ARTICLE 10
PROMOTIONS, REMOVAL, TEMPORARY DISCHARGE AND REINSTATEMENT

A. **Promotions.**
All promotions within the Department shall be according to the City Civil Service Rules and Regulations.

B. **Removal.**
Removal of personnel other than probationary employees, from any position in the Fire Department shall be effected in accordance with City Civil Service rules and regulations.

C. **Temporary Discharge and Reinstatement.**
Any temporary discharge and reinstatement of personnel shall be according to City Civil Service rules and regulations.

D. **Lateral Employment Transfers.**
The Fire Chief may accept lateral transfers for entry level firefighter positions, if said candidate holds a current Mississippi Minimum Standards certification. Lateral transfers are subject to, all Articles of this collective bargaining agreement.

ARTICLE 11
PERSONNEL FILE REVIEW

A. It is agreed and understood by and between the parties of this Contract, that the City shall maintain a personnel file on each of the employees subject to this contract. It is further agreed and understood that Fire Department members and/or the Union shall have reasonable access to his/her personnel file, whether the same is a central file, a satellite file or otherwise, during reasonable business hours. The City agrees to maintain a log of the names, times, and dates of individuals who view, copy, or modify any Fire Department personnel files.

B. It is further agreed that prior to either, a commendation or disciplinary action, being placed in an employee's personnel file, the employee shall be notified of the same in writing.

ARTICLE 12
SENIORITY

A. Seniority shall be defined as the length of continued service of an employee with the City since the employee's most recent date of hire.

B. Within ninety (90) days of the effective date of this agreement, the City will establish a department-wide seniority list by rank, showing the name, position, date of employment, and date of appointment to current rank. Upon establishing the seniority list, the City will provide a copy to the Union and Civil Service Commission.

C. Retirement shall be in accordance with State law.

ARTICLE 13
COMPENSATION OF INJURED EMPLOYEES
SAFETY

A. Compensation to Injured Employees.

1. Payment of Worker's compensation to all employees who are disabled because of an injury arising out of and in the course of performing their duties with the City will be governed by the Mississippi State Worker's Compensation Law.

2. Each employee will have an Injured-on-Duty (IOD) leave bank of 500 hours that will be used to obtain pay while off due to an IOD. This IOD leave bank will be for each year from October 1 through September 30. This leave will be used in conjunction with the workers compensation to maintain an employee's pay while off IOD.

3. If this IOD leave bank is exhausted, an employee sustaining an IOD with sick and vacation leave credited to his account may request the shift Captain to request sick and vacation hours in order to obtain pay while absent due to an IOD.

B. **Safety Equipment Devices**

The City will provide proper and necessary safety equipment and devices for employees engaged in work where special equipment and devices are necessary. Such equipment and devices, where provided, must be used. Employees who fail to use provided equipment or devices will be subject to disciplinary measures. The City will exercise due diligence in replacing badly worn or damaged safety devices. Safety issues will be brought to the attention of the Fire Chief, in writing. Safety devices not sanctioned by the City will not be used without written permission from the Fire Chief.

C. Infectious Disease Control

In an attempt to control the spread of infectious disease and to maintain a healthier workforce, a program will be established to provide periodic testing for AIDS, Hepatitis, and Tuberculosis.

ARTICLE 14
RESIDENCY

A. All employees of the Fire Department that are covered by this contract shall be a resident of Jackson County, Mississippi, or, if not a resident shall become a resident, within six (6) months after being hired (City Ordinance 70-93).

B. In the event that the ordinance is changed and the employees of the Fire Department are required to be residents of the City, then the employees that already live out of the City will not be required to move back into the city.

ARTICLE 15
EMPLOYMENT IN SECOND JOBS

A. Employees who work on second jobs shall do so with the understanding that the Fire Department is their primary job and that such outside employment must not affect the employee's attendance, efficiency, and/or the reputation of the City.

B. Employees are allowed to accept incidental employment from other Fire protection agencies without notifying the Fire Chief.

C. Employees, while working a second job, shall not use uniforms or equipment supplied by the City.

D. Employees who take other employment must notify their immediate supervisor of their employment and the supervisor must inform the fire chief within twenty-four (24) hours.

ARTICLE 16
LEAVE OF ABSENCE

A. **Sick Leave**

1. Sick Leave shall be paid as follows:

   a. Sick leave shall be earned by all employees, but may not be used or paid until the employee shall have completed six (6) months of continuous employment.

   b. Sick leave shall be based on a full calendar month. Sick leave shall be granted to all members of the Fire Department. Sick leave shall be earned at a rate of six (6) shifts per year (twelve hours per month) of service with the Fire Department and shall be allowed to accumulate up to nine-hundred-sixty (960) hours.

   c. A full-time employee shall earn Twelve (12) hours sick leave for each month. Sick leave may not be used or paid until the

employee shall have completed six (6) months of continuous employment, except in the case of an on-the-job injury or, Funeral leave.

d. Sick leave shall be allowed to accumulate up to nine hundred sixty (960) hours. Sick leave accumulated by an employee shall be credited to their Personnel record.

e. Requests for use of accumulated sick leave shall be made in accordance with the City's established procedures.

f. Upon separation/termination, no payment shall be made for unused sick leave.

2. Sick leave will be granted upon approval of the Fire Chief for the following reasons:

a. Employee's health,

b. Employee's health while on vacation,

c. Medical, dental, or optical treatment which is necessary during working hours,

d. Quarantine due to exposure to contagious disease,

e. In connection with workmen's compensation

f. To care for members of his/her immediate family who are sick or require medical care, and

g. Death of an employee's immediate family member defined as follows: Spouse, father, step-father, father-in-law, mother, step-mother, mother-in-law, son, stepson, son-in-law, daughter, stepdaughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, grandparents, grandparent in-laws, and grandchildren.

3. An employee making an intra-city departmental transfer will retain any unused sick leave to his credit.

4. Abuse of accrued sick leave for the purpose of early retirement or expenditure prior to accepting employment outside the City of Gautier is prohibited and may subject an individual to immediate dismissal from City employment with loss of benefits for using said leave.

5. Other members of the Fire Department shall be allowed to donate hours (if they so desire) from their leave record to the employee that is out of time. This would have to be in writing and following City procedure # 2.20, approved by City Council Order #74-99 on August 3, 1999 and on August 11, 1999.

6. Absence due to sickness or injury which extends beyond an employee's sick leave and vacation leave is without pay.

B. **Civil Leave**

1. An employee shall be given time off without loss of pay when performing jury duty, when subpoenaed to appear before a court on City business, public body or commission, when performing emergency civilian duty in connection with National Defense, or for the purpose of voting.

2. Fees received by the employee while on jury duty shall be turned over to the City.

3. Witness fees received for services performed in the line of duty, while the employee is on full pay status shall be turned over to the City.

4. Leave for court attendance when the employee is the Defendant, or engaged in personal litigation or is a witness in a non-job related matter, shall be charged to his annual leave account, or counted as excused time uncompensated by the City, at the discretion of the employee.

C. **Leave Without Pay.**

The decision to grant a leave without pay (leave of absence) is a matter of administrative discretion. It shall be incumbent upon the Fire Chief to weigh and determine each case on its own merits. Any leave of absence must have the approval of the City Manager. In each case the City shall make a reasonable effort to return the employee to his/her former position or a similar position of the same classification in another division. If no opening exists, the employee shall be placed on the eligible register for a period of six (6) months. The Fire Chief is required to adhere to the following practices:

1. He/she must submit personnel action forms placing employees on a leave of absence, without pay, for any period of leave which exceeds thirty (30) consecutive days. The leave of absence will be effective beginning with the first day of absence. Leave without accumulated sick time, and leave without pay for thirty (30) consecutive days or longer, will result in a corresponding adjustment of anniversary and classification dates.

2. An employee granted a leave of absence must keep the Fire Chief informed every three (3) months of his current activity (school, medical, military, etc.). In addition, the member must keep the Fire Chief advised of his current address at all times unless military duties restrict those abilities.

3. An employee, who attains either part-time or full-time employment elsewhere, while on an authorized leave of absence, is required to notify the Fire Chief in writing within three days of accepting such employment.

4. Failure to comply with items 2 and 3 above shall result in an employee being dropped from leave of absence status, in which case he must return to duty or be dismissed.

5. An employee granted a leave of absence shall contact the Fire Chief at least two (2) weeks prior to the expiration of the approved leave in order to facilitate the reinstatement process.

6. Failure to return to work at the expiration of the approved leave of absence shall be considered an absence without permission and grounds for dismissal.

7. No sick leave or annual leave shall be earned by an employee for the time the employee is on leave without pay.

D. **Educational**.

Permanent full-time employees may be eligible to receive a leave of absence without pay, not to exceed one full year, for the purpose of furthering their education. Such education leaves shall be determined upon recommendations of the Fire Chief and with the approval of the City Manager. Such educational leave may be extended for an additional one (1) year upon written request by the employee, and upon recommendation of the Fire Chief and with approval of the City Manager. Seniority shall be earned while on Educational leave.

E. **Personal**.

Permanent full-time employees with at least twelve (12) months of continuous service with the City will be eligible to receive leaves of absence without pay for such personal reasons as marriage, illness of a member of the family, disposal of a family estate, funeral for other than immediate family, and other emergencies for a period not to exceed thirty (30) days upon recommendation of the Fire Chief. Seniority shall be earned while on Personal Leave.

F. **Sickness**.

Permanent full-time employees, with at least twelve (12) months continuous service with the City, will be eligible for a leave of absence without pay, not to exceed three (3) months, with an extension of up to three (3) months after the exhaustion of the employee's paid sick leave because of prolonged illness. The

requests for such leave of absence or extension shall contain the recommendation of the employee's physician and be approved by the City Manager.

G. **Military Leave.**

The City shall grant military leave in accordance with Section 33-1-21, et seq. Mississippi Code of 1972.

H. **Family Leave.**

The City shall grant family leave as required by Federal laws and regulations.

I. **Union Leave of Absence.**

1. Should a member become appointed or elected to a full time Union position, a Leave of Absence shall be granted for the duration of such appointment or elected position.

2. An employee on such leave of absence shall keep the Fire Chief advised of his current union position and current address.

3. An employee on such leave of absence shall contact the Fire Chief at least two (2) weeks prior to the expiration of the termination of the appointed position or elected position to facilitate the reinstatement process.

4. At the conclusion of said leave of absence, the City shall make a reasonable effort to return the employee to his or her former position or a similar position of the same classification in another division. If no opening exists, the employee shall be placed on the eligible register for a period of not less than six (6) months. After the expiration of the eligibility register, the employee must comply with the Civil Service Rules and Regulations pertaining to Competitive Appointments.

5. Seniority shall accrue during this leave of absence.

ARTICLE 17
HOLIDAYS

A. The following ten (l0) days and such days as the City Council may designate shall be paid Holidays.

NEW YEARS DAY
MARTIN LUTHER KING/ROBERT E. LEE'S BIRTHDAY
WASHINGTON'S BIRTHDAY
GOOD FRIDAY
NATIONAL MEMORIAL DAY
4TH OF JULY
LABOR DAY
VETERAN'S DAY
THANKSGIVING DAY
CHRISTMAS DAY

B. Fire Department Personnel scheduled to report to work at 0700 hours on a holiday or a day designated as such shall receive one and one-half times their regular rate of pay for each hour actually worked on that shift.

C. Any employee not scheduled to work on a holiday, but required to work shall be paid total compensation of double their normal rate of pay for each hour actually worked on the holiday.

ARTICLE 18
VACATIONS

A. All paid vacation shall be computed as follows:

1. Employees with less than five (5) years of continuous service shall earn twelve hours, paid vacation, per month of service in the Fire Department. Twelve (12) hours of vacation time per month shall equate to six (6) work days per year. Vacation time cannot be used, except in the case of a on the job injury, until the employee has

completed one year of service.

2. Employees with five (5) years through but less than ten (10) years of continuous service shall be given nine (9) work days with pay per year. This will equate to eighteen (18) hours per month and shall accrue monthly.

3. Employees with ten (10) years of continuous service shall be given twelve (12) work days with pay per year. This will equate to twenty-four (24) hours per month and shall accrue monthly.

B. Employees shall have the right to select their vacation dates in accordance with seniority, and will not jeopardize the welfare of the city.

C. Employee's approved vacation shall not be canceled because of Kelly Days, people scheduled for school, or other scheduled functions that the City may send them to.

D. Pay for all vacations will be based on the rate of pay of the employee at the time of vacation.

E. Earned vacation pay shall be paid at the beginning of the vacation if requested by the employee. Said request shall be given at least fourteen (14) days prior to starting vacation. (***This section is held in abeyance due to an opinion of the Mississippi Attorney general's staff. However, should a future Attorney General's opinion overturn this opinion or a court rule that the aforementioned opinion is incorrect, then this section shall be in full force and the City shall abide by it***)

F. Upon termination of employment, after one (1) year of continuous service, each employee shall be paid for not more than thirty (30) days of accumulated vacation. Unused vacation in excess of thirty (30) days shall be counted as creditable service for the purposes of the retirement system as provided in sections 25-11-103 and 25-13-15, MCA. Vacation time may be accumulated up to a maximum of 960 hours.