

TOWN OF COTTAGE CITY EMPLOYEE HANDBOOK/POLICY AND PROCEDURE MANUAL



Date of Adoption:
Effective Date:

This Employee Handbook Neither Constitutes Nor
Creates an Employment Contract.

The Policies and Procedures Set Forth Herein May
Be Unilaterally Changed by the Town at Any Time
and Without Prior Notice.

TOWN MANAGER'S CERTIFICATION

I HEREBY CERTIFY THAT THIS "EMPLOYEE HANDBOOK/POLICY AND
PROCEDURES MANUAL" IN ITS ENTIRETY (~~A TOTAL OF 64 PAGES~~) WAS DULY
ADOPTED BY REFERENCE AND AS PART OF RESOLUTION NO. 2021-02,
HAVING BEEN PASSED BY THE REQUIRED YEA AND NAY VOTES OF THE COTTAGE
CITY COMMISSION ON THE 12th DAY OF MAY 2021.

Commented [MP1]: The information in these paragraphs is in the policy itself, but it's very important that it be front and center to protect local governments from breach of contract claims and 14th amendment due process claims.

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DISCLAIMER

THIS EMPLOYEE HANDBOOK/POLICY AND PROCEDURES MANUAL ~~OR~~ (SOMETIMES REFERRED TO HEREIN AS THE "PERSONNEL MANUAL") DOES NOT CONSTITUTE AN EXPRESS OR IMPLIED CONTRACT. WHILE IT IS IMPOSSIBLE TO DRAFT A PERSONNEL MANUAL THAT ADDRESSES EVERY FACT-SPECIFIC CIRCUMSTANCE, THE STATEMENTS AND PROCEDURES CONTAINED IN THIS PERSONNEL MANUAL CONSTITUTE GENERAL POLICIES AND PROCEDURES OF THE TOWN. NO EMPLOYEE OF THE TOWN SHALL RELY UPON ANY STATEMENT OF ANY TOWN OFFICIAL, DEPARTMENT HEAD OR SUPERVISOR THAT CONFLICTS OR DIFFERS FROM THE ABOVE STATEMENT OR THE PERSONNEL PROCEDURES AND POLICIES.

Commented [MP2]: There are numerous sections that are in all caps. The use of all caps is confusing and suggests that something should be emphasized over something else. Where possible, most of the sections in all caps should be changed to "regular case."

EEO (EQUAL EMPLOYMENT OPPORTUNITY) STATEMENT

THE TOWN IS AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER. THE TOWN EMPLOYS, RETAINS, PROMOTES, TERMINATES, AND TREATS ALL EMPLOYEES AND JOB APPLICANTS ON THE BASIS OF MERIT, QUALIFICATIONS, AND COMPETENCE. THIS POLICY SHALL BE APPLIED WITHOUT REGARD TO AN INDIVIDUAL'S race (including race-based discrimination on the basis of hairstyle and texture), color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, disability, or genetic information, veteran status, military status, any other characteristic protected by federal, state, or county law or other non-merit factor. ~~RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, GENDER, SEX, ANCESTRY, CITIZENSHIP STATUS, MENTAL OR PHYSICAL DISABILITY, GENETIC INFORMATION, SEXUAL ORIENTATION, VETERAN STATUS, OR MILITARY STATUS OR OTHER NON-MERIT FACTOR.~~

Commented [MP3]: The list personal characteristics protected by law needs to be updated and consistent through the entire document. The language that has been proposed here has been also been inserted in other portions of this policy that touch on the issue of harassment and discrimination.

SEVERABILITY

IF ANY PROVISION OF THE PERSONNEL MANUAL IS HELD OR DEEMED TO BE OR SHALL IN FACT BE INOPERATIVE OR UNENFORCEABLE BECAUSE IT CONFLICTS WITH ANY OTHER PROVISION OR PROVISIONS HEREOF OR ANY CONSTITUTION, STATUTE, RULE OF LAW OR PUBLIC POLICY, OR FOR ANY OTHER REASON BY A COURT OF COMPETENT JURISDICTION, SUCH CIRCUMSTANCES SHALL NOT HAVE THE EFFECT OF RENDERING THE PROVISION IN QUESTION INOPERATIVE OR UNENFORCEABLE IN ANY OTHER CASE OR CIRCUMSTANCES, OR OF RENDERING ANY OTHER PROVISION HEREIN CONTAINED INVALID, INOPERATIVE OR UNENFORCEABLE TO ANY EXTENT WHATEVER. THE INVALIDITY OF ANY ONE OR MORE PHRASES, SENTENCES, CLAUSES OR SECTIONS IN THE PERSONNEL MANUAL SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS PERSONNEL MANUAL OR ANY PART THEREOF.

Disclaimer/EEO-Statement/Severability

SECTION I. GENERAL PROVISIONS

A. PERSONNEL POLICY OBJECTIVES:

By adoption of these Personnel Regulations the Cottage City Commission intends to create a Town Personnel System which results in:

- (1) Hiring, promotion, discipline, removal or any other actions affecting an employee's status without regard to race (including race-based discrimination on the basis of hairstyle and texture), color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, disability, or genetic information, veteran status, military status, affiliation or non-affiliation with a labor organization, or any other characteristic protected by federal, state, or county law. race, color, sex, national origin, non-disqualifying physical or mental disability, age, religious affiliation, or labor organization affiliation or not affiliation, sexual orientation, occupation, marital status or any other legally protected status.
- (2) Employment is attractive as a career.
- (3) Appointments and promotions on the sole basis of merit and fitness.
- (4) A performance rating system that supports economy and effectiveness in personal services for the mutual benefit of the employees, officials, taxpayers and Town residents.
- (5) Employees rendering the best service at all times.
- (6) Discipline actions taken fairly.
- (7) An appropriate review process for employees who are disciplined, suspended, terminated, or demoted from their positions with the Town.

B. DEFINITIONS:

- (1) DEPARTMENT HEAD: The Chief of Police, ~~or~~ the Supervisor of Public Works, and, ~~Unless~~ the position is vacant, the Town Manager, who shall oversee the Administrative Department.
- (2) EMPLOYEE: Any person working for the Town, except elected officials, and appointed Boards, and independent contractors hired by the Town Commission and including full-time employees. The Commission has the legal right to control the details of how the duties, services, or tasks are performed by its employees.
- (3) FULL TIME EMPLOYEE: These employees regularly work more than 39 hours per week and receive benefits.
- (4) PART TIME EMPLOYEE: These employees typically work less than 39 hours per week and receive no benefits.

Commented [MP4]: I would like to discuss this section. I'm not sure what the status of independent contractors is.

- (5) CONTRACTUAL EMPLOYEE: (Terms of contract dictate benefits): These [employees individuals](#) are under contract by the Town as an employee. They may be full time or part time employees, but their benefits, [if any](#), and terms of employment shall be as stated in the contract.
- (6) INDEPENDENT CONTRACTOR: (No benefits). ~~The~~ [An](#) Independent Contractor is not an employee of the Town, but is under contract with the Town. Unlike an employee, an independent contractor does not work regularly for the Town but works as and when required by the contract.

C. ADMINISTRATIVE:

- (1) The Cottage City Commission or its designee(s) shall be responsible for the administration of and amendments to this Manual.
- (2) The Town Commission and the Town Charter have delegated to the Town Manager the responsibility for the day-to-day general supervision of employees and the enforcement of the provisions of this manual. These responsibilities shall include, but not necessarily be limited to:
- a. Administration of rates of compensation.
 - b. The recruitment, examination and investigation of the qualifications of applications for all positions.
 - c. Recommendations as to appointment, transfer, promotion, demotion, suspension, dismissal and/or any other change in employee status.
 - d. Maintenance of permanent personnel records of department employees.
 - e. Recommendation and justification for the establishment of new positions.
 - f. The implementation of all policies set forth in this Manual.
- (3) These policies shall supersede all Town all previous personnel policies, except as specified in town ordinances and the town charter, and be applicable to all employees of the Town except as provided below:
- a. Appointed board and committee members unless expressly stated herein.
 - b. The general orders of the Police Department shall govern, unless they conflict with this Manual or Commission Policy and Action.
- (4) The Town Commission, in consultation with the Town Attorney, as appropriate, shall have sole authority for the interpretation of these regulations.

(5) The TOWN MANAGER shall oversee the:

- (1) Administrative,
- (2) Public Works, and
- (3) Police Department

(6) The Commission shall hire a Town Manager who shall be responsible to oversee all departments and guide the administration of those duties in keeping with this Manual.

SECTION II. EMPLOYEE RESPONSIBILITIES

- A. **PERSONAL CONDUCT:** ~~Town of Cottage City~~ Employees are representatives of the Town. Therefore, it is paramount that employees maintain the highest standards of professionalism and act and conduct themselves with other employees, officials and members of the public in a spirit of courtesy, restraint and respect of business and refraining from behavior that might be harmful or viewed unfavorably by the public at large.

Each Commissioner, Department Head and Employee is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. In addition, employees are responsible for respecting the rights of their co-workers. All Town employees and elected officials shall be required to comply with this policy and compliance shall be a factor considered in the evaluation of performance for all employees.

The following are examples of conduct or words or actions not suitable for employees and could result in disciplinary action up to and including dismissal:

- (1) **Harassment:** Harassment based on race (including race-based discrimination on the basis of hairstyle and texture), color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, disability, or genetic information, veteran status, military status, or any other characteristic protected by federal, state, or county law ~~race, color, religion, national origin, age, disability, sex, or other protected status, or for any reasons~~. Harassment includes improper interference with the ability of employees to perform their expected job duties. Examples of such conduct would include, but are not limited to, physical contact of a sexual nature; sexual, racial, ethnic or religious related jokes, comments, insults, cartoons or innuendos; or personal conduct or mannerisms that could be construed as offensive. The Town's anti-harassment policy is in Exhibit A to this handbook and is incorporated herein to this policy by reference.
- (2) **Sexual Harassment:** With respect to sexual harassment, the Town specifically prohibits the following:
 - a. Unwelcome sexual advances, requests for sexual favors and all other verbal and physical conduct of a sexual or otherwise offensive nature, especially where:
 - submission to such conduct is made explicitly or implicitly a term or condition of employment
 - submission to or rejection of such conduct is used as a basis for decisions affecting an

- individual's employment, or
- such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.
- b. Offensive comments, jokes, innuendos and other sexual oriented statements.
- (3) Disparaging Terms: Terms that are used to degrade or ~~imply~~ **IMPLY** negative statements pertaining to the categories listed above. They may include slurs, insults, printed materials, signs, photographs, symbols, posters or insignia. The mere usage of disparaging terms constitutes arbitrary discrimination.
- (4) Discrimination: Unfair or illegal treatment of a person on the basis of ~~race, color, religion, creed, ancestry, national origin, age, marital status, or physical and mental disability~~ **race (including race-based discrimination on the basis of hairstyle and texture), color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, disability, or genetic information, veteran status, military status, or any other characteristic protected by federal, state, or county law**. Such discrimination can occur overtly, covertly, intentionally, or unintentionally, by an act or by an omission.
- (5) Prejudice: Any set of rigid and/or unfavorable attitudes toward a particular group or groups which is formed in disregard of facts; and unsupported judgment usually accompanied by disapproval.
- (6) Stereotyping: A preconceived or oversimplified generalization involving negative beliefs about a particular group or class of people. Negative stereotypes are often the basis for prejudicial attitude and beliefs, since stereotyping allows for the disregard of people as individuals, but categorizes them as a member of a group, in which all think, act, and behave in the same manner and fashion.
- (7) Deliberate Bullying or Intimidation: This is behavior that tends to demean and intimidate others when there is no immediate reason for such behavior.
- (8) Anti-Semitism: This is a prejudicial, discriminatory attitude towards ~~Jews-Jewish people, based on negative perceptions about their religious beliefs, and is a form of stereotyping. Anti-Semitism can also be a form of racism.~~
- (9) Racism: Racism deals with the incorrect assumption that race determines specific cultural and psychological traits, and with the belief that one race is superior to another or all others.
- (10) Retaliation against an employee for exercising their rights: Retaliation against an employee for filing a harassment or discrimination complaint or other complaint of inappropriate treatment is prohibited, nor will there be retaliation against any person connected with **or who participates in** the investigation of such complaint **or who participates in any litigation related to the complaint**. Any such action will be reported to the Commission who, in turn will order an immediate investigation.
- (11) Insubordination: Conduct that amounts to refusal to obey or disobeying direct orders of

Commented [MP5]: I don't think it's necessary to label anti-semitism stereotyping or racism – we say it is discrimination.

anyone in a supervisory capacity. It also includes conduct where supervisory personnel are ridiculed by employees to other employees and or members of the public and tends to create an atmosphere of disrespect.

- (12) False statements or any fraudulent, misleading or harmful statements, actions or omissions, whether oral or written, relating to an employee, Department Head, # supervisor, Commissioner, other elected or appointed official, the Town of Cottage City or activities relating to the Town.
- (13) Theft, unauthorized use, removal, or damage to the property of the Town of Cottage City.
- (14) Non-justifiable threatened or actual physical violence.
- (15) The use of profane obscene and/or abusive language.
- (16) Carrying any weapon while on Cottage City Town business or during hours of employment. Excluded are sworn police officers in accordance with the laws of the State of Maryland.
- (17) Bringing onto Cottage City Town premises, possessing, being under the influence of, consuming, using, transferring, distributing or attempting to distribute any form of alcohol at any time during work hours whether or not on duty, and whether or not on Cottage City Town business or Cottage City Town premises, unless authorized by the Town Commission or Town Charter or Ordinances.
- (18) Bringing on to the Cottage City Town premises, possessing, being under the influence of, using, consuming, distributing or attempting to distribute, manufacturing for distribution a controlled dangerous substance (as defined in the criminal law Article, Section 5-101 of the Annotated Code of Maryland), as amended, during working hours whether or not on duty and whether or not on Cottage City Town business or Cottage City Town premises.
- (19) Organized gambling or disorderly or immoral conduct while on duty or off duty and on Cottage City Town premises.
- (20) Misrepresentation: Lying including but not limited to unauthorized use of passwords, software systems, or other support systems of the Town.

- B. PERSONAL APPEARANCE: Discretion in style of dress and behavior is essential to the efficient operation of Cottage City. Employees who are not required to wear uniforms to work are required to dress in appropriate attire. Employees are required to use good judgment in choosing work attire. Employees are required to maintain high standards of personal hygiene and cleanliness and to keep their work areas clean and orderly. This includes Cottage City vehicles when assigned as part of work responsibilities.

Employees failing to adhere to these standards of personal appearance and hygiene are subject to disciplinary action.

- C. TELEPHONE COURTESY: Each telephone call to the Town of Cottage City may be the caller's

first contact with the Town Government. Therefore, it is essential that all callers be treated courteously and politely with the announcement of the title of the office and the name of the operator. Information obtained from callers must be as thorough as possible and shall include name, address, title, agency and return phone number. The operator should be efficient but should refrain from speculating on the provision of the service or the content of the call.

- D. **PERSONAL USE OF THE TELEPHONE:** The Town of Cottage City recognizes that today's society requires flexibility in handling day to day situations that may arise from the juggling of careers, home responsibilities, child-care and school. Therefore, Cottage City allows up to three (3) non-emergency calls not to exceed five (5) minutes each during the workday. Long distance will be at the expense of the employee and will not be charged to the Town's telephone account. An employee who allows personal phone calls to distract from the accomplishment of job responsibilities or to distract other workers from the accomplishment of their job responsibilities will be subject to disciplinary action.
- E. **PERSONAL VISITS/NON-EMERGENCY:** Non-emergency personal visits from friends and relatives shall be limited to fifteen (15) minutes in duration and should not be encouraged by the employee. Employees will be held accountable for the conduct of those friends or relatives visiting and the visits shall not distract from the accomplishment of job responsibilities of the employee or fellow workers.
- F. **EXCESSIVE ABSENTEEISM AND LATENESS:** For Cottage City to function effectively, it is important that each employee be present when assigned to begin work and to remain at work during prescribed work hours. The Town recognizes, however, that illnesses and injuries may occur and has established sick leave and Worker's Compensation programs to compensate employees in these instances.

Should an employee be unable to work due to illness, the supervisor must be notified no later than fifteen (15) minutes after the start of the employee's work schedule. If possible, the employee should notify the supervisor before starting time, or as soon as he/she knows he/she is not able to report to work on time. Failure to notify a supervisor will result in an unexcused absence.

If an employee is absent for more than three (3) consecutive work-days a statement from a physician may be required before the employee will be permitted to return to work. In such instances, the Town reserves the right to require employees to submit to a physical examination by the Town's medical group. Also, the Town may require employees to submit statements from physicians and/or submit to physical examinations when abuse of sick leave is reasonably suspected. Excessive absenteeism will result in disciplinary action up to and including dismissal.

The only exceptions to this policy are those employees who may commence work in the field and report to a specific work location for initial assignments.

Employees who experience three (3) unexcused occurrences of late arrival in any month will receive a written warning. Any repeat infraction within a subsequent month may be grounds for disciplinary action up to and including dismissal.

Employees who take unauthorized leave (absence without approved leave) the day before or day

after a holiday will not be paid for the holiday.

THREE (3) CONSECUTIVE WORKING DAYS OF ABSENCE WITHOUT AUTHORIZED LEAVE WILL BE CONSIDERED A RESIGNATION FROM EMPLOYMENT WITHOUT NOTICE. EMPLOYEES IN SUCH CASES WILL BE CONSIDERED TO HAVE ABANDONED THEIR POSITIONS, WILL BE REMOVED FROM THE PAYROLL AND EMPLOYMENT WILL BE TERMINATED.

- G. HOURS OF WORK: Employees work schedules may vary depending upon the needs of the various departments, however a standard work week will be forty (40) hours, including a ½ hour daily lunch break for Full-Time employees. Please keep in mind the office is never to be left uncovered and must be staffed during the office hours of 9:00 A.M. to 5:00 P.M. Police department personnel who work ten (10) hours or more during a shift will be entitled to normal break periods.
- H. DRUG AND ALCOHOL USE: Cottage City has adopted a “Drug Free Work-Place” which prohibits possession, use or sale of illegal drugs and alcoholic beverages by Cottage City employees.

Cottage City may require applicants to participate in a drug ~~and alcohol~~ screening prior to employment and reserves the right to require any employee exhibiting symptoms of drug and/or alcohol ~~intoxication or abuse~~ during the workday to undergo drug ~~and/or alcohol~~ testing. Random drug testing may occur for employees who operate motor vehicles or equipment ~~for of the Town that may cause injury~~.

~~Any employee with a drug or alcohol problem may contact their Department Head to arrange for assistance from Cottage City.~~ Failure to observe this policy will result in disciplinary action, up to and including dismissal. Also, employees violating this policy could be charged criminally. Employees of the Town may be required to undergo alcohol and drug testing subsequent to any vehicle or personal injury accidents.

~~Any employee with a drug or alcohol problem may contact their Department Head or another Department Head to arrange for assistance from Cottage City.~~

Please refer to Appendix B, which is incorporated herein, for the Town’s drug use policy.

- I. SAFETY HABITS: Safety of employees is paramount, and departments are encouraged to conduct periodic training that relates to safe work habits. In addition, Cottage City may sponsor meetings/trainings that relate to a variety of safety topics. Department Heads and all employees ~~must will be, when practical, be~~ notified, in advance, of mandatory training sessions to enhance proper scheduling. Department Heads are accountable for the scheduling of subordinate’s attendance at these training sessions.

All employees are required to sign off on any safety meetings/trainings attended and/or instructions given. Employees shall immediately contact a supervisor when they believe unsafe conditions or violations of safety rules exist.

- J. POLITICAL ACTIVITIES: Participation in politics or political campaigns and the free expression

Commented [MP6]: Do you require alcohol screenings or just drug screenings prior to hiring?

Commented [MP7]: The phrase “that may cause injury” is unnecessary and suggests that there might be some motor vehicles or equipment that, if used while drunk or high, wouldn’t cause injury.

Commented [MP8]: This sentence was part of the previous paragraph, but doesn’t belong there. The paragraph above talks about discipline for violators, this sentence is about helping those who seek out help. I think it is important to provide options under these circumstances, so I recommend adding “or another Department Head.” Someone might not be comfortable going to his or her own supervisor.

Commented [MP9]: Using the word “must” in regards to notice for staff can cause headaches. Sometimes you might have to have an emergency meeting or training without more than 2 minutes notice and some will complain that’s not enough under a policy like this.

of political opinion by employees shall not be prohibited.

All employees retain the rights provided to them by the Constitution of the United States of America and the Constitution and laws of the State of Maryland, however no employee shall:

1. Engage in political activity while on the job during working hours; or
2. Advocate the overthrow of the government by unconstitutional or violent means.

K. ACCEPTANCE OF GIFTS: It is important that Cottage City employees maintain high standards of integrity. Acceptance of gifts, rewards, or other tangible valuable consideration, by an employee, when given under circumstances indicating the hope or expectation of receiving a special favor or better treatment is prohibited. CHAPTER 15 of the Code of Cottage City sets forth the law regarding the solicitation and/or acceptance of gifts [and is incorporated herein by reference](#).

L. OUTSIDE EMPLOYMENT: An employee accepting employment outside Cottage City's service shall notify their Department Head, in writing, prior to accepting the employment. Outside employment shall not impinge upon the Town's workday and workforce. Employees assigned to the Police Department must have prior approval of the Chief of Police before accepting outside employment. SECONDARY EMPLOYMENT OF POLICE OFFICERS THAT MAY REQUIRE THE USE OF POLICE POWERS SHALL REQUIRE AN EMPLOYMENT [AGREEMENT](#) ENTERED INTO BY BOTH EMPLOYERS AND THE EMPLOYEE. THE EMPLOYMENT AGREEMENT SHALL CONFORM WITH ANY APPLICABLE POLICE DIRECTIVES AND INCLUDE AN INDEMNIFICATION CLAUSE AND SHALL BE APPROVED AND SIGNED BY THE TOWN MANAGER AND [COMMISSION](#). Any injury sustained in outside employment shall be immediately reported, in writing, to the employee's immediate supervisor and Department Head.

Commented [MP10]: Is there anything in the General Orders regarding this? If so, it has to be incorporated here by reference.

M. LOST OR DAMAGED EQUIPMENT:

- (1) Employees of the Town are responsible for the proper use and care of the Town equipment.
- (2) Employees may be charged for lost or damaged equipment that has been placed with their control.
- (3) Charges for lost or damaged equipment will be decided upon by the employee's Department Head. In the case of loss or damage by a Department Head, the Commission will determine whether or not to charge the Department Head.

- ~~a. Employees may be charged for lost or damaged equipment that has been placed with their control.~~
- ~~b. Charges for lost or damaged equipment will be decided upon by the employee's Department Head. In the case of loss or damage by a Department Head, the Commission will determine whether or not to charge the Department Head.~~

Commented [MP11]: This is duplicative of the two sentences above.

N. EMPLOYEES CLOCKING IN: All non-exempt employees shall clock in at the beginning of their workday/shift and clock out at the end. This will be done in conjunction with any paper

timesheet as deemed appropriate by the Town Manager.

SECTION III. USE OF TOWN VEHICLES

- A. **AUTHORITY TO USE:** Only Town Employees, officials, members of the Commission, visitors on Official Town Business, or other authorized persons are permitted to ride, operate or be in or on any vehicle or piece of motor driven equipment owned or operated by the Town, except in cases of emergency (Exception: Take-home vehicles; see below). Town vehicles may be used only for transportation related to the conduct of Town business or Town-related activities, unless approved in advance by the Commission. Any employee or official of the Town who violates or permits the violation of any of the provisions of this section shall be subject to disciplinary action, up to and including termination.

Police personnel shall follow the General Orders for vehicle use, in addition to the following:

B. **OPERATOR'S LICENSE REQUIREMENTS:**

- (1) Any employee who operates a Town licensed motor vehicle must have a valid driver's license.

- a. Any employee whose license is revoked or suspended shall report the change to his/her supervisor at once and shall not operate a Town vehicle during the time of suspension or revocation.
- b. Any employee holding a restricted driver's license shall comply with such restrictions whenever operating a Town vehicle.
- c. Prior to authorizing an employee to use a Town vehicle, an employee's driving records are subject to review. Should an employee decline to authorize review of their driving records, the employee will not be permitted to use a Town vehicle. Reviews of the employee's driving records will/may be done on a yearly basis.

- (2) An employee who is expected to operate a Town vehicle in the course of his/her duties who ceases to have a valid driver's license for whatever reason is subject to job transfer, demotion or dismissal in accordance with the best interests of the Town. The same action may be taken if it is determined that an employee has developed a poor-driving record.

- C. **INSURANCE:** An employee who does not qualify for Town insurance coverage due to a poor driving record or for some other reason is subject to job transfer, demotion or dismissal in accordance with the best interests of the Town.

D. **CONDITION OF VEHICLE:**

- (1) **OPERATOR'S RESPONSIBILITY:** All vehicle operators must ensure that Town vehicles are kept in good operating condition. Each driver must make sure that the proper levels of oil, water, fuel and air in tires are maintained, and that the battery system and special

Commented [MP12]: For any section where you say someone is subject to disciplinary action, consider adding the phrase "up to and including termination" in the event that termination is warranted.

Commented [MP13]: Something may be missing here.

Commented [MP14]: I recommend "may" here in the event an employee forgets to check one year. If that happens, use of may avoids the appearance that the Town has waived or cancelled the practice.

equipment is operable. If an employee becomes aware of needed regular maintenance or maintenance repairs, he/she ~~should~~ must report to his/her supervisor or to the person in the employee's department responsible for maintenance and operation of motor vehicles. Failure to report the need for maintenance or repairs to a vehicle may result in discipline up to and including termination.

(2) UNSAFE VEHICLES:

- a. Any employee may refuse to operate a vehicle which is not in safe operating condition. The employee's supervisor shall have the vehicle inspected and, if necessary, repairs made as soon as possible. The employee shall be assigned another vehicle if available or other duties not requiring a vehicle.
- b. If a supervisor determines that a vehicle questioned by an employee is in fact in safe operative condition, he/she may direct the employee to continue to operate it. The employee, however, shall have the right to appeal the supervisor's decision to the Commission.

E. ACCIDENTS:

(1) REPORTING OF THE ACCIDENT:

- a. As soon as possible, and whenever possible, before the vehicle is moved from the scene of the accident, an employee involved in an accident while driving a Town vehicle must immediately report the accident to the Administrative office, to his/her supervisor, and if in another jurisdiction, to the proper agency.
- b. A written report of the accident must be filed with the Administrative Office as soon as possible and not more than one working day after the accident. Failure to report an accident involving a Town vehicle may result in discipline, up to and including termination.
- c. All employees involved in such an accident will be subject to immediate drug and alcohol testing.
- d. FOR THE FIRST OCCURRENCE OF A PREVENTABLE ACCIDENT RESULTING IN DAMAGE OR INJURY (WHICH REQUIRES MEDICAL TREATMENT) IN WHICH THE EMPLOYEE IS DETERMINED TO HAVE CONTRIBUTED, A WRITTEN WARNING IS RECOMMENDED. IN ADDITION, THE EMPLOYEE WILL BE PLACED IN A REMEDIAL TRAINING PROGRAM TO CORRECT THE DEFICIENCY WHICH LED TO THE ACCIDENT. THE EMPLOYEE MAY ALSO BE REQUIRED TO CONTRIBUTE TO THE COST OF REPAIR OR REPLACEMENT OF DAMAGED EQUIPMENT. AN EMPLOYEE WHO TESTS POSITIVE FOR DRUGS OR ALCOHOL IN A POST-ACCIDENT DRUG TEST FOR THE FIRST OCCURRENCE OF AN ACCIDENT OR INJURY AS DESCRIBED HERE WILL BE SUSPENDED FROM WORK FOR A PERIOD OF NO LESS THAN 3 DAYS, but may be subject to termination.
- e. FOLLOWING THE SECOND OCCURRENCE OF A PREVENTABLE ACCIDENT

Commented [MP15]: There may be events that are so bad that suspension won't address the problem. I recommend adding this language.

WITHIN A 12-MONTH PERIOD RESULTING IN DAMAGE OR INJURY (WHICH REQUIRES MEDICAL TREATMENT) IN WHICH THE EMPLOYEE IS DETERMINED TO HAVE CONTRIBUTED, THE EMPLOYEE WILL BE SUSPENDED WITHOUT PAY or terminated AND MAY BE REQUIRED TO CONTRIBUTE TO THE COST OF REPAIR OR REPLACEMENT OF DAMAGED EQUIPMENT.

Commented [MP16]: I think that there are circumstances where a person may need to be fired and not just suspended for two serious accidents in less than 12 months.

f. FOLLOWING THE THIRD OCCURRENCE OF A PREVENTABLE ACCIDENT (WITHIN A 2-YEAR PERIOD) RESULTING IN DAMAGE OR INJURY IN WHICH THE EMPLOYEE IS DETERMINED TO HAVE CONTRIBUTED, THE EMPLOYEE is subject to discipline, up to and including termination. ~~MAY BE DISCHARGED FROM EMPLOYMENT.~~

g. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PREVENT OTHER FORMS OF DISCIPLINARY ACTION FROM BEING TAKEN INCLUDING DISMISSAL FROM EMPLOYMENT regardless of the severity of an accident or the number of accidents in a twelve-month period.

(2) OUTCOME OF THE ACCIDENT:

- a. An employee operating a Town vehicle involved in an accident may be required to reimburse the Town for all or a portion of the loss, depending on the circumstances and who is to blame.
- b. An employee involved in an accident as a result of negligence or unlawful operation is subject to disciplinary action.

(3) WORK RELATED INJURIES:

All work-related injuries will be reported to the Department Head (if he/she is not already aware) as soon as possible. The Department Head will be responsible for notifying and coordinating necessary reports with the Administrative Office as soon as possible.

F. UNATTENDED VEHICLES:

(1) BREAKDOWNS: When a vehicle has broken down, the employee must make every effort to remove the vehicle from the travel lanes of the roadway. If a vehicle must be left standing in the travel lane of a roadway, appropriate measures must be taken to warn other vehicles of the stopped vehicle.

(2) ITEMS IN VEHICLE:

- a. When ~~a vehicle containing~~ materials, supplies, or equipment of value are left unattended, the vehicle doors must be locked, and, if possible, valuable items shall be stored out of sight in a locked compartment. If it is not possible to secure valuables, they must either be removed, or the vehicle shall not be left attended.

- b. If an employee fails to take appropriate measures [to secure or protect property](#), and as a result property is lost or stolen, he/she may be required to reimburse the Town for all or a portion of the value of the property. The Town is not responsible for loss of an employee's personal property left in a Town vehicle.

G. DRIVING SAFETY:

- (1) SEAT BELTS: Seat belts shall be used by all parties in a vehicle whenever the vehicle is moving.
- (2) PASSENGERS: The driver of a Town vehicle is responsible for the safety and conduct of all passengers. Employees are prohibited from transporting family members, friends, associates or other persons who are not employees of the Town or serving the interest of the Town without the approval of the department head. Passengers in trucks must ride in the passenger compartments.
- (3) LIGHTS: Drivers shall use lights at all times while operating a Town vehicle.

H. OPERATION OF TOWN VEHICLES WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS

- (1) Town personnel regulations prohibit consuming alcoholic beverages or illegal drugs during work hours.
- (2) In addition, no employee may consume alcohol or illegal drugs at home and then report to work under the influence of the alcohol or drugs. Failure to obey these regulations will subject the employee to disciplinary action.
- (3) If an employee is called in to work in an emergency situation, such as for snow removal, it is conceivable that he/she may have been consuming alcohol prior to reporting to work. Any employee who has been drinking shall not report for work until the effects of the alcoholic consumption have worn off. Any employee observed to be impaired to any extent as the result of drinking alcoholic beverages or consuming drugs (either controlled dangerous substances or prescription drugs causing side effects such as drowsiness), shall be tested for alcohol and drugs and be subject to discipline.

I. TRAVEL:

- (1) APPROVAL AND ATTENDANCE :
 - a. THESE PROCEDURES APPLY TO ALL TOWN EMPLOYEES AND MEMBERS OF THE COMMISSION.
 - b. EACH EMPLOYEE AND DEPARTMENT HEAD IS EXPECTED TO EXERCISE SOUND AND PRUDENT JUDGEMENT WHEN ARRANGING FOR, INCURRING AND APPROVING TRAVEL EXPENDITURES.

- c. ALL TRAVEL MUST BE PRE-APPROVED BY THE DEPARTMENT HEAD OR TOWN MANAGER, EXCEPT IN THE CASE OF A COMMISSIONER.
- d. EMPLOYEES ARE NOT GUARANTEED ATTENDANCE AT CONFERENCES AND TRAINING SEMINARS. DEPARTMENT HEADS HAVE THE AUTHORITY AND THE RESPONSIBILITY TO APPROVE OR DISAPPROVE REQUESTS FOR CONFERENCES, TRAINING SEMINARS, AND OTHER BUSINESS TRAVEL. DEPARTMENTS ARE ENCOURAGED TO PROVIDE THESE OPPORTUNITIES APPROPRIATELY AND FAIRLY.
- e. THE TOWN MANAGER MUST APPROVE REQUESTS WHERE MULTIPLE EMPLOYEES ARE REQUESTING ATTENDANCE AT THE SAME EVENT OUTSIDE THE TOWN METROPOLITAN AREA AND WHEN OVERNIGHT TRAVEL IS INVOLVED. THIS APPROVAL IS REQUIRED EVEN IF THESE EMPLOYEES ARE FROM DIFFERENT DEPARTMENTS.

(2) TRANSPORTATION:

- a. IT IS EXPECTED THAT THE MOST DIRECT, PRACTICAL AND ECONOMICAL MODE AND ROUTE OF TRAVEL WILL BE ARRANGED AND USED. TRANSPORTATION IS PAID ONLY IF IT IS REASONABLE AND NECESSARY TO ACCOMPLISH THE TOWN'S BUSINESS.
- b. TOWN VEHICLES SHOULD BE USED FOR DAY OR OVERNIGHT TRAVEL WHENEVER POSSIBLE. WHERE TOWN VEHICLES ARE NOT AVAILABLE, EMPLOYEES MAY USE PERSONAL VEHICLES. WHEN TOWN VEHICLES ARE AVAILABLE AND THE EMPLOYEE OR COMMISSIONER CHOSE TO TAKE THEIR OWN VEHICLE THE MILEAGE REIMBURSEMENT RATE WILL BE REDUCED FROM THE IRS RATE BY 5%.
- c. PERSONAL VEHICLES SHOULD BE USED FOR TRANSPORTATION FOR LOCAL, DAY OR OVERNIGHT TRAVEL ONLY WHEN A TOWN VEHICLE IS NOT AVAILABLE OR USE OF A TOWN VEHICLE IS HIGHLY INCONVENIENT. USE OF A PERSONAL VEHICLE ON AUTHORIZED BUSINESS TRIPS WHEN A TOWN VEHICLE IS NOT AVAILABLE WILL BE REIMBURSED AT THE TOWN MILEAGE RATE WHICH FOLLOWS THE STANDARD IRS RATE LESS 5%.
 - 1. ALL EXPENDITURES THAT REQUIRE USE OF A PERSONAL VEHICLE MUST BE PRE-AUTHORIZED BY YOUR DEPARTMENT HEAD. THE TOTAL RATE FOR REIMBURSEMENT IS NOT TO EXCEED THE TOTAL COST OF POINT-TO-POINT TRAVEL. THE ADMINISTRATIVE OFFICE WILL USE A MAPPING SERVICE SUCH AS GOOGLE MAPS, MAPQUEST, ETC. TO VERIFY DISTANCES. DAMAGE TO A PERSONAL VEHICLE USED ON A BUSINESS TRIP IS NOT REIMBURSABLE.
 - 2. THE TOWN REQUIRES MILEAGE BE CALCULATED AS THE TRIP BEGAN AND ENDED AT THE EMPLOYEE/REPRESENTATIVE'S OFFICE LOCATION,

NOT THEIR HOME. BELOW IS AN EXAMPLE OF HOW MILEAGE SHOULD BE CALCULATED:

EXAMPLE 1:

MILEAGE FROM HOME TO AIRPORT (OR OTHER DESTINATION) 100

MILEAGE FROM HOME TO OFFICE (40)

REIMBURSABLE MILEAGE 60

EXAMPLE 2:

MILEAGE FROM HOME TO AIRPORT (OR OTHER DESTINATION) 10

MILEAGE FROM HOME TO OFFICE (35)

REIMBURSABLE MILEAGE ZERO

- d. AIRPLANE, TRAIN, TAXICAB, SHUTTLE BUS, PUBLIC TRANSPORTATION, AND RENTAL CAR: IT IS EXPECTED THAT THE MOST ECONOMICAL AND EFFICIENT MODE AND ROUTE OF TRAVEL WILL BE USED AND THAT ALL TRAVEL IS NECESSARY TO ACCOMPLISH THE CITY'S BUSINESS. TRANSPORTATION SHOULD BE SHARED BY EMPLOYEES TRAVELING TOGETHER WHENEVER POSSIBLE. RENTAL CARS MAY BE USED ONLY WHEN NECESSARY FOR OFFICIAL PURPOSES WHILE TRAVELING. EXPENSES WILL BE REIMBURSED AT ACTUAL COST.

(3) LODGING:

- a. ACCOMMODATIONS ARE ARRANGED ON A SINGLE OCCUPANCY BASIS ONLY. ACCOMMODATIONS ARE ARRANGED AT (OR CLOSEST TO) THE SITE OF BUSINESS. TOWN REPRESENTATIVES MUST INQUIRE ABOUT "GOVERNMENT RATES" WHEN MAKING RESERVATIONS AND CONFIRMING RATES. RATES ARE CAPPED AT THE MAXIMUM ALLOWABLE RATE BY THE GSA SCHEDULE FOR THAT LOCATION UNLESS OTHERWISE APPROVED BY THE COMMISSION.
- b. UPON RECEIPT OF APPROVAL TO TRAVEL, THE INDIVIDUAL MAY ARRANGE FOR REGISTRATION, LODGING AND/OR COMMON CARRIER NEEDS UTILIZING A CITY CREDIT CARD, OR THEY MAY ASK THE OFFICE MANAGER TO MAKE THE LODGING ARRANGEMENTS. IF THE INDIVIDUAL ELECTS TO PAY FINAL COSTS WITH PERSONAL FUNDS, REIMBURSEMENT TO THE INDIVIDUAL WILL BE THROUGH THE APPLICABLE REIMBURSEMENT REQUEST FORM. IF THE INDIVIDUAL ELECTS NOT TO PAY FINAL COSTS WITH PERSONAL FUNDS, TRAVEL ADVANCE CHECKS PAYABLE TO THE PROVIDER(S) MAY BE GENERATED AND PRESENTED TO THE INDIVIDUAL PRIOR TO DEPARTURE AS DETAILED IN THIS STANDARD.
- c. ANY TOWN EMPLOYEE/REPRESENTATIVE THAT IS TRAVELING IS SOLELY RESPONSIBLE TO OBTAIN A STATE SALES TAX EXEMPTION CERTIFICATE AND/OR HOTEL/MOTEL TAX EXEMPTION FORM FROM THE OFFICE MANAGER BEFORE DEPARTING FOR THEIR DESTINATION.

- d. NO SHOW CHARGES: IN THE EVENT OF A CHANGE IN ARRANGEMENTS, IT IS THE RESPONSIBILITY OF THE EMPLOYEE/REPRESENTATIVE TO CANCEL ALL GUARANTEED RESERVATIONS. NO SHOW CHARGES ARE THE SOLE RESPONSIBILITY OF THE EMPLOYEE/REPRESENTATIVE AND ARE NOT REIMBURSABLE.
- e. GROUND TRANSPORTATION: GROUND TRANSPORTATION SHOULD BE BOOKED AHEAD OF TIME IF POSSIBLE. THE METHOD OF GROUND TRANSPORTATION THAT IS REIMBURSABLE IS DEPENDENT ON THE LOCATION, DURATION AND NATURE OF THE BUSINESS TRIP. MANY HOTELS OFFER COMPLIMENTARY SHUTTLE SERVICE AND, IN SOME AREAS, A SHUTTLE SERVICE OFFERS A FAST/CONVENIENT AND ECONOMICAL MODE OF TRANSPORTATION FROM THE AIRPORT TO A DOWNTOWN HOTEL. SHUTTLE SERVICES SHOULD REPRESENT A SAVINGS OVER STANDARD TAXI FARE IF SELECTED AS A TRANSPORTATION OPTION.
- f. LODGING FOR OVERNIGHT STAYS MUST BE NECESSARY AND REASONABLE TO ACCOMPLISH THE TOWN'S BUSINESS. IT IS AT THE DEPARTMENT HEAD'S DISCRETION (WITH CONSIDERATION OF CIRCUMSTANCES SUCH AS DISTANCE FROM HOME AND TIMES THAT TRAINING BEGINS AND ENDS, ETC.) AS TO WHAT CONSTITUTES A LEGITIMATE NEED FOR OVERNIGHT LODGING.

(4) MEALS AND INCIDENTAL EXPENSES:

MEALS AND INCIDENTAL EXPENSES, INCLUDING TAX AND TIPS, WILL BE REIMBURSED AT THE PER DIEM RATE FOR THAT LOCATION AS SPECIFIED BY THE GSA.

J. RECOMMENDED CORRECTIVE ACTION FOLLOWING A MOVING VIOLATION IN A TOWN VEHICLE OR PERSONAL VEHICLE WHILE DRIVING IN THE COURSE OF BUSINESS (WITHOUT DAMAGE OR INJURY):

- (1) FIRST OCCURRENCE WITHIN 12 MONTHS – WRITTEN WARNING AND REMEDIAL TRAINING. SERIOUS MOVING VIOLATIONS MAY RESULT IN IMMEDIATE DISMISSAL REGARDLESS OF PREVIOUS HISTORY.
- (2) SECOND OCCURRENCE WITHIN 12 MONTHS– SUSPENSION AND REMEDIAL TRAINING.
- (3) THIRD OCCURRENCE WITHIN 36 MONTHS– TERMINATION OF EMPLOYMENT.

SECTION IV. EMPLOYEE BENEFITS

A. LEAVE TIME:

- (1) Annual Leave:

- a. Accumulation: Full-time employees shall accrue annual leave as follows:

| <u>Length of Employment</u> | <u>Accrued Per Pay Period</u> |
|-----------------------------|-------------------------------|
| 0 – 8 years | 4 hours per pay period |
| 8 + years | 6 hours per pay period |

Since annual leave is to be used for rest, relaxation and personal rejuvenation, Cottage City encourages all permanent employees to use at least one-half of their accrued annual leave during the calendar year as it is earned.

Employees may accrue up to one hundred fifty-six (156) hours (19.5 days) annual leave during the calendar year. However, accrued annual leave exceeding one hundred and twenty (120) hours by December 31st will be forfeited.

- b. Newly Hired Employees: Newly hired permanent full-time employees will accrue annual leave on the same basis as described above. However, annual leave will not ordinarily be approved for use until the new employee has satisfactorily completed three (3) months of continuous employment.
- c. Advanced Annual Leave: Employees are permitted to use, upon approval, only an amount of annual leave that is equal to what has been accrued. However, in unusual circumstances and upon recommendation of the Department Head, the Commission can approve the advancement of additional leave in excess of what has been accrued. Upon termination of employment employees who have been granted advanced leave shall reimburse the Town for such leave unless waived by the Commission.
- d. Compensation for Accrued Annual Leave Due to Resignation, Dismissal or Death: ~~Except for probationary employees,~~ All employees that have been continuously employed by the Town for a period of more than six months shall be compensated for any accrued annual leave credited at the time of retirement, resignation, dismissal or death. All leave shall be paid at the rate prevailing at the time of retirement, resignation, dismissal or death.

Commented [MP17]: I don't recommend using the term probationary period – this proposed language has the same impact – and doesn't include the phrase.

- (2) Holidays: Employees shall be granted the following paid holidays:

| | |
|----------------------------|------------------------|
| <u>New Year's Day</u> | Thanksgiving Day |
| Martin Luther King's Day | Day after Thanksgiving |
| Memorial Day | Christmas Day |
| Independence Day Labor Day | |

Commented [MP18]: If the Town gives employees off for Juneteenth, that day should be added to this list.

An employee must be working or be on an approved leave status the day before and/or the day after the holiday to receive holiday pay. If any Town paid holiday falls on a Saturday, the preceding Friday will be observed as the Holiday. If a Town paid holiday falls on a Sunday, the following Monday will be observed as the Holiday.

EMPLOYEES REQUIRED TO WORK ON HOLIDAYS SHALL BE PAID ONE AND ONE-

HALF (1 and 1/2) TIMES THEIR HOURLY RATE FOR HOURS WORKED, IN ADDITION TO THEIR REGULAR HOLIDAY PAY. REGULAR HOLIDAY PAY FOR ALL EMPLOYEES, EXCEPT POLICE OFFICERS, SHALL BE EIGHT (8) HOURS. POLICE OFFICERS REQUIRED TO WORK ON AN AUTHORIZED HOLIDAY SHALL BE COMPENSATED AT A RATE OF ONE AND ONE-HALF (1 1/2) TIMES THE NORMAL RATE OF PAY FOR ALL SCHEDULED HOURS AND AT 1 1/2 TIMES THEIR NORMAL RATE OF PAY FOR ALL ADDITIONAL HOURS.

WHENEVER AN OFFICIAL HOLIDAY FALLS ON A WEEKEND AND IS CELEBRATED ON THE PRECEDING FRIDAY OR THE FOLLOWING MONDAY, THE DAY IT IS CELEBRATED IS CONSIDERED A SUBSTITUTE HOLIDAY. POLICE OFFICERS REQUIRED TO WORK EITHER ON THE OFFICIAL HOLIDAY OR THE SUBSTITUTE HOLIDAY SHALL BE COMPENSATED AT THE HOLIDAY PAY RATE.

AN EMPLOYEE WHO IS REQUIRED TO WORK ON BOTH THE OFFICIAL HOLIDAY AND THE SUBSTITUTE HOLIDAY SHALL BE ENTITLED TO HOLIDAY PAY FOR ONLY ONE DAY. WHENEVER A POLICE OFFICER'S REGULARLY SCHEDULED DAYS OFF FALLS ON THE ACTUAL OR CELEBRATED HOLIDAY THAT OFFICER SHALL RECEIVE ONE SCHEDULED WORKDAY OF HOLIDAY LEAVE WHICH MUST BE USED WITHIN 30 DAYS OF THE HOLIDAY.

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(3) Sick Leave (Paid):

- a. Accumulated Sick Leave: Full-time employees shall earn sick leave at the rate of one hundred and four (104) hours or thirteen (13) days per year. Sick leave will accrue at the rate of four (4) hours per pay period. Sick leave shall begin to accrue from the first day of employment and shall accumulate concurrently with the employee's continuous service. Sick leave may be accumulated up the maximum of four hundred and eight (480) hours or sixty (60) days. Beyond that point, no more sick leave can be accumulated. Sick leave is not compensable, or transferable to other employees, and will not be paid off at the time of any employee's resignation, dismissal or death.
- b. Advanced Sick Leave: Employees are permitted to use, upon approval BY THE TOWN MANAGER, advanced sick leave but will not exceed forty (40) work hours.
- c. Advance Notification of Use of Sick Leave: When an employee is sick, he/she shall notify his/her department head or other designated individual of the illness not later than one hour after the time he/she is supposed to work.
- d. Abuse of Sick Leave: Sick leave is to be used only when actually warranted. when there is reason to believe sick leave is being abused, an employee's supervisor may require the employee to obtain a licensed physician's certificate of explanation for the period of absence. After the employee has been absent for two or more consecutive days, or circumstances otherwise require it for the safety of the employee or others, a Medical Release is required to return to work. Employees should realize that abuse of sick leave is just cause for disciplinary action.

e. Use of Sick Leave: Sick leave may be taken for the reasons noted below:

1. Personal Illness.
2. Family Illness. For purposes of this section, “family” is defined as father, stepfather, mother, stepmother, son, stepson, daughter, stepdaughter, husband, wife, father-in-law, mother-in-law, or any relative living in the home.
3. Bereavement Leave. In the event of death of an immediate family member. (Parent, Child, Stepchild, Spouse, Siblings, Stepsiblings, Grandparents or Grandchildren, Mother-in-law and Father-in-law or any relative living in the home) an employee is entitled to up to three (3) days leave with pay. Such leave shall not be deducted from any other leave. Leave does not apply to any day in which an employee is not scheduled to work.

(4) MARYLAND SICK AND SAFE LEAVE (UNPAID)

- a. THIS PARAGRAPH APPLIES TO PART TIME EMPLOYEES WHO ARE NOT ENTITLED TO PAID SICK LEAVE. THE MARYLAND HEALTHY WORKING FAMILIES ACT REQUIRES THAT EMPLOYERS WHO EMPLOY fourteen (14) OR FEWER EMPLOYEES PROVIDE UNPAID SICK AND SAFE LEAVE FOR CERTAIN EMPLOYEES. PURSUANT TO MARYLAND LAW, EMPLOYEES OF EMPLOYERS HAVING fourteen (14) OR FEWER EMPLOYEES ARE ENTITLED TO EARN (UNPAID) SICK AND SAFE LEAVE AT THE RATE OF 1 HOUR FOR EVERY thirty (30) HOURS THAT AN EMPLOYEE WORKS UP TO A MAXIMUM OF forty (40) HOURS OF SICK LEAVE (UNPAID) PER YEAR. THE FISCAL YEAR COMMENCES ON JULY 1 AND ENDS ON JUNE 30. AN EMPLOYEE ACCRUES EARNED SICK AND SAFE LEAVE AT A RATE OF AT LEAST ONE HOUR FOR EVERY 30 HOURS THE EMPLOYEE WORKS, HOWEVER, AN EMPLOYEE IS NOT ENTITLED TO EARN MORE THAN forty (40) HOURS OF SICK AND SAFE LEAVE IN A YEAR.
- b. AN EMPLOYEE IS NOT ENTITLED TO EARN SICK AND SAFE LEAVE (UNPAID) DURING:
 - A TWO-WEEK PAY PERIOD IN WHICH THE EMPLOYEE WORKED FEWER THAN twenty-four (24) HOURS TOTAL;
 - A ONE-WEEK PAY PERIOD IF THE EMPLOYEE WORKED FEWER THAN A COMBINED TOTAL OF twenty-four (24) HOURS IN THE CURRENT AND PRECEDING PAY PERIOD; OR
 - A PAY PERIOD IN WHICH THE EMPLOYEE IS PAID TWICE PER MONTH AND THE EMPLOYEE WORKED FEWER THAN twenty-six (26) HOURS IN THE PAY PERIOD.
 - AN EMPLOYEE WHO IS EXEMPT FROM THE OVERTIME PROVISIONS OF THE FAIR LABOR STANDARDS ACT IS ASSUMED TO WORK forty (40) HOURS PER WEEK.

Commented [MP19]: In the section related to leave above, we talk about use it or use it leave being based upon the calendar year. Why the different application here – we seem to use the fiscal year here.

- c. AN EMPLOYEE MAY CARRY OVER ANY EARNED BUT UNUSED SICK AND SAFE LEAVE UP TO forty (40) HOURS BUT AN EMPLOYEE MAY NOT ACCRUE MORE THAN sixty-four (64) HOURS OF SICK AND SAFE LEAVE AT ANY TIME.
- d. EMPLOYEES WILL NOT BE PAID FOR ANY UNUSED SICK AND SAFE LEAVE UPON TERMINATION OF EMPLOYMENT. IF AN EMPLOYEE LEAVES EMPLOYMENT AND IS REHIRED WITHIN thirty-seven (37) WEEKS OF LEAVING, ANY EARNED AND UNUSED SICK LEAVE THAT THE EMPLOYEE HAD AT THE TIME OF SEPARATION WILL BE REINSTATED.
- e. UNPAID LEAVE USAGE:
 - 1. EMPLOYEES ARE NOT PERMITTED TO USE LEAVE (UNPAID SICK) DURING THE FIRST one hundred and six (106) CALENDAR DAYS OF THEIR EMPLOYMENT.
 - 2. AN EMPLOYEE IS ALLOWED TO USE EARNED SICK AND SAFE LEAVE UNDER THE FOLLOWING CONDITIONS:
 - TO CARE FOR OR TREAT THE EMPLOYEE'S MENTAL OR PHYSICAL ILLNESS, INJURY OR CONDITION;
 - TO OBTAIN PREVENTATIVE MEDICAL CARE FOR THE EMPLOYEE OR THE EMPLOYEE'S FAMILY MEMBER;
 - TO CARE FOR A FAMILY MEMBER WITH A MENTAL OR PHYSICAL ILLNESS, INJURY OR CONDITION;
 - FOR MATERNITY OR PATERNITY LEAVE; OR
 - THE ABSENCE FROM WORK IS NECESSARY DUE TO DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING COMMITTED AGAINST THE EMPLOYEE OR THE EMPLOYEE'S FAMILY MEMBER AND THE LEAVE IS BEING USED: (1) TO OBTAIN MEDICAL OR MENTAL HEALTH ATTENTION; (2) TO OBTAIN SERVICES FROM A VICTIM SERVICES ORGANIZATION; (3) FOR LEGAL SERVICES OR PROCEEDINGS; OR (4) BECAUSE THE EMPLOYEE HAS TEMPORARILY RELOCATED AS A RESULT OF THE DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING.
- f. A FAMILY MEMBER INCLUDES A SPOUSE, CHILD, PARENT, GRANDPARENT, GRANDCHILD, SIBLING, OR LEGAL GUARDIAN. FOR A COMPLETE LIST OF FAMILY MEMBERS INCLUDED UNDER THE LAW, PLEASE SEE §3-1301(G) OF THE LABOR AND EMPLOYMENT ARTICLE OF THE MARYLAND ANNOTATED CODE.
- g. EMPLOYEES ARE PERMITTED TO USE THE SICK LEAVE (UNPAID) IN INCREMENTS OF NOT LESS THAN four (4) HOURS.
- h. ADVANCE SICK LEAVE (UNPAID):

1. AN EMPLOYEE MAY USE EARNED SICK AND SAFE LEAVE BEFORE THE LEAVE HAS ACCRUED UP TO A MAXIMUM OF FOUR (4) HOURS. IF AN EMPLOYEE WISHES TO USE LEAVE BEFORE IT HAS ACCRUED, THE EMPLOYEE MUST SIGN AN ACKNOWLEDGEMENT THAT ANY AMOUNT OF EARNED SICK AND SAFE LEAVE THAT IS PAID BEFORE IT HAS ACCRUED WILL BE DEDUCTED FROM WAGES PAID TO THE EMPLOYEE IF THE EMPLOYEE LEAVES EMPLOYMENT PRIOR TO ACCRUAL.
2. IF THE NEED TO USE SICK AND SAFE LEAVE IS FORESEEABLE (FOR EXAMPLE A SCHEDULED DOCTOR'S APPOINTMENT), THE EMPLOYEE MUST PROVIDE NOTICE SEVEN (7) DAYS PRIOR TO LEAVE USE. NOTICE MUST BE IN WRITING AND DIRECTED TO THE TOWN MANAGER. IF THE NEED TO USE LEAVE IS NOT FORESEEABLE, THE EMPLOYEE MUST PROVIDE NOTICE AS SOON AS PRACTICABLE. A REQUEST FOR EARNED SICK AND SAFE LEAVE MAY BE DENIED IF THE EMPLOYEE FAILS TO PROVIDE THE REQUIRED NOTICE AND THE EMPLOYEE'S ABSENCE WILL CAUSE DISRUPTION TO THE EMPLOYER.
3. EMPLOYEES MAY ONLY USE EARNED SICK AND SAFE LEAVE FOR ONE OF THE LISTED AUTHORIZED REASONS. EMPLOYEES USING EARNED SICK AND SAFE LEAVE FOR UNAUTHORIZED PURPOSES OR WHO HAVE DEMONSTRATED A PATTERN OF ABUSING SICK AND SAFE LEAVE MAY BE DENIED THE RIGHT TO USE SICK AND SAFE LEAVE IN THE FUTURE. IF AN EMPLOYEE USES SICK AND SAFE LEAVE FOR MORE THAN TWO CONSECUTIVE SCHEDULED SHIFTS, THE EMPLOYEE MUST PROVIDE VERIFICATION THAT THE LEAVE USE WAS APPROPRIATE.
4. AS INDICATED ABOVE, EMPLOYEES MAY NOT USE SICK AND SAFE LEAVE FOR THE FIRST one hundred and six (106) DAYS OF THEIR EMPLOYMENT. EMPLOYEES WHO WISH TO USE LEAVE BETWEEN THE 107th THROUGH THE 120th CALENDAR DAYS AFTER BEGINNING EMPLOYMENT MUST PROVIDE VERIFICATION THAT THE LEAVE USE WAS APPROPRIATE AS AGREED UPON AT THE TIME OF HIRE, PROVIDED THAT THE TOWN AND EMPLOYEE MUST HAVE MUTUALLY AGREED AT THE TIME OF HIRE THAT THE EMPLOYEE WOULD PROVIDE SUCH VERIFICATION.

i. STATEMENT OF EARNED SICK AND SAFE LEAVE:

WITH EACH PAY PERIOD, EMPLOYEES WILL BE PROVIDED WITH A STATEMENT OF LEAVE USED AND AVAILABLE LEAVE.

1. Administrative Leave With Pay: of up to two (2) hours may be granted by the Town Manager for the purpose of voting in any municipal, state, or federal election.
2. Administrative Leave Without Pay: may be granted for up to thirty (30) days by a Department Head after consulting with the Town Manager. Any Administrative Leave

with pay longer than three (3) days, or Administrative Leave without pay longer than two (2) weeks, must be approved by the Commission. Administrative leave lasting more than six (6) months will not be granted. At the end of six (6) months the employee must return to work or be involuntarily terminated.

3. Jury Duty: Employees called upon for jury duty shall be granted Administrative Leave without pay upon proof of service in this capacity. Any compensation for jury duty shall be retained by the employee.
4. Witness Leave: An employee summoned to appear in court on matters of official business pertaining to the Town and/or his/her job shall be permitted to be absent from his/her duties without loss of pay and without charge against his/her leave.
5. Leave Without Pay: The Town Manager may grant an employee leave without pay for a period greater than thirty (30) days. Leave Without Pay may be granted upon the determination that the employee is of more than average value to the Town and it is beneficial to retain the employee even at some additional cost. The employee's position may be filled by limited-term appointment, temporary promotion or temporary reassignment of another employee. This Leave status may be extended for a maximum of six months. If the employee cannot return to work within six (6) months, the employee will be involuntarily terminated. For those employees returning within six months the employee has the right to be reinstated to the position vacated, if the position still exists or to any other vacant position in the same class. Leave Without Pay shall not constitute a break in service and will not affect seniority and pension rights. However, annual and sick leave shall not be accrued during the leave.
6. Military Leave: In accordance with Federal and State Law, Town Employees who are members of any United States Military Reserve or National Guard Unit and/or are required to engage in training exercises shall be entitled to Military Leave of absence from their respective duties without loss of accrued annual, sick or compensatory leave for a period of time not to exceed fifteen (15) days in any one-year period. Additional time off in excess of the authorized annual fifteen (15) days military leave shall be deducted from the employee's accrued annual leave. Military Leave is considered Leave without Pay and will be treated as such. The Town will always abide by the Uniformed Services Employment, Re-Employment and Rehabilitation Act.
7. FLEX-TIME HOURS: THE USE OF FLEX-TIME ALLOWS AN EMPLOYEE TO WORK DURING HOURS OTHER THAN THOSE NORMALLY WORKED IN ORDER TO CREATE TIME OFF DURING WORK HOURS THAT DAY OR WEEK.
 - A. ELIGIBILITY: AN EMPLOYEE MAY BE ELIGIBLE TO WORK FLEXTIME HOURS ONLY IF HE/SHE IS NOT DOING SHIFT WORK, CREW WORK, OR SOME OTHER TYPE OF WORK REQUIRING SPECIFIC HOURS.
 - B. APPROVAL: ALL FLEX TIME HOURS WHETHER ON A TEMPORARY OR PERMANENT BASIS MUST BE APPROVED AND COORDINATED BY THE

RESPECTIVE EMPLOYEE'S DEPARTMENT HEAD. ALL FLEX TIME ARRANGEMENTS WITH A DURATION OF MORE THAN three (3) DAYS MUST BE APPROVED BY THE TOWN MANAGER.

8. Disability:

- a. If a Town employee is unable to perform the essential functions of his/her job, either temporarily (less than two (2) weeks) or permanently, the employee shall be considered disabled.
- b. In the event that an employee is not able to resume the normal job activities within a one hundred and eighty (180)-day time period, the Town shall determine that the individual is permanently disabled and involuntarily retire the employee from the Town's work force.
- c. The Department Head may assign the affected employee to a position within the Town commensurate with his/her physical limitations if such is available. If the affected employee refuses to accept the temporary position, said employee shall forfeit rights to any additional disability payment from the Town in connection with that particular injury.
- d. An employee shall not earn or accumulate sick or annual leave or receive holiday benefits while on disability.
- e. The Town of Cottage City will pay the first three (3) DAYS of disability when it is not covered by Worker's Compensation. Should the employee be awarded Worker's Compensation for the first three (3) days, the employee shall reimburse the Town for those three (3) days.

B. INSURANCE AND RELATED BENEFITS:

(1) Medical & Hospitalization Insurance:

- a. All full-time employees shall be eligible to participate in a group health plan or health maintenance organization plan, which may be established and/or approved by the Commission.
- b. The Town may pay an amount towards the premium for the participation of an eligible employee in the group health plan, which the Commission shall determine in a resolution or ordinance including a budget ordinance OR ORDINANCE INCLUDING A BUDGET ORDINANCE. The remainder of the premium cost is paid by the employee.
- c. Employees may authorize reduction in their compensation sufficient to pay the employee's share of the premium costs. This results in the employee's taxable income being reduced by the amount of premium expense.
- d. The Town may pay an amount towards the premium for the participation of an eligible

employee's dependents in the group health plan, which the Commission shall determine in a resolution or ordinance including a budget ordinance.

- e. Should the Commission appropriate funds in the annual budget to be paid toward dependent health care on a pro rata basis by employee per department, the town manager and the department heads shall have the authority to reallocate any individual employee's unused or unneeded portion to another employee's dependents regardless of department on an as needed basis.
- (2) Life Insurance: All full-time employees of the Town shall be covered by group life insurance policies in the amount of \$50,000. The full cost of the life insurance coverage shall be paid by the Town.
- (3) Other Insurance Coverages: All employees shall be eligible to purchase additional insurance coverages, which may be available through the Town by private carriers. The full cost of the premiums for such insurance coverage shall be the responsibility of the employee and shall be deducted from said employee's salary through a payroll deduction plan. All efforts will be made by the Town to offer these policies on a pre-tax basis.
- (4) Worker's Compensation: The Town shall participate in and adhere to the rules and regulations for Worker's Compensation coverage in the State of Maryland. Employees are required to report all on-duty work-related injuries no matter how minor. An "Employer's First Report of Injury" form shall be completed by a person designated to do so by the Department Head.

Upon completion of the "First Report of Injury" form it shall be forwarded immediately to the Administrative Office. The Administrative Office will submit the required information to the Town's Workers Compensation insurance carrier.

- (5) COBRA: Employees may be eligible for a temporary extension of health care insurance for themselves and their dependents after termination of employment. Employees shall be notified of their COBRA rates as appropriate.
- (6) Retirement Systems: The Town offers a retirement or deferred compensation plan to eligible employees. The plan/plans will be approved by Commission resolution and copy of the plan provisions will be distributed to each eligible employee.

SECTION V. EMPLOYMENT PRACTICES

All employees of the Town are "at will" employees and can be dismissed with or without cause, at any time. ~~However, once an employee has successfully completed his/her probationary period, e~~Employees can only be dismissed by a majority vote of ~~four of the~~ Commissioners.

A. RECRUITMENT:

1. APPLICANTS: Individuals shall be recruited from a geographic area as wide as is necessary to obtain a qualified candidate. If a part-time position is upgraded to a full-time position, the part-time employee in that position will be given first consideration.

Commented [MP20]: Because employees are at-will, there is no reason to have a probationary period. If someone doesn't work-out after six months, he or she can be terminated. There is no benefit to the employer to call it a probationary period and suggests that they have some type of property interest in their job. If they have that type of property interest, they might be entitled to federal due process rights before they can be terminated.

2. RECRUITMENT: All open positions for employment will be advertised in a newspaper of general circulation, recruitment website, or any internet site.

~~B. PROBATIONARY PERIOD: All appointments to positions shall be subject to a probationary period of 6 months of active duty with the exception of Police Officers, who are to a probationary period of 18 months of active duty. During the probation period the employee's job performance shall be reviewed carefully to determine the employee's ability to carry out assigned tasks in an efficient and proficient manner. Performance evaluations shall be conducted by supervisory personnel or Department Heads when the probation period expires and annually at the end of the calendar year. If the employee's job performance is unsatisfactory, termination of employment shall occur. The termination of a probationary employee is not subject to review or appeal.~~

~~Subject to approval by the Department Head an employee's probation period may be extended for up to an additional one year of active duty. If, at the end of this extended period, the employee's job performance is unsatisfactory, termination of employment shall occur.~~

~~C.B. PROMOTIONAL APPOINTMENTS: When a vacancy occurs in a position, the Department Head will determine whether any Town employee is qualified and willing to accept promotion and/or reassignment WITH THE APPROVAL OF THE COMMISSION.~~

Any employee who is promoted to a position having greater or substantially different responsibilities shall be subject to a probationary period of six (6) months. The employee shall retain all rights, privileges and benefits of an employee holding a regular position, except that should the employee fail to fulfill the additional responsibilities of the new position during the probationary period, the employee shall return to the former position, PROVIDED THE AUTHORIZED NUMBER OF EMPLOYEES IS NOT INCREASED.

~~D.C. PAY FOR EMPLOYEES SERVICE IN AN ACTING CAPACITY:~~

1. A Town employee assigned on a temporary basis to perform substantially all duties and responsibilities of a higher classification for a period in excess of one hundred and twenty (120) calendar days shall ordinarily receive pay commensurate with the position, commencing on the 121st consecutive calendar day.
2. Once an employee assumes an acting position, the increased pay for this position will begin on day one hundred and twenty-one (121).
3. The increased pay must be initiated by a Department Head. If a Department Head is involved the Commission will make the decision.
4. The "Acting Capacity" status shall terminate when either the position is filled, the incumbent employee returns to work, or these additional duties are removed from the employee's job responsibilities. The employee's salary shall then revert to his/her previous positions pay.

~~E.D. EMPLOYMENT OF RELATIVES: For purposes of this section, a "relative" is defined as a spouse, child, parent or sibling. The Town of Cottage City permits the employment of qualified~~

Commented [MP21]: I recommend eliminating the term probationary period for the reasons explained above. If someone is not working out, he or she can be terminated anyway – they don't have to be on probation.

applicants who are relatives of employees as long as such employment does not, in the opinion of the Commission, create an actual or perceived conflict of interest. The following guidelines shall be followed:

1. Individuals who are related by blood or marriage are permitted to work for the Town, provided no direct reporting or supervisory relationship exists. Work responsibilities, salary or career progress cannot be influenced by a relative.
2. Employees who marry other employees shall adhere to these guidelines.
3. Any situation that exists at the adoption of these procedures will be permitted to continue.

~~F.E.~~ PERSONNEL FILES: The Administrative Office shall maintain a permanent personnel file for each employee. These files shall contain documentation regarding all aspects of employment, such as performance appraisals, beneficiary designation forms, disciplinary warning notices and letters of commendation. Employees may review their files by scheduling appointments with the Administrative Office representative. Only supervisors, the subject employee, the Town Manager, the Town Attorney and the Commissioners when meeting regarding a personnel matter discussed in closed session are permitted to view the contents of an employee's personnel record and medical information.

To ensure that, at all times, personnel files are up-to-date, employees shall notify the Administrative Office representative, in writing, of any change in name, telephone number, home address, marital status, number of dependents, and beneficiary designations.

~~G.F.~~ PERFORMANCE REVIEWS: It is important that employees are recognized for above average job performance and that they receive appropriate suggestions for improvement when deemed necessary. Consistent with this goal, job performance will be evaluated by supervisors on an ongoing basis. Written evaluations will normally occur approximately six (6) months after an employee starts and, after that, every six (6) months during the probationary period and annually thereafter on the employee's anniversary date.

All written performance reviews shall be based on the employee's overall performance in relation to job responsibilities and will take into account the employee's conduct, demeanor and record of attendance.

In addition, written performance evaluations may be conducted by supervisory personnel, at any time, to advise employees of the existence of performance or disciplinary problems.

~~H.G.~~ TRAINING OPPORTUNITIES. The Town encourages and supports employee participation in training opportunities, which are intended to improve the skills needed in the performance of an employee's duties. From time to time, as the need arises, the Town initiates and provides training sessions for employees.

SECTION VI. COMPENSATION PRACTICES

A. SALARY ADMINISTRATION: To attract and retain employees, the Town endeavors to pay

Commented [MP22]: As stated earlier, I recommend eliminating the term probationary employee. There's no real reason to have probationary employees – anyone can be fired at any time for a "good reason" or "no reason."

salaries competitive with those paid by other governmental agencies in the geographic area. The Town shall, periodically, monitor employee's salaries to ensure that they are in line with local economic conditions.

The Town may revise job descriptions and evaluate jobs and job specifications when deemed necessary [and without prior notice](#).

- B. **WORK HOURS & SCHEDULES:** The duration of working hours as required by workload and Town services must be in accordance with the provisions of the Fair Labor Standards Act (FLSA) that established minimum wage, overtime pay, record keeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. (Exempt and non-exempt refers to employee status pursuant to FLSA.) The Town Manager and each Department Head are responsible to minimize the need for overtime, to ensure that non-exempt employee hours do not regularly exceed a standard work week and to manage the workload to ensure that staffing levels do not exceed the levels authorized in the annual budget. Salaried employees are FLSA-exempt and do not generally receive overtime compensation.

1. Definitions

- a. **Core Work Hours:** Ordinarily, each Town office shall be open continuously at least from 9:00 a.m. until 5:00 p.m. Monday through Friday.
- b. **Overtime:** Hours worked in excess of the standard work hours in a standard work week or a standard work period.
- c. **Rotating Shift work Schedule:** Work hours for which the actual days an employee is scheduled to work frequently vary from week to week and for which the actual hours an employee is scheduled to work per day changes regularly from the core work hours to hours outside the standard work schedule (i.e. evenings and night shifts). Rotating shift work shall be planned so that each position is scheduled to work for a minimum of [two thousand and eighty \(2,080\)](#) hours per year.
- d. **Shift work Schedule:** A regular (non-overtime) employment work schedule for specified positions in which the majority of the hours scheduled are outside the Core Work Hours.
- e. **Standard Work-Day:** The standard work day is eight hours (8) of work per day plus a 30-minute paid meal period commencing at a time appropriate for the work of the particular office as determined by the Department Head.
- f. **Standard Core Work Hours:**
 1. Forty (40) hours per standard work week, or
 2. For sworn police officer positions on a rotating shift work schedule, [eighty \(80\)](#) hours per every two [\(2\)](#) weeks.

- g. Unusual Hours: A Department Head may allow an employee to work outside usual work hours, but only for one week in any year. Unusual work hours lasting beyond one week must be approved by the Commission.
- h. Standard Work Period: Typically, a period of three hundred and thirty-six (336) consecutive hours or fourteen (14) consecutive days.
- i. Standard Work Schedule: A regular (non-overtime) employment work schedule in which the majority of the hours scheduled are Monday through Friday during the Core Work Hours.
- j. Standard Work Week: Typically, a period of one hundred and sixty-eight (168) consecutive hours or seven (7) consecutive days.

2. Work Schedule Policy:

- a. Each Town department shall ordinarily follow the Standard Work-Day and Core Work Hours set forth in the above definitions, unless the job description or the definition requires otherwise. No department may institute work hours outside the Core Work Hours (shift work or rotating shift work) without the written approval of the Town Manager for the specific positions.
- b. All employees shall be allowed a minimum of thirty minutes (30) for lunch each workday and this period is included in hours worked.
- c. Employees On-Call. Each department may define the times and terms when certain employees are required to be available for service. Such employees, if they are non-exempt, shall be paid fair compensation based on the specific circumstances for their on-call status as approved by the Commission. Whenever an employee is called in to work outside of normal hours, a minimum of two hours of pay at time and a half.
- d. Any training or alteration of the employee's schedule that exceed three (3) days, the Commission shall be notified.

3. Attendance and Leave Record:

- a. Employees covered by the Fair Labor Standards Act:

The hours that each employee works, is out on leave, or is off for a holiday, shall be recorded each day using time sheets, time-cards and time clocks, logs or any other method approved by the Administrative Staff.

When leave is taken by an employee, the amount and type utilized must be clearly indicated and recorded. If the hours worked by an employee in a standard workweek or work period exceed the standard work hours for that week or period for the employee's position, they constitute overtime hours and must be approved by a supervisor and be recorded and maintained as a payroll record. Each employee is responsible for

ensuring that the information recorded for them is accurate and complete and is recorded in a timely manner.

b. Employees Exempt from the Fair Labor Standards Act.

1. Exempt employees have the flexibility to work a schedule that enables them to accomplish the job or task. However, exempt employees must consistently work at least forty (40) hours during the designated workweek. Exempt employees' schedules must be approved by their immediate supervisor and their schedules must be available to their supervisors, subordinates, and the general-public.
2. For each employee who has been determined by the Town to be exempt from the overtime provisions of the FLSA, daily work hours need not be recorded. However, hours of leave taken must be recorded and maintained as follows:
 - (A). IF AN EXEMPT EMPLOYEE TAKES MORE THAN THREE (3) HOURS OF LEAVE AT ONE TIME, THE AMOUNT AND TYPE UTILIZED MUST BE CLEARLY RECORDED.
 - (B). IF AN EXEMPT EMPLOYEE TAKES THREE (3) HOURS OR LESS HOURS OF LEAVE AT ONE TIME, THEY ARE NOT REQUIRED TO RECORD THE USAGE OF LEAVE.
3. Regardless of the amount of leave that an exempt employee takes at a given time, the usage of leave must be approved by the immediate supervisor prior to them taking leave.

C. COMPENSATION:

1. For non-exempt employees only, hours worked in excess of the hours in the Standard Work Hours as defined above shall be compensated at one-and-one half the rate of pay of the employee. Only hours worked will be included in determining the hours worked in excess of the standard work hours except as provided immediately below. Such compensation will be reflected in the pay for the pay period in which it is earned.
2. Only upon approval of the Town Manager, may a Department Head set specific criteria for special circumstances/emergencies, when the Department Head can include leave time for purposes of calculating overtime.
3. For the purposes of computing overtime, all Town approved holidays and hours of authorized, paid, accrued leave do not count as hours worked except that an employee may not take paid time off and earn overtime in the same day.
4. For the purposes of computing overtime, forms of leave that are not accrued by employees, such as Administrative Leave, Bereavement Leave and Military Leave are not considered "hours worked" for purposes of computing overtime.
5. For purposes of computing overtime, paid time-off for a Worker's Compensation is not

considered “hours worked” for purposes of computing overtime. However, any accrued leave used to supplement Disability payments does count towards hours worked.

6. All Department Heads shall be positions exempt from the Overtime Provisions of the FLSA.

D. FAILURE TO REPORT FOR OVERTIME: An employee’s failure to report for mandatory overtime will be considered an unexcused absence and may subject the employee to disciplinary action up to and including termination.

E. PAY PROCEDURES: Employees are paid normally, every other Thursday. If a scheduled payroll date falls on a holiday, employees will be paid on the day before the holiday. All required deductions, such as federal, state and local taxes, and all contributory payments, such as health insurance premiums, will be automatically deducted from the employee’s pay. Supervisors shall immediately notify the Administrative Office of reported errors in payroll amounts and of reports of lost or stolen payroll checks.

F. COST OF LIVING ADJUSTMENT (COLA): The Commission from time to time may recommend a cost of living adjustment. Cost of living adjustments may be included in the budget process and should normally take effect at the beginning of the Town’s fiscal year.

SECTION VII. DISCIPLINARY ACTION

A. RESPONSIBILITY:

It is the responsibility of Department Heads, the Town Manager and Supervisors to maintain discipline and order in the workplace.

Department Heads and Supervisors are responsible for monitoring job performance of subordinate personnel and enforcement of the Town's policies and procedures. Department Heads and Supervisors are expected to take appropriate disciplinary action, for deficient job performance and violations of the Town’s policies and procedures.

B. STEPS IN DISCIPLINE:

Generally, disciplinary action should be progressive as outlined below. However, any step outlined below may be skipped and immediate disciplinary action, up to and including dismissal may be justified by the circumstances or the conduct of the employee in the Town’s and its agent’s discretion.

~~1. DISCUSSION: The Department Head or supervisor shall discuss the responsibilities and duties of the position with the employee. If any employee’s performance is unsatisfactory, the Department Head may orally bring this to the attention of the employee and make recommendations for improvement.~~

~~2.1~~ WRITTEN PERFORMANCE COUNSELING: The Department Head or supervisor may issue written performance counseling if the work performance or conduct of the employee continues to decline, and inform the employee that stronger action may be imposed if performance or conduct does not improve. A copy of this counseling will be provided to the

Commented [MP23]: Discussions or coaching are not "discipline", they are attempts to improve an employees conduct or performance. I don't recommend including it as a form of "discipline." It should be viewed as a non-confrontational discussion regarding performance - not the first step of a process that could result in termination.

employee and a copy will be placed in the employee's personnel file. If the employee's performance improves the employee may request through his/her supervisor, to the Department Head, removal of the counseling after twenty-four (24) months. AT THE TIME THE COUNSELING DOCUMENT BECOMES THE BASIS FOR FURTHER ACTION, IT MUST BE INCLUDED IN THE OFFICIAL PERSONNEL FILE. THE DISCUSSION AND DOCUMENTATION SHALL CLEARLY INDICATE THAT FAILURE TO ACHIEVE IMMEDIATE AND SUSTAINED IMPROVEMENT WILL RESULT IN FURTHER CORRECTION ACTION UP TO AND INCLUDING DISMISSAL.

Commented [MP24]: This provision is confusing. It says in the sentence above that the document will become part of the file. If you're going to include language about further corrective action here, up to and including dismissal, it should be included in the paragraphs for the other types of discipline. Not including the language suggests that discipline is not an option after a failed oral warning or written reprimand.

3.2. AN ORAL WARNING MAY BE APPROPRIATE WHEN PRIOR COUNSELING HAS NOT PRODUCED THE DESIRED RESULTS OR WHEN THE VIOLATION OR OFFENSE IS MORE SERIOUS. THE SUPERVISOR SHALL VERBALLY AND PRIVATELY EXPLAIN TO THE EMPLOYEE THE DEFICIENCY IN PERFORMANCE, BEHAVIOR, OR CONDUCT. THE SUPERVISOR SHALL DESCRIBE THE SPECIFIC ISSUE, EXPLAIN WHAT MUST BE DONE TO CORRECT THE PROBLEM, AND ESTABLISH A TIME FRAME FOR CORRECTION. DOCUMENTATION SHALL BE PREPARED BY THE SUPERVISOR RESTATING THE PROBLEM AND THE CORRECTIVE ACTION PLAN.

4.3. WRITTEN REPRIMAND: The Department Head may issue a written reprimand to the employee, after a discussion and in case the previous warning has not improved the employee's performance. The written reprimand shall contain the nature of the violation and include the date and approximate time of the violation. In addition, it will include the dates of the discussion and verbal warnings. The employee shall sign and receive a copy of the written reprimand and a copy will be placed in the employee's permanent personnel file.

REMEDIAL TRAINING MAY BE APPROPRIATE WHEN THE EMPLOYEE'S PERFORMANCE INDICATES A LACK OF UNDERSTANDING OF STANDARD OPERATING PROCEDURES OR WORK METHODS. DOCUMENTATION SHALL BE MAINTAINED BY THE SUPERVISOR AND/OR FORWARDED TO THE TOWN MANAGER FOR INCLUSION IN THE PERSONNEL FILE.

5.4. UNSATISFACTORY PERFORMANCE APPRAISAL: If an employee's deficient performance or conduct does not improve, the Department Head shall ordinarily conduct a performance appraisal of the employee to identify the areas which need improvement. If the employee's performance does not improve immediately, the Department Head may make a recommendation, in writing, supported by all available documentation, that further action be taken.

6.5. SUSPENSION/FINE: The Department Head, with the concurrence of the town manager ~~TOWN MANAGER~~ may suspend or fine an employee for up to three (3) days but only after giving the employee the opportunity to be heard. Any suspension ~~for~~ for a longer period must be approved by the Commission. AN EMPLOYEE MAY BE SUSPENDED WITH OR WITHOUT PAY, PENDING INVESTIGATION. THE SUSPENSION WITHOUT PAY SHALL NOT EXCEED thirty (30) CALENDAR DAYS without the approval of the council. DOCUMENTATION SHALL BE PREPARED BY THE SUPERVISOR, SIGNED BY THE EMPLOYEE, AND FORWARDED TO ADMINISTRATIVE OFFICE FOR THE

PERSONNEL FILE.

8. ~~DISCIPLINARY PAY REDUCTION — AN EMPLOYEE'S PAY MAY BE REDUCED FOR DISCIPLINARY REASONS. THE PAY REDUCTION DOES NOT CONSTITUTE A DEMOTION.~~

Commented [MP25]: I don't recommend pay reduction as a form of discipline. I think that there are alternative ways to discipline employees that can have the same impact such as a suspension. Both result in financial loss, but suspensions are brief, pay reductions have longer term ramifications and the reminder is constant and can prevent people from moving on an improving.

9. DEMOTION

The ~~TOWN MANAGER AND~~town manager and Commission must approve any demotion of any employee.

Employees may be demoted:

- (1) if their job performance is unsatisfactory; and/or
- (2) as a form of discipline.

The Commission shall be informed of all demotions prior to the effective date of the demotion.

Commented [MP26]: This provision is inconsistent with the opening sentence. If the Commission and Town Manager have to approve a demotion, it would seem the Commission would already know the effective date. I think the language creates possible confusion.

10. NOTICE OF ADVERSE ACTION

EMPLOYEES WILL BE PROVIDED WRITTEN NOTICE WHEN ADVERSE ACTION IS BEING RECOMMENDED IN ACCORDANCE WITH ESTABLISHED PROCEDURES. ADVERSE ACTION MEANS DISCIPLINARY SUSPENSION (WITH OR WITHOUT PAY), DISCIPLINARY DEMOTION, DISCIPLINARY PAY REDUCTION, OR DISMISSAL.

11. PROBATION

Commented [MP27]: In this context – I have no problem with the use of the term probationary. An existing employee who has performed unsatisfactorily should be monitored and officially placing an employee on probation, and monitoring his or her progress, is a great way to prepare for a potential employment law claim.

AN EMPLOYEE MAY BE PLACED IN PROBATIONARY STATUS FOR UP TO ONE YEAR FOR FAILURE IN PERFORMANCE OR CONDUCT. THIS MEANS THAT THE EMPLOYEE'S JOB IS IN JEOPARDY AND THE EMPLOYEE MAY BE DISMISSED FROM EMPLOYMENT IF FURTHER INFRACTIONS OCCUR.

12. TERMINATION. If an employee's performance warrants, the Department Head may file a termination recommendation with the Town Manager and the Cottage City Commission. The Town Manager may recommend alternative disciplinary action. The termination report recommendation shall include documentation of progressive disciplinary action taken, if any.

Commented [MP28]: The policy currently provides that four members of the council can vote to terminate. This language may contradict that provision.

Commented [MP29]: This section currently doesn't have a name, but it really doesn't belong under "Section VII. Disciplinary Action." It is a separate topic and warrants a new heading.

I also recommend eliminating the all caps here.

The numbering also needs to be fixed.

Commented [MP30]: These need to be renumbered.

Section 8. CODE OF CONDUCT

THE FOLLOWING ACTIONS WILL RESULT IN CORRECTIVE/DISCIPLINARY ACTION. THESE GUIDELINES ARE INTENDED FOR SAFE, EFFICIENT OPERATION AND ARE NOT ABSOLUTE, INFLEXIBLE RULES, BUT MUST BE TEMPERED WITH COMMON SENSE ON THE PART OF OUR EMPLOYEES. IN THE ABSENCE OF A REASONABLE BASIS FOR DEPARTURE FROM THE GUIDELINES, FAILURE TO PERFORM AND BEHAVE ACCORDING TO THE CODE OF CONDUCT WILL RESULT IN CORRECTIVE ACTION, DISCIPLINARY ACTION, UP TO AND INCLUDING DISCHARGE FROM EMPLOYMENT.

- (1) FAILURE TO WORK ASSIGNED HOURS, INCLUDING OVERTIME.
- (2) QUITTING WORK, WASTING TIME, LOITERING, OR LEAVING ASSIGNED WORK AREA DURING WORKING HOURS WITHOUT PERMISSION.
- (3) HABITUAL TARDINESS – REPORTING TO ASSIGNED WORK AREA AFTER SCHEDULED REPORTING TIME.
- (4) EXCESSIVE ABSENTEEISM.
- (5) ABSENCE WITHOUT EXCUSE, PERMISSION OR LEAVE.
- (6) FAILURE TO IMMEDIATELY REPORT A WORK-RELATED ACCIDENT OR INJURY.
- (7) FAILURE TO PROPERLY WEAR A COMPLETE TOWN UNIFORM WHEN REQUIRED BY THE DEPARTMENT.
- (8) FAILURE OF DRIVERS OR PASSENGERS TO WEAR SEAT BELTS WHILE DRIVING OR RIDING IN TOWN VEHICLES.
- (9) TRANSPORTING NON-EMPLOYEES IN TOWN VEHICLES WITHOUT THE APPROVAL OF APPROPRIATE SUPERVISORS.
- (10) SMOKING IN TOWN VEHICLES.
- (11) FAILURE TO USE HEADLIGHTS AT ALL TIMES WHILE DRIVING A TOWN VEHICLE.
- (12) MAKING OR PUBLISHING FALSE, VICIOUS, OR MALICIOUS STATEMENTS CONCERNING ANY EMPLOYEE, SUPERVISOR, THE TOWN, OR ITS OPERATIONS.
- (13) REFUSAL TO COOPERATE WITH ACCIDENT OR INCIDENT INVESTIGATIONS OR INTERFERENCE WITH AN INVESTIGATION.

- (14) UNAUTHORIZED PERSONAL USE OF ANY TOWN VEHICLE OR EQUIPMENT BY ANY EMPLOYEE.
- (15) OFFENSIVE CONDUCT OR USE OF OFFENSIVE LANGUAGE OR PROFANITY IN PUBLIC, OR TOWARD THE PUBLIC, TOWN OFFICIALS, OR CO-WORKERS.
- (16) DELIBERATE MISUSE, DESTRUCTION, OR DAMAGING OF TOWN EQUIPMENT, PROPERTY, OR PROPERTY OF ANOTHER EMPLOYEE.
- (17) FALSIFICATION OF PERSONAL OR TOWN RECORDS, INCLUDING EMPLOYMENT APPLICATIONS, ACCIDENT RECORDS, PURCHASE ORDERS, TIME CARDS, OR OTHER REPORTS OR WORK RECORDS.
- (18) CONVICTION OF A FELONY OR OTHER CRIME INVOLVING MORAL TURPITUDE.
- (19) VIOLATION OF A TOWN POLICY, LOCAL ORDINANCE OR STATE OR FEDERAL LAWS.
- (20) MAKING FALSE CLAIMS OR MISREPRESENTATIONS IN AN ATTEMPT TO OBTAIN SICKNESS OR ACCIDENT BENEFITS, OR WORKER'S COMPENSATION INSURANCE BENEFITS.
- (21) INSUBORDINATION BY THE REFUSAL TO PERFORM ASSIGNED WORK OR TO COMPLY WITH WRITTEN OR VERBAL INSTRUCTIONS OF A SUPERVISOR.
- (22) 36. THEFT OR UNAUTHORIZED REMOVAL OF ANY TOWN PROPERTY OR PROPERTY OF ANY EMPLOYEE.
- (23) 38. THREATENING, INTIMIDATING, COERCING, OR INTERFERING WITH FELLOW EMPLOYEES OR SUPERVISORS AT ANY TIME, INCLUDING THE USE OF ABUSIVE LANGUAGE.
- (24) 39. SLEEPING DURING WORKING HOURS.
- (25) IMMORAL, UNLAWFUL OR IMPROPER CONDUCT, OR INDECENCY WHICH WOULD TEND TO AFFECT THE EMPLOYEE'S RELATIONSHIP WITH FELLOW WORKERS, REPUTATION OR GOOD WILL IN THE COMMUNITY, OR ABILITY TO PERFORM HIS/HER JOB DUTIES.
- (26) VIOLATION OF THE TOWN'S ALCOHOL AND DRUG POLICY.
- (27) PROVEN INCOMPETENCE OR INEFFICIENCY IN THE PERFORMANCE OF ASSIGNED DUTIES.
- (28) VIOLATING THE TOWN'S SEXUAL HARASSMENT POLICY.
- (29) FAILURE TO MAINTAIN REQUIRED LICENSES AND CERTIFICATIONS.
- (30) FAILURE TO RETURN TO WORK AFTER A LEAVE OF ABSENCE.
- (31) FAILURE TO REPORT A TRAFFIC VIOLATION WHICH MAY JEOPARDIZE THE EMPLOYEE'S SAFE DRIVING RECORD.

SECTION ~~VIII~~IX. INFORMAL CONFERENCE AND DISCIPLINARY APPEALS PROCESS

Commented [MP31]: This is a seemingly exhaustive list of things employees shouldn't do. What about starting with a list of things employees should do, like treating customers and each other respect, be timely, etc.?

Commented [MP32]: I recommend renumbering this Section 9 and eliminating the all caps.

A full-time employee who has been suspended, demoted, or discharged may file a notice of appeal to the Commission through the Manager Town Manager's Office. The notice of appeal must be filed within fourteen (14) days of the employee's receipt of the written notice of the suspension, demotion, or discharge. A notice of appeal must be submitted in writing and describe the grounds for appeal.

The Commission will set a hearing date no earlier than fourteen (14) days or later than twenty-eight (28) days from the Town Manager's receipt of the employee's notice of appeal, unless the employee requests a later date, and the request is approved by the Commission. The Town Manager will notify the employee in writing at least seven (7) days prior to the hearing as to the hearing date, time, and place.

During the hearing, the employee, the supervisor, and the Town Administrator, shall be given the opportunity to discuss and explain the circumstances giving rise to the disciplinary action, including the decision to impose discipline, suspend or terminate. In addition, other individuals may be allowed to provide additional information at the discretion of the Commission.

After the hearing, the Commission may recommend affirming, reversing, or modifying the decision to suspend, demote, or discharge. The appellant will be notified in writing within fourteen (14) days after the final decision of the Commission.

An appointee, part-time employee, or full-time employee in his or her probationary period who is suspended, demoted, or discharged, is not entitled to this appeal process.

~~REGULAR EMPLOYEES WHO HAVE COMPLETED THEIR INTRODUCTORY EMPLOYMENT OR PROBATIONARY PERIOD WILL BE PROVIDED AN INFORMAL DISCIPLINARY CONFERENCE AND NOTICE OF THE APPEALS PROCESS IN CASES WHERE EMPLOYEES ARE BEING RECOMMENDED FOR DISCIPLINARY SUSPENSION WITH OR WITHOUT PAY, DISCIPLINARY DEMOTION, PAY REDUCTION, OR DISMISSAL. THE RELEVANT PROVISIONS OF SECTION X SHALL APPLY TO THIS SECTION VIII.~~

~~A. GUIDELINES:~~

~~NOTIFICATION OF INFORMAL DISCIPLINARY CONFERENCE: AN EMPLOYEE SHALL BE NOTIFIED IN WRITING BY HIS/HER DEPARTMENT HEAD OF ANY CONTEMPLATED DISCIPLINARY SUSPENSION, DEMOTION, PAY REDUCTION, OR DISMISSAL. AN INFORMAL PRELIMINARY CONFERENCE NOTICE SHALL BE PREPARED BY THE DEPARTMENT HEAD AND SHALL STATE IN WRITING THE REASONS FOR SUCH PROPOSED RECOMMENDATION AND THE DATE AND TIME OF THE PRELIMINARY CONFERENCE. THE PRELIMINARY CONFERENCE DATE SHALL BE HELD WITHIN FIVE (5) BUSINESS DAYS OF THE NOTICE IS DELIVERED TO THE EMPLOYEE. IF AN EMPLOYEE DECLINES THE PRELIMINARY CONFERENCE, HE/SHE AUTOMATICALLY ACCEPTS THE DISCIPLINARY ACTION RECOMMENDED AND WAIVES HIS/HER RIGHT TO FURTHER CONFERENCES ON THE SPECIFIC ACTION AT HAND. AT THE PRELIMINARY CONFERENCE, THE EMPLOYEE MAY PRESENT TO THE DEPARTMENT HEAD ANY INFORMATION TO CORRECT ANY MISUNDERSTANDINGS OR TO INDICATE WHY THE RECOMMENDED ACTION SHOULD NOT TAKE PLACE.~~

~~THE DEPARTMENT HEAD MAY RECOMMEND THAT THE EMPLOYEE BE PLACED ON~~

Commented [MP33]: The power to terminate rests with the commission. The existing policy includes a three tiered appeals process of the commission's decision - starting with the supervisor. Given the termination process, the appeals process should be streamlined.

In light of the active role the commission plays in terminations, it might be reasonable to streamline the appeals process for suspensions and demotions as well. Streamlining the process speeds it up by several weeks.

Commented [MP34]: This numbers might need to be changed based on the decision regarding the code of conduct above.

~~PAID ADMINISTRATIVE LEAVE, PENDING THE FINAL EVIDENTIARY CONFERENCE, IF IT IS BELIEVED THAT THE EMPLOYEE WILL BE A DISRUPTIVE FORCE IN THE WORKPLACE. THIS MAY OCCUR ONLY WITH THE APPROVAL OF THE TOWN MANAGER, OR HIS DESIGNEE.~~

Commented [MP35]: Why is this paragraph here discussing the evidentiary conference? Is this something that can happen at the preliminary conference? If so, this needs further elaboration.

~~(3) CONDUCTING THE INFORMAL DISCIPLINARY CONFERENCES: A PRELIMINARY CONFERENCE SHALL BE HELD BETWEEN MANAGEMENT REPRESENTATIVE(S), SUCH AS THE DEPARTMENT HEAD, AND THE EMPLOYEE. THE PURPOSE OF THIS CONFERENCE IS TO ALLOW THE DEPARTMENT HEAD TO TELL THE EMPLOYEE WHY HE/SHE IS RECOMMENDING DISCIPLINARY ACTION AND TO ALLOW THE EMPLOYEE TO TELL WHY HE/SHE BELIEVES THE ACTION SHOULD NOT BE TAKEN. THIS IS PRIMARILY A SHARING OF INFORMATION. THE EMPLOYEE MAY PRESENT NEW INFORMATION THE DEPARTMENT HEAD WAS NOT AWARE OF INITIALLY. THE DEPARTMENT HEAD MAY WISH TO INCLUDE THE MANAGER/SUPERVISOR WHO IS RECOMMENDING DISCIPLINARY ACTION, IN ORDER TO HAVE THE BENEFIT OF NECESSARY DETAILS.~~

Commented [MP36]: Use of preliminary suggests there's going to be multiple additional hearings. I recommend simply referring to it as the "informal disciplinary conference" and not adding other words.

~~(4) RESULT OF INITIAL PRELIMINARY CONFERENCE: THE DEPARTMENT HEAD SHALL RESPOND TO THE EMPLOYEE IN WRITING WITHIN FIVE (5) BUSINESS DAYS AFTER THE PRELIMINARY CONFERENCE. THE DEPARTMENT HEAD SHALL ADVISE THE EMPLOYEE OF HIS/HER DECISION AND THE REASONS FOR SUCH ACTION. THE EMPLOYEE SHALL THEN HAVE FIVE (5) BUSINESS DAYS IN WHICH TO MAKE FURTHER APPEAL TO THE TOWN MANAGER. THE EMPLOYEE'S REQUEST FOR AN APPEAL CONFERENCE WITH THE TOWN MANAGER MUST BE MADE IN WRITING AND DELIVERED TO THE TOWN MANAGER. THE EMPLOYEE'S FAILURE TO MAKE SUCH A REQUEST WITHIN THE 5 BUSINESS DAYS WILL CAUSE HIM/HER TO FORFEIT ALL RIGHTS TO THE APPEAL A TIMELY REQUEST FOR A CONFERENCE BEFORE THE TOWN MANAGER SUBMITTED BY AN EMPLOYEE SHALL BE SCHEDULED WITHIN TEN (10) DAYS~~

Commented [MP37]: There hasn't been an appeal yet – just the initial meeting.

~~a. ONCE THE TOWN MANAGER HAS RENDERED HIS/HER DECISION TO UPHOLD THE INITIAL RECOMMENDED ACTION, AND IF IT IS BELIEVED THAT THE EMPLOYEE WILL BE A DISRUPTIVE FORCE IN THE WORKPLACE, THE EMPLOYEE MAY BE PLACED ON UNPAID ADMINISTRATIVE LEAVE PENDING THE APPEAL CONFERENCE WITH THE TOWN MANAGER. SUCH A REQUEST SHALL BE FORWARDED TO THE TOWN MANAGER FOR CONSIDERATION. IF THE TOWN MANAGER OVERTURNS THE DEPARTMENT HEAD'S RECOMMENDATION, THE EMPLOYEE'S PAY WILL BE RESTORED.~~

~~b. *NOTE: EMPLOYEES WHO HAVE NOT COMPLETED THE INTRODUCTORY EMPLOYMENT PERIOD (THOSE IN THE FIRST 6 MONTHS OF EMPLOYMENT FOR NON PUBLIC SAFETY, AND 18 MONTHS FOR PUBLIC SAFETY) DO NOT HAVE APPEAL RIGHTS. DEPARTMENT HEADS ARE NOT*~~

~~REQUIRED TO CONDUCT A PRELIMINARY CONFERENCE WITH THE EMPLOYEE PRIOR TO DISMISSAL OR ADVERSE ACTION, HOWEVER, A CONFERENCE IS RECOMMENDED IN ORDER TO HELP THE EMPLOYEE TO UNDERSTAND WHY CORRECTIVE ACTION IS BEING TAKEN AND TO GATHER ANY ADDITIONAL INFORMATION WHICH THE DEPARTMENT HEAD MAY NOT HAVE HAD.~~

~~(5) APPEAL CONFERENCE WITH TOWN MANAGER: THE TOWN MANAGER WILL RESPOND TO THE EMPLOYEE WITHIN FIVE (5) BUSINESS DAYS OF RECEIPT OF THE WRITTEN REQUEST FROM THE EMPLOYEE FOR AN APPEAL CONFERENCE. THIS EVIDENTIARY CONFERENCE DATE MUST BE SET WITHIN TEN (10) BUSINESS DAYS OF THE DATE THE REQUEST WAS RECEIVED. THE EMPLOYEE WILL BE GIVEN ADEQUATE TIME TO PREPARE STATEMENTS AND EVIDENCE AS TO WHY THE PROPOSED ACTION SHOULD NOT BE TAKEN. AT THE CONFERENCE, THE EMPLOYEE MAY BE REPRESENTED BY AN ATTORNEY AND WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND TESTIMONY SUPPORTING HIS/HER POSITION, AND WILL BE FURTHER ALLOWED TO CONFRONT AND CROSS EXAMINE OPPOSING WITNESSES AND TO COMPEL OTHER EMPLOYEES TO TESTIFY AND REQUEST OTHER WITNESSES WHO MAY AGREE TO TESTIFY.~~

~~(6) RESULT OF APPEAL CONFERENCE: THE TOWN MANAGER SHALL NOTIFY THE EMPLOYEE OF HIS/HER FINAL DECISION WITHIN FIVE (5) BUSINESS DAYS AFTER THE CONFERENCE. THE DECISION OF THE TOWN MANAGER IS FINAL EXCEPT FOR INVOLUNTARY TERMINATIONS, WHICH ARE FURTHER SUBJECT TO THE PROCEDURES FOUND IN SECTION IX.~~

Commented [MP38]: This whole process seems to contradict what is said earlier in Section V – Employment practices. In that section, it seems that the power to terminate rests with the council.

Commented [MP39]: I recommend making this section 10.

SECTION IX. TERMINATION OF EMPLOYMENT

A. VOLUNTARY: Employees are required to give at least two (2) weeks advance notice, in writing, to their Department Head, when resigning from the Town's work force. Proper notice will allow the Town to calculate all regular and overtime compensation, accumulated leave and any other payments due the employee.

Final payment will be made to the employee after certification has been received from the Department Head stating that all Town owned and issued property and equipment has been returned.

Employees who are retiring are urged to begin the process, at least two (2) months prior to their anticipated retirement date.

B. INVOLUNTARY: Employees can be recommended for involuntary termination by the Department Head or the Town Manager. Only the Commission can involuntarily terminate a non-probationary employee which employee shall ordinarily be granted an opportunity in closed session to be heard by the Commission or its designee(s) as to why the employee should not be involuntarily terminated, provided the employee in writing

requests such an opportunity within five (5) days of receiving a Notice of Termination. The Commission shall use the applicable procedures outlined in Grievance Procedure Section X.

Regardless of the reason for termination, all employees are required to return all Town property and equipment and to complete all necessary forms prior to receipt of their final payroll check.

C. AUTOMATIC TERMINATION. Unless otherwise provided, any employee who is unable to perform all of the duties of his/her regular position for more than six calendar months (exclusive of time spent on military leave OR Workers Compensation) will be automatically discharged.

SECTION XI. GRIEVANCE PROCEDURE

Commented [MP40]: I recommend making this section 11.

A. POLICY: It is the desire of the Town to resolve grievances informally in a prompt and equitable manner. Whenever possible this shall be done informally and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there may be grievances which can be resolved only after a formal appeal process. Nothing in this section is intended to enhance or change the status of any employee regarding probation, or status, as outlined in the Charter, ordinances and regulations of the Town. Nothing shall preclude any employee, including probationary employees from making a formal complaint regarding a violation of civil rights or retaliation with the Town. Alleged discriminatory treatment need not be stated as a grievance. The employee may report such to any federal, state, county or Town officer designated to take such complaints.

B. APPLICABILITY AND ELIGIBILITY:

- (1) This section governs grievances of all employees of the Town and supersedes any regulation, rule or order in all Town Departments.
- (2) Only a non-probationary employee may file a grievance.
- (3) Exclusions: A grievance may not be filed when it involves:
 - a. A grievant who is a temporary/seasonal, or probationary employee.
 - b. Actions taken by the Commission which are policy decisions and not management/administrative actions.
 - c. Non-selection for promotion when the sole reason for the grievance is based on personal opinion, and is not substantiated by fact.
 - d. Oral counseling or discussion.
 - e. Documented warnings not filed within the employee's official personnel records.
 - f. Performance appraisals. -
 - g. Withholding a salary increase due to less than satisfactory performance.

- h. Position classifications.
- i. A supervisor's determination of the job responsibilities and performance standards of an employee's position.
- j. The content of published Town policy.
- k Separation due to reduction in workforce.
- m. The Town's decision not to renew an employment contract.
- n. An involuntary termination.

C. PROCEDURES

- (1) Grievance Criteria. Subject to the eligibility requirements and exclusions above, an employee may file a written grievance when the employee is adversely affected as a result of
 - 1) the application of the provisions of this manual to the employee, 2) the actions of a supervisor, 3) alleged discrimination or unfair treatment, or unsafe or unhealthy working conditions. All grievances shall be in writing and shall set forth all pertinent facts including:
 - a. The name and position of the person whose action is the subject of the grievance.
 - b. The date of the action which is the subject of the grievance.
 - c. A full description of the action which is the subject of the grievance, including all facts which the employee deems necessary to explain the grievance fully.
 - d. The names and addresses or phone numbers of all witnesses.
- (2) Compliance. A failure on the part of an employee to comply with the time limits and requirements set forth in this section shall result in the employee waiving his or her right to pursue the matter as a grievance or appeal of such.
- (3) The final decision of the Town shall be the decision at the highest step or level to which the grievance or appeal was made. Unless the Commission determines otherwise the adverse action that is the subject of the grievance shall ordinarily not be effective until the final decision by the Town.
- (4) An employee must file the grievance with the Department Head, unless the Department Head is the subject of the grievance, in which case the grievance will be filed with the Commission. The grievance shall be filed within five (5) days of the adverse actions that is the subject of the grievance. The Department Head or the Conference Office, as appropriate, should allow the employee the opportunity to be heard and should respond in writing as soon as possible.
- (5) Miscellaneous:
 - a. Any party to a grievance may have an attorney present to advise and/or represent them at any step

in a grievance.

- b. No new issues may be added to the appeal of any grievance after the initial grievance. Hence, after the employee's initial grievance, any step or level of grievance above the initial step or level of grievance shall be limited to the issues raised in the first grievance.

(6) Conference:

- a. The Department Head shall meet with the employee as soon as possible and may also conduct a separate investigation. However, the Department Head shall give the employee a written decision and the reasons for the decision within five (5) business days after the date of the meeting with a copy to the Commission. Unless the Department Head affirmatively in writing extends the time to respond, when the Department Head fails to render a written decision within the five (5) day period, the grievance shall be deemed denied.
- b. An employee who is dissatisfied with the decision(s) of the Department Head may file a written grievance/appeal with the Town Manager. Such appeals must be received by the Town Manager within five (5) days after the date of the Department Head's answer or the date on which such answer was due.

The Town Manager or his/her designee(s) shall ordinarily be the Conference Officer. The Conference Officer shall hear the grievance and have all authority to decide the matter.

- c. The Conference Officer shall promptly conduct a conference in the presence of the grievant and the appropriate Town employee, both of whom shall have the right to produce such relevant evidence as may be desired.
- d. The conference shall be closed to the public in all cases unless the grievant elects otherwise, all parties agree, and the conference officer finds that the interests of the Town and of any Town employee can not be harmed by the conference being open to the public.
- e. The Conference Officer shall determine prior to the conference a) whether the Department Head or Grievant or both, shall present evidence, b) the order in which the parties shall present the evidence, c) such other matters as the Conference Officer considers appropriate to conduct a fair conference. The conference shall be recorded, videotaped, or transcribed, witnesses shall be sworn by the Clerk or appropriate individual, and all documentary evidence shall be marked. Formal rules of evidence shall not apply, but efforts shall be made to admit only credible, material or relevant evidence.
- f. The Conference Officer shall have full authority and discretion to decide all procedural and substantive issues in the grievance. The decision of the Conference Officer shall be final except as provided otherwise herein.

APPENDIX A

Town of Cottage City Sexual Harassment Policy

Appendix A. ~~Sexual Harassment~~ Anti-Harassment Policy

Town of Cottage City ~~Sexual~~ Anti-Harassment Policy

Commented [MP41]: Stand alone sexual harassment policies are, in most instances, obsolete. Local governments need policies that cover all types of harassment - so policies are typically renamed and reimagined as anti-harassment policies. Some examples accompany these materials.

A. POLICY

It is the policy of the Town of Cottage City that all employees have a right to work in an environment free of discrimination, which encompasses freedom from sexual harassment. The Town of Cottage City strongly disapproves of sexual harassment of its employees in any form, and states that all employees at all levels of the Town must avoid offensive or inappropriate sexual and/or sexually harassing behavior at work and will be held responsible for ensuring that the workplace is free from sexual harassment.

B. PROHIBITED ACTS

1. Specifically, The Town of Cottage City prohibits the following:
 - a. Unwelcome sexual advances,
 - b. Requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship,
 - c. Other verbal or physical conduct of a sexual nature made to any employee that may threaten or insinuate either explicitly or implicitly that any employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development.
 - d. Any verbal or physical conduct that has the purpose or effect of substantially interfering with the employee's ability to do his or her job.
 - e. Any verbal or physical conduct or any gesture which is sexual in nature.
2. Such conduct may result in disciplinary action up to and including dismissal.
3. Other sexually harassing conduct in the workplace, whether physical or verbal, committed by supervisors or non-supervisory personnel is also prohibited. This behavior includes but is not limited to: commentary about an individual's body, sexually degrading words to describe an individual, offensive comments, off-color language or jokes, innuendoes, and sexually suggestive objects books, magazines, photography, cartoons or pictures.

4. All employees of Cottage City are responsible for assisting in the prevention of discrimination or sexual harassment through the following acts:

- a. Refraining from participation in, or encouragement of actions that could be perceived as discrimination or sexual harassment.
- b. Reporting acts of discrimination or sexual harassment, whether involved as a victim or witness.
- c. Encouraging members who confide that they are victims of discrimination or sexual harassment to report such acts.
- d. When encountering discrimination or sexual harassment, telling the person causing it that their actions are unwelcome and offensive.
- e. Notifying a supervisor in a timely manner of any violation of this policy.
- f. Reporting any employee who is in possession of or in use of sexually explicit materials, pictures, printed materials, audio/visual, graphics, etc. in the workplace unless obtained during the course of an official investigation.

C. Reporting Process: Should any employee feel that they have been discriminated against or harassed, the employee may undertake one or more of the following steps:

1. Tell the person that their actions are unwelcome and offensive and document all incidents in order to provide the fullest basis for investigation.
2. Report the incident(s) to their Department Head as soon as possible, by memorandum. In the event of Department Head involvement, the employee may report the offense directly to the Town Manager, and/or the Full Commission.
3. The Department Head receiving the complaint will immediately meet with the employee and ensure that the alleged incident(s) are documented carefully. In the event of Department Head involvement, the Town Manager will meet with the employee and ensure that the alleged incidents are documented carefully.

D. Investigation of Complaints: The Department Head or the Commissioner of that Department will determine if the complaint will be investigated as discrimination or sexual harassment as opposed to some other form of misconduct.

1. If any complaint alleges criminal activity, the investigation may be referred to the Police Department for investigation.
2. If the claim involves allegations against a sworn police officer, the investigation should be dealt with as appropriate.

3. The investigation will determine whether other employees are being harassed or discriminated against by the person, and whether other Town employees participated in or encouraged the harassment or discrimination.

The Department Head or Town Manager conducting the investigation will complete the investigation in a timely manner. Appropriate disciplinary action will be assessed by the Department Head or Town Manager. Disciplinary action can be as severe as termination of employment.

A file of such complaints involving civilian employees will be maintained in a secure location in the Administrative Office. Files involving the investigation of sworn police officers will be maintained in the Office of the Chief of Police.

E. Outcome: An employee may file a grievance/appeal in accordance with Section X of the Town Personnel Manual and Department procedures if they disagree with the investigation or disposition of a harassment or discrimination claim.

Employees who have complaints of sexual harassment by anyone at work, including any supervisors, co-employees, or visitors are urged to report such conduct to their supervisor, Department Head, Town Manager, Chairman or member of the Commission so that the Town of Cottage City may investigate and resolve the problem. Employees may bring such matters to the direct attention of their immediate supervisors, to the Department Head, Town Manager or to the Commission if the complaint involves the employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with his or her immediate supervisor, the employee may go to the Town Manager, or the Commission.

The Town of Cottage City will make every attempt to maintain the information provided to it in the complaint and the investigation process as confidentially as possible.

There will be no retaliation against employees for reporting sexual harassment or assisting the Town in the investigation of a complaint. However, if after investigating any complaint of harassment or unlawful discrimination the Town learns that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who provided the false information.

This policy does not prohibit any employee from filing a complaint or grievance with an outside agency.

APPENDIX B

Town of Cottage City Drug and Alcohol Abuse Policy

I. Background and Purpose

The Town of Cottage City has a sincere concern for the safety, health and well being of its employees. Consumption of alcoholic beverages, illegal substances, and abuse of controlled substances by employee's and applicants for employment is a significant problem.

The Town of Cottage City has a responsibility to its citizens to provide quality service in a timely and effective manner. The use of drugs and/or alcohol can affect severely the safe and effective operation of Town Government.

The Town will not tolerate the use of drugs or alcohol by employees while on-duty or on Town property. The use of drugs or alcohol which impairs the employee's job performance is considered by the Town to be an abuse and a violation of Town work rules.

II. Definitions

A. Alcohol Abuse.

Any employee who has a blood alcohol concentration (BAC) level of .05%, or a sworn police Officer having any positive result whatsoever, while in an on-duty capacity, is considered to be abusing alcohol. An employee who is visibly impaired due to alcohol use, is involved in an on-duty accident or sustains an on-duty injury due, in part, to alcohol use, regardless of their blood alcohol concentration (BAC) level, has abused alcohol.

B. Drug Abuse

The use of any drug, whether legal or illegal by an employee which impairs his/her ability to safely and satisfactorily perform his/her job is subject to this policy. An employee who is taking prescribed drugs, consistent with a doctor's instructions, shall notify his/her supervisor if there is any possibility that the drug may affect the employee's ability to perform his/her job. An employee testing positive for the presence of any illegal drug in his/her bloodstream while in an on-duty capacity for the Town of Cottage City is abusing the drug detected. Similarly, any employee testing positive for the presence of a prescription drug that impairs job performance and which the Town has not been informed of the consumption of the prescribed drug is abusing the drug detected. An employee who is visibly impaired during the use of a drug involved in an on-duty accident or sustains an on-duty injury, in part, to drug use, has abused drugs.

III. Policy and Procedure

A. Policy

Employees will not use, possess, or sell any illegal drugs. Violation of this policy will result in termination from employment and possible criminal investigation.

Employee's may not use or possess any alcohol or liquor (including beer or wine) on Town property. Violation of this policy will result in disciplinary action that could result in termination of employment. This does not apply to employees attending functions on Town property for which a license has been obtained to allow consumption of alcohol or liquor and provided the employee attending the function is not in an on-duty status.

The Town retains the right to search all Town premises, including common areas used by employees, to detect the presence of illegal drugs or alcohol on Town property. If necessary, employees will be asked to permit the Town to search any personal property, which they have brought to work. The request for a search must be in writing and must contain a statement of the clearly articulated facts, which give rise to the reasonable suspicion that the employee may be abusing drugs or alcohol. It is a term and condition of employment that each employee will permit a search of personal property located on Town premises or within the Town facilities. Failure to consent to a reasonable search for alcohol and/or drugs could result in disciplinary action.

B. Testing for Drug and Alcohol Impairment

1. Employee samples for analysis

It is a term and condition of employment that each employee will submit a blood or urine sample or breathalyzer carried out by qualified law enforcement personnel when requested to do so by a Town Department Head or a designee of the Department Head. These samples will be submitted for analysis at a laboratory or clinic selected by the Town. If the presence of alcohol or drugs is detected in any sample, the laboratory or clinic will determine the level of drugs or alcohol in the employees system.

Certain test results will not be revealed to the employer. Test results showing the presence of a nonprescription drug, excluding alcohol that is not prohibited under State Law (i.e., over the counter cold remedies) or the use of medically prescribed drug, unless the person being tested is unable to establish that the drug was medically prescribed, are not to be revealed to the employer. Employees MUST list medications currently being used on the authorization form.

If an employee requests a copy of the results of any screening analysis conducted on a sample provided by that employee, a copy will be made available to the employee once the results are released to the Town by the laboratory or clinic.

The Town will also provide a copy of the employer's policy on drug abuse, notice of the employees' right to request independent verification of the test result, and written notices of the employer's intent to take disciplinary action.

2. Test Validity

If an employee questions whether the results of a sample analysis are accurate, the employee may obtain an independent analysis of the same sample, at the Town's expense. Upon request, the Town's will authorize the laboratory or clinic holding the employee's

sample to release to a lab or clinic of the employee's choice a sufficient quantity of the sample to permit the second laboratory or clinic to conduct alcohol or drug screening analysis. By requesting a second analysis, the employee authorizes the Town to obtain a copy of any test results determined by the second laboratory or clinic.

The accuracy of the screening results submitted to the Town will be verified by the laboratory or clinic, which conducted the analysis.

3. Consent to the Release of Medical Information

Every employee will authorize the release of any medical information concerning the employee's blood or urine sample-screening test. Such authorization will permit the laboratory or clinic, which conducts the screening analysis to release to the Town all pertinent information regarding the results of the drug or alcohol screening test.

An employee's refusal to consent to the release of this information will require the Town to determine the employee's alcohol or drug impairment on the basis of information other than medical information, and the employee may be subject to disciplinary action for violating the Town's drug and alcohol abuse policies.

4. Appeals Procedure

Any employee and potential employee who desires to appeal the results of the drug test will follow the procedures outlined in Section E.

C. Discipline

Any employee who, under the terms of this policy, is found to be abusing drugs or alcohol will be subject to disciplinary action. (The Town will review and investigate the circumstances surrounding the employee's drug or alcohol abuse and determine the extent to which an employee has impaired his/her job performance, the health and safety of other employees and the general safety of production operations by this abuse.)

Any employee who tests positive for any illegal drug in the urine sample may be subject to dismissal. Offenders shall be afforded the opportunity to participate in a drug/alcohol rehabilitation program only if the employee comes forward prior to the Town's knowledge of a drug/alcohol problem. Employees may use any and all leave options while receiving treatment. Employees must submit a description of the program to the department head and the program must be completed successfully before returning to work.

D. Screening of Applicants for Employment

All applicants for employment with the Town of Cottage City will be required to submit a drug or urine sample for analysis to a laboratory or clinic of the Town's choice. All samples will be analyzed for the presence of drugs and alcohol. Applicants who submit samples that test positively for the presence of any illegal drug will be immediately

disqualified from consideration for employment with the Town. Any applicant's sample that tests positively for the presence of any other drug or alcohol at levels that the Town determines would impair the applicant's ability to satisfactorily and safely perform as a Town of Cottage City employee will be disqualified from consideration for employment.

Certain test results will not be revealed to the Town. Test results showing the presence of a nonprescription drug, excluding alcohol that is not prohibited under State law (i.e. over the counter cold remedies) or the use of a medically prescribed, are not to be revealed to the Town. Applicants must list medications currently being used on the authorization form.

Should a candidate who is disqualified because of a confirmed positive drug screen result want to appeal the results, the procedure in Attachment B should be followed.

All applicants for employment will, at the time they submit the blood or urine sample, authorize the release of the screening test results to the Town. Any applicant who refuses to authorize the release of this information will not be considered for Town employment.

This policy shall also apply to any promotional opportunity within the Town's merit system.

E. Appeals Procedure

1. An Employee/candidate may appeal a positive drug/alcohol test within five business (5) days of being notified of the test results. Within five business (5) days of filing a written appeal of failure of physical examination positive drug screening test results, the employee or candidate for employment must:

- a. Select a laboratory and notify the Administrative Office
- b. Deposit full payment for the requested test with the Administrative Office
- c. Sign the Release of Information Form and file it with the Administrative Office (Attachment C)
- d. Failure to perform these tasks within the time period established will cancel the appeal process.

2. Select Laboratory/conduct GCMS Test

A Gas Chromatograph/Mass Spectrophotometry (GCMS) test confirmation is required to be conducted on the same specimen paid for by the employee.

3. Release of Information. The employee or candidate for employment must obtain, execute and return the form to the Administrative Office which releases all drug screen test results, including raw test data summary sheets, computer run, and individually generated reports and notes to the Town of Cottage City (Attachment C)

4. Shipment of Specimen/Chain of Custody. Once the appellant has signed the Release of Information Form and selected a laboratory to conduct the drug screen on the same specimen which was originally screened, transportation of the specimen by courier to the selected laboratory will be arranged. A strict chain of custody of the employee's specimen will be maintained.

5. Second Laboratory Drug Screening Results. Should the employee/Candidate's second laboratory drug screening be negative, a third independent drug screen will be conducted by a qualified laboratory selected by the Town and paid for by the Town. If the second drug screening's results are confirmed Positive, the appeal shall be denied. A candidate for employment shall be denied the appeal based on a second positive drug screen.

A positive drug test will result in disqualification for a Candidate.

6. Third Laboratory Drug Screening. If the employee's third drug test is found Positive the appeal shall be denied. If the employee's third drug screening is found Negative the appeal shall be sustained. A third drug screen for candidates for employment will be conducted in accordance with appeal procedures outlined in Attachment B.

7. Final Appeal Procedure. If the employee wants to pursue the appeal beyond the third laboratory drug screening he/she may appeal to the Town Manager. The Town Manager will review the laboratory drug results and determine whether or not to hear the appeal within thirty (30) calendar days.

All CANDIDATES for employment with the Town of Cottage City will be required to submit a drug or urine sample for analysis to a laboratory or clinic of the Town's choice. All samples will be analyzed for the presence of drugs and alcohol.

CANDIDATES who submit samples that test positively for the presence of any illegal drug will be immediately disqualified from consideration for employment with the Town.

Any CANDIDATE's sample that tests positively for the presence of any other drug or alcohol at levels that the Town determines would impair the applicant's ability to satisfactorily and safely perform as a Town of Cottage City employee will be disqualified from consideration for employment.

Certain test results will not be revealed to the Town. Test results showing the presence of a non-prescription drug, excluding alcohol that is not prohibited under State Law (i.e. over the counter cold remedies) or the use of a medically prescribed drug, are not to be revealed to the Town. Candidates must list medications currently being used on the authorization form.

Should a candidate who is disqualified because of a confirmed positive drug screen result want to appeal the results, the procedure in Attachment B should be followed.

All Candidates for employment will, at the time they submit the blood or urine sample, authorize the release of the screening test results to the Town. Any Candidate who refuses to authorize the release of this information will not be considered for Town employment.

This policy shall also apply to any promotional opportunity within the Town's merit system.

ATTACHMENT A

TOWN OF COTTAGE CITY EMPLOYEE DRUG AND ALCOHOL SCREENING
AUTHORIZATION AND ACKNOWLEDGEMENT

I hereby authorize a medical facility to draw blood and/or obtain a urine specimen from me as requested by the Town of Cottage City.

I further authorize the medical facility to release to the Town of Cottage City the results of these tests.

I am taking/using the following medications now:

If the individual is above 18 years of age:

| | |
|-----------------------------|----------------------------------|
| <div></div> <div>Date</div> | <div></div> <div>Signature</div> |
| <div></div> <div>Date</div> | <div></div> <div>Witness</div> |
| <div></div> <div>Date</div> | <div></div> <div>Witness</div> |

If the individual is below 18 years of age:

| | |
|-----------------------------|---|
| <div></div> <div>Date</div> | <div></div> <div>Consenting Parent/Legal Guardian</div> |
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ATTACHMENT B

TOWN OF COTTAGE CITY EMPLOYEE DRUG SCREENING APPEALS PROCEDURE

TO: Town of Cottage City Commission

FROM: _____
(Name of Employee)

The laboratory selected by the Town to conduct drug screening is:

Should an employee want to appeal the results of the drug screen, the following appeal procedure is to be followed:

(PLEASE READ, COMPLETE, AND INITIAL TO THE LEFT OF EACH STATEMENT)

I. APPEAL

I hereby appeal the results of my drug screen test.

II. PAYMENT

I agree to pay in advance of the test being conducted \$_____, which is the cost of conducting the GCMS test by the laboratory. (Please make the full amount payable to the laboratory).

III. SHIPMENT OF SPECIMEN

I understand upon payment, I hereby authorize to arrange transportation by courier a portion (Aliquot-minimum 30cc) of my same specimen which was originally screened to my selected laboratory as designated in II. I understand a strict chain of custody on my specimen will be observed.

IV. AUTHORIZATION FOR LABORATORY TO CONDUCT TEST

I hereby authorize my designated laboratory to conduct a Gas Chromatograph/Mass Spectrophotometry (GCMS) test on the same specimen, which was originally screened.

V. AUTHORIZATION TO RELEASE INFORMATION

I hereby authorize my designated laboratory to release any and all drug screening test results,

including raw test data summary sheets, computer, and individually generated reports and notes to:

VI. REVIEW OF SECOND DRUG SCREEN RESULTS

I understand _____ will receive and review my second drug screen results. I further understand: (a) If my second drug screen results are again confirmed positive, my appeal shall be denied; or (b) if my second screen results are negative, a third independent drug screen will be conducted at an independent laboratory of the Town's choice at the Town's expense.

VII. THIRD LABORATORY DRUG SCREENING

I understand if the Department Head recommends the continued disqualification, I may appeal to the Town Commission. I further understand the Commission or its designee may either reject my appeal on the negative results of the third laboratory drug screen and deny further consideration. I further understand if the third drug screen results are found positive, my appeal shall be denied.

I hereby acknowledge I have read the Notice of Appeal of Drug Screen Results and have initialed each and every statement.

Signature of Employee

Date

Received by Town Manager on _____
Date

Signature

ATTACHMENT C

TOWN OF COTTAGE CITY EMPLOYEE RELEASE OF INFORMATION FORM

I, _____, hereby request and authorize: Name of Laboratory

Address _____

To conduct a Gas Chromatograph/Mass Spectrophotometry (GCMS) on my urine specimen and to release any and all drug screening tests including raw test data summary sheets, computer and individually generated reports, and notes to the Town’s Medical Facility.

Facility Name Address _____

Signed and Dated this _____ day of _____.

Signature of Employee

APPENDIX C

USE OF PERSONAL COMPUTER POLICY DISCLAIMER

Use of Town Owned Computers - Use of personal or laptop computers and networks owned or controlled by the Town is a privilege that requires each user to act responsibly and ethically. Because electronic information is volatile and easily reproduced, lost, or corrupted, users must exercise care in acknowledging and respecting the work of others through strict adherence to software licensing agreements, copyright laws, and Town policy including those that may apply to personal conduct.

Users do not own accounts on Town office computers, but are granted the privilege of use. Misuse of computers, networking, or information resources may result in the loss of computing and/or network access. Additionally, misuse can be prosecuted under applicable statutes. Illegal production of software and other intellectual property protected by U.S. copyright law is subject to civil damages and criminal prosecution including fines and imprisonment. Employees shall refrain from unauthorized use of Town owned computers. Employees will also refrain from attempting to access confidential material, including, but not limited to, information related to personnel matters absent a legitimate business reason.

Use of Personal Computer Policy

This policy statement and the procedures hereunder are intended for Town use only. The policies, procedures and regulations are for internal administrative purposes and are not intended to create any higher legal standard of care of liability in an evidentiary sense than is created by law. Violations of internal policies, procedures, regulations or rules form the basis for disciplinary action by the Town. Violations of law form the basis for civil and/or criminal sanctions to be typically determined in a proper judicial setting, not through the administrative procedures of the Town.

POLICY

It is the policy of the Town of Cottage City that all Personal Computer (PCs) that are Town owned are under the administrative control of the systems administrator or Town's designee.

Software and/or hardware must not be installed, moved, and/or modified on any PC without written approval from the administrator or other designee. Any Department Head may request that a given piece of software and/or hardware be installed on a computer assigned to his/her department.

Software may not be copied from Town of Cottage City PC or from a Town owned distribution disk or other media for use on an individual's personally owned computer, if the duplication would violate the Copyright or Licensing Laws. Software piracy is a violation of Federal Law.

SUMMARY

Procedures to be followed when using a PC apply to all Town employees, appointed or elected officials.

DEFINITIONS:

- ADMINISTRATOR – the person the Commission appoints in charge of the Computers.
- APPLICATION/PASSWORD – a password that a user may assign within an application and/or document in a PCS that prohibits others from opening the secured application or document.
- HOME DIRECTORY – a directory that is located on the main server. The name of the directory will be the same as the user’s login name.
- LOGIN NAME – a user’s name that is derived from the employees last name and first letter of the employee’s first name. (I.e., User: browng, Login Name: browng.)
- LOGIN PASSWORD – a unique password that is used by an individual employee to login and gain access to a computer system
- PC – a personal computer or similar device that is owned by the Town of Cottage City and is assigned to an individual workstation and/or Department.
- POWER-ON PASSWORD – a password assigned to the hardware of a PC that prevents other users from starting the system
- WORK PRODUCT – any document, spreadsheet, program or other electronic file that is created or produced on a PC. -

PROCEDURES:

1. The administrator will assign the following to all Town personnel:
 - A. Network User--Name/Login Name.
 - B. An initial login password. All users will be required to change their password upon their first log in and every sixty days thereafter.
2. Department Heads will determine the need for Internet and e-mail privileges of their employees.
 - A. E-mail users will be assigned a home directory/folder on the Master Server in Novell Group.
 - The directory will be backed up frequently by the administrator.
 - Documents and/or files stored in the home directories will be secure from other users.
 - NOTE: Documents and/or files that are stored locally in other applications will not be backed up or secured (i.e. Word, Access, Excel, etc.)
3. To install software on a PC:

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A. Submit a memorandum to the Department Head. Include the following:

- The name and type of software the employee is requesting to install.
- The reason for the proposed installation.
- How the software will benefit the Town, Department or individual in the performance of his/her duty.
- Which PC the software will be loaded on.

B. If approved, the Department Head will forward the request to the administrator.

C. The administrator will grant written approval based on the following criteria:

- The Town of Cottage City or the individual wishing to use it must own the legal copy of the software.
- The User's Manual must remain in close proximity to the computer. This will allow all users to utilize the software.

4. The administrator will periodically monitor and audit the entire system. If any unauthorized software, hardware, and/or any Power-On and/or Application passwords are discovered. The administrator will:

A. Remove the software, hardware, and/or password(s) from the PC.

B. Document and report the discovery by sending an interoffice memorandum to the Department Head where the violation was discovered.

5. If a PC malfunction or problem with the system occurs, notify the administrator during normal office hours, Monday through Friday, between 0900 and 1700 hours.

A. During non-office hours leave a voicemail message.

REGULATIONS:

1. The administrator shall have control of all PCS, which are on the Town network.

2. PC hardware shall not be moved or modified in any way without prior approval from the administrator.

3. Employees shall not copy software from a PC for use on their personally owned computers.
4. Software shall not be installed on any PC without obtaining written approval from the administrator.
5. All work products that are created on a PC are considered to be owned by the Town of Cottage City.
6. Employees shall not put on a PC any information that violates Town Policy and Procedure.
7. Employees shall not put Application Passwords or Power-On Passwords in a Town PC.
8. E-mail messages are not considered confidential and may be examined by proper authority upon the authorization of the administrator.
9. Employees shall not share nor give their personal Login Password to another employee.
10. The use of the internet is to carry out Town business only unless authorized by the administrator.

APPENDIX D

Town of Cottage City Accommodations for Disabilities

I. Background and Purpose

No Town employee will discriminate against any qualified individual because of disability with respect to any term, condition, or privilege of employment. The Town will make reasonable accommodations to the known physical and mental limitations of otherwise qualified individuals with disabilities, unless such accommodations would impose an undue hardship on the Town's business operations. Both job applicants and employees are covered by the Americans with Disabilities Act and this policy.

II. Definitions

Definition of Qualified Individual: A qualified individual with a disability is one who, with or without reasonable accommodation, can perform the essential function(s) of the position that such individual holds or desires.

III. Scope

The prohibition on discrimination applies to all terms, conditions, and privileges of employment, including but not limited to:

- Recruitment, selection, and hiring
- Job assignment and classification
- Promotions, transfers, layoffs, reduction in force
- Compensation
- Leave and Benefits
- Education and training
- Employer-sponsored activities.

IV. Job Openings: Information about job openings shall be accessible to people with disabilities and available in alternate formats upon request.

V. Interviewing: After reviewing the job description, interviewers may ask applicants if they are able to perform the essential job functions with or without reasonable accommodations. Interviewers may not ask direct questions about whether an applicant has a disability or about the nature of the disability. Medical information cannot be discussed until after an offer of employment has been extended.

VI. Medical Examinations: Supervisors are prohibited from requiring a medical exam before making an employment offer.

VII. Medical Information: Information on an employee's medical condition or history is kept in a separate file from other employee information. Access to this information is limited to those who have a legitimate need to know.

VIII. Confidentiality Regarding Disabilities: All employees with responsibilities which may require knowledge of disabilities are to treat this knowledge in a confidential manner. All information regarding a disability or medical condition will be kept completely confidential except:

A. Supervisors who are responsible for assigning work responsibilities will be informed regarding restrictions on the work or duties of employees with disabilities and any accommodations that have been made.

B. First aid and safety personnel may be informed at appropriate times if the employee's condition may require emergency treatment.

C. Appropriate officials investigating compliance with federal/state/local laws may be informed.

IX. Reasonable Accommodations: Supervisors who have questions regarding the organization's ability to make reasonable accommodations should contact the Town Manager

APPENDIX E. FLEXTIME POLICY

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The Town understands the importance of its employees having a proper work-life balance in order to be more efficient and productive. The Town recognizes that allowing employees to have some control over their work schedules makes it easier for them to manage non-job-related responsibilities and their professional commitment to the job. Consequently, the Town supports flexible work scheduling options for employees, provided that such schedules are mutually beneficial to employer and employee and continue to satisfy the needs and objectives of the organization.

I. Definition

Flextime is a way of restructuring the traditional work schedule so an employee may work daily hours that are different from regular office hours. Currently, the Town's regular office hours are Monday through Friday 9 a.m. to 5 p.m. Under this Flextime policy, an employee and department head are able to establish the employee's work schedule between the hours of 7:00 a.m. – 6:00 p.m., pursuant to the provisions herein. Flextime does not refer to the hours of operation stated in an offer letter. This policy excludes those hours that are implemented for seasonal operations.

II. Eligibility

All full-time staff are eligible. [WW1]

III. Guidelines

A. The flextime work schedule will be a consistent, approved daily schedule for an individual employee with established starting and ending times that remain the same week after week. For example, each eligible employee may select a different work starting time between the hours of 7:00 a.m. and 9:00 a.m. and an ending time between 4:00 p.m. and 6:00 p.m., subject to department head approval[WW2]. The flextime work schedule starting/ending times must be in 30-minute increments, i.e., start time, 7:00 a.m., 7:30 a.m., etc.

All requests for seasonal operation hours must be requested in writing and must be submitted to _____.

B. Employees and their department heads will also be able to select a thirty (30) minute lunch period.

C. Regardless of the flextime work schedule, full-time employees are required to work a minimum of forty (40) hours per week, working eight (8) hours each workday of the week.

D. Lunch cannot be eliminated from the daily flextime work schedule in order to reduce the number of hours in the workday.

E. The granting of flextime work schedules will not result in a change in the department's regular hours of operation. Each department head will be responsible for ensuring that all services of the department are available to internal and external clientele during regular business hours and that the efficiency and effectiveness of the department's operations will not be interrupted.

F. While it is not required that flextime work schedules be uniformly available to all positions in a department, the department head is responsible for ensuring the fair and equitable administration of this procedure to employees.[WW3]

G. Participation in the flextime schedule is voluntary. Working a flextime schedule is a privilege, not an employee right, and flextime schedules are not appropriate for all jobs or all situations. Denial of a request for a flextime work schedule is not grievable.

H. Department Head or Town Manager reserves the right to alter the participants established work schedule to accommodate work demands or for any other official purpose.

I. Flexible work may not be used as a substitute for dependent care.

IV. Requests for Flextime Work Schedule

Flexible work options require department head and Town Manager approval and depend on a partnership between the department head and employee to ensure that the needs of both the employee and the Town are being met.

Flexible work options may be introduced in a work environment by an employee who determines that he/she would like to have a flexible work option. However, department heads may also suggest flexible work options for some or all staff members.

Employees and their department heads are encouraged to discuss their needs and to work together to develop the best possible arrangements for their situation. Here are the steps for introducing a flexible work option:

1. Review the Options

Review all of the flexible work options and determine which would be most desirable and appropriate.

- Personal needs and preferences,
- Personal work style and capabilities,
- The demands of the job,
- The office situation and organizational needs, with particular focus given to opportunities for improved accountability, cost effectiveness and customer satisfaction, and

2. Prepare a Request Form

Prepare a written proposal to the department head requesting the flexible work option, covering:

- Benefits to the Town
- Reasons the option will work for the job

- Why employee is suitable for this option
- What processes will be needed to maintain good communication and continue to achieve the work goals, and
- How accountability, cost effectiveness and office needs will be addressed. The form will then be forwarded to the Town Manager for review and approval.

3. Town Manager Formalizes the Arrangement

If the Town Manager determines that the proposal is satisfactory, the arrangement must be formalized with a written agreement. The option will be most comfortable for all parties if a collaborative effort contributed to the final plan.

4. Option is Piloted[WW4]

Next, the option should be "piloted." During the pilot experience, the department head and staff member should meet regularly, at pre-arranged intervals, to discuss how the arrangement is going. The following questions should be reviewed:

- Are expectations clearly understood?
- Is productivity being maintained?
- Are there benefits that can be identified?
- Are there adjustments to the arrangement that might be desired by either party?
- Should the option be maintained?
- Is the employee able to maintain the quality and quantity of their work?
- Do the work assignments and responsibilities of the employee's position warrant continued participation?
- Is the employee's most recent performance appraisal rating at least fully successful in all critical elements?

At the end of the pilot period, the option should be evaluated. It should be understood from the start that either the department head or employee may end the arrangement if the goals of the arrangement are not being met.

EMPLOYEE ACKNOWLEDGEMENT FORM

The employee handbook describes important information about the Town of Cottage City, and I understand that I should consult my supervisor or the town manager regarding any questions not answered in the handbook. I have entered into my employment relationship with the Town of Cottage City voluntarily and acknowledge that there is no specified length of employment. Accordingly, either the Town of Cottage City or I can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to the Town of Cottage City's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Commissioners of the Town of Cottage City has the power to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME(printed):

EMPLOYEE'S SIGNATURE:

DATE:
