

Minute Book 31

APRIL 20, 2021

BOARD MEETING

OF THE

MAYOR

AND

BOARD OF ALDERMEN

OF THE

TOWN OF TUNICA, MISSISSIPPI

OFFICERS:

Mayor Charles M. Cariker

Alderman John A. "Jack" Graves, Jr.

Alderman Brad Beach

Alderman Andrew T. Dulaney

Alderwoman Brooks Taylor

Alderman Dan Pierce

Town Attorney Richard W. Ryals, II

Town Clerk Kate Scott Pennock

Chief of Police Michael Nichols

Town Chaplain Danny Smith

**REGULAR THIRD TUESDAY APRIL MEETING AND
PUBLIC HEARING OF THE MAYOR AND BOARD OF ALDERMEN**

BE IT REMEMBERED, that Tuesday, April 20, 2021 being the third Tuesday of said month and the day fixed by Board order for holding the second monthly meeting, said meeting was held in the Boardroom in the Municipal Complex at 909 River Road in the Town of Tunica, Mississippi, beginning at 3:00 p.m. with the following present or absent as indicated below:

Mayor Charles M. Cariker	Present
Alderman John A. Graves Jr	Present
Alderman Brad Beach	Present
Alderman Andrew Dulaney	Present
Alderwoman Brooks Taylor	Present
Alderman Dan Pierce	Absent
Town Clerk Kate Scott Pennock	Present
Town Attorney Richard W. Ryals, II	Present
Police Chief Michael Nichols	Present
Operations Manager Thomas J. Robinson, III	Present
Town Chaplain Danny Smith	Present
**Via Telephone	

Others in attendance are listed on the attendance sheet.

APPENDIX A – ATTENDANCE SHEET

Mayor Cariker called the meeting to order and led in the pledge of allegiance. Chaplain Smith led in prayer.

The Board considered the minutes from the meeting April 2, 2021 and special meeting April 13, 2021. Alderman Dulaney moved to approve the minutes as written. Alderman Beach seconded, and the motion was unanimously adopted and approved by all members present.

REPORTS:

- There was nothing to report for the Planning Commission.**
- Chief Nichols reported for the police department.**
- Thomas Robinson reported on public works operations.**
- Laura Wither reported for Tunica Mainstreet.**
- Mayor Cariker reported on code enforcement.**

Citizens Concetta Thompson and Desiree Norwood, of the MS Tobacco Free Coalition, informed the Mayor and Board of the harmful effects of tobacco.

Under old business, Jeff Old, of Fisher and Arnold, updated the Mayor and Board on current and future projects.

The Mayor and Board of Aldermen for the Town of Tunica next considered the revised Employee Handbook for adoption. Alderman Dulaney moved to approve the revisions to the Employee Handbook; Alderman Graves seconded, and the motion was unanimously adopted and approved by all members present.

APPENDIX B – EMPLOYEE HANDBOOK

The Mayor and Board discussed and considered water adjustment recommendations in the amount of \$3,865.66 (\$1,487.29-Inside City Limits/\$2,378.37-Outside City Limits). Alderman Graves moved to approve the water adjustments recommendations as presented;

Alderman Beach seconded, and the motion was unanimously adopted and approved by all members present.

APPENDIX C – WATER ADJUSTMENT RECOMMENDATIONS

The Mayor and Board next considered and discussed the following travel request:

- **Christy Young to attend MS Municipal Court Clerk’s Association Annual Summer Conference in Biloxi, MS July 26-28, 2021. Costs include \$100.00 registration fee and other travel expenses.**

Alderman Graves moved to approve all travel requests presented; Alderman Beach seconded, and the motion was unanimously adopted and approved by all members present.

The Mayor and Board of Aldermen next considered holding an Executive Session, as authorized pursuant to Section 25-41-7, Mississippi Code of 1972, as amended. Alderman Beach moved that a closed determination be held to discuss whether an executive session is needed to be held and is appropriate. Alderman Dulaney seconded the motion. Thereupon, the matter was put to a vote with the results as follows: Alderman Graves, yea; Alderman Beach, yea; Alderman Dulaney, yea; Alderwoman Taylor, yea; and Alderman Pierce, absent.

The matter having received the majority vote of the Board of Aldermen of the Town of Tunica, the Mayor declared the motion carried and the Mayor and Board held a closed determination on the issue of whether an executive session is necessary. Mayor Cariker stated that the purpose for holding the executive session would be to discuss personnel.

Based on this, Alderman Dulaney made the motion that the Mayor and Board of Aldermen hold an executive session to discuss, consider and act on the Executive Session matter. Alderman Graves seconded the motion. The matter was put to a vote with the result as follows: Alderman Graves, yea; Alderman Beach, yea; Alderman Dulaney, Alderwoman Taylor, yea; and Alderman Pierce, absent.

The matter having received the majority vote of the Board of Aldermen of Tunica, the Mayor declared the same carried and the Board entered executive session to consider the Executive Session Matters. Present during the executive session were the Mayor, all members of the Board of Aldermen who voted on going into executive session, Town Clerk Pennock, and Town Attorney Ryals.

Alderman Graves made the motion to leave executive session seconded by Alderman Dulaney. The vote was as follows: Alderman Graves, yea; Alderman Beach, yea; Alderman Dulaney, yea; Alderwoman Taylor, yea; and Alderman Pierce, absent. The motion carried and the Board returned to open meeting.

Mayor Cariker announced the following action that was taken during executive session: Alderman Dulaney moved to hire Mary Evelyn McLean as a part-time employee at \$10.00 per hour effective immediately; Alderman Beach seconded, and the motion was unanimously adopted and approved by all members present.

With no other business, Alderwoman Taylor moved to adjourn, Alderman Dulaney seconded, and the meeting adjourned at 3:35 p.m. this 20th day of April 2021.

Charles M. Cariker, Mayor

ATTEST:

Kate Scott Pennock, Town Clerk

APPENDIX A – ATTENDANCE SHEET

APPENDIX B – EMPLOYEE HANDBOOK

APPENDIX C – WATER ADJUSTMENT RECOMMENDATIONS

**BOARD MEETING
ATTENDANCE SCHEDULE
3:00 P. M.
APRIL 20, 2021**

NAME	EMAIL/ORGANIZATION
1. <u>Martha Chua</u>	<u>pearlpdf@gmail.com</u>
2. <u>V'air Kuykendall</u>	<u>V'air.Kuykendall@eggs.usm.edu</u> / ^{Preventive}
3. <u>Cinetta Thompson</u>	<u>cotthompson@deltahalliance.org</u>
4. <u>JEFF OLD</u>	<u>jold@fisherarnold.com</u> Fisher & ARNOLD, INC
5. <u>Desiree Norwood</u>	<u>desiree.norwood@healthy-ones.org</u>
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____

TOWN OF TUNICA, MISSISSIPPI

PERSONNEL POLICIES AND PROCEDURES MANUAL



Effective: May 1, 2021

Contents

I.	INTRODUCTION	3
II.	EMPLOYMENT	4
III.	HOLIDAYS AND EMPLOYEE LEAVE	6
IV.	DONATION OF LEAVE	9
V.	MILITARY LEAVE	100
VI.	CIVIL LEAVE.....	111
VII.	FAMILY AND MEDICAL LEAVE ACT (FMLA).....	111
VIII.	TRAVEL EXPENSES	122
IX.	RETIREMENT	12
X.	EMPLOYEE INJURED IN THE LINE OF DUTY	13
XI.	CONDUCT OF EMPLOYEES	13
XII.	SEXUAL HARASSEMENT POLICY	15
XIII.	GRIEVANCES	20
XIV.	DISCIPLINARY ACTIONS	21
XV.	SEPERATIONS.....	24
XV.	MUNICIPAL VEHICLE POLICY	25
XVI.	APPLICABILITY	26

TOWN OF TUNICA
PERSONNEL POLICIES AND PROCEDURES MANUAL

Your service to the Town of Tunica is greatly appreciated. Your work each day helps make our Town a better and safer place to live. We hope that this manual will help you effectively perform your daily functions and receive the greatest benefit from your employment. If you have any questions or concerns, you may discuss these with your Supervisor, the Mayor and Town Clerk.

I. INTRODUCTION

This Manual has been prepared to inform you about the Town's policies and to summarize the benefits that are available to you. Please read your Manual and familiarize yourself with the information it contains. Refer to it whenever you have a question. Nothing contained in this Manual is to be construed as a guarantee of your continued employment with the Town of Tunica. The Mayor and Board of Aldermen reserve the right to amend, modify, or cancel this Manual as well as any or all of the various policies, rules, procedures, and programs outlined within it at any time, with or without notice to you, as it best benefits the Town in the sole discretion of the Mayor and the Board of Aldermen.

YOU ARE AN AT WILL EMPLOYEE. YOU MAY BE TERMINATED AT ANY TIME, WITH OR WITHOUT ADVANCE NOTICE, FOR GOOD REASON, BAD REASON, OR NO REASON AT ALL. NOTHING CONTAINED IN THIS MANUAL WILL ALTER YOUR STATUS AS AN AT WILL EMPLOYEE. NOTHING SAID TO YOU BY ANYONE, INCLUDING THE MAYOR OR ANY ALDERPERSON, WILL ALTER YOUR STATUS AS AN AT WILL EMPLOYEE.

This Manual applies to all employees of the Town of Tunica who are not elected officials. This Manual supersedes all previous manuals or employee handbooks of the Town of Tunica. Individual departments of the Town of Tunica may have additional policies and procedures which govern their individual employees. Such policies and procedures, once properly approved, shall supplement this Manual.

This Manual is subject to change, modification, cancellation and amendment by the Town of Tunica acting through its Mayor and Board of Alderman at any time. Changes and amendments will be recorded upon the Minutes of the Board of Alderman.

If you have a question that is not answered by this Manual, ask your supervisor or the Town Clerk.

II. EMPLOYMENT

A. Equal Employment Opportunity Policy

The Town of Tunica is an equal opportunity employer and assures equal employment opportunities to all persons in compliance with state and federal law. In order to implement a policy of equal employment and to assure non-discriminatory personnel administration, the Town of Tunica promotes non-discriminatory practices and procedures in all phases of personnel administration and prohibits any form of unlawful discrimination. There will be no discrimination against or harassment of any employee because of race, creed, religion, national origin, sex (including pregnancy), age, veteran status, or disability. Equal employment opportunity will be provided concerning every aspect of employment including selection, recruitment, conditions of work, training, overtime, promotion, demotion, testing, assignment, pay, discipline, and separation.

Equal employment opportunity does not guarantee an employee any rights not otherwise provided by law.

B. Hiring

1. Acceptance of Applications: An application for employment may be accepted at any time. As a result of a single application, a candidate shall be considered for all classes of positions in which his or her principal qualifications might profitably be used to benefit the Town. Each application shall answer all questions and furnish all information required in the application form. Applications for employment with the Town will be made with the Town Clerk.

2. Recruiting to Fill a Vacancy : The department head shall examine the applications on file, new applications, and the records of Town employees eligible for promotion. When authorized by the Board of Aldermen, job openings may also be announced in the local media, the official Town website or other means of social media. All job openings will be posted in a conspicuous place in Town Hall. The qualifications of the applicants shall be judged against the minimum or desired qualifications stated in the job description for the vacant position. If necessary to determine qualifications, an applicant may be required to undergo a physical examination or other performance test. The department head shall review all properly submitted applications and determine the applicant best suited to fill the vacancy. The department head shall then present the application to the Mayor and Board of Aldermen along with the recommended appointment and compensation.

3. Disqualification of Applicant: The department head may reject any application which indicates the applicant does not possess the minimum qualifications required for the particular position. Additionally, applicants shall be rejected if the applicant:

1. Is unwilling or unable to perform the duties of the particular position;
2. Has been convicted of a felony, except in cases where the Board of Aldermen finds satisfactory evidence of rehabilitation;

3. Has made any false statements or has committed fraud in his or her/her application;
4. Has failed to complete or properly fill out his or her/her application; or,
5. For any other non-discriminatory reason the department head determines merits rejection of the application.

4. Filing and Disposal of Applications: The Town Clerk shall maintain a central file for all applications in which applications will be kept on active file for six (6) months. This file will be available to all department heads or other appropriate Town officials for screening purposes. Applications of those persons who are appointed to a position with the Town shall be placed in the employee's personnel file upon hire.

C. Promotion, Transfers, and Demotions

Promotions: Vacancies in positions in the Town service shall be filled as far as practicable by the promotion of employees in the service of Tunica. Promotions in every case must involve a definite increase in duties and responsibilities, and shall not be made merely for the purpose of affecting an increase in compensation. The Mayor and Board of Aldermen must approve all promotions.

Transfers: An employee who has successfully completed his or her probationary period may be transferred to the same or similar position in a different department without being subject to another probationary period. An employee who seeks a transfer to another department should submit a letter requesting such transfer to his or her department head for approval. If the department head affected by the proposed transfer approves, he or she will forward the request to the Mayor for final approval.

Demotions: An employee may be demoted for any of the following reasons, but not solely limited to these reasons:

1. When an employee would otherwise be laid off because the position is being eliminated; for lack of funds; or because of the return to work from authorized leave of another employee to such a position in accordance with the rules on leave;
2. When an employee does not possess the necessary qualifications to render satisfactory service in the position held, or when removed during probation;
3. When an employee voluntarily request such demotion;
4. For disciplinary action; and,
5. For any other non-discriminatory reason determined to be in the best interest of the Town of Tunica.

All demotions must receive the approval of the Mayor and Board of Aldermen. If the employee is demoted against his or her will, he or she may appeal the action in accordance with the procedure under Grievances.

D. Nepotism

It shall be against the policy of the Town for any persons elected, appointed, or selected to any municipal office to appoint or employ, as an officer, clerk, stenographer, deputy, or assistant, who is to be paid out of the public funds, any person related to said officer by blood or marriage (spouse, domestic-partner, mother, father, child, step-child, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, aunt, uncle, first cousin, niece, nephew, or grandchild). This rule shall not apply to any employee who holds the position prior to his or her relative's election, appointment, or selection to office.

III. HOLIDAYS AND EMPLOYEE LEAVE

As a full-time or regular part-time employee, you are entitled to certain fringe benefits that are intended to provide security and peace of mind to you and your family during your employment with the Town of Tunica.

A. Holidays

Town employees receive regular pay for all legal state holidays and for any other day proclaimed as a holiday by the Governor of the State of Mississippi. Employees who are not in an active pay status on a legal holiday will not be compensated for the holiday. Active pay status is defined as either physically working or on paid leave the day of a legal holiday, the day immediately preceding a legal holiday, or the day immediately following a legal holiday. Compensation for legal holidays for part-time employees will be computed on a pro-rata basis according to hours regularly scheduled to work.

In the event any of these holidays fall on a Saturday or Sunday, then the legal holiday will be observed as declared by the Governor.

It is essential that an employee work during an official State holiday, the employee will receive regular pay for the holiday in addition to pay for the number of hours actually work on the holiday.

B. Leave

Each month employees earn two types of leave, personal leave and major medical (sick) leave. Employees, including part-time, will be granted leaves of absence for Non-Town Service and military leave. Part-time employees are granted leave only during periods when they are scheduled to work.

1. Personal Leave

All full-time employees earn personal leave as follows:

CONTINUOUS SERVICE	ACCRUAL RATE (MONTHLY)	ACCRUAL RATE (ANNUALLY)
1 MONTH TO 10 YEARS	7 HOURS	84 HOURS
10 YEARS TO 20 YEARS	10 HOURS	120 HOURS
OVER 20 YEARS	13 HOURS	156 HOURS

Employees begin to earn and accumulate personal leave on the first working day of each month the employee works or receives paid leave. Personal leave is available for the employee's use on the first day of the month after the leave is earned. Part-time employees accrue personal leave on a pro-rata basis. There is no limit to the accumulation of personal leave. Upon termination of employment, each employee may be paid for not more than thirty days of accumulated personal leave. Unused personal leave in excess of thirty days will be counted as creditable service for the purpose of the retirement system.

Employees are encouraged to use earned personal leave for vacations and personal business. However, all requests for personal leave, except when taken due to an illness, are approved at the Department Head's discretion. Personal leave must be used for illnesses of the employee requiring absences of one day or less, in addition, accrued personal leave must be used for the first day of an employee's illness requiring his or her absence of more than one day. Accrued personal or major medical leave may also be used for an illness in the employee's immediate family, including only a spouse, parent, stepparent, sibling, child, stepchild, grandchild, or grandparent.

For the purposes of calculating the leave accrual rate for employees, leaves of absence for one year or less are permitted without forfeiting previously accumulated continuous service. The provisions of this section do not apply to military leaves of absence.

2. Major Medical Leave

All full-time employees accrue Major Medical Leave as follows:

CONTINUOUS SERVICE	ACCRUAL RATE (MONTHLY)	ACCRUAL RATE (ANNUALLY)
All Full Time Employees	8 HOURS	96 HOURS

Employees begin to earn and accumulate Major Medical Leave on the first working day of each month the employee works or receives paid leave. The leave is available for the employee's use the first day of each month after the leave is earned. Part-time employees accrue Major Medical Leave on a pro-rate basis. There is no maximum limit to Major Medical Leave accumulation. All unused

Major Medical Leave will be counted as creditable Service for the purposes of the retirement system.

Major Medical Leave may be used for the illness or injury of an employee or member of the employee's immediate family, including spouse, parent stepparent, sibling, child stepchild, grandchild, or grandparent. The employee should remember that Major Medical Leave can be used in this manner only after the employee has used one day of accrued personal or compensatory leave. In the event that an employee has no accrued personal or compensatory leave, the first day of leave must be taken as Leave Without Pay. This is a requirement for each absence due to illness.

For each absence due to illness that requires the employee be absent from work for thirty-two consecutive working hours (combined personal and major medical leave) Major Medical Leave can be authorized only when certified in writing by the attending physician.

An employee may use up to 24 hours of earned Major Medical Leave for each occurrence of death in the immediate family requiring the employee's absence from work. No use of personal leave will be required prior to the use of Major Medical Leave for this purpose. The immediate family is defined as only a spouse, parent, stepparent, sibling, child, stepchild, grandchild, or grandparent. Child means biological, adopted or foster child, or a child for whom the individual stands or stood in loco parentis.

An employee may use up to six weeks of earned Major Medical Leave for the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement.

With appropriate documentation, an employee is entitled to use all accrued Major Medical Leave for recuperation from illness. In cases of illness or disability exhausting available Major Medical Leave, the employee may be allowed to charge the excess days against accumulated personal leave or compensatory time earned by the employee. If all accumulated major medical and personal leave have been used, employees are subject to a pro-rate deduction from their salaries for the length of time or number of days in excess of accumulated leave. Family Medical Leave is also available for qualifying employees and is described in detail in the Family Medical Leave Act Leave Section herein.

Should an employee die having accumulated Major Medical Leave, such leave will be counted as creditable service. Employers have no authority to pay an employee's beneficiary for unused Major Medical Leave in the event of an employee's death.

IV. DONATION OF LEAVE

Any town of Tunica employee may donate a portion of his or her earned major medical leave and/or personal leave to another employee who is suffering from a catastrophic illness or catastrophic injury as defined below, or to another employee who has a member of his or her immediate family who is suffering from a catastrophic illness or injury, in accordance with the following:

1. The employee donating the leave (the “donor employee”) shall designate the employee who is to receive the leave (the “recipient employee”) and the amount of earned major medical leave and/or personal leave that is to be donated, and shall notify the Town Clerk of his or her designation in writing. The Town Clerk shall then notify the recipient employee’s department head of the amount of leave that has been donated by the donor employee to the recipient employee.
2. The maximum amount of earned major medical leave and/or personal leave that an employee may donate to any other employee may not exceed a number of days that would leave the donor employee with fewer than a total of ten (10) days each of major medical leave and/or personal leave left, and the maximum amount of earned major medical leave and/or personal leave that an employee may donate to any other employee may not exceed fifty percent (50%) of the earned leave of the donor employee. All donated leave shall be in increments of not less than eight (8) hours.

The maximum period of time that an employee may use donated leave without resuming work is ninety (90) days, which commences on the first day that the recipient employee uses donated leave.

3. An employee must have exhausted all of his or her earned sick and vacation leave before he or she will be eligible to receive any leave donated by another employee.
4. Before an employee may receive donated leave, he or she must provide his or her Department Head and the Town Clerk with a physician’s statement that confirms the beginning date of the catastrophic illness or injury, a description of the illness or injury, a prognosis for recovery, and an anticipated date that the recipient employee will be able to return to work. He or she must submit a request to his or her Department Head to use the donated leave policy.
5. The request for donated leave will be evaluated by a board of three (3) which will be comprised of the Department Head, Town Clerk, and the Mayor. The board will consider the employee’s employment record, the nature of the circumstances surrounding the request and any other relevant matters. Any denial of the use of donated leave may be appealed to the Board of Alderman at the next regular meeting.
6. If the total amount of leave donated to any employee is not used by the recipient employee, the donated leave will be returned to the donor employee(s) on a prorated basis, based on the ratio of the number of days of leave donated by each donor employee to the total number of days of leave donated by all employees.
7. For the purpose of this policy, “immediate family” means spouse, child, step-child, parent, step-parent, and sibling.
8. No person through the use of coercion, threats or intimidation, shall require or attempt to require any employee to donate his or her or her leave to another employee. Any person who alleges a

violation of the paragraph shall report the violation to the Town Clerk of the town. Any person found to have violated this paragraph shall be subject to disciplinary action up to and including termination of employment.

9. No employee can donate leave after tendering notice of separation or upon termination for any reason.
10. In order for an employee to be eligible to receive donated leave, the employee must be a regular, full time employee on the date on which the leave is donated.
11. Donated leave shall not be used in lieu of disability retirement.
12. "Catastrophic injury or illness" means a serious injury or illness of an employee or a member of an employee's immediate family which totally incapacitates the employee from work for a period of time of not less than ten (10) continuous days, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation from the Town for the employee. Conditions that are short-term in nature, include, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, which result intermittent absences from work and which are long-term in nature and require long recuperation periods, may be considered catastrophic.

V. MILITARY LEAVE

For the purpose of this regulation, "Armed Forces" are defined to include the Army, Navy, Marine Corps, Air Force, and Coast Guard. "Reserve Components" are defined to include the federally recognized Regular Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve, and the National Guard and Air National Guard.

All employees of the Town, who shall be members of any of the reserve components of the Armed Forces of the United States, or former members of the service of the United States discharged or released therefrom under conditions other than dishonorable, shall be entitled to leave of absence from their respective duties, without loss of pay, time, annual leave, or efficiency rating, on all days during which they shall be ordered to duty to participate in training at encampments, field exercises, maneuvers, outdoor target practice, or for other exercises, for periods not to exceed fifteen (15) days, and all such officers and employees shall for such periods in excess of fifteen (15) days, be entitled to leave of absence from their respective duties without loss of time, annual leave, or efficiency rating until relieved from duty, and shall when relieved from such duty, be restored to the positions held by them when ordered to duty, or a position of like seniority, status and pay; provided that such person: (1) when discharged or released from the armed forces shall have received a certificate of satisfactory completion of service, (2) shall be still qualified to perform the duties of such position, (3) shall make application for re-employment within ninety (90) days after such person is relieved from such training and service or released from hospitalization for a period of not more than one (1) year for causes attributable to such services.

To receive payment of salary, an employee must, prior to his or her leave, file with the Town Clerk a copy of his or her official orders, and upon return a certification from his or her commanding officers of performance of duty in accordance with the terms of such orders.

VI. CIVIL LEAVE

An employee who is required to serve as a juror, or to attend court or a coroner's inquest as a witness, shall be excused from work for the day or days on which he or she serves in such capacity, and he or she shall receive for each such day of jury service on which he or she otherwise would have worked, the difference between his or her regular straight time rate of pay and the payment he or she receives for jury service. The employee shall present proof of reporting for jury service and the amount of payment received therefore from the Clerk of the Court to the Town Clerk's office upon his or her return to work. **If an employee is released from jury duty by the court at any time prior to 12:00 noon, he or she shall report to work within one hour after being released by the Court.**

Witnesses subpoenaed by the Town in any litigation in which the Town is involved, shall not lose any compensation by reason of court attendance in such matters. Town employees named as defendants in any lawsuit brought either against the Town or against such employees arising out of the performance of their official duties, witness or court duty in connection with their official duties shall not lose any compensation by reason of court attendance in such matters. An employee subpoenaed as a witness in any cause other than that as herein stated shall not be paid for such absence from duty, but shall have deducted from his or her compensation the time spent in court attending upon such litigation or he may have time charged to accumulated vacation leave.

VII. FAMILY AND MEDICAL LEAVE ACT (FMLA)

The Town of Tunica, being a covered employer under the Department of Labor (DOL) regulations, provides eligible employees up to 12 workweeks of unpaid leave a year, and pays group health benefits during the leave as if employees continue to work instead of taking leave. Employees are also entitled to return to their same or an equivalent position at the end of their FMLA leave.

In order for an employee to be eligible for FMLA, that person must have at least worked for 12 months prior to requesting leave, and must have worked 1,250 hours during the past 12 months. Exceptions are made for those who have employment gaps due to military service.

Other certifications and requirements are available upon request or can be found at <https://www.dol.gov/general/topic/benefits-leave/fmla>

VIII. TRAVEL EXPENSES

The town will normally reimburse Tunica officials or employees for expenses incurred during official travel. Official travel may be authorized to conduct Town business, attend training sessions, or for other purposes designated by the Mayor and Board of Aldermen. The following procedure will be followed:

1. The Mayor and Board of Aldermen must authorize the travel.
2. Upon completion of travel, the Town official or employee will submit a travel voucher itemizing the cost of the travel ticket, meals, and lodging. If travel was by private automobile, the owner or operator of the vehicle will list the number of miles traveled. Reimbursement of use of the automobile will be based on the standard rate per mile give to State of Mississippi employees.
3. The Mayor and Board of Aldermen will review travel vouchers and authorize payment. The Board reserves the right to authorize partial payment or to reject entirely any claims that appear to be unreasonable.
4. If per diem is approved in advance of travel, meal tickets will not be required.

If travel expenses are paid in advance, and following such advance payment, the planned travel, or any portion thereof, is cancelled, for whatever reason, or if the employee does not attend the entire approved event as scheduled, employees will return the unused, refundable portion of the travel expense payment to the Town Clerk within two (2) business days of the employees return to work. An employee is required to make every reasonable effort to obtain full refunds of unused travel expenses when possible.

IX. RETIREMENT

1. Social Security Retirement: All full-time employees are enrolled under the Federal Old Age and Survivor's Insurance Law by contributions through payroll deductions. Full information regarding the requirements and benefits of this law is contained in various pamphlets published by the Social Security Office.
2. Public Employees' Retirement System of Mississippi: Participation in the retirement system is mandatory for all full-time Town employees. Contributions to the fund are made through payroll deductions and matching amounts by the Town of Tunica. If you are terminated or quit with the Town before you retire, the money you paid into the system will be refunded to you when you submit proper forms to the State Retirement System. However, contributions can be left in the system under certain circumstances. For further information, please contact the Town Clerk or the Public Employees' Retirement System of Mississippi.

X. EMPLOYEE INJURED IN THE LINE OF DUTY

The Town participates in the Worker's Compensation Program. Details of this program can be found in the Town Clerk's office.

XI. CONDUCT OF EMPLOYEES

Each employee of the Town of Tunica is expected to conduct him or herself, both on and off the job, in a manner that will reflect favorably upon the Town. Employees who engage in criminal, infamous, or dishonest conduct or other conduct prejudicial to the Town may be subject to dismissal. The conduct requirements, disciplinary procedures, and grievance policies set forth herein apply to **all** employees of the Town of Tunica including, but not limited to, Town of Tunica Police Officers.

A. Social Media, Internet, and Cell Phone Policy

Any employee who makes any post to any social media site which, in the sole discretion of the Mayor and Board of Aldermen, places the Town in a bad light, reflects unfavorably upon the Town, Town employees, Town officials, or otherwise evidences that the employee has not conducted himself or herself in a manner which strives to reflect the Town and the Town's employees in the most favorable light, shall be subject to disciplinary action up to and including termination..

Any employee who uses any Town of Tunica cell phone, computer, or internet connection for personal use (other than incidental personal use as determined and permitted by the Mayor and Board of Aldermen), or who uses any Town of Tunica cell phone, computer, or internet connection to conduct himself or herself in any immoral, dishonest, objectionable, or offensive manner, as determined by the Mayor and Board of Aldermen, shall be subject to disciplinary action up to and including termination.

No employee shall use a personal cell phone while on duty without prior authorization from department head.

B. Hours of Work

The Mayor, with the assistance of the department heads, shall determine the hours of work for the various departments. Absenteeism by an employee without due cause or authorization, or consistent lateness in reporting for work shall be considered justification for deducting from the employee's salary, his or her salary rate times the unauthorized time lost. Continued abuse, after it has been called to the employee's attention, shall be considered sufficient cause for disciplinary measures or dismissal.

C. Political Activity

A Municipal employee may express his or her opinion privately as a citizen and may vote in any election for which he or she is qualified. All employees of Tunica are encouraged to exercise his or her rights as citizens.

Unless otherwise permitted by law, a Town employee may not take an active part in any political campaign, solicit or receive any contributions for any political purpose, nor engage in any other type of political activity whatsoever during duty hours as an employee of the Town of Tunica.

In the event any full-time employee of the Town shall file with the Chairman or other proper officer of any political party within the State, or with proper officer of the State of Mississippi or any City, County precinct, or other political subdivision of the State an application to be a nominee of any political party or candidate for any public elected office, he or she shall be placed on unpaid leave of absence as of the date of the filing.

D. Outside Employment or “Moonlighting”

No full-time employee may engage in incompatible employment that could cause conflict of interest or permit use of his or her Town employment for personal gain. Outside employment must not interfere with performance of duties for the Town.

E. Gifts and Gratuities

No employee of the Town of Tunica will be permitted to accept any free gift, or any other type of remuneration, whether cash or in kind, in connection with his or her Town employment; for any services or supplies, of any nature whatsoever, connected in any matter with his or her employment with Tunica. Town employees may accept inexpensive gifts that are mass produced and intended for mass distribution, such as pens, pencils, calendars, etc.

F. Safety

Safety is first in importance in the performance of duty by all Town of Tunica employees. Employees will be expected to exercise prudence, accepted safety practices, and common sense in the use of Town-owned property and in the performance of their everyday tasks. Carelessness and negligence in the use of Town of Tunica equipment may result in disciplinary action.

G. Drug Free Policy

All employees of the Town of Tunica are to be, at all times, free of all illegal drugs. No employee of the Town of Tunica is to abuse prescription medication. As a term and condition of your continued employment with the Town of Tunica, you must submit to any and all random drug screens as required by the Mayor and the Board of Aldermen. Failure to submit to any random drug

screenor failure to pass any random drug screen may result in disciplinary action up to and including termination and forfeiture of any and all benefits.

H. Smoke Free Policy

There shall be no smoking in any Town of Tunica building or vehicle, on any Town of Tunica property or on any adjacent property.

XII. SEXUAL HARASSEMENT POLICY

The Town of Tunica reaffirms its commitment to provide Equal Opportunity for all its employees. The Town of Tunica will not tolerate sexual harassment. An important part of the Town's mission is to foster an open working environment. Sexual harassment violates one of the Town's mission tenants, to provide an environment where employees are free from discrimination and harassment. Sexual harassment is an act of unlawful sex discrimination that violates Title VII of the Civil Rights Act of 1964, as amended, and Title IX of the Education Amendments. Through policies and actions, the Town makes it unmistakably clear to every employee that sexual harassment is forbidden.

Definition of Sexual Harassment:

- (1) Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when
 - (a) Submission to that conduct is made either explicitly or implicitly a term or condition of employment;
 - (b) Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual;
 - (c) The conduct has the purpose or the effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- (2) Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:
 - (a) Explicitly or implicitly conditioning any term of employment (such as continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
 - (b) Touching or grabbing a sexual part of an employee's body;
 - (c) Touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact was unwelcome;

- (d) Continuing to ask an employee to socialize on or off-duty when that person has indicated that she or he is not interested;
- (e) Displaying or transmitting sexually suggestive pictures, objects, cartoons or posters if it is known or should be known that the behavior is unwelcome;
- (f) Continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- (g) Referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- (h) Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- (i) Retaliation of any kind for having filed or supported a complaint of sexual harassment (for example, ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment; etc.
- (j) Derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
- (k) Harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation; and,
- (l) Off-duty conduct which falls within the above definition and affects the work environment.

As the above examples make clear, determining what constitutes sexual harassment depends upon the specific facts and context in which the conduct occurs. Sexual harassment may take many forms, subtle and indirect, or blatant and overt. It may be conduct toward an individual of the opposite sex or the same sex, it may occur between peers or between individuals in a hierarchical relationship, it may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior or work performance, and it may consist of repeated actions or may even arise from a single incident if sufficiently egregious.

the Town of Tunica defines sexual harassment as follows: Unwelcome and unsolicited sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature constitutes sexual harassment when: submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or submission to or rejection of such conduct by an individual is basis for academic or employment decisions affecting that individual; or such conduct creates a hostile offensive working or learning environment.

Reporting of Sexual Harassment:

All employees of the Town of Tunica are encouraged to report promptly complaints about sexual harassment. An employee who believes he or she has been the subject of sexual harassment should report the alleged act to any of the following:

1. Immediate Supervisor; or
2. Mayor

Prompt Attention to Reports of Sexual Harassment:

Reports of sexual harassment are taken seriously and will be dealt with promptly. The specific action taken in any case depends on the nature and gravity of the conduct reported, and may include intervention, mediation, investigation and the initiation of disciplinary processes as discussed more fully below. Where sexual harassment is found to have occurred, Tunica County will act to stop the harassment, act to prevent its recurrence, and discipline those responsible. Tunica County as employer is committed and required by law to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint.

Confidentiality:

Tunica County recognizes that confidentiality is important, and care will be taken to protect the identity of the person having a complaint of sexual harassment as well as the identity of the accused party or parties, except as may reasonably be necessary to successfully complete the investigation. It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action which affects the working environment of any person involved in the investigation. While Tunica County will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent reasonably possible, there are situations in which confidentiality cannot be maintained, such as when Tunica County is required by law to disclose information, such as in response to legal process or formal discovery requests by the EEOC or discovery requests filed and propounded in pending litigation, and when disclosure is required in the event Tunica County's interest in protecting the rights of others outweighs the interest in such confidentiality.

Protections Against Reprisals and Retaliation:

It is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint for sexual harassment. Tunica County will not tolerate reprisal or retaliation against an individual who in good faith reports or provides information in an investigation about behavior that may violate this policy. Intentionally providing false information, however, is grounds for discipline. Every employee has the right to report sexual harassment without fear of reprisal or retaliation. Acts of reprisal or retaliation against an individual should be reported immediately. Reprisal or retaliation occurs if someone threatens an employee

or his or her career because the employee filed a complaint or discussed an issue with a county official, supervisor, officer or agency.

Investigations:

- (1) If significant facts are contested, an investigation may be undertaken. The investigation will be conducted in a prompt manner and will be conducted in a way that respects, to the extent possible, the privacy of all persons involved, including the person making the accusation or complaint of sexual harassment as well as the person or persons accused of such sexual harassment. In appropriate cases, professional investigators for outside investigative agencies may be asked to assist in the investigation. The results of the investigation may be used in the third-party intervention process or in a grievance, mediation or disciplinary action.
- (2) If the allegations of sexual harassment are found to be credible, Tunica County as employer will take appropriate corrective and remedial action. Tunica County as employer will inform the complaining person and the accused person or persons of the results of the investigation and what actions will be taken to insure that the harassment will cease and that no reprisal or retaliation will occur. Any employee, supervisor, official or agent who has been found by Tunica County as an employer to have harassed another employee will be subject to sanctions appropriate to the circumstances, as described above.
- (3) If the allegation of sexual harassment is not found to be credible, the person with the complaint and the accused person shall be so informed, with the appropriate instruction provided to each, including the right of the complainant to contact the Equal Employment Opportunity Commission, 1407 Union Avenue, Suite 901, Memphis, TN 38104, Phone No. 901-544-0086.

Employee Responsibilities:

- (1) The responsibilities of the employee making a report or claim of sexual harassment include the following:
 - (a) The employee may consider using an informal method of resolution if the behavior was minor, and this method of resolution should be used only if the employee feels that it will permanently stop the offensive behavior without reprisal or retaliation, and if the employee feels that the offender should be given a chance to change.
 - (b) The employee should consider filing a formal complaint with the County Administrator, or with the President of the Tunica County Board of Supervisors, as the case may be, if the incident and behavior is serious, absolutely unacceptable, or repeated, especially after telling the offending person or persons to stop. Serious behaviors may include asking for sexual favors in return for a good performance appraisal, unwelcome and offensive physical contact, and similar acts of sexual harassment or discrimination.
- (2) The responsibilities of the offending person who has been charged with sexual harassment are as follows:
 - (a) Stop the behavior immediately.

- (b) If the offending person feels that he or she may have sexually harassed someone, then take action.
 - (c) Apologize and ask another person, department head or supervisor for advice and to accompany you to apologize to the recipient of the offending behavior or to intervene on behalf of the offending person.
 - (d) Talk to the recipient and discuss how the parties can communicate more effectively.
 - (e) If a formal complaint has been filed, seek legal counsel or assistance to understand the legal rights and responsibilities of the offending person.
 - (f) Avoid any appearance of reprisal or retaliation, whether direct or indirect.
 - (g) Seek help from someone who can assist the offending person in getting on track, such as clergy or family.
 - (h) Take responsibility to see that sexual harassment or sexually harassing behavior is stopped immediately and that there is no reprisal or retaliation.
- (3) The responsibilities of the department head or person having supervisory authority with respect to the recipient and offending person are as follows:
- (a) If the department head observes or is approached about discrimination or sexual harassment, take immediate action.
 - (b) Advise the person who was offended of his or her right to seek help through the County Administrator or through the President of the Tunica County Board of Supervisors, as the case may be.
 - (c) Advise the offending person to stop the harassing behavior immediately, and if the offender is a department head or County Administrator, report it immediately to the President of the Tunica County Board of Supervisors and encourage the recipient to do the same.
 - (d) Act promptly and take corrective and remedial action if the offending individual is under your supervision or subject to your authority.
 - (e) Warn all parties immediately against behavior which may appear to be direct or indirect reprisal or retaliation.
 - (f) Take responsibility to see that sexual harassment or sexually harassing behavior is stopped and that there is no reprisal or retaliation.

XIII. GRIEVANCES

The effective accomplishment of the work of the Town requires prompt consideration and impartial resolution of employee grievances. It is the desire of the Town to resolve grievances informally at the lowest levels of supervision. If grievances are not adequately resolved, the following procedure will apply:

A. Grievance Procedure

1. The aggrieved employee shall discuss his or her grievance verbally with his or her immediate supervisor and/or department head. If the supervisor or department head does not provide an answer within three (3) working days, or if the employee is not satisfied with the answer, the employee may present a written complaint to the Mayor.
2. Upon receipt of a written complaint, the Mayor shall schedule an appointment with the employee for an initial grievance hearing before the Mayor, and, at the discretion of the Mayor, the Town Attorney. The Mayor shall within five (5) working days after the initial grievance hearing give the employee his or her answer in writing, and the Mayor shall file a copy with the Board of Aldermen.
3. If the employee is not satisfied with the Mayor's answer, within five (5) working days after receipt of the Mayor's answer, the employee may file his or her complaint with the Board of Aldermen. The Mayor and Board of Aldermen shall, in executive session, hear the grievance and render the final decision. The decision of the Board of Aldermen shall be final and binding on all parties concerned.

B. Retaliation Prohibited

Retaliation against any employee who files a grievance shall not be tolerated and such action shall be in violation of the policies of the Town. Retaliation against persons filing grievances hinders the effective and efficient administration of the Town's business and will not be tolerated.

XIV. DISCIPLINARY ACTIONS

Whenever employee performance, attitude, work habits, or personal conduct at any time falls below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, as determined in the sole discretion of the employee's immediate supervisor and as approved by the Mayor and Board of Aldermen, a reasonable period of time for improvements may be allowed before initiating disciplinary action. In some instances, a specific incident may justify severe disciplinary action in and of itself; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employees past performance and conduct. If a department head or supervisor so desires, the Mayor will advise or assist him or her in the preparation of the necessary letter to the employee informing him or her of the disciplinary action to be taken. Reasons for the disciplinary action may include, but shall not be limited to:

- Conviction of a criminal offense, including felony or more than one misdemeanor;
- Willful or careless violations of any of the provisions of the Policies and Procedures of the Town;
- Willful violation of lawful and reasonable regulations, orders or directions made or given by a superior where such violations have amounted to insubordination or serious breach of proper discipline or have resulted in loss or injury to the public;
- Intoxication , drinking intoxicating liquor while on duty, any use of any illegal substances or prescribed substances that could cause impairment or reporting for duty intoxicated, or being addicted to the use of narcotics;
- Incompetence or inefficiency in the performance of duties of the position to which he or she was appointed;
- Wantonly offensive conduct or language toward the public, a superior, or a fellow employee;
- Carelessness or negligence in the use of property of the Town or carrying out any duty;
- Aiding in assessment or collection from any employee in the service of the Town of Tunica for the purpose of securing the nomination or election of any person to municipal, county, state or federal office or for the purpose of making a gift to any elective officer or superior officer in the Town's employ;
- Engaging in any unlawful form of political activity calculated for favor or to improve chances of any political party or to improve the chances of any candidate seeking or attempting to hold public or party office;

- Any surreptitious recording of any Town of Tunica employee meeting or conversation for any purpose whatsoever;
- Any attempt to induce any employee of the Town to commit an illegal act or acts in violation of any law or reasonable department regulations;
- Receiving of any fee, gift, gratuity, or other valuable thing in the course of his or her work or in connection with it for his or her personal gain from any person where such free gift or gratuity is given by such person in the expectation of receiving a favor or better treatment than that accorded to others;
- Conduct unbecoming to any employee of the Town; either while on or off duty;
- Employment in a gainful occupation for profit in addition to his or her regular duties with the Town of Tunica where such occupation tends to distract the mind of the employee from his or her duties, or leaves him or her physically unfit for his or her regular work;
- Willful and wanton brutality or cruelty to a prisoner or one under arrest or sentence, provided that the act committed was not necessarily lawfully done in self-defense or to protect the lives of others or to prevent escape of a person lawfully in custody;
- Absences without leave (failure to report for employment) for three consecutive days, unless for reasonable cause, shall be considered cause for dismissal;
- Making any post to any social media site which, in the sole discretion of the Mayor and Board of Aldermen, reflects negatively on the Town;
- Failure to accurately report all hours worked;
- Failure to report overtime hours worked during the same pay period the overtime hours were worked;
- Discrimination against any person on the basis of his or her or her race, age, sex (including pregnancy), disability, veteran's status;
- Failure to report that you have been the victim of discrimination or that you have observed another employee being discriminated against;
- Failure to report that you have observed the misuse or misallocation of Town property;
- Harassing or abusive behavior of any kind as determined in the sole discretion of the Mayor and Board of Aldermen; however,

YOU MAY BE TERMINATED AT ANY TIME, FOR ANY REASON: GOOD REASON, BAD REASON, OR NO REASON AT ALL, AND NOT ONLY FOR THE INFRACTIONS SET FORTH IN THIS NON-EXHAUSTIVE LIST. THIS LISTING IS A GUIDELINE ONLY, AND THIS LISTING DOES NOTHING TO ALTER YOUR STATUS AS AN AT WILL EMPLOYEE.

A. Types of Disciplinary Action

Disciplinary actions may be taken in the form of **immediate termination**, for any violation of this policy and procedure manual, or for any reason at all, or may, at times, take the form of:

1. Written Warning

A written warning may be provided as an initial disciplinary action. A copy will also be placed in employee's personnel file.

2. Reprimand

In situations where written warning has not resulted in the expected improvement, or where more severe initial action is warranted, a written reprimand may be sent to the employee, and, if sent, copies shall be placed in the department file and the employee's personnel folder in the Town Clerk's office.

3. Suspension

An employee may be suspended with pay by his or her department head for any violation the department head determines necessitates suspension. With the approval of the Mayor and the Board of Aldermen, for disciplinary actions listed above, or any other reason, when an alternate personnel action is not appropriate in the discretion of the Mayor and Board of Aldermen, employees may be suspended without pay. No fringe benefits will accrue, nor will contributions be made by the Town, during the time an employee is suspended without pay.

4. Dismissal

An employee may be dismissed by the Mayor and Board of Aldermen for disciplinary actions listed above, or any other reason, when the governing authorities determine that an alternate personnel action is not appropriate. Though not required, the employee may be furnished an advance notice, when appropriate, containing the nature of the proposed action, the charges against him or her, and his or her right to answer the charges against him or her in writing. Any notice of termination will inform employees of his or her right to file an appeal of the action taken. This notice shall be furnished to the employee at least three (3) calendar days prior to the proposed effective date of dismissal. The employee may be retained in a duty status, placed on vacation leave, without pay, or suspended without pay, at the discretion of the Mayor and Board of Aldermen. If the employee

chooses to answer the charges, he or she may request an appeal of the action in accordance with the procedure outlined under grievances.

XV. SEPERATIONS

Types of Separations: All separations of employees (termination of employment) shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, layoffs, disability or illness, death, retirement, and dismissal.

- 1. Resignation** An employee desiring to resign shall submit the reasons therefore and the effective date in writing to his or her department head as far in advance as possible, but a minimum of two weeks' notice is required. Failure to comply with this requirement may be cause for denying future employment with the Town and loss of benefits including, but not limited to, loss of any right to payment of any remaining vacation leave. The Town of Tunica reserves the right to refuse to allow the resigning employee to work during the two weeks' notice period and to accept the employee's resignation effective immediately upon employee's submission of two weeks' notice of intent to separate from employment with the Town.
- 2. Layoffs** An employee may be laid off by the department head or by the Mayor (but subject to the approval of the Board of Aldermen) when deemed necessary by the reasons of shortage of funds, shortage of work, the elimination of the position, for other material changes in the duties or organizations of the department, or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The duties performed by an employee laid off may be reassigned to other employees already working who hold similar positions. Layoffs shall be conducted in a non-discriminatory manner which, in the sole discretion of the Mayor and Board of Aldermen, best benefits the Town of Tunica.
- 3. Disabilities or Illness** An employee may be separated for disability or illness when he or she cannot perform the essential functions of his or job duties because of a physical or mental impairment. The Town of Tunica fully complies with the Americans with Disabilities Act in making these determinations.
- 4. Death** Separation shall be effective as of the date of death. All compensation due shall be paid to the surviving spouse, and if not surviving spouse, to his or her Estate or other beneficiary designated, in writing, by the employee, prior to his or her death.
- 5. Retirement** Whenever an employee meets the conditions set forth in the retirement section, he or she may elect to retire with all benefits earned under the retirement plan.
- 6. Dismissal** See Disciplinary Actions.

Town Property at Separation

At the time of separation and prior to final compensation, all records, assets, passwords, keys, documents, or other items of Town property in the employee's custody shall be returned to the department head. Any amount due because of a shortage in the above shall be withheld from the employee's final compensation or collected through other appropriate action.

XVI. MUNICIPAL VEHICLE POLICY

Mississippi Code § 25-1-79 states 'It shall be unlawful for any officer, employee, or other person whatsoever to use or permit or authorize the use of any automobile or any other motor vehicle owned by the State of Mississippi or any department, agency, or institution thereof for any purpose other than upon the official business of the State of Mississippi or any agency, department or institution thereof.' The following Attorney General Opinions also apply:

Municipal governing authorities may only permit a municipal employee to retain in his or her possession a municipally owned vehicle if it is to be used in the discharge of the employee's duties for the municipality. A municipal vehicle may not be used for the personal use of an employee, since such use would constitute an impermissible donation.

We do not find authority for the employee of a municipal utility commission to use municipal vehicles for personal activities, such as running errands and attending church, even when these employees are on call to respond to service calls and emergencies for the municipality. Municipal employees may only use city vehicles for conducting city business.

In view of the above, and the fact that the Mayor and the Board of Aldermen do provide municipal vehicles for the use of employees and officials, a formal vehicle use policy is deemed necessary to ensure that there are no misunderstandings in the use of Town owned vehicles.

Municipally owned vehicles are provided for municipal business use only. They are to be used by elected/appointed officials and employees in the performance of their respective duties and will not be used for personal use, such as running personal errands, going to church, going to lunch, etc.

Some employees are required to be "on call" for emergencies. This would apply to police officers and supervisors. The position, description of these employees should indicate this "on call" status and these employees would be allowed to take a municipal vehicle to their home after working hours provided they reside within the water service area of the Town of Tunica. In addition, once the vehicle is parked at the employee's home it will not be moved, except to respond to an emergency, until the next working day when the employee returns to work.

Failure to adhere to this policy may result in disciplinary action up to and including dismissal.

XVII. APPLICABILITY

All employees of the Town of Tunica shall be subject to policies and procedures herein set forth. However, employees of certain departments may be subject to additional or different policies and procedures which are necessary as determined by the Mayor and Board of Aldermen. Policies and procedures of individual departments of the Town of Tunica upon approval by the Mayor and Board of Aldermen shall be effective and applicable to the employees of the departments for which such policies and procedures are approved. If any term of departmental policies or procedures approved after the effective date of this Employee Manual should conflict with any policy or procedure in this Employee Manual, the departmental policy or procedure shall supersede the conflicting term of this Manual.

Please read the entire manual, and refer to this in the future if you have questions. You may also discuss any questions or concerns with your supervisor, the Mayor, or the Town Clerk. Thank you for your service to the Town of Tunica.

Please sign the acknowledgment on the following page and return it to the Town Clerk. However, failure to sign the acknowledgment will not in any way restrict or lessen the applicability of this Manual to you or any other employee.

4-20-2021 Adjustment Review

CUSTOMER NAME	ACCOUNT #	SERVICE ADDRESS	TOTAL ADJUSTMENT
Inside City Limits			
Billy Daniels	01-0057000	945 Garland Ave.	\$133.28
Mark Williams	01-0217000	1141 Beatline Rd.	\$257.61
Taylor Watson	01-0234000	1076 Shady Ln.	\$41.30
Elarence Dewberry	01-0238000	1135 Shady Ln.	\$230.30
Irby Matthews	01-0276000	1048 Magnolia St.	\$78.07
Larry Manues	02-0242000	955 Magnolia St.	\$148.56
Martha Chua	02-0243000	957 Magnolia St.	\$117.50
Daniel Pierce	02-0332000	1133 Main St.	\$194.41
Sarah Manues	03-0073000	741 Main St.	\$122.86
Lee Turner	04-0009000	1605 Main St.	\$163.40
Outside City Limits			
McClintock Co. Shop	02-0309000	5450 Fox Island Rd.	\$59.63
Robert Harris	04-0237000	1089 Cumberland St.	\$350.80
Charles Gates	04-0316000	2506 Old Hwy 61 N.	\$477.02
Delisa Roddy	04-0322003	1069 Collins St.	\$180.32
Charles Smith	04-0424000	1047 Magee St	\$253.90
Earl Dishmon	04-0474000	3435 Old Hwy 61 N.	\$64.50
Jerry Keys Jr.	05-0020002	1399 Jacks Ave.	\$317.98
Roshon Dorsey	05-0085000	1006 U St.	\$75.80
Jasmine Vaughn	05-0089000	1045 U St.	\$598.42
		Total Adjustments	\$3,865.66