HOW-TO-PREPARE GUIDE

FOR THE

TRANSPORTATION OFFICE MANAGER (10195)

WRITTEN EXAMINATION

State Personnel Department
64 North Union Street
P.O. Box 304100
Montgomery, Alabama 36130-4100
www.personnel.alabama.gov

Transportation Office Manager (10195)

Written Examination

How to Prepare Guide

As a candidate for the Transportation Office Manager (TOM) position within the Alabama State Merit System, you have indicated your interest in participating in the TOM selection procedure. The TOM selection procedure will consist of an assembled written examination. Your final score will be calculated using the results of the written examination (95%) and the average of your service ratings for the last three years (5%).

This guide is provided to acquaint you with the TOM job and to help you prepare for the written exam. Read this information very carefully. This guide contains information which you should find very helpful as you prepare for the written exam.

The Transportation Office Manager Job

A TOM position is available in a limited number of the large bureaus. Employees in this class serve as assistants to bureau chiefs and are responsible for developing and establishing office procedures, including budget preparations and control, maintenance of fiscal records and accounts, preparation of personnel payrolls, handling personnel transactions, and coordinating office services with professional engineering work performed by other units of the bureaus. Work involves responsibility for making office operating decisions and for changing procedures to meet changing needs, but technical or professional policy or major procedural questions are referred to a professional supervisor for advice and decisions. Direct supervision is exercised over a group of subordinate office personnel engaged in a variety of routine clerical and other related duties.

A thorough job analysis of the TOM classification revealed the importance of a number of knowledges, skills and abilities (KSAs) necessary for successful job performance. This same job analysis revealed that these KSAs were also required on the first day of work as a TOM. In other words, these KSAs should be possessed by a TOM job candidate before they are hired and before any on-the-job training they may receive. Because it is not possible to measure all of the qualifying KSAs with a written examination, not all will be measured by the exam. The KSAs that will be measured by the exam are listed in the upcoming section of this booklet.

Examination Description

A multiple choice, written examination was developed in order to provide an opportunity for each candidate to demonstrate his/her possession of the required knowledge and abilities. The examination will consist of approximately 100 questions and you will be allowed three hours in which to complete the exam. Your answers will be marked on a Scantron sheet using a #2 pencil.

The exam is divided into six sections. Each section is comprised of questions which measure similar knowledge or abilities. Listed below are the names of each section, the knowledge or ability being measured in the section, and an example question.

Section A. CEMS and CPMS Databases

- Knowledge of the CPMS database purchasing function as needed to create material receipts, enter item information, make sure purchased equipment meets specifications, obtain proper levels of approval, generate EP-10 forms, and coordinate training for new equipment.

- Knowledge of the CEMS database as needed to enter new inventory property numbers, identify property assignments, transfer property, check inventory, and remove salvage property from inventory.

Here is an example of one type of question you will encounter on this section of the written test:

Example Question: Which CEMS tab is used mainly for rental equipment?

a. Accounting Tab
b. Equipment Tab
c. Replacement Tab
d. None of the Above

The correct answer is "b. Equipment Tab."

Section B. Read and Comprehend

- Ability to read and comprehend information found in manuals such as the Finance manual, General Work Rules manual, Alabama Department of Transportation (ALDOT) Guidelines for Operations manual, Equipment manual, and Fiscal Policy and Procedures manual.

- Ability to read and comprehend manuals such as personnel, accounting, guidelines for operation, construction, equipment, or standard specifications as needed to ensure that duties are performed, minimize law suits, understand and ensure that functions and operations of department are carried out, and ensure that the section operates within guidelines of the department.

- Ability to read and comprehend legal documents such as leases, contracts, bonds, power of attorneys, and/or agreements as needed to understand terms for payment, provisions,

specifications, and/or requirement.

- Ability to read and comprehend reports such as CADD usage reports, accounting project listings, equipment inventory reports, EEO reports, personnel reports, and/or payroll reports as needed to obtain account numbers so that expense accounts and time charges are made to the correct account; review personnel information, and/or determine amount and frequency of CADD usage.

- Ability to read and comprehend forms to include accounting forms as needed to handle tax withholding, retirement, insurance, material receipts, transfer invoices, laboratory test charges, expense accounts, and/or budget as needed to ensure accuracy, compliance with policy and procedures, ensure proper distribution of funds, and/or furnish information on employees.

- Ability to read and comprehend correspondence such as letters and memorandum as needed to respond to requests, and/or inform others how to respond.

Example: In this section of the examination, you will be given a passage to read and then answer the questions that follow that passage. Base your answer only on the passage provided and not on any prior knowledge.

Section C Communicate in Writing

- Ability to communicate in writing to include proper grammar, sentence structure, and organizing facts in an understandable manner as needed to provide, review, or request information, and/or establish policies.

- Ability to write clear and concise letters as needed to request information, give reason for equipment purchases, plan meetings, add new employees to payroll, and plan monthly events.

Here is an example of one type of question you will encounter on this section of the written test:

Example Question: In this question an asterisk (*) replaces a punctuation mark. On your answer sheet, you should mark the response that indicates the missing punctuation mark.

> In approving lay-offs * and arranging names on re-employment registers the State Personnel Department uses a formula that includes seniority, service ratings * and veterans' status.
>
> a. no mark; comma
> b. semi-colon; comma
> c. colon; no mark
> d. comma; comma

The correct answer is "a. no mark, comma."

Section D Filing

- Ability to file and retrieve files and documents which are filed in alphabetic and numeric order.

Here is an example of one type of question you will encounter on this section of the written test:

Example Question: In the following question, you are to find the name which would be filed *third*, if the names were filed by last name and were in correct alphabetical order.

a. Lucy Beachamp
b. Ann Beacham
c. Grace Beauchamp
d. Mabel Beecham

The correct answer is "c. Grace Beauchamp."

Section E Math

- Knowledge of math to include addition, subtraction, multiplication, division, and percentages as needed to prepare budget, review payrolls, calculate percentages of construction times, complete and/or review equipment use report, adjust various accounts, prepare performance appraisals, and/or review or prepare material receipts.

- Ability to perform basic mathematics functions such as addition, subtraction, multiplication, division, and calculation of percentages as needed to analyze budget requirements, compute overhead budgets, analyze personnel needs, and/or calculate expense amounts.

- Ability to calculate the costs of such things as promotions, annual raises, new hires, and equipment replacement as needed to prepare an accurate annual budget.

Here is an example of one type of question you will encounter on this section of the written test:

Example Question: Elizabeth Norris earns $420.30 weekly. If a month is equal to 4½ weeks, what is her monthly salary?

a. $ 840.60
b. $1,681.20
c. $1,891.35
d. $2,432.45

The correct answer to this question is "c. $1,891.35."

Section F Job Knowledge

- Knowledge of fiscal policies and procedures and accounting general manuals to include payroll procedures, budgets, expense accounts, leave policies, comp time, account numbers, and/or program numbers as needed to obtain, receive, and/or provide information and/or guidance.

- Knowledge of Personnel Procedures Manual, Rules of the State Personnel Board, Positive Discipline Manual, and Employee Performance Appraisal Manual to ensure policies and procedures regarding employees are being met.

- Knowledge of federal and state laws such as Americans with Disabilities Act (ADA), Family and Medical Leave Act (FMLA), Fair Labor Standards Act (FLSA), Equal Employment Opportunity and/or State Bid laws and purchasing requirements as needed to ensure compliance with laws.

- Knowledge of State of Alabama and ALDOT procedures for employees who are on Leave Without Pay.

- Knowledge of federal Family Medical Leave Act (FMLA) procedures as needed to review and prepare employee paperwork and notify employees of their FMLA rights and responsibilities.

- Knowledge of the use and completion procedures for personnel forms such as Form 5, Form 11, Form 15, and Form 40.

- Ability to read and comprehend forms to include personnel forms such as Form 40, Form 11, leave forms, immigration, and/or drug forms as needed to ensure accuracy and correctness, comply with policy and procedures, and/or ensure all documentation is provided.

- Ability to review various forms to ensure all needed information is provided and there are no mathematical errors.

Here is an example of one type of question you will encounter on this section of the written test:

Example Question: If an employee resigns from state service, how much of their accumulated sick leave are they paid for?

a. None
b. 50 %
c. 75 %
d. 100 %

The correct answer is "a. None."

When reviewing these KSAs and preparing for the test, the reader should note that the examples shown in each statement of how the KSA is used is not always intended to be completely inclusive. In other words, there may be questions on the exam which cover areas not directly mentioned as an example in the KSA.

Test Scheduling

If you are interested in applying for a TOM position, you must **first file an application with the State Personnel Department (SPD).** It is the applicant's responsibility to ensure the application arrives at the SPD. Tests are given periodically throughout the year. Do not wait for an official announcement from the SPD or the ALDOT about test dates or application cutoff dates. Instead, if you are interested in applying, you should do so as soon as you feel you are qualified.

Once your application is received, it will be reviewed to ensure you have the minimum qualifications required to qualify. If you meet the minimum qualifications, you will be sent a scheduling card that will contain your written test date, time, and location. You should make every effort possible to participate in the written test on your scheduled date and time. If you do not take the TOM examination on your scheduled date and time, you will need to submit a new application in order to be scheduled for the next TOM examination.

Preparing for the Selection Procedure

Candidates often ask how they should study for an exam like this one. It is important to focus on what will be measured and how it will be measured. You should carefully review the knowledges and abilities contained in this booklet.

In addition to this booklet there is another booklet entitled, *Transportation Office Manager (10195) Study Materials Handbook* that you should be aware of and use. You should carefully read and study ALL of the materials in that booklet. The *Study Materials Handbook* contains a number of documents including excerpts from the Personnel Procedures Manual, State of Alabama Progressive Discipline Manual, Family Medical Leave – Supervisory Session Manual, Employment Law for State Supervisors Manual, Fair Labor Standards Act website excerpts, ALDOT Equipment Manual, and the ALDOT Standard Policies, Procedures & Instructions Manual. The majority, but not all, of the answers to the questions in the exam can be found in this material. You will not be allowed to refer to the *Study Materials Handbook* during the exam, so you should be thoroughly familiar with its contents before you take the exam. A copy of this Handbook is included in Appendix A to this How To Prepare Guide.

As stated, the information contained in the *Study Materials Handbook* is excerpts from complete manuals. You will notice that many/most of the pages of the complete manual are not provided. Instead, you are provided with the information you will need to study in order to correctly answer some of the questions on the TOM examination. You will find as you read this material that the passages provided sometime began in the middle of a section of the complete manual and likewise, some of the passages may end abruptly. Again, this is due to the fact that you are given excerpts and not every page of the manual. The information you need to correctly answer the test questions relating to these sections of the exam is provided.

As you can see from the list of KSAs, many abilities are measured by the selection procedure. An ability is the power to perform an activity at the present time. An ability is the capacity to do something. You cannot memorize something to obtain an ability. Accordingly, there is no study materials provided in the *Study Materials Handbook* for most of the abilities. It is not too late to learn how to perform some of the abilities. If you are not strong in an area, you should practice before participating in the selection procedure.

The three most important things you can do to help prepare for the TOM examination are to (1) review the knowledge and abilities, (2) read this manual to become familiar with the testing process so that you will be more relaxed and not confused during the administration, and (3) **thoroughly** review the *Study Materials Handbook.*

If you meet the minimum qualifications for this classification, approximately one week prior to administration, you will receive a test notification postcard stating the exact location for the administration of the examination as well as the day and time that you are scheduled to participate.

Tips for taking the examination

- Use your time wisely. You will have **three** hours to take the exam. You may want to bring a watch with you to keep up with your time. If you do not know the answer to a question, do not spend too much time thinking about it. Instead, move on to another question and return to the questions you have skipped if you have time.

- **Carefully** review the question before you attempt to answer it. The questions are not intended to be **"tricky"** but you will need to read the question **very carefully** to make sure you understand what it is asking. Also, if the question asks you to determine which one of the following statements is correct, many of the incorrect alternatives appear to be plausible so again read carefully. If any part of a statement is incorrect then the statement is incorrect.

- Darken the circles completely on the Scantron sheet so there is no doubt which answer you are giving. If you change your mind, make sure you erase completely.

- You will be allowed to mark or take notes in your test booklet; however, the only information that will be scored is the answers you give on your Scantron sheet. You will be provided with one piece of scratch paper. This item will be collected at the end of the test. You will **not** be provided a calculator or #2 pencils. <u>You should bring a basic function calculator and several sharpened #2 pencils with you to the examination site</u>.

- **DON'T PANIC**. In a test like this one, some parts may seem more difficult to you than other parts. Don't give up. It is unlikely that anyone will obtain a perfect score. If it is hard for you to figure out an answer, it is probably hard for other people, too.

What to Expect On Exam Day

1. Allow plenty of time to get to the test site. Plan to get there at least 30 minutes before the test is scheduled to begin.

2. Bring a basic function calculator, several # 2 sharpened pencils, photo ID, and the postcard from SPD notifying you of the date/time/location of the exam. **Small solar powered or battery operated calculators that perform basic functions such as addition, subtraction, multiplication, division, square roots, or percentages are allowed.** Calculators that plug-in, utilize tape, have word processing, spelling, thesauruses, or other storage and retrieval capabilities (except basic memory functions), are not allowed. **Calculators that are a feature on a cell phone are not permitted.** Calculators are subject to inspection by exam monitors. Applicants may not borrow or share calculators at the exam site. Test monitors will not provide calculators or batteries at the exam site.

3. Do not bring cell phones, two-way radios, or any other noise producing devices with you to the written test room. You will not be allowed to have these in the written test room.

4. Come dressed comfortably. The total time provided for completion of this exam will be 3 hours.

5. You **must** bring the EXAM NOTIFICATION POSTCARD that you received from the State Personnel Department to the examination site.

6. To protect your own interests, you must bring a PICTURE IDENTIFICATION to the examination site. This can be a valid driver's license, a military identification card, a student identification card, or some other form of PICTURE IDENTIFICATION. You only need one form of PICTURE IDENTIFICATION.

7. You will **not** be allowed to enter the test site or participate in the selection procedure without your PICTURE IDENTIFICATION and TEST NOTIFICATION POSTCARD.

8. The monitor will provide you with instructions concerning restroom availability during the administration. It is important to remember that the time that you take to use the restroom is time away from working on the test. We recommend that you use the restroom before the test begins if possible.

9. Test monitors can answer questions concerning administration issues only. They will not be able to interpret the questions for you.

10. Candidates making any disturbance or caught cheating will be disqualified from the exam.

11. Do **NOT** bring this booklet or any study materials to the test site. You will not be permitted to bring them in. **You will not be allowed to use any study or reference materials during the exam.**

Administration Contact.

The contact for the TOM examination is Cindy Jackson at (334) 242-3692.

Reasonable Accommodation

If you would like to request special testing accommodations or have any questions concerning the test site or testing conditions, please contact us at the phone number above.

Administrative Questions

You may contact us if you have any administrative questions or concerns about information presented in this booklet. It is not necessary for you to contact us in order to receive your grade; you should receive notification of your examination score by postcard after the scoring is completed. You can expect your scores back in approximately six weeks.

It is the applicant's responsibility to ensure their application(s) arrive at the SPD. Tests are given periodically throughout the year. Do not wait for an official announcement from the SPD or ALDOT about test dates or application cutoff dates. Instead, if you are interested in applying, you should do so as soon as you meet the minimum qualifications.

If you fail to appear at the examination on your scheduled day and time, you will need to submit a new application to the SPD in order to be scheduled for future administrations.

Please remember that you will not need OR be allowed to bring anything other than the items previously mentioned to the test site.

This concludes the How to Prepare Manual for the TOM Written Examination.

APPENDIX A

TOM

STUDY MATERIALS HANDBOOK

TRANSPORTATION OFFICE MANAGER (10195)

STUDY MATERIALS

HANDBOOK

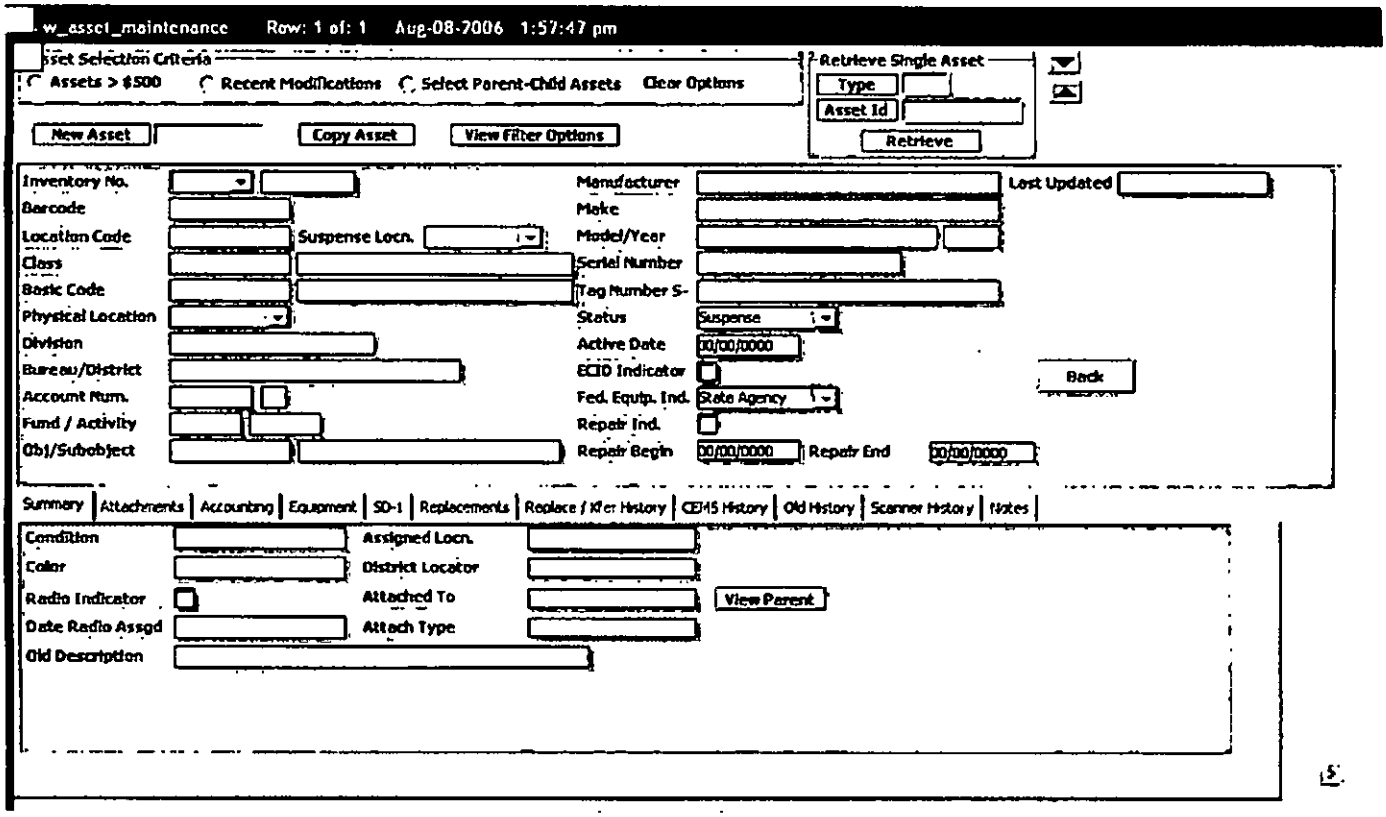
State Personnel Department
64 North Union Street
P.O. Box 304100
Montgomery, Alabama 36130-4100
www.personnel.alabama.gov

Comprehensive Equipment Management System

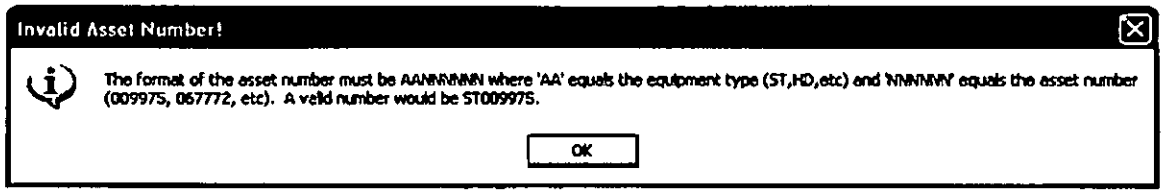
Adding a new asset record –

NOTE: Only users assigned to the Administrator or Asset Creator security group can create new asset record greater than or equal to $500. Everyone else is limited to equipment type 24 under $500.

- Click the "New Asset" [New Asset] button or the "Insert Row" [ ] icon to create a new asset. An Asset Detail screen will pop up like the example below:

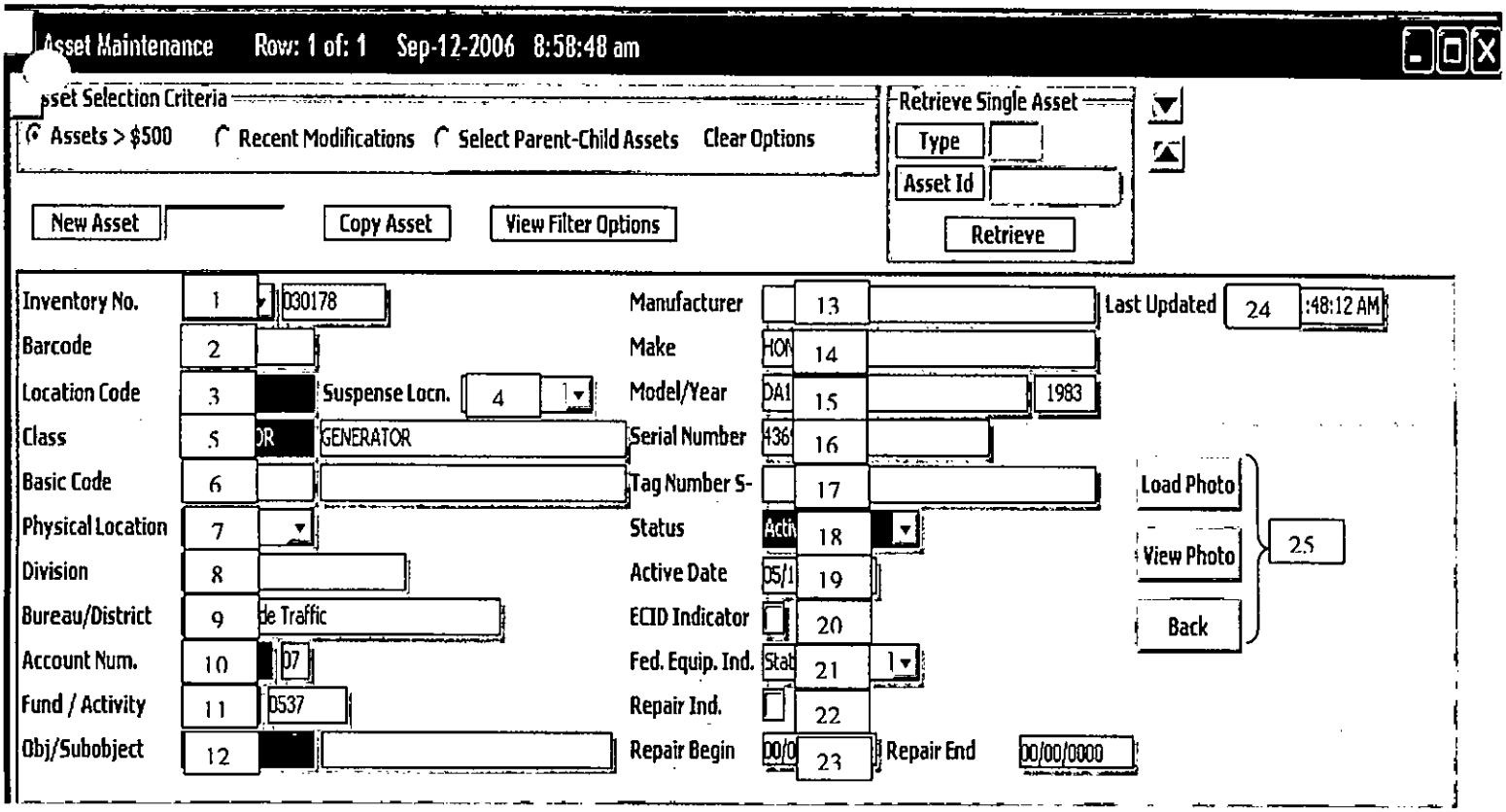


THIS NOTE ONLY APPLIES TO EQUIPMENT BUREAU: If you enter an asset number that is not in the proper format the following message box is displayed.



- When you have completed the form click the "Save" [ ] icon on the menu bar. All tabs except the Summary tab are grayed-out initially. They will become accessible once the asset is saved.

DETAIL WINDOW LABEL DESCRIPTION



1. **Inventory No.** – ALDOT property control number assigned to equipment.
2. **Barcode** – A scanable control label. I.E. blue barcode/yellow/green. **Must have a DOT in front of number**
3. **Location Code** – A three-digit number that indicates where, within a division, the asset is located.
4. **Suspense Locn**: This field will show the location where the piece of equipment will go when it comes in. It will only be displayed when the piece of equipment is in location 055.
5. **Class** – What class or general type the asset belongs to.
6. **Basic Code** – A four-digit number that indicates the general type of the asset.
7. **Physical location** – A three-digit figure that indicates where the asset is located.
8. **Division** – The division the asset is assigned to.
9. **Bureau/District** –The bureau the asset is assigned to.
10. **Account Num.** – Indicates the account number that the purchase of the equipment was charged to.
11. **Fund/Activity** - fund that the equipment was acquired by and budgetary activity number that the account converts to.
12. **Obj/Subobject** - is the GFS major and minor object that the ALDOT object converts to.
13. **Manufacturer** – The company the asset was made by.
14. **Make** – The brand of the asset.
15. **Model/Year** – The model name or number and year of the asset.
16. **Serial Number** – The asset's serial number.
17. **Tag Number S** – State tag number on vehicles.

18. **Status** – Select a status from the drop down list provided. The available status codes are Active, Deleted, In Transfer, Inactive, Suspense, and unused.
19. **Active Date** – The date that the asset's status was changed to active.
20. **ECID Indicator** – Used to print the report and enter information into the mainframe ECID system.
21. **Federal Equip. Ind.** – Indicates Federally funded or State funded.
22. **Repair Ind.** – Must be marked when equipment is surplused and sent out for detail or repairs.
23. **Repair Begin / Repair End**: The beginning and end date of repair. This date is required before the Repair ID is set.
24. **Last Updated** – The date the record was last modified.
25. **Load Photo/View Photo**: This option is used to upload and view photos of the asset.

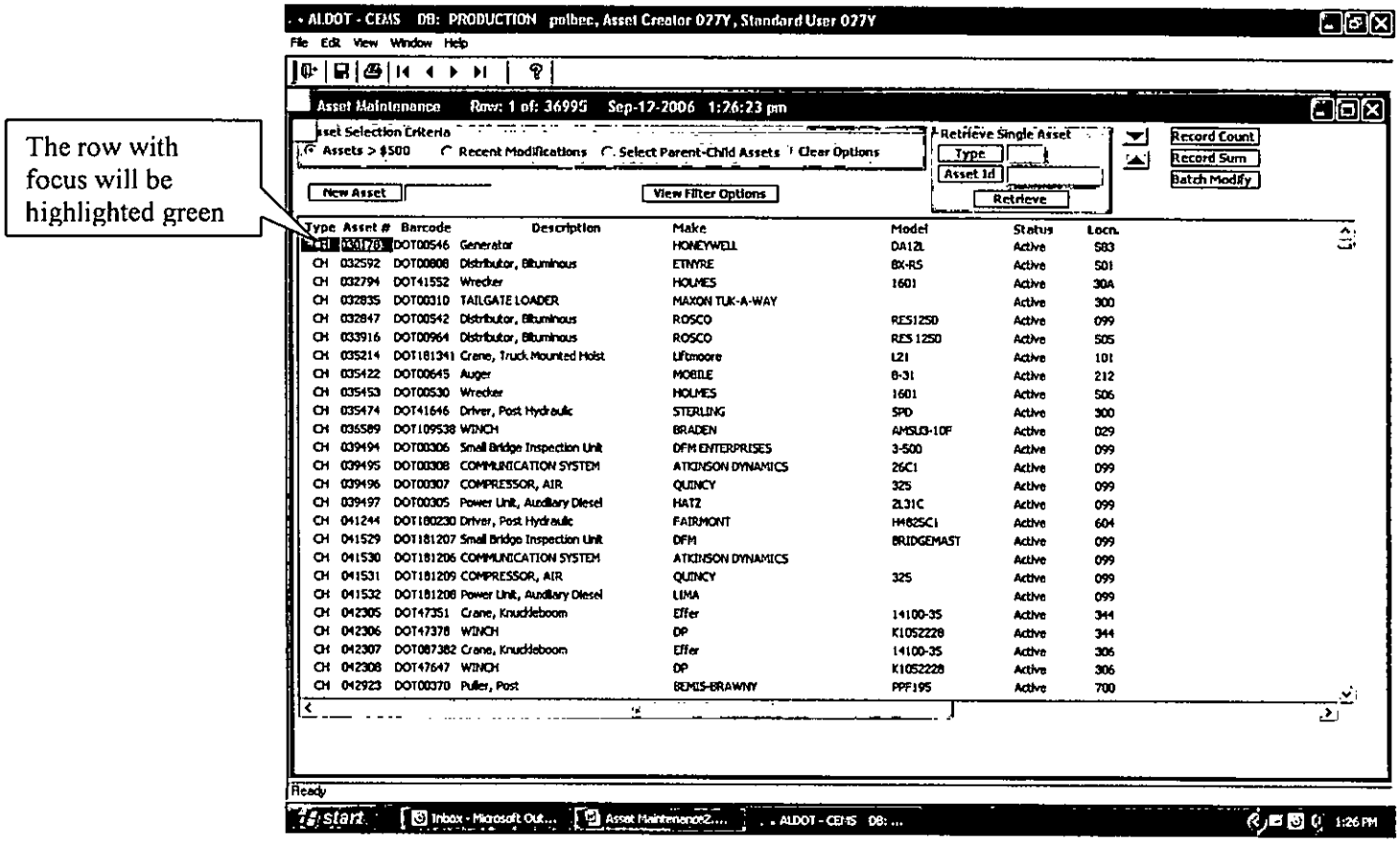
Modifying an existing asset – after the assets matching the search criteria have been retrieved double click the record of the asset you wish to edit.

Moving the cursor over rows you will see a "Smiley-Arrow-More" MORE icon; this indicates that if you double click on that row you will see more information.

The Type and Asset# columns of the selected row will be highlighted green.

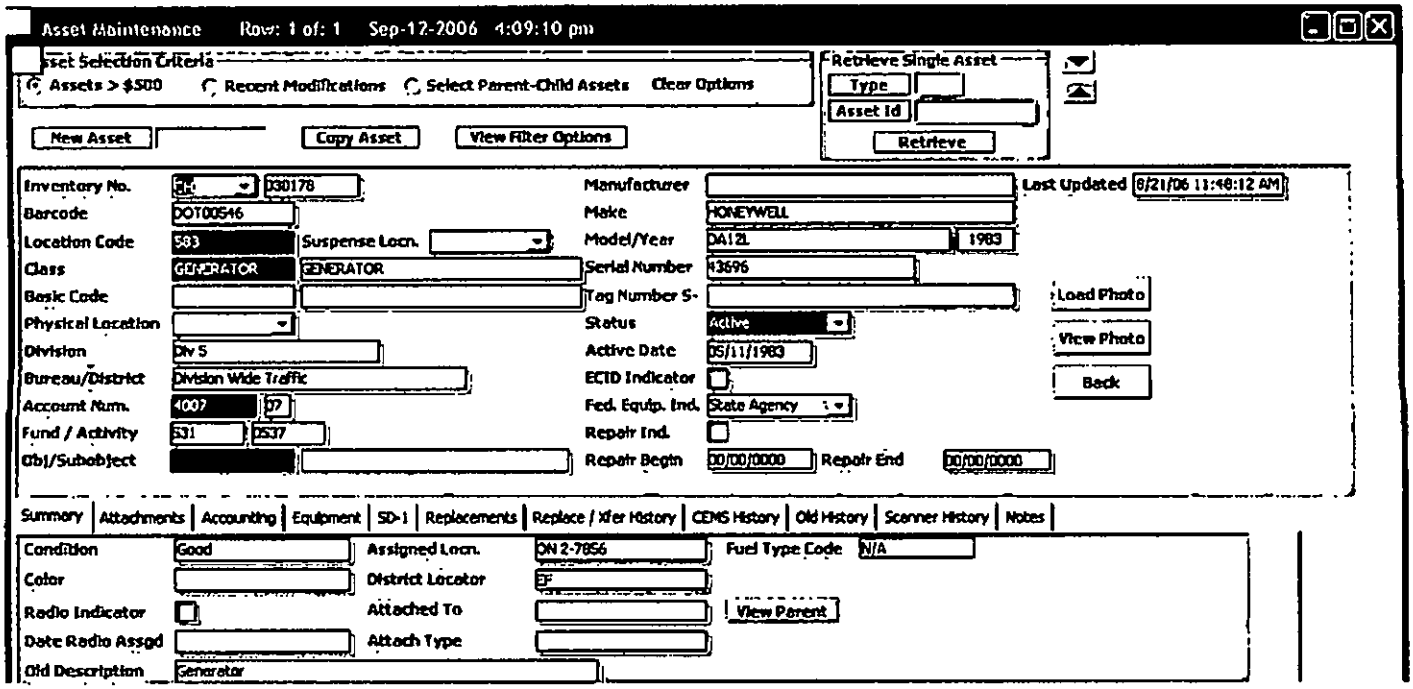
If you decide your filter need to be more or less specific then click on the View Filter Options button the return to the CEMS Selection Criteria window.

Example of the Asset Main window:

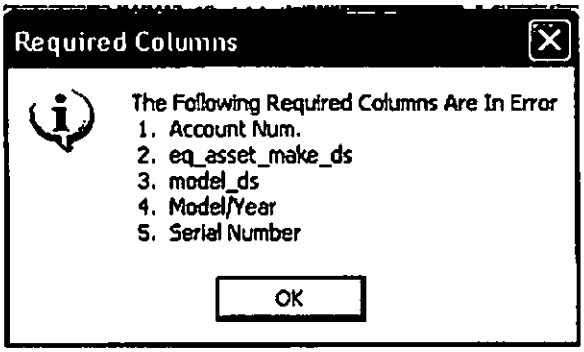


The "Asset Detail" window will be displayed after you double click on the record you wish to edit. From here an authorized user can modify the asset record.

Example of the Asset Detail window:

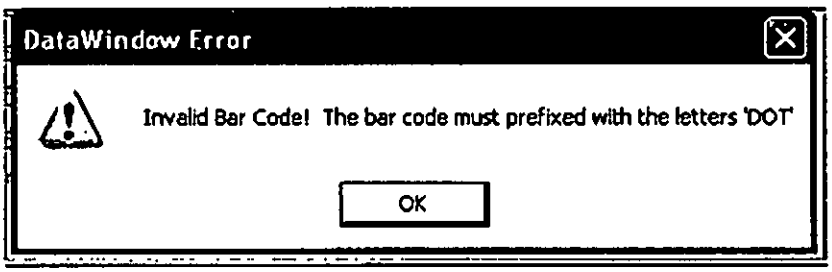


NOTE: Fields in green are required entries and must be supplied by the user. If these fields are not entered you will receive a required column message box listing the columns in error. Example below:

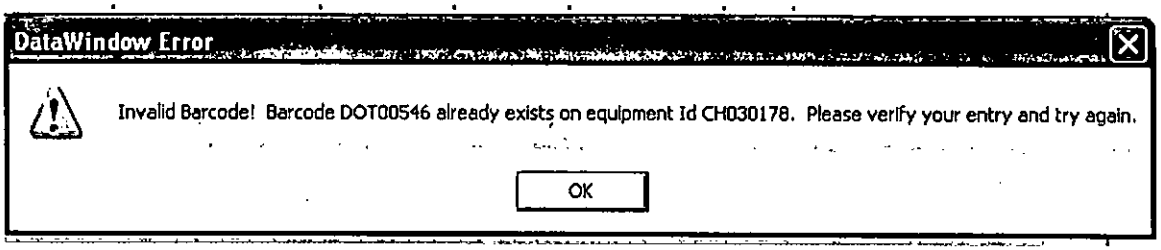


Fields in gray are pre-filled and protected from user entry.
Fields in white are optional.

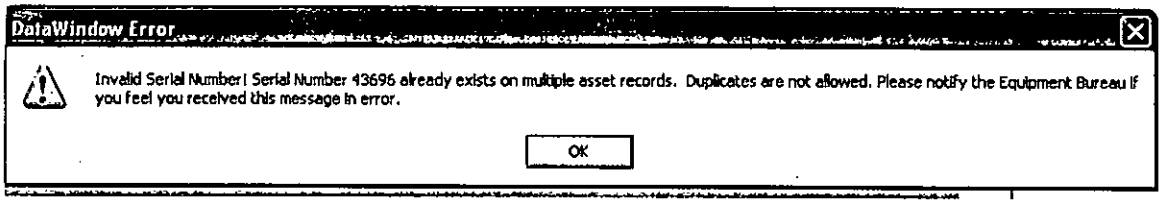
If you enter a barcode that does not begin with the letters "DOT" and you attempt to leave the barcode field the following message box will be displayed.



If you enter an existing barcode the following message box will be displayed.

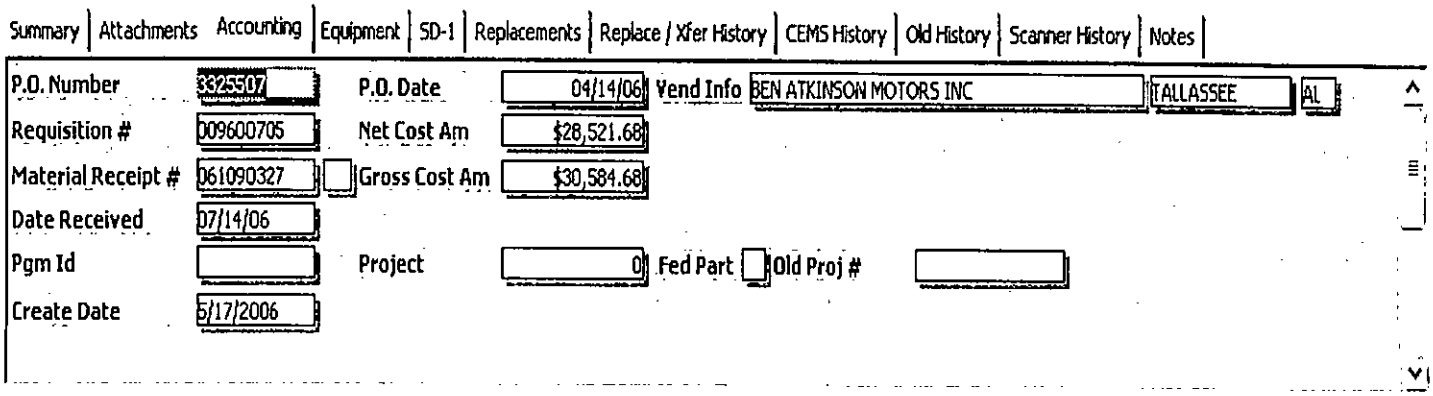


If you enter an existing serial number the following message box will be displayed.



Accounting Tab:

This tab displays purchasing and cost information on an asset.



P.O. Number: The purchase order number used to order this asset. When this number is entered the system will generate the requisition number, vendor name and FEIN number.

Requisition#: - The requisition number used to order this asset.

Material Receipt#: The document number used to pay for the asset. Generated by CPMS or manually entered when in doc complete.

Date Received: The date the equipment was actually received.

Pgm. ID: The program identification associated with the project.

Create Date: The date the record was entered into CEMS.

P.O. Date: Populated date when the purchase order number is entered into the system.

Net Cost Am: Cost without attachments, if applicable.

Gross Cost Am: Cost with attachments or if applicable body chassis are attached.

Project: The project number used when the asset was purchased.

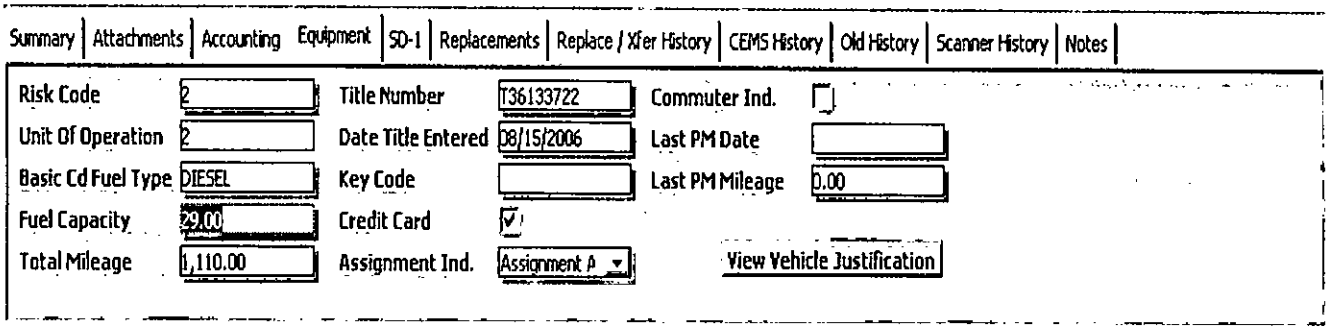
Vendor Info: The vendors name and location where the asset was purchased. This field is populated from the purchase order.

Fed Part: The participation code of the project number.

Old Proj#: The old project number the asset was purchased under before CPMS.

Equipment Tab:

This tab is used to display information that is stored on the equipment table. Mainly used for rental equipment.



NOTE: Fields in gray are pre-filled and protected from user entry.
Fields in white are optional.

The Risk Code, Unit of Operation and Basic Cd. Fuel Type fields are retrieved and display from the basic code table.

Risk Code: The appropriate insurance class under which a vehicle is covered.

Unit of Operation: The type of unit under which the piece of equipment is operated.

Usage is reported either in hours (unit of operation = 1), miles (unit of operation =2), or gallons of fuel (unit of operation =3) days (unit of operation =4), tenths of an hour (unit of operation =5).

Basic Cd Fuel Type: The code that designates the type of fuel used by a piece of equipment.

Fuel Capacity: The amount of fuel a piece of equipment will hold.

Total Mileage: This field is used to show the current total miles/hours on a rental piece of equipment.

Title Number: This field is used to enter the application title number for equipment assets requiring a title. Once the application is processed, the new title number is recorded here.
Note: The first character must be either an "A" for application or "T" for title. The second digit can be alphanumeric. The last 10 digits must be numeric.

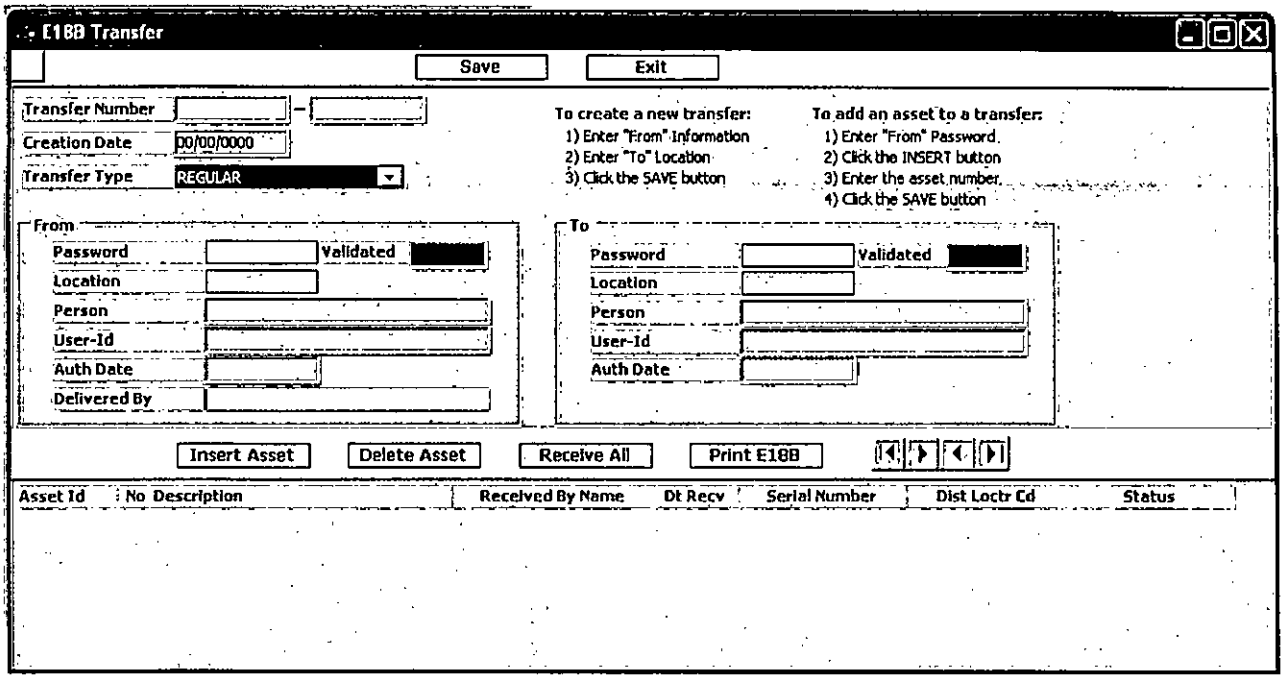
Date Title Entered: The date the Equipment Bureau received the title.

Key Code: This field is used to record the code number for a specific set of keys that are used with a specific vehicle. This number can be given to a key manufacturer to replicate a set of keys in the event that the keys are lost or locked in a vehicle.

8. Creating a New Transfer

To create a new transfer, click the New Transfer button. The following screen will appear.

NOTE: If the from location has an existing transfer in open status for more than 14 days, that location cannot create another transfer until the open transfer has been received and closed, or voided.



NOTE: Fields in green are required entries and must be supplied by the requestor. Fields in gray are pre-filled and protected from user entry.

TRANSFER NUMBER- The transfer number field is an assigned field. The first part of the transfer number is the fiscal year of the transfer, and the second part of the transfer number is an assigned sequential number. Together the fiscal year and the transfer number uniquely identify the transfer.

CREATION DATE- The date the transfer was created.

TRANSFER TYPE- Select the type of transfer being made using the dropdown.

- **Regular** – A transfer of equipment from one location to another location
- **Loan** – A transfer where equipment is loaned to another location
- **District to District** – A transfer of equipment from one district to another district
- **Temporary** – A temporary transfer of equipment

Standard Policies and Procedures Manual

Purpose: This document is prepared to denote receipt of goods acquired for stock. Material Receipt for Inventory is a "VD" document type.

General Information

Material Receipts must be prepared immediately upon receipts of the vendor's invoice. The original Material Receipt, the original and two copies of the stamped and signed vendor's invoice, and the original EP10 (a copy is made in Procurement after approval) or Other Department Purchase Order, if appropriate, with the proper signatures in ink must be submitted for payment. **Signatures must be original.**

All Material Receipts must be approved at CPMS "Level 1" when submitted to the Bureau of Finance and Audits.

A type "VD" Material Receipt will update the inventory record when the original "Level 1" approval is done. Other Material Receipt types will not update the inventory record. **If a "VD" Material Receipt is rolled back to work-in-process or the document is cancelled after the original "Level 1" approval, then the inventory record will have to be updated for changes to the Material Receipt through the "Document" adjustment process. (Refer to the Inventory chapter of the Standard Policies, Procedures, and Instructions Manual for instructions on making "Document" adjustments.)**

Material Receipts with EP-10s (Doc Types R4 – R5) must be submitted to Procurement who will submit them to the Bureau of Finance and Audits. All other Material Receipts must be submitted directly to the Bureau of Finance and Audits for payment.

Before a Material Receipt is submitted to the Bureau of Finance and Audits for processing, the invoice must be thoroughly examined for accuracy of mathematics and items/services received. Before signing the Material Receipt, agreement of the invoice and Material Receipt must be verified to include description, quantity, unit price, unit of measure, amount, invoice number, receive date, and invoice date. Items and unit prices must also be verified against the Purchase Order.

Special Instructions for Preparing Material Receipts (Inventory)

1. The appropriation and activity for the account entered must match the appropriation and activity on the Purchase Order line selected.
2. The Finance major object for the ALDOT object entered must match the Finance major object on the Purchase Order line selected.
3. Only items meeting the specifications of the Purchase Order should be listed on the Material Receipt.
4. The actual quantity received must be shown on the Material Receipt.
5. When items received must be tested, the Material Receipt must be held at the originating location until the items are acceptable.
6. When a shipment is received containing articles damaged in transit, the delivering agent's representative must be required to make such notation on the original copy of the delivery

receipt. Payment must not be made for damaged goods and the vendor must be notified by letter with the annotated delivery receipt of such damage.

7. When separate shipments are received on an EP-10, the Material Receipt should be prepared upon receipt of the partial shipment and held at the originating location until the EP-10 shipment is complete. **All Material Receipts for an EP-10 must be submitted together.**
8. If freight is paid for an inventory commodity, then the quantity on the Material Receipt line must be "0" and "freight" must be keyed in the description field. The amount will be positive.
9. If an asphalt adjustment is paid for an inventory commodity, then the quantity on the Material Receipt line must be "0" and "asphalt adjustment", the month the asphalt was received, and the tons received must be keyed in the description field. The amount will be positive.
10. If a credit memo is deducted from the current Material Receipt and the inventory quantity does not change such as an overpayment for an individual commodity, then the quantity for the line item must be "0" and "credit memo" will be keyed in the description. The amount will be negative.
11. If a credit memo is deducted from the current Material Receipt because an item was returned, then the quantity for the line item will be negative and "credit memo" will be keyed in the description. The amount will be negative.

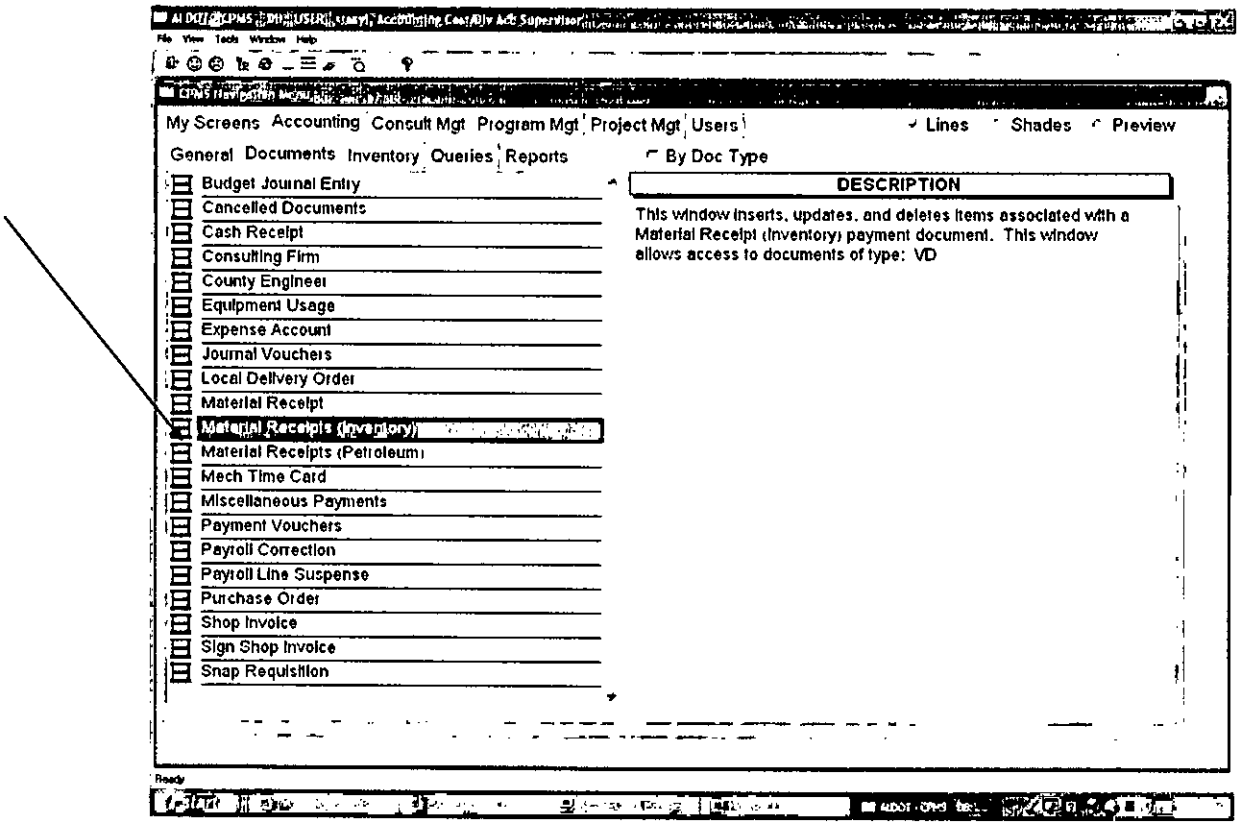
Overlapping Of Fiscal Years

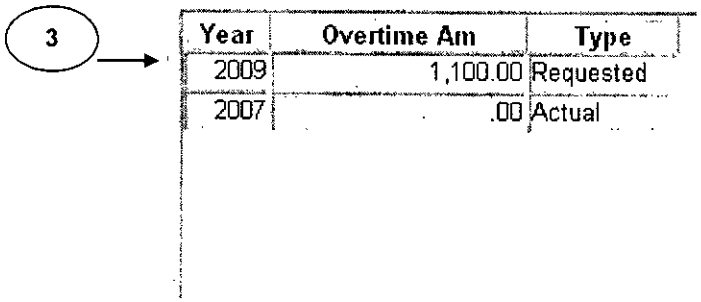
A single Material Receipt for goods received in two different fiscal years is ***not allowable.*** A Material Receipt must be prepared for each fiscal year's goods for the amount of those goods. A separate vendor's invoice must be requested for each fiscal year.

CPMS Data Entry Instructions

From the CPMS Main Menu

Click on Accounting Tab.
Click on Document Tab.
Double-click on Material Receipt (Inventory) title.

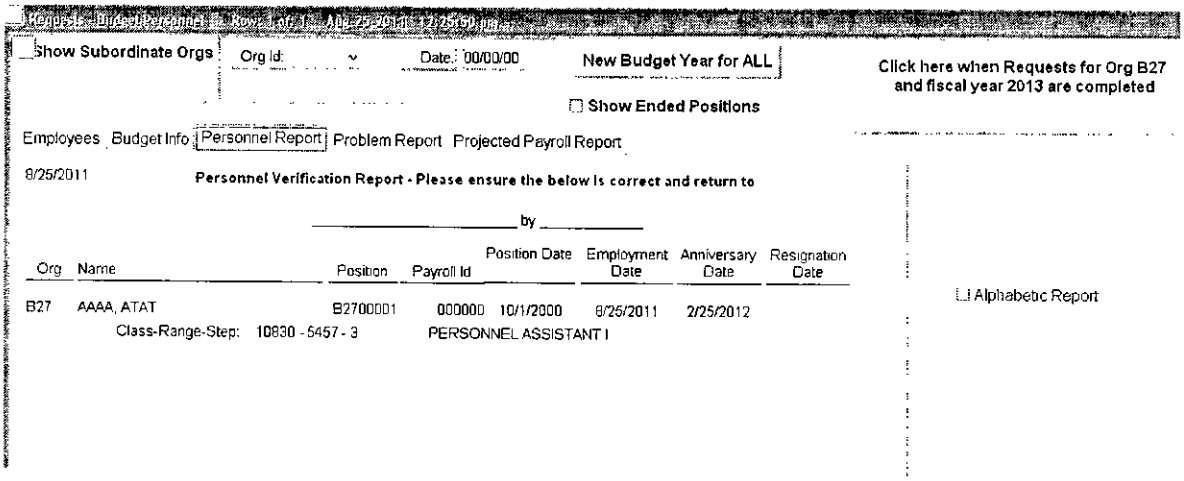




Personnel Report Tab

The Personnel Report is a list of all employees that are currently associated with the selected org and their current employee information. This report allows users to verify the information within the budget screens. It provides the employee's Org Id, Employee, Name, Position Number, Payroll Id, Position Date, Employment Date, Anniversary Date, Resignation Date, Class-Range-Step and Position Title.

To the right on the report on the Personnel Report tab, a checkbox for Alphabetic Report is shown. Clicking this box will provide a listing of employees by Org and Name and provide the information of Position Number, Payroll Id, Position Date, Employment Date, Anniversary Date and Resignation Date. To view the original view of the report which includes the Class-Range-Step and Position Title, uncheck this box.



HOLIDAY PAYMENT – REGULAR AND TEMPORARY EMPLOYEES

If a full time employee is in pay status for a minimum of one half of the normal scheduled work day both before and after a holiday, the employee is paid for the number of hours, equivalent to his normal work day for the holiday and any additional day granted by the Governor. The employee's normal workday must be determined and documented in the employee's payroll file when the employee is assigned within the Bureau/Division. An employee must be in pay status a minimum of half the scheduled work day before and half the scheduled work day after the holiday for the employee to be paid for the holiday (Atty. Gen. Opinion 7/30/92). A leave balance or work schedule must not be manipulated in such a manner whereby an employee will abuse Holiday payment. For example, an employee with an Annual leave balance of eight hours is not permitted to use four hours before a holiday with 4 hours LWOP and four hours after a holiday with 4 hours LWOP in order to receive pay for that holiday. If an employee has a leave balance in a prior pay period and takes leave without pay in a prior pay period and uses the leave on the working day before or after the holiday, then the employee is considered to have manipulated leave to earn holiday pay.

Regular and Temporary employees are considered to be either full time or part-time.

If a part-time employee's normal work day falls on a legal holiday or an additional day granted by the Governor, and he/she is not required to work on that day, he/she will be paid for the same number of hours that he/she normally would have worked, provided he/she is in pay status both the scheduled work day before and the scheduled work day after said holiday.

If a part-time employee's normal work day falls on a legal holiday or an additional day granted by the Governor, and he/she is required to work on those days, he/she will be paid for the actual time worked and will not be due compensatory time in lieu of working said days.

If a regular employee's normal work day is in excess of eight hours per day (Example: four, 10 hour work days) and the legal holiday or an additional day granted by the Governor occurs on his/her normal off day, he/she will be paid for the number of hours (Example: 10 hours) equivalent to his/her normal work day provided he/she is in pay status both the scheduled work day before and the scheduled work day after said holiday.

The maximum amount of Holiday Comp time that a non-exempt or exempt employee may accrue for any holiday worked is the number of hours equivalent to his normal work day (Example: 8 hours), regardless of the number of hours (Example: 12 hours) that were physically worked. Holiday comp accrued will be shown on the employee's time report with object 0197 and the hours will update the holiday leave balance. The maximum amount of holiday comp that may be accrued is 160 hours.

HOLIDAY PAYMENT – HOURLY (PD) EMPLOYEES

PD employees are considered to be either full-time or part-time. Seasonal laborers do not participate in any fringe benefits and are temporary in nature.

Hourly employees must be employed for one year before they are eligible to be paid for holidays. Thereafter, the same rules apply to both eligible hourly employees and semi-monthly (regular) employees.

An ineligible employee who is required to work said additional holiday will be paid for the actual time worked. There will be no additional holiday compensation.

The maximum amount of Holiday Comp time that an eligible PD employee may accrue for any holiday worked is the number of hours equivalent to his/her normal work day (Example: 8 hours) regardless of the number of hours (Example: 12 hours) that were physically worked.

RETIRED STATE EMPLOYEES

These employees are hired at an hourly rate and are only paid for the time actually worked. They do not receive fringe benefits such as holidays, insurance, retirement, and leave accrual, but they do receive Social Security and Medicare benefits.

LEAVE REQUESTS

It is the policy of the Alabama Department of Transportation for all employees to submit a "Request for Leave Approval" to their supervisors before leave is taken. The Supervisor will then approve or disapprove the leave request depending on the workload and pending schedules. If leave is approved, the signed request MUST be attached to the signed employee time sheet to support the leave charges. If the leave is disapproved by the supervisor, a copy of the leave slip should be attached to the time sheet to support the LWOP charges. Although leave is earned in hours and minutes, ***ALDOT's policy effective November 1, 2009 is that leave must be taken in whole hours and or increments of 15 minutes (one fourth hour = .15, one half hour = .30, and three fourths hour = .45).*** Minutes must not be converted to hundredths of an hour. Upon termination, leave will be paid in hours and minutes up to the maximum allowed by State Personnel.

LEAVE RECORDS

Individual employee leave balances will be updated as usage is entered. Leave earned is not updated until the following pay period. Leave taken is updated immediately

The Employee Leave Balances Report and Employee Leave Detail reports are available in CPMS for leave to be verified. Applicable corrections must be promptly reported to the payroll section on either a Leave Accrual Corrections Form or a Payroll Corrections- Doc Type L2.

ANNUAL LEAVE

Full time and part time employees with a semi-monthly pay rate in permanent Merit System positions, including provisional appointees, shall earn annual leave with pay on the basis of semi- monthly pay periods effective with the pay period ending March 17, 2006, as follows:

Total Years of Service	25 %	50%	66% (2/3s)	75%	100 %
Fewer than 5 Years	1.05	2.10	2.52	3.15	4.20
5 but less than 10 years	1.21	2.43	3.35	4.04	5.25
10 but less than 15 years	1.38	3.15	4.17	4.53	6.30
15 but less than 20 years	1.54	3.48	5.0	5.42	7.35
20 but less than 25 year	2.10	4.20	5.43	6.30	8.40
25 years or more	2.26	4.53	6.26	7.19	9.45

Note: The number to the left of the decimal is hours and the number to the right of the decimal is minutes.

Employees who are entitled to earn leave must be in pay status 80% of the pay period hours during a pay period in order to earn leave for that pay period. The number of pay period hours may be viewed in CPMS on the Accounting General Tab in Payroll Support Information in the Semi-Monthly Pay Dates tab. Annual leave earned in a particular pay period is not available for use until the following pay period. **Leave must be taken in whole hours and/or increments of 15 minutes (.15, .30, or .45).** Leave that has accumulated in minutes that are less than one hour will be paid upon separation.

Per Diem (PD) employees who are later certified as Regular employees can transfer their annual leave balance, but their PD periods of service will not count toward annual leave accrual as Form-8, hourly employees are not subject to the provisions of the State Merit System. This is in accordance with Section 36-26-35 of the Code of Alabama, 1975.

Regular merit system employees who go on Military LWOP (leave without pay) will be eligible to have their active military service count toward annual leave accrual, but they will not be permitted to accrue any leave during the period of Military LWOP. Any military service prior to becoming a state employee will not count toward annual leave accrual.

No more than 60 days of accumulated annual leave for full time employees may be carried over beyond the end of the last day in a calendar year.

Upon separation from service, a full time employee shall be paid for the total actual number of days of annual leave earned, up to a maximum of sixty days (Section 36-26-35, Code of Alabama, 1975). Object code 0139 (Vacation Leave - Separation Leave Payment) is used when paying annual leave for all separations except for those by death. Object code 0137(Vacation Leave - Deceased Employee Payment) must be used when an employee dies while actively employed with the State. This payment is exempt from Federal and State taxes, but is subject to FICA and Medicare taxes; and is payable in the name of the deceased employee (not in the name of the employee's estate).

When an employee separates from state service, the Division/Bureau payroll clerk will enter the separation date and separation reason in the Employee Update (Payroll Clerk) window. CPMS will generate separation annual leave payments in the pay period following separation.

PD employees must be employed for a period of one year before they may earn annual leave, and then must be in pay status 80% hours of the pay period hours during a pay period in order to earn leave for that pay period. Eligible PD employees can accumulate 15 days annual leave. No annual leave in excess of the 15 day limit will be credited. Eligible PD employees can only earn 4 hours and 20 minutes of annual leave per pay period, regardless of the number of years of service. Temporary employees do not earn annual leave.

SICK LEAVE

Full time employees and part time employees with a semi-monthly pay rate must be in pay status 80% of the hours during a pay period in order to earn leave for that pay period. Sick leave earned in a particular pay period is not available for use until the following pay period.

An accrual of 4 hours and 20 minutes for each semi-monthly period of service for full time employees shall be made for sick leave. **Sick leave must be taken in whole hours and/or increments of 15 minutes (.15, .30, or .45).** Leave that has accumulated in minutes that are less than one hour will be paid upon separation.

25%	50%	66%(2/3s)	75%	100%
1.05	2.10	2.52	3.15	4.20

Effective 10/01/2000 and each year thereafter, sick leave will be allowed to accumulate beyond 1200 hours (150 days) during the year. Leave accrued in excess of 1200 hours can be used during the year it is earned. Any sick leave balance over 1200 hours as of December 31 of each year will automatically be placed in an excess sick leave balance (escrow account). An employee may then carry over a maximum of 1200 hours (150 days) to begin the next calendar year. If an employee suffers extended illness or disability lasting more than 150 days, the State Personnel Board may, on the recommendation of the appointing authority, approve restoration and use of any sick leave which the employee might have earned in excess of this maximum. An employee who retires shall be entitled to be paid for fifty percent of the employee's accumulated sick leave at the time of retirement (Section 36-26-36, Code of Alabama, 1975). The two retirement avenues are discussed later in this section.

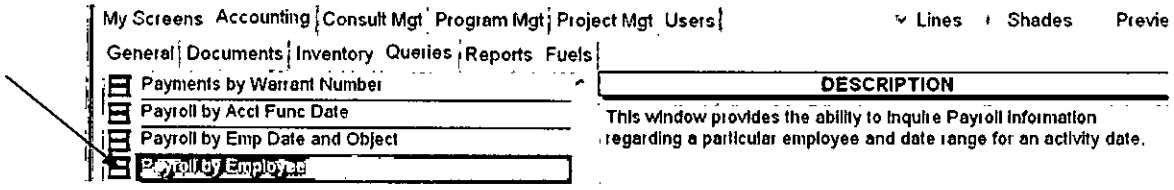
Employees may not be compensated for accumulated sick leave (regardless of the length of service) when they are separated from the State service, except in the case of (1) retirement, or (2) when a state employee in the classified service dies while in active service to the State (Act No. 96-652, effective May 21, 1996). In either of these two cases, the employee may be paid for fifty percent (50%) of the employee's accumulated sick leave. Object code 0147 (Sick Leave - Deceased Employee Payment) must be used when an employee dies while actively employed with the State. This payment is exempt from Federal and State taxes, but is subject to FICA and Medicare taxes; and is payable in the name of the deceased employee (not in the name of the employee's estate).

When an employee retires or dies, the Division/Bureau payroll clerk will enter the separation date and separation reason in the Employee Update (Payroll Clerk) window. CPMS will generate the Separation sick leave with either object 0149 for a retirement or object 0147 for a death to pay the employee for the sick leave, which is subject to the FICA and Medicare taxes unless the employee retires due to disability. If an employee retires due to disability, CPMS will generate the sick leave distribution with object code 0150, "Sick Leave - Disability Separation" which is not subject to the FICA and Medicare taxes. Disability Separation Sick Leave will not be granted unless the employee has a doctor's statement stating that he/she is totally disabled.

If employees leave a merit system State service position (resignation only) in good standing and are re-employed within a period of four years from the date of separation, unused sick leave accumulated during previous employment or any part thereof may be restored upon recommendation by the appointing authority and approval by the State Personnel Director.
If an employee should leave a non-merit system (agency) position in good standing, the unused portion of sick leave accumulated during the non-merit employment may be placed in escrow upon re-employment and recommendation by the appointing authority and approval by the State Personnel Director.

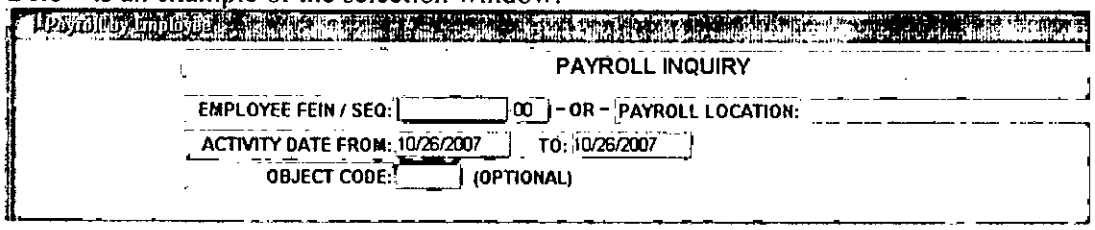
PAYROLL BY EMPLOYEE	Section 5.103.1

Purpose: This window provides the ability to inquire on payroll information regarding a particular employee and date range for an activity date. Information includes payroll information from the Payroll System (CPMS Payroll Line Table), and posted CPMS documents T1s, L1s, and L2s.



1. Click on the Accounting Tab in CPMS.
2. Click on the Queries Tab.
3. Double-click on "Payroll by Employee" title.

Below is an example of the selection window:



1. **EMPLOYEE FEIN/SEQ**: Enter the employee's Social Security number. Sequence number "00" is loaded and may be changed if necessary to view the payroll record for one employee.
2. **PAYROLL LOCATION**: Select the payroll location from the dropdown to view the payroll records for all employees assigned to the location.
3. **ACTIVITY DATE FROM**: Enter the beginning date for the pay period. The current date will be populated in the Activity Date from and to fields.
4. **TO:** Enter the ending date for the pay period...
5. **OBJECT CODE**: (Optional) Enter the four-digit Object Code to limit activity shown to a specific object code.

Doc types R1 and R6 are no longer used.

Purpose: Document Types R2 (Non-Equipment Purchases) and R3 (Equipment Purchases) are used to requisition materials and services from other State agencies.

Document Types R4 (Non-Equipment Purchases less than or equal $1,000), R5 (Non-Equipment Purchases greater than $1,000), and R7 (Equipment Purchases-Other Equipment Budget) are used for emergency requisitions of materials and services from outside vendors.

1. Division Engineers and Equipment, Computer Services, Maintenance, and Materials and Test Bureaus have the authority to approve commodity purchases (non-equipment, non-contract) of less than $1,000.00. They can also approve contract purchases (non-equipment) from contract vendors of less than $250.00, including freight, and equipment purchases of less than $100.00. All other emergency purchases **must** have prior approval from ALDOT Procurement.

2. All emergency requisitions originating in Bureaus except Equipment, Computer Services, Maintenance, and Materials and Test Bureaus **must** have prior approval from ALDOT Procurement.

Document Type R2 is used when purchasing non-equipment items from other State agencies.

- The Purchase Order balance must be greater than zero.
- The Object used must not be 0561-0599 (except 0580) and the Account must not be 4001-4045.
- Divisions and Bureaus have Level 1 approval authority, the highest approval authority.
- When the document has Level 1 approval, the purchase can be made.

Document Type R3 is used when purchasing Other Equipment budget items from another State agency.

- The Purchase Order line amount must be greater than $499.99 unless the purchase is an equipment enhancement which is coded object 0598 or 0599.
- The Account used must be 40XX.
- The Object used must be 0561-0599 (except 0580).
- Purchases of equipment from other agencies must be paid on a V7 which references an R3 purchase order.
- Divisions and Bureaus have Level 1 approval authority.
- Divisions and Bureaus must contact the Bureau of Finance and Audits for Level 2 approval.
- When the document has Level 2 approval, the purchase can be made.

Document Type R4 is used when purchasing non-equipment items with a total cost of less than $1,000.00 from outside vendors.

- The Object used must not be 0561-0599 (except 0580).
- Divisions and Computer Services, Equipment, Maintenance, and Materials and Test Bureaus will do Level 1 approval.
- All other Bureaus will notify Procurement by E-mail for Level 1 approval on these documents.
- When the document has Level 1 approval, the purchase can be made.

Document Type R5 is used when purchasing non-equipment items with a total cost greater than $1,000.00 from outside vendors.

- The Object used must not be 0561-0599 (except 0580).
- Procurement will add Aprvd By Na. (Approved By Name).
- Divisions and Computer Services, Equipment, Maintenance, and Materials and Test Bureaus will do Level 1 approval.
- All other Bureaus will notify Procurement for Level 1 approval.
- Procurement will notify the appropriate Division or Bureau when Level 2 is approved.
- When the document has Level 2 approval, the purchase can be made.

Document Type R7 is used when purchasing Other Equipment items from outside

- The Purchase Order line amount must be greater than $499.99 unless the purchase is an equipment enhancement which is coded object 0598 or 0599.
- The Purchase Order will be charged against the "Other Equipment" budget.
- The Account must be 40XX and the object must be 0561-0599 (except 0580).
- Function 0797 must be used to requisition equipment enhancements.
- Divisions and Computer Services, Equipment, Maintenance, and Materials and Test Bureaus will do Level 1 approval then contact Procurement.
- Other Bureaus must contact Procurement when the document is ready for Level 1 approval.
- Procurement will contact the Financial Management section of Finance & Audits for verification that "Other Equipment" funds are available.
- Procurement will approve to level 2.
- The purchase cannot be made until document has Level 2 approval.

CPMS Data Entry Instructions

From the CPMS Main Menu
Click on Accounting Tab.
Click on Document Tab.
Double-click on the Purchase Order title.

STATE OF ALABAMA
FAMILY AND MEDICAL LEAVE
POLICY AND PROCEDURE
MANUAL

SUPERVISORY SESSION

State of Alabama
Personnel Department
Training Division

March 2013 Edition

KEY TERMINOLOGY

The following list contains an overview of key FMLA terminology:

1. **Employer:** The FMLA applies to employers with 50 or more employees on the payroll during 20 or more calendar workweeks in either the current or the preceding calendar year. Most State of Alabama departments are "employers" under the FMLA. It is important, however, for Departments to evaluate whether they employ the requisite 50 employees to be subject to the provisions of the FMLA. Even so, some Departments with fewer than 50 employees have agreed to provide FMLA leave.

2. **Employee:** Employees are eligible to take FMLA leave only if they have worked for the agency at least twelve (12) months, worked for 1,250 hours over the previous 12-month period, and worked in a worksite with 50 or more employees within 75 miles of the worksite. The 1,250 hours is time actually, physically worked. Any paid leave (including holidays) does not count toward the 1,250-hour requirement. However, military time does count as time worked for FMLA designation.

3. **Leave Availability:** An eligible employee needs to take up to 12 weeks (or 480 hours) of job-protected leave during a 12-month period for qualifying family and medical reasons or exigency circumstances. FMLA leave runs concurrently with paid leave. If paid leave is depleted, then leave without pay will be used. If the leave does not qualify as FMLA leave, State Personnel Department Procedures for leave will apply. An eligible employee can take up to 26 weeks of job-protected leave during a 12-month period for the care of a covered servicemember or veteran who has served within the last five (5) years.

4. **Family Leave:** Family leave allows an eligible employee to take FMLA leave for qualifying events involving a child, a parent, or a spouse of the employee. FMLA leave is limited to these individuals only. A person may be considered an employee's "parent" if that person raised the employee during the employee's primary years. If an employee is a legal guardian of a child, that child may be designated as the "child" of the employee for FMLA purposes. In addition, leave may be used upon the birth of a child, adoption of a child, and/or the placement of a foster child. Both men and women are eligible for the leave. The law does not include as "immediate family members" in-laws, siblings, ex-spouses, aunts, uncles, cousins, grandparents, grandchildren, children 18 years old or older (unless the child has a serious health condition that prohibits the child from caring for himself/herself)[1], and stepchildren, unless the children are living in the employee's house and the employee is the primary financial provider.

5. **Medical Leave:** Medical leave allows an eligible employee to take FMLA leave from the job for the employee's own qualifying serious health condition.

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[1] The protections of the FMLA do not extend to an employee taking leave to care for his or her adult child simply because that child is pregnant, unless, for example, that child is incapacitated due to the pregnancy—something beyond a normal pregnancy. The employee requesting leave must demonstrate that the daughter was "incapable of self-care because of a mental or physical disability," in order to fall under the FMLA. *See* 29 U.S.C. § 2611(12)(B). *See Cruz v. Publix Super Markets, Inc.*, 428 F.3d 1379, 1383 (11th Cir. 2005).

6. **Health Insurance Maintenance:** During the time period when an employee is on FMLA leave, any individual health benefits provided under a "group health plan" must be continued by the employer, under the same terms and conditions as when the employee was on the job. Dependent insurance must continue to be paid for by the employee. Payments must be made in accordance with the procedures and policies of the State Employee Insurance Board.

7. **Job Protection:** The same position held prior to the use of qualifying FMLA leave or an equivalent position must be made available to the employee upon return to work, unless the employee is a "key employee" (defined below). An equivalent position is a position that includes the same pay step; responsibilities and results; pay grade; classification; differential pay, if applicable, for duties or shift; etc.

8. **Benefits Retention:** Taking FMLA leave may not result in a loss of any employment benefits accrued prior to the date leave commenced. Employment benefits will continue to accrue during FMLA leave as long as the employee is concurrently on paid leave. However, if the employee is on FMLA leave concurrently with leave without pay, seniority and employment benefits, including sick leave, annual leave, and retirement time, do not accrue.

9. **Intermittent Leave:** Intermittent leave is defined as FMLA leave taken in separate blocks of time due to a single qualifying reason. This leave may be taken in incremental time periods as allowed by departmental leave policies.

10. **Reduced Schedule Leave:** Reduced schedule leave is a leave schedule that reduces an employee's usual number of working hours per workweek or hours per workday. This schedule often is a change from full-time to part-time employment. This leave must be approved by the appointing authority.

11. **Legal Enforcement:** FMLA is enforced by the United States Department of Labor, which can bring suit against employers for non-compliance. Individuals may bring suit under certain provisions of FMLA.

12. **Effect on Other Laws:** FMLA does not preempt, modify, or affect in any way any state, federal, or local laws that provide greater leave rights for employees.

13. **Key Employee/Highly Compensated Employee:** A salaried FMLA-eligible employee who is among the highest paid 10 percent of all employees employed by the employer within 75 miles of the employee's worksite. To determine whether an employee is a key employee, year-to-date earnings are divided by the number of weeks worked by the employee. The determination of whether an employee is a "key employee" shall be made at the time the employee informs the employer of the need for FMLA leave.

14. **Serious Health Condition:** Leave qualifies as "a serious health condition" under FMLA if an illness, injury, impairment, or a physical or mental condition involves one of the following: (1) hospital care; (2) absence from work plus medical treatment; (3) chronic conditions requiring treatments; (4) permanent/long-term conditions requiring supervision;

(5) multiple treatments of non-chronic conditions; and/or (6) any period of incapacity on the employee's part due to pregnancy or prenatal care.

15. **Qualifying Reason:** Employees who are eligible under the FMLA may take leave for any one of the following reasons: (1) the birth of the employee's child; (2) the placement of a child for adoption or foster care with the employee; (3) to care for a spouse or parent; (4) a serious health condition of the employee; (5) a qualifying exigency arising from an employee's spouse, child, or parent being called to duty in support of a contingency operation or deployed to a foreign country; or (6) to care for a covered servicemember with a serious illness or injury if the employee is the spouse, child, parent, or next of kin to the covered servicemember or a veteran who has served within the last five (5) years.

16. **Rolling Year:** The 12-month period used to calculate FMLA eligibility that is measured backwards from the date the employee needs leave that qualifies under the FMLA. Each time an employee takes FMLA leave, the remaining leave entitlement will be the balance of the 12 weeks that has not been used during the immediately preceding 12 months.

17. **Next of Kin:** The next of kin for a covered servicemember is the nearest blood relative other than the servicemembers' spouse, child, parent, such as a blood relative who has legal custody, siblings, grandparents, aunts and uncles, first cousins, unless the covered servicemember has designated another blood relative.

18. **Qualifying Exigency:** A qualifying exigency may fall within one of the following categories that is a result of an employee's spouse, child, or parent who is on active duty or awaiting an impending call to duty in support of a contingency operation: (1) short-notice deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; (8) care for the military member's parent; and (9) activities agreed upon by employee and employer.

IMPORTANT TOP TEN PRINCIPLES OF FMLA LEAVE

An awareness of FMLA is very important. The following are important principles of FMLA and its application to State employers and employees.

1. FMLA leave cannot be saved for use when the employee is out of leave or used at any time an employee desires. FMLA leave is not additional paid leave to use when all other paid leave is exhausted. Also, FMLA leave is retroactive, and the employer has the authority to designate leave as FMLA eligible, even if that leave has already been taken by the employee.

   The FMLA provides job protection for eligible employees. Job protection is provided for up to 12 weeks (or 480 hours) for qualifying event(s), regardless of the type of leave that is used during the days absent from the job. Not all leaves of absence qualify under the FMLA. Qualifying leave under the FMLA is limited to very specific conditions and circumstances, and thus, not all employees or their circumstances are eligible for FMLA leave.

2. Employees are required to use accumulated sick, annual leave and compensatory time while on FMLA leave. Under the State's policy, the 12-week FMLA job protection entitlement is to

be charged concurrently with accumulated annual leave, accumulated sick leave, compensatory time and, if needed, leave without pay. Employers can require employees to take accumulated compensatory time as part of FMLA leave.[2] Any leave that an employee takes due to an on-the-job injury covered by the State Employee Injury Compensation Trust Fund (SEICTF) must be concurrently designated as FMLA leave if the employee meets the FMLA criteria.

3. To be eligible for FMLA leave, an employee must have actually, physically worked for the Department for 12 months and for at least 1,250 hours over the previous 12 months. Generally, part-time employees, temporary employees, and probationary employees are not eligible for FMLA leave. The following calculation may be helpful in estimating 1,250 hours: 24 hours worked in each of the 52 weeks of the year, over 104 hours worked in each of the 12 months, and 40 hours worked for more than 31 weeks (over seven (7) months) of the year.

4. For a Department to be subject to the FMLA, the Department must maintain 50 or more employees on the payroll during 20 or more calendar workweeks in either the current or the preceding calendar year.

5. FMLA leave for State of Alabama employees is based on a rolling year. Although the law allows various calculation methods for the span of time termed as a "year," a qualified employee is entitled to 12 workweeks (or 480 hours) of FMLA leave during a 12-month period measured backward from the date an employee needs leave that qualifies under FMLA. Each time an employee takes FMLA leave, the remaining leave entitlement will be the balance of the 12 weeks that has not been used during the immediately preceding 12 months.

6. FMLA leave can be utilized in three ways: (1) single incident, (2) intermittent leave, and (3) reduced work schedule. Generally, the particular person's situation and qualifying illness determine the type of FMLA leave taken. Specific exceptions to these methods are discussed in detail in the latter portions of this manual.

   An employee can take FMLA leave as a single incident such as childbirth, surgery and recuperation, or caring for a terminally ill parent. A reduced work schedule is appropriate when an employee has a need for a recurring period of leave that is of longer duration and infinite time period due to a qualifying illness (e.g., chemotherapy, dialysis, physical therapy).

   FMLA leave also may be used on an intermittent basis when medically necessary for the employee's own medical treatment, for that of an immediate family member or covered servicemember, or qualified exigency. If possible, the schedule of absences can be modified to assist work operations, taking the medical needs and requirements into account. However, if it is determined that the proposed intermittent leave of the employee for his/her

[2] In *Christensen v. Harris County*, 529 U.S. 576 (2000), the United States Supreme Court held that under FLSA an employer can force employees to use accrued compensatory time. FMLA regulations, which became effective before this ruling, relied on the same FLSA provision interpreted by the Court in *Christensen* to provide that an employee cannot be required to take compensatory time for FMLA. *See* 29 C.F.R. § 825.207(i). However, in the light of the *Christensen* decision, the State's policy is to permit employers to require employees to use accumulated compensatory time for FMLA leave.

PERSONNEL PROCEDURES MANUAL

STATE OF ALABAMA
Personnel Department

October 2011 Edition

3. Revising an Existing Classification

If it is necessary to modify any portion of an existing job specification, the changes must be submitted in writing to State Personnel for consideration and review.

Title changes and, as determined by the Director, major specification revisions require the approval of the State Personnel Board.

4. Changing a Salary Range of an Existing Classification

In order to change the salary range of a particular job classification, a request must be made in writing to State Personnel. This request should be supported by data such as salary survey information, turnover rate and recruitment information. Classification and Pay Division staff members will review the information, conduct additional research, and calculate cost data, if applicable.

If the Finance Director instructs to see these changes, the proposed change(s) must then be submitted for his/her approval. All agencies, unless statutorily exempt, must receive the Finance Director's approval. Once approved, the proposed change(s) is submitted to the State Personnel Board for consideration and approval. Final approval is made by the Governor. Unless otherwise indicated, the action will be effective the beginning of the pay period following the Governor's approval.

Position Control

1. Establishing a New Position

If additional staff is necessary for the efficient operation of an agency, a new position may be requested.

The request is submitted to State Personnel and should include a Form 40 (Position Classification Questionnaire) completed by the supervisor or others familiar with the job. Staff from the Classification and Pay Division will review the information to determine the appropriateness of the request and may perform a desk audit of the job if more information is needed.

The agency will be notified of the decision.

2. Reallocating an Existing Position to Another Classification

If the duties and responsibilities of a position have changed significantly and are currently more in line with another job classification than that to which it is assigned, the position may be reassigned to another job classification through a process called reallocation.

The request must be submitted in writing to State Personnel, along with the completed Form 40 (Position Classification Questionnaire) for review. The Classification and Pay Division staff will study the request and the agency will be notified of the decision.

Reallocation pertains only to the position and is typically related to similar classifications or series of classifications.

A position that is reallocated to a higher classification should normally be filled by certification and appointment from the open competitive or promotional register for the higher classification. If the incumbent, however, has been performing the duties that are the basis for reallocation for three (3) months or more in a completely satisfactory manner at the time the position is reallocated to a higher classification, he/she will be given status in the new classification, if his/her name is among the upper one-half of those on the competitive list or promotional list, as of the date the applicant was added to the register.

If it can be documented, however, that the incumbent has been performing the duties that are the basis for reallocation for five (5) years or more in a completely satisfactory manner at the time the position is reallocated to a higher classification, he/she will be given status in the new classification if his/her name appears on the open competitive or promotional eligible list, as of the date of the effective establishment of the reallocation. Official documentation for the complete five (5) years must be submitted in support of such request.

As status in the higher classification is given in connection with a reallocation, the employee is not eligible for either a promotional or probationary increase.

Abolishing a Position

When a vacant position is no longer needed, an agency notifies State Personnel by sending a letter to the Classification and Pay Division Manager stating that such position is no longer needed. State Personnel will make the appropriate, required record changes and notify the agency accordingly. The abolition of a filled position is accomplished through the layoff procedures.

Updating the Duties and Responsibilities of a Position

An updated Form 40 must be completed when the functions, specific duties, and/or important responsibilities of a position have changed. The new form should be submitted to State Personnel's Classification and Pay Division for review. It is important to note that duties assigned to a position should be consistent with the classification to which it is allocated.

Form 40 - Revised 1/95

POSITION CLASSIFICATION QUESTIONNAIRE

STATE OF ALABAMA
Personnel Department

PCQ# 3470000

1. Employee's Name: Jane O. Smith (For Dept Use Only)
2. Classification: Administrative Support Asst I
3. Division or Bureau: _____
4. Working Title: Assistant
5. Department: Personnel
6. Section or Unit: Examinations & Recruitment
7. Work Location (County): Montgomery
8. Name and title of immediate supervisor (person who assigns work): Sally Abrams, Personnel Analyst II

9. Position is: full-time X, part-time ____, permanent X, temporary ____.

10. SUPERVISION EXERCISED: Only complete this section if this position completes performance appraisals or actually participates in rating other employees. If the position functions as a lead worker and only assigns work, then list that responsibility on item 11B as a duty.

a. Total number of employees that this position supervises: _____
b. Percentage of time spent on supervision and related duties: _____
c. If this position DIRECTLY supervises 5 or less employees, give names and titles. If this position DIRECTLY supervises more than 5 employees give the number and official classification of each.

d. As a supervisor, does this position: (Check the activities performed)

Make daily work assignments?	☐	Interview and make hiring recommendations?	☐
Approve and Disapprove leave requests?	☐	Recommend disciplinary actions?	☐
Reassign job duties on permanent basis?	☐	Prepare and conduct performance appraisals?	☐

11. DESCRIPTION OF DUTIES PERFORMED:

a. In one or two sentences, describe the major purpose of this position.

To assist the analyst in grading, organizing, or typing exams and processing grades and/or scores in order to establish a register for the classification.

b. Duty Statement: (*Complete Column "C" first*)

- In column A, indicate PERCENTAGE of time spent on each duty (total should not exceed 100%)
- In column B, rate the duties as to their IMPORTANCE. VI-Very Important I-Important SI-Somewhat Important
- In column C, describe in detail each of the position's PERMANENT duties and responsibilities using your OWN words.

A %	B rating	C Description of Duties
10	SI	Retrieving mail from front desk and distributing it to the appropriate
		Analyst or assistant.
10	I	Copying, faxing, or distributing documents concerning applicants'
		Scores, applications, or printouts.
45	VI	Typing letters, memos, correspondence, exam questions for analyst.
5	I	Assist analysts with projects concerning examinations or exam
		History folders.
10	VI	Grading applications for lower level classes.
5	I	Contacts personnel officers in other departments in order to clarify
		Questions or problems concerning applications or exams.
5	I	Answer telephone and assist callers or take messages when unable to
		Answer if analyst is unavailable.
5	I	Greet visitors with pleasant attitude and assist if possible or direct
		To appropriate person.
5	SI	Performs other related duties as assigned.

(Attach additional sheets if necessary)

12. DECISION MAKING: Give example(s) of the more important decisions made while performing the duties of this position. Then list the possible effect of error(s) on the organization or general public.

If I made an error grading an application then an applicant would not receive a correct score or the appropriate rank on the register when established.

13. FINANCIAL RESPONSIBILITY: If this position has responsibility for controlling and/or authorizing the expenditure of funds, please describe and indicate approximate amount controlled.

14. WORK GUIDELINES: (Only include written guidelines) List the specific laws, regulations, instructions, manuals, or procedures that must be followed in performing this job and describe how they are used.

LIST ITEM	HOW USED
State Personnel Rules	Used when grading exams or answering questions regarding
	tests and scores.
Federal Register	For exam validation.

15. SUPERVISION RECEIVED:

How is this position's work reviewed? (Check one)

- ☐ Supervisor reviews most or all of work while it is being done.
- ☒ Supervisor spot checks work as it is being done.
- ☐ Supervisor reviews most or all of work after completion.
- ☐ Supervisor spot checks work after completion.
- ☐ Supervisor does not review work.
- ☐ Other. (describe fully)

16. WORK CONTACTS: With whom, outside of co-workers in this unit, must this position regularly come in contact?

Who Contacted	How (Phone, in person, etc.)	Purpose of Contact	How Often
Personnel Officers	Phone	For questions or comments	Daily
Analysts	In person	Questions, problems, projects	Daily
Public	Phone, in person	Questions, applications, problems	Daily

17. EQUIPMENT USED: List any equipment used regularly. Give percent of time spent in operation of each. For vehicles and construction and maintenance equipment operated, indicate capacity, e.g., tonnage, yardage.

Personal Computer	75 %	
Copier	10 %	
Scanner	2 %	
Fax	3 %	

a. Does this position require typing?
☐ NO
☒ YES—Give % of time spent in typing 50 %

b. Does this position require taking shorthand?
☒ NO
☐ YES—Give % of time spent in shorthand ____%

ITEMS TO BE COMPLETED BY IMMEDIATE SUPERVISOR AND/OR APPOINTING AUTHORITY

18. Are the statements of the employee accurate and complete? (Indicate inaccuracies and incomplete items)

They are accurate and complete regarding the duties and responsibilities of the position.

19. If duties listed are for reallocation of position, what additional and/or more complex duties have been added to this position to warrant reallocation.

Position is now responsible for grading exams for certain classes as well as having increased contact with Personnel Managers concerning examination issues.

20. List any required licenses, registrations, certifications, or special requirements necessary to perform the job.

21. Check below the type of supervision provided by the immediate supervisor to this position.
☐ CLOSE/HANDS ON or ☒ GENERAL/ADMINISTRATIVE

22. Additional information and comments (additional sheets may be attached, if necessary).

Item #	

VERIFICATION – READ CAREFULLY BEFORE SIGNING

I hereby certify that I have read the above and verify that it is, to the best of my knowledge, correct and accurate. I understand that disciplinary action could be taken against anyone who knowingly provides false information.

Jane D. Smith	Aug 31, 2008	(334) 242-3389
Signature of Incumbent	Date	Telephone # (ATTNET)

Sally Abrams	August 31, 2008	PersAnalyst	242-3389
Signature of Supervisor	Date	Title/Classification	Telephone # (ATTNET)

John Calhoun	8/31/08	242-1234
Signature of Appointing Authority	Date	Telephone # (ATTNET)

QUESTIONNAIRES NOT SIGNED BY ALL PARTIES WILL BE RETURNED

STATE OF ALABAMA - PERSONNEL DEPARTMENT

INSTRUCTIONS AND SUGGESTIONS FOR FILLING OUT POSITION CLASSIFICATION QUESTIONNAIRE

PART I - To the Employee

This is a job inventory to permit your agency and State Personnel to maintain an adequate and up-to-date classification of jobs. It is not a study to determine how efficiently you do your job or how well qualified you are to do your work. Its purpose is simply to obtain accurate information about the type of work and responsibilities assigned to this position. You are the best person to provide information about this job because you know the exact duties assigned to the position. Do not copy other positions' task statements even if they are in the same class; we want your own statements about the duties assigned to this position, not the ideas of others. Ask your immediate supervisor to explain questions you do not understand, but use your own words in answering all questions.

Write or type your responses on the questionnaire. Sign and return the questionnaire to your supervisor. If you wish, make a copy to keep for yourself but remember this form is describing the position and not the employee.

If you do not have enough space to answer any one of the questions, use additional sheets to complete your responses. However, use the space on the form to begin your statement, and do not use any more additional sheets than are necessary. Use plain, letter size paper for your additional sheets and staple them inside the questionnaire - do not use paper clips or tape.

The following explanations will help you to understand what information is needed to describe the position. Read the explanation for each item before answering each question.

ITEM 1. Enter the full name of the employee occupying the position (First, Middle, Last). If none, then enter VACANT.

ITEM 2. Enter the present "Official" job classification assigned to the position. If you do not know, ask your supervisor.

ITEM 3. Write the title you and your fellow workers customarily use for your job, such as "Carpenter," "Project Inspector," "File Clerk," "Bookkeeper," etc.

ITEM 4. Enter the name of the department or agency to which this position is assigned.

ITEM 5. Enter the name of the Division or Bureau to which this position is assigned.

ITEM 6. Enter the name of the Section, Unit, or other principal subdivision of the department to which this position is assigned.

ITEM 7. Enter the name of the county to which this position is assigned.

ITEM 8. Enter the name and the title of the position's immediate supervisor, the person who assigns work.

ITEM 9. Please check whether this position is full-time or part-time; then check whether it is a permanent position or other.

ITEM 10. Answer this item only if the position supervises others (NOTE: Only complete this section if the position completes the performance appraisals or actively participate in rating other employees. If it functions as a lead worker and only assigns work, then list that responsibility on item 11 B as a duty).

(A) Enter the number of people supervised (see note above).

(B) Give the percentage of time spent on direct supervisory related duties as compared to other duties.

(C) In the space provided list the employees supervised. If 5 or less, list names and job classifications. (EX: John Doe, Engineering Assistant) If more than 5, list job classifications and numbers. (EX: Engineering Aide –5)

(D) Check the box by the supervisory activities performed.

ITEM 11. (A) Give a summary description of what this position contributes to the Organization. (NOTE: Do not list individual job duties in response to this item.)

(B) Complete Column "C" first. Then after listing all job duties go back and complete columns "A" and "B."

In column "C", explain carefully each kind of work assigned to the position. Give the complete work assignment over a long enough period of time to picture the job as a whole. Make the description so clear that anyone who reads the tasks, even if they know nothing about the job, will understand. Be specific; do not use general phrases. Attach additional sheets if necessary.

In Column "A", indicate the percentage of time spent performing each task.

In Column "B", indicate the level of importance associated with each task.

VI	Very Important
I	Important
SI	Somewhat Important

ITEM 12. Provide an example(s) of the types of important decisions made by this position. Then, if an error is made in making that decision, list the possible effect(s) on the organization or general public.

ITEM 13. If this position has responsibility for controlling and/or authorizing any expenditure of funds, describe and indicate the approximate amount.

ITEM 14. Describe any written guidelines, specific laws, rules, regulations, instructions, or procedures that must be followed while performing the duties of this position.

ITEM 15. Check the box that most accurately describes how the supervisor reviews the work of this position. If "Other" is checked, then describe completely.

ITEM 16. Explain the nature and purpose of contacts this position has with people other than fellow workers. Is the purpose to obtain or give information, to persuade others, or to obtain cooperation? Please use the guidelines given (Who contacted, How contacted, Purpose of contact, and How often - Daily, Weekly, Monthly, Yearly).

ITEM 17. List any equipment, machines, or instruments used and the percentage of total time spent operating that equipment.

(A) Check whether this job involves typing and, if so, what percentage of time.

(B) Check whether this job involves shorthand and, if so, what percentage of time.

Note: Incumbents should sign and date at the bottom of the page.

PART II - Instructions to Supervisors and the Appointing Authority

Review each employee's questionnaire carefully to see that it is accurate and complete. Then fill out items 18 to 22, inclusive, on the questionnaires of only those employees whom you directly supervise. A supervisor should not fill in these items for employees directed through a subordinate, but only for those to whom you assign work directly. In all instances, the department head, administrative officer, or other designated representative should look over both the employees' and their supervisors' statements and indicate under Item 22 any inaccuracies found. Neither the immediate supervisor nor the reviewer, however, should make any alterations or changes in the statements made by a subordinate without first discussing the change with the employee. Any changes made should be initialed by the employee.

If there is a position which is temporarily vacant, or if an employee is not available to fill out the questionnaire, please fill out the form for that position, as accurately as possible. If an employee is new to a position, then have the supervisor complete the form with the employee.

Suggestions for Filling Out Items 18 to 21

ITEM 18. Read the employee's statements through and then give your opinion of his/her accuracy and completeness. Does it give a full picture of the position's duties and responsibilities? Does it overstate or understate them? Does it emphasize the wrong points? Either comment generally on the statements or refer to specific items. Do not change the employee's statements without discussing the change with the employee and having him/her initial the change.

ITEM 19. List any additional and/or more complex duties or responsibilities that have been added to this position to warrant reallocation.

ITEM 20. List any licenses, registrations or certificates that are required to perform the duties of this position.

ITEM 21. Check the box that best represents the type of supervision provided by you to this position.

ITEM 22. Use this space to list any additional information that has not been covered, previously.

Instructions to the Appointing Authorities

Either you or your authorized representative should review the information on the form, complete Item 22 indicating any additions, omissions, or inaccuracies and offering any pertinent comments, and then sign the questionnaire in the designated place.

This form must be signed by the incumbent in the position, immediate supervisor, and department or agency head in order to be valid.

Return of Completed Questionnaires

One copy of the questionnaire signed by the employee, supervisor, and department or agency head should be submitted for each position in the department. Additionally, a new Form 40 should be completed anytime a significant change of duties occurs. Copies of the completed forms should be retained by employees or departments.

CERTIFICATIONS

After classifications are established by the State Personnel Board, positions are approved, examinations are administered and scored, and the results are furnished to the Certification Division. The test results of candidates shown by name and ranked by score are called registers. It is the responsibility of this division to issue, upon request, a "Certification of Candidates," which is a list of available qualified applicants on the register. During the process of issuing certifications, employment rules established by federal court orders and state and federal laws are monitored and enforced.

State merit system law permits the certification of only those applicants who have indicated a willingness to work at a particular location. Self-limiting of job opportunities in this manner is called "availability."

See page 49 in Section V, Appointments, for additional procedures and guidelines.

Certification of Candidates

After an agency submits a Request for Certification of Candidates (Form 15), it will receive in return a Certification of Candidates (Form 16) (samples on pages 43 - 44). The appointing authority must indicate the action taken for each candidate on the Form 16 using the following codes:

A = appointed
B = declined due to date of availability
C = considered but not selected
D = declined offer of appointment, no longer available; candidate submitted written documentation requesting removal from register
E = deceased
F = failed to reply
H = passed over – already appointed in class
L = declined position or changed availability; candidate declined position and did not submit documentation requesting removal from register
P = pass over requested
Q = declined position for salary
R = removal requested
W = wrong address

No agency can have more than one certification out at the same time for the same division, county, and classification.

Agencies may require applicants to bring updated résumés or job applications with them to the job interview to assist the agency in its selection and hiring decisions. The résumés

or applications provided by the applicants at the time of their interviews should NOT be returned to State Personnel.

Appointments of persons to positions in the classified service that are not filled through reemployment, transfer, promotion, or demotion are considered original appointments. A completed Certification of Candidates (Form 16) supports this type of appointment from an established register. If an appointment to a classification is made on a conditional basis, documentation (e.g., grant guidelines) supporting the rationale for the conditional appointment must accompany the Request for Certification of Candidates (Form 15) from the agency.

Employment Provisions Imposed by Federal Court Order

The following rules must be used when selecting candidates per order of the U.S.-Justification District Court in U.S. vs. Frazer:

a. Each African-American candidate certified must be written a letter advising him/her that his/her name appears on a Certification of Candidates, the classification of the position to be filled, the agency, location, his/her rank on the certificate, number of persons certified, and the number of vacancies to be filled. A copy of each letter must be returned to State Personnel with the completed certification (sample letter on page 45). Where availability information is needed, African-American candidates must be given ten (10) days to respond to availability letters (samples on pages 46 and 47).

b. A certification may not be cancelled or returned if it contains the name of one or more African-American candidates who are available and all the requested positions have not been filled. If justified, a certification can be returned with copies of the documentation to substantiate compliance with this policy.

Work History Checks and Register Removals

After receiving a Certification of Candidates, an agency should conduct reference checks on the candidates' previous work histories and/or conduct background investigations of the candidates. If it is determined that an applicant is ineligible for appointment as defined in the Rules of the State Personnel Board, the appointing authority of an agency may request that the State Personnel Director remove that applicant from the register. This request must be made in writing to the State Personnel Director, forwarded to the Certification Division, and must give the reasons for the proposed action. Each request will be reviewed according to the facts, situations and provisions of State Personnel rules and laws. If removal is justified, the candidate will be notified and given at least ten (10) days to respond before a final decision is made by the State Personnel Director.

Passover of Veterans

"An appointing officer who passes over a veteran eligible and selects a nonveteran with the same or lower ranking shall file with the director the reasons for so doing..." Ala. Code § 36-26-15(b) (1975). A letter containing the reason(s) for this action must be submitted to State Personnel with the returned certification.

Handicapped Preference Certificate

Ala. Code § 36-26-16 (1975) allows for preference to be given to disabled persons in the certification process under certain circumstances.

Upon the request of an appointing authority, State Personnel can add the name of a disabled individual to a certification providing the individual has secured an eligibility certificate from the Department of Rehabilitation Services. Since this is State law, it does not supercede the federal court ordered requirements outlined on page 38 in this section.

Promotions

A promotion is an appointment of a classified employee to a position in a higher classification from a position in a lower classification. This may occur within an agency or between agencies. A completed Certification of Candidates (Form 16) supports this type of transaction.

All procedures governing original appointments from certifications apply. Upon promotion, the salary rate of the employee must be raised to at least the minimum rate of the pay range for the higher classification. If the employee's pay is already within the pay range of the higher classification, the employee may be given up to a two-step promotional increase, although such increase is not required. Promotional appointments must be effective the first day of a pay period.

An employee who receives a promotional increase will not be eligible for an annual performance evaluation and any resulting performance salary advance during his or her probationary period. If a promotional increase is not given, then the employee may be eligible for an annual performance evaluation and any resulting salary advance should the annual raise date occur during the probationary period.

Departmental Registers

Departmental registers may be requested for use by an agency, provided sufficient justification is submitted in writing to the State Personnel Director. Examples of appropriate justification include:

a. where the work or equipment in an agency is unique in nature;

b. where the agency has a particular training and development program for agency employees, the benefits of which would be lost except for such selective criteria; or
c. such unique circumstances as shall be deemed appropriate by the State Personnel Director.

Reemployment

Former employees who held permanent status in the classified service, who left the service and are eligible for reemployment are entitled to have their names placed on a reemployment list for the classification they held. They must request this in writing to State Personnel. At any time during the first two (2) years after their separation date, their placements on the reemployment list are routine. Beyond that, there is a provision to extend reemployment eligibility one (1) year at a time for up to two (2) additional years. To qualify for an extension, a written request must be made that includes verification of either related work being performed or related coursework having been taken. The layoff reemployment register does not qualify for extended eligibility.

After separation and payment for accrued annual leave, individuals cannot be reemployed until the break in service is equal to the amount of work days for which they received payment or unless they repay the difference.

To appoint a former employee from the reemployment register, an agency submits a completed Request for Certification of Candidates (Form 15) and receives a Certification of Candidates list (Form 16) (sample on page 48). A reemployment appointee serves a probationary period of three (3) months as opposed to the normal six (6) months required of a new appointee.

An individual may be appointed from a reemployment register at the same pay rate or the closest rate of salary he/she was earning at the time of separation without reduction in pay. However, he/she may be hired at a lower salary if he/she agrees to accept it. Employees hired from a reemployment list normally are not eligible for probationary raises.

NOTE: In July 1992, the Attorney General determined that a probationary employee laid off could be placed on the reemployment register as well as the active open competitive register. When such employee is reemployed from a reemployment register, he/she is only required to complete the remainder of the previous probationary period. If the employer deems that this time is insufficient, then the agency may request an extension. If the employee is rehired from any register other than the reemployment register, then he/she must serve the usual six (6) months probationary period.

An exception to this rule is an employee who is being reemployed from a reemployment layoff register. In this case, the annual performance appraisal date will remain the same as it was before the employee was laid off.

APPOINTMENTS

New employees normally begin at the minimum pay rate for the job classification. In cases where a higher pay rate is needed, to match current salary and compensation for experience for example, the appointing authority may request approval for a higher beginning pay rate from State Personnel. Requests for this must be justified on an individual basis and should include such information as the pertinent factors an agency requests to be considered and a current check stub reflecting the amount presently earned. These appointments above the minimum are not submitted for current employees. See Section IV - Certifications, page 39, for salary policies in place for promotion of current merit system employees.

The effective date of an initial appointment into State service must be the first day of work and may be any day during the pay period.

The legislative act that established the Information Systems Division (ISD) of the Finance Department requires that this Division plan, control, and coordinate State data processing/information systems (IS) activities. It is necessary that all requests for the establishment or reallocation of IS positions be approved by the ISD director prior to submission to State Personnel, Classification and Pay Division.

Legislation also prohibits the State from employing, promoting or reallocating to a higher classification, persons who are required to register with the Selective Service System without proof of such registration. An agency complies with this State Act by requiring potential or current employees to complete a Certificate of Registration. A sample format for this certificate is shown on page 57.

This certification can also be done through the Federal Selective Service System at www.sss.gov, which allows verification to be entered on-line by social security number. Once found, a screen print can be made of the record to document it for your file. Should a person not be registered with the Selective Service System, this same site can be used by the individual to submit his registration.

Extraordinary Appointments

Extraordinary appointments are so named because these appointments do not involve the usual personnel transactions such as transfer, promotion, demotion, or initial appointment from a certification. Four types of appointments are defined as extraordinary:

1. Provisional

   A provisional appointment is made when there is no appropriate register from which a regular appointment can be made or when there are fewer than three (3) available candidates. To determine eligibility for a provisional appointment, the statewide register is to be used. If the provisional appointment results in a promotion for a State employee, then the pay rate is determined in accordance

with the promotion guidelines shown on page 39 in Section IV – Certifications. Individuals hired by provisional appointment do not begin to serve a probationary period until the effective date of their appointment from the competitive register.

Provisional appointments are submitted to State Personnel on the Provisional Appointment (Form 4) (sample on pages 58 - 59) after completion by both the proposed appointee and the requesting agency. The form should be submitted to the Certification Division. A provisional appointment does not serve a probationary period or attain permanent status.

Once an examination is given and an eligible register is established for a particular classification, the top ten (10) scoring applicants will automatically be certified to the department having such provisional appointee in this job classification. The provisional appointee must be on the register in an appointable position in order to remain employed.

Procedures governing original appointments from certifications apply.

In no case is a provisional appointment to be continued for more than 156 days actually worked. Provisionals who are part-time can work the equivalent of 156 work days or a maximum of 1,248 hours.

A person may not be appointed to successive provisional appointments, unless there is a sixty (60) day break in service.

Time served as a provisional appointment does not count toward completion of the probationary work period.

Office Occupation Student Trainees are employed only through the provisional process and can only work during the school term.

2. Temporary

When service to be provided by an employee is for a temporary period not to exceed 104 days actually worked, or 832 hours, a person may be selected without regard to standing on a register.

Successive non-competitive appointments to the same position, or of the same person, shall not be made under this provision; there must be a break in service. This is defined as a break in employment of at least sixty (60) days.

The Departmental Appointment Notification Form (Form 5) permits rapid appointments to temporary classifications of Clerical Aide and Employment Services Temporary Clerk. At the time of the interviews, the test for the job classification is administered by screening for possession of the minimum qualifications. Forward a completed Application for Examination (Form 3)

(sample on pages 28 - 31 in Section III - Recruitment) and a completed Departmental Appointment Notification (Form 5) to State Personnel where the minimum qualifications of the appointee's application will be received prior to employment (sample on page 60).

An agency may use the Employment Service Division of the Department of Industrial Relations as the reference point for Clerical Aides. If an agency wants to serve as its own referral point, contact the Manager of Examinations to establish the record keeping system required.

Temporary appointments may be made to unskilled laborer positions through a properly completed Notice of Appointment to Labor Position (Form 8). See page 53, Unskilled Appointments, in this section for instructions.

Provisional appointments may also be temporary. The Form 4, Provisional Appointment, contains a space under "Employment Type" for the appointing authority to report the appointment as temporary.

3. Emergency

When an emergency arises and it is necessary in order to prevent loss of public property or serious inconvenience to the public, an appointing authority may employ a qualified individual immediately during the period of the emergency without taking time to secure a Certification of Candidates from State Personnel.

An appointing authority must justify by letter to the State Personnel Director as soon as possible any emergency appointment, giving the name of the appointee, his or her social security number, the rate of pay, the probable length of employment, the nature of the emergency, and the nature of duties performed. A vacancy in a permanent position caused by resignation of which an appointing authority had a reasonable notice is not an emergency.

Emergency appointments may not exceed ten (10) work days.

An appointing authority must also report the separation of an emergency appointee. See page 136 in Section IX – Separations for instructions.

4. Exceptional

Whenever a position in the classified service requires peculiar and exceptional qualifications of a scientific, professional, or educational character, the State Personnel Board may suspend the examination requirements for such a position.

An appointing authority may request an exceptional appointment by letter to the State Personnel Director. Such appointments require approval by the State Personnel Board.

Exceptional appointments are rare. In general, such appointments must be supported by a letter of justification. If approved, the letter will provide details about the appointment.

Limited Tenure

In February 1994, the State Personnel Board approved the use of Limited Tenure Appointments. The purpose of this appointment is to provide a vehicle for the recruitment and employment of individuals with Bachelor's degrees into State government in order to train for skilled, difficult to fill positions and/or for affirmative action purposes; and to eliminate obstacles to successful competition with the private sector for such individuals.

1. Limited Tenure Appointments can last for no more than two (2) years. By that time, employees so appointed must either have been employed through the normal competitive process or separated from employment.

2. The classification to be used for limited tenure appointment is the State Professional Trainee classification.

3. There will be no positions assigned to this classification. In order to qualify for such an appointment, the agency must have a vacancy in the classification for which the Trainee is to understudy. This position will then be "under-filled" by the Trainee. The minimum qualifications for the position must meet the criteria of requiring a degree and no more than two (2) years of experience.

4. Employees appointed through this process will not serve a probationary period and cannot receive permanent status or, of course, a six (6) month raise. They may, however, be considered for annual performance evaluations and raises. For the purpose of benefits determination, including leave, insurance, etc., these employees will be treated in the same manner as provisional appointments.

5. Such appointments are made through use of the Departmental Appointment Form (Form 5) (sample on page 61). A copy of an application from the individual proposed for appointment is to be included (sample on pages 28 - 31 in Section III - Recruitment). A cover letter should be attached giving the classification/PCQ number of the position for which the appointment is proposed, as well as the justification for the appointment. Also include a copy of an agreement with the applicant acknowledging the conditions of employment (sample on page 62). The agreement should be placed on departmental letterhead. The completed paperwork should be forwarded directly to the State Personnel Manager of Examinations.

6. Appointments will be rigorously reviewed by the Manager of Examinations for appropriateness of the proposed appointment as related to the classification for which the position is to train and by the analyst in charge of that classification to

determine appropriateness of the individual's degree. Statistical studies of the appointments made will also be performed.

Unskilled Appointments (Form 8)

Appointing authorities with positions in the classified service involving unskilled or semiskilled labor may appoint persons meeting minimum qualifications without using a regular appointment through competitive examination. Approval is required by State Personnel for each appointment of this type. Some classifications employed in this manner are Laborer, Parks Worker, Home Attendant, and Produce Inspector.

Appointments to these positions may take one of two forms. Appointees who are paid on an hourly basis are not normally considered long-term employees, and are not immediately entitled to any privileges of leave as provided under the State Merit System. (See page 78 for leave information.) Those who are paid on a semi-monthly in arrears basis are considered more likely to be long-term and are entitled to leave privileges as set forth in the State Merit System.

Both types of appointments to unskilled or custodial service are supported by a completed Notice of Appointment to Labor Position (Form 8). Whether the appointment is to an hourly position (termed hourly Form 8) or to a semi-monthly position (termed semi-monthly Form 8) is determined by the method of payment specified on the Form 8 by the appointing authority. Because they are not hired competitively, Form 8 appointments are not eligible for permanent status. Samples of completed Form 8 are provided on pages 63 and 64.

Direct Appointments

Certain job classifications involving unskilled or semiskilled work are designated as suitable for Direct Appointment by the State Personnel Board. The type of work performed by these classifications is to be such as to make normal examination difficult and observed job performance is the only practical measurement of success.

Persons wishing to apply for these jobs submit their application forms directly to the agency using the classification in the matter prescribed by such agency. The appointing authority will determine if the applicant meets the minimum qualifications validated for the classification by State Personnel and choose among the qualified applicants in any suitable method the appointing authority may adopt.

In making these choices, the appointing authority should be aware of the necessity for preferential consideration to veterans who are equally or higher qualified than a non-veteran applicant. If a non-veteran is chosen in such situations, the agency must maintain in its records a letter stating the reasons why the veteran was not selected.

Such appointments are made through use of the Departmental Appointment Form (Form 5) (sample on page 65). A copy of an application (sample on pages 28 - 31 in Section III

LEAVE

In computing annual, sick, educational, military, and other special leave for employees in state service, off days are not counted. Leave taken for less than a full day, other than military leave, may be charged in 15 minute increments. Part-time employees accumulate leave on a proportional basis to the hours worked. For programs such as donated leave or advanced sick leave that require leave be exhausted, odd accumulated time (less than 15 minutes) should not be considered when determining eligibility.

Each agency is responsible for computing and verifying the leave progression start dates for all employees, including those who transfer into the agency. Service credit is given for the amount of time worked. For example, an employee working a half-time schedule will receive one (1) year credit for every two (2) calendar years.

Annual Leave

Employees in regular, permanent positions, including provisional appointees, earn annual leave with pay on the basis of semi-monthly pay periods. Permanent or permanent part-time employees must be in pay status 80% of their work schedules to accrue leave. Annual leave is accumulated according to the following schedule set forth in 670-X-13-.02 of the Rules of the State Personnel Board.

Schedule of Leave Accumulation for Full-Time Employees

Total Service	Accumulation per pay period	Accumulation annually
less than 5 years	4 hrs 20 min	13 days
5 through 9 years	5 hrs 25 min	16 days 2 hours
10 through 14 years	6 hrs 30 min	19 days 4 hours
15 through 19 years	7 hrs 35 min	22 days 6 hours
20 through 24 years	8 hrs 40 min	26 days
25 or more years	9 hrs 45 min	29 days 2 hours

Leave is not credited to an employee until the completion of a pay period and cannot be used by the employee sooner than it is credited. Leave does not accrue except when an employee is actually working or on authorized leave with pay, and in no case shall leave accrue subsequent to actual separation from service. A change in the rate of accumulation does not become effective until the beginning of the first full pay period after the leave progression date.

Employment service in a non-merit State agency may count for increased leave accumulation credit and/or for the transfer of leave balances. In each instance, the employing agency must submit in writing a request to State Personnel to approve or deny the acceptance of the employment period and/or leave balances. Included in the request must be a letter from the non-merit State agency certifying that the entity follows the Rules of the State Merit System and State Personnel procedures for leave accumulation

and usage, and the employee under review received, earned, and used leave under this same methodology. If the time is ruled as qualifying, the leave progression start date and/or leave balances should be adjusted accordingly by the agency.

Temporary employees are not eligible to accumulate annual leave.

No more than 60 days (480 hours) of accumulated annual leave can be carried over beyond the end of the calendar year. The pay period that ends on December 31 also ends the calendar year. Leave accrued for this pay period will post with an effective date of December 31. Therefore, an employee whose balance after this posting is greater than 480 hours will lose the amount in excess of 480 hours.

Ala. Code §36-26-35(c) (2001 Cum. Supp.) allows for any law enforcement officer of the Department of Public Safety to receive payment for any accrued and unused annual leave in excess of 60 days (480 hours), up to a maximum of ten (10) days (80 hours) per year. Payment is calculated using the officer's regular rate of pay.

Upon separation from service, an employee is to be paid for the actual amount of annual leave accumulated up to 60 days (480 hours).

A sample Leave Form is included on page 86, but may be modified to meet agency needs.

Mandatory Leave

An appointing authority, with the approval of the State Personnel Director, may require an employee to use accumulated annual leave under certain circumstances when the appointing authority deems the employee's absence from work to be in the best interests of the agency. Examples of such circumstances include a period of time when the employee is under investigation leading to a disciplinary proceeding, 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. This leave is requested and approved in ten (10) work day increments. An appointing authority may request an extension of mandatory leave, also in ten (10) day increments.

In the event that an employee does not have sufficient accumulated annual leave, the employee may be placed on mandatory leave without pay. If the employee is placed on mandatory leave without pay, the employee must be notified of such and given an opportunity to be heard. The State Personnel Director has the discretion to restore accumulated annual leave expended in the above manner.

Sick Leave

An allowance of four (4) hours, twenty (20) minutes for each semi-monthly period of service is made for sick leave without regard to an employee's number of years' service.

Employees must be in pay status 80% of their work schedules to receive leave accruals.

Leave does not accrue except when an employee is actually working or on authorized leave with pay, and in no case shall leave accrue subsequent to actual separation from State service.

No more than 150 days (1,200 hours) of accumulated sick leave can be carried over beyond the end of the calendar year. Hours in excess of 1,200 by the end of the calendar year are placed in an excess account. If an employee suffers extended illness or disability lasting more than 150 days, the State Personnel Board may, on the recommendation of the appointing authority, approve the restoration and use of any sick leave that might have been earned in excess of this maximum.

The Rules of the State Personnel Board define sick leave to mean "the absence from duty of an employee because of: (1) illness; (2) bodily injury not incurred in 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. Immediate family is hereby defined to include wife or husband, children, grandchildren, parents or grandparents, sister or brother, mother-in-law, father-in-law, daughter-in-law and son-in-law. Where unusually strong personal ties exist, due to an employee'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 such case the employee concerned shall file with his appointing authority a written statement of the circumstances which justify an exception to the general rule."

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

An appointing authority can require that a claim for sick leave be supported by adequate evidence; and any unjustified or fraudulent claim for sick leave may be punished by loss of pay, loss of accumulated leave, suspension or dismissal.

Employees cannot be paid for accumulated sick leave when they are separated from the State service, except in the case of retirement or death. In those instances, a payment for 50% of the employee's sick leave balance is made up to one half of 1,200 hours. This completely liquidates the employee's balance. All other employees, provided they leave service in good standing and are re-employed within a period of four (4) years from date of separation, may have the sick leave accumulated during previous employment, or any part thereof, restored upon recommendation by the appointing authority and approval by the State Personnel Director. However, as sick leave has a "dollar value" upon retirement with the State, an agency may not accept the routine restoration of such leave.

Merit System Rules allow the transfer of accumulated sick leave from county or city Boards of Education and State supported public post-secondary schools in Alabama to

State agencies should the agency accept it. When an individual is appointed from an Alabama school system or state-supported college, the department may secure the employee's sick leave balance and make this a part of the personnel record to be called upon in case of extended illness. This is accomplished by submitting a letter and documentation from the school system to State Personnel for review and approval. This leave must be placed in an escrow sick leave account.
For example, if an employee exhausts all accumulated annual and sick leave earned with the state (including any excess sick leave), the employee may then use this balance (or a portion thereof) to cover days missed from work due to illness upon the approval of the appointing authority. In essence, the balance from a local school system or state-supported college serves as "insurance" for the employee, in case of extended illness. Any such balance (or escrow) will not be counted as accumulated sick leave earned with the State and, therefore, will not be paid upon retirement. Again, acceptance of such leave is an option of the appointing authority and is not mandated under State Personnel regulations.

Bereavement Leave

Ala. Code §36-26-36.3 (2001 Cum. Supp.) provides for bereavement leave to be granted to all persons regularly employed by the State, and who are subject to the Merit System. A maximum of three (3) days of bereavement leave with pay per occurrence may be granted to an employee who does not have accrued sick leave available to use for the death of a person related by blood, adoption, marriage, or as otherwise provided by the State Personnel Board rules. Related by blood is defined as limited to within the fourth degree, or "first cousin." Any leave granted to the employee must be repaid in the form of leave days, including sick leave, annual leave, compensatory time and personal leave within one (1) calendar year. An employee must repay the leave prior to transferring to a different agency. Employees separating from state service prior to repaying the leave will have the remaining liability deducted from their final paychecks.

Advanced Sick Leave

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

1. All accrued leave (sick and annual), as well as accrued compensatory time or personal leave day if applicable, must be used before an advance is made.

2. No advance may be made to an employee unless the absence from duty is for five (5) consecutive work days or more.

3. Each application for an advance must be supported by a physician's certificate.

4. The total days of sick leave advanced may not at any time exceed 24 work days, including any additional time granted before the first amount is "paid off."

5. An employee must file a request for the advance of sick leave with the appointing authority of the department in which he or she is employed.

6. Advances in sick leave are charged against sick leave as it is accumulated. The agency may opt to reduce the advance sick leave liability with annual leave. Annual leave earned should be de-accrued in GHRS and applied to the sick leave liability. For employees eligible for overtime under FLSA, any earned compensatory time may also be used to reduce the advanced sick leave debt. It may also be liquidated at any time by a payment of the value of the sick leave at the time it was granted.

Requests for advanced sick leave are submitted on an Application for Advance of Sick Leave (Form 12) and are approved at the discretion of the appointing authority (sample on page 87). These forms are not sent to State Personnel but are kept in an agency's file.

The Rules of the State Personnel Board require that employees who have been advanced sick leave under Section 670-X-14-.01 (h) and who separate from state service be liable for any outstanding claims or liabilities accrued through the provision of this leave. No employee shall be readmitted to State service until this debt to the State has been satisfied.

In order to carry out the provisions of this rule, when separating an employee who has an outstanding balance in connection with advanced sick leave, the agency should mark "No" on the Form 11, Item 34 "Reemployment Recommended." An explanation should be attached or noted on the form indicating that readmittance to State service is prohibited until the debt is liquidated. This action will alert the Certification Division to make this employee inactive on employment registers and send the individual a letter indicating this action and an explanation of how and when they will be eligible for State employment. When the debt has been repaid, it is imperative that the agency notify State Personnel so that the individual can be returned to active status if the respective register(s) is still in use.

Employees cannot transfer or promote to another agency if advanced sick leave is owed. It must be paid back before the transfer or promotion can take place. In the case of a promotion, the hiring agency should send the applicant being offered the promotion a conditional letter of appointment. The applicant should be given a specified number of days to repay the present agency for the advanced leave liability in order for the promotion to occur. If the employee does not satisfy the liability in the specified time, or declines before the given date, the agency making the offer of employment can make the offer to another eligible applicant.

Temporary employees are not eligible for advancement of sick leave.

Donated Leave

State law permits the donation of leave from one state employee to another state employee when certain conditions are met and upon the approval of the employee's appointing authority and the State Personnel Director.

In order to receive donated leave, an employee must have suffered a catastrophic illness or injury, or be the caregiver for a member of his/her immediate family, as defined by Family and Medical Leave Act (FMLA), with a catastrophic illness or injury. A catastrophic illness or injury has been defined as one from which an individual will never fully recover the ability to work or which is life threatening, or one requiring a recuperation period of approximately one (1) or more years to be able to perform the employee's normal job duties or which has deteriorated for this length of time until the employee can no longer function without surgical intervention, including medical conditions related to pregnancy or childbirth that cause the individual to be absent from work for an extended period of time. The catastrophic illness must be certified by a licensed physician and approved by the State Personnel Director.

FMLA defines an "immediate family member" as the employee's child, parent/legal guardian, or spouse. Individuals who do not qualify as immediate family members are the employee's in-laws, siblings, ex-spouses, aunts, uncles, cousins, grandparents, grandchildren; children 18 years old or older (unless the child has a serious health condition that prohibits the child from caring for himself/herself), or stepchildren, unless the children are living in the employee's house and the employee is the primary financial provider.

If the employee is requesting donated leave as the caregiver for an immediate family member (as defined by the FMLA), then the physician's statement must indicate this, and explain why the employee's presence is required, in addition to providing details about the catastrophic illness/injury of the immediate family member.

An employee eligible for maternity leave may qualify for donated leave during the time her doctor states she is disabled due to the pregnancy. Examples of disability due to pregnancy are: miscarriage, bed rest due to a life threatening situation, or post partum recuperation. A physician's verification of disability is required. The Leave Donation Request form should indicate the disability due to pregnancy in the explanation section.

The employee receiving the donated leave must have exhausted all his/her annual and sick leave, secured the approval of his/her appointing authority, and submitted the request in writing on a Request For Donated Leave Form (Form 25) (sample and instructions for completion on pages 88 - 89) in time for it to be acted upon prior to the donated leave being used. Permanent status is not a requirement. An original Form 25 is required and may not be submitted more than three (3) months prior to the date of anticipated need.

Additionally, as an option to the employee, this form contains a waiver for the beneficiary employee to sign authorizing State Personnel to post information about the

employee's situation on the SPD website or in other SPD publications. If the employee wishes to use that service, it will allow other employees to be aware of the need for donated leave. Because of the sensitivity of the information, this portion of the form must be signed by the employee before the information can be published. Since publication may not be needed immediately, the beneficiary employee's agency should notify SPD when publication is needed. When the employee no longer wishes to be listed, the agency should notify SPD to remove the name.

Annual, sick or compensatory leave may be donated, however it is to be credited as sick leave for the beneficiary employee. Donations of leave may occur between the executive, legislative and judicial branches of government. Legislation specifies leave to be donated may be given in whole hours only. An employee who is leaving state service is not allowed to donate more leave than could be taken prior to separation date.

Whether to allow donated leave for an employee is at the discretion of the employee's appointing authority. It is not a requirement for the appointing authority to do so. Additional agency specific requirements may also apply. Once granted, there is no limit on the time either given or received.

If a qualifying illness exists, an employee's job is protected for twelve (12) weeks under FMLA. The receipt and/or use (if applicable) of donated leave does not protect an employee's job after the twelve (12) week period covered by FMLA is exhausted.

If the employee is absent more than thirty (30) days or the time approved, a Form 25 must be submitted with a recent recertification from the physician certifying that the employee is still incapacitated with the same illness/injury. These updates are to be completed in order for the employee to continue to receive donated leave. The Form 25 has a place to check whether the submission is an initial request or a recertification.

A Request To Donate Leave Form (Form 25A) is to be completed by the employee wishing to donate leave and his/her appointing authority. It should then be forwarded to the beneficiary's agency. A copy of the form and instructions for completion and processing are included on pages 90 – 92. Legislation requires that leave, once donated, must be used for the purpose it was given during a twelve (12) month period or be lost.

State Personnel does not consider leave as having been donated until SPD has approved the request (Form 25A). Once the donation has been approved by State Personnel, the leave no longer belongs to the employee who donated it but to the beneficiary. It cannot be returned to the employee who gave it.

Once approval for the employee to receive donated leave has been secured (Form 25), there is no longer an issue of retroactivity. Donation request forms (Form 25A) may be submitted after the dates for which leave is needed, or not more than two (2) weeks in advance of the time leave will be needed. Donated leave is not to be used to "repay" advanced sick leave or bereavement leave as that would be considered retroactive.

This procedure should assist with tracking twelve (12) months from when the leave is actually donated (approval of the Form 25A) and should also minimize the amount not used by the employee for the purpose to which it was given. It is also a safeguard for the employees who volunteer leave to be donated: if the leave is not needed, then it is never subtracted from the donating employees' balances.

Some examples of qualifying leave donations are a brain tumor, rejection of a kidney transplant, and a mother caring of her child after his/her spinal cord was severed.

Family and Medical Leave Act

The information given below is intended to give you a brief overview of the State's policies and procedures for the Family and Medical Leave Act of 1993, amended in 2008 and 2009 (FMLA). The State of Alabama adheres to this federal regulation and utilizes it as its policy. Much more information is available in the course and materials furnished by State Personnel's Training Division.

Employees who are eligible under FMLA may take leave for up to twelve (12) work weeks during a rolling year. This leave is leave without pay; however, an employee may use annual leave, sick leave, or compensatory time concurrently. State holidays for which the employee is paid are not counted toward the 12-week period.

Employees may also utilize FMLA for military exigency circumstances. This type of leave is to allow the employees to prepare for their family members to be deployed in support of a contingency operation or to a foreign country. These exigency circumstances are as follows: (1) short notice deployment; (2) pre-deployment activities; (3) child care and school; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation visits; (7) post-deployment activities; and (8) any activity that the employee and supervisor determine is allowed.

Employees may utilize FMLA to care for a covered servicemenber or a veteran who has served within the last five (5) years. This leave is for a period of 26 work weeks in a projected calendar year.

From the beginning of a qualifying event, the 12-week FMLA leave entitlement is to be charged concurrently with accumulated sick leave, annual leave, compensatory leave or leave without pay. Any FMLA leave taken for a single condition should be taken all at one time. An employee may take FMLA leave intermittently or by reducing his/her work schedule to care for a family member with a serious health condition or for the employee's own serious health condition, only if medically necessary and with proper medical certification.

Spouses who are both employed by the State but in different agencies are each entitled to a maximum of twelve (12) weeks for the birth or placement of a child for adoption or foster care. However, if they are employed by the same agency, they are entitled to a combined maximum of twelve (12) weeks. Leave may begin prior to birth or placement,

as circumstances dictate.

If an employee's child or spouse is seriously ill, both the employee and his or her spouse are each entitled to twelve (12) weeks of leave regardless of employment in the same or different agencies.

During FMLA leave, the State will maintain the employee's individual group insurance benefits at the same level and under the same conditions as if the employee had been working. If an employee must take FMLA LWOP, there is no adjustment to his/her leave progression start date. Dependent insurance coverage must be paid by the employee. If an employee fails to return to work at the conclusion of the approved leave, or returns for less than 30 days, he/she may be required to reimburse the State for the employer's portion of the premium paid on his/her behalf during the leave.

Court Attendance Leave

Employees in the state service who are required to attend court as jurors in a non-work related capacity are granted Court Attendance Leave with pay. Attendance in court by law enforcement officers or other employees in an official capacity is not considered leave; they must observe the provisions of any law or departmental rules that may require them to turn over witness fees to their departments.

Education Leave

After attaining permanent status, education leave with full or part pay may be granted to an employee if the courses are related to the employee's current duties. The plan for such leave must be submitted in advance by the appointing authority for approval by the State Personnel Director.

Hourly-Paid Employees Leave

Hourly paid employees, regardless of employment type, are governed by the same plan developed by State Personnel. After meeting the qualifications established, hourly employees are entitled to annual leave and all legislated State holidays and such other holidays as may be proclaimed by the Governor. To become, or remain, eligible for said leave, an employee must be in continuous service status for a minimum of one (1) year, and must have earned at least 1,500 straight time hours during the previous year. See information on pages 93 - 95 for more details. Retired State Employees (11903) do not fall under these provisions as they receive no leave or holidays.

Leave Without Pay

Subject to the approval of the State Personnel Director, an appointing authority may grant to an employee a leave of absence without pay for a period not to exceed one (1) year.

When the leave of absence expires, the employee must be reinstated to a position in the

classification he/she held at the time the leave was granted, even if this means laying off an employee hired to do the work during the leave of absence.

Failure of an employee to report for duty promptly at the end of an approved leave of absence is cause for dismissal.

If necessary to the business of the State, an employee on leave may be notified to return before his/her leave expires. If the employee fails to return after being recalled, the position is considered vacant and may be filled permanently.

Leave without pay is not approved for employees to take other jobs or go in business for themselves.

Requests for LWOP should be submitted on a Form 11, Recommendation for Personnel Action, checking Item 21, "Leave without Pay" (sample on page 96). LWOP shown on the Form 11 must be justified with an explanation, otherwise it will be returned to the agency for completion. The effective date should be the first work day the employee is on LWOP.

A Form 11 also needs to be completed when the employee returns to work, checking Item 22, "Return from LWOP" (sample on page 97). The return date from LWOP should be the beginning of business the first work day the employee returns. An employee's annual performance evaluation period and any resulting performance salary advance are not automatically extended for this period of LWOP. An agency must request a change to the evaluation period and raise dates.

LWOP automatically extends an employee's probationary period for the number of calendar days of leave without pay.

No Form 11 for LWOP is required unless the employee is going to be off the payroll more than nineteen (19) consecutive work days.

Injury on the Job

In conjunction with the Finance Department's Division of Risk Management (DORM), the Comptroller's Office and State Personnel developed detailed personnel and payroll procedures for total disability benefit payments through GHRS. These procedures are found at www.riskmgmt.alabama.gov/RM/EmpInjuryComp.asps.

Military Leave

All employees with the State who are active members of the Alabama National Guard or Naval Militia, the Alabama State Guard organized in lieu of the National Guard, the civilian auxiliary of the U.S. Air Force (Civil Air Patrol), the National Disaster Medical System, or of the reserve components of the U.S. Army, Navy, Marine Corps, Air Force, or Coast Guard are entitled to military leave of absence on all days that they shall be

PERFORMANCE APPRAISAL PROCESS

The information given below is intended to give you a brief overview of the performance appraisal system. More specific information is available in the Performance Appraisal Manual and Progressive Discipline Manual published by the State Personnel Department's Training Division. Additionally, courses on the above areas are taught throughout the year to assist supervisors in learning how to use the State's performance systems.

An employee's immediate supervisor should conduct the appraisal process. The person most familiar with the work being performed by the employee is considered the rating supervisor. The appraisal should be objective and accurate because the supervisor has been monitoring behavior and communicating performance feedback during the appraisal period. In practically all cases, the supervisor should be an employee in a higher classification. Infrequently, however, an instance may occur where this is not possible. Such unusual circumstances must be thoroughly documented by the agency and approval secured from State Personnel. There are two types of evaluations. One is for a probationary employee. The other is an annual evaluation of a permanent classified employee.

Forms may be obtained through several avenues. First, department personnel offices may download the form from the State Personnel website in either ADOBE or WORD format. Second, State Personnel will send this form to the departments. Third, pursuant to departmental procedure, the department may keep a stock of appraisal forms to be requested when needed.

Probationary Appraisal

Probationary performance evaluations are required for classified employees.

The working test period (probationary period) for these types of appointments is generally six (6) months. However, there are some classifications where a twelve-month period is evaluated. Reemployment hires serve a three-month probationary period.

A Preappraisal Session is required for each person entering a probationary period. The Preappraisal is to describe the "Responsibilities and Results" of the position. It also includes a discussion of "Work Habits." The Preappraisal form is completed in the Preappraisal Session.

A Midappraisal Session is required for each person during a probationary period. The Midappraisal Session is to be held in the middle of the designated time frame of probation. In this meeting, the supervisor documents performance and provides feedback to employees on areas of strengths, areas that need development (and any action plans needed to raise performance), and areas where the employee "Meets Standards." A Midappraisal form is to be completed.

At the end of the probationary period, a final Employee Probationary Performance Appraisal is to be completed for the employee. The ratings for performance should complement the recommendation of the supervisor to make the employee permanent, continue the employee in probation, or separate the employee from service.

Final Probationary forms are prepared during the last month of the designated probationary period and must be submitted to the Payroll Audit Division of State Personnel no later than ten (10) calendar days before the end of the probationary period. Failure to notify State Personnel of your intended action will result in the employee being removed from the payroll at the end of the probationary period. By law, an employee cannot be paid for work performed after the expiration of probation, unless the appointing authority has submitted the Final Probationary form to State Personnel indicating the employee will be given permanent status or will continue on probation. If the employee has permanent status in another classification, the employee will be returned to the previous classification at the previous salary until the probationary report is received. The appointing authority is the only one who can grant permanent status or request an employee's probation be extended. See pages 111 and 112 for a sample.

The final report should be prepared earlier if the employee is to be separated from service. If the rating is below "Meets Standards," the employee should be considered for termination or continued probation. Extensions for probation are for three (3) months, but may be ended earlier. An extension should be noted in the appropriate section of the Form 13F. A letter giving the reasons for and the length of the extension must be submitted with the Form 13F.

An employee called to active duty while serving a probationary period cannot complete the probation until he/she returns to work. The probationary period is considered "frozen" until the employee returns to work from active duty. Once the employee returns, however, he/she can only be terminated for cause during the remainder of the probationary period. If permanent status is achieved, the permanent status date shall be backdated to reflect the date the employee would have completed probation but for his military service.

Probationary periods are automatically extended for periods of time greater than twenty (20) days when the employee is not on the payroll. Examples of such actions include Leave Without Pay, Suspension, and 2/3 pay for worker's compensation.

Employees who are on probation and who are activated into military service have their probationary periods "frozen" from the day military leave begins. The remainder of the probationary period will be served upon the employee's return. Agencies must identify these employees to State Personnel at both the beginning of the military leave and upon return from military leave. Employment of such employees can only be terminated for cause, even though they are still serving probationary periods.

If the employee satisfactorily completes the prescribed probationary period, a one- or two-step raise may be given (but is not required), effective the first pay period following

completion of the probationary period, provided that the employee has not had a raise during the probationary period, other than an adjustment due to a change in salary range or to a Cost of Living Adjustment.

Reemployment register appointments require one probationary report (final report) that is prepared in the manner described in the immediately preceding section. If an employee is appointed from a reemployment register at the first or second step of the pay range, a raise to the third step may be given following satisfactory completion of the three (3) month probationary period. The employee is not eligible for a probationary increase if appointed from the reemployment register at or above the third step of the range.

No probationary period is required if an individual is re-employed within two (2) years of the layoff in the department that effected the layoff. If an employee in probationary status is laid off and subsequently rehired by any agency, only the balance of the former probationary period is served out.

Employee Performance Appraisal

The appraisal year consists of three phases: Preappraisal, Midappraisal and Final Appraisal. A form and meeting is associated with all three phases. The designated rating supervisor is to carry out the appraisal process, with the reviewing supervisor examining and signing each form.

An employee must receive an appraisal annually. On rare occasions, Employee Performance Appraisal forms may be postponed. This action must be requested prior to the final appraisal period through State Personnel. A Performance Appraisal is not to be postponed due to absences surrounding FMLA and military leave.

A Performance Appraisal form must be completed for any employee leaving State service for any reason including retirement, termination, or resignation. The form is placed in the employee file at the agency personnel office.

Preappraisal

A Preappraisal Session is conducted at the beginning of each appraisal year following the evaluation of the preceding year. "Responsibilities and Results" for the position are listed on the form and discussed with the employee in a meeting. Likewise, any Work Habits are documented and discussed with the employee.

A Preappraisal should be completed once a year for each employee and the record retained in the employee's personnel file in the agency according to department procedure. The employee must receive a copy as well. It is wise for the rating supervisor to maintain a copy. State Personnel does not receive copies of the Preappraisal. A copy of the Preappraisal (Form 13P) that includes the Midappraisal is shown on pages 113 and 114. The Preappraisal form without the Midappraisal section is included on pages 115 and 116.

Midappraisal

Midway through the appraisal year, the supervisor should hold a Midappraisal Session with the employee to discuss performance levels. A discussion of strengths, development needs, and action plans are to be included. Pursuant to departmental policy, a supervisor may complete one of two forms to document the Midappraisal Session. A supervisor may use the Midappraisal form that is part of the Preappraisal form (Form 13P) (see page 114). Also, a separate Midappraisal form (Form 13M) is available (see page 117). The Midappraisal form documents areas of performance that are at the "Meets Standards" level of performance and is completed at the time of the Midappraisal Session. A copy is forwarded to the agency personnel office as dictated by agency policy. The employee and rating supervisor should each maintain a copy.

Annual Appraisal

The Employee Performance Appraisal (Form 13) is used for the final annual evaluation of the employee's performance on the job. The Employee Appraisal must be completed and returned to State Personnel prior to the raise month. A sample form is included on pages 118 and 119.

Section 36-26-27.1 of the Code of Alabama requires employees to have had prior knowledge of any documentation used in the disciplinary process. For this reason, it is imperative that the employee sign the performance appraisal form. As noted on the form, this signature does not denote agreement, but merely acknowledges that the form has been discussed with the employee. Should an employee refuse to sign, the supervisor should issue a direct order to do so with the clear understanding by the employee that disciplinary action will occur if the direct order is not obeyed. If refusal continues, discipline continues.

The original is forwarded to State Personnel, a copy should be given to the employee, the rating supervisor should maintain a copy, and another should be filed in the employee's departmental records.

Also, copies of any documentation reflected in the performance appraisal score should be maintained on file in the employee's departmental records. Copies of documents pertaining to disciplinary actions must also have been furnished to the employee within ten (10) days of the document being placed in the file. Any justification for ratings, according to State Personnel and departmental procedures, are to be followed.

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

SERVICE RATING	NUMBER OF STEPS
Does Not Meet Standards	0
Partially Meets Standards	0
Meets Standards	1
Exceeds Standards	2
*Consistently Exceeds Standards	3 or 4

In no case can step raises exceed the maximum rate in a salary range unless the employee is on a pay differential.

Further information about the specific process of granting a performance salary advance may be found on page 120 in Section VIII – Salary Changes.

*Consideration should be given to the restrictions requested by the Governor when granting performance raises. Currently, the number of steps is capped at two (2).

Fair Labor Standards Act

Fair Labor Standards Act (FLSA) Excerpts

Overview

The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. Covered nonexempt workers are entitled to a minimum wage of not less than $7.25 per hour effective July 24, 2009. Overtime pay at a rate not less than one and one-half times the regular rate of pay is required after 40 hours of work in a workweek.

- FLSA Minimum Wage: The federal minimum wage is $7.25 per hour effective July 24, 2009. Many states also have minimum wage laws. In cases where an employee is subject to both state and federal minimum wage laws, the employee is entitled to the higher minimum wage.

- FLSA Overtime: Covered nonexempt employees must receive overtime pay for hours worked over 40 per workweek (any fixed and regularly recurring period of 168 hours – seven consecutive 24-hours periods) at a rate not less than one and one-half times the regular rate of pay. There is no limit on the number of hours employees 16 years or older may work in any workweek. The FLSA does not require overtime pay for work on weekends, holidays, or regular days of rest, unless overtime is worked on such days.

- Hours Worked (PDF): Hours worked ordinarily include all the time during which an employee is required to be on the employer's premises, on duty, or at a prescribed workplace.

- Recordkeeping (PDF): Employers must display an official poster outlining the requirements of the FLSA. Employers must also keep employee time and pay records.

- Child Labor: These provisions are designed to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being.

- The Wage and Hour Division (WHD): The Wage and Hour Division (WHD) of the U.S. Department of Labor (DOL) administers and enforces the FLSA with respect to private employment, State and local government employment, and Federal employees of the Library of Congress, U.S. Postal Service, Postal Rate Commission, and the Tennessee Valley Authority. The FLSA is enforced by the U.S. Office of Personnel Management for employees of other Executive Branch agencies, and by the U.S. Congress for covered employees, of the Legislative Branch.

Special rules apply to State and local government employment involving fire protection and law enforcement activities, volunteer services, and compensatory time off instead of cash overtime pay.

Basic Information

- The U.S. Department of Labor's Wage and Hour Division (WHD) is responsible for administering and enforcing laws that establish minimally acceptable standards for wages and working conditions in this country, regardless of immigration status.

Basic Wage Standards

Covered, nonexempt workers are entitled to a minimum wage of $7.25 per hour effective July 24, 2009. Special provisions apply to workers in American Samoa and the Commonwealth of the Northern Mariana Islands. Nonexempt workers must be paid overtime pay at a rate of not less than one and one-half times their regular rate of pay after 40 hours of work in a workweek.

Wages required by the FLSA are due on a regular payday for the pay period covered. Deductions made from wages for such items as cash or merchandise shortages, employer-required uniforms, and tools of the trade, are not legal to the extent that they reduce the wages of employees below the minimum rate required by the FLSA or reduce the amount of overtime pay due under the FLSA.

The FLSA contains some exemptions from these basic standards. Some apply to specific types of businesses; others apply to specific kinds of work.

While the FLSA does set basic minimum wage and overtime pay standards and regulates the employment of minors, there are a number of employment practices which the FLSA does not regulate.

For example, the FLSA does not require:

1. Vacation, holiday, severance, or sick pay;
2. Meal or rest periods, holidays off, or vacations;
3. Premium pay for weekend or holiday work;
4. Pay raises or fringe benefits; or
5. A discharge notice, reason for discharge, or immediate payment of final wages to terminated employees.

The FLSA does not provide wage payment or collection procedures for an employee's usual or promised wages or commissions in excess of those required by the FLSA. However, some States do have laws under which such claims (sometimes including fringe benefits) may be filed.

Also, the FLSA does not limit the number of hours in a day or days in a week an employee may be required or scheduled to work, including overtime hours, if the employee is at least 16 years old.

The above matters are for agreement between the employer and the employees or their authorized representatives.

Nonagricultural Jobs (Child Labor)

Regulations governing child labor in non-farm jobs differ somewhat from those pertaining to agricultural employment. In non-farm work, the permissible jobs and hours of work, by age, are as follows:

1. Youths 18 years or older may perform any job, whether hazardous or not, for unlimited hours;
2. Minors 16 and 17 years old may perform any nonhazardous job, for unlimited hours; and
3. Minors 14 and 15 years old may work outside school hours in various nonmanufacturing, nonmining, nonhazardous jobs under the following conditions: no more than 3 hours on a school day, 18 hours in a school week, 8 hours on a non-school day, or 40 hours in a non-school week. Also, work may not begin before 7 a.m., nor end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Under special provision, youths 14 and 15 years old enrolled in an approved Work Experience and Career Exploration Program (WECEP) may be employed for up to 23 hours in school weeks and 3 hours on school days (including during school hours). In addition, academically oriented youths enrolled in an approved Work-Study Program (WSP) may be employed during school hours.

Fourteen is the minimum age for most non-farm work. However, at any age, minors may deliver newspapers; perform in radio, television, movie, or theatrical productions; work for parents in their solely-owned non-farm business (except in mining, manufacturing or on hazardous jobs); or gather evergreens and make evergreen wreaths.

Terms Used in FLSA

Workweek – A workweek is a period of 168 hours during 7 consecutive 24-hour periods. It may begin on any day of the week and at any hour of the day established by the employer. Generally, for purposes of minimum wage and overtime payment, each workweek stands alone; there can be no averaging of 2 or more workweeks. Employee coverage, compliance with wage payment requirements, and the application of most exemptions are determined on a workweek basis.

Hours Worked – Covered employees must be paid for all hours worked in a workweek. In general, "hours worked" includes all time an employee must be on duty, or on the employer's premises or at any other prescribed place of work, from the beginning of the first principal activity

of the work day to the end of the last principal work activity of the workday. Also included is any additional time the employee is allowed (i.e., suffered or permitted) to work.

Wages, Pay, & Benefits

- Pay raises are generally a matter of agreement between an employer and employee (or the employee's representative). Pay raises to amounts above the federal minimum wage are not required by the Fair labor Standards Act (FLSA).

- The Fair Labor Standards Act (FLSA) does not require breaks or meal periods be given to workers. Some states may have requirements for breaks or meal periods. If you work in a state which does not require breaks or meal periods, these benefits are a matter of agreement between the employer and the employee (or the employee's representative).

- The Fair Labor Standards Act (FLSA) does not limit the types of work employees age 18 and older may be required to perform. However there are restrictions on what work employees under the age of 18 can do. This is true whether or not the work asked of the employee is listed in the employee's job description.

- The Fair labor Standards Act (FLSA) does not define full-time employment or part-time employment. This is a matter generally to be determined by the employer. Whether an employee is considered full-time or part-time does not change the application of the FLSA.

- The Fair labor Standards Act (FLSA) has no provisions regarding the scheduling of employees, with the exception of certain child labor provisions. Therefore, an employer may change an employee's work hours without giving prior notice or obtaining the employee's consent (unless otherwise subject to a prior agreement between the employer and employee or the employee's representative).

- Overtime after 40 hours in a week = 1 ½ times an employee's regular rate of pay.

White Collar Exemptions under FLSA

To qualify for exemptions, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than $455 per week. Job titles do not determine exempt status. The white collar exemptions don't apply to employees earning less than $23,660 annually, manual laborers, police officers, firefighters, paramedics and other similar public safety personnel.

The following categories of white collar employees may be exempt from both the minimum wage and overtime requirements of the Fair Labor Standards Act:

- Executives
- Administrators
- Professionals
- Computer employees

- Outside salespersons
- Highly compensated employees

White Collar Exemption Tests

Tests for the executive, administrative, professional, computer, outside sales and highly compensated employee exemptions are detailed below. The tests vary depending upon how an employee is categorized.

Executive Exemption

To qualify for the executive exemption, all of the following tests must be met:

- An employee must earn a salary of at least $455 per week or $23,660 annually.
- The employee's primary duty must be managing the employing enterprise or one of its recognized departments or subdivisions.
- The employee must customarily or regularly direct the work of two or more other employees.
- The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight.

The employee's suggestions and recommendations have particular weight if it is part of the executive's job duties to make such suggestions and recommendations, the executive frequently makes or is requested to make suggestions and recommendations, or the executive's suggestions and recommendations are frequently relied upon.

There is an additional category of exempt executive that includes employees who own at least a 20% equity interest in a business if they also are actively engaged in managing the business, regardless of what they earn weekly.

Administrative Exemption

To qualify for the administrative exemption, all of the following tests must be met:

- An employee must earn a salary of at least $455 per week or $23,660 annually.
- The employee's primary duty must be the performance of office or non-manual work directly related to the management policies or general business operations of the employer or its customers.
- The employee's primary duty includes the exercise of discretion and independent judgment with respect to significant matters.

Professional Exemption

To qualify for the professional exemption, the following tests must be met:

- An exempt professional must earn a salary of at least $455 per week or $23,660 annually.

In addition to the salary requirement, an exempt professional must have a primary duty of performing office or non-manual work that requires one of the following:

- Knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction.
- Invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

The first prong of the above duties test is commonly referred to as the duties test for "learned professionals," while the second prong sets forth the test for "artistic professionals."

Computer Employees

To qualify for the computer professional exemption, the computer employees must earn at least $23.63 per hour or $455 per week ($23,660 annually) and be employed as computer systems analysts, computer programmers, software engineers or other similarly skilled workers in the computer field.

In addition to the above requirements, an exempt computer employee must have a primary duty in one of the following areas:

- Application of systems analysis techniques and procedures, including consulting with users to determine hardware, software or system functional applications.
- Design, development, documentation, analysis, testing, creation or modification of computer systems or programs including prototypes, based on and related to user or system design specifications.
- Design, documentation, testing, creation or modification of computer programs related to machine operating systems.
- A combination of duties described in the above three options that requires the same level of skill to perform those duties.

Outside Sales Exemption

There is no salary basis or compensation test for the outside sales exemption.

The outside sales exemption applies to an employee who meets both of the following requirements:

- The employee's primary duty is to make sales or the employee's primary duty is to obtain orders or contracts for services or contracts for the use of facilities for which clients or customers pay.
- The employee is customarily or regularly engaged away from the employer's place of business in performing his or her primary duty.

An outside sales employee typically makes sales at the customer's place of business or, if selling door-to-door, at the customer's home. Outside sales for exemption purposes do not include sales made by mail, telephone or the internet unless such contact is used in addition to personal calls.

Highly Compensated Employees

Employees earning at least $100,000 in annual base salary, commissions and non-discretionary bonuses are exempt from the FLSA's minimum wage and overtime requirements if the employee performs one or more duties of an exempt executive, administrative or professional employee.

Excerpts were obtained from the following websites:

- White Collar Exemptions under the FLSA - -Lawyers.com (http://labor-employment-law.laywers.com/wage-and-hour-law/white-collarexemptions)
- U.S. Dept. of Labor-Wage and Hour Division - - (http://www.dol.gov/whd/regs/compliance/mwposter.htm)
- http://www.dol.gov/whd/flsa
- http://www.dol.gov/whd/regs/compliance/hrg.htm
- http://www.dol.gov/elaws/faq/esa/flsa

Americans With Disabilities Act

THE AMERICANS WITH DISABILITIES ACT

INTRODUCTION

The Americans with Disabilities Act was legislation passed in 1990 that extends Civil Rights protection to persons with disabilities in such areas as employment, public accommodations, services provided by state and local governments, transportation, and telecommunication relay services. The Americans with Disabilities Act ("ADA") has been described as the most comprehensive Civil Rights statute since the passage of the Civil Rights Act of 1964. The drafters of the legislation estimated that 43,000,000 Americans currently have one or more physical or mental disabilities. In 2008, the ADA Amendments Act was passed.

The subjects covered by the ADA are divided into four (4) separate titles: Title I covers the area of private employment; Title II regulates the area of public services including employment of individuals in state and local government; Title III ensures there will be no discrimination and the full and equal enjoyment of the goods, services and facilities in any place of public accommodation operated by private entities; Title IV covers the area of communication relay services. Only Titles I and II (the employment provisions) of the ADA are addressed herein. Under Title III of the ADA employers must modify their existing facilities as required by that portion of the statute to ensure that the public has full and equal enjoyment of the employer's business. Title III applies to all businesses regardless of the number of employees.

SUMMARY OF THE LAW

A summary of the legislation may be best described in the words of the final Senate Report on the ADA:

> The purpose of the ADA is to provide a clear and comprehensive national mandate to end discrimination against individuals with disabilities and to bring persons with disabilities into the economic and social mainstream of American life; to provide enforceable standards addressing discrimination against individuals with disabilities, and to ensure that the federal government plays a central role in enforcing these standards on behalf of individuals with disabilities.

The ADA incorporates many of the standards of discrimination set out in regulations implementing the Rehabilitation Act of 1973. The ADA takes these standards and adapts them for this Act requiring on employers the obligation to provide **"reasonable accommodation"** for **"qualified individuals with a disability"** unless these changes would result in an **"undue hardship"** on the operation of the business.

The ADA also incorporates by reference the enforcement provisions under Title VII of the Civil Rights Act of 1964 and under the Civil Rights Act of 1991. Passage of the Civil Rights Act of 1991 amended certain aspects of Title VII of the Civil Rights Act of 1964 ("Title VII"). The changes now permit jury trials, compensatory damages and punitive damages in Title VII trials. These changes in the remedies and procedures of Title VII are now incorporated into the ADA's procedural process and available remedies.

DEFINING DISABILITY

The definition of a disability under the ADA includes an individual who has:

1. A physical or mental impairment that substantially limits one or more major life activity; or

2. A record of such impairment; or

3. Is regarded as having such an impairment.

When the Americans with Disabilities Act ("ADA") was first enacted, the scope of claims filed by "disabled" employees was astounding. The ADA was designed to bring individuals who had been excluded from employment due to severe limitations caused by disabling conditions into the work place. However, after a number of years, it became clear that the ADA was being abused by individuals who claimed they were disabled by everything from being too heavy to "sore" backs. The courts have limited ADA claims in past rulings and, now, the Supreme Court has also clarified what types of claim can be brought under the ADA.

REASONABLE ACCOMMODATION.

A "reasonable accommodation" must be provided by the employer to the known physical or psychological limitations of a qualified applicant or employee who has a disability. The exception to this is if the employer can show that to accommodate would cause an undue hardship on the business.

A reasonable accommodation is an ongoing commitment. The reasonable accommodation analysis is not only for the job the individual retains, the analysis also applies to other jobs the individual seeks or jobs where the individual may be considered for promotion. If the individual with a disability refuses accommodation and there is no other accommodation available, then the individual is no longer considered qualified for the job. An employer is not required to make an accommodation for personal use, such as providing an individual with a wheelchair, special eyeglasses, a hearing aid or an artificial limb. Examples of reasonable accommodation include the following:

1. Accessibility of facilities to applicants and employees with disabilities.

2. Restructuring a job by modifying or reallocating non-essential job functions.

3. Altering the timing or method in which an essential job function is performed.

4. Work schedule flexibility, if possible.

5. Obtaining special equipment or devices to assist the employee to reach the same standard of performance as any other employee.

6. For employees only, consideration of reassignment to a vacant position.

7. Designated parking for an individual with a disability.

8. Qualified interpreters or readers; hearing amplification devices.

Equipment Manual

ESTABLISHMENT OF DEPRECIATION RATES

AND REPLACEMENT RATES

There are four types of charges for generating funds for the replacement of equipment. They are:

1. Object 0867 - Depreciation - Aircraft.

   Object 0877 - Depreciation - Road Machinery and Equipment.

2. Object 0868 - Usage replacement allowance - Aircraft.

   Object 0878 - Usage replacement allowance - Road Machinery and Equipment.

3. Object 0869 - Non-usage depreciation - Aircraft.

   Object 0879 - Non-usage depreciation - Road Machinery and Equipment.

4. Object 0870 - Non-usage replacement allowance - Aircraft

   Object 0880 - Non-usage replacement allowance - Road Machinery and Equipment.

Actual money generated by the eight objects above are determined by establishing two rates: Depreciation Rate and Replacement Rate. These rates are used in conjunction with minimum use requirements.

Minimum Use is calculated as minimum monthly use by dividing the replacement base usage units by the replacement base in months. For example, an automobile has a replacement base (in miles) of 55,000 and a replacement base (in months) of 60 months. Therefore, the replacement

Annual Agreements Requisitions:

These SNAP requi sitions are used for lease/purchase, maintenance, rental, periodicals, etc. These requisition s are for a stated time, usually a one (1) year period. They are normally used for services, repairs, and rental of personal property and are submitted to Procurement on a SNAP requisition coded "AN1" for those less than $7500 and "AN2" for those $ 7500 or greater. These requisitions are approved by State Purchasing, or bid, respectively, and as a result, purchase orders are issued.

Open-end Purchase Requisitions:

"OP1" (less than $7500) and "0P2" ($7500 or greater) requisitions are used to establish open-end purchase orders for the purchase of various products (non-numbered equipment) periodically during the established purchase order period, usually the current fiscal year. These requisitions may be for contract items, such as but not limited to:

1. Fuel
2. LP Gas
3. Road Maintenance and Construction
4. Equipment Repair Parts and Service
5. Office Supplies
6. Safety Supplies
7. Janitorial Supplies
8. Building Maintenance

The requisition process is the sa me as that used for other SNAP requisitions. For all open-end orders, the requisi tioning agency must list on the r equisition those employees authorized to sign the delivery ticket.

Contract Release Requisitions:

This requisition is used to purchase commodities or services which have been bid and awarded as a statewide or agency contract at firm pricing for a period of one (1) year by State Purchasing. A SNAP requisition coded "REL" is used to order contract items and a regular purchase order is is sued. Contract purchases of $500 or less may be made with an EP-10 Requisition. See page 5-7.

A Contract Release Order (REL) may be used as an open-end purchase order for contract products or services by appending appropriate language to the RMOD description, e.g., "Products (services) to be obtained on an 'as–need' basis from date of award through the end of the Fiscal Year, or the expiration of the contract, whichever occurs first."

Expense Account Reimbursement:

Under normal circumstances, the items employees need for the performance of their job duties are to be acquired by regular purchase order (PO), emergency purchase order (EP-10), or local delivery order (LD0). However there are times employees must incur a personal expense to purchase items needed for the timely and efficient performance of their job duties. The Alabama Department of Transportation Standard Policies, Procedures, and Instructions Manual, Section 1.7, contains the proper procedure for reimbursement when an employee incurs an incidental expense during the performance of normal job duties. The employee is to file an expense account for miscellaneous expenses and attach receipts for the items purchased. A letter of approval from the employee's supervisor for all purchases must be attached to the expense account. This letter must substantiate the critical need for the item(s) purchased in the performance of the employee's job duties. In all cases, the maximum reimbursement is limited to $100.00.

All purchase requisitions with a single item cost of $500.00 or more must have a copy sent to the Equipment Bureau from the Procurement Office. This is true regardless of the type of purchase including lease-purchase agreements (see Exhibit 8.9). A review of the items on the requisition is made by the Equipment Bureau to determine if Property Inventory numbers are required. If numbers are required, then a suspense file is held on the requisition. A copy of the purchase order is attached to each requisition in suspense and held until the material receipt is received. All Southern Linc phones will be assigned an ALDOT Property Inventory Number per department policy (see Exhibit 8.10). If an item being purchased is an **enhancement**, **upgrade** or **repair** to an existing item of equipment that is already numbered, **this information must be noted on the requisition / material receipt** or the item being purchased will be assigned a new ALDOT Property Inventory number if it meets all criteria.

Equipment will be assigned ALDOT Property Inventory numbers by the Equipment Bureau upon receipt of the Purchase Order. These numbers will be entered into the Property Inventory System and held in suspense until the material receipt is processed. Bureaus and Divisions can retrieve these numbers by entering the requisition number into the Property Inventory System. Items donated, installed during a construction contract or attained through any manner other than the Requisition/Purchase Order, or EP-10 process must have a letter sent to the Equipment Bureau submitting all pertinent information. The letter must have a dummy requisition number in the right corner (Division number X sequence number) (Example 500X11111). A number will be assigned after this letter is received.

Special Note: Other Equipment purchases should not be purchased using an EP-10. However, due to emergency or other approved situations, copies of EP-10, material receipt and invoice must be sent to the Equipment Bureau, Property Section. Also, other equipment (trailers, tanks, mowers, etc.) must not be purchased or constructed using the LDO purchase system.

The report summarizes funds that have been accumulated or allotted, as follows:

Plus

1. Total Fund Accumulation.
2. Proceeds from sale of equipment.
3. Funds accumulated on salvage/sold/transferred equipment.
4. Proceeds from insurance claims on total losses.

Less

1. Transferred to equipment appropriations for purchases.
2. Appropriations for enhancements.
3. Cost of sales.

The difference between these two categories is the unallotted fund balance. Also this report summarizes the following:

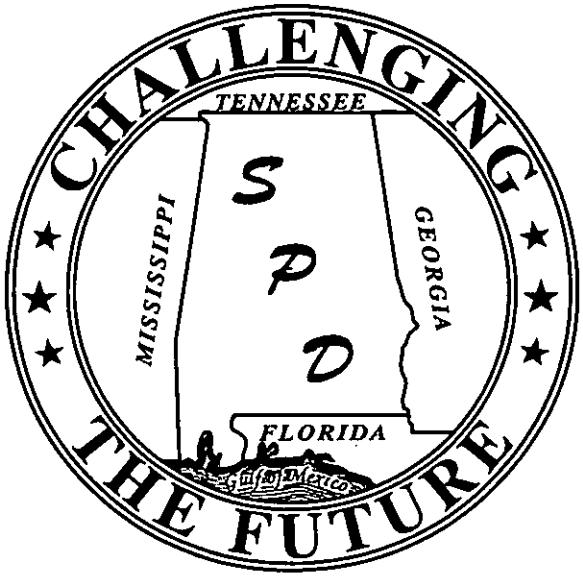
1. The cost of enhancements.
2. The enhancement allotment balance.
3. The amount of equipment that has been paid for.
4. The estimate in equipment purchase allotment account.
5. The fiscal year estimated minimum fund accruals.

Rental Equipment Average Monthly Use Report (EQ22REAU)

This report (Exhibit 15.5) is desi gned to show management the average usage by basic code, the expected replacement date, and how efficiently the equi pment is being operated. It is broken down by division location providing the Rental Rate (RR), the Depreciation Rate (DR), Assignment or Replacement Rate (AR), the Replacement Cost (RC), the Unit of Operation (U/Op), and the Replacement Base (RB). It is broken down by the individual equipment number showing the total operating cost, acquisition date, age in months, to-date usage, and average monthly usage. The report also lists the sublet charges to the vehicle (operating gains and losses on similar equipment that has been salvaged) and the total operating cost less the Sublet charges. It reports the expect ed replacement date based upon the Replacement Base and the average monthly usage.

STATE OF ALABAMA

PROGRESSIVE DISCIPLINE MANUAL



State of Alabama Personnel Department
Training Division

June 2006 Edition

STEPS OF THE DISCIPLINE PROCESS

STEP ONE: WARNING

The first step of discipline is a warning. A warning must be documented in writing. Make sure that the warning has the word "Warning" on it so that there is no doubt as to what step of discipline the supervisor has taken. The supervisor must provide the employee with the warning in the method of a memo, letter, or form. A sample form is included in this section on which to document the reprimand. A supervisor should hold a formal session (meeting) with the employee.

The session should outline the unwanted behavior and desired changes. The supervisor should be specific in describing the issues and the change needed by the employee. Supervisors should not take for granted that employees automatically know the specifics of the desired change. It is best for supervisors to be direct but show that they care about the employee's performance. After all, the supervisor is the team coach of the office or group.

The supervisor would be wise to let the employee repeat back to them the needed change in behavior. The most effective way to talk with the employee is for the supervisor to ask the employee about solutions to the performance issues. If the supervisor "asks" for solutions rather than "tells" the employee their solution, the employee will be more apt to look at the discipline as constructive rather than punishment. This action allows the employee to take responsibility in his/her performance changes. In addition, the employee should be informed of further disciplinary actions that will occur if the behavior does not change.

It would be helpful to set up a corrective plan of action for the employee. This corrective action plan lets an employee know what behavior needs to be changed, the results that are desired, and a time period in which the behavior will be monitored. How the supervisor will assist and a follow-up date to review performance should be included in the corrective action plan. To learn more about corrective action plans, please refer to Corrective action plan section of this Manual. The supervisor should document the discussion regarding the warning and corrective action plan, if used, in his or her own supervisory files. Supervisory file means the informal notes that each supervisor should maintain on each employee. These informal supervisory files are also mentioned in the Performance Appraisal Manual as documentation that is collected in order to justify ratings at the end of the year and serve as a memory source for that appraisal.

The supervisor is to wait until after the session with the employee and then proceeds to write a warning. The wait is suggested because, if the supervisor has used appraisal and discipline correctly, this meeting is conducted only after one or two counseling sessions (in most situations). Therefore, the meeting may result in the employee providing information that may change the perspective of the supervisor. For example, information from the employee indicates that in the particular situation, no infraction actually occurred – it was

hearsay. However, in most cases, the supervisor proceeds with the warning if there is no change in perspectives and it is fair for the employee to receive a warning.

The supervisor must then instruct the employee to sign and date the warning to indicate acknowledgment and receipt of the warning. If an employee refuses to sign the warning, despite being instructed to do so, the employee is insubordinate, and the next step of discipline—the reprimand—is to be taken with the employee. If an employee continues to refuse to sign the documents, discipline should progress, up to and including termination.

Under the State Personnel Board Rules, "insubordination" includes the following misconduct:

- ✓ Failure to follow an order (of a supervisor or someone with authority to direct the employee or agency policy or procedures);
- ✓ Disobedience (not obeying supervisor's instructions or agency policy or procedures);
- ✓ Failure to submit to authority as shown by demeanor or words, except in circumstances where the employee has good reason to believe the order is unsafe or illegal.

Rule 670-x-19.01(2)(b), State Personnel Board Rules. Furthermore, any disruptive or disrespectful behavior is insubordination. An employee who commits the act of insubordination may be suspended or dismissed on the first offense, considering work record and length of service.

A copy of the warning is given to the employee after the session has been held. The supervisor should document appropriate information in the supervisory file regarding what occurred in the meeting with the employee. The discussion should include the information as discussed in the session to include the problem area, the correct behavior, future consequences if behavior does not change, date of the session, and the agreement made between the employee and supervisor. An appropriate corrective action plan is written for the employee as an agreement to change within a certain period. Any corrective action plan is to be given to the employee immediately after the disciplinary session. A copy of the warning and corrective action plan should be kept in the supervisory file. A copy of the warning is given to the reviewing supervisor. A copy of the warning and corrective action plan must be sent to the central Personnel Office of the agency. Any other copies should be handled according to department policy. A sample form is included in this section or one may use a letter or memo format.

A warning is documented on the Employee Performance Appraisal at the end of the appraisal year for the employee. The documentation simply explains the situation for which a warning was given. In addition, a work habit area or responsibility should reflect that discipline took place. However, no points are deducted under "Disciplinary Score" on the Employee Performance Appraisal. Counseling and warnings are giving the employee an opportunity to change behavior with no future action that would deduct points from the appraisal. This documentation on the appraisal form (with no points deducted) is also a record of when troublesome behavior started in case it continues into the next appraisal period. The appraisal will either support or refute future personnel actions.

Remember if, a warning is placed in a formal file of the employee, a copy should be given to the employee within ten days of receipt into the file. Failure to do so can result in the warning being made null or void, as dictated by state law.

The warning and session, openly labeled as a warning, should set the employee on the right track. However, there are those times when the conduct of an employee continues to deteriorate. In this case, the next step of the discipline system should be taken. The next step is a reprimand.

STEP TWO: REPRIMAND

The second step of the discipline system is referred to as a reprimand. This involves a more serious approach to problem areas. A reprimand is documented in writing. A letter, form or memo should be written to the employee should clearly state it is a "Reprimand." The employee must sign that they received the reprimand.

Additionally, a reprimand should state the continued or additional unwanted behavior and the necessity of the desired behavior. It should state that further disciplinary action would take place if the behavior does not come in line with the job standards. Again, a corrective action plan should be developed if possible. The supervisor may choose to discuss the corrective action plan then or in another session. The letter or memo may include both the reprimand and the corrective action plan. A supervisor may reprimand the employee in conjunction with a corrective action plan. A sample form is included in this section or one may use a letter or memo to document the reprimand.

The supervisor is to hold a disciplinary session with the employee. The supervisor should talk through the problem area including correct behavior and future consequences. The supervisor must then instruct the employee to sign and date the reprimand to indicate acknowledgment and receipt of the reprimand. If an employee refuses to sign the reprimand, despite being instructed to do so, the employee is insubordinate and the next step of discipline—suspension—is to be taken with the employee. If an employee continues to refuse to sign the documents, discipline should progress, up to and including termination. The employee is given the reprimand letter or form as the session ends.

A copy of the letter is given to the reviewing supervisor. A copy is maintained in the supervisor's file. A copy is maintained in the official employee files of the Personnel Office of the agency. Departmental procedure should dictate whether any other copies are to be maintained. All sessions with the employee should be documented in supervisory files.

Remember if, a reprimand is placed in a formal file of the employee, a copy should be given to the employee within ten days of receipt into the file. Failure to do so can result in the warning being made null or void, according to state law.

A written reprimand is documented on the Employee Performance Appraisal at the end of the employee's appraisal year. The work habit area or responsibility of poor performance should reflect the discipline that occurred. This reprimand should be documented in the "Disciplinary Action" section of the Employee Performance Appraisal. In addition, one or more reprimands, if the most severe step taken with the employee during an appraisal year, results in 7 points being calculated in the "Disciplinary Score" section of the Employee Performance Appraisal.

Unfortunately, there will be times when a warning and a reprimand does not change behavior. In this case further disciplinary action should be taken. The next step of the discipline process is suspension.

SAMPLE FORM THAT MAY BE USED FOR A COUNSELING, WARNING OR REPRIMAND

THIS IS A ☐ COUNSELING

☐ WARNING

☐ REPRIMAND

Employee Name

_____

State the facts of the performance or work conduct problem:

_____

_____

_____

_____

State what actions have been taken with the employee prior to this step of discipline (include counseling, coaching, and/or any disciplinary step):

_____

_____

_____

_____

State how the situation can be resolved based on discussion with employee and input from the employee:

_____

_____

_____

_____

If a corrective action plan is developed in conjunction with the discipline, include the time frame that is being monitored for change in performance and the follow-up meeting date:

_____

_____

Supervisor's Signature: _____

Employee's Signature: _____

Date of Meeting _____

Employee's signature denotes discussion not necessarily agreement. The employee may add comments which must be attached to this form. The form must be given to the employee with copies to the supervisory file and Personnel Office file in the agency.

STEP THREE: SUSPENSION

The third step of the disciplinary procedure is suspension. This is a severe and extremely serious step in the employee's career in state government. It is important for the employee to realize this fact. An employee may be suspended for up to 30 days in one year. Suspension is always Leave Without Pay.

The supervisor must contact the agency Personnel Office and Legal Staff regarding the recommendation for suspension. A letter should be written regarding the recommendation for suspension and include the continued problems of employee performance and the counseling and disciplinary actions that have been taken with the employee thus far. Depending upon the agency, the letter may be written by the supervisor, division chief, attorney, or Personnel manager. The letter should be written based on the continued documentation of the supervisor to include dates of problems, dates of counseling/disciplinary sessions, goals, and discussions with the employee. In addition, other pertinent information that provides detail and evidence of infractions and the opportunities provided to the employee to change behavior. The employee is to be told the suspension is a time for the employee to consider the criticality of the continued offenses and to decide if he or she would like to continue employment in state government.

As with all personnel actions, a letter must be written to the employee informing him/her of the decision and the dates of suspension. Departmental procedure governs any other necessary paperwork and communication processes. The letter of recommendation for suspension and the letter informing the employee of the appointing authority's decision to suspend the employee must be given to the employee. The supervisor must then instruct the supervisor to sign and date the letter, indicating acknowledgment and receipt of the document. If an employee refuses to sign the letter, despite being instructed to do so, the employee is insubordinate and the next step of discipline—termination—is to be taken with the employee.

Upon the employee's return, the employee should be required to give the supervisor an answer as to their decision regarding behavior change and employment with the department.

The supervisor should carefully document each action and each discussion with the employee. Again, note that the agency Personnel Office and Legal Staff must be contacted before any action or discussion takes place between a supervisor and an employee regarding a suspension.

A suspension is documented on the Employee Performance Appraisal at the end of the employee's appraisal year. The work habit area or responsibility of poor performance should reflect discipline occurred. This suspension should be documented in the "Disciplinary Action" section of the Employee Performance Appraisal. In addition, if the most severe step of the appraisal year is one or more suspensions, 17 is deducted in the "Disciplinary Score" section of the Employee Performance Appraisal.

Unfortunately, there are a few cases where an employee's conduct does not change even after suspension. Perhaps the employee came back from the suspension and stated they were willing to change the deviant conduct and desired to continue employment with the department. However, the unwanted behavior starts again. In this case, it may be necessary to take the fourth step of the discipline process known as termination.

Agencies must have chosen one of two ways in which to conduct a suspension:

The law on suspensions has recently been expanded to include appeals in certain cases. Employees who work for agencies that did not have in place by August 1, 2001 a procedure that provided for a due process hearing are entitled to an appeal. Ala. Code 1975, §36-26-28 SUSPENSIONS provides:

1. A suspension with a right to appeal.

An appointing authority, from time to time, may peremptorily suspend any employee without pay or other as punishment for improper behavior, but such suspension or total suspension by such appointing authority of such person shall not exceed thirty (30) days in any year of service. Such suspension with loss of pay may be affected by service upon the employee by the appointing authority of written charges setting out clearly the delinquency for which the suspension was made, a copy of which must be at the same time mailed or delivered to the director. The suspended employee does have the right to file with the Board and the appointing authority a written answer or explanation of such charges.

The suspended employee may within 10 days after notice pursuant to this section file a written notice of appeal from the suspension. If the suspended employee gives notice of appeal from the suspension, the appointing authority shall have the discretion of whether to stay the suspension pending the disposition of the appeal or proceed with the suspension and provide the employee with a post-suspension review subject to the time frames prescribed herein.

If a timely notice of appeal is filed, the appointing authority shall elect between one of the following methods of reviewing the claim. The appointing authority shall, within 10 days after receipt of the appeal, do one of the following:

a. Appoint a panel as provided for in subsection (c) to decide questions of fact, conclusions of law, and make recommendations to the appointing authority.

b. Appoint a designated hearing officer as provided for in subsection (d) who will decide questions of fact, conclusions of law and make recommendations to the appointing authority.

This subsection shall apply only to a department or agency of the state that has 25 or more employees for each working day during each of 20 or more calendar weeks in the current or preceding calendar year.

In instances where the appointing authority elects to appoint a panel, the panel shall consist of three individuals, two of whom shall be in the same or equivalent classification as the suspended employee.

The panel, by majority vote, may recommend to the appointing authority, after a hearing, either of the following:

(1) That the charges are unwarranted and that the suspension be revoked.

(2) That the charges are warranted and that the suspension be upheld.

In instances where an appointing authority elects to appoint a hearing officer, the hearing officer shall be selected from a jointly approved list of individuals agreed upon by the Alabama State Employees Association and the respective department or agency. This process shall be repeated annually.

Irrespective of which method the appointing authority selects for adjudicating suspension appeal hearing, all hearings shall be conducted in accordance with notions of due process.

The burden of proof shall lie with the appointing authority to prove the charges forming the basis of the suspension.

Those departments or agencies currently having an existing process for suspension hearings may continue to use the existing process, provided that they observe tenets of due process including that the burden of proof shall lie with the appointing authority.

Further, this section shall not apply to any department which currently employs and continues to employ as a standard practice in such cases a pre-disciplinary hearing before an independent hearing officer who makes a recommendation for disciplinary action to the appointing authority based upon a fair hearing of the matter.

Further, this section shall not apply to any department which currently employs and continues to employ as a standard practice in such cases an appeal hearing before an in-house hearing officer independent of the division or area in which the employee works. Said hearing officer shall be selected from an approved list of individuals who shall be jointly agreed upon by the Alabama State Employees Association and the respective department or agency. This process shall be repeated annually.

The employee may file for an appeal within 10 days after the notice may file an appeal. The appointing authority has the discretion to stay the suspension or proceed with the suspension and provide a post-suspension review. The appointing authority, within 10 days after receipt of the appeal must determine whether to appoint a hearing officer or a panel. The employee should receive due process concerning the hearing. The letters and meetings occurring up to and including the suspension hearing are applying the due process. Due process should involve a notice of intention of the appeal hearing and a meaningful opportunity for the employee to respond.

2. A due process hearing prior to a suspension with no appeal rights.

In this situation, the employee is served with a letter detailing the charges. Prior to the decision of the suspension, the employee is entitled to advance written notice, a full due process hearing with witnesses and exhibits. Again, due process should involve a notice of intention of the appeal hearing and a meaningful opportunity for the employee to respond. The employee is to be told the length of the recommended suspension.

A letter is to be given to the employee that outlines the details of a pre-suspension hearing including the location, date, and time. The letter must include the facts regarding the employee's allowance to bring representation. It should be noticed that only the employee is allowed to speak in the hearing unless determined otherwise by the agency policy. In addition, the letter should inform the employee that a hearing would result in the employee being given the opportunity to answer the charges made against the past performance. Prior to the hearing, an employee is to be told about the option of signing a Waiver of Due Process Suspension Hearing. If the employee decides to sign the waiver, no hearing is held and the suspension is immediately enacted.

If the employee decides the option of a pre-suspension hearing, the hearing officer holds a hearing as stated in the letter. The hearing officer recommends whether to uphold or revoke the suspension recommendation, based on the facts. The appointing authority's decision to suspend or revoke the suspension is final in the agency. If revoked, the employee simply continues to work without disruption.

However, if the suspension is upheld, the employee is sent a letter of suspension including the duration of suspension and dates of suspension. The employee is to be informed to consider the criticality of the continued offenses and to decide if he or she would like to continue employment in state government. This decision is based upon whether the employee will change the undesirable behavior after returning from suspension. Mentioning this to an employee gives the employee the opportunity to know that continued performance problems may lead to termination.

PRACTICAL APPLICATION OF THE DISCIPLINE STEPS

The discipline process is to be utilized at management's judgment of the situation(s) or event(s) of the employee's undesirable behavior. This supervisory judgment is critical and must not be taken lightly since the supervisor must decide which step of discipline is appropriate. There are two areas that must be examined when using supervisory judgment in determining when to use discipline or what step of discipline to take. The two areas are as follows: 1) The work history of the employee and 2) the severity of the conduct or performance.

Discipline, especially the last two steps, is serious business. Management must make decisions on each employee situation. Yet, while looking at an individual situation, the supervisor must be consistent with past discipline taken with other employees

First, a supervisor examines the past work history of the employee. Have there been continual problems for five years non-stop? Or is this the first time in ten years the employee has ever been out of line? Has the employee worked for you twenty years with "Meets Standards" performance or is the employee eight weeks into probation and has already received a warning?

Second, the supervisor has to examine the severity or frequency of the offense or problem. For example, one employee is five minutes tardy. Another employee comes in drunk on alcohol or stoned on marijuana. Which one will you obviously deal with first? Which one will receive harsher discipline? The severity of the offense or the number (frequency) of occurrences of the infraction contribute to the decision if which step of discipline to take. It is management's judgment whether to progress from counseling and through the four steps, one-by-one, or move to a more severe step immediately.

Part of supervisory judgment is to determine the point in the employee's behavior at which to implement the discipline process. For example, an employee violates the punctuality policy and is tardy. Does the employee receive a step of discipline the first time a supervisor sees the employee walk in late? Or is discipline administered after four or five tardy situations? Is discipline administered if the tardiness is five minutes? Or does discipline start when tardiness is consistently twenty minutes after the start time?

It is up to supervisory judgment as to what determines the applications of discipline. One way to understand more about supervisory judgment is to discuss these type issues in a supervisory meeting. Usually there are no set numeric policies within agencies. Typically, agencies set generic rules that supervisors must make specific additions to agency procedures. Senior supervisors are another source of assistance. If a supervisor has been around for years and had proper management skills, she or he may be able to helpful with which action to administer. Another source of expertise is the agency Personnel Office. Discipline actions must be administered consistent with what has been done in the past.

For the most part, the steps of discipline are to be adhered to in order of progression. There may be occasions where repeating an earlier step is appropriate. For example, if it has been determined that there is a problem with an employee's tardiness, a counseling may be given. If the tardiness continues, the supervisor may determine that a warning is necessary. If the tardiness becomes greater and more frequent in occurrence and has not improved, the supervisor may chose to reprimand the employee. In this example, the tardiness continues and inappropriate attendance problems start occurring. A suspension may be warranted. However, it is not appropriate, in most circumstances, to give another written warning after the suspension if similar offenses continue.

However, the discipline application may change if, after the counseling, warning, reprimand, and suspension for attendance and punctuality problems, a verbal conflict with a coworker occurred. It may be that the supervisor determines that another reprimand is in order because the conflict with the coworker was dramatically different and apart from the problem with punctuality and/or attendance. At this point, on most occasions, future infractions would be looked at in a cumulative manner so as not to digress in the disciplinary steps. It is probable that suspension and eventually termination would occur if other tardiness, attendance, outbursts, or new infractions occur.

Most employee infractions in disciplinary terms are examined in an accumulative manner. Of course, this is considering the work history of the employee. A situation where a supervisor might consider starting over in the discipline process is if considerable time has passed since a particular problem needing discipline occurred. In addition, during this lapsed time, the employee's conduct has been fully competent. Consider the example used earlier. The employee had a problem with tardiness, attendance, and coworker conflict. A counseling, warning, reprimand, and suspension have taken place. The employee improves to comply with the departmental policy. Two years have gone by and no problem has occurred. Two performance appraisals have been given and indicate no problems in the performance of the employee. Then, the employee starts work habits problems again. The supervisor would be wise to begin with a warning again – certainly not start where the discipline left off two years ago and proceed with a termination.

Again discipline is not a science. Most infractions are not identical in nature from year to year or employee to employee. However, as a supervisor grows in their management skills and leadership judgment, so will their judgment in employee discipline.

CORRECTIVE ACTION PLAN

A corrective action plan is recommended for the first three steps of the discipline process. A corrective action plan should be used with a warning, reprimand, and suspension. In fact, a corrective action plan is useful for any performance problem.

A corrective action plan consists of five areas. Each area needs to be communicated to the employee. This is best done through written means such as a memo or form. It may be communicated during the disciplinary session that is held in conjunction with the discipline process. Again, remember that discipline is to assist an employee in changing undesirable

behavior to desirable performance. A corrective action plan assists in this goal by providing an orderly, precise, and practical plan to overcome the weak area.

There are five areas included in a corrective action plan. The supervisor should:

1. State the behavior or area of conduct that is deficient and needs to change. Be very specific in this explanation. It is helpful to include examples of actual situations when the conduct occurred. It helps an employee understand the importance of changing if a supervisor lets them know the consequences that make the conduct undesirable.

2. State the desired behavior or conduct. Be specific as to what actions would be appropriate and provide the necessary change. This part may be as simple as writing the policy regarding the area or a complicated as explaining work operations or processes.

3. Set a time frame that will be used to monitor the behavior to assure that the employee changes the conduct to proper behavior. This time frame should be long enough such that the area in question can be observed enough times to ensure the proper behavior are occurring. For example, a month – four work weeks – would be appropriate if punctuality is an issue.

4. State any assistance that the supervisor or department will provide to the employee, if appropriate. For example, the employee may need training or additional resources such as equipment or supplies. If so, those should be outlined. There is no actual assistance on the part of the agency or supervisor if the problem is a Work Habit.

5. Set a follow-up date and time to meet with the employee. This meeting should be at the end of the time frame that was set. For example, a supervisor set six weeks as the time frame in which to monitor a change in employee behavior. The supervisor should set a day and time for a meeting at the end of the six weeks to conduct a session with the employee. This session should be written into the corrective action plan. It gives the employee a point of closure to determine whether a change in conduct has occurred or not. It is important for this session to be conducted and not neglected even if the employee's behavior appears to have improved.

A corrective action plan will clarify to the employee the importance of the situation. A corrective action plan demonstrates that conduct is a critical part of performance. Again, a corrective action plan is appropriate at any time an employee's performance is not up to standards, policies, or procedures.

DOCUMENTATION OF DISCIPLINE

Documentation is extremely important in today's litigious environment. In fact, "If it is not written down, a situation did not happen" is a phrase frequently used to emphasize the

importance. If documentation of a negative light regarding the employee's performance is included in the agency's Personnel Office file. This is not just proper management but also a state law.

The term "file" is usually perceived differently depending upon the employee, supervisor, or agency. Therefore, it is important to know the work "file" has specific meanings as referred to while reading the Progressive Discipline Manual. The supervisory file is the first "file" that has more detailed notes contained in it regarding employee's performance. Documentation may include the daily and weekly notes of performance of responsibilities whether the information demonstrates weak performance areas, excellent performance, or fully competent performance. Coaching and counseling is kept in the supervisory files. For example, a supervisor may keep up with dates and times of punctuality for an employee. Of course, this type documentation would only be in the supervisory file. Many supervisors use a calendar to document performance, some use a notebook or file, a few maintains documentation on electronic files. Regardless of the method, all supervisory file should be secured and confidential.

The next level of "files" as paperwork goes up the chain of command or agency is the division, branch, unit, county or regional office file. Agencies are all divided into sub groups based on location around the state or the discipline/career field in which one works. In large agencies, these decisions (i.e. regional sections of the state based on geographical location) may have units within the division. It is up to departmental procedure for the division of departments and where files are mandatory to be maintained. The next level of "files" is usually the agency Personnel Office field. This one is referred to as the official departmental file. Lastly, but foremost, is the employee file that is maintained at the State Personnel Department.

By law, a copy of any documentation or information that is provided to the unit, division, branch, county and, certainly, agency files must be given to the employee within ten days of putting it in the formal file(s).

Having defined the term "files, this section of the manual refers to the documentation by the supervisor during the year. This information contains helpful hints. It does not refer to documentation written on the Employee Performance Appraisal Form. Please refer to the "Steps of the Discipline Process" for information on the Employee Performance Appraisal and deductions. Additionally refer to the State of Alabama Performance Appraisal Manual for documentation associated with form and supervisory file documentation.

Any memos or letters written in the administration of discipline is also considered documentation and should adhere to good documentation techniques. The original of such memos or letters should be given to the employee. The supervisor should maintain a copy in the informal supervisory files. However, formal notices of personnel actions must also be sent to the agency Personnel Office according to departmental procedures.

The supervisor should document specific incidences of improper conduct as it is observed or investigated. Specifically, the behavior should be documented as it is occurs. Daily and weekly informal documentation is usually the backbone of whether an agency will proceed with a severe step of discipline. A paper trail must clearly show the improper conduct or

continual failure to perform duties properly. In addition, notes need to consist of actions, conversations, and employee responses during the disciplinary session for a warning, reprimand, and/or suspension. This type of documentation is typically referred to as supervisory documentation and maintained in informal supervisory files.

Good documentation techniques can be summed up in the first three letters of the alphabet. This is referred to as the "A, B, C's of Documentation." "A" stands for "accurate." "B" stands for "behavioral." "C" stands for "consistent."

Documentation should be accurate. A supervisor should never back date or falsify notes. The supervisor should document the truth. Documentation should be behavioral. It should contain actual examples of conduct, behavior, or performance. It should not include references to personality or ambiguous labels such as "slow service," "poor attitude," or "bad employee." It should include specific examples of behavior and actions of the inappropriate performance. For example, the documentation for "poor attitude" should read "the employee screamed at the supervisor, left the office, and slammed the door while the supervisor was still talking." In addition, documentation should be consistent. It should include documentation on all employees throughout the year.

There are many types of documentation. The most recognized forms of documentation are diary keeping, summary, and critical incident. The method called "critical incident" is the best suited for discipline and performance problems. A supervisor documents performance leading to the counseling, warning, reprimand, suspension. A supervisor documents what occurs in the meetings with the employee associated with the personnel actions mentioned above. Documentation should include corrective action plans, follow-up on performance and/or continued employee actions as incidents occur. Note that the critical incident method is also used to record examples of good performance.

PROPER DISCIPLINE TECHNIQUES

There are certain characteristics that add to the success of disciplinary actions. These characteristics add to the employee's return to proper performance. Proper discipline is initiated in a timely manner. This means disciplinary action takes place as the unwanted action is identified or when there is a pattern of inappropriate conduct. The only time discipline would not take place immediately is when an investigation is being conducted. Otherwise, the intervention is immediate. Likewise, the consequence should be immediate. After the unwanted behavior has been brought to the attention of the employee, the consequence of such unwanted conduct should be specified. Again, the only time this may differ is when an investigation is pending.

Discipline should be non-discriminatory. It should be based on nothing more than the infraction. It should not be based on race, sex, personality, associations, age, etc. The discipline should be individualized based on the work history of the employee and the length of employment. For example, there may be a twenty-year employee that demonstrates tardiness for the first time in their work history. Then, there may be a probationary employee employed with the state for the first time. The tardiness of this employee has increased consistently during the first three months. A supervisor may

determine to take action with both employees. However, the supervisor may mention the problem earlier to the probationary employee. The supervisor may decide to administer different steps of the discipline process. At the same time keep in mind that discipline is consistently applied.

Another characteristic of proper discipline concerns feedback to the employee. Feedback should be specific and accurate. Supervisory actions and employee responses should be documented. Disciplinary actions should be documented on the appraisal form as well.