

The Town of Upper Marlboro



Employee Handbook 2022 Edition

This handbook should not be construed as an employment contract or agreement for employment for any specified period. The Town reserves the right to make changes to these policies at any time. When changes are necessary, we will provide you with amended pages for your handbook.

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Employment Policies and Procedures

Introductory Statement

This handbook has been prepared to provide our employees with a general understanding of our personnel policies, work rules and benefits. All employees are responsible for becoming familiar with our policies and procedures. All personnel of the Town shall become and remain familiar with all other relevant policies, directives, resolutions, ordinances, and charter provisions that may govern their conduct and/or work performance. If you have any questions regarding the material in the handbook, please contact your supervisor or any other member of management for clarification. The handbook should not be construed as an employment contract or agreement for employment for any specified period, nor as the sole source of employment related policies or procedures. The Town reserves the right to make changes to these policies at any time. When changes are necessary, we will provide you with amended pages for your handbook. The Employee Conduct and Responsibilities provisions of this handbook also applies to elected officials. Police Department employees will be issued a Police General Orders Manual that will have additional policies and guidance of which many may supersede the policies contained in this handbook. This handbook supersedes any previously approved employee handbook or resolutions governing the personnel policies, work rules and benefits stated below that may conflict with this handbook.

Citizens Relations

Every employee represents the Town to our citizens and the public. Nothing is more important than being courteous, friendly, prompt, and helpful to our citizens and the public. If a citizen or a member of the public wants to make a specific comment or a complaint, you should direct the person to your supervisor and/or the Administrator's Office for appropriate action. Your contacts with the public, your telephone manners, and any communications you send to the public reflect not only on you, but also on the professionalism of our Town government.

Employment-At-Will

This handbook is not a contract of employment. Unless a written employment contract states otherwise, any individual may request to voluntarily leave the employment of the Town at any time, with or without cause or may be terminated at any time and for any reason if there is otherwise no violation of federal, state, or local law. Any variation in this relationship will only be effective if made in writing, by contract and signed by the employee and the President with the approval of the Board of Town Commissioners. Police Officer's employment is further subject to the Law Enforcement Officers Bill of Rights (*Maryland Code Public Safety Article Title 3 Law Enforcement Subtitle 1.*), as amended, and certain provisions of this handbook may be preempted by this or a similar statute regarding law enforcement officers. Except for the Chief of Police, non-probationary police officers are not generally considered to be employed in an "at-will" status.

Employment Applications

We rely on the accuracy of the information you put on your employment application. We expect that you and your references will give accurate and true information during the hiring process and employment. If we find that any information is misleading, false, or was left out

on purpose, we may reject an applicant from further consideration. If the person has already been hired, it could result in termination of employment.

ADA Accommodation

Reasonable accommodation is available to an employee with a disability when the disability affects the performance of job functions. We make our employment decisions based on the merits of the situation in accordance with defined criteria, not the disability of the individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as job assignments. We make all types of leaves of absence available to all full- time employees on an equal basis.

The Town is also committed to not discriminating against any qualified employee or applicant because the person is related to or associated with a person with a disability. We will follow any state or local law that gives more protection to a person with a disability than the ADA gives. The Town is committed to taking all other actions that are necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and any other applicable federal, state, and local laws.

Equal Employment Opportunity

The Maryland Equal Employment Opportunity Policy prohibits employment discrimination based on race, sex, familial status, color, national origin, age, religion, marital status, sexual orientation, genetic testing, physical and/or mental incapacity. In Prince George's County it is illegal for an employer to discriminate based on race, creed, color, sex, age, national origin, occupation, marital status, political opinion, personal appearance, physical or mental handicap, or sexual orientation. The Town adheres to all federal, state and local laws regarding equal employment opportunity. We provide equal opportunities for all employees and applicants for employment without regard to sex, age, race, religion, national origin, citizenship status, physical or mental disability, or any service, past, present, or future, in the uniformed services of the United States.

It is the responsibility of everyone in management to ensure that equal consideration be given to all applicants and employees in personnel actions, which include recruiting and hiring, selection for training, promotion, demotion, discipline, rates of pay or other compensation, transfer, layoff, recalls, and terminations.

Immigration Reform and Control Act

It is the Town's policy to fully comply with the regulations of the Immigration Reform and Control Act of 1986 (as amended) enforced by the Department of Homeland Security. We will hire only American citizens and aliens who are authorized to work in the United States. The law requires our Town to do five things:

- (1.) All new employees must complete Section 1 of the 1-9 form within three business days of hire.
- (2.) Check documents establishing employees' identity and eligibility to work. (Note: We are not allowed to tell the employee which documents to present and cannot ask for more than is required.)
- (3.) The person examining the documents must complete Section 2 of the 1-9 Form and the Certification Section.

- (4.) Retain the form for at least three years. (If the Town employs the person for more than three years, the Town must retain the form until one year after the person leaves our employment.)
- (5.) Present the form for inspection to the Department of Homeland Security or Department of Labor officer upon request. (At least three days' notice will be given.) If an employee is hired for less than three days, the Town must complete Form 1-9 before the end of the employee's first working day. The 1-9 Form contains instructions for completion. The employee assigned to this task must follow those instructions completely. I-9 Forms are to be kept separate from all other personnel records.

Medical Examinations Drug Testing and Substance Abuse Policy

To protect the health of the employee and ensure a safe working environment, the Town may require, on reasonable grounds, pursuant to the policy stated below, a medical examination and or drug test to insure the employee's continuing fitness for duty. In either case, the Town will choose the health care professional and pay for the examination. Any job offer is contingent upon successful completion of the medical exam and/or drug test and continued employment is subject to federal and state law and requires you to be medically fit for duty. Please note that the Town will keep all medical information separate from your other personnel information to protect your privacy. Only authorized personnel who have a legitimate business need to know may review the medical information. The following serves as the Town's Substance Abuse Policy:

A. Definitions. In this Town of Upper Marlboro ("Town") Substance Abuse Policy, the following words have the meanings indicated:

- (1.) "Substance" means alcohol or drugs.
- (2.) "Alcohol" means ethyl alcohol or ethanol.
- (3.) "Drug" means:
 - (a) A controlled dangerous substance; or
 - (b) Any other substance which must be dispensed by a licensed health care professional; or
 - (c) An over-the-counter drug.
- (4.) "Abuse" means:
 - (a) The use of an illegal drug; or
 - (b) The intentional misuse of an over-the-counter drug, if the misuse impairs the job performance of the Town employee or could impair the job performance of an applicant for Town employment; or
 - (c) The intentional use of any prescription drug in a manner inconsistent with its medically prescribed intended use, or under circumstances where its use is not permitted, if it impairs the job performance of a Town employee or could impair the job performance of an applicant for State employment; or
 - (d) The use of alcohol if it impairs job performance of the Town employee or could impair the job performance of an applicant for Town employment.

- (5.) “Workplace” means any place where an employee is performing work for the Town.
- (6.) “Employee” means:
 - (a) A contractual, key employee, or other employee or official of the Town; or
 - (b) A volunteer who provides a service to or for the Town; or
 - (c) A member of a Board, Committee or Commission of the Town.
- (7.) “Sensitive Employee” means an employee whose classification or position having safety-sensitive duties like operating machinery, has been designated sensitive in writing by the President of the Commission and the affected employee.
- (8.) “Conviction” means:
 - (a) A judgment of conviction, whether entered upon a finding of guilt or acceptance of a plea of nolo contendere, and the imposition of sentence by the Court system; or
 - (b) The staying of the entry of judgment and the placing of the defendant on probation after a finding of guilty or the acceptance of a plea of nolo contendere.
- (9.) “Alcohol Driving Offense” means:
 - (a) Driving or attempting to drive while:
 - (i) Intoxicated; or
 - (ii) Under the influence of alcohol; or
 - (b) Operating or attempting to operate a vessel while:
 - (i) Intoxicated; or
 - (ii) Under the influence of alcohol.
- (10.) “Controlled Dangerous Substance Offense” means:
 - (a) A controlled dangerous substance violation, under the Criminal Law Article of the Annotated Code of Maryland; or
 - (b) An offense of the law of any other jurisdiction if the prohibited conduct would be a controlled dangerous substance violation if committed in this State; or
 - (c) Driving or attempting to drive while:
 - (i) Under the influence of drugs or drugs and alcohol; or
 - (ii) Under the influence of a controlled dangerous substance; or
 - (d) Operating or attempting to operate a vessel while:
 - (i) Under the influence of drugs or drugs and alcohol; or
 - (ii) Under the influence of a controlled dangerous substance.

B. General Policy. The Board further establishes and adopts the following substance abuse policy for the Town Government:

- (1.) The Town is committed to making good faith efforts to insure a safe, secure, and drug-free workplace for its employees consistent with the Drug-Free Workplace Act as enacted by Congress, and by Executive Order of the Governor.
- (2.) All employees in the workplace must be capable of performing their duties.

- (3.) Employees experiencing substance abuse problems are encouraged to seek assistance through:
 - (a) Their employer;
 - (b) Self-referral to the employer's Employee Assistance Program; or
 - (c) Self-referral to an alternative certified rehabilitation program.
- (4.) An appointing authority may not hire anyone whom it knows currently abuses drugs or alcohol.
- (5.) Employees are prohibited from:
 - (a) Abusing alcohol or drugs; or
 - (b) Committing a controlled dangerous substance offense; or
 - (c) Committing an alcohol driving offense.

C. Alcohol Abuse Policy.

- (1.) Working under the influence of alcohol is a violation of this policy and shall subject the employee to disciplinary action up to termination.
- (2.) An employee charged with an alcohol driving offense must report a finding of guilty, an acceptance of a plea of nolo contendere, or a probation before judgment to the employee's supervisor within 5 workdays.
- (3.) A sensitive employee shall be suspended for 15 days and required to successfully participate in an alcohol treatment program designated by an employee assistance program the first time the employee is:
 - (a) Convicted of an at-the-workplace alcohol driving offense; or
 - (b) Found under the influence of alcohol while at-the-workplace.
- (4.) A sensitive employee convicted of an off-the-workplace alcohol driving offense, and a non-sensitive employee convicted of any alcohol driving offense shall:
 - (a) On the first conviction, be referred to an employee assistance program, and in addition, be subject to any other appropriate disciplinary actions.
 - (b) On the second conviction, at a minimum, be suspended for at least 5 days, be referred to an employee assistance program, be required to participate successfully in a treatment program, and in addition, be subject to any other appropriate disciplinary actions, up to and including termination.
 - (c) On the third conviction, be terminated.

D. Drug Abuse Policy.

- (1.) Working under the influence of prescription drugs or over-the counter drugs is a violation of this policy and shall subject the employee to disciplinary action up to termination. When an impairment is seen, noticeable or an incident occurs, HR and the supervisor will take immediate action to send an employee to receive testing of their levels before further actions are taken.
- (2.) Working under the influence of a controlled dangerous substance is a violation of this policy and shall subject the employee to disciplinary action.

- (3.) An employee charged with a controlled dangerous substance offense shall report a finding of guilty, an acceptance of a plea of nolo contendere, or a probation before judgment to the appointing authority within 5 workdays.
- (4.) A sensitive employee convicted of any controlled dangerous substance offense shall be terminated.
- (5.) A sensitive employee who tests positive for a controlled dangerous substance as a result of a random drug test shall be suspended for 15 workdays, with pay, and be required to successfully participate in a drug treatment program designated by an employee assistance program, or similar benefit.
- (6.) A sensitive employee who abuses a legally prescribed drug or an over the counter drug shall, on the first offense:
 - (a) Be suspended for 5 workdays with pay: and
 - (b) Be required to participate successfully in a drug treatment program as designated by the current employee assistance program.
- (7.) An employee must first coordinate with their supervisor and HR if they need to use or take prescribed drugs during work hours.

E. General Sanctions. Any employee otherwise in violation of this Policy shall be subject to appropriate progressive disciplinary actions up to and including termination.

F. Law Enforcement.

- (1.) When a supervisor or Human Resources learns, or based on observation or reliable information, suspects that an employee has committed a controlled dangerous substance or alcohol offense at the workplace, the supervisor and/or Human Resources shall refer the matter to the Town Chief of Police for guidance on further investigation and prosecution. The Town should strictly follow criteria and steps set by State and local laws in these instances.
- (2.) All employees shall cooperate fully with law enforcement authorities in the investigation and prosecution of suspected criminal violations.

G. Employee Education. The Town's Human Resources person or firm is charged with providing annual training to all employees on the following items:

- (1.) The dangers of drug and alcohol abuse in the workplace and the community at large; and
- (2.) The Town's Substance Abuse Policy of maintaining a drug-free workplace for the safety of Town staff, residents, and visitors; and
- (3.) Any drug and alcohol abuse counseling, rehabilitation, and employee assistance program that is available; and
- (4.) The penalties that may be imposed upon employees for violations of said Policy.

H. Consent to drug or alcohol test

- (1.) Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and releasing the results of the test to Human Resources.

(2.) All new applicants shall, as a condition of employment with the Town, sign a consent to a drug or alcohol test.

I. Testing of employee

(1.) All persons employed by the Town shall be subject to drug or alcohol testing if there is reasonable suspicion that the employee has been using drugs or alcohol on the job site or reports to work in an unfit condition which appears either drug or alcohol related. If reasonable suspicion exists, the supervisor and/or Human Resources may immediately order that the employee be tested for the presence of drugs or alcohol.

(2.) “Reasonable suspicion” means a belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. The supervisor and/or Human Resources shall document, in writing, the specific facts, symptoms or observations which favor the basis for the determination that reasonable suspicion exists to warrant the testing of an employee.

(3.) An employee tested for reasonable suspicion shall be suspended with pay for 48 hours after the test to allow for the receipt of the test results.

(4.) **THE TOWN OF UPPER MARLBORO WILL RANDOMLY DRUG-TEST EMPLOYEES FOR COMPLIANCE WITH OUR DRUG-FREE WORKPLACE POLICY ON A (INSERT TIME PERIOD). RANDOM TESTING MEANS EMPLOYEES WILL BE SELECTED FOR TESTING USING A COMPUTER-BASED RANDOM-NUMBER GENERATOR. THIS WILL RESULT IN AN EQUAL PROBABILITY THAT ANY EMPLOYEE FROM THE ENTIRE GROUP OF EMPLOYEES WILL BE TESTED.**

(5.) **THE RANDOMLY SELECTED EMPLOYEE WILL BE NOTIFIED BY THE EMPLOYEES DEPARTMENT HEAD, OR AN AUTHORIZED DESIGNEE, WHO SHALL ORDER THE EMPLOYEE TO REPORT TO THE LABORATORY WITHIN TWO HOURS FOLLOWING WRITTEN ACKNOWLEDGMENT AND RECEIPT OF THE RANDOM DRUG TESTING NOTIFICATION FORM. TESTING MUST BE COMPLETED ON THE SAME WORKDAY THE EMPLOYEE IS SELECTED UNLESS A LEGITIMATE REASON IS PROVIDED TO HUMAN RESOURCES.**

(6.) **ALL TESTING WILL BE CONDUCTED BY A LICENSED INDEPENDENT MEDICAL LABORATORY**

(7.) Any applicant for employment with the Town shall be subject to a drug or alcohol test without reasonable suspicion.

(8.) Any employee tested for drugs shall receive a copy of the laboratory test results as soon as they are available to the Town. The results shall be delivered either in

person, email, or by certified mail. A copy shall be placed in the employee's personnel record.

J. Employee treatment

Employees who voluntarily seek assistance for a drug or alcohol abuse problem will not be terminated if that assistance is sought prior to action being taken under this article. If, however, the employee continues to use illegal drugs or abuse alcohol in such a manner that it affects the employee's job performance, he/she shall be subject to the penalties imposed in section K below:

K. Enforcement

- (1.) Any employee who fails to consent to a test upon a finding of reasonable suspicion shall be terminated from employment with the Town and shall not be subject to rehiring by the Town.
- (2.) Any applicant who fails to sign the consent to drug or alcohol testing or who, at the request of the hiring supervisor and/or Human Resources, refuses to be tested shall not be considered for employment with the Town and shall not be eligible to apply for any other position with the Town for 18 months.
- (3.) Any employee who fails to report a charge or conviction under this resolution shall be subject to immediate termination from employment with the Town and shall not be subject to rehiring by the Town.

(4.) **FAILURE TO COMPLY WITH ANY COMPONENT OF THE RANDOM DRUG TESTING PROGRAM, BY ANY EMPLOYEE ORDERED TO DO SO, IS INSUBORDINATION. VIOLATIONS SHALL RESULT IN DISCIPLINARY ACTION WITH A POTENTIAL PENALTY OF DISMISSAL.**

(5) **FAILURE OF ANY DEPARTMENT HEAD, OR AUTHORIZED DESIGNEE TO IMMEDIATELY ORDER THE EMPLOYEE TO REPORT TO THE LABORATORY SHALL RESULT IN DISCIPLINARY ACTION WITH A POTENTIAL PENALTY OF DISMISSAL.**

L. Implementation.

- (1.) The Board of Town Commissioners shall adopt such policies and regulations as are necessary or desirable for the implementation of this Policy.
- (2.) All supervisors are responsible for implementing and enforcing and monitoring compliance with the requirements of this Policy.
- (3.) All employees are required to acknowledge receipt of a copy of this Policy by returning an acknowledgement of receipt to their supervisor for insertion in their personnel file.

Background / Reference Checks

To ensure that individuals who join the Town meet the Town's qualifications and have a strong potential to be productive and successful, it is the policy of the Town to check the employment references of all applicants.

In addition to checking references of applicants, the Town will respond in writing only to those reference check inquiries that are submitted in writing on former employees. Responses to such inquiries will be limited to information that can be substantiated by Town of Upper Marlboro's records. Unless compelled by law, no employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

Employment Categories

It is important that you understand the definitions of the employment categories of the Town and that you know your classification. Your employment category helps determine your employment status and your eligibility for benefits. If you have questions or are not sure what your employment classification is, talk to your supervisor and/or Human Resources. These employment categories do not guarantee employment with the Town for any specific period.

You became an employee at the Town voluntarily and your employment is at will. "At will" means that you may request to terminate your employment at any time, with or without cause or notice. The Town will immediately honor that request unless the Town needs to reasonably delay your request for the general welfare and safety of the public. Likewise, "at will" means that the Town may terminate your employment at any time, with or without cause or notice, if it does not violate federal, [or] state or local laws.

Any exception to this policy must be in writing signed by you and the President with the Board of Commissioners' approval. Depending on your job, under the federal Fair Labor Standards Act (FLSA), you are either NONEXEMPT or EXEMPT from federal and state wage and hour laws. EXEMPT status is typically applicable to administrative and executive positions, but one should check the FLSA or consult with legal counsel. If you are a NONEXEMPT employee, you are entitled to overtime pay under the specific provisions of federal and state laws. If you are an EXEMPT employee, you are excluded from specific provisions of federal and state wage and hour laws. Your EXEMPT or NONEXEMPT classification may be changed only with written notification by the President and Board of Town Commissioners.

In addition to be a NONEXEMPT or EXEMPT employee, you may also belong to one of the following employment categories:

- (1.) You are a REGULAR FULL-TIME employee if you are not assigned to a temporary or introductory status AND you are regularly scheduled to work for the Town on a full-time schedule. In most cases, REGULAR FULL-TIME employees are eligible for all Town benefit programs, subject to the terms, conditions, and limitations of each benefit program.
- (2.) You are a PART-TIME employee if you are not in a temporary or introductory status AND you are regularly scheduled to work less than 40 hours per week. PART-TIME employees receive all legally mandated benefits, such as Social Security and workers' compensation insurance. PART-TIME employees who work over 30 hours per week are eligible for the Town benefit programs.
- (3.) TEMPORARY: Individuals hired to work on a temporary project or assignment. Such assignments may be of definite or indefinite duration. Most employers define a "temporary" employee as an individual who is not a regular employee and who will be scheduled to work for a limited period of definite or indefinite duration. Employment beyond the specified period should not in any way imply a change to

the individual's employment status or benefit eligibility. Temporary positions should not exceed 18 months.

Job Descriptions

We strive to have accurate job descriptions for all jobs at the Town. A job description includes the following sections:

- (1.) Job information; and
- (2.) Job summary (gives a general overview of the job's purpose); and
- (3.) Essential duties and responsibilities; and
- (4.) (if applicable) Supervisory responsibilities; and
- (5.) Qualifications (includes education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required); and
- (6.) Physical demands; and Work environment.

We use job descriptions to identify the requirements of a job, set up the hiring criteria, set standards for employee performance evaluations, determine FLSA status, and establish a basis for making reasonable accommodations for individuals with disabilities.

Human Resources will work with the Town Administrator and appropriate Department head to prepare a job description when a new job is created for presentation and approval of the Board of Town Commissioners. The Town may periodically review existing job descriptions and update them to ensure that the description is in-line with the needs of the Town for that role. Your job description does not necessarily cover every task or duty that you might be assigned. You may be assigned additional responsibilities, as necessary. If you have questions or concerns about your job description, contact your immediate supervisor.

Performance Appraisal Program

It is the Town's policy to review each employee's performance on an on-going basis to ensure that you are performing your job to the best of your abilities as well as to suggest areas for improvement and development. The initial performance review is conducted after the employee's probationary period, which is 90 days, by your immediate supervisor. Thereafter, formal performance reviews are conducted on an annual basis by the supervisor, with the support of Human Resources, in the months of April or May prior to the new fiscal year. In the event you are promoted or transferred to another position, you will receive a performance review after 6 months. The Police Department's probationary period is one year. Human Resources is charged with providing all supervisors and department heads with the necessary evaluation forms and collecting copies of all evaluations afterwards for the employee's files.

Your review will be based on such factors as quality of work, knowledge of your job, initiative, attendance, personal conduct record and your attitude toward your job and the other employees. The review presents an opportunity to discuss your performance as well as to determine the areas for improvement or development.

Each year you will work with your immediate supervisor to set formal professional goals for yourself. Human Resources should meet with and update Department heads and supervisors on the evaluation process. All pay increases will be contingent on the annual budget, and your performance and achievement of your goals (also known as "Pay for Performance"). Below are the key components of the Town's Pay for Performance policy:

- Goals must be developed in consultation with employee and manager or supervisor; and
- Goals must be SMART (Specific, Measurable, Attainable, Realistic & Time specific); and
- Each goal must be weighted.

Probationary Period

The first 90 days of employment are the introductory period. During this time, you will be evaluated by your supervisor on your job performance, and general fitness for the job. After completing the introductory period, your continued employment will be determined by your job performance and adherence to the Town's policies and code of conduct. The Police Department's probationary period is one year. An employee does not have to wait until after the probationary period to utilize Town benefits.

Resignation

Employees who choose to leave the Town's employment are asked to give at least two weeks' notice. Resignations must be approved by the appointing authority. Employees who do not give an appropriate notice will be considered as not leaving in good standing. All resigning employees should have an exit interview coordinated by Human Resources. The purpose of the interview is to be certain the reasons for the employee's resignation are not founded on a misunderstanding or erroneous situation. The interview will also cover what compensation the employee has coming and when termination of benefits will occur. Employees are expected to turn in all Town property at the time of resignation.

Termination and Policy regarding the Prevention of Constructive Discharge

Discharges are always unpleasant and costly, and the Town does not take the decision to discharge lightly. Notice may or may not be given depending on the circumstances surrounding the termination. All terminated employees should have an exit interview conducted by Human Resources. The purpose of the interview is to be certain the reasons for the employee's termination are not founded on a misunderstanding or erroneous situation and to solicit information on what the employee understands of the Town and the Town's benefits. The interview will also cover what compensation the employee has coming and when termination of benefits will occur. Employees are expected to turn in all Town property at the time of termination.

The Town makes every effort to follow the law including the following laws applicable to employment:

- 1.) Title VII of the Civil Rights Act of 1964 (making it unlawful to discharge any individual because of that individual's race, color, religion, sex, or national origin),
- 2.) The Federal Age Discrimination in Employment Act (protecting individuals from discharge based on their age, if over 40),
- 3.) The Federal Fair Labor Standards Act and the Maryland Wage & Hour Law (making it unlawful to discharge employees for asserting their rights to legal compensation), and,

- 4.) Federal “Whistleblower” Statutes (making it illegal for an employer to discharge a whistleblower as defined in the relevant statute).

Although there are many ways to properly terminate an employee, Wrongful Termination (or Wrongful Discharge) is the act of terminating an employee in an approach that is against the law. Wrongful Termination also encompasses what is called constructive discharge, a situation in which the employee’s work environment is deliberately made so difficult that he or she is forced to resign to protect his or her financial or physical and emotional well-being (e.g., employee is forced to work excessive hours in physically unsafe conditions, or substantial reduction in wages from what he or she previously earned).

The following serves as the Town’s Policy and Procedures for Preventing Wrongful Termination Claims:

- A. General. In most places, compliance requires no legal knowledge, but can be achieved by simply treating all employees fairly, consistently and with respect. However, there are several steps or procedures that can help minimize the frequency and severity of Wrongful Termination claims.
- B. Advertising. When advertising a job position, all references to sex, age, race, color, religion, national origin, pregnancy, or disability should be eliminated. A local government is prohibited from excluding applicants based on these factors.
- C. Applications. The job application is used to gather desired information on a prospective employee. Therefore, questions regarding the applicant’s sex, age, race, color, religion, national origin, pregnancy, or disability should not be asked unless it is relevant to the job in question. If the Town government needs this information for insurance or other purposes, it should be asked after the applicant is hired. A sample “at will” statement which may be used on the application follows:

I certify that the information contained in the application is correct to the best of my knowledge. In consideration of my employment, I agree to abide by the rules and regulations of the Town of Upper Marlboro, and I understand that these rules, regulations, and any personnel manual (or similar policies), do not constitute a contract of employment. I understand that my employment and compensation can be terminated, with or without cause, and with or without notice, at any time, at either my option or the option of the Town of Upper Marlboro, subject to reasonable delays imposed by the Town of the general wellbeing of the Town. I further understand that no supervisor or representative of the Town, unless authorized by the governing body, has authority to enter into any agreement for employment for any specified period or to make any agreement to the foregoing.

- D. Interviews and Background Checks. The Town should conduct detailed pre-employment interviews and background checks, performed in compliance with state and federal laws. The information obtained from this process (prior work experience, why the applicant left prior employment, career goals and required educational experience) will be valuable in assessing a future employee’s track record of previous problems with management and history of job turnover during his or her career.

Managers or supervisors should develop a uniform interview format and document the answers to ensure that all applicants for the same position are asked similar questions.

- E. Hiring. Managers should thoroughly evaluate and screen all applicants and select the one who is best qualified to perform the essential functions of the job. Managers or supervisors should retain all documents relating to the hiring decision including interview summary sheets, resumes, applications, advertisements, and job postings. These documents help to support the hiring decision if a rejected applicant makes a claim for discriminatory hiring actions. The Town should confirm the terms of the employment offer to the prospective employee in writing. The offer letter should also restate the above “at will” statement.
- F. Performance Evaluations. Conducting performance evaluations that honestly note deficiencies but give the employee opportunity for remedial action is a valuable loss control technique. Performance evaluations should be conducted on a regular basis as listed previously in this handbook and followed by written procedures developed by Human Resources. Job descriptions should be prepared and approved to serve as base line information.
- G. Discipline. In addition to any such expectations stated herein, the Town, with approval of the Board of Town Commissioners, may develop and publish a code of conduct of expected and unacceptable behavior that employees are to follow. Progressive and documented discipline is typically desired but certain types of behavior call for immediate termination.
- H. Termination Process. Prior to terminating an employee, the following questions should be asked: 1.) Is the termination necessary, or is there some other disciplinary or corrective action that would be more appropriate? 2.) If the employee contests the termination in court, is there enough evidence or documentation to successfully defend the Town’s decision to terminate? Prior to the decision being made to terminate an employee, and before taking further action, Human Resources and the Town Administrator should consult with the Town Attorney for further legal guidance. The Board of Town Commissioners shall be notified, and background provided, on the same day a termination takes place. A closed session with the Board of Town Commissioners should take place prior to the termination of a Department head or supervisor; however, all office, department, and agency heads shall serve at the pleasure of the President.
- I. Additional Sources. The suggestions outlined above should help minimize the number and impact of wrongful termination litigations against the Town government. Further information including interviewing scripts, sample employment applications, applicant information releases, sample job descriptions, discipline documentation and exit interview forms and various checklists are available in Appendix A (Wrongful Termination) of Module 4 (Personnel Issues) of the LGIT Risk Management Manual. Please consult with Human Resources for copies of these resources.

Re-Employment Policy

Employees who left the Town of Upper Marlboro in good standing will be considered for open positions along with other applicants.

Hiring of Relatives

The employment of relatives is permitted with the following restrictions:

- (1.) A relative is not permitted to supervise another relative.
- (2.) Confidential positions, such as Clerk, Human Resources, Director of Finance, Chief of Police, Town Administrator, payroll, or administrative positions are not open to relatives of any employee or elected official.
- (3.) Or, as otherwise forbidden by State Law.

“Relative” is defined as: spouse, brother, sister, parent, child(ren), uncle, aunt, nephew, niece, step-parent, step-child(ren), mother-in-law, father-in-law, son/daughter-in-law, brother/sister-in-law, grandparent, and grandchild(ren).

Town Staff Vaccination Policy

Purpose

The Town of Upper Marlboro (the Town) endeavors to provide and maintain a workplace that is free of all known health hazards. In light of the COVID-19 public health emergency, the Town is implementing this policy as a measure of safeguarding the health of our employees; the residents and guests that Town staff exists to serve; and the community at large from COVID-19, as it has been advised by the Centers for Disease Control and Prevention, and demonstrated by public health statistics, that the spread and ultimate effect of COVID-19 is substantially reduced among individuals receiving vaccinations.

Scope

The Board of Town Commissioners for the Town of Upper Marlboro requires all employees (including regular full-time and part-time, and temporary) to receive complete doses of one of the three COVID-19 vaccinations currently approved for use by the Food and Drug Administration (“FDA”) by no later than February 28th, 2022. These include vaccinations developed Pfizer, Inc.; Moderna, Inc.; or Johnson and Johnson. After February 28th, 2022, the Board of Town Commissioners will assess cases of any employees requesting an exemptions status, and any employees who have not been vaccinated at all. Currently three approved vaccinations have received emergency use authorization from the FDA to combat the spread of COVID-19. Employees who remain unvaccinated beyond February 28th, 2022, may be subject to termination of employment.

Reasonable Accommodation

Any employee in need of an exemption from this policy due to a bona fide medical or religious reason must make this request by submitting an email explaining the need for exemption to the Human Resources Department to begin the interactive accommodation process. Accommodations will be granted where they do not cause the Town undue hardship or pose a direct threat to the health and safety of others. Please direct any questions regarding this policy to the Human Resources.

Booster Shots:

Once a booster shot is fully approved by the FDA, all Town staff are highly encouraged to receive an approved booster shot. The Board of Commissioners may consider incentives for staff who receive the booster shot.

New Hires:

Any staff hired after the effective date of this policy shall be fully vaccinated prior to their official start date.

The Town of Upper Marlboro is committed to the safety and welfare of all staff, the public and visitors to Town facilities. We look forward to returning to life pre-COVID and being able to reopen our facilities to all staff and visitors.

Vaccines are a critical method of controlling the spread of COVID. As such, all staff who may have contact with the public or other essential staff as part of their daily job responsibilities will be required to receive both doses of the COVID-19 vaccination, or a single dose of Johnson & Johnson.

Staff shall submit documentation of receiving the vaccine to Human Resources.

COVID-19 Response Policy/Directive

The Town of Upper Marlboro COVID-19 Response Policy/Directive Effective February 9th, 2022 This policy is to govern the Town of Upper Marlboro's internal response to the COVID-19 pandemic to safeguard the Town's employees and elected officials. Town Administrator Kyle Snyder shall coordinate the Town's response and preparation to this pandemic, and work closely with Department heads and elected officials to ensure the Town staff is protected. The actions below are being taken following the CDC and OSHA guidelines. Any staff or elected officials with concerns regarding the Town's COVID-19 response are free to contact the President or Town Administrator directly at any time.

Part 1- Self-Health Screening:

The Town has set up two self-health screening stations, one at Town Hall and one at Public Works. All staff, commissioners, and visitors are required to complete a self-health screening upon initially reporting and leaving work at Town facilities each day. Any indications of a fever, coughing, or shortness of breath, and the employee should not proceed further into the facility. They should return to their vehicle and contact their supervisor immediately for further direction.

Required Screening: The screening consists of taking temperature via an infrared forehead/ear thermometer upon reporting and leaving work, as well as checking box if you are having coughing or shortness of breath. Please wipe down the equipment with provided alcohol prep wipes after use. The name, date, time-in & Temperature, time-out & temperature, and check boxes must be completed in the log located at both screening stations.

Optional Screening: The Town will also have a wrist-blood pressure cuff and a finger pulse Oximeter (to measure blood-oxygen levels) for staff and commissioners to use at the screening stations if they wish. These vitals do not have to be recorded and are simply for the user's reference. Please wipe down the equipment with provided alcohol prep wipes after use.

Employees who are screened at one location do not have to re-screened upon entering another facility (Ex. Public Works employees who screened themselves at Public Works do not have to re-screen themselves upon entering Town Hall that same day).

The logs will be reviewed regularly by the Town Administrator (MD EMT-B Certification). Department heads are charged with ensuring their staff follows the procedure. Failure to complete log, or falsifying information, endangers your coworkers and will be handled as "Falsification of Town Records" violation under the Employee Handbook, an "Unacceptable Violation".

Part 2- Social Distancing

Social distancing means avoiding large gatherings and maintaining distance (approximately 6 feet or 2 meters) from others when possible. Strategies that the Town and its Department heads are encouraged to use include:

- Implementing flexible worksites (e.g., telework)
- Implementing flexible work hours (e.g., staggered shifts)
- Increasing physical space between staff at the worksite
- Increasing physical space between staff & residents (phone calls & emails vs in-person)
- Implementing flexible meeting and travel options (e.g., postpone non-essential meetings or events)
- Delivering services remotely (e.g., phone, video, or web)

Part 3- Town Vehicle Usage:

No more than one Town staff member should be in the same Town-owned vehicle at the same time to prevent possible exposures. If multiple employees do need to ride together, all passengers are required to wear masks, and weather depending, windows should be down to circulate fresh air. All Town-owned vehicles shall be cleaned every week and kept tidy and neat at all times.

Part 4- Personal Protective Equipment:

The Town is constantly working to acquire and ensure an adequate stock of PPE for the staff and commissioners, including surgical masks, gloves, face shields, hand sanitizer, N95 masks. Should staff need PPE, they can go through their department heads. Town staff, elected officials, and visitors must wear a mask when inside Town facilities, and when interacting in close proximity to each other/residents. Refuse Collection: Public Works staff shall use additional PPE such as puncture-resistant gloves and face and eye protection, to prevent worker exposure to the waste streams (or types of wastes), including any contaminants in the materials, they manage. Such measures can help protect crew members

from sharps and other items that can cause injuries or exposures to infectious materials. This is an OSHA standard.

Part 5- Cleaning and Disinfectant:

Town Hall is cleaned every week by a contract cleaning company. This cleaning involves wiping down all surfaces with disinfectant, as well as other routine cleanings. Staff is encouraged to wipe down their work areas with provided disinfectants before leaving if/when they report to work. An outside company will be brought in as needed to “deep clean” Town facilities. Antibacterial soap, and handwashing guidelines, are provided at all Town handwashing stations. The Town shall also provide air purification filters systems for all Town buildings.

Part 6- Exposure/Positive Test Action Plan:

Town Staff who appear to have symptoms (i.e., fever, cough, or shortness of breath) upon arrival at work or who become sick during the day should immediately be separated from other staff and visitors and sent home. Town staff shall go through their medical provider/primary care physician to test for COVID-19 if necessary. Each Department head will be issued a stockpile of rapid COVID-19 testing kits for their staff to use as needed. Department heads shall track the use of these kits and request additional kits from the Town Administrator as needed.

If an Employee Tests Positive for COVID-19:

Should an employee test positive, they need to notify their supervisor immediately, and the following steps will take place:

- The Town Administrator, Department head, and the Director of Human Resources utilize the Self-Health screening log to determine days the employee reported to work, and ask the employee which coworkers they have been in “close contact” with within the prior two weeks. The CDC defines “close contact” as “a person that has been within six feet of the infected employee for a prolonged period of time.” The Town shall fully cooperate with State and County contact tracers as necessary.
- If the employee is fully vaccinated, an additional 80 hours (two weeks) of sick leave shall be granted to the employee to be used for COVID-19 usage. This is addition to the employee’s regularly accrued sick leave and can only be used for COVID-19 related illness. The employee shall return to in-person work once a full COVID-19 test (not a rapid test) negative result is received and they are not showing and symptoms and feeling well. Documentation of the negative test shall be submitted to the Director of HR prior to returning to work. Per the updated CDC guidance, staff with COVID-19 should isolate for 5 days and if they are asymptomatic or their symptoms are resolving (without fever for 24 hours), follow that by 5 days of wearing a mask when around others to minimize the risk of infecting people they encounter.
- As time permits, test documentation, and a doctor’s note shall be provided to the Director of Human resources.
- The Town Administrator shall coordinate with the Director of Human Resources to inform fellow employees of their possible exposure to COVID-19 in the workplace

but maintain confidentiality as required by the Americans with Disabilities Act (ADA).

- The Town Administrator shall coordinate with the Director of Public Works to schedule a “deep cleaning” of Town Hall, Public Works, and all vehicles as soon as possible.
- Should Public Works employees be affected, the Town may suspend Bulk Trash & Yard Waste collection for a period of two weeks due to staffing shortages. The Directory of Public Works and Town Administrator will advise the Board of Commissioners if collection is suspended.
- Should the Police Department be affected, the Chief of Police shall coordinate as needed with the County police to ensure proper coverage of the Town.

If an Employee Is Exposed:

If an employee is directly exposed to a confirmed COVID-19 case, or is contacted by a contact tracing agency (secondary exposure), these are the steps that the Town will take:

- The Employee shall alert their Department head as soon as possible and avoid contact with other staff as much as possible until given further direction.
- A Town COVID-19 rapid test shall be issued to the employee by their Department head, and the employee will be sent home on Town COVID-19 leave. The employee shall selfadminister the at-home test and report the results to the Director of HR as soon as possible. Employees able to telework who are feeling well enough can telework.
- If the rapid test comes back positive, all employees in contact with that individual within the past 48hrs shall follow this section’s guidelines.
- The employee shall schedule a full COVID-19 test the day they are sent home for as soon as possible. The Town may assist in scheduling a test if the employee requests.
- The employee shall return to in-person work once a full COVID-19 test (not a rapid test) negative result is received and they are not showing and symptoms and feeling well. Documentation of the negative test shall be submitted to the Director of HR prior to returning to work.

If an Employee has a Secondary Exposure

If an employee has come in contact with someone who has come in contact with someone else (tertiary exposure) with a positive COVID-19 case but has not yet tested negative, the following steps shall be followed:

- The employee will alert their department head and be issued a rapid COVID-19 test to take. The employee shall observe strict social distancing and mask wearing.
- If the rapid test comes back negative, and the potential exposure receives a negative test, the employee shall return to work as normal.
- If the secondary exposure tests positive, the Town shall follow the “If an Employee Is Exposed” section.

Part 7- Additional Actions

The President/Mayor shall have the ultimate decision and ability to take quick actions to respond to the pandemic as needed to ensure the health and safety of the residents and staff

Hours of Work and Pay

Hours of Work

The Town will maintain work hours for its employees in accordance with federal and state regulations and the maintenance of an efficient and effective schedule of work. The Fair Labor Standards Act requires employers to maintain an accurate record of hours worked and to pay one and one-half times the regular hourly rate of pay to every nonexempt employee who works overtime. Overtime will be defined as all hours worked over forty hours in a workweek. Salaried employees are FLSA-exempt and do not generally receive overtime compensation. The Fair Labor Standards Act permits exemption of certain professional, administrative, and executive positions, as defined in the statutes, from compliance with the act. Starting July 1st, 2021, the official pay period for all employees begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. the following the second Saturday. Listed below are the regular working hours as listed by Department:

General Government: Regular Town Hall business hours are Monday through Friday from 9:00 a.m. to 5:00 p.m. (except holidays.)

Public Works: Below are the hours of the Public Works Department, these hours are subject to change based on the needs of the Town:

- Summer Hours 7:00 a.m. to 3:00 p.m. Monday—Friday (except holidays) during the months of June, July, August, and September,
- Winter Hours- 8:00 a.m. to 4:00 p.m. for the remainder of the year.

Police Department: Operates on a shift schedule, and please see the Police Department General Orders Manual or applicable directives for further detail.
Hours worked by NON-EXEMPT employees outside of the regular working hours should be flextime or overtime.

Flex Hours

Employees have the ability (with the approval of their immediate supervisor) to flex their hours. This means the employee would still work a full 8-hour day but would be able to start or leave early. Flex times must be approved by supervisors at least 1 workday in advance.

Telework

- A. Certain Town administrative personnel, and other department supervisors, have 3 basic options for telework arrangements, via an approved Telework Agreement: 1.) Ad hoc Telework; 2.) Regular Scheduled Telework (up to 3 days per week, not to exceed 2 consecutive days in a row); and 3.) Medical Telework. The telework agreement is not a contract of employment and does not provide any contractual rights to continued employment. It does not alter or supersede the terms of the existing

employment relationship. An employee's salary, benefits and employer-sponsored insurance coverage do not change because of telecommuting or teleworking.

- B. The employee remains obligated to comply with all Town of Upper Marlboro rules, policies, practices, and instructions that would apply if the employee were working at the regular Town of Upper Marlboro worksite. Work products that the employee develops or produces while telecommuting remain solely the property of the Town of Upper Marlboro. Work hours, compensation and leave scheduling while teleworking must conform to applicable human resource policies, the Fair Labor Standards Act and/or applicable labor or wage and hour laws. The employee's supervisor must approve leave requests to work overtime, use compensatory time or use accrued leave in the same manner as when the employee works onsite at the Town Hall Offices. Telework arrangements and may be revoked at any time and for any reason. A telework agreement must be signed by the employee and immediate supervisor for the employee to telework. Telework due to a state of Emergency shall be authorized by a Town Declaration of Emergency.

Time Keeping

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the Town to keep an accurate record of time worked to calculate employee pay and benefits. Time worked is all the time spent on the job performing assigned duties. Nonexempt employees must accurately record the time they begin and end their work.

We consider attempts to falsify timekeeping records a very serious matter. Therefore, any of the following actions may result in disciplinary action, up to and including termination: altering, falsifying, tampering with time records, or recording another employee's time record. You are also responsible for signing your time records to certify their accuracy. Your Supervisor will then review them before submitting for payroll processing.

Pay Days

Employees are paid every two weeks on Friday. If a holiday falls on a regular scheduled payday, efforts will be made to have paychecks available on the preceding Thursday. Elected officials are paid quarterly.

Overtime, Compensation Time, ON CALL PAY, Holiday Pay, & EVENT PAY

Overtime: It is the Town's policy that work shall be completed, whenever possible, within one shift only. Overtime will be paid to hourly payroll employees for those hours worked on the job over and above forty hours in a pay week at the rate of 1-1/2 times the regular base rate. PAID TIME OFF SHALL NOT BE CALCULATED AS PART OF REGULAR WORK TIME HOURS IN THE CALCULATION OF OVERTIME. THERE SHALL BE A THREE-HOUR CALL-BACK MINIMUM FOR STAFF BEING CALLED IN OUTSIDE OF REGULAR HOURS TO WORK. For this policy, all forms of leave will not be treated as time worked, or any other absence from the job will not be counted as time worked.

Overtime work must always be approved by your immediate supervisor before it is performed. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment. If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

Employees are responsible for accurately recording the hours they work. This information also helps the Town comply with the laws that require us to keep accurate records of "time worked" to correctly calculate employee pay and benefits. "Time worked" is defined as all the time staff spend performing assigned duties.

Compensation Time: Compensation or compensatory time can be acquired in lieu of overtime. Compensation time can be accrued for those hours worked above 40 hours. Before accruing compensation time, please seek approval from your immediate supervisor.

Do not work more than 40 hours without the explicit consent of your immediate supervisor. The supervisor based on a few factors (including budget constraints) reserves the right to deny overtime and/or comp time or recommend that you receive compensation time instead of overtime or vice-versa. The Town encourages employees to leverage the Town's Flex policy to avoid working more than 40 hours per week.

ON-CALL PAY – WHEN A FULL-TIME EMPLOYEE IS ON CALL FOR INCLEMENT WEATHER OR OTHER EMERGENCY EVENTS THEY WILL RECEIVE A ON CALL RATE OF THEIR REGULAR HOURLY PAY PLUS A DIFFERENTIAL SET ANNUALLY IN THE BUDGET ORDINANCE BY THE BOARD OF COMMISSIONERS.

Holiday Pay: Full-time and part-time employees who are required to work on a holiday will be paid at the rate of 2 times their regular base pay even if they have not worked 40 hours for that pay week.

EVENT PAY – FULL-TIME AND PART-TIME EMPLOYEES WHO ARE REQUIRED TO WORK AN EVENT SCHEDULED OUTSIDE OF REGULAR BUSINESS HOURS WILL BE PAID AT THE RATE OF 1-1/2 TIMES THE REGULAR BASE RATE FOR ANY HOURS WORKED FOR SPECIAL TOWN EVENTS EVEN IF THEY HAVE NOT WORKED 40 HOURS FOR THAT PAY WEEK.

Lunch Period

Lunch periods are typically one (1) hour per day. Employees needing extra time on their lunch period must also receive prior approval from their supervisor. Employees shall not perform Town business during their designated lunch period; however, nothing herein shall prohibit an employee from partaking of food or beverage (e.g., a snack) while accruing compensable time. Employees are free to leave the worksite to take their lunch or break (whether freely choosing to leave or remain at the worksite).

Payroll Deductions

The Town is required by law to deduct Federal and State Withholding Tax from your paycheck. The amount of tax is determined by your earnings and the number of dependents you claim. At year end you will receive a W-2 form showing your total earnings and the amount of taxes withheld. Deductions for Social Security at the rate established by law are deducted from your paycheck. The Town matches your contributions to the Social Security tax. Other deductions may include premiums for insurance, garnishments, pension plan if enrolled, etc. If an employee believes that there has been an error in pay, he/she should contact his/her supervisor and the Director of Finance office.

Child Support

If you are subject to a child support order, monies will be withheld from your paycheck in accordance with our state's regulations. Child support is the court-ordered payment by the non-custodial parent to the custodial parent for the care and welfare of the child.

Garnishments

A court-ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt and served by the constituted legal authority is called a garnishment, and it must be recognized and executed by the Town. When a garnishment is received by the Town, we will advise the employee that a garnishment has been served on the Town. The employee will be counseled to seek assistance in working out his/her financial problems.

Final Paycheck

The Town follows the state regulations regarding deadlines for employees to receive their final paycheck which means that an employee who quits, or is discharged, will be paid out according to state law within the next scheduled payday due to termination, unless a signed agreement states otherwise.

Direct Deposit

Direct deposit is highly encouraged but not required. You can choose to have your check deposited in more than one account. For example, you may elect to have some money put into checking as well as a savings account. Please submit a voided check or bank deposit slip with the bank's routing number to the Finance Director to initiate direct deposit. It may take one or two pay periods before the transaction can be completed. In the meantime, you will receive a manual check. Remember to notify payroll before you change the financial institutions where your checks are being sent. It takes a week or two to retrieve a check that has been sent via electronic mail.

Training Time

Any meetings, lectures, and training programs that an employee is required to attend will be considered compensated time.

Travel Expenses

The Town will reimburse you for approved Town travel expenses if the Town Administrator, via the Department head, approves the travel in advance. We reimburse approved travel expenses such as travel, meals, lodging, and other expenses if they were necessary to meet the objectives of the trip. You are expected to keep expenses within authorized limits. The Town will reimburse approved use of your personal vehicle for business travel at the current IRS mileage rate.

If you are involved in an accident while on business travel, immediately report the accident to your supervisor and/or Human Resources. If you use a vehicle owned, leased, or rented by the Town, you may not use that vehicle for personal reasons unless you have advance

approval. Submit your completed travel expense report within 10 days of the end of your approved trip. You must also submit receipts for every expense item. The Director of Finance and/or Human Resources can be consulted for help and questions about business travel, expense reports, or any other travel issues.

Operations During Emergencies

In the event of storms or other emergency situations, it may be advisable to close or limit some Town operations. The Town of Upper Marlboro will follow the schedule that the Prince George's County Court system is operating under. As events dictate, the President, after consultation with the Board, Town Administrator, and appropriate Department heads, will determine which employees are essential to Town operations. To protect the health and safety of the Town, essential employees (i.e., Public Safety, or Public Works) will be required to come to work.

Non-essential employees who have telework capabilities should work from home following the standing telework policy. Employees who do not have telework capabilities will be granted unscheduled leave or leave without pay. In the extreme event that a decision is made that no operations can be conducted, the employees who are scheduled to work will be granted administrative leave with pay. If the Town offices close before the normally scheduled closing time, employees will be paid for the entire scheduled workday.

Employee Benefits

Employee Benefits

Full-time employees of the Town receive many benefits. Some benefits are required by law and cover all employees. The legally required benefits include Social Security, workers' compensation, and unemployment insurance. There are several factors that decide if you are eligible for a benefit. One important factor is your employment classification. Consult Human Resources to find out which benefit programs you are eligible to receive. This employee handbook contains policies describing some of the benefit programs, or you may find more information elsewhere, such as the Summary Plan Document. The Town provides the following benefit programs to eligible employees:

- Medical Insurance (Health, Dental and Vision)
- Term Life Insurance
- Holidays
- Jury Duty Leave
- Pension Retirement
- Sick Leave Benefit
- Vacation Benefits
- Bereavement leave
- Parental leave
- Disability Leave (with approval from Human Resources after taking Worker's Comp. into consideration): Employees who are disabled while working receive full salary

for the period of temporary disability without charge against their leave balance, provided, the disability resulted from an injury or illness sustained directly in the performance of duties, Employees who are on disability leave for more than seven calendar days shall contact the Human Resources Director weekly to verify the continued disability.

- Administrative Leave: Administrative leave to any full or part-time employee for any one of the following: Pending internal investigation, time away from the job on the date of an injury or occupational disease for medical treatment, to attend educational courses directly related to an employee's duties, to donate blood, to undergo a medical examination ordered by Human Resources.
- Administrative Duty: Administrative duty may be employed as an alternative to administrative leave to enable an employee to continue working while awaiting the disposition of an internal or criminal investigation, or disciplinary action recommendation sent to Human Resources and Department Head.
- Light Duty: An employee with a temporary impairment may be detailed to duties within his or her capacity to perform, pursuant to his or her physician's decision or recommendation. Work restrictions and the classes of work that the employee may safely pursue must be specified. Light duty assignments are limited to the period specified in the Physician's note, which cannot exceed 30 calendar days per form. The employee's physician must complete additional forms to extend his or her light duty assignment. Employees in a long-term light duty assignment related to a work-related injury or illness, or in a light duty assignment related to a non-work-related injury or illness could be referred to a Town-ordered doctor for an independent medical examination.
- Pay Incentives: The Town can offer pay incentives for specialty training or certifications obtained by employees that benefit their work for the Town. These incentives shall be set separate from this Handbook and approved by the Board of Town Commissioners by Resolution.

Some benefits are provided to the employee and some are voluntary or co-pay. The Town will provide you with information on both types of benefits. All full-time Employees are generally eligible for benefits on their first official day of work. Part-time employees should check with Human Resources on what benefits they are eligible to receive.

Social Security

The payment of Social Security and Medicare Benefits are made by you and the Town. The Town matches your contribution to the Social Security and Medicare and thereby pays one-half of the cost of your Social Security Retirement and Medicare Benefits under the Social Security Act. Social Security provides a variety of benefits, including retirement income, death benefits, disability benefits and monthly income for certain dependent survivors of covered employees. For additional information regarding Social Security eligibility and benefits, go to www.socialsecurity.gov.

Unemployment Insurance

The Town pays the entire cost of unemployment insurance. This insurance provides a weekly income for those who may be laid off or who may have lost their job through no fault of their

own. The amount of this income varies with the individual and state in which he/she resides because it based on average earnings. Eligibility requirements and the amount of benefits that you may receive are specified by state law.

Workers Compensation Insurance

Employees are provided Workers' Compensation coverage from the day they begin work. The Town pays the entire cost of this coverage. Employees are covered by Workers' Compensation if they are incapacitated by injury or illness arising out of their Town employment. Regardless of how minor, employees must report all accidents to their supervisor immediately and in no case more than 24 hours after the injury.

If a work-related injury requires medical attention by a physician or any other medical facility that produces a bill, a claim must be made out the same day by the employee's supervisor. If the injury causes the person to be away from work beyond three days, this injury must be reported to the State Workers' Compensation Division.

The employee's supervisor is responsible for submitting a copy of the original claim to Human Resources who will forward it to the Town's insurance company. Employees are not authorized to go to a physician without first advising their supervisor. Employees will not be eligible for regular compensation or vacation or holiday pay in addition to any Workers' Compensation received.

Medical Insurance

The Town's medical insurance plan offers access to group medical care insurance benefits. Eligible employees may participate in the medical insurance plan subject to the terms and conditions of the agreement between the Town and the insurance carrier. Prior to becoming eligible, you will receive the Summary of Benefits and rate information. For questions about medical insurance, contact Human Resources for additional information. The Town reserves the right to change offered health plans and the Town's contribution by action of the Board of Commissioners.

Retirement Plan

The Town is a participant in the Maryland State Retirement System under the Employees Retirement and Pension System and the Alternative Contributory Pension Selection (ACPS), a benefit tier within ERPS. If, otherwise eligible, all employees budgeted for more than five hundred hours of work are required to join this retirement system. The employee is required by state law to contribute to the retirement fund at a rate defined by the State of Maryland. The Town contributes to the employee retirement fund at a rate defined by the State of Maryland. The employee should contact his or her retirement coordinator for further information or inquiries.

Paid Vacation and Sick Leave

Below is the vacation accrual chart for the employees of the Town of Upper Marlboro:

Length of Service	Vacation PTO Accrual Rate	Vacation PTO Total Annual	Sick Leave Accrual Rate	Sick Leave Total Annual
0-4 Years	4 hours	13 days	4 hours	13 days
5-10 Years	6 hours	19.5 days	4 hours	13 days
10+ Years	8 hours	26 days	4 hours	13 days

Vacation PTO: employees hired after the adoption of the 2021 version of this handbook may carry over a maximum of 120 hours per year. Employees hired prior the passage of this 2021 version of the handbook may carry over a maximum of 240 hours per year. Vacation PTO is paid out at the employee's current rate when an employee leaves the town.

Sick leave: There is no maximum amount of sick leave that can be carried over. Sick leave is not paid out when an employee leaves employment with the town. Unused sick leave can be applied as such to allow an employee to retire up to two months early, or 320 hours.

COVID-19 LEAVE: IF THE EMPLOYEE IS FULLY VACCINATED, AN ADDITIONAL 80 HOURS (TWO WEEKS) OF SICK LEAVE SHALL BE GRANTED TO THE EMPLOYEE PER CALENDAR YEAR TO BE USED FOR COVID-19 USAGE. THIS IS ADDITION TO THE EMPLOYEE'S REGULARLY ACCRUED SICK LEAVE AND CAN ONLY BE USED FOR COVID-19 RELATED ILLNESS. THE EMPLOYEE MUST TAKE AN AT-HOME TEST DAILY AND REPORT THE RESULTS TO THEIR IMMEDIATE SUPERVISOR. ONCE THE RAPID TEST RESULTS ARE NEGATIVE, THE EMPLOYEE MUST GO FOR A FULL COVID-19 TEST THE SAME DAY. THE EMPLOYEE SHALL RETURN TO IN-PERSON WORK ONCE A FULL COVID-19 TEST (NOT A RAPID TEST) NEGATIVE RESULT IS RECEIVED.

Employees hired prior to SEPTEMBER 1, 2022 ARE GRANDFATHERED AND WILL ACCRUE AT THE RATE OF 5 HRS. FOR VACATION PTO UNTIL THEY REACH THEIR 5-YEAR EMPLOYMENT ANNIVERSARY AND ACCRUE LEAVE ACCORDING TO THE ACCRUAL CHART. ADDITIONALLY, EMPLOYEES HIRED PRIOR TO SEPTEMBER 1, 2022 WILL ACCRUE SICK LEAVE AT A RATE OF 5 HRS. THIS AMOUNT WILL REMAIN THE SAME REGARDLESS OF THEIR TENURE WITH THE TOWN. ANY EMPLOYEE HIRED AFTER SEPTEMBER 1, 2022 WILL ACCRUE SICK AT THE NEW RATE OR according to the accrual chart.

Employees may cash-out their vacation leave once per year with approval from their immediate supervisor. Request for leave cash-outs must be made at least 1 pay period before receipt of the cash-out payment and cannot exceed \$2,500.

Maryland Sick and Safe Leave

The Maryland Healthy Working Families Act requires that employers who employ 14 or fewer employees provide unpaid sick and safe leave for certain employees. Pursuant to Maryland law, employees of employers having 14 or fewer employees are entitled to earn (unpaid) sick and safe leave at the rate of 1 hour for every 30 hours that an employee works up to a maximum of 40 hours 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 40 hours of sick and safe leave in a year.

An employee is not entitled to earn sick and safe leave during:

- a two-week pay period in which the employee worked fewer than 24 hours total; or
- a one-week pay period if the employee worked fewer than a combined total of 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 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 40 hours per week.

An employee may carry over any earned but unused sick and safe leave up to 40 hours, but an employee may not accrue more than 64 hours of sick and safe leave at any time.

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 37 weeks of leaving, any earned and unused sick leave that the employee had at the time of separation will be reinstated.

Leave Usage

An employee can 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; or
- To obtain preventative medical care for the employee or the employee's family member; or
- To care for a family member with a mental or physical illness, injury or condition; or
- 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 because of the domestic violence, sexual assault, or stalking.

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.

Employees are permitted to use the leave in increments of not less than 30 or 60 minutes.

An employee may use earned sick and safe leave before the leave has accrued up to a maximum of 40 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.

If the need to use sick and safe leave is foreseeable (for example: a scheduled doctor's appointment), the employee must provide notice 3 days prior to leave use. Notice must be in writing, either hard or soft copy, and directed to the employee's immediate supervisor. 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.

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.

Employees may not use sick and safe leave for the first 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.

Statement of Earned Sick and Safe Leave

With each pay period, employees will be provided with a statement of leave used and available leave.

Parental Leave

The Town of Upper Marlboro will provide up to six weeks (thirty workdays or 240 hours) of paid parental leave to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with Family and Medical Leave Act (FMLA) sick and safe leave, as applicable. This policy will be in effect for births, adoptions or placements of foster children occurring on or after July 1, 2021.

Eligibility:

Eligible employees must meet the following criteria:

- Have been employed with the Town for at least 12 months (the 12 months do not need to be consecutive).
- Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin.
- Be a full- or part-time, regular employee (temporary employees and interns are not eligible for this benefit).

In addition, employees must meet one of the following criteria:

- Have given birth to a child.
- Be a spouse or committed partner of a woman who has given birth to a child.
- Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger). The adoption of a child by a new spouse is excluded from this policy.

Amount, Time Frame and Duration of Paid Parental Leave

- Eligible employees will receive a maximum of six weeks of paid parental leave per birth, adoption or placement of a child/children. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the six-week total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than six weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame.
- Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates.
- Approved paid parental leave may be taken at any time during the six-month period immediately following the birth, adoption or placement of a child with the employee. Paid parental leave may not be used or extended beyond this six-month time frame.
- In the event of a female employee, who herself has given birth, the six weeks of paid parental leave will commence at the end of any short-term disability leave/benefit provided to the employee for the employee's own medical recovery following childbirth.
- Any unused paid parental leave will be forfeited at the end of the one-year time frame of the birth, adoption, or placement of a child/children.
- Upon termination of the individual's employment with the Town, he or she will not be paid for any unused paid parental leave for which he or she was eligible.

- Employees are not required to use this leave consecutively, and are able to mix in telework, in-offices days, regular accrued sick leave and vacation days after receiving approval from their supervisor.

Military Leave

The Town will grant a military leave of absence if you are absent from work because you are serving in the U.S. uniformed services or State militia in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) or State law. You must give the President advanced notice of upcoming military service, unless military necessity prevents notice, or it is otherwise impossible or unreasonable. You will not be paid for military leave unless you are on leave as part of the organized militia of the State of Maryland. Public employees serving in the State militia are entitled to paid leave or differential paid military leave under Md. Code Ann. State Personnel and Pensions § 9-1104(3) and § 9-1107. You may use any available accrued paid time off, such as vacation to help pay for the leave.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which you are otherwise eligible. Your benefits, such as vacation, sick leave, or holiday benefits, will not accrue during a military leave. When you return from leave, the benefits will start accruing again. If you are on military leave for up to 30 days, you must return to work on the first regularly scheduled work period after your service ends (allowing for reasonable travel time). If you are on military leave for more than 30 days, you must apply for reinstatement in accordance with USERRA and applicable state laws.

When you return from military leave (depending on the length of your military service in accordance with USERRA), you will be placed either in the position you would have attained if you had stayed continuously employed or in a comparable position. For determining benefits that are based on length of service, you will be treated as if you had been continuously employed. If you have questions about military leave, contact Human Resources for more information.

Bereavement Leave

If an employee suffers the death of an immediate family member, the employee is entitled to take up to five (5) consecutive days off work (paid) upon immediate notification to his or her supervisor. For purposes of bereavement leave, the Town defines an “immediate family member” as an employee’s spouse, parent of employee or spouse, child, brother, or sister of employee or spouse (including step-relationship). Eligible employees are also entitled to two (2) day’s paid days off in the event of the death of an additional family member. An “additional family member” is defined by the Town as an employee’s or spouse’s grandparent, grandchild, aunt, or uncle. Employees may, with the prior approval of their supervisor, use any available paid leave for additional time off as necessary.

Bereavement pay is calculated based on the base rate at the time of absence and will not include any special forms of compensation such as incentives, shift differential, or bonuses.

Jury Duty

It is against the law to discriminate or discharge an employee because of a summons or service on a jury. Employees are not obligated to use annual sick or vacation leave for jury duty. The Town will continue to pay the employee's regular wages while they serve on a jury,

less any jury duty fees they may receive from the court. The Town encourages you to fulfill your civic responsibilities by serving jury duty when required. If you receive a jury duty summons, show it to your immediate supervisor and Human Resources as soon as possible so that arrangements can be made to accommodate your possible absence from work.

Witness Duty

If you receive a subpoena to testify in court, the Town will give you time off to be a witness. You may take leave without pay or paid vacation time off. If you are summoned to be a witness for the Town or if we ask you to testify, we will give you time off with pay. If you need time off to be a witness, show the subpoena to your Supervisor as soon as you receive it. We expect you to report for work whenever you are not needed in court.

Voting

The Town encourages you to fulfill your civic responsibilities by voting in elections. Generally, the polls are open for several hours in the morning and evening and we expect that you will be able to vote either before or after work hours. Registered voters are entitled to two hours of paid administrative leave unless they have two continuous non-working hours when the polls are open. Employees may be required to furnish proof of voting or attempting to vote.

Holidays

The Town observes holidays on the same day as the State Court System (excluding furlough and other service reduction days). Currently those holidays are as follows:

- 1.) New Year's Day
- 2.) Dr. Martin Luther King Jr.'s Birthday
- 3.) Washington's Birthday (Presidents' Day)
- 4.) Memorial Day
- 5.) Independence Day
- 6.) Labor Day
- 7.) American Indian Heritage Day
- 8.) Veterans' Day
- 9.) Thanksgiving Day
- 10.) Friday after Thanksgiving
- 11.) Christmas Day.

Holidays that are observed during a work week (Monday through Friday) will be paid holidays for full time employees. Part time employees who are normally scheduled to work on a work weekday that falls on a holiday will also be paid for the day. Full time shift employees who are not scheduled to work on a work weekday holiday will be paid for the holiday.

Employee Conduct and Responsibilities

Attendance/ Punctuality

We expect the Town's employees to be reliable and punctual. You should report for work on time and as scheduled. If you cannot come to work or you will be late for any reason, you

must notify your immediate supervisor as soon as possible in writing using your town email account or a text message to your immediate supervisor at least 3 hours in advance. Unplanned absences can disrupt work, inconvenience other employees, and affect productivity. If you have a poor attendance record or excessive lateness, you may be subject to disciplinary action, up to and including termination of employment.

Standard of Conduct

The purpose of this policy is to outline what the Town expects from its employees in terms of appropriate behavior. Employees who violate the Standards of Conduct are subject to disciplinary action, up to and including termination.

The below lists are not all-inclusive, and the Town reserves the right to take corrective action for any behavior it deems inappropriate for the efficient operation of the Town. The Town will follow the progressive discipline policy for violations of the Standards of Conduct except as noted below.

Unacceptable Violations

Infractions of the following Standards of Conduct are deemed to be unacceptable and may result in termination upon the first offense:

- (1.) Theft of Town property or personal property of another employee; or
- (3.) Falsification of an application or Town record; or
- (4.) Sleeping while on duty; or
- (5.) Unauthorized disclosure of confidential information; or
- (6.) Violation of harassment policy; or
- (7.) Fighting, threatening, or attempting bodily injury to another person on Town property; or
- (8.) Deliberately damaging Town property, property belonging to a co-worker or to a vendor; or
- (9.) Failure to wear safety equipment where required; or
- (10.) Unauthorized use of Town time, materials, tools, etc. for personal gain; or
- (11.) Unauthorized alteration of Town machinery or equipment; or
- (12.) Violation of safety rules which could result in serious injury to self or others; or
- (13.) Reporting to work under the influence of drugs and/or alcohol; or
- (14.) Unauthorized possession of guns, knives, weapons, explosives, etc. on Town property; or
- (15.) Testing positive for drugs on a Town—administered drug test;

- (16.) Refusal to cooperate with the investigation of a work-related matter; or
- (17.) Insubordination;
- (18.) Failure to conform one's behavior to the requirements of the law including the Town Charter, State statutes, ordinances, written resolutions, directives, and other Town policies; or

- (19.) Indecent or immoral behavior on Town property; or
- (20.) Conviction of a felony or misdemeanor involving moral turpitude.

General Violations

The following violations will be generally handled under a progressive disciplinary policy:

- (1) Improper work attire; in violation of Town dress code policy; or
- (2) Contributing to unsanitary work conditions; or
- (3) Leave work area without permission; or
- (4) Failure to provide an acceptable quality of work; or
- (5) Repeated tardiness or absence; failure to report to work without satisfactory reason; or
- (6) Smoking in restricted areas; or
- (7) Unauthorized solicitations or posting of materials on the Town bulletin board; or
- (8) Improper operation of any vehicle on Town or public property; or
- (9) Unauthorized use of Town telephones, computers, or communications services; or
- (10.) Use of abusive, threatening, or obscene language; or
- (11.) Failure to follow directives from supervisor, or insubordination.

Progressive Discipline

We believe it is important that all employees are treated fairly and that disciplinary actions are prompt, consistent, and impartial. The purpose of a disciplinary action is to correct the problem, prevent it from happening again, and prepare the employee for satisfactory performance in the future. Progressive discipline means that we will normally take these steps in the following order:

- (1.) A first offense may call for a verbal warning.
- (2.) The next offense may be followed by a written warning.
- (3.) Another offense may lead to a suspension.
- (4.) Repeated offenses may lead to termination of employment. In very serious situations, certain offenses may justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

You should also look at the “Standard of Conduct” section in this handbook. That policy lists examples of unacceptable conduct that might result in immediate suspension or termination of employment. However, some of the examples of unsatisfactory conduct listed may result in the progressive discipline process described above instead of immediate suspension or termination.

By using progressive discipline, we hope that most employee conduct problems can be corrected at an early stage, benefiting both the employee and the Town. However, nothing herein should be construed as an employment contract or an expectation that an employee is entitled to continued employment based on good behavior. Unless a valid employment

contract or law states otherwise, every Town employee, except for sworn, non-probationary, law enforcement officers below the position of Chief (Law Enforcement Bill of Rights or similar guidelines would be followed), may be terminated with or without cause or reason.

Cell Phone Usage

We provide cell phones to some employees for Town use. Employees with cell phones can use them for short personal calls within reasonable limits. We check cell phone bills to make sure this policy is being followed.

Maryland bans the use of handheld cell phones, including texting, from any cell phone use while driving. The Town prohibits employees using cell phones while they are driving. If you are driving and need to use a cell phone, you should pull off the road and stop before you place a call or talk on the phone.

Drug Free Workplace

The Town is committed to be a drug-free and safe workplace. The Board of Commissioners and its employees, as well as its appointed and elected officials shall comply with the Town's Substance Abuse Policy which includes the Governor's most recent executive order (Executive Order 01.01.1991.16, as amended (available at http://www.dsd.state.md.us/COMAR/subtitle_chapters/Titles.aspx) regarding a drug and alcohol-free workplace and any regulations promulgated thereunder. Our employees must be physically and mentally fit to perform their duties in a safe and efficient manner. Therefore, no employee shall work or report to work while under the influence of alcohol, illegal drugs, or other drugs that would affect his/her ability to perform the job in a safe and efficient manner.

No employee shall consume, display, or have in his/her possession, including the workplace or in Town vehicles, alcoholic beverages or illegal drugs at any time during the workday, including during lunch, breaks, and on-call hours. To do so could jeopardize the safety of other employees, Town equipment, and the Town's relations with the public, and is a prime cause for disciplinary action, up to and including discharge.

When employees are required to take any kind of prescription or nonprescription medication that may potentially affect their job performance, they are required to report this to their immediate supervisor, who will determine if it is necessary to temporarily place them on another assignment or take other appropriate action.

To protect the best interests of employees and the public, the Town will take whatever measures are necessary to determine if alcohol or illegal drugs are located on, or are being used on, Town property. When there is reasonable suspicion of substance abuse, measures may be taken that include, but are not limited to, drug and/or alcohol testing and searches conducted by law enforcement authorities or by management, of people and personal property located on Town premises.

When urinalysis and/or blood tests are requested or necessary, samples will be taken under the supervision of an appropriate health care professional. The above-mentioned searches and drug tests will not be conducted if an individual refuse to submit; however, refusal to submit will result in immediate removal from service and may result in termination.

Employees experiencing problems with alcohol or other drugs are urged to voluntarily seek assistance to resolve such problems before they become serious enough to require management referral or disciplinary action. If you have questions regarding this policy or issues related to drug or alcohol use at work, you can raise your concerns with your immediate supervisor and/or Human Resources without fear of reprisal. The Town of Upper Marlboro (“Town”) Substance Abuse Policy can be found under the “Medical Examinations Drug Testing and Substance Abuse Policy” section of this handbook.

Safety

The Occupational Safety and Health Act (OSHA) requires all employers to provide a safe and healthful workplace for their employees. In this regard, it is important that adequate policies and procedures be developed and adhered to ensure safe, efficient operating conditions, thereby safeguarding employees and facilities. The Town will not knowingly permit unsafe conditions to exist, nor will it permit employees to indulge in unsafe acts. Violations of Town rules and regulations will result in disciplinary action.

Since the employee on the job is frequently more aware of unsafe conditions than anyone else, employees are encouraged to make recommendations and/or suggestions regarding unsafe conditions to their immediate supervisor so that they may be corrected. Supervisors are responsible for the working conditions within their department and notifying the Town Administrator and Human Resources of the condition if it cannot be quickly mitigated. A supervisor should remain alert always to dangerous and unsafe conditions, so that he/she may recommend corrective action, discipline employees who habitually create or indulge in unsafe practices, assess new or changed situations for inherent dangers, and follow up on employee suggestions for corrective action so that unsafe conditions are not instituted or permitted to continue.

Smoking Policy

Town owned buildings, vehicles, and properties are smoke-free workplaces to maintain the highest possible safety conditions and because we are concerned about the health of our employees. We also encourage smokers to quit smoking and employees can reach out to Human Resources on available programs to help them quit, or if they have any questions regarding our Non-Smoking policy.

Reporting Work Related Injuries

The Town pays 100% of the premium on insurance provided by our Workers' Compensation (WC) under the WC Act. This law was designed to provide you with benefits for any injury which you receive arising out of your employment with the Town. Under the provisions of the law, if you are injured while at work for the Town, this injury must be reported immediately to your supervisor, no matter how slight it might seem. Failure to do so could result in your claim for Workers' Compensation benefits to be denied by the insurer.

You may see any physician you choose—the law does not require you to see or be treated by a doctor selected by your employer. The doctor you choose will prescribe a treatment program and will release you to return to work when your condition has improved.

Confidentiality

Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not disclose this confidential information in any situation outside of work-related situations necessitating the disclosure of confidential information. Specifically, no employee shall use confidential information to their private advantage or to provide friends or acquaintances with private advantages.

Each employee should only release confidential information when required to do so under the law. Confidential information should in no way be divulged verbally, in written correspondence or e-mail. Employees must also adhere to the Town's Public Ethics Ordinance and may further be held liable for violations of the provisions dealing with confidentiality, namely Section 6.

Failure to abide by this policy will result in disciplinary action, up to and including discharge. Employees are required to sign Town confidentiality agreements to maintain employment with the Town.

Outside Employment

A Town non-elected official or employee may engage in outside employment; however, no such employee may engage in outside employment which interferes with the proper and effective performance of his or her position or results in a conflict of interest. Employees must inform his or her supervisor and Human Resources of their outside employment. If the Board of Commissioners determines that such outside employment is disadvantageous to the Town or affects the employee's efficiency, the Human Resources shall notify the employee in writing that the outside employment must be terminated. A separate policy regarding police officer outside or secondary employment shall be approved by Resolution of the Board of Town Commissioners.

The Town will typically not be liable in cases where an employee is injured or contracts an occupational illness or develops occupational disability while engaged in outside employment. Outside employment by Town police officers must also be approved by the Chief of Police, pursuant to written policy directives in conformity with the Town's insurance carrier's requirements. Secondary employment of police officers shall require an employment agreement entered by both employers and the employee. The employment agreement shall include an indemnification clause and shall be approved and signed by the President on behalf of the Town.

Personnel Records and Access

The Town maintains a secure, general personnel file for each employee, either hard copy or electronically. The general file contains such items as the hiring documents, resume, cover, application form, emergency contact information, salary history, copies of the performance appraisals, disciplinary action forms, training records, etc. In addition to the general personnel file, the Town maintains separate files for:

- (1.) Form I-9, Employment Eligibility Verification

- (2.) All medical information is kept in a separate file and its availability is strictly limited to personnel on a need-to-know basis.

An employee's personal information is carefully safeguarded. Only supervisors, the subject employee, Human Resource, the Town Attorney and the President are permitted to view the contents of an employee's personnel record and medical information. Employees are reminded to notify their immediate supervisor in the event of a change of address, phone number, and emergency notification information so that your record may be kept current.

Workplace Etiquette

The Town can be a pleasant place to work when all employees show respect and courtesy to each other. Sometimes there are problems when employees do not realize that they are bothering or annoying other people. If this happens to you, you should first try to solve the problem by politely telling your co-worker what is bothering you. We encourage you to keep an open mind. If another employee tells you about something that you are doing that makes it hard for that person to work, try to understand the other person's point of view.

The following are some guidelines and suggestions for how to be considerate of others at work. You will not necessarily be disciplined if you do not follow these suggestions, but the guidelines will help you get along with others. If you have comments or suggestions about workplace etiquette, contact Human Resources.

- (1.) Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your supervisor.
- (2.) Try to minimize unscheduled interruptions of other employees while they are working.
- (3.) Be courteous and respectful to your colleagues and superior(s) both in written and verbal communication.
- (4.) Be conscious of how your voice travels and try to lower the volume of your voice when talking on the phone or to others in open areas.
- (5.) Refrain from using inappropriate language (swearing) that others may overhear.
- (6.) Avoid discussions of your personal life/issues in public conversations that can be easily overheard.
- (7.) Monitor the volume when listening to music, voice mail, or a speakerphone that others can hear.
- (8.) Strive to maintain a clean and clutter free work environment.

Workplace Violence

The Town will not tolerate workplace violence. Any employee who commits an act of violence at work against a person or property will face disciplinary action up to and including discharge. If circumstances warrant, the matter will be referred to legal authorities for prosecution. Workplace violence is violence against employees and is committed by persons

who either have an employment—related connection with the Town or are outsiders, and involves:

- (1.) Physical acts against persons or Town property,
- (2.) Verbal threats or vicious statements that are meant to harm or cause a hostile environment,
- (3.) Written threats, vicious cartoons or notes, and other written material that is meant to threaten or create a hostile environment, or
- (4.) Visual acts that are threatening or intended to convey injury or hostility.

All employees are expected to report any act of violence. Employees should bring their concern directly to the attention of their immediate supervisor. All such reports shall be fully investigated. Any employee who takes any adverse action against a person who reports any act of violence, or a suspicion of violence shall be subject to immediate discipline, up to and including discharge.

Complaint Procedure

Your complaints and problems are of concern to the Town. It is our policy to consider any issues that may affect your job performance. The only way we can help you answer your questions or solve your problems is for you to tell us about them.

- (1.) If you have a problem or misunderstanding, the first step is to talk to your immediate supervisor and submit your concerns in writing to your supervisor within five working days of its occurrence. Your supervisor will give you an opportunity to discuss the matter fully and should give you an answer both verbally and in writing within three working days following the discussion. Most of problems can be resolved in this manner. If the problem or complaint is with your immediate supervisor, go to Step 2.
- (2.) If your supervisor has not answered your complaint to your satisfaction, you will have five (5) additional days to request an appointment **with** Human Resources who will discuss the problem and respond within five days of the interview and will forward the complaint to the Town Administrator and Board of Town Commissioners for consideration. If the board chooses to make a ruling on a problem situation, the ruling will be final and binding.

There will be no discrimination or retaliation against anyone presenting a complaint or discussing a problem with supervisors or anyone in management.

Harassment (Anti-Harassment)

We expect every person to be treated with fairness, respect, and dignity. This includes citizens, the public as well as employees. Accordingly, any form of harassment based on an individual's race, color, sex, religion, national origin, sexual orientation, age, or disability is a violation of this policy and will be treated as a disciplinary matter. The term harassment includes slurs and any other offensive remarks, jokes, graphic material, or other offensive verbal, written, or physical conduct. Unwelcome sexual advances, requests for sexual favors, and any other unwelcome, unbecoming verbal or physical conduct will not be tolerated.

Neither submission to, nor rejection of, such conduct, will be used as a basis for employment decisions. Any harassment to staff by residents or visitors should be reported to their supervisor, the Police Department, and Human Resources as quickly as possible.

The Town is committed to maintaining a safe and healthy work environment and takes all appropriate health and safety precautions consistent with current medical knowledge. Employees may not refuse to work with or cooperate with, withhold services from or otherwise harass, intimidate, degrade, or isolate a coworker because of a known or suspected disability or disease, or because of a coworker's association with a person with a disability or disease.

Any employee who believes that he or she has been subject of harassment shall immediately report the conduct to your Supervisor or a Commissioner. The Town will promptly investigate all complaints and will endeavor to handle these matters expeditiously, confidentially, and in a professional manner to protect the offended individual and other individuals providing relevant information. Upon completion of a thorough investigation by management, prompt and appropriate action will be taken. There will be no retaliation against anyone for stepping forward with a concern regarding any type of harassment. All employees are to cooperate with any investigation into a harassment complaint. False accusations of harassment cause harm to innocent people and such conduct will not be tolerated.

The Town will take all steps necessary to prevent any form of harassment from occurring. All supervisors are informed of this policy and have been instructed as to what constitutes proper and improper behavior. We are prepared to promptly take steps necessary to enforce this policy. Violations of the Town's harassment policy will result in disciplinary action, up to and including discharge.

Town Property

The Town may issue you property, materials, or written information to help you do your job. You are responsible for protecting and controlling any property we issue you. You must also return any property given to you promptly upon request. If you terminate your employment with the Town, you must return all Town property immediately. The following items are Town property that may be issued to you. Not all employees will receive each item.

- Credit Card(s)
- Laptop, Computer, and software
- Badges
- Keys
- Manuals
- Cell Phones
- Protective Equipment
- Security Passwords
- Tools
- Cameras
- Uniforms

- Handguns
- Vehicles
- Written Material(s)
- Public Records (printed or electronic format)

If you do not return our property and if the law allows, we may take money from your regular or final paycheck to cover the cost. We may also take legal action to get back our property.

Use of Town Owned Vehicles

Every employee that has the privilege to drive a Town of Upper Marlboro owned vehicle as a part of their employment, will agree to have their driving record reviewed once a year. The Town expects all our employees to be safe drivers. Evidence of unsafe driving, either on the job or off, may subject the employee to disciplinary action. Any accident involving a Town vehicle including personal injury or necessary repairs by tradesmen will be investigated by the local Police Department where the accident occurred, and an accident report will be required. When a Town employee is involved in an accident that results in serious injury or death while driving a Town owned vehicle, breath-analyzer testing and/or drug screening will be conducted.

Personal Data Changes

It is important that the Town maintain certain personal information about you in our records. You are responsible to inform us whenever there is a change to your mailing address, telephone numbers, marital status, dependents' information, educational accomplishments, and other possibly related information.

We also need to have information about who to contact in case of an emergency. Contact your supervisor to change your personal information or if you have questions about what information is required.

Computer Policy, Including Internet Usage and Email

Internet access is provided to individuals to benefit the Town through connection to worldwide information resources. Employees have a responsibility to maintain and enhance the Town's public image while accessing the Internet using Town property by following these guidelines:

- (1.) Employees using Internet access via Town hardware and software are representing the Town. As such, their conduct should be always ethical and lawful. Channels may be accessed for official Town business to gain technical or analytical information and to establish official contacts.
- (2.) Internet access should not be used for personal gain or advancement of personal views, for solicitation of non-Town business, or result in the disruption of the Town network operation or interfere with personal productivity at work.
- (3.) Employees are responsible for the content of all text, audio, or images they place or send over the Internet. Fraudulent, harassing, or obscene messages are prohibited.

- (4.) All messages on the Internet should be identified with the employee's name. Employees may not obscure the origin of messages and the information published should not violate or infringe upon the rights of others. Abusive, profane or offensive language transmitted through the Town system is strictly prohibited.
- (5.) Employees may not download software without the express acknowledgment and support of the Town Administrator or contrary to applicable procurement policies to ensure that proper licenses are obtained, and viruses are not transmitted.
- (6.) Employees may not violate the copyright laws regarding receipt/download of materials available on the Internet by copying and disseminating information, except for purposes falling under the category of "fair use".
- (7.) All messages created, sent, or retrieved over the Internet are the property of the Town and should be considered public information. The Town reserves the right to access and monitor all messages and files on the computer system at any time. All communications can be disclosed to law enforcement officials or other third parties without prior consent of the sender or the receiver. Staff shall avoid creating public forums that prevent the removal of inappropriate content on social media sites by posting an appropriate disclaimer and rules for use of the limited public forum.
- (8.) Harassment of any kind is strictly prohibited. Messages with derogatory or inflammatory remarks regarding race, religion, national origin, sexual orientation, or other protected attributes may not be transmitted.
- (9.) The Town may implement a separate Social Media policy approved by Resolution by the Board of Town Commissioners.

Violations of this section may result in disciplinary action up to and including termination and illegal activities may result in prosecution by legal authorities.

Miscellaneous

Ethics Policy

The Town conducts its operations fairly, impartially, in an ethical and proper manner, and in compliance with all laws and regulations. We are committed to conducting the Town's operations with integrity underlying all relationships. The highest standards of ethical conduct are required of our employees in performance of their responsibilities.

Employees will not engage in conduct or activity that may raise questions as to the Town's honesty, impartiality or reputation or otherwise cause embarrassment to the Town. Employees will avoid any action, whether specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:

- (1.) Using your position for private gain,
- (2.) Giving preferential treatment to any person or entity, or
- (3.) Adversely affecting the confidence of the public in the integrity of the Town.

Every employee has the responsibility to ask questions, seek guidance, report suspected violations and express concerns regarding compliance with this policy. The President/Mayor, with the assistance of the Town Administrator and Human Resources, is responsible for providing policy guidance and issuing procedures to assist employees in complying with the Town's expectations of ethical business conduct. This policy constitutes the standards of ethical business conduct required of all employees. In addition to this Ethics Policy, employees shall also adhere to the Town's Public Ethics Ordinance and may further be held liable and/or further disciplined for violations of the provisions found therein.

Recycling

The Town supports environmental awareness by requiring recycling in the workplace. Employees should dispose of bottles, cans, and paper in the appropriate recycling bins. Employees are also encouraged to conserve energy by shutting down their computers, monitors and printers at night and by turning off the lights when not needed.

Political Activity

Pursuant to Maryland State law (Maryland Code Ann., LG Art., Section 1-303 et seq.), an employee of the Town may freely participate in any political activity and express any political opinion but may not be required to provide any political service. An employee may not engage in political activity while on the job during working hours or advocate the overthrow of the government by unconstitutional or violent means.

Dress Code

The Town's dress-code for administrative staff is business attire. An example of business attire for men is shirt and tie with business slacks or khakis (sport coats or suit jackets are preferred but not required). For women an example of business attire is dressy blouse with slacks (suit jackets are preferred but not required). Fridays are business casual; no sneakers, shorts or t-shirts are permitted. Police Officers and Public Works staff should follow their individual departmental dress-code policy.

Severability

If any provision of this handbook or the application hereof to any person or circumstances is held invalid, this invalidity does not affect other provisions or applications of this manual which can be given effect without the invalid provision or application. For this purpose, the provisions of this handbook are severable.

[remainder of page intentionally left blank]

Acknowledgment of Receipt of Town Employee Handbook

The Town Employee Handbook has been prepared to provide our employees with a general understanding of our personnel policies, work rules and benefits. All employees are responsible for becoming familiar with our policies and procedures. If you have any questions regarding the material in the handbook, please contact your supervisor or any other member of management for clarification. Please sign the acknowledgment form on page 40.

This handbook should not be construed as an employment contract or agreement for employment for any specified period. The Town reserves the right to make changes to these policies at any time and to promulge or maintain other relevant policies by ordinance, resolution or directive that may not necessarily be specifically referenced herein. When changes are necessary, we will provide you with amended pages for your handbook. Please be sure to also reference any related Town legislation related to employment.

I acknowledge receipt of the Town of Upper Marlboro Employee Handbook (2022 Edition):

Employee Name (*please print*)

Employee Signature

Date

05/11/2021_T:\OPERATIONS\Administration\Human Resources\Employee Handbook\Handbook_May 2021