

ALABAMA DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
ADMINISTRATIVE CODE

CHAPTER 580-6-34
GENERAL POLICIES

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580-6-34-.01 Personnel Policies.

The Department shall publish personnel policies and procedures to regulate matters not covered in the Rules of the State Personnel Board.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-40.

History: Filed December 15, 1992.

580-6-34-.02 Personnel Procedures Manual.

The Department will maintain a current, updated Personnel Procedures Manual that will cover normal, routine personnel matters. The appointing authorities are authorized to issue other policies as required for the effective operation of their facilities.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: Original rule filed September 30, 1982; **Amended:** Filed October 30, 1992. Effective: January 18, 1993.

580-6-34-.03 **Nepotism.**

To insure equity in employment at all levels of management, no person shall be employed in, or promoted to a position which is under the direct supervision of a relative or a person with a strong personal tie.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: **Amended:** Filed December 15, 1992.

580-6-34-.04 **Layoffs.**

An appointing authority may layoff an employee of the Department of Mental Health and Mental Retardation whenever it is deemed necessary by reason of shortage of work or funds, or other material changes in duties or organization. The order in which an employee is to be laid off in the classified service shall be determined by the appointing authority in accordance with applicable rules of the State Personnel Board. The order in which an employee is to be laid off in the exempt service shall be determined by the appointing authority in accordance with the established policy of the Department of Mental Health and Mental Retardation.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: Original rule filed September 30, 1982; **Amended:** Filed October 30, 1992; Effective: January 18, 1993.

580-6-34-.05 **Performance Appraisals.**

The Department shall comply with the performance appraisal system as published by the State Personnel Department in regards to merit system employees. Exempt employees shall be rated in accordance with the provisions of this system at least once each calendar year.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: Original rule filed September 30, 1982; **Amended:** Filed October 30, 1992; Effective: January 18, 1993.

580-6-34-.06 **Overtime.**

(1) An appointing authority may require employees to work overtime.

(2) All employees of the Department, other than executive, administrative, and professional employees, who are required to work overtime will be compensated either in money or compensatory time off calculated at the applicable rate.

(3) Employees who refuse to work mandatory overtime may be subject to disciplinary action.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: Original rule filed September 30, 1982; **Amended:** Filed October 30, 1992. Effective: January 18, 1993.

580-6-34-.07 **Compensatory Time.**

Administrative, executive and professional employees are exempt from payment of overtime pay but may be granted compensatory time off for approved time worked during other than regularly established work hours with the prior approval of the appropriate supervisor.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: Original rule filed September 30, 1982; **Amended:** Filed October 30, 1992. Effective: January 18, 1993.

580-6-34-.08 **Holiday Time. The Departmental offices may be closed on legal holidays established by the Code of Ala.**

The Departmental offices may be closed on legal holidays established by the Code of Ala. 1975, Title 36 Chapter 26 Article 8 and on other days proclaimed holidays by the Governor. The Department recognizes the need to keep its patient/resident care facilities operational 24 hours per day, seven days per week. Consequently, it may require its employees to work on a legal holiday. Any employee required to work on a legal holiday will be allowed to take the time off at a later date. The employee should schedule the day off, subject to approval of the supervisor, as soon after the holiday as possible, but within a ninety (90) day period. In the event that the day off cannot be scheduled within a ninety (90) day period, the holiday may be accumulated, at the request of the employee, for up to one year. If the supervisor

fails to schedule an accumulated holiday for an employee within ninety (90) days, unless the day is accumulated at the request of the employee, he or she must justify that action in writing to the State Personnel Director and the employee shall receive pay for that day at the employee's regular rate of pay. Employees are allowed to carry forward no more than eight (8) days of holiday time beyond the end of the calendar year. A formal record of holidays worked will be maintained at each facility/section as part of an employee's individual leave record and will be audited at least annually. All full-time employees shall be entitled to legal holidays, or other days declared holidays by the Governor, provided they are in pay status (on the job or on sick or annual leave) for any part of the work day before the holiday and any part of the work day after the holiday. Upon separation from employment, the employee is entitled to payment for accumulated holidays.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: Original rule filed September 30, 1982; **Amended:** Filed October 30, 1992; Effective: January 18, 1993.

580-6-34-.09

Professional Licensure And Qualification.

(1) The Department of Mental Health/Mental Retardation employs only those individuals who meet the educational requirements of a position, and who possess a current and valid license, certification, or registration by applicable statute, job requirement, or regulatory standards. The Personnel Officers will periodically review the personnel files to insure that all documentation is complete and current. The acquisition or maintenance of licensure or certification may be required as a condition of employment. Persons who are employed without current and/or valid license, certification, registration will be expected to apply for and obtain this within one year from date of appointment. Should an individual fail to acquire or lose licensure, certification or registration as required he/she may be terminated from employment. It is the responsibility of each employee to maintain a current and valid license, certification or registration if applicable.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: Original rule filed September 30, 1982. **Amended:** Filed October 30, 1992. Effective: January 18, 1993. **Amended:** Filed December 16, 1993; effective January 21, 1994.

580-6-34-.10

Due Process.

It is the policy of the Department of Mental Health and Mental Retardation to afford all employees the opportunity to exercise

their due process rights. Due process has been defined as the right to be presented with the charges/allegations that are being considered against an employee in regard to suspension or termination, and an effective opportunity to submit a response to the charges/allegations orally and in writing to the appointing authority. If the disciplinary action being contemplated is suspension, the appointing authority may designate a representative, to present the charges and receive the employee's oral response.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: Original rule filed September 30, 1982. **Amended:** Filed October 30, 1992. Effective: January 18, 1993. **Amended:** Filed December 16, 1993; effective January 21, 1994.

580-6-34-.11 Progressive Discipline.

An appointing authority may discipline an employee under his/her jurisdiction. A system of progressive discipline will be established which provides for oral reprimand, written reprimands, suspensions without pay and dismissal. It is recognized that depending upon the nature of the offense, more severe disciplinary actions may be warranted upon the first offense. Before suspension without pay and dismissals are taken, due process will be afforded the employees.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: Original rule filed September 30, 1982. Revised in compliance with Act 84-346. Filed September 5, 1984. **Amended:** September 17, 1985; **Amended:** Filed October 30, 1992. Effective: January 18, 1993.

580-6-34-.12 Employee Conduct.

(1) All Department employees will adhere to accepted standards of professional and personal conduct. Violation of these standards may result in disciplinary action. The list of violations below is not meant to be inclusive and does not imply that discipline may not be imposed for other sufficient reasons. Unacceptable conduct is defined as, but not limited to, the following:

- (a) Client abuse, mistreatment, or neglect.
- (b) Reporting to work while incapacitated or intoxicated from the use of alcohol or drugs.
- (c) Use of alcohol or drugs at any time on any Department property.

- (d) Sleeping on duty.
- (e) Persistent absenteeism.
- (f) Persistent tardiness.
- (g) Unexcused absence.
- (h) Insubordination.
- (i) Abandonment of job.
- (j) Commission or conviction of a felony or a misdemeanor involving moral turpitude.
- (k) Carrying or use of firearm, or any lethal weapon on Department property at any time without proper authority.
- (l) Theft of State, employee, visitors or client property.
- (m) Gambling on Department property.
- (n) Fighting on department property.
- (o) Failure to abide by established standards of dress and grooming.
- (p) Failure to abide by traffic rules and regulations.
- (q) Leaving work station without permission.
- (r) Disruptive conduct of any kind.
- (s) Violation of safety rules.
- (t) Inattention to job duties.
- (u) Sexual harassment.
- (v) Abuse and/or unauthorized use of Department vehicles, machinery, or equipment.
- (w) Participation in unauthorized activity or solicitation on Department property.
- (x) Unauthorized use of phone equipment.
- (y) Unauthorized use of bulletin boards.
- (z) Alteration and/or falsification of Department and/or facility documents/records.
- (aa) Failure to perform the job properly.

- (bb) Use of abusive or threatening language.
- (cc) Violation of specific Department/Division/Facility rules and regulations.
- (dd) Violation of Department policy or Drug Free Workplace.
- (ee) Violation of Department policies on Investigations, and/or Employee Cooperation in Investigations.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: Original rule filed September 30, 1982. **Amended:** Filed October 30, 1992; Effective: January 18, 1993.

580-6-34-.13 Sexual Harassment.

There will be no discrimination against any employee on the basis of sex; sexual harassment will not be tolerated. Sexual harassment is defined as, but not limited to, making unwelcome sexual advances, requests for sexual favors, and/or conducts of a sexual nature when:

- (a) Submission to such conduct is made a condition of employment.
- (b) Submission to or rejection of such conduct is used as a basis for employment decisions (compensation, terms, conditions, evaluations, or privileges, etc.) affecting the individual.
- (c) Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.
- (d) Any employee who is found in violation after investigation by the proper authority, will be subject to progressive disciplinary action, including termination.
- (f) The department cannot be responsible for problems involving sexual harassment which are not brought to its attention.
- (g) Any employee who believes that he/she has been subjected to sexual harassment must report the alleged incident as soon as possible. This report should be made to any of the following: supervisor, Personnel officer, Facility or Division/Bureau Director, Associate Commissioner, Deputy Commissioner, or the Commissioner of Mental Health/Mental Retardation.

(h) An immediate investigation shall be made of all complaints.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: Original rule filed September 30, 1982. **Revised:** Filed, October 30, 1992. **Effective:** January 18, 1993.

580-6-34-.14 Staff Education.

The Department of Mental Health and Mental Retardation or the appointing authority may prescribe formal and informal job related education and training curricula through staff development programs, and require that all employees take and successfully complete the required education and training. Failure to successfully complete prescribed job related curricula, after reasonable efforts have been exhausted, may constitute grounds for dismissal or demotion.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: Original rule filed September 30, 1982; **Amended:** Filed, October 30, 1992. **Effective:** January 18, 1993.

580-6-34-.15 Employee Assistance Program (EAP).

The Department of Mental Health/Mental Retardation shall have an Employee Assistance Program. The purpose of the program is to assist employees who are not performing satisfactorily on their jobs or the employee's quality of life is adversely affected due to various personal problems or disorders.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: Original rule filed September 30, 1982. **Amended:** Filed October 30, 1992. **Effective:** January 18, 1993.

580-6-34-.16 Post Termination Hearing.

A dismissed nonprobationary employee may appeal from a dismissal action of the appointing authority by filing a written notice of appeal with the Commissioner of the Alabama Department of Mental Health/Mental Retardation within ten (10) days after the dismissal.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: Original rule filed October 30, 1992. **Effective:** January 18, 1993. **Amended:** Filed December 16, 1993; **Effective:** January 21, 1994.

580-6-34-.17 Employee Complaint Procedure.

The Department of Mental Health/Mental Retardation provides a standardized procedure through which employees may seek a resolution to their complaints.

Author: Bureau of Human Resource Management

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: Original rule filed October 30, 1992. Effective: January 18, 1993.

580-6-34-.18 Drug Free Workplace..

Drug abuse and use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs may impair the well-being of clients other employees, the public at large, and result in damage to department property. It is the policy of The Department of Mental Health/Mental Retardation that the unlawful manufacture, distribution, dispensation, possession or use of controlled substance in the department's workplace is prohibited.

Author:

Statutory Authority:

History: