

COUNCIL OF THE TOWN OF RIVERDALE PARK

ORDINANCE 2013-OR-05

Introduced By: CM Alan Thompson

Date Introduced: June 3, 2013

Date Adopted: July 1, 2013

Date Effective: July 21, 2013

An Ordinance concerning

Town Personnel Manual

FOR the purpose of repealing the current Personnel Policy and related Grievance Procedure for the Town of Riverdale Park and adopting a new personnel manual to govern personnel matters and policies for Town of Riverdale Park employees; establishing policies and procedures relating, among other things, to matters involving position classifications and a classification plan, employee recruitment and promotion, employee compensation, employee performance evaluation, employee attendance and leave, employee benefits, employee discipline and grievances, separation from employment, prohibitions against unlawful discrimination and harassment, employee political activity, employee outside employment, workplace safety, telecommunications and privacy, employee travel, telework, media relations and retention of management rights by the Town; providing for certain matters relating to a transition from the Town's current personnel system to the new system established by this Ordinance; and matters generally relating to a comprehensive revision of the Town's personnel system.

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SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK, That the Personnel Policy and related Grievance Procedure for the Town of Riverdale Park is repealed and the new Personnel Policy Manual

for the Town of Riverdale Park, a copy of which is attached to this Ordinance is adopted.

SECTION 2: AND BE IT FURTHER ENACTED that the repeal of the Personnel Policy and related Grievance Procedure for the Town of Riverdale Park shall not affect any grievance or disciplinary matter initiated prior to the effective date of this Ordinance. Any such grievance or disciplinary matter shall continue until resolution under the terms and procedures of the Personnel Policy and related Grievance Procedure for the Town of Riverdale Park as existed prior to the adoption of this Ordinance.

SECTION 3: AND BE IT FURTHER ENACTED that the repeal of the Personnel Policy and related Grievance Procedure for the Town of Riverdale Park shall not affect any employee leave accruals, leave authorizations or other employee benefits arising under the Personnel Policy and related Grievance Procedure for the Town of Riverdale Park prior to the effective date of this Ordinance. The Town Administrator shall provide for an equitable transition of accrued leave, leave authorizations and benefits to administration under the policies and procedures of the Personnel Policy Manual for the Town of Riverdale Park adopted by this Ordinance.

SECTION 4: AND BE IT FURTHER ENACTED that this Ordinance shall become effective twenty (20) calendar days after its passage by the Council.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK



Sara Imhulse, Town Administrator



Vernon Archer, Mayor

TOWN OF RIVERDALE PARK

Personnel Policy Manual

Adopted July 1, 2013

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Foreword

The Town Council reserves the right to repeal, modify or amend the provisions, rules and regulations in this Personnel Manual by ordinance at any time. Employees should contact the Town Administrator with questions regarding the interpretation of the provisions, rules and regulations within this Personnel Manual.

Disclaimer

This Personnel Manual does not constitute an express or implied contract. While it is impossible to draft a Personnel Manual that addresses every fact specific circumstance, the statements and procedures contained in this Personnel Manual constitute general policies and procedures of the Town. The Town of Riverdale Park expressly reserves the right to alter or amend the provisions, policies and procedures contained in this Manual at any time and in its sole discretion. Furthermore, nothing in this Manual should be construed to detract from the right of the Town to terminate an employee's employment at any time, with or without cause and with or without notice. To that extent, and notwithstanding anything else in this Manual, all employment with the Town is "at will."

PERSONNEL POLICIES AND GUIDELINES

Town of Riverdale Park

Definitions

The following definitions apply in this Personnel Manual:

Absenteeism – means any failure to report for or remain at work as scheduled regardless of reason, viewed not in terms of days, but as a period of absence or occasion.

Appeal Authority – means the Town Administrator except where the Town Administrator is the Department Head, in which case the Appeal Authority is the Director of Public Works.

Call-out --- means a situation when a non-exempt employee is required by the Town to perform unscheduled work outside of the employee’s normal working hours.

Class — means positions with similar duties and responsibilities that can be treated alike with respect to incumbent pay, recruitment and selection criteria.

Classification — means the document that sets forth, by systematic listing each established class of work performed by a merit status employee as well as the assigned grade of pay for each class. Each such class of work is a “classified” position.

Classified employee — means an employee who is in the classified service as defined in Section 705 of the Town Charter.

Department Head — includes the Town Administrator, Chief of Police, Director of Public Works and any other position expressly designated by the Town Council as a Department Head.

Employer — means The Town.

Full time — means hours worked for the employer that equal or exceed 40 hours per week on a regular and continuing basis.

Occasion- An occasion is any period of continuous unscheduled absence for the same reason. For example:

- a. An unscheduled absence of one day is recorded as one occasion or one period of absence.
- b. An unscheduled absence of consecutive scheduled work days for the same reason is one occasion or one period of absence.

Part time – means hours work for the employer that are other than 40 hours per week on a regular and continuing basis.

Patterns of Excessive Absenteeism - include, but are not limited to:

- a. Having three or more occasions in a rolling year consisting of one or two-day absences, especially if immediately before or after vacation, holidays or weekends.
- b. Patterns of accumulating any four or more occasions over a rolling year.
- c. A pattern of calling in sick when other types of leave have been denied.

Permanent Employee — refers to a employee who has completed the Introductory Period and been given permanent status.

Rolling Year - The mechanism used to track occasions over a 12-month period. The rolling year for any employee begins from the day of the employee’s first occasion and ends on the one-year anniversary date of that occasion. The new rolling year is then counted from the next oldest occasion.

Scheduled Absence – means a scheduled absence when an employee, with the advance approval of the supervisor and in accordance with Town policy schedules time away from work.

Supervisor — means any regular employee who through that person’s position as assigned by the Town Administrator and Department Head is responsible for exercising supervision over other Town merit status employees.

Temporary Employee — refers to a employee hired to work for a specified period of time as determined by the Town Administrator.

Town — means the Town of Riverdale Park.

Town Administrator — means the Town Administrator of the Town or any person designated to act in that capacity.

Unclassified employee — means an employee who is in the unclassified service as defined in Section 705 of the Town Charter.

Unscheduled Absence – means an absence that is not scheduled in advance.

ARTICLE A. GENERAL

A-1. Policies Established. The following policies, guidelines and other provisions for Personnel Administration in the Town of Riverdale Park are established to:

- (a) Promote and increase the efficiency and effectiveness of Town service.
- (b) Develop a program of recruitment, advancement and tenure, which will make Town service attractive as a career.
- (c) Establish and maintain a uniform plan of performance evaluation and compensation based upon the relative duties and responsibilities of each position to ensure a fair and equitable wage or salary to all employees.
- (d) Establish and promote high morale among Town employees by providing a good working relationship, uniform personnel policies, and an opportunity for advancement without regard to sex, race, color, creed, gender, marital status, age, mental or physical disability (provided that the applicant or employee is a qualified person with a disability as defined in the Americans with Disabilities Act), national origin or ancestry, or any other basis protected by federal or state law, ordinance or regulation..
- (e) Establish Town employment and personnel policies applicable to classified employees and, unless stated otherwise, to unclassified employees. These policies and guidelines do not create contractual employment rights.

A-2. Application of Policies. Except as otherwise expressly provided in this Personnel Manual, these provisions, policies and guidelines shall apply to all classified employees and unclassified employees. Nothing in this Personnel Manual shall be construed to infringe upon provisions of the Town Charter regarding discipline of Department Heads, and this Personnel Manual shall be construed in a manner consistent with such provisions. This Personnel Manual revokes previous manuals or policies.

A-3. Contracts of Employment. The Town may enter into written contracts of employment with unclassified employees. These contracts of employment may contain provisions that are different than provisions of this Personnel Manual. This Personnel Manual shall continue to apply to unclassified employees with written employment contracts except to the extent of any inconsistency between the contract and this Personnel Manual, in which case the employment contract shall prevail.

A-4. Application to Police Department. If, as applied to sworn officers of the Riverdale Park Police Department, there is a conflict between this Personnel Manual and (i) the Maryland Law Enforcement Officers Bill of Rights (“LEOBR”), (ii) Chapter 53 of the Riverdale Park Town Code, (iii) General Orders of the Riverdale Park Police Department as authorized by Chapter 53 and Section A-5 below, or (iv) regulations of the Maryland Police Training Commission, the provisions of the LEOBR, Chapter 53, General Orders or regulations of the Maryland Police Training Commission shall prevail only to the extent of such conflict.

A-5. Departmental Guidelines. The head of any Town department, in conjunction with the Town Administrator, may formulate in writing reasonable guidelines for the conduct of the operations of such person's department, such as those relating to safety or operational procedures, which shall be available to all departmental employees. Such department guidelines shall not be

less stringent than, in violation of, or in conflict with this Personnel Manual or any other personnel guidelines adopted by the Town Council.

A-6. Personnel Records. The Town shall keep records of all persons employed, their pay scale, time worked, accrued annual and sick leave, all absences for annual, sick, or other leave, accrued overtime, and all other records directed to be made and maintained under these policies and guidelines or under applicable state or federal law. The Town Administrator shall promulgate policies to ensure that all employee medical records and other confidential documents are kept in secure files as required by law. An employee's personnel file shall be available during office hours for inspection by that employee. Personnel files shall be maintained by the Town Administrator with the exception of the Police Officers. The Chief of Police shall maintain police officers' personnel records subject to rules, regulations and procedures established by the Town Administrator.

A-7. Promulgation of Forms. The Town Administrator may promulgate forms to implement and administer this Personnel Manual.

A-8. Expungement of Disciplinary Records. An employee, except for a sworn officer of the Riverdale Park Police Department, may request the Department Head to expunge a record of a disciplinary action if more than five years has elapsed since the discipline and the employee has been subjected to no further discipline since that time. In determining whether to expunge the disciplinary record the Town Administrator and Department Head shall consider the severity of the offense for which the discipline was imposed, the employee's work history and disciplinary record, and how any similar requests for expungement have been decided.

A-9. Amendment of Policies. The provisions, policies and regulations of this Personnel Manual may be amended from time to time in the same manner as they were adopted.

ARTICLE B. POSITION CLASSIFICATIONS

B-1. General Responsibility. The Town Council shall establish and approve all employee positions for the Town as part of the annual budget. The Town Council shall at the time a position is established set a base salary and range for that position. The Town Administrator shall write a job description for each such position established by the Town Council.

B-2. Objectives and Purpose. Position classification in the classified service is a system of identifying and describing different kinds of work in the organization in order to permit equal treatment in employment practices and compensation. Each Town position in the classified service shall, on the basis of the duties, responsibilities, skills, experience, education and training required of the position, be allocated to an appropriate class, which may include either a single position or two or more positions.

B-3. Job Descriptions. Each position shall have a concise descriptive title, a description of the essential and marginal functions (tasks) of the position and statement of the qualifications for filling such positions. Such descriptions shall be approved by the Town Council by resolution and shall be kept on file in the Town Hall and shall be open for inspection during regular office

hours.

B-4. Pay Range Plan. The Town Council shall adopt by resolution a pay plan, with minimum and maximum amounts of pay for each class of positions in the classified service. The pay ranges assigned to each class of positions shall be periodically reviewed and revised by the Town Council upon recommendation of the Mayor and Town Administrator.

B-5. Maintenance of the Classification Plan. Each Department Head shall report to the Town Administrator any and all organization changes, which will significantly alter or affect changes in existing positions or proposed positions, together with recommendations for new positions in the classified service, changes to existing position descriptions or classifications, and the deletion of existing positions. The Town Council, upon recommendation of the Mayor and Town Administrator, shall approve by resolution all new or revised job descriptions and pay ranges for such positions.

ARTICLE C. RECRUITMENT AND PROMOTION

C-1. Definitions.

- (a) *Full-Time Employee* is one employed to work a normal week of at least 40 hours on a regular and continuing basis. The work week shall begin on Monday at 12:00 a.m. and end on Sunday, at 11:59 p.m. except as otherwise provided in Section E-1. Except as provided in subsection (b), only full-time permanent employees are entitled to benefits.
- (b) *Part-Time employee* is one employed to work less than 40 hours per week on a regular and continuing basis. Part-time employees shall not be entitled to receive employee benefits, other than leave, as provided in this Personnel Manual. The Town Administrator may, as a result of job restructuring for current full time employees with disabilities, permit prorated medical and dental benefits for less than full time employment. The Town Administrator has the right to implement any form of job restructuring or other reasonable accommodation as required under the Americans with Disabilities Act.
- (c) *Temporary Employee and/or seasonal employee* is an employee who works on an irregular and/or limited duration or seasonal basis.

C-2. Recruitment. It shall be the policy of the Town to provide fair and equal opportunity to all qualified persons to enter Town employment on the basis of demonstrated merit and fitness determined by fair and practical methods of selection, without regard to sex, race, color, creed, gender, marital status, age, mental or physical disability (provided that the applicant or employee is a qualified person with a disability as defined in the Americans with Disabilities Act), national origin or ancestry, or any other basis protected by federal or state law, ordinance or regulation.

- (a) All vacancies for positions in the classified service shall be publicly advertised in such manner and for such duration as reasonably determined by the Town

Administrator for the type of position to be filled.

- (b) Vacancies for positions in the classified service also shall be posted in-house before, or simultaneously with public advertisement.
- (c) The Town Administrator may use recruiters or temporary agencies for the recruitment of positions as reasonably determined by the Town Administrator for the type of position to be filled.

C-3. Qualifications for Employment. Each applicant shall complete a job application form and/or submit a resume, as required by the Town Administrator, and shall submit the completed job application or resume to the Town Administrator. All applicants for any position with the Town shall meet the minimum qualifications established for that position. All personnel must be physically able to perform their duties. An applicant with a disability must be able to perform the essential job functions (with or without reasonable accommodation). A medical examination or other testing, including drug testing, shall be required only after a conditional offer of employment has been made, provided that, such exams or testing are required of all such applicants who are offered employment in similar positions or position classifications. The offer of employment is contingent upon applicant passing required tests.

- (a) The Town shall, as part of the pre-employment check, contact references as listed by applicants and conduct criminal or other background checks as relevant for the positions for which the applicants are being hired. These reference and background checks may become part of the applicant's file.
- (b) If required by the nature of the position for which employment is sought, an applicant may be required to possess a valid driver's license and/or current certification. If hired, the applicant must maintain the license and/or certification during employment.
- (c) Depending upon the job requirements, after a conditional offer of employment has been made an applicant may be required to successfully complete a physical agility test (PAT) as a condition of employment. In the event that an applicant with a disability fails the PAT, the Town Administrator shall determine if a reasonable accommodation can be made for the applicant.
- (d) No Department Head or employee may supervise or hold a supervisory position over a spouse, a partner in a lawfully recognized civil union or a domestic partner.
- (e) All reports and records of all physical, psychological, and mental exams prepared in connection with the hiring process shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to the Town Administrator to be kept in a confidential file apart from the personnel file. Should there be a dispute concerning the exam, or should a Supervisor be informed as to the need of reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel in the Town on a strict need to know basis.

C-4. Introductory Period.

- (a) Each classified employee, following initial employment and any re-employment, shall satisfactorily serve an Introductory Period of employment for one (1) year. The Town Administrator may extend an employee's Introductory Period for reasonable cause for an additional six (6) months if, at the end of the initial one (1) year period, the Town Administrator is unable to make a reasonable judgment whether the employee should be given permanent merit status. Introductory Period employees must obtain at least a satisfactory performance rating at the completion of their Introductory Period in order to continue their employment with the Town and, for employees holding classified service positions, to be granted permanent status. However, a satisfactory performance rating does not automatically result in an employee being placed in permanent status. Introductory Period employees may be terminated, with or without cause, at any time before the employee is given permanent status with no recourse to any appeal provisions provided in this Personnel Manual. The Town Administrator may discharge an employee from employment at any time during an Introductory Period with or without cause and with or without notice.
- (b) Each classified employee promoted to a classification with greater pay and responsibility shall satisfactorily serve an introductory period in the new position for a period of six months. Any employee who fails to perform satisfactorily during the Introductory Period shall be returned to the pay and position he or she held immediately prior to his or her promotion or to a position with equal pay and responsibility.
- (c) Nothing in this Section shall be construed as an extension of a property interest in an employee's position with the Town. Notwithstanding hire or promotion, the Town Administrator may discharge an employee from employment with the Town at any time with or without cause and with or without notice.
- (d) A sworn law enforcement officer in the Introductory Period of employment is a probationary employee for purposes of the Law Enforcement Officer's Bill of Rights.

C-5. Promotion. It is the policy of the Town to fill vacancies for supervisory, skilled, and upper-level positions in the classified service from within the ranks of present employees whenever possible. All employees seeking promotion shall be expected to meet the minimum qualifications for the class to which they seek promotion. A medical examination or other testing, including drug testing, may be required only after an offer of promotion has been made, provided that, such exams or testing are required of all such employees are offered promotions in similar positions or position classifications. The offer of promotion is contingent upon applicant passing required tests, when deemed necessary by the Town Administrator.

C-6. Employment Eligibility Verification. All employees initially hired for any position with the Town shall complete an employment eligibility verification statement in compliance with applicable law.

C-7. Interim Temporary Staffing. When a job position is to be filled, to meet emergency

staffing needs the Town Administrator may hire someone on a temporary basis.

C-8. Hiring of Employees. Except for those employees appointed by the Mayor in accordance with the Town Charter, the Town Administrator shall hire all employees for the Town.

ARTICLE D. COMPENSATION

D-1. Pay Plan. The salary of each classified employee of the Town shall, at least annually, be set at an amount within the pay range of the position class the employee is assigned. An employee's continued employment at the salary rate within the class assigned to him or her shall be contingent upon the provisions outlined in Section D-3. The Town Administrator, with approval of the Town Council by resolution, will establish the salary schedule for all classes of employees. All pay grades, salaries, and scheduling shall conform with applicable federal and state laws.

D-2. Pay Increases.

- (a) Pay increases shall not be routine or automatic. Employees will be considered for a raise during the annual budget process.
- (b) Annual cost-of-living pay increases may be given by the Town Council based upon the Town's financial condition.
- (c) Merit increases will be determined by the Department Head, with approval by the Town Administrator, upon at least a satisfactory performance evaluation, according to the pay scale adopted by the Town Council, and subject to availability of funds in the Department's budget. The amount of any merit increase will be determined by the Department Head and based upon the employee's performance.
- (d) The Town Administrator should request compensation increases as part of the budget process annually.

D-3. Performance Evaluations. Employee performance evaluations will be considered in determining salary increases and decreases within the limits established in the pay plan, as a factor in promotions, as a factor in determining the order of layoffs, and as a means of identifying employees who should be promoted or transferred, or who, because of their low performance, should be demoted or dismissed.

D-4. Pay at End of Employment.

- (a) An employee who leaves Town employment shall receive his or her final paycheck on the first regularly scheduled payday following the last day of employment.
- (b) Employees discharged for cause, and those who voluntarily terminate their employment without giving a minimum of two weeks' notice, shall not be eligible to receive pay for any accrued benefits other than unused annual leave and any accumulated compensatory time.

- (c) All employees separating from the Town for any reason shall, prior to the end of the last day of employment, return all Town-owned property, equipment and identification cards issued to the employee. Failure to do so will result, to the extent permitted by law, in the deduction of the value of the Town-owned property and equipment from the employee's final pay check and the withholding of benefits otherwise due the employee at the end of employment. An employee's acceptance and continuation of employment with the Town shall be deemed to be authorization by the employee to the deductions from the employee's final paycheck as provided in this subsection (c).

D-5. Overtime Work.

- (a) Compensation for authorized overtime work shall be at the rate of one and one-half times the employee's regular rate of pay, and may be given in the form of actual wages earned or compensatory time in accordance with Section D-6.
- (b) No person employed in an administrative, executive, or professional position, as defined by the federal Fair Labor Standards Act, shall be eligible for overtime pay. These positions are defined as "FLSA – Exempt."
- (c) All "FLSA - Non-Exempt" employees shall be eligible to receive overtime and/or compensatory time in accordance with the Fair Labor Standards Act. To be eligible for overtime and/or compensatory time, the employee must have worked a minimum of forty (40) hours in the work week excluding any leave used during the week, except that sworn law enforcement officers must have worked a minimum of 86 hours in a 14 day period to be eligible for overtime and/or compensatory time. Notwithstanding the number of hours worked in a two week period, sworn law enforcement officers who are required by subpoena to attend court on a day that the officer is not scheduled to work shall be paid a minimum of three hours overtime at time and one-half (1½) of the regular rate of pay.
- (d) All overtime work must have prior authorization by the employee's Department Head or Town Administrator and be reflected on an overtime justification form signed by the person authorizing the overtime. An employee may not work more than the assigned number of hours per week without prior authorization to engage in overtime work. The justification form shall be attached to the time card. All earned overtime shall be recorded and processed on appropriate payroll records for payment to eligible employees. All regular overtime compensation for hours worked in excess of 40 hours in a work week, or in excess of 86 hours in a 14 day period for sworn law enforcement officers, shall be made at time and one-half (1½) of the regular rate of pay.

D-6. Compensatory Time. This Section D-6 governs the awarding and use of compensatory time.

- (a) A FLSA-Exempt employee is eligible for compensatory time as may be provided for in a written employment agreement between that employee and the Town.

- (b) Eligible non-exempt employees who work overtime may, in the discretion of the employee's Department Head, be granted compensatory time off for all hours worked in excess of 40 hours per week for employees who are on a 40 hour per week work schedule, and hours worked in excess of 86 in a 14 day period for sworn law enforcement officers. Compensatory time shall be calculated at the rate of one and one half times the number of hours worked in excess of 40 hours in a work week or 86 hours in a 14 day period for sworn law enforcement officers, provided that an employee may not accumulate more than 100 hours of compensatory time. Compensatory time shall be taken within the time required by the Fair Labor Standards Act (FLSA). The Town Administrator may compel the use of accumulated compensatory time at any time, whether or not 100 hours of compensatory time has been reached. By accepting and continuing employment with the Town an employee is presumed to agree to accept compensatory time as provided in this Section D-6 in lieu of receiving payment for hours worked in excess of 40 hours in any work week or 86 hours in a 14 day period for sworn law enforcement officers.
- (c) Introductory employees may use accrued compensatory time in accordance with approval by the Town Administrator.
- (d) Compensatory time may be used in lieu of leave without pay for excused absences, by itself, or in conjunction with any other approved annual leave. Compensatory time off may not be used for unauthorized absences, unscheduled sick leave unless all accrued sick leave time has been used, nor to offset any disciplinary suspensions without pay.
- (e) Compensatory time may not be used if the use of such time for the requested dates might be unduly disruptive of the Town's operations.
- (f) The Town Administrator may compel an employee to use accrued compensatory time, at the Town's discretion, upon reasonable notice.
- (g) At the end of employment, accrued compensatory time will be paid to the employee either at the average rate of pay received during the last three years of employment, or at the final regular rate of pay received, whichever is higher.

D-7. Call-Out Policy. This Section D-6 applies to situations where a non-exempt employee is required by the Town to perform unscheduled work outside of the employee's normal working hours. For non-exempt employees in the Police and Public Works Departments, any employee who is "called-out" is awarded 1 hour minimum compensatory time (defined in Section D-6), plus time worked beyond that one hour on that same call. Any Town General Government non-exempt employee who is "called-out" shall account for such off-duty work by the use of an adjusted work schedule to be administered by the Town Administrator.

D-8. Pay periods; Paydays; Voluntary Withholding.

- (a) Employees shall be paid bi-weekly.

- (b) All withholding required by law will be withheld.
- (c) Employees are required to have their pay direct deposited into a financial account designated by the employee.

D-9. Time Recording.

- (a) All employees are required to keep accurate records of the time that they work. Department Heads will direct their employees how to record or otherwise account for their time. All employees who are paid on an hourly basis may be issued a time card to record the time in, and out, on the job.
- (b) Employees shall time in when they arrive at work and are prepared to work. Employees called out to work after regular work hours or on weekends or who remain on the job for authorized overtime shall use the time clock.
- (c) Employees, except for sworn law enforcement officers, shall time out when they begin their lunch break and time in when they are prepared to begin working after the lunch break. Employees must time out at the end of the work day.
- (d) Unless authorized by the employee's supervisor or the Town Administrator, no employee is permitted to time in more than seven (7) minutes before the scheduled starting time of the work day nor more than seven (7) minutes after the scheduled quitting time of the workday. Unless authorized as part of an adjusted work schedule, such authorization shall be reflected on an overtime or compensatory time justification form.
- (e) Employees are paid for time up to the actual time they clock out. If this time is after the scheduled end of the shift, an overtime justification form must be completed and given to the Supervisor.
- (f) On an emergency basis and with the supervisor's permission, employees may work through part or all of their lunch period. This is not to occur frequently or regularly.
- (g) An employee may not time in or out for another employee.

ARTICLE E. PERFORMANCE

E-1. Periodic Performance Evaluations.

- (a) A performance evaluation is an opportunity for an employee's department head to review and discuss with the employee employee's job performance and conduct since the last evaluation; review and evaluate the employee's duties and responsibilities; determine and prescribe measures necessary or desirable to enhance the employee's performance and job skills; discuss goals and objectives for the employee to accomplish in the ensuing year; and generally discuss the department head's and employee's expectation about the employee's job.

- (b) A performance evaluation of each full-time and part-time employee, except for Department Heads, shall be prepared by the Department Head annually. The evaluation shall be in writing on forms approved by the Town Administrator, by such date or dates that the Town Administrator may prescribe, and conducted under such instructions for base line uniformity of evaluations as the Town Administrator may direct. The person conducting the evaluation shall evaluate, at least quarterly, any employee who has received a poor performance rating on the previous evaluation.
- (c) The person conducting the evaluation shall meet with and discuss the evaluation with the employee. The employee shall be afforded a reasonable opportunity to respond to the evaluation in writing.
- (d) After the employee has had an opportunity to review and respond to an evaluation, any written response that the employee submits will be included with the evaluation in the employee's personnel file.
- (e) Employee counselings and periodic performance assessments shall be taken into account in preparation of each annual performance evaluation.

E-2. Counselings and Periodic Performance Assessments.

- (a) In addition to performing annual performance evaluations, a supervisor, Department Head, or the Mayor in the case of Department Heads and the Town Administrator, may counsel or conduct a periodic assessment of an employee's job performance or conduct. A counseling or periodic performance assessment is not discipline but a means by which job performance or conduct deficiencies may be documented and brought to the attention of an employee in an informal manner.
- (b) Each counseling and periodic performance assessment shall be documented and recorded on a counseling record form prescribed by the Town Administrator and reviewed with the employee. Each counseling record form shall be reviewed with the employee and then inserted in the employee's personnel file. The employee shall be afforded a reasonable opportunity to respond to the counseling or periodic performance assessment in writing. Any written response that the employee submits will be included with the counseling record form in the employee's personnel file.
- (c) Employee counselings and periodic performance assessments since the employee's last annual performance evaluation shall be taken into account in preparation of the next annual performance evaluation.

ARTICLE F. ATTENDANCE AND LEAVE

F-1. Hours of Work and Attendance.

- (a) General Employees. The normal work week for all full-time employees, shall be 40 hours, consisting of five, eight hour days for employees on a 40 hour per week work

schedule. Full-time personnel employed in departments operating on a 24-hour basis, other than police officers, shall work not fewer than eight hours per day, five days per week, on a schedule to be assigned by the Department Head. The normal work week for police officers may exceed 40 hours per week and shall be established by the Chief of Police with approval of the Town Administrator. The Town Administrator shall set the work week and work schedule for part-time employees.

- (b) Normal Work Hours. No employee shall be permitted to work in excess of their normal work week except when so directed by the employee's Department Head, or Town Administrator.
- (c) Attendance. All employees shall arrive and be prepared to start work at the beginning of the employee's scheduled work day.
- (d) Job Abandonment. Any employee who does not report to work for three consecutive shifts and does not notify or have a valid reason not to report or notify shall be deemed to have resigned from the employee's position via job abandonment. An employee who does not report to work and has not been authorized to take leave for such absence shall be deemed to have resigned from the employee's position via job abandonment.

F-2. Rest Breaks. Employees are entitled to a rest break of 15 minutes for each four hours of work. The time of the rest breaks, usually mid-morning and mid-afternoon, shall be determined by the employee's immediate supervisor, or the Town Administrator, and are not accumulative in nature. Lunch periods will also be determined by the supervisor, or the Town Administrator, and may not be accumulated with rest breaks unless approved by the employee's immediate supervisor.

F-3. Holidays.

- (a) The following days shall be paid holidays for Town employees:

- New Year's Day
- Martin Luther King Jr. Day
- Washington's Birthday
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day, and the day after Thanksgiving
- Christmas Day
- Other days as designated by the Town Council

- (b) When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday will be observed as the holiday in accordance with federal regulations for federal employees.

- (c) Full-time employees required to work on a Town observed holiday shall be compensated for the holiday at their regular rate of pay and for the day of work at 1.5 times their regular rate of pay. Full-time employees not required to work on the holiday will be paid their normal wages for that day. Notwithstanding the foregoing, sworn law enforcement officer shall be compensated for working on a holiday in accordance with the Police Department's General Orders Manual.
- (d) To be eligible to receive pay for a Town holiday, the full-time employee must not have been absent without approved leave either on the workday before or the workday after the holiday. The Town Administrator may require an employee to obtain a physician's certification of the need for leave if the employee takes unscheduled sick leave on the workday before or workday after a holiday.

F-4. Leave. Annual and sick leave shall be accrued by full-time employees.

F-5. Annual Leave. Annual leave shall be accrued beginning with the date of employment under the conditions hereinafter stated. No employee shall be permitted to use annual leave for any period spent on unauthorized leave.

- (a) Full-time employees are entitled to paid annual leave time according to the following schedule; provided, no paid annual leave time may be taken during the first six (6) months of employment without prior approval of the Department Head.

<u>Period of Employment</u>	<u>Annual Leave</u>
0 through 4 years of service	10 days per year; 3.08 hours per pay period
5 through 9 years of service	15 days per year; 4.62 hours per pay period
10 through 14 years of service	18 days per year; 5.54 hours per pay period
15 up to 20 years of service	20 days per year; 6.15 hours per pay period
20 and over years of service	25 days per year; 7.69 hours per pay period

- (b) Part-time employees are entitled to be paid annual leave time according to the following schedule. No paid annual leave may be taken during the first six (6) months of employment.

<u>Period of Employment</u>	<u>Annual Leave</u>
1 through 4 years of service	2 hours per pay period
5 through 14 years of service	3 hours per pay period
15 and over years of service	4 hours per pay period

- (c) Employees will be allowed to accumulate an entire year's authorized annual leave accrual plus five days as of the end of each calendar year. Annual leave does not include compensatory time; however, annual leave and compensatory time may be combined for purposes of approved time off. At the end of each calendar year the Town will pay each employee for all hours accrued and on the books in excess of the employee's entire year's authorized annual leave accrual plus five days, not to

exceed 40 hours of pay. All annual leave in excess of the employee's entire year's authorized annual leave accrual plus five days that remains on the books after such payment is forfeited, except that Department Heads and the Town Administrator shall forfeit all annual leave in excess of their entire year's authorized annual leave accrual plus 105 hours that remains on the books after such payment. Notwithstanding the other provisions of this subsection (c), where the Town prevents an employee from taking reasonable amounts of leave during a calendar year due to staffing levels, extraordinary workloads or other similar circumstances, an employee may request, and the Town Administrator with the concurrence of the Department Head, may defer the forfeiture of excess annual leave for a period of up to six months.

- (d) The dates for the taking of annual leave shall be scheduled in consultation with the employee's Department Head, Town Administrator or appointed supervisor. The request must be submitted at least 48 hours in advance, but, unless otherwise authorized by the employee's supervisor, and must be submitted in correlation to the amount of annual leave requested. For example, if the employee requests one week of annual leave, then the request must be submitted to the supervisor at least one week before the requested annual leave is to begin. In cases where the requested annual leave schedules of two or more employees would adversely affect the efficient operation of the Town, annual leave shall be granted taking into account seniority of Town employment, employee duties and responsibilities and operational needs of the Town.
- (e) Town holidays, which occur during the taking of an employee's authorized annual leave, will not be counted as a day of annual leave.
- (f) Employees may use annual leave in units of not less than one-half hour, subject to the approval of their supervisor.
- (g) At the end of employment, an employee shall be compensated for all earned but unused annual leave, up to a maximum of one year's accumulation plus five days, at the employee's final rate of pay.

F-6. Sick Leave. Full-time employees shall be entitled to sick leave with pay for absences resulting from illness, injuries, accidents, or other physical incapacity or other short-term disability, occurring either on or off the job. No employee shall be permitted to use sick leave for any period spent on unauthorized leave.

- (a) *Amount of Sick Leave.* Full-time employees shall earn 4 hours of sick leave per pay period, or 13 days per year. Part-time employees shall accrue sick leave in the same manner as full-time employees, except that the rate of accrual shall be prorated to be commensurate with the amount of hours the employee is scheduled to work.
- (b) *Computing Sick Leave.* Any absence for a fraction or part of a day, which is chargeable to leave, shall be charged in increments of not less than one-half hour.

- (c) *Doctor's Certificate.* For sick leave in excess of three workdays, or for unscheduled sick leave immediately before or after a Town holiday, the Department Head or Town Administrator may require a signed certificate from a health care provider verifying the employee's inability to perform his or her assigned duties because of illness during the period of absence and stating when an employee may return to work. The Town Administrator may prescribe the form of a medical care provider's certificate.
- (d) *Notification.* To be eligible for paid sick leave, an employee, or his or her representative, must notify his or her immediate supervisor and give the reason for the absence no later than one hour after report time each day for which sick leave is taken, or as soon as possible, if a valid reason exists for not notifying the immediate supervisor within one hour after report time. Notwithstanding the foregoing, sworn law enforcement officers must notify their shift commander not later than 90 minutes before the start of the day's shift.
- (e) *Abuse of Sick Leave.* An employee may not use or claim sick leave for purposes other than the purposes outlined in this Section. The Town Administrator may require an employee to submit a signed certificate from a medical care provider for use of sick leave for periods less than three days if the Town Administrator suspects that the employee may be using sick leave for other than authorized purposes or otherwise is abusing sick leave.
- (f) *End of Employment.* Except as provided in Section F-6(j), no compensation will be awarded for unused sick leave at the end of an employee's employment with the Town, regardless of the reason for the end of employment.
- (g) *Sick leave.* Sick leave may be used by the employee in cases of illness, injury, accidents or other physical incapacity or doctor appointments for the employee, employee's spouse, other dependents, parents, grandparents, siblings and domestic partner.
- (h) *Shared Sick Leave.* Provided that an employee has and maintains at least 520 hours of accumulated sick leave, the employee may donate up to 80 hours of sick leave to other employees in a calendar year, except that an employee may not donate more than 80 hours cumulatively to any one employee. If an employee wants to donate sick leave to another employee, the employees involved must agree, and it must be approved in writing by the Town Administrator, or the Mayor in the case of the Town Administrator, in advance of the use of the leave as provided in subsection (i) below.
- (i) *Extension of Sick Leave.* The Town Administrator, or the Mayor in the case of the Town Administrator, will, upon request, consider special extensions of sick leave, including leave donated by another employee, for employees who have used all their sick leave to which they have become entitled. Any request for extension of sick leave shall be made to the Department Head and approved by the Town Administrator, except that a request by the Town Administrator shall be made to and approved by the Mayor. Such extensions of sick leave may be paid or unpaid leaves of absence and will be considered and approved:

- (1) Only in the case of serious injury and/or illness of an employee, spouse, or dependent that will require an extended period of time away from work;
- (2) Only if reasonable documentation of injury and/or illness as the Town Administrator, or Mayor in the case of the Town Administrator, may require, has been submitted.
- (3) Only after all earned annual and accumulated compensatory time has been exhausted;
- (4) Only if the employee has not received an extension of sick leave within the past three years;
- (5) Only if the employee requesting the extension has not been counseled or disciplined for abusing or taking excessive sick leave; and
- (6) Only upon proper authorization by the Town Administrator, or the Mayor in the case of the Town Administrator, upon such reasonable terms and conditions for the use of such leave as may be prescribed.

Documentation for the approved extension of sick leave will be maintained in the employee's file. Any extension of paid sick leave beyond that which the employee has accumulated and beyond that which has been donated by another employee shall be considered "payable" back to the Town at the normal rate of accrual, upon the employee's return to work.

- (j) *Payment of sick leave.* The Town will not pay for accrued sick leave at the end of employment except as follows. For an employee who voluntarily ends employment with the Town, or whose employment is terminated by the Town for non-disciplinary reasons, the Town will provide the employee with 8 hours of compensation for every 40 hours of sick leave accrued as of the last day of employment, paid at an hourly rate of the first step of the employee's pay grade at the end of employment, even if this is lower than the employee's regular rate of pay, except that compensation to Department Heads and the Town Administrator shall be paid at an hourly rate of the first step of the highest grade on the pay scale.
- (k) *Sick leave incentive program.* In order to incentivize employees to not use sick leave and to maintain a reasonable sick leave balance, immediately following the end of each calendar year the Town will allow an employee who has not used any sick leave in that calendar year to convert up to 24 hours of sick leave to a comparable number of hours of annual leave or to receive payment for such sick leave as long as the employee will have at least 520 hours of sick leave on the books immediately after the conversion or payment. Sick leave conversion or payment will be at the rate of 66 2/3rd percent of the number of hours of sick leave which are to be converted or for which payment is to be received.

F-7. Maternity Leave. An employee who becomes pregnant may claim and receive maternity

leave in the form of sick leave in same manner as provided for short-term disability; provided, however, that the employee may elect to utilize any accrued annual leave if, and to the extent such leave is available. An employee may also take leave without pay in the same manner as may be granted to any other employee on short-term disability status in accordance with Section F-11(c). Maternity leave, with or without pay, following termination of pregnancy or childbirth, shall not exceed a reasonable period of time as determined by the employee's medical care provider. If medical complications related to the pregnancy exist, the employee may, with the approval of the Department Head or Town Administrator, or the Mayor in the case of the Town Administrator, remain on maternity leave until released by the employee's physician.

F-8. Bereavement Leave. In the case of death of a member of a full-time employee's spouse, other dependents, parents, grandparents, siblings or domestic partner, full-time employees shall be granted paid bereavement leave not to exceed three (3) consecutive working days, or five (5) consecutive working days where the employee is required to travel more than 500 miles to attend such a relative's funeral or memorial service.

F-9. Military Leave. The Town recognizes and adheres to all applicable state and federal laws regarding use of military leave.

F-10. Civil Leave.

(a) *Civil Leave With Pay.* An employee shall be given necessary time off with pay (1) when performing jury duty, (2) except for sworn law enforcement officers appearing in court as part of their official duties, when appearing in court as a witness in answer to a subpoena or as an expert witness when acting in an official capacity in connection with the Town, (3) when performing emergency civilian duty in connection with national defense, or (4) up to two hours, at a time approved by the supervisor, for the purpose of voting if the employee does not have 2 hours of continuous off-duty time when the polls are open. When leave with pay is taken for jury duty, or subpoena a copy of the summons shall be given to the Town Administrator, or the Mayor in the case of the Town Administrator. When leave is take for purposes of voting a supervisor may require an employee to provide to the supervisor a certification of voting as prescribed by the Election Law Article when the employee returns to work from voting.

(b) *Civil Leave Without Pay.* If an employee is involved in a personal lawsuit either as a plaintiff or as defendant in an action not related to his or her duties with the Town, the employee may take leave without pay unless he or she elects to utilize any accumulated annual leave.

F-11. Other Leave.

(a) *Meetings, Training, Seminars.* Any employee may be granted leave with pay to attend meetings, training, seminars and conventions related to the employee's work for the Town, when such attendance is authorized by the Department Head, or the Mayor in the case of the Town Administrator.

- (b) *Educational Leave.* An employee, upon written request, may be granted leave with pay for the purpose of taking courses or workshops directly related to their work as determined by their Department Head and pre-approved by the Town Administrator, or the Mayor in the case of the Town Administrator.
- (c) *Leave of Absence/Leave Without Pay.* An employee, upon written request, and with the recommendation of his or her Department Head or supervisor, may be granted a leave of absence without pay for a period of up to three months for short-term disability or other reasons, subject to the reasonable approval of the Town Administrator, or the Mayor in the case of the Town Administrator, after the employee has exhausted all other leave. Approved leave of this type shall not constitute a break in service. During this time, the employee will be responsible for paying the employee's share of medical insurance, and no benefits accrue during this period.
- (d) *Administrative Leave.* The Town Administrator, or the Mayor in the case of Department Heads or the Town Administrator, may authorize leave with or without pay for reasons related to the efficient administration or operation of the Town government or as otherwise provided in this personnel manual. Administrative leave shall be for such duration and under such terms and conditions as the Town Administrator or Mayor reasonably may determine.

F-12. Request for Leave. Except as provided in Section F-6 (d) as to sick leave, all leave must be authorized in writing by the employee's Department Head or orally by the Mayor in the case of the Town Administrator and Department Heads, prior to leave time being taken. The supervisor or Department Head may approve or grant an employee's request for annual leave based upon prior requests for annual leave for the same time and the department's staffing needs. A copy of each employee's leave record, including records of sick leave taken by the employee, shall be maintained in the employee's personnel file.

F-13. Credits for Paid Leave. An employee while on paid sick leave, annual leave or other leave with pay shall continue to earn credit for sick leave and annual leave, but no leave credit shall be earned by any employee while on leave without pay.

F-14. Inclement Weather Policy.

- (a) Essential personnel are defined as those who are needed to maintain communications with the public, remove snow, ice, and/or other hazards or emergencies, or provide police protection; or who reside in the Town and perform other services. Non-essential personnel are all other Town employees.
- (b) Staff members defined as essential must report to work, unless otherwise specifically instructed by their Department Heads. Essential personnel who are truly unable to get to work must call and talk directly to their Department Heads or designees. Voice mail and third party messages are not acceptable. The Town may, at its option, provide a ride for essential personnel who cannot otherwise get to work.
- (c) Essential personnel may not use annual leave on emergency days unless already on vacation and beyond commuting distance from the Town.

- (d) If the federal government closes or is delayed due to inclement weather then non-essential employees will be on administrative leave with pay.
- (e) If the Town is open for business but the employee cannot get to work because of inclement weather, annual leave may be taken without prior approval upon appropriate notification to the employee's supervisor or Department Head and subject to the availability of annual leave.
- (f) Sick leave may not be used on a severe inclement weather day when the Town is open for business unless Department Head has authorized the employee to use sick leave.
- (g) If the federal government closes after the Town's normal office hours have started, non-essential Town personnel may be released from work on the decision of the Town Administrator only, or the Mayor in the case of the Town Administrator.
- (h) On the day following a severe inclement weather day when the Town is open for business, when the federal government is no longer on a closed or liberal leave day, a non-essential employee who is unable to come to work due to lingering weather or other conditions may use annual leave with the permission of the Town Administrator and/or immediate supervisor, subject to the availability of such leave.

ARTICLE G. OTHER EMPLOYEE BENEFITS

G-1. Retirement---OASDI Benefits. All eligible employees of the Town are under the federal OASDI social security system, and receive the benefits thereof in accordance with federal laws and guidelines. The cost of this benefit is paid equally by the Town and the employee, with the employee contribution subject to payroll deduction.

G-2. Other Retirement Programs. The Town currently maintains a Defined Contribution Plan and a Defined Benefit Plan for its full-time employees, in accordance with the terms of those respective plans. The Town may modify or terminate those plans, or provide other retirement plans for its employees, in the Town's discretion and in accordance with law. The Town will notify employees or any modification or termination of existing plans or establishment of new plans.

G-3. Workers' Compensation Benefits. All employees of the Town receive the benefits of the Maryland Workers' Compensation Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the employer.

G-4. Unemployment Compensation. All employees receive the benefits of the Maryland Employment Security (unemployment compensation) Act, in accordance with such law and guidelines. The cost of this benefit is paid entirely by the Town.

G-5. Life Insurance and Other Coverage. The Town makes available to each employee the option of purchasing group life insurance and other ancillary coverage. The cost of additional policies is paid by the employee on a payroll basis and the cost varies with the options selected by the employee.

G-6. Health Care Program.

- (a) All full-time permanent employees shall be eligible for the Town's group health insurance program after satisfying any required eligibility period.
- (b) When an individual employee is required to contribute to the Town's group health care program, such contribution shall be a payroll deduction. The employee's contribution amount shall be set on an annual basis by the Town Council as part of the budget process.
- (c) Unless otherwise agreed, the employee's share for health care insurance shall be paid by the employee during any period the employee: is on leave without pay, is on suspension without pay, is on unauthorized leave, or is participating in any unlawful work stoppage.
- (d) Health care insurance coverage shall be extended to an individual who is temporarily disabled and drawing workers' compensation while serving as a Town employee. The employee's share of the cost shall be deducted from any worker's compensation payments. In the event no additional workers' compensation payment is due, insurance may be extended at the option of the Town.
- (e) The Town complies with those provisions of the federal Consolidated Omnibus Reconciliation Act of 1986 (COBRA) relating to the extension of group health care plan coverage following the end of Town employment.

G-7. Uniforms & Clothing Allowance.

Police Department. Upon employment, the Town will furnish new police officers with uniforms. The initial uniform issue shall include trousers, short sleeve shirts, long sleeve shirts, windbreaker, safety vest, weapons, body armor, other protective devices (baton, taser, pepper spray, etc.), complete set of leather (or approved substitute) and brass, nameplate, patches, and flag. The style, make, quantity, and frequency of purchase for all uniforms shall be determined by the Town. The new officer must furnish his or her own footwear. Additionally, officers are required to maintain their own uniforms (laundry, dry cleaning, etc.) at their own expense. Other rules may apply per the Police Department manual. Any employee required to wear a uniform who shows up for work out of uniform will be sent home on a leave without pay status or docked 4 hours to return home and to return to work in uniform. The employee may also be subject to further disciplinary action. A clothing allowance for replacement of clothing is provided for annually in the Department's budget.

Other Departments. The Town will pay for the safety clothes that are dictated by each employee's job description. Such things as rubber boots, rubber gloves, hard hats, etc. will be furnished by the Town. The style, make, quantity, and frequency of purchase for all personal protective equipment shall be determined by the Department Head and Town Administrator. The Town may also purchase items for identification and uniformity to employees but the Town is not responsible for the maintenance and cleaning of these items.

G-8. Benefits for Domestic Partners. As used in this Section, a "domestic partnership" and a "domestic partner" are as defined and provided for in Section 6-101 of the Md. Health – General

Code Ann. The Town recognizes that some employees may choose to engage in a long-term committed domestic relationship with another individual of the same or opposite gender in lieu of traditional marriage. Where practicable, the Town will attempt to make available benefits for committed domestic partners of employees to the same extent as benefits for spouses of employees. The Town may require an employee to demonstrate the existence of a domestic partnership before making such benefits available to such partner.

ARTICLE H. DISCIPLINE

H-1. Authority to Discipline. Town Department Heads and the Town Administrator, and the Mayor in the case of the Department Heads and Town Administrator, are responsible for the conduct and effective performance of all employees under their jurisdiction and shall have the authority and the responsibility to discipline employees for violations of the Town's personnel policies and any departmental guidelines, subject to provisions of the Town Charter regarding discipline of Department Heads and the Town Administrator.

H-2. General Policy. The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens of the Town with the highest possible level of courteous and professional public service. It is the duty of employees to make conscientious efforts to work and behave in accordance with the values, service standards, policies and guidelines of the Town and the department in which they work. Each employee is expected to be self-disciplined and to work hard at being the best at what he or she does and to help the Town provide a high level of public service. When an employee does not exercise adequate self-discipline, does not meet the general performance policies set forth in this Section, engages in conduct that reflects discredit upon the Town on or off-duty or is a direct hindrance to the effective performance of the Town's functions, engages in other misconduct, or is not successful in meeting the requirements of the employee's job, it may be necessary for his or her Department Head, supervisor or the Town Administrator, or the Mayor in the case of the Department Heads and Town Administrator, to consider disciplinary actions to correct the problem.

H-3. Disciplinary Actions. The following types of disciplinary actions are officially recognized by the Town. Discipline need not be administered sequentially or progressively. The type, duration and extent of disciplinary action that may be taken in any case shall take into account the severity of the violation, the employee's prior work record and disciplinary history, and the impact of the employee's conduct upon Town operations, and includes but is not limited to:

- (a) *Verbal Warning.* A verbal warning is an oral reprimand given to an employee by his or her supervisor or Department Head. A record of the warning shall be recorded in the employee's file.
- (b) *Reprimand.* A reprimand is a written censure to an employee by his or her supervisor or Department Head explaining the employee's improper behavior, conduct or work performance and any corrective action required. A copy of the reprimand shall be placed in the employee's file.
- (c) *Probation.* Probation is a trial period of a specific length of time during which an

employee is required to fulfill a set of conditions, or to improve work performance, or to improve on the job behavior.

- (d) *Salary Reduction.* A salary reduction is the lowering of an employee's rate of pay, within the pay range to which a classified employee's position is assigned.
- (e) *Demotion.* A demotion is the placement of an employee into a position of a lower pay range.
- (f) *Suspension.* A suspension is the removal of an employee from service, with or without pay, for a specific period of time.
- (g) *Termination.* A termination is the discharge of an employee from the Town's employment.

H-4. Misconduct Subject to Disciplinary Action. The following is a list of misconduct, which may subject an employee to disciplinary action. This list is not exclusive; it is only representative of the types of misconduct which can subject an employee to disciplinary action. An employee also may be subject to disciplinary action for violating any other provision, policy or regulation of this Personnel Manual or other just cause.

- (a) Commission of a violation of any State or federal criminal law.
- (b) Commission of a violation of any Town law.
- (c) Failure to follow prescribed safety procedures including failure to notify the employee's supervisor of unsafe working conditions.
- (d) Violation of personnel policies and guidelines or departmental policies and guidelines.
- (e) Inattention to duty; negligence or carelessness in the performance of duty; damage, breakage or loss of public property or funds; or, without proper authority, the use of Town property, equipment, employees, material or funds for private non-Town purposes.
- (f) Incompetence or inefficiency in the performance of the duties of the employee's position.
- (g) Insubordination or other breach of discipline, which includes but is not limited to a refusal to accept a reasonable and proper assignment from an authorized supervisor.
- (h) Discourteous, abusive or disruptive conduct or other offensive behavior in public, to the public or to employees and officers of the Town. Including but not limited to yelling, screaming foul language, fighting, etc.

- (i) Abuse of leave, patterns of excessive absenteeism, or tardiness or absence without approved leave.
- (j) Temporarily leaving the workplace without the approval of the employee's supervisor and the Town Administrator.
- (k) Failure to give proper notice of absence.
- (l) In an emergency, failure to report as assigned.
- (m) Sleeping on the job.
- (n) Use of alcohol or drugs while on the job.
- (o) Use of alcohol or drugs, on and off the job, to the extent that the employee's job performance or effectiveness as a Town employee is impaired.
- (p) Engaging in any unlawful harassment or discrimination.
- (q) Engaging in workplace violence.
- (r) Engaging in theft.
- (s) Giving a false or misrepresentation of materials facts to a supervisor, Department Head, the Town Administrator or the Mayor.
- (t) Smoking or possessing lighted tobacco products in or on any Town work site or Town property other than a public street, or in any vehicle, owned, leased or used by the Town.
- (u) Inducing or attempting to induce any officer or employee of the Town to commit an unlawful act or to act in violation of any lawful or official order or regulation.
- (v) Unauthorized possession of firearms or other weapons on the job.
- (w) Violation of personnel policies and guidelines, or any other written guidelines or procedures applicable to the department in which the employee works.
- (x) Reflecting discredit to the Town while on or off-duty or hindering the effectiveness or efficiency of Town operations.
- (y) Performance of an act of misconduct, or the failure to perform an act which results in misconduct.
- (z) Using the internet to view illicit or pornographic materials, downloading music or entering personal chat rooms, etc.
- (aa) Engaging in gossip or idle conversation while on the job that is distracting or disruptive to Town operations.

- (bb) Failure to continue to meet the minimum job requirements for the position.
- (cc) The unauthorized communication to another public body, official or employee, or failure to comply with established communication protocols and unauthorized contact with representatives of the media.
- (dd) Unless authorized by a Department Head, promoting or endorsing companies, organizations, programs or services to the public while in Town uniform, or expressly or implicitly leading a reasonable person to believe that the employee is representing the Town when making such promotion or endorsement.

H-5. Specific Disciplinary Action for Pattern of Excessive Absenteeism. Because an employee who is consistently absent from work without authorization has a detrimental effect on the efficient operation of the Town, specific discipline is provided in this Section for where an employee has a pattern of excessive absenteeism. An employee who has 3 or 4 occasions in a rolling year will be given a written reprimand. An employee who has 5 occasions in a rolling year will be suspended without pay for 5 days. An employee who has 6 occasions in a rolling year will be terminated.

ARTICLE I. PROCEDURE FOR DISCIPLINE

Depending upon the severity of the employee action or inaction, and the employee's past disciplinary record and work performance, discipline may be in one or more of the forms provided in Section H-3, except for specific discipline prescribed for patterns of excessive absenteeism in Section H-5. Before any action is taken, the Town Administrator or Department Head will investigate the incident, discuss the results of his investigation with the employee, and advise the employee of the proposed action. Investigation and disciplinary action should be taken reasonably promptly under the circumstances. This Article I does not apply to discipline of the Department Heads and Town Administrator.

I-1. Nature of Disciplinary Actions and Procedures:

- (a) *Oral Reprimand:* If the Department Head determines the need for an oral reprimand he/she will conduct such oral reprimand in private with his objective to restore the employee to full performance. A memo of record of such action will be maintained in the employee's personnel file for the Department Head's reference.
- (b) *Written Reprimand:* The supervisor will initiate the preparation of the written reprimand by forwarding a request to the Department Head unless the supervisor is the Department Head. The reprimand will state a summary of the violation or incident and will be presented to the employee by the Department Head. The employee will be advised, in writing, of his right to respond. If the employee does respond in writing, the Department Head will consider the employee's response and make a judgment whether the initial written reprimand will stand, whether it will be modified or completely rescinded, and so notify the employee. Copies of all such documentation will be included and retained in the employee's personnel file as a permanent part of the employee's personnel file.

- (c) *Demotion, Suspension or Termination:* The supervisor will prepare and present to the Department Head a memo of the facts and the supervisor's recommended disciplinary action of demotion, suspension or termination. The Department Head may accept, modify, or reject the proposed action. If it is to be modified or rejected, the Department Head will so advise the recommending supervisor. Where the Town Administrator is the supervisor or Department Head, the Town Administrator shall prepare the memo and determine the propriety of the proposed disciplinary action. If the Department Head determines that disciplinary action should consist of a demotion, suspension or termination, a letter of action will be prepared stating in detail the charges, the penalty, the proposed date of demotion, proposed date of suspension and its duration, or proposed date of termination, and the employee's right of appeal to the Town Administrator, or to the Director of Public Works if the Town Administrator is the Department Head. The letter also should advise the employee of, and the date, time and location of, a pre-disciplinary meeting with the Department Head, and the general purpose of the meeting. The letter will be delivered to the employee in person by the supervisor or sent to the employee's last known address by certified mail or overnight delivery service and by first class mail.
- (d) *Pre-disciplinary meeting:* The general procedure for a pre-disciplinary meeting shall be the presentation of the proposed action to the employee who is being considered for termination, demotion or suspension by the Department Head and the opportunity for the employee to respond to the allegations. This shall not be a full administrative hearing, but rather a means for the Department Head to determine the validity of the allegations.
- (e) *Termination or Suspension of Town Administrator and Department Heads.* Any termination of the Town Administrator or a Department Head is subject to approval by a majority vote of the Town Council, upon recommendation of the Mayor, in accordance with the Town Charter.
- (f) *Appeals of Discipline:*
- (1) All permanent classified employees may file a written appeal of disciplinary action involving suspension, demotion or termination within ten (10) days from the date of the action to the Appeal Authority. A written appeal shall state, with specificity, the reasons for the appeal, including, without limitation, why the suspension, demotion or termination was arbitrary, capricious, unlawfully discriminatory, or otherwise unlawful. Employee appeals relative to suspension, termination or demotion shall not stay disciplinary action.
 - (2) The Appeal Authority's sole purpose in an appeal shall be to determine the validity and propriety of any action by the Supervisor which results in the suspension, demotion or termination of a classified employee. The Appeal Authority shall require the attendance of the Department Head, supervisor and affected employee, if applicable, at the hearing.

- (3) At the hearing the employee who has appealed the suspension, demotion or termination may be represented by counsel, may present evidence and may cross-examine witnesses. All testimony shall be given under oath. Evidence shall be presented first by the Town in support of the suspension, demotion or termination, then by the employee in opposition to such action, and finally by the Town in rebuttal. After the conclusion of the hearing the Appeal Authority shall make written findings of fact and conclusions of law. The Appeal Authority shall uphold the suspension, demotion or termination unless it finds by clear and convincing evidence that the action was arbitrary, capricious, unlawfully discriminatory, or otherwise unlawful. If the Appeal Authority finds that the suspension, demotion or termination was arbitrary, capricious, unlawfully discriminatory, or otherwise unlawful, the Appeal Authority may order such remedial relief as the Appeal Authority determines to be appropriate under the circumstances.

ARTICLE J. PROCEDURE FOR GRIEVANCES

J-1. Employee Grievances: It is the policy of the Town to treat all employees equitably and fairly, and provides this grievance process for all employees other than the Town Administrator and Department Heads. Each employee will be provided ample opportunity to understand and resolve matters affecting his/her employment, which the employee believes are unreasonable, abusive, unfair or discriminatory, or any reprisal arising out of any grievance complaint. Instructions for presenting grievances shall be made available to each employee and the presentation of any grievance shall be considered the right of each employee without fear of reprisal.

Matters that involve suspensions, demotions or dismissals, shall be reviewed and resolved in accordance with the procedure set forth in Section I-1.

Other grievances must be submitted in writing and shall be handled as follows:

- a) Grievances should be filed in writing within ten (10) days of the incident or knowledge of the incident.
- b) The employee shall first discuss the matter with the Department Head. The Department Head shall make a memo of record of the matter and the decision given to the employee within ten (10) days following the discussion or hearing. The memo of record will be dated and signed by both parties.
- c) If the employee is still dissatisfied, or, if the grievance involves the employee's Department Head, the employee may present the matter in writing to the Town Administrator promptly. The Town Administrator will attempt to resolve the situation or direct it to the proper level of authority for resolution.
- d) If the employee is still dissatisfied with the decision of the Town Administrator, the

employee may request within five (5) days after receiving the Town Administrator's decision on the grievance that the grievance be considered by a grievance review board. If the employee timely requests that the grievance be considered by a grievance review board the Town Administrator will convene a three-person grievance review board comprised of local government human resources professionals and individuals of comparable background and experience. A review by a grievance review board shall be informal and conducted in accordance with such reasonable procedures as the review board may prescribe. The review board may, but is not required, to hear from the grieving employee. In deciding a grievance, the review board may provide such relief, if any, as it deem appropriate under the circumstances.

In order to preserve the confidentiality of the grievance process, until a grievance is finally decided an employee may not discuss a pending grievance with any Town official other than those persons who have been given responsibility to consider and address the grievance.

ARTICLE K. VOLUNTARY SEPARATION

K-1. Resignation. An employee who terminates his or her employment voluntarily shall be separated from employment in good standing, providing the employee gives a minimum of two weeks written notice to his or her immediate supervisor or Department Head, or the Mayor in the case of the Town Administrator or Department Heads. Under appropriate circumstances, a shorter period of notice may be approved by the Town Administrator or Mayor, or a longer period of notice may be required where specified in an employment contract.

K-2. Furlough. All classes of employees may be furloughed when the Town realizes or anticipates a shortfall of revenue during the fiscal year that the Town Council determines requires a reduction in the amount approved for salaries, wages and fringe benefits. Whenever furloughs are required the Town Council shall adopt a furlough plan by resolution. The furlough plan shall identify the financial need for the furlough, the class or classes of employees to be furloughed, and the reduction in work measures to be implemented as part of the furlough. A furlough plan may include reduced daily work hours, days off without pay, or other similar types of measures. The furlough shall not affect an employee's group health insurance while on furlough. Employees who are eligible to accrue leave shall continue to accrue leave.

K-3. Lay Offs. Realized or anticipated shortfall of revenues or a reorganization of Town services may require a reduction in the amount approved for salaries, wages and benefits. Whenever a reduction in force is required, the Town Council shall adopt a lay-off plan by resolution. The needs of the Town as well as employees' expertise, experience, seniority, and performance, shall be considered in determining which employee shall be retained. Employees with permanent status shall receive at least two week's notice of termination.

K-4. Death. An employee's beneficiary shall be eligible to receive wages due the employee, compensation for unused accrued annual leave and compensatory time, and any retirement or insurance benefits for which they are eligible.

K-5. Separation Benefits. At the time of separation, the employee may be eligible for certain benefits, including wages due, payment for unused accrued annual leave and compensatory time,

and any retirement or insurance benefits for which they are eligible.

K-6. Return of Town Equipment and Property. All employees separating from the Town for any reason shall, prior to the end of the last day of employment, return all Town-owned property, equipment and identification cards issued to the employee. Failure to do so will result, to the extent permitted by law, in the deduction of the value of the Town-owned property and equipment from the employee's final pay check and the withholding of benefits otherwise due the employee at the end of employment. An employee's acceptance and continuation of employment with the Town shall be deemed to be authorization by the employee to the deductions from the employee's final paycheck. Failure to return Town property also may result in civil or criminal action.

K-7. Exit Interview. Prior to separation from service, all employees may be requested to provide an exit interview in a manner prescribed by the Town Administrator, or the Mayor in the case of the Town Administrator or Department Heads. Information from the interview may be shared with the Town Council.

ARTICLE L. PROHIBITIONS AGAINST UNLAWFUL DISCRIMINATION AND HARASSMENT

L-1. Coverage and Distribution of Policy.

- (a) Notwithstanding anything else in this Personnel Manual, this Article L applies to all officers and employees of the Town including, but not limited to, full and part-time employees, elected officials, employees covered or exempted from personnel rules or regulations, and employees working under contract for the Town.
- (b) The provisions of this Article J shall be distributed to all persons who are subject to its coverage. Each such person employee shall be required to acknowledge receipt of this Article L in writing. A copy of that acknowledgement shall be kept on permanent file in the Town. Department Heads and supervisors shall also be responsible for ensuring that all employees under their direction are familiar with this policy.

L-2. General Policies.

- (a) It is the policy of the Town to provide equal employment opportunity to all employees and applicants for employment. To that end, the Town shall not discriminate against any employee or applicant for employment because of sex, race, color, creed, gender, marital status, age, mental or physical disability (provided that the applicant or employee is a qualified person with a disability as defined in the Americans with Disabilities Act), national origin or ancestry, or any other basis protected by federal or state law, ordinance or regulation.
- (b) The harassment of any employee of the Town by any other employee or non-employee on the basis of sex, race, color, creed, gender, marital status, age, mental or physical disability, national origin or ancestry, or any other basis protected by federal or state law, ordinance or regulation, is demeaning to both the victim of the harassment and to the Town. It can result in high turnover, absenteeism, low morale, and uncomfortable work

environment. Some forms of harassment, including certain kinds of unwelcome physical contact, may also be criminal offenses. The Town will not tolerate the unlawful harassment of any of its employees, and will take immediate, positive steps to stop it when it occurs.

L-3. Unlawful Discrimination or Harassment. This section applies to all instances of alleged unlawful discrimination or harassment against any employee of the Town. As used in this Section the term “unlawful discrimination or harassment” refers to any alleged discrimination, disparate treatment or harassment against an employee on the basis of sex, race, color, creed, gender, marital status, age, mental or physical disability, national origin or ancestry, or any other basis protected by federal or state law, ordinance or regulation. As used in this section, “discrimination” or “harassment” includes, but is not limited to, verbal, physical, and visual conduct, threats, demands, and retaliation. Acts of unlawful harassment and/or discrimination towards an employee include, but are not limited to:

- (a) Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations or comments;
- (b) Visual conduct such as derogatory posters, photography, cartoons, e-mail, drawings or gestures;
- (c) Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with the ability to work;
- (d) Threats and demands to submit to sexual requests in order to keep a job or avoid some other loss;
- (e) Offers of job benefits or enhancements in exchange for sexual favors;
- (f) Employment decisions involving matters such as, but not limited to, compensation, promotion, job assignments, job education opportunities, discipline and discharge, that are based improperly upon an employee’s sex, race, color, creed, gender, marital status, age, mental or physical disability, national origin or ancestry, or any other basis protected by federal or state law, ordinance or regulation; and/or
- (g) Retaliation for having reported or threatened to report discrimination or harassment, or having participated in the investigation of a complaint of alleged unlawful discrimination or harassment.

L-4. Complaint Procedure. Any employee who feels he/she is being subjected to unlawful discrimination or harassment, or has knowledge of conduct of other employees or other persons that may constitute unlawful discrimination or harassment, should immediately contact one of the persons listed below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- (a) The employee's immediate supervisor or Department Head;

- (b) Other supervisory personnel;
- (c) The Town Administrator;
- (d) The Mayor where an employee alleges that a Department Head has engaged in unlawful discrimination or harassment; or
- (e) The Chair of the Finance and General Government Committee where the Town Administrator alleges that the Mayor has engaged in unlawful discrimination or harassment towards the Administrator.

The employee should be prepared to provide the following information:

- (a) Employee's name, department, and position title;
- (b) The name, department and position title of the employee who allegedly was harassed or discriminated against;
- (c) The name of the person or persons committing the alleged harassment or discrimination;
- (d) The date(s) and approximate time(s) of the alleged harassment or discrimination;
- (e) The specific nature of the alleged harassment or discrimination, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against him/her as a result of the alleged harassment or discrimination;
- (f) Any witnesses to the alleged harassment or discrimination;
- (g) Whether the employee has previously reported such alleged harassment or discrimination and if so, when and to whom;

After receiving a complaint of alleged unlawful harassment or discrimination, the recipient of the complaint shall assist the employee in filing the complaint and documenting the incident in writing and the employee shall affix their signature attesting to the accuracy and truthfulness of the complaint. All information disclosed in the complaint procedure will be held in confidence to the extent practicable and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

L-5. Review of a Harassment or Discrimination Complaint. It shall be the responsibility of the Town Administrator to coordinate the investigation and review of complaints of alleged unlawful harassment or discrimination. The Town Administrator may delegate the investigation to another Town official or employee or to an outside investigator. If the Town Administrator is the subject of the complaint, an outside investigator designated by the Mayor shall coordinate

and conduct the investigation of the complaint. The following procedures shall apply to the receipt, review, and handling of such complaints:

- (a) The person to whom the complaint is made shall immediately present it to the Town Administrator (or Mayor if the Town Administrator is the subject of the complaint);
- (b) An investigation into the alleged incident shall be promptly started;
- (c) The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of unlawful harassment or discrimination, witnesses interviewed during the investigation, the person against whom the complaint was made, and any other person contacted by the investigator in connection with the investigation;
- (d) The investigator shall notify the employee or other person accused of the alleged harassment or discrimination as promptly as practicable of the complaint and the severity of the allegations (immediate notification is not necessary if such notification would jeopardize the investigation);
- (e) The person accused of the unlawful harassment or discrimination shall be given appropriate opportunity to refute the allegations and present information and/or witnesses on his/her behalf;

Based upon the investigation report, the Town Administrator (or Mayor in the case where the complaint has been made against the Town Administrator) shall determine whether the conduct of the person against whom a complaint of unlawful harassment or discrimination has been made constitutes unlawful harassment or determination. In making that determination, the Town Administrator (or Mayor) shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question and the context in which the conduct, if any, occurred. The determination of whether unlawful harassment or discrimination occurred will be made on a case-by-case basis.

If the Town Administrator (or Mayor) determines that a complaint of unlawful harassment or discrimination against an employee or other person is founded, the Town Administrator (or Mayor) shall take immediate and appropriate disciplinary action against the employee who has committed the unlawful harassment or discrimination. Where the complaint is against a person other than an employee, the Town Administrator shall take such other action as may be appropriate.

The disciplinary action against an employee shall be consistent with the nature and severity of the offense, whether a supervisory relationship exists, and any other factors the Town Administrator (or Mayor) believes relate to fair and effective administration of the Town, including the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the Town. A determination of the level of disciplinary action shall also be made on a case-by-case basis.

If the Town Administrator (or Mayor) determines that the complaint of unlawful harassment or discrimination is unfounded, the Town Administrator (or Mayor) shall notify the employee or other person accused of the determination. Action shall also be made on a case-by-case basis.

If the Town Administrator (or Mayor) determines after reviewing the investigation report that the complaint was intentionally falsified by the employee filing the complaint, the Town Administrator (or Mayor) shall take immediate and appropriate disciplinary action against said employee.

In all cases, the person filing a complaint of alleged unlawful harassment or discrimination and the person accused in the complaint shall be provided written notice of the outcome of the complaint.

L-6. Record of a Harassment or Discrimination Complaint. All records, except those affected by the Maryland Open Records Act, concerning a harassment or discrimination complaint shall be confidential and kept in a locked file. Access shall be granted only with the Town Administrator's (or Mayor's) approval and to parties who have a direct and relevant need to know.

L-7. Non-Retaliation. Any person against whom an allegation of unlawful discrimination or harassment has been made shall not retaliate in any way against the person making the complaint or against any witnesses or any other persons connected with the complaint or its investigation.

L-8. Additional Disciplinary Action. Disciplinary action may be taken against any employee who fails to report instances of unlawful discrimination or harassment, or who fails or refuses to cooperate in the investigation of a complaint of discrimination or harassment, or who files a complaint of unlawful discrimination harassment in bad faith, or who engages in unlawful retaliation.

ARTICLE M. POLITICAL ACTIVITY

M-1. Political Activity. It is the right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations or groups, and to become involved in political activities subject to the restrictions of this Article.

- (a) As private citizens, employees may participate in all political activities, including holding public office, except where holding an appointive or elective office is incompatible with the employee's Town employment.
- (b) Any employee desiring to become a candidate for Town elective office shall first take leave of absence without pay or resign. Should an employee on leave of absence without pay be unsuccessful in seeking such elective office, he or she shall be returned to employment on the same terms and conditions as any other employee who has taken leave of absence without pay. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.

- (c) An employee's political activity must not interfere with job attendance or performance.
- (d) Employees are not permitted to solicit or handle political contributions in Town elections.
- (e) Employees are not permitted to display political badges, buttons, signs or other campaign material on their person, clothing or uniforms or on Town property during on-duty hours. Employees may not participate in political activity while in a Town uniform except to vote.
- (f) No supervisor or other person in authority shall solicit any Town employee for contributions of money or labor for any candidate for elective office, or otherwise compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.
- (g) The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any Town employee. Town employees are neither appointed to, nor retained in, the Town's service on the basis of their political affiliations or activities.

ARTICLE N. OUTSIDE EMPLOYMENT

N-1. Outside Employment. Outside employment means a Town employee holding another job with another employer. Outside employment by a full-time employee is permitted only when such outside employment: (1) is considered secondary to service with the Town; (2) reasonably would not be expected to have an adverse effect on the employee's performance of official duties with the Town or be prejudicial to the reputation of the Town; (3) no legal, financial or ethical conflict of interest results from such dual employment; and (4) the Town will not be liable for any incidents that may occur in connection with such outside employment. With approval of the Mayor, the Chief of Police may promulgate additional restrictions on outside employment for sworn officers of the Police Department.

ARTICLE O. WORKPLACE SAFETY

O-1. General Safety. All employees are required to wear appropriate safety equipment and follow appropriate safety precautions according to Town and/or departmental policy at all times, and in accordance with applicable State and federal laws and regulations.

O-2. Workplace Violence and Bullying. The Town has a policy of zero tolerance for violence and bullying. No talk of violence or joking about violence will be tolerated. It is the intent of this policy to ensure that everyone associated with the Town, including employees and citizens, never feels threatened by any employee's actions or conduct.

"Violence" includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities.

The following types of behavior are examples of bullying, but other conduct may constitute

bullying as well:

- (a) Verbal bullying such as slandering, ridiculing, or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks; personal insults and use of offensive nicknames; shouting or raising voice at an individual in a berating manner in public and/or in private; repeated criticism on matters unrelated or minimally related to the person's job performance or description.
- (b) Physical bullying such as pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; other unwanted physical contact; damaging a person's work area or property.
- (c) Gesture bullying such as non-verbal threatening gestures and use of obscene gestures.
- (d) Exclusion such as socially or physically excluding or disregarding a person in work-related activities.
- (e) Public humiliation in any form, including through electronic media.

No employee shall bring any gun or other weapon onto Town property, except for Police Department officers required to carry such gun or weapon incident to their duties.

Any employee who observes an act of violence or a physical or verbal confrontation, or hears an employee or any other person threaten an act of violence, or engage in or hears an employee or any other person threaten any act of workplace bullying, on Town property or at any Town job site, shall report the matter immediately to the employee's supervisor, Department Head or the Town Administrator.

O-3. Substance Abuse Policy. The Town has a responsibility to its employees and citizens to take reasonable steps to assure safety in the workplace and in the services it provides. To this end, the Town reaffirms its policy that the following are strictly prohibited:

- (a) Reporting for work under the influence of intoxicants, including alcohol, illegal drugs, or controlled substances.
- (b) Being under the influence of intoxicants, including alcohol, illegal drugs, or controlled substances unless under medical direction and supervision, in any manner during work hours, or while engaged in Town business, on Town property, or in Town vehicles.
- (c) The use, possession, sale, or distribution of such intoxicants, illegal drugs, any controlled substances, or related paraphernalia, in any manner during work hours, or while engaged in Town business, on Town property, or in Town vehicles. Further prohibited is the use of such drugs and/or alcohol off duty to the extent that such use negatively impacts an employee's work performance.

The use of controlled dangerous substances during covert police investigation is prohibited. Notwithstanding this prohibition and the provisions of paragraphs (a), (b) and (c) above, conditions may arise where it is necessary for a sworn police officer to ingest a controlled dangerous substance to ensure personal safety. If this occurs, the officer shall notify a supervisor as soon as possible, but in no case longer than the end of watch. The supervisor shall notify the Chief of Police who shall arrange for an immediate urinalysis drug test of the officer. The results of the urinalysis shall be documented and forwarded by the Chief of Police to the Town Administrator.

Management and supervisory staff are responsible for identifying employees who may have substance abuse issues and may test for substance abuse an employee who exhibits any outward signs of intoxication or erratic behavior or exhibits other conduct that presents reasonable suspicion to believe that the employee may be under the influence of alcohol, illegal drugs or controlled substances.

Any employee who is suspected to have engaged in prohibited alcohol, illegal drug or controlled substance related conduct under this policy shall be immediately removed from work related activity. Unless the employee's employment is terminated, the employee shall not be permitted to resume work, if at all, until the employee tests negative in a return to duty test and satisfies such other reasonable requirements of the Town Administrator.

O-4. Mission-Critical Emergency Employees. The Town Administrator may identify a cadre of mission-critical emergency employees who are expected to remain in contact with the Town Administrator at all times during any closure situation to maintain continuity of Town operations. Mission-critical emergency employees may be called to work during emergencies dealing with national security, extended emergencies, or other unique situations. The Town Administrator must identify the emergency situations in which such employees will be expected to report for work and notifying them of this policy. The Town Administrator should direct mission-critical emergency employees to report for work at their regular worksite or an alternative worksite. The Town Administrator may wish to issue communications and other equipment to mission-critical emergency employees to facilitate contact in emergency situations.

O-5. Pay Policy During Closure or Dismissal. Employees who are required to work during their regular tour of duty on a day when the Town is closed (or when other employees are dismissed early) are not entitled to receive overtime pay, credit hours, or compensatory time off for performing work during their regularly scheduled hours on such day or days.

ARTICLE P. TELECOMMUNICATIONS AND PRIVACY

P-1. Telecommunications Policy. The Town's e-mail, computer, Internet, telephone, voice mail and other electronic communications systems are Town property. These systems are in place to facilitate the employees' ability to do their jobs efficiently and productively. To that end, these systems are solely for Town purposes. Employees have no expectation of privacy in the use of these systems for any purposes. All electronic-mail messages composed, sent and received at Town computers are and remain the property of the Town. The Town also may retrieve, review and copy files that may have been deleted by the sender and receiver. Employees are not permitted to

access other employees' files and directories without a legitimate business reason to do so. The Town may intercept, monitor, copy, review, and download any communications or files, including personal files, employees create or maintain on their systems. No employee may use passwords on any part of their Town computers or computer files without the prior consent of the Town Administrator. The Town Administrator shall have access to all passwords. When using the Internet, employees shall exercise discretion and good judgment. Sending materials of a sensitive nature or materials that constitute "confidential information" is highly discouraged unless the information is properly encrypted to prevent interception by third parties.

Unauthorized use, removal or intentional destruction of data or computer and electronic communications equipment may be considered theft and/or destruction of property.

Employees may not use Town computers and the Internet for personal work or other personal purposes without first obtaining permission from the Town Administrator. Employees may not depict or store personal data or files on Town computers. Personal data or files depicted or stored on Town computers may be reviewed, retrieved, stored and/or deleted by the Town without cause or notice.

Employee communications and use of Town e-mail, computer, Internet, voice mail and other electronic communications systems will be held to the same standard as all other business communications, including compliance with anti-discrimination and anti-harassment policies. It is expected that employees use good judgment in the use of the Town's system. The Town Administrator should be notified of unsolicited, offensive materials received by any employee on any of these systems.

P-2. Electronic Mail Use. An employee may not use the electronic mail ("e-mail") feature of any Town computer or other electronic communications equipment for personal purposes or for any other purpose unrelated to the legitimate business of the Town. As used in this section, "e-mail" includes text messaging, instant messaging and similar types of electronic communications. Except for the Town Administrator acting in connection with legitimate business of the Town and in accordance with law, an employee may not:

- (a) Read e-mail of other employees without prior authorization or approval from such other officials or employees.
- (b) Encrypt any e-mail message without depositing the encryption key with the Town Administrator before encrypting the message.
- (c) Intercept, eavesdrop, record or alter another person's e-mail message.
- (d) Adopt the identity of another person on any e-mail message, attempt to send e-mail anonymously, or use another person's password.
- (e) Misrepresent the employee's affiliation with the Town on any e-mail message.
- (f) Compose and/or send e-mail messages that contain content that reasonably may be considered offensive or disruptive to a reasonable person. Offensive content would include, but would not be limited to, comments and material that would offend a

reasonable person on the basis of that person's race, gender, age, sexual orientation, religious or political beliefs, national origin or disability, or on any other basis.

- (g) Compose and/or send e-mail messages that contain libelous or slanderous material.
- (h) Send or receive software or other material in violation of copyright laws.
- (i) Use e-mail to communicate any material of a political, religious, obscene or derogatory nature.
- (j) Use e-mail to disseminate any material that is privileged by law, or restricted from dissemination by the Maryland Public Information Act.
- (k) Download, print, copy, transmit, or re-transmit defamatory, harassing, offensive, discriminatory, slanderous, libelous or otherwise inappropriate material.
- (l) Download, print, copy, transmit, or re-transmit any of the following:
 - (1) Chain-mail messages.
 - (2) Illegal or malicious communications.
 - (3) Political campaigning or solicitations.
 - (4) Chat room, blog or message board conversations.
 - (5) Anything that violates a provision of this Personnel Manual, or of Town, State or federal law.

P-3. Town-Provided Cell Phones. Cellular phones are provided to improve customer service and to enhance business efficiencies of the Town's employees. Cellular phones provided by the Town in the workplace are not a personal benefit and shall not be the primary mode of communication, unless they are the most cost-effective means to conduct Town business. Personal use of Town-issued cell phones should be limited to emergency situations. In regard to this policy, the following applies:

- (a) Employees are responsible for operating Town-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees may not use cellular phones while operating such vehicles and equipment except as authorized by Department Heads, or by the Mayor in the case of Department Heads and the Town Administrator.
- (b) The Town may seek reimbursement for additional charges in excess of \$5.00 per month resulting from personal calls.

P-4. Private Cell Phones. Town employees may carry personal cellular phones with them

while on Town time or operating Town equipment, but are subject to the following restrictions:

- (a) Excessive use of a personal cellular phone for personal business during duty hours is not allowed.
- (b) Employees are responsible for operating Town-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees must not use personal cellular phones while operating such vehicles and equipment.
- (c) The use of a personal cell phone for Town business is discouraged except for the Town Administrator and Department Heads. The Town will not reimburse an employee for such use of a private cell phone. All business calls to the Town should go to the regular telephone numbers of the Town offices or to a Town-provided cell phone.
- (d) The use of personal cell phones on the job should be limited to emergency contact from or to immediate family members. While some use of private cell phones is unavoidable, employees are expected to exercise discretion and should return non-emergency phone calls, texts messages and e-mails during breaks or during the lunch hour. Private business should not be conducted on private cell phones during work hours.

P-5. Voice-mail Privacy and Use.

- (a) The Town maintains voice-mail on its telephone system to assist in conducting the Town's business. The Town's telephone and voice-mail system, including all stations used by employees, and all related software, peripherals, data storage files and media, are and at all times remain the property of the Town. Voice-mail messages are not private, even if employees have been given passwords or security codes to access their voice-mail messages. The Town may search, review and retrieve any and all voice mail messages sent from or received at the Town's telephone and voice-mail system, whether such messages are of a business-related or personal nature.
- (b) When leaving any voice-mail message, an employee shall not engage in any act that would violate the regulations set forth in Section P-2 if the messages were conveyed by electronic mail.

P-6. Mail privacy. Any mail delivery to the Town's offices is presumed to be for Town business. The Town reserves the right to open any mail delivery to an employee at the Town's offices unless the envelope or package is clearly marked "personal", "private", or in some other manner that unequivocally indicates that the mail or package is of a personal nature and not related to Town business.

P-7. Workplace Privacy Generally. All desks, cabinets, offices, storage and work spaces and other property of the Town are subject to the control, inspection and search by Town officials, with or without cause, and without the consent of employees. Employees should have no expectation of

privacy in these areas or in this Town property. An employee who refuses to allow the search or inspection of Town property used by the employee will be subject to disciplinary action. Employees may not use their own locks on any Town property. Any employee's property or other items considered in violation of local, state or federal laws may be removed by the Town. Town officials may grant local, state or federal authorities access to Town offices and other Town work places and property to search or inspect the Town's desks, storage and work spaces, offices, contents and property to investigate possible violations of law. The Town may search or inspect an employee's personal property, including, but not limited to, briefcases, bags, packages, lunch boxes, containers, vehicles or other items that an employee brings onto Town property, including its parking lots, if Town officials have reasonable grounds to believe that Town property or contraband are concealed unlawfully in such personal property, or that the employee otherwise is using such personal property to engage in criminal conduct.

ARTICLE Q. TRAVEL

Q-1. Travel Policy. All employees using their private vehicles for authorized Town business shall be compensated at the rate per mile equal to that rate paid by the State of Maryland for State employees. All employees shall be reimbursed for actual cost of lodging, meals (excluding alcohol), tolls and parking provided receipts are submitted. Department Heads, the Town Administrator in the case of Department Heads, or the Mayor in the case of the Town Administrator, must approve overnight travel and lodging in advance.

Employees must seek the approval of the Department Head, the Town Administrator in the case of Department Heads, or the Mayor in the case of the Town Administrator, for any and all potential travel expenses. All requests for approval must outline the nature and purpose of the travel expenses. All reimbursements must be approved by the Department Head, Town Administrator, or the Mayor, as appropriate.

ARTICLE R. TELEWORK

R-1. Telework Employees. From time to time the Town may institute a telework policy. One of the major benefits of a telework program is the ability of telework employees to continue working at their alternative worksites during a disruption of Town operations. In recognition of the growing importance of teleworkers in maintaining the continuity of Town operations, the Town may require teleworkers to work when the Town is closed. Any requirement that a telework employee continue to work if the Town closes (or dismisses employees early) on his or her telework day or on any of his or her regularly scheduled workdays should be included in the employee's formal or informal telework agreement. On a case-by-case basis, The Town may excuse a telework employee from duty during an emergency situation if the emergency adversely affects the telework site (e.g., disruption of electricity, loss of heat, etc.), if the teleworker faces a personal hardship that prevents him or her from working successfully at the telework site, or if the teleworker's duties are such that he or she cannot continue to work without contact with the regular worksite.

ARTICLE S – MEDIA POLICY

S-1. Media Policy. Any media inquiries received by staff should be referred immediately to the Town Administrator or Police Chief, or the Mayor if the Town Administrator and Police Chief

are unavailable. An appropriate response to the media would be, "I'm sorry I don't have the full information regarding that issue. I will give your request to the Town Administrator who will respond to you as soon as he/she is available." Please obtain the reporter's name, phone number (cell too if "in the field"), topic of story and deadline.

Employees are not to provide comment or information to the media without the knowledge or direction of the Town Administrator.

If a staff member refers a media inquiry to the Police Chief, the Police Chief must notify the Town Administrator of the media inquiry as soon as practicable.

ARTICLE T. NON-DISCLOSURE

T-1. Non-disclosure Requirements. The protection of confidential business and personal information and records is vital to the interests of the Town. Employees may not use or disclose confidential business and personal information and records for the employee's personal purposes, or otherwise use or disclose confidential business or personal information except as expressly authorized by a supervisor or required by law or the employee's job responsibilities. The following are examples of some of the types of information and records that are considered confidential:

- (a) Personnel records and matters, including, but not limited to, personal private information about any other employee including employee addresses, telephone numbers, e-mail addresses, social security numbers, financial information, driver licenses and health matters.
- (b) Records and matters that are confidential by law, including public records or information considered confidential under the Maryland Public Information Act.
- (c) Records and matters relating to complaints to or investigations by the Town of unlawful harassment, discrimination or hostile working environment.
- (d) Information and records relating to law enforcement or employee misconduct investigations.
- (e) Information or records provided or obtained during any closed session of the Town Council.

If any employee is unclear whether particular information or records are confidential, the employee should consult with the Town Administrator before using or disclosing any such information. Any employee who improperly uses or discloses confidential information or records will be subject to disciplinary action up to and including termination of employment. Additionally, the improper disclosure of certain types of confidential information or records may be a criminal offense under State law.

ARTICLE U. MANAGEMENT RIGHTS

U-1. Retention of Rights by Town. The Town retains the sole right and authority to operate and direct the affairs of the Town in all its various aspects. Among these rights are the Town's right to determine its mission and set standards for service offered the public; to direct the work force; to plan, direct, control, and determine the operations or services to be conducted in and by the employees of the Town; to assign and transfer employees; to hire, promote, and demote employees; and to suspend, discipline, or discharge employees; to lay off and furlough employees due to lack of work or for other reasons; to make and enforce rules and regulations not inconsistent with this Personnel Manual, including the establishment of regulations prescribing permissible, required and prohibited attire in the work place; and to change methods, equipment, or facilities.

ARTICLE V. SEVERABILITY

V-1. Severability. Should any article, section, sentence, clause or phrase of this Personnel Manual be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Personnel Manual in its entirety or of any part thereof, other than that so declared to be invalid. The Town Council hereby declares that it would have adopted this Personnel Manual and each article, section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more articles, sections, sentences, clauses or phrases be declared invalid.

Acknowledgement of Receipt and Understanding

I, the undersigned, acknowledge that I have received a copy of the Employee Personnel Manual for the Town of Riverdale Park. I agree to read this Personnel Manual promptly, and notify the Town Administrator in writing if I do not understand any of the Personnel Manual's provisions, rules or regulations. I agree that I will abide by the provisions, rules and regulations of the Employee Personnel Manual, particularly including, but not limited to, Article L (prohibitions against unlawful discrimination and harassment), Section D-4 and K-6 (constituting the agreement and authorization of employees for the deduction of certain monies from an employee's final paycheck), and Section D-6 (constituting the agreement of certain employees to accept compensatory time in lieu of overtime for hours worked in excess of 40 in any work week, or hours worked in excess of 86 in a 14 day period if I am a sworn law enforcement officer). I further understand and agree that my violation of any of the policies, rules and regulations in the Personnel Manual may subject me to disciplinary action up to and including termination of my employment. Finally, I understand that, notwithstanding the right of the Town to subject me to disciplinary action, my employment with the Town is "at-will," meaning that I may end my employment with the Town at any time, with or without notice and with or without cause, and that the Town may end my employment with the Town at any time, with or without notice and with or without cause.

Employee Signature

Supervisor Signature

Employee Signature

Supervisor Signature

Date: _____