2006-420 made provisions for increased longevity payments in each fiscal year in which state employees do not receive a cost-of-living adjustment (COLA). This Act states that each longevity amount shall be increased by one hundred dollars (\$100) per year (only for years in which a COLA is not granted) to a maximum of one thousand dollars (\$1,000) for 25 years or more years of total service.

EMPLOYEE SEPARATIONS

SEPARATIONS DUE TO RESIGNATION OR TRANSFER

An employee who intends to separate from employment with the ADVA must submit a written notice at least two weeks prior to the effective date of the separation. Any exceptions to this stipulation require the approval of the ADVA Commissioner.

Employees planning a transfer to another state agency should notify their immediate supervisor as soon as possible. To ensure all paperwork is completed, the employee should also notify the ADVA Personnel Division.

If the transfer involves taking a demotion, and if the demotion requires a reduction in pay, the employee must confirm acceptance of the pay reduction in writing and forward a copy to his/her district manager and the ADVA Personnel Division.

REMOVAL OF A PROBATIONARY EMPLOYEE

A probationary employee is an “at will” employee and may be terminated at any time prior to attaining permanent merit system status. Prior to the end of the probationary period and based upon the justification provided by the probationary employee’s immediate supervisor, the ADVA Commissioner will terminate an

unsatisfactory or unsuitable employee. A probationary employee who is terminated during his/her probation does not have appeal rights to the State Personnel Board or State Board of Veterans Affairs.

SUSPENSIONS

The ADVA Commissioner, who is the agency appointing authority, may from time to time suspend an ADVA merit employee without pay for good cause. (Although this policy applies to permanent, classified, merit employees, the ADVA Commissioner, in his discretion, may choose to suspend non-merit employees.) The employee will be provided written notice of the charges and given an opportunity for a hearing prior to suspension. Where the Commissioner must act quickly, however, or where it would be impractical to provide a hearing prior to a suspension, a post-suspension hearing will satisfy due process.

After receiving written notice of the suspension, an employee may file a written answer or explanation of the charges with the Commissioner. Unless an employee waives his or her right to a hearing, an impartial hearing officer will be appointed to make a recommendation to the Commissioner. At this hearing, the employee has the right to be represented by counsel, the right to call and cross-examine witnesses, and the right to present evidence. The Commissioner bears the burden of proof to show that the proposed suspension is supported by substantial evidence.

The Commissioner may accept or reject the recommendation of the hearing officer. If the Commissioner rejects the recommendation, the reasons must be set forth in writing and be provided to the employee. **Note:** This policy was in effect prior to July 1, 2001.

DISMISSAL POLICY

The Commissioner, who is the appointing authority for the ADVA, may dismiss a merit system employee for good cause following a pre-termination due process conference. Within ten days from the receipt of the written notice of the dismissal, an employee may file an appeal with the State Personnel Board. A copy of the appeal must also be filed with the ADVA Personnel Division. The State Personnel Board may then sustain or modify the dismissal or order the employee reinstated. Reinstatement could be ordered either with or without back pay, or other conditions, and could include disciplinary action with or without a lesser punishment. A failure to file an appeal within ten days will result in final dismissal.

Non-merit employees are subject to dismissal as outlined in Chapter 920-X-2-.05 of the ADVA's Administrative Code which states:

- The State Service Commissioner shall have authority, subject to review by the Board of Veterans Affairs, to discipline, suspend or dismiss any unclassified (non-merit) employee of the department for violation of the department's general work rules or for other sufficient cause.
- Upon receiving notice of a suspension or dismissal, the employee may, within 10 days of such notice, request a hearing before the Board of Veterans Affairs. A hearing may be granted at the sole discretion of the Board as determined by a majority vote of its members. The Board may reverse, alter or amend the decision of the State Service Commissioner by a majority vote.

LAYOFFS

The Rules of the State Personnel Board provide for the separation of employees by layoff. An appointing authority may lay off an employee in the classified service whenever it is deemed necessary by reasons such as the shortage of work or funds, the abolition of a position, or any other material change in duties or organization.

RETURN OF STATE PROPERTY UPON SEPARATION

An employee who separates from employment with the ADVA under any circumstance (retirement, dismissal, transfer, resignation, etc.) is responsible for returning any property that belongs to the state. Some examples of property are state credit cards, identification cards, equipment (adding machines, computers, cell phone, etc.), badges, security cards, keys, etc. Before separation, an employee will be required to complete a property inventory form and submit such form through their supervisor to the ADVA Property Manager.

DISCIPLINE OF EMPLOYEES

MERIT SYSTEM EMPLOYEES

Failure of a merit system employee to conform to the policies, procedures and directives of the ADVA may result in demotion, suspension or dismissal, as provided for in Sections 36-26-9, 36-26-27 and 36-26-28 of the CODE OF ALABAMA (1975). Disciplinary actions will be applied on a case-by-case basis.

Violations that normally result in disciplinary actions of increasing severity for merit system employees are:

- Violations of safety rules;
- Absenteeism - unexcused absence, unreported absence, a pattern or absences, or excessive absences;
- Tardiness - not on the job ready to work at the beginning of the shift;
- Leaving job station without permission;
- Disruptive conduct of any sort;
- Inattention to job - doing anything distracting while on the job;
- Poor housekeeping;
- Abuse of equipment;
- Unauthorized operation of vehicles, machinery or equipment;
- Participation in unauthorized activity or solicitation on work premises;
- Unauthorized use of bulletin boards;
- Unauthorized loading of software on ADVA computers;
- Violations of specific ADVA rules; and/or
- Failure to perform job properly.

Serious violations that may result in suspension or discharge for merit system employees on the first offense, considering work record and length of service include:

- Violations of safety rules which endanger life or property;
- Insubordination or failure to follow an order, disobedience, failure to submit to authority as shown by demeanor or words;
- Theft or unauthorized possession of state property;
- Fighting on the job;
- Use of abusive or threatening language;
- Falsification of records – (applications, time card, doctor's excuse, etc.);
- Reporting to work under the influence of a controlled substance;
- Possession or use of alcohol, narcotics, or dangerous weapons during work hours;
- Sleeping on the job;
- Leaving before the end of the shift/walking off the job;

- Serious violation of any other ADVA rule or policy;
- Job abandonment consisting of three consecutive days of unexcused, unreported absence; and/or
- Possession of dangerous weapons.

Exception

An employee does not have to follow an order that the employee has good reason to believe is unsafe or illegal.

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

PROGRESSIVE DISCIPLINE

Merit System Employees

In general, the ADVA follows the progressive discipline system used by all State agencies for merit system employees. Progressive discipline is a system of escalated penalties which are imposed with increasing severity for repeated infractions. The escalation can proceed in this fashion:

- Written warning
- Written reprimand
- Suspension without pay
- Termination

At each step, the supervisor must provide a clear statement of the problem behavior, what to do to correct the problem, a time limit for correction, and consequences of continued misconduct. In addition, regarding progressive discipline, the ADVA reserves the right to bypass any and all of these steps or use other forms of discipline that are in the best interest of the ADVA and the good of State service.

Non-Merit System Employees

The ADVA has elected not to adopt the State of Alabama Progressive Discipline System for its non-merit system employees. Although non-merit system employees do not receive the same level of employment protection afforded merit system employees, they are expected to abide by the same rules and regulations governing standards of conduct.

Non-merit employees are subject to discipline as outlined in Chapter 920-X-2-.05 of the ADVA's Administrative Code which states:

- The State Service Commissioner shall have authority, subject to review by the Board of Veterans Affairs, to discipline, suspend or dismiss any unclassified (non-merit) employee of the department for violation of the department's general work rules, or for other sufficient cause.
- Upon receiving notice of a suspension or dismissal, the employee may, within 10 days of such notice, request a hearing before the Board of Veterans Affairs. A hearing may be granted at the sole discretion of the Board as determined by a majority vote of its members. The Board may reverse, alter or amend the decision of the state service commissioner by a majority vote.

MISCONDUCT OR VIOLENCE IN THE WORKPLACE

The workplace is a gathering of people where basic safety and social order must be maintained. Furthermore, supervisors must make decisions and direct people to accomplish legitimate tasks and other administrative assignments. All employees must conduct themselves in a moral, ethical, and professional manner.

EXPECTED EMPLOYEE BEHAVIOR

Specifically, employees are expected to behave as follows:

- Employees are expected to perform their assigned duties conscientiously and to respond readily to the direction of supervisors. An employee, however, shall also have the right and duty to refuse an order or assignment that he or she knows to be illegal, unethical, or unsafe;
- Employees shall comply with the policies and operating procedures of the ADVA and their respective divisions/offices;
- Employees must act in a manner that is consistent with generally recognized professional conduct and ethical principles. A good attitude and spirit of cooperation are expected of every employee. Conduct with fellow employees should not cause dissention or discord; and
- Misunderstandings or disagreements will be discussed in a respectful manner. Supervisors will make the final decision to resolve the situation and employees will abide by the decision.

INAPPROPRIATE EMPLOYEE BEHAVIOR

Supervisors and co-workers will not tolerate escalations of misconduct that go beyond the normal discipline process. The conduct, attitude, and demeanor described below are strictly prohibited:

- Violations of rules or socially inappropriate behavior include, but are not necessarily limited to: absenteeism (any incident or pattern of unexcused, unreported, or excessive absences); tardiness; inattention to job or doing anything distracting on the job; failure to perform job according to quality, quantity, and deadlines required; leaving job station without permission or walking off the job; poor housekeeping; unauthorized use of ADVA telephones, equipment, emails, internet or bulletin boards; unauthorized loading of software on ADVA computers;
- Escalations of more serious inappropriate behavior to include, but are not necessarily limited to: failure to comply with supervisor's corrections; arguing with or resisting authority; unauthorized or abusive use of equipment; stalling work flow; malicious or excessive complaining, or causing emotional stress to others with words; loud, disruptive language that affects the activities of other employees; vulgar, abusive language or threatening words; threatening gestures or movements toward another person; insubordination or disobedience; emotional outbursts at another individual or the ADVA;
- Further escalations of inappropriate behavior such as being under the influence of alcohol/illegal drug(s) at work or having any prohibited substance at work; shoving or any rough or threatening behavior where another person is touched; fighting; or possessing a dangerous weapon at work; and
- Any further escalation toward criminal and unlawful behavior.

RETIREMENT PROGRAMS

The State of Alabama has a mandatory retirement. Under this program, the ADVA matches a percentage of your salary. Most employees are required to have a certain percentage of their salary withheld for retirement. If an employee leaves state service prior to vesting (ten years), the employee has the option of withdrawing his or her contribution. In addition to the mandatory retirement program, there are several deferred compensation plans available. For information on these plans, contact the ADVA Personnel Division.

RETIREMENT ELIGIBILITY

Service retirement benefits are available to members who cease ERS covered employment and meet minimum service and age requirements. A member is eligible to receive retirement benefits when:

Tier 1 Plan – Any member of the retirement system who had service for which he or she received credit in the Employee's Retirement System or in the Teacher's Retirement System prior to January 1, 2013. The member is eligible to receive retirement benefits if he or she has at least 10 years of service credit and has attained the age of 60 or after accumulating 25 years of service credit at any age.

Tier 2 Plan – Any member of the retirement system who first began eligible employment with an Employee's Retirement System or Teacher's Retirement System employer on or after January 1, 2013 and who had no eligible service in the Employee's Retirement System or Teacher's Retirement System prior to January 1, 2013. The member is eligible to receive retirement benefits after if he or she has at least 10 years of service credit and has attained the age of 62.

The ADVA Personnel Division is responsible for administering the retirement program.

PURCHASE OF MILITARY SERVICE

An employee has one (1) year from the date the employee enrolls and begins making contributions to the Retirement Systems of Alabama to purchase credit toward retirement for up to four (4) 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.*** If military service time is not purchased within the first year of employment, the employee must wait until at least ten years of creditable service is accrued before purchasing military service time.

REPURCHASE OF PRIOR SERVICE

A person re-entering state service who has withdrawn prior contributions from 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 and include all interest that has accrued since the withdrawal of such contributions. Anyone interested in the repurchase of prior creditable service should contact the Retirement Systems of Alabama for details on how to repurchase prior creditable service time.

EMPLOYEE PROGRAMS

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The EAP provides a source of assistance to employees having personal and emotional problems that may affect their job performance (i.e., substance abuse, indebtedness, marital problems, and others).

The State of Alabama provides an EAP to all ADVA employees through the Division of Risk Management, State Department of Finance. Contact the EAP at 1-800-245-1150, 205-879-1150, or www.riskmgt.alabama.gov.

The Assistant Commissioner of Personnel and Administration will serve as the EAP coordinator for the ADVA. Through the EAP, two types of referrals exist. First, voluntary referrals will be provided on a voluntary basis to any employee when personal problems are contributing to, or may contribute to, deteriorating job performance. Second, the ADVA may make direct referrals to EAP for employees who have personal problems that are, in management's opinion, contributing to deteriorating job performance. The employee's involvement in the EAP would still be voluntary, however. All requests for referral made to the EAP will be held strictly confidential.

The ADVA actively supports rehabilitation efforts, when applicable and appropriate, through employee group health benefits, sick leave, and other leave policies. Supervisory personnel, medical personnel, or the employee's family may refer an employee to the EAP because of a condition that may affect the employee's job performance. The decision to accept assistance is the responsibility of the employee.

Employees who participate in the EAP will not be given preferential treatment, nor will they receive any special considerations by the ADVA. EAP participation will not immunize an employee against discipline, including discharge, by reason of an infraction of general work rules or the rules of conduct. All employees will be evaluated strictly on job performance criteria, irrespective of their participation in the EAP. An EAP employee may be disciplined for his/her continued unsatisfactory job performance.

ALABAMA EMPLOYEES SUGGESTION INCENTIVE PROGRAM

Section 36-1-7.1 of the CODE OF ALABAMA (1975) establishes the Alabama Employees Suggestion Incentive Board and authorizes incentive award programs to recognize state employees who provide suggestions that result in substantial financial savings or in more efficient operation of state functions.

The following procedures apply to this program:

- The employee must submit a written suggestion to his/her immediate supervisor, who will submit the information up the chain of command to the ADVA Commissioner.
- The Commissioner will request a review of financial considerations and calculations of one-time and/or on-going financial impact statement(s).
- The ADVA Commissioner will then forward the employees suggestion, his recommendation, and the financial impact statement(s) to the Employees' Suggestion Incentive Board. **Note:** The Board meets quarterly to evaluate those suggestions submitted by departments and agencies.
- Upon approval and implementation of the employee suggestion, the Board shall award the employee a one-time case award of \$1,000. In exceptional situations, an award up to \$5,000 may be awarded.

EMPLOYEE SAFETY AND HEALTH

EMPLOYEES HEALTH INSURANCE PLAN

Comprehensive health insurance is furnished by the State of Alabama to all full-time state employees. On the first day of your employment, you will become eligible for insurance coverage on yourself and may enroll your dependents. Your contribution for the cost of the insurance for your dependents, should you decide to enroll them, will be deducted from your pay. If you select dependent coverage, premiums may be deducted before taxes are taken. Information on premiums for such coverage may be obtained from your immediate supervisor. Should you retire, you may continue to be eligible for the insurance, and your contribution toward the cost of the insurance would be deducted from your monthly retirement benefit.

AIDS AND HIV INFECTION IN THE WORKPLACE

The ADVA's policy regarding AIDS/HIV infection in the workplace is based on current medical and scientific opinions that there is no evidence that the AIDS virus can be transmitted through casual contact in ordinary social or workplace settings. The U.S. Department of Health and Human Services has identified AIDS as a medical disability according to the Rehabilitation Act of 1973, section 504, 29 USC 794 (1982). This Act prohibits discrimination based on AIDS-related illness. In addition, AIDS is a disability as defined in the Americans with

Disabilities Act of 1990 (ADA), as amended in the ADA Amendments Act of 2008 (ADAA). Accordingly, the ADVA's position is that an employee with an AIDS-related illness is to receive the same treatment and benefits as any other employee and shall not be discriminated against in any manner as a result of his/her AIDS-related illness.

Note: Employees may contact the ADVA EEO Coordinator for information on reasonable accommodations under ADA, as amended by ADAA.

ALABAMA CLEAN INDOOR AIR ACT (SMOKING POLICY)

To ensure that the ADVA is complying with Section 22-15A-1, *et seq.* of the CODE OF ALABAMA (1975) dealing with indoor smoking, the Commissioner has designated all ADVA workplaces as "smoke free areas." This prohibition extends to all office spaces, waiting rooms, storage areas, vehicles, and any other space considered an ADVA workspace. Any employee or client who wishes to smoke must use a designated smoking area created by the local authorities or owners of the building.

Department employees will adhere to this policy and enforce the "smoke free workplace." Inform any person observed smoking in any ADVA space that smoking in this workplace is prohibited by law.

EMPLOYEE STANDARDS OF CONDUCT

The basic mission of the ADVA is to assist veterans and their dependents in their applications for federal and state benefits. Confidence in the ADVA and faith in its dependability and integrity have a vital impact on our ability to carry out this mission. We can maintain the public confidence only to the extent that our contacts with the public reflect the highest ethical and moral standards. Courtesy, fairness, and competence must characterize each contact.

GENERAL RULES, WORK HABITS AND STANDARDS

The following "Standards of Conduct," though not all-inclusive, emphasize the importance the ADVA places on ethical and moral behavior. Employees are required to familiarize themselves with and abide by these standards. When considering disciplinary action towards an employee, ADVA supervisors and managers assume the employee is familiar with these standards.

1. Job Standards

Employees are expected to perform their jobs according to standards set by the ADVA. Inattention to your job, leaving your work station without being properly relieved, and misuse and abuse or unauthorized operation of equipment and vehicles will not be tolerated. Such misconduct will subject you to disciplinary action. Serious violations, such as those listed below, may result in suspension or dismissal for the first offense;

- Violations of safety rules which endanger life or property;
- Insubordination or failure to follow an order, disobedience, failure to submit to authority as shown by demeanor or words;
- Theft or unauthorized possession of state property;
- Fighting on the job;
- Use of abusive or threatening language;
- Falsification of records – (applications, time card, doctor's excuse, etc.);
- Reporting to work under the influence of a controlled substance;
- Possession or use of alcohol, narcotics, or dangerous weapons during work hours;
- Sleeping on the job;
- Leaving before the end of the shift/walking off the job;
- Serious violation of any other ADVA rules or policies;
- Job abandonment consisting of three consecutive days of unexcused, unreported absence; or
- Possession of dangerous weapons.

2. Professional Behavior and Language

Employees of the ADVA are expected to demonstrate high standards of personal integrity and must conduct themselves in a professional manner. An attitude of cooperation is expected of every employee. Interaction with fellow employees must not cause dissension or discord. Malicious or excessive griping; loud, disruptive talking that affects the activities of other employees; vulgar, abusive, or threatening language; and emotional outbursts at another individual or the department are examples of inappropriate behavior that will not be tolerated. Any such misconduct or

any other action that causes disruption in the workplace may be cause for disciplinary action.

Employees are also cautioned against the use of profanity in general conversation with each other or with veteran clients and their families. Such language is inappropriate in a business setting and may be offensive to others. Employees are expected to perform their assigned duties conscientiously and to respond readily to the direction of supervisors.

Failure to comply with a supervisor's instructions, arguing with a supervisor, or resisting authority is unacceptable and will subject the employee to disciplinary action.

3. Relationships with Fellow Employees

During work hours, you must perform your regular duties and not duties unrelated to your job, such as selling merchandise to fellow employees, lending money for profit, etc. Supervisors should particularly avoid placing themselves in a position that could interfere with the objective evaluation and direction of their subordinates. For example, if a supervisor borrows money from a subordinate and feels indebted to the subordinate, this could prevent him/her from properly carrying out supervisory responsibilities in evaluating the subordinate's job performance.

4. Gifts and Favors

There may be times when business associates will invite you to lunch/dinner to discuss business. This can be proper or improper depending on the circumstances. If done on an infrequent basis and in the ordinary course of business, the invitation would appear to be proper. However, if the intent of either party is to affect ADVA business, the social event most definitely would be improper. You must notify your immediate supervisor for guidance. Free meals are acceptable upon supervisory approval. Gifts for coworkers or supervisors are acceptable. Participation in such activities, however, must be wholly voluntary on your part, and any gifts should be of nominal value in keeping with the spirit of the event, rather than for financial benefit.

5. Personal Business

ADVA employees may not make arrangements to meet with a salesperson in ADVA office space to discuss non-business related products or services or to deliver ordered products during working hours. This includes break time, which is defined as work time. Lunchtime is considered "free" time for personal use. Therefore, employees should make arrangements to use such time away from the office for personal business. Exceptions will be

made for insurance companies that have been approved by the State Finance Department or State Personnel Department for payroll deductions and when marketing promotions are mandated by the Legislature and/or the Governor's Office or approved by the Commissioner.

6. Personal Visitors in the Workplace

Occasionally, an unexpected event may require an employee to take care of his/her child in the workplace during work hours. These times should be brief and only until other arrangements are made or leave used. In some situations, it may be acceptable to allow a child to be brought to the parent at the workplace or for the parent to bring the child to work when he/she is to be picked up shortly thereafter. These occurrences, however, should not disrupt the operations of the office.

It is never acceptable for employees to bring their children to work in lieu of making childcare arrangements. Furthermore, it is inappropriate for employees to instruct a coworker to watch their child while in the workplace. While visiting the workplace, they are not allowed to use state equipment or have access to work products.

Any money, property or other things of value received by or coming into the custody of employees in connection with discharge of their duties must be accounted for or otherwise disposed of in accordance with established procedures.

ALCOHOL/DRUGS IN THE WORKPLACE

The ADVA is committed to providing a safe, healthy, and efficient working environment for all employees. To achieve this goal, employees are prohibited from:

- Possessing, distributing, selling, manufacturing, or being under the influence of any illegal drug;
- Consuming alcoholic beverages while on office premises, in state vehicles, or while on state business or time, or bringing alcohol onto office premises; and
- Abusing prescription drugs or possessing prescription drugs that have not been prescribed for the employee by a physician.

An employee who violates this policy is subject to corrective action up to, and including, termination of employment. Use of some drugs is detectable for several days. Detection of such drugs or the presence of alcohol will be

considered being “under the influence.” **Refusal to submit to a drug and/or alcohol screen is grounds for immediate termination.**

Employees using prescription drugs according to physician’s instructions or using over-the-counter drugs for medicinal purposes should, in the event such drugs would impair their physical, mental, emotional, or other faculties, notify your immediate supervisor who shall then contact the ADVA Assistant Commissioner of Personnel and Administration for further guidance.

Alcohol and/or drug screens will be conducted under the following circumstances:

- If an employee is involved in an accident while using a state vehicle or on ADVA business that causes more than one thousand dollars (\$1,000) in damage to property or requires medical attention away from the premises.
- If a supervisor suspects an individual is at work and under the influence of drugs and/or alcohol, the supervisor shall notify the ADVA Assistant Commissioner of Personnel and Administration to seek authorization to test the employee. Permission for testing will be granted if sufficient symptoms exist to indicate the employee may be under the influences of drugs and/or alcohol.

Any employee who violates this policy will be subject to disciplinary action, up to and including dismissal. Refusal to submit to such testing will be considered insubordination and subject to the appropriate disciplinary action as set out in the rules and regulations of the ADVA.

CARE OF OFFICIAL DOCUMENTS

All records and documents in the custody of ADVA employees are for official purposes only. It is unlawful to remove, conceal, alter, mutilate, obliterate, or destroy records or documents, or to remove or attempt to remove with the intention of performing any of the above actions. Employees must not remove records and documents from official files without approval from the proper authority.

Disposal or destruction of records and documents is to be made in accordance with established procedures. For additional direction on the purging of ADVA records, contact your immediate supervisor.

Employees shall be held responsible for the loss, disappearance, or theft of official documents when attributable to neglect or carelessness. Recovery of documents may not necessarily mitigate the effects of the loss.

It is improper for an employee to make a copy of any ADVA document for the employee’s personal use.

CONDUCT, ATTITUDE AND DEMEANOR

The basic standard of conduct is to act in a manner that is consistent with generally recognized professional conduct and ethical principles. Each employee is also required to become familiar with and abide by the standards of conduct contained herein and to seek information from his or her immediate supervisor in case of doubt or misunderstanding regarding their application. A good attitude and spirit of cooperation is expected of every employee.

Specifically, all employees shall avoid any action which may result in or create a reasonable basis for the impression of:

- Using or attempting to use their official position for private gain or to secure unwarranted privileges or exemptions for themselves or others.
- Giving preferential treatment to any client.
- Making work-related decisions contrary to ADVA policy.
- Using one's official position to intimidate or harass a client by unlawful force or threats of force.
- Making false or misleading statements knowing that the statements are not true, or any attempt to influence, or coerce another to make false or misleading statements.

CONFIDENTIALITY OF INFORMATION

Personal information (written or unwritten) such as medical, financial, address, social security numbers, and telephone numbers given to any ADVA employee in any capacity is strictly confidential. Information can be released to individuals outside the ADVA only upon the written consent of the individual client or parent/guardian as applicable, or as otherwise provided by law. Individual employees may be held personally liable for any adverse consequences to the client of inappropriate release of information or breaches of confidentiality. Violation of this policy will not be tolerated and is grounds for disciplinary action up to and including termination of employment.

CONFLICTS OF INTEREST

*Section 36-25-5 of the CODE OF ALABAMA (1975) states the following:

- No public official or public employee shall use or cause to be used his or her official position or office to obtain personal gain for himself or herself,

or family member of the public employee or family member of the public official, or any business with which the person is associated unless the use and gain are otherwise specifically authorized by law. Personal gain is achieved when the public official, public employee, or a family member thereof receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain.

- No public official or public employee shall use or cause to be used equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the public official, public employee, any other person, or principal campaign committee as defined in Section 17-22A-2, which would materially affect his or her financial interest, except as otherwise provided by law or as provided pursuant to a lawful employment agreement regulated by agency policy.
- No person shall solicit a public official or public employee to use ADVA equipment, facilities, time, materials, human labor, or other public property for such person's private benefit or business benefit which would materially affect his or her financial interest, except as otherwise provided by law.
- No public official or public employee shall, other than in the ordinary course of business, solicit a thing of value from a subordinate or person or business with which he or she directly inspects, regulates, or supervises in his or her official capacity.
- A conflict of interest shall exist when a member of a legislative body, public official, or public employee has a substantial financial interest by reason of ownership of, control of, or the exercise of power over any interest greater than five percent of the value of any corporation, company, association, or firm, partnership, proprietorship, or any other business entity of any kind or character which is uniquely affected by proposed or pending legislation; or who is an officer or director for any such corporation, company, association or firm, partnership, proprietorship, or any other business entity of any kind or character which is uniquely affected by proposed or pending legislation.

The Ethics Law defines a “conflict of interest” as follows: “A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs.” Ala. Code § 36-25-1 (8)

(1975). (See the full text of this code section for a list of items, which do not constitute a conflict of interest.)

Whenever an ADVA employee receives an assignment which involves a person with whom the employee has had social, business, or other relationships of a nature that might impair (or give the appearance of impairing) that employee's impartiality, the employee should immediately notify his or her immediate supervisor of the specific facts and circumstances involved. The supervisor then should provide appropriate instructions to the employee concerning his or her assignment.

CONFORMANCE TO LAWS, POLICIES, PROCEDURES AND DIRECTIVES

Employees shall obey the laws of the United States and the State of Alabama. Any employee who is convicted of a crime relating to his or her employment shall be subject to disciplinary action. However, a criminal prosecution and conviction are not a prerequisite for disciplinary action by the ADVA.

Any employee who is indicted or arrested for a crime that reasonably gives rise to legitimate fear for the safety of other employees, the property of the state, or jeopardizes the public trust in ADVA employees or the integrity of the ADVA, may also be subject to disciplinary action up to and including termination.

If the employee is found guilty or pleads no contest to the charge, further disciplinary action, including termination, may be taken.

EMERGENCY GUIDELINES

All employees must become familiar with and follow ADVA policies and procedures for emergency situations such as fire, inclement weather, power failure, bomb threats, and medical emergencies. If you have any questions regarding these policies or procedures, contact your immediate supervisor.

FIREARMS

All ADVA employees are strictly prohibited from carrying firearms, knives, and other weapons onto state property or within the assigned work place premises.

GIFTS AND GRATUITIES FROM OUTSIDE SOURCES

*Section 36-25-7 of the CODE OF ALABAMA (1975), states the following:

- (a) No person shall offer or give to a public official or public employee or a member of the household of a public employee or a member of the household of the public official and none of the aforementioned shall solicit or receive anything for the purpose of corruptly influencing official action, regardless of whether or not the thing solicited or received is a thing of value.
- (b) No public official or public employee shall solicit or receive anything for himself or herself or for a family member of the public employee or family member of the public official for the purpose of corruptly influencing official action, regardless of whether or not the thing solicited or received is a thing of value.
- (c) No person shall offer or give a family member of the public official or family member of the public employee anything for the purpose of corruptly influencing official action, regardless of whether or not the thing solicited or received is a thing of value.
- (d) No public official or public employee shall solicit or receive any money in addition to that received by the public official or public employee in an official capacity for advice or assistance on matters concerning the Legislature, lobbying a legislative body, an executive department or any public regulatory board, commission or other body of which he or she is a member. Notwithstanding the foregoing, nothing in this section shall be construed to prohibit a public official or public employee from the performance of his or her official duties or responsibilities.
- (e) For purposes of this section, to act “corruptly” means to act voluntarily, deliberately, and dishonestly to either accomplish an unlawful end or result or to use an unlawful method or means to accomplish and otherwise lawful end or result.

Employees may still receive some gifts or other specific items, so long as no action is required for receipt of these items. For a complete list of permitted items, see Section 36-25-1(33)(b) of the CODE OF ALABAMA (1975). Examples of such items are as follows:

- Greeting cards, items, services with little intrinsic value which are intended solely for presentation (such as plaques, certificates, and trophies), promotional items commonly distributed to the general public, and items or services of *de minimis* value.
- Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all government employees.

- Compensation and other benefits earned from a non-government employer, vendor, client, prospective employer, or other business relationship in the ordinary course of employment or non-governmental business activities under circumstances which make it clear that the thing is provided for reasons unrelated to the recipient's public service as a public official or public employee.
- Meals and other food and beverages provided to a public official or public employee in a setting other than any of the above functions not to exceed for a lobbyist twenty-five dollars (\$25) per meal with a limit of one hundred fifty dollars (\$150) per year; and not to exceed for a principal fifty dollars (\$50) per meal with a limit of two hundred fifty dollars (\$250) per year.

Any questions regarding the Alabama Ethics Laws should be directed to your immediate supervisor.

SECURITY MEASURES

The supervising Veterans Service Officer or appropriate division head is responsible for developing an office security plan to protect all assigned employees and visiting clients. Each county office will coordinate with local officials to establish a plan that provides optimum protection through the use of code words, signaling devices, or escape routes to alert local authorities or other offices in close proximity of the Veterans Affairs Office. The plan must be designed to alert others of possible danger and/or request assistance and must be well known to all assigned personnel.

The district manager is responsible to ensure the plan meets the objective of providing maximum safety for all offices within his/her district.

STATE VEHICLES

State vehicles may be used for authorized business only. Persons authorized to use such vehicles are responsible for their upkeep and safe operation, as well as being expected to comply with all state and local traffic laws.

STATEMENT OF ECONOMIC INTERESTS

Section 36-25-14 of the CODE OF ALABAMA (1975) requires certain public employees, among others, to file annually a statement of economic interests with the State Ethics Commission. This statement is due no later than April 30 of each year and covers the period of the preceding calendar year. All **non-merit system**

employees, employees serving as a supervisor, and other ADVA employees whose annual base salary is \$75,000 or more must complete and file a statement of economic interests. A violation of this section may subject a person to fines and/or criminal sanctions. Furthermore, in the case of such violations, the ADVA reserves the right to impose its own additional disciplinary sanctions against any ADVA employee who violates this section.

ADVA employees, who must file a statement of economic interests, are also required to complete any training mandated by the ADVA and/or the Alabama Ethics Commission and to submit proper documentation thereof.

USE OF CREDENTIALS

ADVA identification cards, badges and access cards or documents are for use only in establishing identity, authority, or access in connection with official duties.

Employees are responsible for the safeguarding and proper use of ADVA credentials, for promptly reporting their loss, and for surrendering them on termination of employment or upon demand by the proper authorities. Department credentials are not to be used by employees to exert influence or obtain, either directly or indirectly, personal privileges, favors or rewards for themselves or others except where such privilege or favor is available to all state employees.

USE OF STATE PROPERTY AND FACILITIES

ACCOUNTABILITY FOR MONEY AND PROPERTY

Employees may not use State property of any kind including official documents and data for other than officially approved activities. Employees are expected to protect and conserve all ADVA property entrusted or issued to them, promptly report the loss of or damage to property entrusted to them, and return all property upon separation from the ADVA.

Any money, property, or other items of value received by or coming into the custody of employees in connection with discharge of their duties related to enforcement of laws must be accounted for, deposited, or otherwise disposed of in accordance with established procedures.

TELEPHONE USAGE

Office telephones are installed to facilitate state business. Personal telephone calls must be kept to a minimum. Office 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 shall 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 family issues, 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 a minimum number and duration. Further, personal long distance calls or those that involve payment of a toll or charge for personal reasons must be billed to a home telephone or personal calling card. Misuse of state telephones will not be tolerated and may result in disciplinary action.

CELLULAR TELEPHONES AND PERSONAL DIGITAL ASSISTANTS (PDAS)

Cellular telephones and PDAs are provided to certain employees to facilitate state business. All employees using an office cellular telephone or PDA should ensure they do not incur charges for personal reasons. Office employees may not use office cellular telephones or PDAs to conduct their own business for profit or act as agency for others to take orders for merchandise. Misuse of cellular telephones or PDAs will not be tolerated and will result in disciplinary action.

USE OF RECORDING DEVICES

All employees are expected to conduct themselves in a professional and responsible manner. All employees should know they are free to exchange information and express ideas in an environment of trust, free from fear that someone is baiting a trap for a misspoken word. **Any use of recording devices by ADVA employees to record conversations or actions with supervisors and/or co-workers without their knowledge is specifically prohibited.** The ADVA considers audio and/or video recording by any employee of another employee without said employee's knowledge to be a violation of ADVA work rules. Any employee violating this rule will be subject to disciplinary action up to and including termination.

OTHER STANDARDS OF CONDUCT

FALSE STATEMENTS

Employees will not intentionally make false or misleading verbal or written statements in matters of official interest. Each employee is expected to be honest and truthful in transactions with veterans, other agencies, fellow employees, in claims applications, reports, vouchers, leave requests, employment applications, and other statements or work-related documents. Any false statements given in an internal investigation will be grounds for termination.

POLITICAL ACTIVITIES

Employees 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 and organizations. However, you may not use any state funds, property, or time for such political activity. You must also be on approved personal leave or holiday or on your own personal time before and after work to engage in these activities. If you are a supervisor, you may not solicit any contributions from your subordinates or force or attempt to force them to refrain from working in any political campaign or cause.

The ADVA recognizes that running as a candidate for public office is an important component of political activity. However, a federal law, known as the Hatch Act, prohibits some state employees from running for office in any partisan election. Because the penalties for violating the Hatch Act are severe (even if the candidate is not successful), employees are strongly encouraged to seek an advisory opinion from the U.S. Office of Special Counsel before running for office as to whether or not their candidacy will violate the Hatch Act. Advisory opinions may be requested by calling 1 (800) 854-2824 or by e-mail at *hatchact@osc.gov*. In addition, an employee who seeks public office must notify the Commissioner of his/her intention to run in an election for public office. Violations of the Hatch Act can result in termination of employment.

REPORTING VIOLATIONS OF LAW AND CONDUCT STANDARDS

General

Every employee is expected to maintain and uphold the integrity of the ADVA. In satisfying this requirement, it shall be the duty of every employee to report promptly and accurately violations that affect the administration of the ADVA, and/or violations of state or federal laws.

Attempts to Bribe

Bribery and attempted bribery are criminal offenses which represent flagrant attacks on the integrity of the ADVA and its employees. Employees who accept a bribe are also subject to penalties for a criminal offense.

Employees should be perceptive and constantly alert to solicitations to accept money, consideration, or anything of value in return for acts or omissions involving their official functions. Employees shall avoid any statement or implication that the employee will or will not accept a bribe. When bribery overtures are received, attempt to hold the matter in abeyance, and immediately report the attempt of bribery through the chain of command to the ADVA Personnel Division who shall report such information to the ADVA Commissioner.

After reporting, the employee shall thereafter cooperate in any ensuing investigations and avoid any unnecessary discussion of the matter with others.

Assaults, Threats, or Harassment

The physical, psychological, and emotional well-being of all employees is of paramount concern to the ADVA. Any assaults, threats, physical or verbal harassment, including sexual harassment, or other actions by ADVA employees or clients designed to, or having the effect of interfering with the good of the order, shall be reported through supervisory channels to the ADVA Commissioner.

Employee Obligations

Violations of any law or conduct standards stated herein by any employee tend to discredit the ADVA. The ADVA holds its employees responsible for cooperating in the identification of such violations.

In meeting this requirement, all employees must promptly report through supervisory channels to the ADVA Personnel Division, any information or allegation coming to their attention, which indicates another employee may have committed a violation, such as embezzlement, bribery, extortion, fraud and waste, theft of state property, unauthorized disclosure of confidential information, or other law violations. Failure to report a violation can lead to disciplinary action.

COMPUTER POLICIES

All ADVA employees are required to read and follow the ADVA's computer policies as articulated in its "Computer Policy and Protocol." The ADVA may,

from time to time, issue other guidance regarding computer usage, which ADVA employees must follow. Employees are required to execute a consent form, acknowledging that they have read and will comply with any and all ADVA computer policies. If you have not yet received a copy of said policies, contact your immediate supervisor.

TRAVEL POLICIES

Employees should also comply with travel rules and regulations. District managers are responsible for reviewing and verifying the necessity, propriety, and accuracy of travel expenses submitted by their employees.

Due to the necessity of the ADVA to cover multiple county offices statewide, ADVA employees are often required to travel between several offices. The ADVA will issue guidance and policies regarding travel, as appropriate. Any questions regarding travel shall be directed to your immediate supervisor. The ADVA Accounting Division is also available to answer questions about travel forms and reimbursements.

Furthermore, the ADVA adheres to the travel policies and rules and regulations administered through the State Comptroller's Office, State of Alabama Department of Finance.

ECONOMY IN TRAVEL

To the extent possible, without restricting job performance, employees should use common sense and initiative to economize in incurring travel expenses. As a minimum, the following should be observed:

- Travel only when it is absolutely necessary. When possible, letters, e-mail, video-conferencing, and telephone calls should be used in lieu of travel. Only travel expenses essential to the transacting of official business will be reimbursed.
- Minimize overnight trips. Such trips must be approved in advance by the ADVA Personnel Division.
- Use the most economical means of transportation. To the extent of availability, unless a specific exemption is obtained, all employees must use either an ADVA office vehicle or State Motor Pool vehicles.
- Plan and coordinate travel. Plan trips to maximize accomplishments. When possible, coordinate travel so as to share transportation.

RESPONSIBILITIES OF TRAVELERS AND SUPERVISORS

All employees who travel in the performance of their duties are expected to accept certain responsibilities in connection with their travel. These include the following:

- Representing the ADVA in a professional manner;
- Submitting honest and accurate claims for reimbursement; and
- Conforming to all state and ADVA travel policies and procedures.

Supervisors and district managers are expected to assist in planning and coordinating travel of their employees. They are also expected to enforce the ADVA's travel policy.

PRIOR APPROVAL REQUIRED FOR ALL TRAVEL

The official travel of all employees must be approved in advance of the actual trip by the immediate supervisor.

Out-of-state travel authorization forms are to be completed by any employee traveling out of state while on official state business. This is to be done even if the trip is being paid for by the employee personally or any other organization/agency. The Governor's Office must first approve out-of-state travel so that the employee is covered for liability purposes should anything happen while the employee is on official state travel.

Any requests for travel reimbursements and per diem must be approved by ADVA Headquarters before processed for payment.

DRIVING PRIVILEGES

ADVA employees who must drive in the performance of official duties have driving privileges so long as they have a valid driver's license. All traffic arrests and/or convictions that may result in the suspension and/or cancellation of an employee's driver's license (regardless of whether the offense occurs while in the performance of official duties), must be immediately reported to the employee's immediate supervisor.

Employees shall not drive in a reckless or negligent manner while in the performance of official duties. Any accident or traffic violation occurring while driving on state business must be immediately reported to the employee's

immediate supervisor, ADVA Headquarters, and to the Finance Department Division of Risk Management.

OFFICIAL BASE (STATION)

- The official station or base of any employee for travel purposes will be the corporate limits and the immediate outlying districts of the city or town to which the employee is regularly assigned. Although some ADVA employees serve multiple offices and/or counties, the ADVA will assign a specific base for each employee for this purpose.
- Under no circumstances will an employee be paid an overnight travel allowance at the official station or base or primary residence. Employees stationed in one location who are required to travel to other offices, as designated by the ADVA, may be reimbursed for mileage if they are authorized to use their private automobile.
- Under no circumstances will an employee be paid a meal allowance if the employee remains in the city where his/her home or base is located.

EMPLOYEES WHO LIVE AWAY FROM THEIR OFFICIAL BASE

Employees living away from their official bases will not be reimbursed for travel from home-to-base or base-to-home. Likewise, if an employee lives and/or works away from their official base, the employee is not entitled to per diem for overnight stays at home.

ATTENDING WORKSHOPS/SEMINARS

With the approval of his/her immediate supervisor and district manager, an employee may attend workshops/seminars which are job related and will enhance their job performance. Approval is subject to available resources to cover the cost of training and travel expenses.

There are separate procedures that apply to attending in-state workshops/seminars and out-of-state workshops/seminars. Your supervisor is the key source of information about training events that could benefit your job performance. If you have questions or suggestions about training, contact your immediate supervisor for guidance.

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HANDBOOK RECEIPT AND ACKNOWLEDGEMENT

I have received a copy of the Alabama Department of Veterans Affairs Employee Handbook (June 2016 Edition). I understand that I am to become familiar with the contents of the handbook as it outlines my responsibilities, benefits, and the ADVA's policies and procedures.

Further, I understand and agree to the following:

1. This handbook represents a brief summary of some of the more important ADVA policies and procedures. Consequently, the handbook is not all-inclusive.
2. The handbook contains policies and procedures that apply to me as an employee of the Alabama Department of Veterans Affairs. I agree to read the handbook and adhere to the policies and procedures during my employment with the ADVA.

Employee Name (Printed)

Employee Signature

Date

District Managers – Please return this signed copy to the ADVA Personnel Office for inclusion in master personnel record.

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Alabama Department of Veterans Affairs
100 North Union Street
Suite 850
Montgomery, Alabama 36104