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## SECTION 1 - PURPOSE AND AUTHORITY FOR PERSONNEL REGULATIONS

The purpose of these regulations is to establish and set forth a system of uniform and appropriate personnel administration for the City of College Park personnel. These regulations are promulgated by the Mayor and Council with authority contained in Article 23A, § 2 (19) of the Annotated Code of Maryland.

These personnel regulations are an implementation of the City Charter and Code. Applicable Charter and Code references are:

<b>Charter</b>	<b>Page</b>
Article VII	
C7-1 Employment of Personnel	C:14
C7-2 Merit System	C:14
Article IX	
C9-1 Discrimination	C:19
C9-3 City Manager	C:20
<b>Code</b>	
Part I Administrative Legislation	
Ch. 4 Administrative Organization	4:1
Ch. 27 Defense and Indemnification	27:1
Ch. 38 Code of Ethics	38:1
Ch. 62 Personnel and Employee Benefits	62:1

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Note:

- All references to employees designate both sexes, and wherever the male or female gender is used alone it shall be construed to include both male and female employees.
- The Acting City Manager has authority to act for the City Manager in the City Manager's absence.
- All references to City Manager or department head shall mean any employee who has been designated with the authority to act for the City Manager or department head in a particular area of responsibility.

## **Section 1.1 - Personnel Policy Objectives**

The Personnel Regulations are written and distributed in order to communicate our policies to our workforce and to comply with federal, state, and local laws. The Personnel Regulations are not meant to create any contract between the City and its employees.

## **Section 1.2 - Responsibility of the City Manager**

The City Manager shall be the Personnel Officer and may delegate some or all of the personnel functions to the Human Resources Director or other department head. The City Manager shall be responsible for policy and direction of personnel matters contained in these regulations that shall apply to all City employees except those specifically exempt in Section 1.3. All personnel files, policies and records shall be maintained in the City's Human Resources Office.

## **Section 1.3 - Employees Excluded from Policies**

These policies shall be applicable to all employees of the City except:

- a. Elected officials
- b. Appointed board and committee members
- c. The City Manager
- d. Employees within union bargaining units only to the extent that the provisions of collective bargaining agreements are inconsistent with the provisions of these policies;
- e. Seasonal, temporary and contractual employees; and
- f. Off duty, part-time sworn police officers hired to provide supplemental police services in the City.

## **Section 1.4 - Interpretation of Personnel Regulations**

The City Manager shall have sole authority for the interpretation of these regulations and shall resolve all questions relating to the application and interpretation of these regulations. The City Manager shall have sole authority to add, amend or delete regulations and administrative policies, other than those involving issues for which authority is specifically reserved to the City Council, including §62-5 of the City Code, if it is deemed to be in the best interest of and for the administration of the City.



## **SECTION 2 - EQUAL EMPLOYMENT OPPORTUNITY**

The City of College Park provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability or other status under applicable Federal laws. In addition, College Park provides equal employment opportunity to all employees and applicants regardless of labor organization affiliation or non-affiliation, political opinion, sexual orientation, occupation or marital status. Discrimination in any form shall not be tolerated in the workplace.

No City official or employee of the City of College Park shall discriminate in hiring, firing, promotion, training, discipline or any other personnel transaction for or against any person on the basis of race, color, sex, national origin, non-disqualifying physical or mental handicap, age, religious affiliation or labor organization affiliation or non-affiliation, personal appearance, political opinion, sexual orientation, occupation, marital status, or any other legally protected status. Discrimination in any form, or sexual or other harassment, shall not be tolerated in the workplace.

### **Section 2.1 - Affirmative Action**

To further the principle of equal employment opportunity for all, the City of College Park shall consider the guidelines of affirmative action in all recruitment activities and employment actions.

### **Section 2.2 - Harassment**

The City of College Park expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, disability or other protected status, or for any reasons prohibited by these regulations. Improper interference with the ability of College Park employees to perform their expected job duties is not tolerated. Examples of such conduct would include, but are not limited to, physical contact of a sexual nature; sexual, racial, ethnic or religious related jokes, comments, insults, cartoons or innuendos; or personal conduct or mannerisms that could be construed as offensive.

It is the City's policy to take affirmative action to prevent such unwanted conduct from occurring and to deal with all such reported incidents in a fair, impartial, and prompt manner.

### **Section 2.3 - Sexual Harassment**

With respect to sexual harassment, the City of College Park specifically prohibits the following:

- a. Unwelcome sexual advances, requests for sexual favors and all other verbal and physical conduct of a sexual or otherwise offensive nature, especially where:
  - i. submission to such conduct is made explicitly or implicitly a term or condition of employment.

- ii. submission to or rejection of such conduct is used as a basis for decisions affecting an individual's employment, or
- iii. such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

b. Offensive comments, jokes, innuendos and other sexual oriented statements.

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

### **Section 2.4 - Complaint Procedure**

If an employee experiences any job-related harassment based upon race, national origin, disability or any other factor protected under these regulations, or believes that they have been treated in an unlawful, discriminatory manner, the employee should promptly report the incident to the employee's supervisor who will investigate the matter and take appropriate action, including reporting it to the department head or other appropriate official, or to the person designated to act as the Personnel Officer. If the employee believes it would be inappropriate to discuss the matter with the supervisor, the employee may bypass the supervisor and report directly to a department head or the Human Resources Director or the City Manager who will undertake an investigation. The complaint will be kept confidential to the extent possible. If, as a result of the investigation, it is determined that any supervisor or employee is guilty of harassing another individual, appropriate disciplinary action will be taken against the offending person, up to and including termination of employment. The City of College Park prohibits any form of retaliation against any employee for filing a *bona fide* complaint under this policy or for assisting in a complaint investigation. However, if, after investigating any complaint of harassment or unlawful discrimination, the City determines that the complaint is not *bona fide* or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave false information. Similarly, however, disciplinary action will be taken against any employee who engages in retaliation against any employee for filing a *bona fide* complaint under this policy.

Nothing in this regulation is intended to prevent an employee from directly contacting the EEOC to file a complaint in addition to or in lieu of contacting City supervisors or using the City's grievance procedures. Telephone numbers and addresses for the local and state offices of the Human Relations Commission and the Labor Relations and Wage Determination Board are available from the Human Resources Office.

## **SECTION 3 – NEPOTISM - HIRING & ASSIGNMENT OF FAMILY MEMBERS**

To avoid favoritism, or the perception of favoritism, in the hiring or assignment of personnel within the City workforce, family members shall not be hired or assigned, promoted or reassigned as supervisors of family members.

### **Section 3.1 - Nepotism - Family Members Defined**

For nepotism purposes, a family member is defined as anyone who is related to an individual by blood, marriage or adoption. “Family members” include but are not limited to wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, step-mother, step-father, step-son, step-daughter, aunt, uncle, nephew, niece, cousin, legal guardian, same gender domestic partner, the domestic partner’s mother, father and dependents and other legal dependents.

### **Section 3.2 - Nepotism - Supervisor Defined**

Supervisor is defined as any position in the pay plan shown as Director, Manager, Supervisor, Crew Chief or others with management responsibility.

## **SECTION 4 - RECRUITING/HIRING/APPOINTMENTS**

### **Section 4.1 - Recruiting/Advertising**

In the event of a vacancy, the City Manager may require justification for filling the vacancy from the appropriate department head. In the vacancy is to be filled, the vacant position shall be advertised both in-house to employees by posting on official bulletin boards and/or circulating memoranda and externally through appropriate means such as newspaper ads, professional journal ads, requests to State employment agencies, etc. If it is determined there are employees qualified to fill a particular vacancy, advertising may be limited to in-house postings

a. Period of Advertising

- a. Position vacancies shall be open for a minimum of 14 calendar days. Longer periods may be used depending on the position vacancy. The closing date for submission of applications shall be shown in the advertising.

b. Application Forms

- a. Application shall be made only on forms provided by Human Resources. City employees shall apply for position vacancies by the same method as outside applicants.

c. Hiring Sources

- a. Department heads shall use the applicant lists received from Human Resources as the only source for employee hiring.

d. Equal Employment Opportunity

- a. All recruiting/hiring shall be in accordance with Sections 1.1, 2 and 3.

e. High Turnover Positions

- a. Position vacancies may be advertised to establish eligibility lists. The lists shall be established by a panel process and would be valid for a period not to exceed six (6) months from closing date of the vacancy announcement.

f. Recruitment Records Retention

- a. Completed application forms, advertisement records and interview panel results shall be kept for a minimum of one (1) year or as required by law.

## **Section 4.2 - Interview Panels**

A panel shall consist of at least three members, employees and external subject matter experts as appropriate. Ideally, a panel will include at least one employee from a department other than the hiring department and/or a Human Resources staff member. Department heads shall establish balanced panels representative of the City work force as appropriate for the vacant position. An officer of the union shall sit on panels interviewing candidates for positions covered by the union contract. Whenever possible, the immediate supervisor of the vacant position shall sit on the panel.

A representative of the City Manager, or outside experts selected by the City Manager, may be appointed to any panel by the City Manager.

## **Section 4.3 - Temporary Management Appointments**

The City Manager may make appointments at the management level on a temporary basis. Such appointments may not exceed a period of six (6) months except with approval of the Mayor and Council. Temporarily appointed employees shall not be eligible for any benefits unless waived by the City Manager. Appointments shall be subject to Sections 1.1, 2 and 3.

## **SECTION 5 – PROBATION & TIME IN POSITION**

All full-time and part-time regular employees shall serve a probationary period when appointed to a position as a new employee or promoted to a position after a competitive process. The probationary period shall be used to evaluate an employee's work and performance. In the event it is determined that the employee's work or performance is unsatisfactory, the employee may be terminated or, in the case of an employee promoted after a competitive process, reassigned to a position consistent with the employee's abilities, if one is available.

### **Section 5.1 - Probationary Period**

Department heads shall serve a probationary period of twelve (12) months. All other positions shall serve a probationary period of at least six (6) months but no more than twelve (12) months. These requirements may be waived or extended at the discretion of the City Manager.

### **Section 5.2 - Interruption of Probationary Period**

An employee laid off during a probationary period shall be given credit for any portion of such probationary period, provided such employee

- a. is rehired in the same position, and
- b. rehiring occurs within one year of layoff, and
- c. work and performance prior to layoff were satisfactory.

### **Section 5.3 - Seasonal, Temporary or Contractual Employees - Probation**

Employees who are hired for less than twelve (12) months, and are hired on a seasonal, temporary or contractual basis, shall not serve a probationary period and are not eligible for any benefits. Any time served as a seasonal, temporary or contractual employee shall not be credited towards any future probationary period unless waived by the City Manager.

### **Section 5.4 – Time in Position - New and Promoted Employees**

Every newly filled position requires employee training that uses time and resources that should be used judiciously. To ensure stability of operations and maximum benefit of training time and resources, when a new employee is hired, or a current employee is promoted to a position in another department, it is expected that the employee will remain in the position for at least twelve (12) months before applying for another position in another department

The City Manager may approve exceptions to this policy on a case-by-case basis.

## **SECTION 6 - EMPLOYEE PERFORMANCE EVALUATION**

### **Section 6.1 - Performance Evaluation Objectives**

The objectives of Performance Evaluation include:

- a. A structured and recurring opportunity for supervisors to evaluate the performance of employees.
- b. A structured and recurring opportunity for employees to discuss the supervisory evaluation, provide input on the evaluation and develop future plans and goals.
- c. A basis to approve eligibility for a merit increase. To be eligible, an employee must receive at least a 3 (good) rating in all categories on her annual evaluation.
- d. A basis for determining if employees in hierarchal positions are eligible to be promoted non-competitively.
  - a. *Note:* Hierarchal positions are defined as positions that have a common base with different levels of expertise at different pay grade levels, e.g., Motor Equipment Operator or Code Enforcement Officer. The employee may be promoted, non-competitively, to a higher grade level by acquiring additional skills, as described in position descriptions. This assumes that the City requires the performance of the employee at the higher skill level and funds are available in the budget.
- e. In the case of identical seniority, a partial basis for determining order of layoff when a position is eliminated.
- f. A basis for developing training plans.

### **Section 6.2 - Periods of Evaluation**

All regular employees shall receive a Performance Evaluation at least as follows:

- a. Probationary Employees: every 90 days and at the end of the probationary period.
- b. Non-Probationary Employees: Annually.

### **Section 6.3 - Timeliness of Evaluations**

Department Directors are responsible for ensuring that performance evaluations for all employees in their departments are completed in a timely manner. Ideally, performance evaluations should be completed and submitted to Human Resources within two (2) weeks of the due date so that any merit increase, bonus or personnel action based on the evaluation is not delayed. Tardy evaluations deny employees their rights to a timely discussion of their performance and future goals.

Performance evaluations not completed and submitted to Human Resources within sixty (60) calendar days after the due date will result in the denial of a merit increase for the Department Director the next time he or she is eligible. In addition, the employee will receive any merit increase or bonus for which he or she is eligible retroactive to the due date of the evaluation.

Special performance evaluations may be rendered at the request of the employee or at the discretion of the employee's supervisor at any time.

Nothing contained herein shall be deemed to prevent a supervisor from entering comments in the employee's personnel file at any time, provided that copies of such comments are provided to the employee for review and comment.

#### **Section 6.4 – Who Prepares Evaluations**

Evaluations shall be prepared by the immediate supervisor of the employee who has supervised the employee for a period of not less than 90 days during the evaluation period. If more than one supervisor has supervised the employee for the appropriate number of days during the rating period, the preparing supervisor shall solicit input from the prior supervisors regarding the employee's performance during their part of the rating period.

Before discussing the evaluation with the employee, the preparing supervisor shall discuss the evaluation with the appropriate manager and department head to ensure that all relevant facts and information have been included.

#### **Section 6.5 - Evaluator's Review with Employee**

After review by the division or department head to ensure all relevant facts and information are included, the supervisor(s) responsible for preparing the evaluation shall discuss the performance evaluation with the employee. The employee shall be asked to acknowledge the evaluation by signing the form. If an employee disagrees with any statement in an evaluation, he may submit, within ten (10) calendar days following the conference with his supervisor, a written statement which Human Resources shall attach to the evaluation form and forward to the City Manager. After final review by the City Manager or designee, the employee shall receive a copy of the performance evaluation, with any additional statements, from Human Resources.

#### **Section 6.6 - Evaluation Confidentiality**

Performance evaluations shall be confidential and shall be made available only to (a) the employee evaluated or his named, in writing, representative; (b) his supervisor, division head, department head; (c) the City Manager. The evaluation and any attached statements shall become part of an employee's official City personnel record maintained by Human Resources.



## **SECTION 7 - SEPARATION OF EMPLOYEES**

### **Section 7.1 - Notice**

To resign or retire, an employee shall give at least fourteen (14) calendar days notice to his or her supervisor or as much time as possible prior to the employment termination date. The supervisor shall immediately notify the department head who in turn will immediately notify Human Resources to assist in a timely termination of benefits.

Employees in management positions are expected to give at least thirty (30) days notice of planned termination of employment to allow for the completion of projects, final performance evaluations of employees they supervise and other related management responsibilities.

### **Section 7.2 - Abandonment of Position**

An employee who, without written notice to his or her supervisor, fails to report to work for three consecutive work days without authorized leave shall be considered to have abandoned his or her position. The employee shall be notified in writing of the termination of employment at the employee's address on file with the City and the notification shall include any rights of appeal to which the employee may be entitled.

### **Section 7.3 - Reduction in Force (not applicable to seasonal or temporary employees)**

- a. All plans for reductions in force shall be approved by the City Manager.
- b. Under a reduction in the work force, employees shall be laid off on the basis of the following factors: length of service with the City compared to others in the same job classification, (each full year is one (1) point), plus the cumulative numerical performance rating for the last rated period.
- c. Employees affected by a reduction in force shall be notified in writing by the City Manager at least fourteen calendar days prior to the effective date of the reduction.
- d. If an employee is scheduled to be laid off, the employee shall be offered a reassignment to another position if a vacancy exists and the employee meets minimum qualifications to fill the position. If the employee declines an offer for a position at the same pay, the City has no further obligation to place the employee. He shall not be eligible for placement on a re-employment list.

### **Section 7.4 - Re-Employment Lists**

The Office of Human Resources shall create and maintain all re-employment lists.

- a. A regular employee who has been laid off as a result of a reduction in force or the abolition of a position shall be offered placement on a re-employment list for

positions for which the employee may be qualified. An employee shall be retained on a re-employment list for up to one year. If an employee has not been re-employed by the City within one year, his name shall be removed. If an employee declines a re-employment offer, his name shall be removed from the list. Names shall be placed on re-employment lists in accordance with Section 7.3(b) of the regulations.

- b. Seasonal or temporary employees who are laid off at the end of the season or assignment may be offered placement on a re-employment list for seasonal or temporary positions. If placement is accepted, the employee shall be retained on the list for up to six (6) months. If the person declines a re-employment offer, his name shall be removed from the list.

### **Section 7.5 - Break in Service**

An employee who is re-employed within a period of thirty (30) calendar days after his layoff or separation shall be assumed to have been in continuous service for the purposes of leave accrual. Except for the period between date of layoff or separation and re-employment, he shall be entitled to all annual and sick leave benefits which other employees receive based upon length of service.

### **Section 7.6 - Loss of Job Qualification(s)**

Employees are required to maintain any licenses, certifications or other credentials (“Job Qualifications”) required for their position. Employees who lose any required Job Qualifications must notify their supervisor and Human Resources immediately. Proper notice must include a statement of the Job Qualification lost, the date that the Job Qualification was lost (if known), the reason the Job Qualification was lost, and a statement of whether/when the lost required Job Qualification can be reinstated. (For example, if your driver’s license is suspended or revoked on January 23, 2011 because of unpaid parking tickets, you must notify your supervisor immediately and inform him or her when the license will be reinstated.) Any employee who fails to notify the employee’s supervisor and Human Resources of a lost Job Qualification in accordance with this policy will be subject to disciplinary action and possible termination.

Upon receipt of notice of Loss of Job Qualifications, the supervisor will work with Human Resources and the employee to determine: the date by which the Job Qualification must be reinstated in order for the employee to retain his or her employment; whether the employee will be entitled to remain in his or her position (or an alternative position, if available) while awaiting reinstatement of the Job Qualification; and/or whether some other accommodation is appropriate and available.

### **Section 7.7 - Exit Interview**

The City Manager may conduct an exit interview with any employee terminating his employment with the City. Directors or Managers may conduct exit interviews with employees in their departments, offices or sections who are terminating employment with the City.

## **SECTION 8 - DISCIPLINE**

The City has a disciplinary policy that includes several types of discipline. The goals of the discipline policy are to assure that City employees comply with reasonable standards of behavior; to assist employees in attaining satisfactory performance; and to help build a respectful, lawful, and safe working environment. The level of disciplinary action shall be consistent with the severity of the offense and shall be considered in totality with any other disciplinary actions recorded in the employee's personnel file. The City reserves the right to modify or apply the policy in any way it deems appropriate for the circumstances, including acceleration of steps, exclusion of steps, or repetition of steps. Employees who develop several different problems that require discipline do not start over in the process with each new offense.

All disciplinary actions must be discussed with the employee, documented and forwarded to Human Resources for inclusion in the employee's personnel file.

### **Section 8.1 - Basis for Discipline**

The following are some illustrative examples of what constitutes cause for disciplinary action up to and including discharge. This list is not intended to be all-inclusive.

- a. Prohibited political activity as defined in Section 19.
- b. Receiving money or things of value from others for political purposes or receiving a favor when it can be construed as favoritism, coercion, unfair advantage, or collusion in matters pertaining to the City.
- c. Conflicts of interest in the award of City contracts.
- d. Willful or repeated negligence in performing duties.
- e. Failure to obey lawful or responsible direction.
- f. Violation of laws, work rules, personnel regulations, administrative policies or department rules.
- g. Misuse of public funds.
- h. Falsifying reports or records, oral or written.
- i. Abuse or misuse of City property.
- j. Theft of City-owned property or property of others on City premises.
- k. Possession, use of, or under the influence of alcohol or illegal substances, or misuse of legal substances while on duty.

- l. Excessive tardiness and/or absenteeism without extenuating circumstances in the judgment of the department head.
- m. Unsatisfactory job performance.
- n. Dishonest or discourteous treatment of the public or co-workers.
- o. Possession of firearms or other weapons while on duty or on City property.
- p. Refusal to be examined by a licensed medical practitioner of the City's choosing for a job-related purpose.
- q. Engaging in violent verbal or physical behavior against a fellow employee or member of the public.
- r. Engaging in sexual harassment against another City employee or member of the public.
- s. Conviction of a felony or incarceration for a misdemeanor exceeding one week.

## **Section 8.2 - Types of Discipline**

### **Section 8.2.1 - Written Counseling**

This level of discipline is for a minor infraction or an issue that could grow into something more significant.

### **Section 8.2.2 - Written Reprimand**

More severe than a written counseling, a written reprimand may be issued as a first disciplinary step at the supervisor's discretion.

### **Section 8.2.3 – Suspension or Final Written Reprimand**

Suspensions without pay shall normally not exceed five (5) working days and may be imposed by department heads with approval of the Director of Human Resources and the City Manager. Suspension would normally begin no later than five (5) working days after:

- a. the offense, or
- b. when management could reasonably be expected to be aware of the event or situation,  
or
- c. the conclusion of a prompt investigation regarding the event or situation.

Suspension days must be consecutive scheduled workdays.

A department head, with the approval of the City Manager, may suspend an employee, with or without pay, for an indefinite period if it is deemed in the best interest of the City during an investigation of a disciplinary matter, or hearing, or trial of an employee for any civil or criminal charges.

There will be some serious situations when a suspension would not be an appropriate final disciplinary action (e.g. poor attendance, inability to perform a job function). In those cases, a manager may choose to issue a final written reprimand in lieu of a suspension. The final written reprimand should clearly state that any further infractions or problems will result in termination of employment.

#### **Section 8.2.4 - Discharge**

An employee shall be notified in writing when their employment is being terminated by the City. The City shall include a statement of the primary reasons for termination. Employees may grieve the decision to terminate their employment in accordance with Section 17 of these Personnel Regulations.

#### **Section 8.3 - Employee Rights Following Disciplinary Action**

- a. A regular employee who has been disciplined has the right of appeal through the City's grievance procedure (See Section 17).
- b. At the employee's written request and provided the employee has not been disciplined during the thirty-month period, records of any discipline over thirty (30) months old not involving discharge, suspension, or demotion shall be removed from the personnel file and destroyed.

#### **Section 8.4 – Confidentiality of Disciplinary Action**

The City will use its best efforts to keep disciplinary action confidential and limited to those with a need to know, including Human Resources, the employee, the employee's representative and supervisors, and the City Manager. However, there will be times when such limitation is not possible.

## SECTION 9 - EMPLOYEE DEVELOPMENT AND TRAINING

Employee development programs are an integral part of personnel training and management. The City Manager, department heads and supervisory employees should promote employee development and encourage employees to participate in job-related training programs within the parameters of the adopted budget. Training needs may be identified as part of the employee performance evaluation process or by City management.

### Section 9.1 - Training Categories

Training categories are:

- a. Voluntary training undertaken for job-related self-improvement outside duty hours.
- b. On-the-job training, either at City facilities or off-site, to encourage improved employee performance. This includes conferences and seminars paid for by the City and attended during working hours.
- c. Extended full time training at an educational facility that is ordered by the City and where the employee is paid the equivalent of his salary while in training.

### Section 9.2 - Reimbursement of Voluntary Education or Training Expenses

This benefit is not available to new hire probationary, seasonal or temporary employees. When an employee voluntarily enters into a job-related education or training program outside duty hours, the City may reimburse one-half of the costs of tuition, textbooks and other directly related expenses. This payment may take the form of a reimbursement to the employee upon satisfactory proof of payment, or repayment of an advance by payroll deduction, under the following conditions:

- a. The department head pre-approves and states that the education or training is job related and shall enhance the employee's capabilities, and
- b. Sufficient funds are in the department's adopted budget, and
- c. The employee successfully completes the education or training for which reimbursement or advance monies are approved.

An employee who receives advance monies or reimbursement for the costs of a voluntary job-related education or training course or program, must repay the City in full if he or she ends employment with the City within one (1) year after completion of the course or program to which the City contributed to the cost. Payment in full includes both the monies provided by the City as the City's percentage of the cost in addition to the monies advanced or reimbursed to the employee for his or her percentage of the cost. To the extent permitted by law, the City may collect such amounts from any sums due to the employee at the time of ending of employment. No repayment is required if the ending of employment is the result of a City ordered reduction in force or lay off.

If an employee fails to pass a course of education or training, any advanced monies must be repaid in full and reimbursement for allowed expenses shall not be provided. Pass is defined as at least a 'C' if letter grades are assigned. Advanced monies includes both the monies provided by the City as the City's percentage of the cost in addition to the monies advanced to the employee for his or her percentage of the cost. The City will not contribute, advance or reimburse monies for the cost of an education or training course or program taken a second time due to failure to pass or complete the course the first time.

### **Section 9.3 - Reimbursement of On-the-Job Training Expense**

Attendees at conferences and seminars shall be reimbursed for travel, lodging and other out-of-pocket costs incurred by the employee. These expenses are reimbursed to actual or Internal Revenue Service (IRS) allowed per diem rates when documented on City approved expense forms and authorized by the employee's supervisor. Expense advances are available when appropriate.

### **Section 9.4 - Costs of Extended Training**

The City shall provide the funds for all tuition, books and related expenses of City ordered extended training with the exception of room and board. The employee shall be advanced the equivalent of his regular salary while completing the training. In the event the employee is either terminated for cause or voluntarily resigns within one (1) year of completing the training program, or fails to complete (pass) the training program, the employee shall reimburse the City for all funds provided by the City, including the salary advance. After completing one (1) year of service subsequent to the training, the salary advance will be considered paid in full.

### **Section 9.5 – Extra Credentials**

As an incentive to encourage employees to further their skills and abilities, the City will give an additional one (1) or two (2) steps in an employee's pay grade for earned, additional, job-related certifications, licenses, credentials or degrees that are not listed in the employee's job description as required or preferred. For example, a Commercial Driver's License is required for some positions, but an employee who earns the extra passenger endorsement has furthered his or her skills and is therefore a more valuable employee. The City will recognize this added value by giving the employee an additional step or steps in the pay grade. The extra step(s) awarded will not change the employee's anniversary date for annual evaluation and merit increase eligibility purposes. This benefit is not available to new hire probationary, seasonal or temporary employees.

#### **Section 9.5.1 – Extra Credentials List**

The contents of the list and steps awarded may be changed at the discretion of the City Manager.

Extra Credentials	Steps
Licensed Social Work Associate	2

Licensed Certified Social Worker – Clinical	2
Licensed Clinical Professional Counselor	2
Registered Play Therapist	1
Registered Play Therapist-Supervisor	1
AICP (Planning)	2
CecD (Planning)	2
CDL- Passenger Endorsement	1
Associates Degree (Job Related)	1
Bachelor’s or Higher Degree (Job Related)	2

**Section 9.6 – Performance Improvement Plans**

A Performance Improvement Plan (PIP) is a limited time opportunity for an employee, with training and guidance from the supervisor, to improve his performance before disciplinary action may be necessary. The goal is to raise all performance categories up to the level of satisfactory.

**Section 9.6.1 - Timing and Length of a PIP**

The length of PIP shall not usually exceed 90 calendar days. A PIP may be extended if improvement has been made and is ongoing. The supervisor shall not wait until the time of the annual evaluation to inform an employee that his/her performance has been unsatisfactory. A PIP should be initiated when an employee’s performance has fallen below satisfactory and does not immediately improve after counseling. The initiation of two or more PIPs in a twelve-month period may be grounds for dismissal.

The length of a PIP is a management decision that should give an employee sufficient time within the guidelines of this policy to reach a satisfactory performance level. As a general guideline, a performance rating of 1 may result in a PIP lasting 90 days and a performance rating of 2 may result in a PIP lasting 60 days.

**Section 9.6.2 – PIP for Attendance**

A PIP is not usually initiated for attendance when this is the only performance category that needs improvement. Because attendance is solely an employee’s responsibility, supervisors are unable to assist, coach or train an employee to a satisfactory rating in this particular performance category. If attendance is unsatisfactory, a supervisor should proceed with counseling and then if necessary, initiate progressive disciplinary action.



### **Section 9.6.3 – PIP Documentation**

A written PIP memorandum is prepared and presented by the director and/or supervisor and should contain:

- Beginning and ending dates of PIP
- Areas targeted for improvement
- Specific expectations and goals to be met before the end of the PIP period
- Schedule of periodic, documented progress meetings (minimum of one per month with the director and/or the supervisor)
- Consequences of failure to meet goals and expectations by the end of the PIP
- Signature lines for employee, supervisor and director

### **Section 9.6.4 – Performance Evaluation Ratings after a PIP**

A PIP started and successfully completed during the annual evaluation period, will count as an extenuating circumstance for annual evaluation purposes. For example, several months into the annual evaluation period, an employee has a PIP initiated. During the PIP, the employee improves in this area and has met the goals and expectations by the end of the period. From then until the annual evaluation date the employee's performance remains satisfactory. At the time of the annual evaluation, even though the employee may have struggled in a particular rating category, the successfully completed PIP will count as an extenuating circumstance and allow for a rating of satisfactory. This should be noted in the written explanation of rating.

### **Section 9.6.5 – PIP - Merit Increase, Promotion, & Date of Annual Evaluation**

An employee cannot be awarded a merit increase or promotion during a PIP, however this does not bar the employee from applying for other positions that may be open. A PIP is an employment action, and as such, will establish a new date for annual evaluations and merit increase eligibility if the PIP period extends beyond the end of the rating period or has been initiated as a result of the annual performance evaluation. A PIP started and successfully completed within a rating period will not establish a new date.

### **Section 9.6.6 - Retroactive Pay after PIP**

If a PIP extends beyond an annual evaluation date, and a new date is thereby established, no retroactive pay will be awarded back to the prior date. Exceptions will be granted only for the supervisor's failure to evaluate and inform the employee in a timely manner, i.e. within one week after the scheduled annual evaluation date. In these circumstances, retroactive pay will be awarded only for the period between the former annual evaluation date and the PIP initiation date

## **SECTION 10 - OFFICIAL PERSONNEL FILE**

A personnel file for each employee is maintained by Human Resources and is the only official source of information regarding the employee. All information regarding an employee's medical condition, including the results of alcohol/drug screening and/or referral to an Employee Assistance Program will be treated as a confidential medical record and maintained apart from the personnel file. No one will be allowed access to confidential medical records, or any part of an employee's personnel file except the employee and those persons with an official need to know.

### **Section 10.1 - Personnel File Contents**

The Personnel File shall contain all information that affects the status of the employee.

File contents include, but are not limited to:

- Original applications and resumes
- Hire and appointment letters and pre-employment information
- Performance evaluations and corresponding personnel actions
- Payroll deductions and tax information
- Benefit enrollments
- Signed receipts of policies, information and City property.
- Training and education certificates
- Awards and recognitions
- Disciplinary actions

### **Section 10.2 – Employee Review of File Contents**

An employee may inspect his personnel file during normal business hours upon reasonable notice to the Human Resources Director.

### **Section 10.3 - Records Retention**

Personnel and medical files shall be kept for at least the minimum number of years required by law after termination of employment either in the original or otherwise copied.

### **Section 10.4 - Public Information**

The following information relative to employees and former employees is available to the public at reasonable times: name, position, salary range, and dates of employment. Only designated Human Resources and Finance Department staff are authorized to distribute this information.

## **SECTION 11 - PAY PLAN AND POSITION CLASSIFICATION**

### **Section 11.1 –Pay Philosophy**

As an employer, the City of College Park embraces a fair and equitable compensation plan to support achievement of the following goals.

1. The City strives to provide a total compensation program that is fiscally sound and equitable in the defined marketplace.
2. Benchmarking of select classifications is used as a best practice for compensation of similar positions.
3. Competitive ranges are established for all positions to provide the flexibility needed to adapt to market changes, maintain internal equity, and address needs of the City that will ensure a high level of service to the residents of the City.
4. Starting pay for new employees is based upon education and work experience related to positional requirements as well as market conditions.
5. Pay adjustments, other than allowances and supplements, are provided to employees when appropriate to address equity, market responsiveness, and consistency in the administration of the City's compensation program.
6. Employees are eligible for pay increases resulting from true promotions and reclassifications.
7. Part-time/temporary employees may not be eligible for the same benefits as full-time employees.
8. Fair Labor Standards requirements will be applied fairly and consistently to applicable positions.
9. Benefit plans and other non-cash compensation plans are reviewed periodically for competitiveness, cost effectiveness, and their value to employees and the City.
10. Pay ranges are reviewed as needed.
11. All final decisions on the administration of pay changes are subject to approval by the City Manager or their designee.

## **Section 11.2 – Pay Guidelines**

### **Section 11.2.1 - Definitions**

#### **1. Position**

A position is a group of assigned duties, responsibilities and specifications requiring the full or part-time employment of at least one person. A position may be occupied or vacant. All positions shall have a job description.

#### **2. Class**

A class is a group of one or more positions that has a similar level of responsibilities; requires a similar level of qualifications and would be equitably compensated by the same salary range or pay grade.

#### **3. Pay Grade**

A market-based range of pay consisting of pre-defined steps from a minimum to a maximum. Employees may move from one step to another based on satisfactory performance during their anniversary year.

#### **4. Pay Range**

A market-based range of pay consisting of a minimum, a market-point and a maximum. There are no pre-determined steps and individuals paid within a pay range will be move based on their performance evaluation, budget parameters, and approval of the City Manager.

### **Section 11.2.2 - Job Descriptions**

Job descriptions shall include a list of the essential duties, required education and experience and FLSA exempt or nonexempt status. A job description is intended to indicate the class/pay grade to which a position shall be allocated and may cover several positions in various departments responsible for some or all of the same essential duties.

### **Section 11.2.3 – Pay Policies**

#### **Section 11.2.3.1 - New Position**

When requesting a new position, the department head shall provide the required detailed information in a format acceptable to the Human Resources Director for development of a job description and position classification. All new positions must be approved by City Manager and Mayor and Council.

### **Section 11.2.3.2 - Change in Current Position and Request for Reclassification**

To request a re-evaluation of a position's classification, the changes in the duties and responsibilities must be permanent and have lasted for at least one year. The employee shall complete a Job Assessment Questionnaire (JAQ) for review by the employee's supervisor. If the supervisor agrees that new duties and responsibilities have permanently changed the position, the supervisor shall approve by signature and forward the JAQ to the department head. The department head shall review the JAQ and if he or she agrees that new duties and responsibilities have permanently changed the position, the director shall approve by signature and submit the JAQ to the Human Resources Director for re-evaluation of the position's classification and an updated job description.

After evaluation, the Human Resources Director will submit to the City Manager any new or changed position classifications that are recommended for approval. The City Manager's decision is final and shall not be subject to the grievance procedure. Those not recommended for approval by the Human Resources Director will be returned to the department head with notification to the City Manager. Any new or changed position classifications approved by the City Manager will be part of the City Manager's proposed budget for the following fiscal year or submitted to Mayor and Council at a time of the City Manager's choosing. Mayor and Council approve all positions, and position classifications.

### **Section 11.2.3.3 -- Reclassification and Promotion**

1. When a job has been reclassified to a higher pay grade or an employee has been promoted to a higher pay grade, the employee's salary shall increase at least 5.0% in the new pay grade that includes the new salary, but is not more than the maximum salary of the new pay grade.

If the reclassification or promotion results in an upgrade of one pay grade, the pay raise will be moved upward at least 5.0% in the new pay range. An upgrade of two or more pay grades will be eligible for an additional 2.2% increase for each additional pay grade, up to a maximum of 13.8%. Any increase of more than 13.8% would require documentation by City of College Park's Human Resources Director and approval by the City Manager.

For general reclassifications done as a result of an internal or external compensation study, or as a result of a normal budget process review, if the employee has been in the position since on or before first day of the fiscal year, the effective date of this change will be the first day of the fiscal year.

Otherwise, for an individual reclassification done outside the normal budget cycle, the effective date of the pay increase will be consistent with the next full pay period.

Reclassification, promotion or changes in pay grade, whether resulting from an internal or external compensation study or individual change in pay grade, shall *not be* retroactive.

Internal Equity Adjustments as a result of the implementation of a system-wide study

shall not be subject to the same guidelines as the “Reclassification” guideline. Internal Equity Adjustments can be the result of the application of a formula, applied to all positions in the same pay plan, and are done to ensure that employees’ salaries are internally equitable and are not done to reflect an individual “job audit” of a single member incumbent. Internal Equity Adjustments are also not tied to performance measures. *The City Manager may determine an Internal Equity Adjustment strategy that is separate and apart from the guidelines that cover reclassification.* Internal Equity Adjustments, resulting from an internal or external comprehensive review, can be to a higher, or lower, pay grade and are not considered a reclassification, promotion or demotion.

2. When a job has been reclassified to a lower pay grade, the affected employee(s) shall have their pay grade adjusted accordingly. If the employee’s salary is within the salary range of the new pay grade, it will be adjusted to the closest range position that includes the employee’s salary prior to reclassification. The effective date will be the day following the Council adoption date and the change will be reflected in the next full pay period. Any cost-of-living adjustments given to all employees will be given in a lump sum to employees who are over the pay range maximum and will not be added to their base pay.

If, after the pay grade adjustment, the employee(s) salary is greater than the maximum salary of the new pay range, the employee will continue to be paid at the higher rate of pay and will be ineligible for any pay increase until such time as a general structure adjustment will provide for additional pay.

3. In cases of promotion, there may be times when the uniqueness of an individual job and level or necessary skills *required by the City*, (and not just possessed by the incumbent), may require a higher salary schedule placement than stipulated in this section. Under such circumstances, the Human Resources Director may recommend to the City Manager *a higher salary placement within the new assigned pay grade.*

#### **Section 11.2.3.4 – Lateral Transfer**

A lateral transfer occurs when an employee is transferred from one job class to another in the same pay grade. When there is no change in pay grade there shall be no adjustment in base salary. A lateral transfer is not considered a reclassification or a promotion.

#### **Section 11.2.3.5 – Demotion**

A demotion occurs when an employee is transferred from one job class to another and the new job class is in a pay grade (or pay range) that is less than the origination pay grade (or pay range). Any changes in pay as a result of a demotion will normally be effective the date of approval and reflected in the next full pay period. In most cases, the rate will be adjusted downward to the step in the new range that is closest to the step that includes the employee’s salary prior to reclassification.

## **Demotions can occur for several reasons:**

- a. ***Demotion requested by Incumbents:*** In some cases, an incumbent will request a demotion to a different job class in a lower pay grade (or pay range). Any reduction in salary would take effect within the next pay period.
- b. ***Demotion for disciplinary reasons:*** Any reduction in salary would take effect within the next pay period.
- c. ***Demotion for the good of the City:*** If the demotion is at the request of the City for the good of the organization, there would be no reduction in salary. This is done when the assignment to the new, lower level position is needed to fill a critical need and usually is done on a short-term and/or emergency basis. This type of action, if there is no long-term need, is better handled/managed through a temporary assignment. However, it is possible that a demotion for the good of the City could occur on a long-term basis. This type of demotion would have to be approved by the City Manager. No decrease in salary would occur even if the current salary exceeds the maximum of the newly assigned range.

### **Section 11.2.3.6 - Temporary Assignment(s)**

1. “Acting” or temporary assignments occur when the City recognizes a critical job assignment need that must be met and cannot be met through the normal recruitment process. This can occur when an unexpected vacancy occurs; when a mission critical job cannot be filled in a timely fashion; or when a mission objective changes abruptly and requires an immediate action.
2. Temporary or “acting” assignments would be anticipated to last more than 30 days, but less than 6 months. A temporary or “acting” assignment is to fill a vacancy and not to assume the duties of another employee who is on approved leave, i.e. vacation, holiday, medical, or other short term absence(s).
3. If the position assigned is lower in pay grade (or substantially equivalent pay range) this would not result in a lower salary for the assigned employee even if the salary exceeded the maximum of the new pay range.
4. If the position assigned is higher in pay grade increase and extends beyond 30 days, but less than 6 months, there should be a 5.0% increase to move to in the new pay range. An upgrade of two or more pay grades will be eligible for an additional 2.2% increase for each additional pay grade, up to a maximum of 13.8%, not to exceed the maximum of the assigned range. Employee’s receiving temporary assignment pay shall sign an agreement acknowledging the understanding that they are receiving “Temporary Assignment Pay” and also acknowledging understanding that when the temporary assignment ends, the “assignment pay” will also end. The City may also decide to pay this in a lump sum periodically during the assignment.

### **Section 11.2.3.7 – New Hires**

1. The hire rate for a new employee with no equivalent and/or relevant level experience is the minimum of the salary range to which the job classification is assigned.
2. New hiring rates (or re-hire rates) for employees may consider directly relevant experience and/or experience that can be verified by the Human Resources Department. Starting salaries will be considered based on the length of the experience on a one year of credit for two years of experience, up to a maximum of five years of credit. *Employees who have left the City and have been officially terminated will be re-hired using this formula and will not be rehired at the previous salary.*
3. Internal Equity is an equally important consideration in filling a vacant position. Before a salary offer is made, Human Resources will also consider the current salaries and length of service in the same/similar job class or classes of current incumbents. It is the policy of the City to make every effort to avoid inverted salary relationships by bringing in newly hired employees at a salary or rate that exceeds the current salaries of comparably placed existing employees in the same/similar job class.
4. The Human Resources department may additionally consider current salary if the open position is determined to be a “hard to fill” position. “Hard to fill” positions will be determined by the Human Resources Department and will be based on the length of time the position has remained unfilled, the difficulty to recruit, and the market conditions of the position, at the time of a vacancy.
5. For Directorships or Assistant Director level positions, the qualifications of the applicant and/or the needs of the City provide the discretion to hire anywhere within the range. However, consideration should still be given to existing salaries of other employees who are in directly comparable leadership positions.

### **Section 11.2.3.8 – Maximum of the Range**

Ranges are established to reflect the market value of a job and not an incumbent. Once an employee reaches the maximum of his/her assigned range, the salary is frozen and the employee is not eligible for any additional compensation to the base pay unless there is a range movement that would result in a higher maximum. Any cost of living adjustments given to all employees will be given in a lump sum to employees are over the pay range maximum and will not be added to their base pay.

### **Section 11.3 – Shift Differential**

Shift Differential is \$1.00 per hour compensation to Public Services field employees whose schedule includes hours worked after 5:00 p.m. and before 6:00 a.m. daily. This payment does not apply to overtime hours as an employee cannot receive two incentive pays for the same hours.

If an employee requests to work a different shift for their convenience and the requested hours include working after 5:00 p.m., shift differential will not be paid.



#### **Section 11.4 - Review of Pay Plan**

The City Manager shall review the pay plan prior to or concurrent with the annual submission of the proposed budget to Mayor and Council

The rates of pay for each class of positions that are recommended by the City Manager shall be approved, rejected or modified by the City Council. The Pay Plan approved by the City Council for a given fiscal year is the basis for employees' pay in that fiscal year.

## **SECTION 12 - PAYROLL ADMINISTRATION**

### **Section 12.1 - Anniversary Date**

An employee's date of employment is the anniversary date for computing service longevity, establishing initial eligibility for benefits, and the date for annual performance evaluations and merit increase eligibility. An employment agreement, promotion or other personnel action may establish a different date for evaluation and merit increase eligibility, but the anniversary date for service longevity and benefits remains the date of employment.

### **Section 12.2 – Paydays**

Paydays are every other Friday, encompassing the two-week pay period ending the Friday before the payday. There are generally 26 pay periods in a calendar year.

### **Section 12.3 – Distribution of Paychecks and Direct Deposit Statements**

Direct deposit of bi-weekly paychecks is mandatory for all employees.

Finance department personnel shall deliver direct deposit statements on payday to an authorized person in each department. This authorized person shall be responsible for safekeeping of the checks and statements and delivery to the department personnel.

If an employee wishes to have his check stub mailed or picked up by someone other than the authorized person in his department, a signed authorization must be submitted to the Finance department. Without this authorization, the check stub will be held until the employee claims it.

Unless prior arrangement with the Finance department is made, direct deposit statements of terminated employees shall be mailed to the home address on file with the City.

### **Section 12.4 - Attendance Records/Timesheets**

Each department head or designee is responsible for approving the attendance record of all persons in the department. Records of attendance shall be maintained and certified by the department head and forwarded to the Finance department for processing.

All time records are rounded to the nearest 15-minute increment and no payroll payment is made in a unit smaller than 15 minutes.

The Finance Director shall be responsible for determining that each employee on a given payroll is correctly compensated in accordance with the law and City policies. If errors are detected in payroll, the Finance Director shall take appropriate action to correct the error and notify the appropriate department head.

## **Section 12.5 - Verification of Employment and Salary**

Only designated Human Resources and Finance staff members have the authority to verify employment and salary of current or former employees.

Unless otherwise required by law, or allowed by the employee's signed release, the information released is limited to name, position, salary range of position and dates of employment.

## **SECTION 13 – HOURS OF WORK, FLEXTIME, TIMEKEEPING, OVERTIME, COMP TIME, and BREAK TIME FOR NON-EXEMPT EMPLOYEES**

### **Section 13.1 - Hours of Work**

The normal work week begins at 12:00 a.m. on Saturday morning and ends at 11:59 p.m. the following Friday. The normal full-time work week consists of 40 paid hours over five days, each with eight paid hours plus a 30- to 60-minute unpaid meal period to be taken near the middle of the shift.

### **Section 13.2 – Alternate Work Schedule**

With the advance written approval of the City Manager and Director of Human Resources, department directors may establish alternate work schedules within their departments provided that adequate staffing is maintained for operations and service to the public.

A full-time alternate work schedule would include 40 hours of work within the work week described above, but may include longer or shorter work days. Any work day of eight hours or longer must include 30 to 60 minutes of unpaid break or meal time.

Some departments, due to operational necessity, may be unable to offer alternate work schedules for particular positions, or during certain times of year, or at all.

### **Section 13.3 – Timekeeping**

All employees are required to keep a record of their time worked and their paid time off (i.e., vacation, sick, personal, or other paid time off, normally requested and approved in advance). Most hourly employees record their time by “punching in” at the beginning of their shift and “punching out” at the end of their shift and whenever they leave work during their normal working hours.

For example: The work shift starts at 8:00 a.m. and ends at 5:00 p.m., and the employee punches in and out at the beginning and end of the shift. The employee takes an unpaid lunch break from 11:30 to 12:30. The department may or may not require that the employee punch in and out for that break. The employee is paid for eight hours on that day. If the employee does not get the one-hour unpaid break, they must notify the supervisor of that and the supervisor will pay them for any time worked. If an hourly employee leaves and returns to work at any other time, they must punch in and out (or otherwise record their time away) so the non-worked time can be deducted or paid by using accrued leave time.

### **Section 13.4 – Overtime for Non-Exempt Employees**

Employees covered by the Fair Labor Standards Act (FLSA) must receive overtime pay for hours worked in excess of 40 in a work week at a rate not less than time and one-half of their

regular rate of pay. These employees are paid per hour and are referred to as “non-exempt” or “hourly” employees.

Supervisors shall arrange employee work schedules so as to accomplish the required work within the standard workday and workweek whenever possible. The department head shall grant approval, normally in writing, for overtime work prior to the work being performed. Working unapproved overtime may subject an employee to disciplinary action. A supervisor may adjust a work schedule within a work week to avoid working overtime. For example, if nonexempt employees work “extra” time early in a work week, the supervisor may send them home or ask them to come in late later in the work week so the total hours actually worked in that work week will not exceed 40.

No member of City management is authorized to require or permit a non-exempt employee to work without recording the time and being paid for the time. Likewise, no employee is permitted to volunteer or otherwise agree to do so. An employee who believes that they are being required to perform work “off the clock” should immediately report the matter to Human Resources or the City Manager so that appropriate action may be taken.

### **Section 13.5 - Overtime and Compensatory (Comp) Time Options for Non-Exempt Employees**

When non-exempt employees are required to work overtime they may have the option of taking paid overtime or compensatory time. The option chosen will apply to all overtime worked in the same pay period.

If the employee selects paid overtime, he or she shall receive time and one half (1½) for each hour of overtime in accordance with the current FLSA regulations.

If the employee selects compensatory time, he or she shall receive one and one half (1½) hours of compensatory time for each hour of overtime worked. An employee may carry a balance of up to fifty-six (56) hours of compensatory time to be used before the end of the calendar year. Any overtime worked by an employee carrying the maximum balance of fifty-six (56) hours of compensatory time shall automatically be paid at the overtime rate until the balance goes below the maximum.

Use of compensatory time shall be requested and approved using the same procedures and guidelines as use of annual leave. Any unused compensatory time will be paid out at the end of each calendar year.

### **Section 13.6 – Break time for Non-Exempt Employees**

Non-exempt employees are allowed a paid 15-minute break during each period of work of at least four hours duration. This break is to be taken in the middle of the period whenever feasible, in accordance with schedules that may be established by department managers or directors. There will be no additional pay for breaks that are not taken and breaks may not be used to shorten the workday.

## **SECTION 14 – TIMEKEEPING, WORK SCHEDULES, and “EXEMPT TIME” FOR EXEMPT EMPLOYEES**

Employees in positions that are exempt from the Fair Labor Standards Act (FLSA) are paid for the work performed, not the time it takes to do the work. They are paid a fixed salary that takes into consideration the executive, professional, or administrative responsibilities of the job and are exempt from the FLSA requirement of overtime pay. For the fixed salary period, exempt employees typically work all hours required to complete the job, which may be in excess of 40 in a week. Federal law does not require that employers provide overtime or any additional pay to these employees and the City does not do so.

### **14.1 – Hours of Work**

The work week is defined in Section 13.1. Work schedules for exempt staff are a minimum of 40 hours each week, excluding 30 to 60 minutes per meal break. Any hours worked over 40 in a workweek do not accrue for future use, and are not paid out in cash compensation at any time.

### **14.2 – Timekeeping**

All hours worked by exempt employees are tracked daily on their bi-weekly electronic timesheets. For example, if a salaried employee works from 8 a.m. to 2 p.m., with a half-hour lunch break, the employee would record 5.5 hours of work for that day. If they took an hour lunch break, they would record 5 hours for that day. If an exempt employee worked 8 a.m. to 8 p.m. and took an hour for lunch and a half hour for dinner, they would record 10.5 hours of work.

All full-time, exempt employees must account for a minimum of 80 hours per pay period on their electronic timesheets with any approved combination of time worked, exempt time, and paid leave time.

### **14.3 – Flextime and Alternate Work Schedules**

Flextime is when exempt employees vary their daily start and end times while still working 80 hours in the current pay period. For example, a Director presents at the Council meeting for two hours on a Tuesday night. Workload permitting, they would like to come in late the next day. As long as they log 80 hours of work in that pay period, no leave time or exempt time is necessary. Exempt employees should always make their Director (or the City Manager) aware of any change in work hours.

An Alternate Work Schedule includes 80 hours of work within the pay period (not including meal periods), but may utilize longer or shorter work days on a regular basis. For example, a routine of four ten-hour work days in a pay week would be considered an Alternate Work Schedule. With the advance written approval of the City Manager and Director of Human Resources,

department directors may establish Alternate Work Schedules within their departments provided that adequate staffing is maintained for operations and service to the public.

Some departments, due to operational necessity, may be unable to offer these schedule options for particular positions, or during certain times of year, or at all.

#### **14.4 – “Exempt Time”**

Exempt Time is a category of hours that may be used by exempt employees to complete their 80-hour pay period timesheet. These hours are available in recognition of the somewhat unpredictable nature of exempt work. Exempt Time off shall be for less than one full day.

Exempt employees are required to charge appropriate leaves (i.e. sick leave, annual leave, personal leave) for absences of one or more work days. In special circumstances the City Manager may approve exceptions to this policy. Any exception by the City Manager will be reported in writing to the Payroll Specialist.

## **SECTION 15 - LEAVE**

The City offers several types of paid leave to cover necessary absences. No one may be absent from work without being on approved leave. Absence without supervisory approval may be grounds for denying the use of paid leave and/or disciplinary action.

The following are types of leave which may, with approval, be used by an employee when absent from work.

### **Section 15.1 - Annual Leave Accrual**

Eligible full-time employees shall accrue annual leave at the rate set forth below. For the purposes of this policy, a full-time employee's day is the equivalent of eight (8) hours. Eligible part-time employees accrue leave proportional to a 40-hour week:

<b>Length of Service</b>	<b>Days Earned Per Year</b>
Up to 3 years	12 (96 hours)
3 through 14 years	18 (144 hours)
Over 15 years	24 (192 hours)

Directors and the City Clerk shall accrue annual leave at the rate of 24 days per year for their entire tenure.

#### **Section 15.1.1 - Granting of Annual Leave**

Upon satisfactory completion of the new hire probationary period, employees may use accrued annual leave upon notification to, and approval by, the employee's supervisor. Approval of a request for annual leave is not automatic but will be granted based upon the supervisor's assessment of the workload and workforce. Sick leave shall not be used as a substitute for annual leave.

#### **Section 15.1.2 - Annual Leave Accumulation**

Prior to July 1, 2018, the following regulations were in place:

*Annual leave in excess of 280 hours will be rolled over into a Tier II sick leave account as defined in Section 15.3. The maximum allowed annual into Tier II rollover is 80 hours and Tier II may be accumulated up to a maximum 1,000 hours. Excess annual leave over and above 360 hours (280 + 80) on the last day of the first full pay period in January will be forfeited. Exceptions to forfeiture may be considered by the City Manager on a case-by-case basis in emergency situations.*



Effective October 1, 2018, Employees may accumulate a maximum of 320 hours of annual leave. Once an employee has accumulated 320 hours, no more annual leave will accrue until some is used.

### **Section 15.1.3 - Annual Leave Planning**

Department heads may require that leave schedule requests be prepared in advance for a calendar year. Leave schedule requests submitted for a year are a department guide subject to change and request approvals will be based on maintaining an effective available workforce at all times.

### **Section 15.1.4 - Annual Leave Payout at Termination**

Upon termination of employment for any cause, a non-probationary employee shall be paid for annual leave accumulated to the date of termination. Payment shall be made at the next scheduled pay period or by other payment arrangements mutually agreed upon. Upon the death of an employee, compensation for all unused, accumulated annual leave shall be paid to the person(s) listed on the Beneficiary for Unpaid Compensation form.

### **Section 15.1.5 - Special Vacation Sell-Back Opportunities**

Once a year, in September or May, full-time employees may sell back to the City a minimum of eight hours and a maximum of forty (40) hours of accrued vacation leave. For full-time employees, the sell back cannot take the annual leave account balance below 80 hours. Eligibility for a sell back is determined by an employee's account balance at the close of the last full pay period prior to the sell back. Any leave sold back will be deducted from the annual leave account.

Eligible part-time employees may also participate in the sell back of accrued annual leave on a prorated basis based on their scheduled hours, and the benefit shall be prorated. For example, an employee scheduled to work twenty hours (20) per week (50% of full time) will only need a balance of 40 hours annual leave to be eligible for the sell back. The employee may sell back up to 20 hours of annual leave provided the sell back does not take the annual leave balance below 40 hours. The leave sold back will be deducted from the annual leave account.

### **Section 15.2 - Sick Leave and Maryland Earned Sick and Safe Leave**

Eligible employees may use earned sick leave under the following conditions:

- To care for or treat the employee's mental or physical illness, injury or condition;
- To obtain preventative medical care for the employee or the employee's family member;
- To care for a family member with a mental or physical illness, injury or condition;
- For maternity or paternity leave; or

- The absence from work is necessary due to domestic violence, sexual assault or stalking committed against the employee or the employee's family member and the leave is being used (1) to obtain medical or mental health attention; (2) to obtain services from a victim services organization; (3) for legal services or proceedings; or (4) because the employee has temporarily relocated as a result of the domestic violence, sexual assault or stalking.

A family member includes:

- a spouse;
- a biological, adoptive, foster, or step-
  - o child,
  - o parent of the employee or employee's spouse,
  - o sibling,
  - o grandparent,
  - o grandchild;
- a child for whom the employee stands in loco parentis, regardless of the child's age; a child for whom the employee has legal or physical custody or guardianship; and
- an individual who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor.

### **Section 15.2.1 - Sick Leave Accrual**

Each regular full-time employee shall accrue sick leave at the rate of 4.6 hours per pay period. This is the equivalent of fifteen eight-hour days or 120 hours per year. Part-time employees working 12 or more hours per week on a regular basis accrue leave proportionally to a 40-hour week. Accruals are recorded on the bi-weekly pay stub.

Sick leave will not accrue if an employee is absent on workers compensation status. Sick leave accrual while using Leave Without Pay (LWOP) shall be in accordance with Section 15.5 – Leave Without Pay.

There is no limit to the amount of sick leave that may be accrued. Employees shall not be paid for accumulated unused sick leave at the time of termination of employment, except for those who retire from the City and are eligible under the terms described in Section 15.2.7. If an employee is subsequently rehired within 37 weeks, the City will reinstate unused leave up to 64 hours.

### **Section 15.2.2 - Granting and Use of Sick Leave**

After 106 calendar days of employment (15 weeks), employees may use up to 20 hours of sick leave if they provide verification that the leave use was appropriate. Upon satisfactory completion of the new hire probationary period, an employee will be credited with six months of accrued sick leave (minus any leave already used) and may use sick leave according to this policy.

Sick leave may be used in increments of one hour or more.

To be granted sick leave, the employee shall notify their immediate supervisor prior to the leave. If the sick leave is not prearranged, the employee shall notify their supervisor before the scheduled workday begins. This notification procedure shall be followed each day of the medical absence. Notification by an employee's friends or relatives is only acceptable in emergency situations, e.g., employee is hospitalized or incapacitated. Failure to follow these notification procedures may result in denial of paid sick leave and may be grounds for disciplinary action. The requirement for daily notification may be waived at the supervisor's discretion.

Employees may only use sick leave for one of the listed authorized reasons. Employees using earned sick leave for unauthorized purposes or who have demonstrated a pattern of abusing sick leave may be denied the right to use sick leave in the future and will be subject to disciplinary action.

### **Section 15.2.3 – Verification of Valid Use of Sick Leave**

If an employee uses sick leave for more than two consecutive scheduled shifts, the employee must provide verification that the leave use was appropriate, and, if the leave was for the employee's own illness, injury, or condition, they must provide verification that they can return to full or modified duty. The physician's certificate shall indicate dates of treatment, dates of necessary absence, and, if not returned to full duty, any work modifications or restrictions based on the employee's job description. Before an employee is allowed to work on modified duty, the supervisor shall discuss with the department director any duty modifications requested.

The City may require a physician's certificate each time an employee requests the use of sick leave if the use of sick leave has been abused.

Supervisors shall require a physician's certificate from employees who call in sick the day before or the day after a holiday.

An employee may be required to submit to a medical examination at the City's expense to determine fitness for duty when the supervisor reasonably believes that the employee's physical or mental condition may render the employee unable to perform the essential duties of the position or endanger the health or safety of self or others.

An employee may be required to submit evidence of need for an absence due to the illness or medical treatment of an immediate family member. Please see Section 15.14 on Family and Medical Leave.

### **Section 15.2.4 - Donation to Sick Leave**

A leave donation program is available to give employees the opportunity to support other employees who don't have enough leave to cover an extended illness. A regular employee may donate leave to another employee under the conditions listed below. Probationary (new hire), seasonal and temporary employees are ineligible to participate in leave donation.

- a. The recipient employee must have been absent on documented sick leave for more than ten (10) consecutive work days and have exhausted their own accrued sick and annual leave balances.
- b. The absence must not be compensable from other sources, such as workers compensation or disability insurance.
- c. The recipient employee must request through their department Director or the Human Resources Director that donations be solicited.
- d. Leave may be donated retroactively for an absence that occurred within thirty (30) calendar days prior to the donation date.
- e. Leave donations must be voluntary and will be anonymous to the recipient.
- f. Leave donations may be from the donor's annual or sick leave account but may not leave a donor's combined annual, sick and Frozen Balance below five hundred and twenty (520) hours.
- g. Leave donations may only cover actual absences up to the end of an approved FMLA leave period. Donations may not be used to establish a balance for future use. Time paid by leave donation does not allow the recipient to accrue additional time.
- h. Donations not used will be returned to the donor.

Leave donations for other than an employee's own sick leave absence, or under any other conditions than those listed above, are not permitted.

The need for leave donations may be announced to employees by the Director or designee at the department level, or by the Human Resources Director to all employees, as appropriate. Leave donation forms are available from Human Resources. Completed donation forms must be submitted to the Human Resources Director for confirmation of donor and recipient eligibility.

### **Section 15.2.5 – Sick Leave - Special Sell Back**

Annually, in November, full-time employees may sell back to the City up to forty (40) hours of accrued sick leave. For full-time employees, the sell back cannot take the combined account balances of an employee's sick leave account below 260 hours. Eligibility for a sell back is determined by an employee's account balance at the close of the last full pay period in October. Any leave sold back will be deducted from the sick leave account.

Eligible part-time employees may also participate in the sell back of accrued sick leave on a prorated basis based on their scheduled hours, and the benefit shall be prorated. *For example, an employee scheduled to work twenty hours (20) per week (50% of full time) will only need a balance of 260 hours sick leave to be eligible for the sell back. The employee may sell back up to 20 hours of sick leave provided the sell back does not take the sick leave balance below 260 hours.* The leave sold back will be deducted from the sick leave account.

### **Section 15.2.6 – Sick Leave Payout at Retirement**

The Maryland State Retirement and Pension System (MSRPS) provides credited service for unused sick leave at retirement. Any accumulated, unused sick leave on the date of an eligible employee's retirement will be reported to the Maryland State Retirement and Pension System (MSRPS) to be used according to their terms for additional service credit.

Effective July 1, 2018, the City will pay out 25% of accrued and unused sick leave to a maximum of 250 hours. For those employees who have an accumulated sick leave balance on June 30, 2018, 50% of any unused portion of the balance on that date to a maximum of 520 hours will be available for payout at retirement. Any combination (accrued before and after July 1, 2018) of sick hours paid out at retirement will not exceed 520 hours. Any amount paid out will not be submitted to MSRPS as unused leave.

### **Section 15.3 - Tier II Sick Leave and Frozen Balance**

Effective July 1, 2018, employees may no longer rollover excess annual leave hours into a Tier II Sick Leave account. Any Tier II accumulations that exist on that date will be frozen at the number of hours available on that date. These hours will be referred to as the "Frozen Balance."

Any employee that has a Frozen Balance of fewer than 200 hours as of June 30, 2018 will be paid out that balance in July 2018 and will no longer have a Frozen Balance. Any employee that has a Frozen Balance greater than 200 hours will be paid out 50% of the initial frozen balance or the remaining Frozen Balance, whichever is less, each year for the next two years in July of each year. If an employee leaves employment during the payout period, any hours left in the bank will be paid out the next pay date following the last day of work.

Any hours paid out will reduce the number of hours remaining as a Frozen Balance and will be paid out at the hourly rate effective on June 30 of the year of the payout.

Any active employee with a Frozen Balance may use those hours for sick leave if they exhaust their regular sick leave. If paid as sick leave, the hours will be paid at the employee's current rate.

Upon the death of an employee while actively employed, payment for any remaining Frozen Balance shall be paid in a lump sum, net of required taxes, to the person(s) named on the Beneficiary for Unpaid Compensation form.

Upon written request from the employee, all or part of the hours paid out under this program may be contributed to the employee's 457 deferred compensation account according to Plan limitations.

## **Section 15.4 - Disability**

When an employee's ability to perform the essential duties and responsibilities of their position has been adversely affected by a disability, the City may require the employee to undergo a physical examination to determine the extent of the disability with regard to performing the essential duties of the employee's position.

If the examination results show that the employee cannot perform the essential duties of the position due to the disability, with or without reasonable accommodation, the employee shall be offered another position, if available, in which he can perform the essential duties with or without reasonable accommodation. If the employee cannot perform the essential duties of any available position, or refuses to accept an offered position, the City may terminate the employee.

The City provides Long Term Disability Insurance to eligible full-time employees and the Maryland State Retirement and Pension System also offers disability retirement to eligible participants. The Human Resources staff will help an employee determine eligibility and complete the applications for those benefits upon request.

## **Section 15.5 – Leave Without Pay**

An employee may be placed on Leave Without Pay when all other appropriate leave is exhausted. No annual or sick leave shall accrue in a pay period in which the employee is paid fewer than one-half of their scheduled hours. The length of time an employee may remain on Leave Without Pay will be determined on a case-by-case basis but will not be less than required by any applicable FMLA requirements.

## **Section 15.6 - Leave of Absence**

For exceptional reasons, the City Manager may grant a request from an employee who has been employed by the City for at least one year, for a leave of absence without pay for a period not to exceed one year when it appears that reinstatement of the employee would be in the best interest of the City. Annual and sick leave shall not accrue during the leave of absence and any benefits maintained for the employee shall be at the employee's expense. Leaves of absence shall not be approved for employment elsewhere, including self-employment.

## **Section 15.7 - Administrative Leave with Pay**

Administrative leave with pay may be granted for severe weather events, investigations or for other valid purposes in the interest of the City as determined and authorized by the City Manager. Such leave shall not be deducted from any other leave accrued by the employee.

## **Section 15.8 - Holidays**

All regular full-time employees shall receive 8 hours pay for the following holidays that shall be observed by all departments. Eligible part-time employees shall receive a prorated benefit calculated on his or her scheduled hours in relation to a 40-hour workweek.

New Year's Day  
Martin Luther King's Birthday  
Presidential Inauguration Day  
Presidents Day  
Memorial Day  
Independence Day  
Labor Day  
Presidential Election Day  
Veterans Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Day

When a holiday falls on a Saturday or Sunday, the Friday preceding or the following Monday shall be designated as a substitute holiday. Employees scheduled to work on a Saturday or Sunday holiday, when receiving a Friday or Monday off for the holiday, shall be allowed to take annual leave for the Saturday or Sunday holiday, or approved leave without pay at the employee's option. If the employee does not wish to use leave, then a suitable schedule adjustment shall be made to ensure the employee can work a replacement day for the actual Saturday or Sunday holiday. This replacement day shall be worked in the same pay week to avoid unnecessary overtime.

If an employee's regular day off falls on a holiday observed by the City, he or she shall receive the appropriate holiday pay in addition to the hours worked. Supervisors may reschedule an employee's worked hours during the week of the observed holiday to avoid unnecessary overtime.

Holiday leave shall not be deducted from any other leave accrued by the employee.

To be paid for holiday leave, an employee must work or be on approved leave the scheduled workdays immediately before and after the holiday. If LWOP is being used during the pay period in which the holiday occurs, holiday pay will only be paid if the employee has enough paid hours to accrue leave in accordance with Section 15.5 – Leave Without Pay. Sick leave taken the day before or the day after the holiday must be substantiated by a physician's certificate in order to qualify as approved sick leave.

In addition to his or her holiday pay, any non-exempt employee required to work on a holiday shall be paid an amount equal to one and one-half (1½) times his hourly rate for the time actually worked on the holiday or may accrue the equivalent number of compensatory time hours in accordance with Section 14 – Overtime & Compensatory Time. Calculation of the payment shall be made in 15-minute increments.

## **Section 15.9 – Personal Days**

Regular full-time employees shall be eligible for up to two 8-hour personal days per calendar year which will be added to each employee's accrued leave "bank" during the first pay period beginning in January or upon the successful completion of the probationary period, whichever comes last. Employees who are hired after June 1 of any calendar year will not receive any personal days to use in the first calendar year and will be credited with two personal days in the next calendar year following successful completion of their probationary period.

Personal days may be taken at the employee's discretion with the advance approval of the supervisor whenever possible. Unused personal days will not be paid upon termination of employment and will not carry over from one calendar year to the next.

During calendar year 2016, the year this benefit was introduced, all eligible employees will be credited with one 8-hour personal day to be used by December 31, 2016.

Part-time employees working at least 20 hours per week are eligible for a prorated benefit based on their budgeted hours.

## **Section 15.10- Bereavement Leave**

Employees may be granted paid bereavement leave in the event of a death in his or her immediate or extended family. Any paid bereavement leave provided by the City shall not be charged to either sick or annual leave.

### **Immediate Family**

In the event of death in the immediate family of an employee, the employee may be granted three (3) days leave of absence with pay to make household adjustments or attend funeral services. Immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, stepfather, stepson, stepdaughter, legal guardian or legal dependents.

If travel of more than one hundred and fifty (150) miles one way is necessary because of the bereavement, the paid leave may be extended up to five (5) days upon justification satisfactory to the department head. If additional leave is necessary, it shall be charged to sick or annual leave at the employee's option.

### **Extended Family**

In the event of death in the extended family of the employee, the employee may be granted two (2) days leave of absence with pay to make household adjustments or attend funeral services.

Extended family is defined as the employee's aunt, uncle, nephew and niece. The amount of paid time off provided by the City is limited to two (2) days whether or not extended travel may be necessary. If additional leave is necessary, it shall be charged to sick or annual leave at the employee's option.



## **Impact on Operations**

If the same death is in the immediate or extended family of more than one employee in the same department, division or office, and the taking of bereavement leave has an operational impact on the City's ability to provide normal services, the department head or supervisor has the right to reassign work schedules to meet service requirements and/or deny the use of bereavement leave.

### **Section 15.11 - Military Leave**

Any employee who is a member of an active or a reserve force of the United States and who is ordered by the appropriate authorities to attend a training period or perform other duties shall be granted an unpaid leave of absence during the period of such activity. Such leave shall not be deducted from any other leave accrued by the employee. Military orders must be submitted as soon as available.

#### **Section 15.11.1 - Military Training – Supplemental Pay**

Any regular employee ordered to engage in military training is entitled to receive a pay supplement from the City if the military pay is less than the employee's pay from the City. The amount of the supplement will be the difference between the military base pay and the employee's gross base pay for the same period. This supplement will be paid for up to 15 days per calendar year. Military orders and pay statements must be submitted as soon as available.

Other than supplemental pay while engaged in military training activities, pay during the absence, and re-employment rights upon return, will be in accordance with applicable State and Federal laws (annotated Code of Maryland and Uniformed Services Employment and Re-Employment Rights Acts). These laws will govern in the event they provide a greater benefit than that provided by City policy.

### **Section 15.12- Jury and Court Leave**

Any regular employee called upon for jury service shall be paid regular wages or salary for their regularly scheduled hours that occur during the period of actual service on jury duty. Such leave shall not be deducted from any other leave accrued by the employee. To use this leave, the employee shall provide to the City certification of the Clerk of the Court to establish time served.

Regular employees required to appear before a court or other public body in which they are personally involved as a plaintiff, defendant or witness, on a matter not related to their employment with the City, may request a leave of absence for the period necessary to represent their interest or fulfill their obligation. The employee may use accrued annual leave or leave without pay during this absence.

### **Section 15.13- Voting Time**

If the opening and closing time of the polls does not allow for two continuous hours outside of an employee's scheduled work hours in which to vote, employees who are registered and entitled to vote in an election will be granted two (2) hours off, with pay, in which to vote on an

election day other than a Presidential Election Day. The employee shall choose to take leave at either the beginning or the end of the employee's normal workday and shall give notice of not less than twenty-four (24) hours to his supervisor. The City may require the employee to provide a receipt from the State Electoral Board as proof of voting or attempting to vote.

### **Section 15.14- Family and Medical Leave (FMLA)**

The FMLA is a very complex federal law; however, a general notice provided by the federal government regarding the City's employees' rights and responsibilities follows:

#### **EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT**

##### **Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

##### **Military Family Leave Entitlements**

- Exigency Leave

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation or deployed to a foreign country may use their 12-week leave entitlement to address certain qualifying exigencies. Effective in November 2009, this leave was expanded to include family members of active duty service members as well.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

- Caregiver Leave

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the

National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties and for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Effective November 2009, this provision was expanded to include veterans who are undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred anytime during the five years preceding the date of treatment. The expanded definition also includes aggravation of an existing or preexisting injury because of service on active duty.

### **Benefits and Protections**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

## **Substitution of Paid Leave for Unpaid Leave**

Employees may choose, or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

## **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider; or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

## **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

## **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

## **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**Section 15.14.1 - Calculation of FMLA Leave:**

Eligible employees may use up to twelve (12) weeks leave in a twelve (12) month period. For calculating leave availability, the twelve (12) month period is measured forward from the date any employee's first FMLA leave begins. If a husband and wife are both employed by the City, and both become entitled to take leave under the FMLA due to the birth or adoption of a child or the placement with them of a foster child or due to the illness of an immediate family member, the aggregate number of weeks of leave which may be taken shall be limited to twelve.

**Section 15.14.2 – Notification of Need for FMLA Leave**

All employees requesting leave under this policy must complete the FMLA forms available from HR or on the Intranet.

An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations.

**Section 15.14.3 – FMLA Medical Certification**

The City requires the employee to provide medical certification of the serious health condition requiring leave whenever the leave is expected to (or does) extend beyond three (3) working days or will involve intermittent or part-time leave. The City may also require a second or third medical opinion. Any second or third opinion required by the City shall be paid for by the City. Medical certification should be submitted to the Director of Human Resources or her designee on the forms provided for that purpose.

If medical certification is not submitted in a timely manner, the leave will be designated as potentially FMLA-qualifying and the employee will be notified of that fact and the deadline to submit the required certification. Upon receipt of the required information, the preliminary designation will become final. If the medical certifications are not submitted or do not confirm that the reason for the absence was an FMLA reason, the City will withdraw the designation and provide written notice to the employee.

Family Medical Leave will also run concurrently with an absence due to a Workers Compensation illness or injury if such illness or injury meets the definition of a serious health condition.

**Section 15.14.4 - Use of Paid and Unpaid Leave during FMLA Leave**

An employee's own serious health condition will be charged first to accrued sick leave, then to accrued annual leave, and finally when all other time is exhausted, to leave without pay. Other family leave may be charged to accrued annual leave or accrued sick leave, at the employee's option. Once those are exhausted, the remaining leave will be without pay.

### **Section 15.14.5 – Benefits during FMLA Leave**

All City-paid insurances will continue during an approved FMLA absence provided the employee continues to pay his or her share of the monthly premium (if any). As long as the employee is on paid leave, the employee's portion of the premium will be deducted from his or her pay. If the employee is on unpaid leave, it will be his or her responsibility to pay their portion of the premium on a monthly basis. Payment may be made by check in the Human Resources Department. Paid leave time will not continue to accrue if using leave without pay (see Section 15.5 – Leave without Pay). Paid leave time will cease to accrue at the end of the FMLA period, even if the employee continues to collect accrued sick leave beyond the FMLA expiration.

### **Section 15.14.6 – Reinstatement after FMLA Leave**

The City requires a medical certification of fitness for duty to return to work after FMLA leave occasioned by the employee's own serious health condition that extends beyond three consecutive work days. The City also retains the option to require a medical certification of fitness for duty after any personal medical leave.

### **Section 15.14.7 – FMLA Interpretive Guidance**

Any questions concerning implementation of FMLA rights provided by this policy will be resolved in accordance with the current Department of Labor regulations implementing the FMLA of 1993. This policy will govern in the event it provides a greater benefit than that provided by the federal regulations.

## **Section 15.15 – Extended Medical Leave of Absence**

### **15.15.1 -- Purpose**

There are times when an employee's illness can extend beyond the period guaranteed by the Family and Medical Leave Act (FMLA). After the FMLA period expires, if the employee is still unable to return to work due to his or her own serious medical condition and has personally accumulated sick time (not donated time), he or she may be eligible to be placed on Extended Medical Leave of Absence.

### **15.15.2 -- Duration**

Extended Medical Leave status will be in effect until personally-accumulated sick time is used up or until the total time of absence is one year (up to nine additional months following the expiration of the FMLA), whichever comes first. However, the employee's former position may be filled after the FMLA expires and there will be no guarantee of a position if and when the employee is able to return to work. An Extended Medical Leave will not be offered to anyone using donated sick time or who does not have any personally-accumulated sick time available.

### **15.15.3 -- Benefits**

An employee's health, dental, and vision insurances will remain in effect at the same rates that would be in effect if the employee were still working, provided the employee continues to have his or her portion of the premium deducted from the sick leave paycheck.

If the employee is eligible for Long Term Disability (LTD), the City will continue to pay LTD premiums until the waiver of premium feature begins, provided the employee completes his or her application for benefits in a timely manner. No other benefits will be provided during this Extended Medical Leave period. Any contribution by the City towards the 457 and the 401(a) retirement plans and any sick and annual leave accruals will cease at the end of the FMLA period. The employee may continue to contribute to the 457 without the City's match, if he or she wishes.

### **15.15.4 -- Termination of Employment**

At the end of the Extended Medical Leave period, if the employee is unable to return to work with or without reasonable accommodation, the employee's relationship with the City will be terminated due to disability. If eligible, the employee may choose to retire. Any COBRA coverage for which the employee is eligible would be available as of the termination date. If there is any sick time left, bi-weekly payments will continue until it is exhausted.

## Section 15.16 - Facilities Closings

### **Section 15.16.1 - Non-Emergency Early Closing (e.g. Holiday Eve)**

Employees who report to work at their regularly scheduled times and leave at the planned early closing time shall be paid administrative leave for their regularly scheduled hours for the day.

Employees scheduled to begin work after the planned early closing time shall be paid administrative leave for their regularly scheduled hours for that day. The appropriate department head will be responsible for contacting employees with shift cancellation information.

Employees who report to work at their regularly scheduled time but leave earlier than the planned closing time shall be charged for the leave taken between the time they leave and the planned closing time. The remainder of their regularly scheduled hours will be administrative leave.

Employees already scheduled to be on leave will be paid leave as planned.

### **Section 15.16.2 - Severe Weather Situations and Emergency Closing of City offices**

During severe weather or other emergency situations, City offices will be open during their normal hours unless officially closed by direction of the City Manager. Staff members who are considered ESSENTIAL will be required to report for duty at the time and place directed by their Department Director or designee. If City offices are officially closed, NON-ESSENTIAL personnel who have registered with the system will be notified via the EVERBRIDGE emergency notification

system (text, email, or voice) or they may call in to 240-487-3537 to listen to a message recorded by the HR Director or designee. These messages will be placed only if City offices are closed. If City offices are closed, non-essential personnel will be paid administrative leave for the scheduled hours they were not able to work.

If City offices are open, non-essential employees are expected to be at work during their regularly scheduled hours during weather-related or other emergency-type situations. However, when a situation arises making it difficult or unsafe for a non-essential employee to arrive or stay at work during his or her regularly scheduled time, the employee may take LIBERAL LEAVE at their discretion, provided he or she communicates their status using the department's normal protocol.

ESSENTIAL personnel are employees in positions that will be needed in the emergency. Public Works snow clearing crews are obviously essential personnel during snow event, and employees in other positions and departments may be deemed essential depending upon the type of emergency and operational requirements. Essential personnel are designated as such by the City Manager, Assistant City Manager and department heads. Department heads are responsible for informing their employees of their essential or non-essential status.

LIBERAL LEAVE is unscheduled annual leave taken when conditions related to the emergency make it difficult or hazardous for an employee to report for duty. There will be no disciplinary consequences for using approved liberal leave.

Employees already on leave at the time of the emergency will remain so and be paid according to their preauthorized status, unless called in as an essential person.

### **Section 15.17 - Workers' Compensation**

Worker's Compensation benefits are available for employees who are injured on the job or become ill due to work.

All on-the-job injuries and accidents, no matter how minor, shall be reported to the immediate supervisor as soon as possible. The supervisor shall report all injuries/accidents promptly to the Safety Officer. Any verbal report must be followed by a written report. Approved forms for this report are available from the Safety Officer.

Sick and annual leave shall not accrue for Workers' Compensation absences of more than one-half the employee's normal schedule in a pay period.

City-paid insurances while absent on workers' compensation shall continue until the employee returns to work, or until the end of any FMLA designated leave running concurrently, whichever occurs first. The employee's usual contribution to benefit insurances and other payroll deductions will be the employee's responsibility when absent on workers compensation.



### **Section 15.17.1 – Injury Pay & Workers’ Compensation Payments**

The City may pay the employee Injury Pay for the first three (3) days of absence if the City’s workers’ compensation insurance carrier deems the injury compensable and does not pay the employee for the first 3 days and no alternate duty is available. The employee may use his or her accrued sick leave to make up any difference if the workers’ compensation payment is less than his or her net paycheck after taxes.

### **Section 15.18– Workers’ Compensation Return to Work Program**

The program is designed to assist regular employees who have suffered a workers’ compensation compensable injury or illness and are temporarily unable to perform their regular duties. During the recovery period, there is usually an interim period when employees are fit enough to return to work with some activity restrictions before they are fully fit to return to their regular duties. It is during this interim period that the City will assist the employee by finding appropriate restricted duty whenever possible. This program is not available to new hire probationary, seasonal, temporary or contractual employees.

These temporary assignments are for short term restricted duty and may be in another department, may be part time, and may not be available for the entire period of restricted duty. However, every effort will be made to accommodate an employee’s work restrictions and available skills and abilities. The temporary assignments are anticipated to last no longer than fifteen (15) working days. However, an extension may be allowed on a case-by-case basis if the employee’s medical condition is steadily improving and temporary work is available.

For the first 15 days, all hours worked on a temporary assignment or project will be paid at the same rate as the employee’s regular position. The City’s workers’ compensation carrier will pay for the remaining non-productive hours if appropriate. The Safety Officer, coordinating with the Human Resources Director, shall supervise and coordinate this program.

If an employee refuses a temporary assignment for which he or she is medically fit, the refusal to work will be taken into consideration by the City’s workers’ compensation carrier when determining benefits.

## **SECTION 16 - OUTSIDE EMPLOYMENT**

Any outside employment performed by City employees should not, by its timing, requirements, ownership, or any other factor, adversely affect an employee's performance of his City duties and responsibilities and should not present a conflict of interest or the appearance of a conflict of interest.

All outside employment, including self-employment, performed by City employees must be reported in writing to an employee's supervisor immediately upon starting the outside employment. Forms specifically for this purpose should be used. After approval and signature, the supervisor will forward the report to the department head.

The department head, Human Resources Director and the City Manager will review the reports of outside employment. The type of business, ownership of business, number of hours worked or schedule of hours worked must not present a conflict of interest, the appearance of a conflict of interest or adversely affect an employee's performance of his/her City duties and responsibilities.

No outside employment activities are allowed on City time or premises or with City equipment unless specifically approved by the City Manager.

An employee's City work schedule may not be adjusted to allow for outside employment unless specifically approved by the City Manager.

Under no circumstances shall a City employee be an independent contractor to the City.

## **SECTION 17 - GRIEVANCE PROCEDURE**

It is the desire of the City to resolve grievances in a prompt and equitable manner. Whenever possible this shall be done informally and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there may be grievances that can be resolved only after a formal appeals process.

### **Section 17.1 - Procedures**

Any regular employee who is aggrieved as a result of the interpretation and application of these regulations, disciplinary action, alleged discrimination or unfair treatment, or unsafe or unhealthful working conditions, shall have the right of appeal provided the following procedural steps are followed. A failure on the part of an employee to comply with the time requirements set forth in this section shall result in the employee waiving his or her right to pursue the grievance.

**Step 1** - An employee shall first present his grievance to his immediate supervisor in writing within five (5) working days of the occurrence. A grievance shall include a statement of the relief sought. The supervisor shall make careful inquiry into the facts and circumstances of the complaint. If the supervisor fails to respond in writing within five (5) working days of receipt of the grievance, the grievance shall be deemed denied and the employee may proceed to the next step.

**Step 2** - An employee who is dissatisfied with the decision of his immediate supervisor or does not receive a response to a timely filed grievance may submit his grievance in writing to his department head within five (5) working days of the supervisor's response or within five (5) working days from the date the supervisor was required to respond. The employee should also submit a copy of the grievance to the Human Resources Director. The department head shall meet with the employee within five (5) working days of receipt of the grievance. The department head shall make a separate investigation and inform the employee of the decision and the reasons for the decision in writing within five (5) working days after the date of the meeting. In the event the department head fails to render a written decision within the five (5) day period, the grievance shall be deemed denied and the employee may proceed to the next step.

**Step 3** - If the employee is still aggrieved after Step 2, the employee or the employee's authorized representative, shall request in writing a review of the grievance by the City Manager. Such requests shall be accompanied by all the facts as to the nature of the grievance and all written answers given thereto and shall be presented within five (5) working days after the date of receipt of the department head's answer or the date on which such answer was due. The employee shall send a copy of the written request for review to his department head. The City Manager shall convene a meeting for the purposes of hearing the grievance within five (5) working days of the date of receipt of the request for review. The City Manager or a designated representative, plus the Human Resources Director and/or department head as appropriate, shall meet with the employee, the employee's representative, and any witnesses for the purpose of hearing the presented information and reviewing the grievance. Within five (5) working days of the date of the hearing, the City Manager shall render his or her decision in writing to the employee and the employee's representative and shall send a copy of the decision to the employee's department head.

The decision of the City Manager will be final. All materials related to the grievance and its resolution will be kept in the employee's personnel file.

## **SECTION 18 - EMPLOYEE RECOGNITION AND AWARDS**

The City recognizes and rewards its employees for outstanding achievement, service, safe driving and other valuable activities through several programs. In addition to those listed below, other awards and recognition may be given at the discretion of Mayor and Council and/or the City Manager.

### **Section 18.1 - Employee of the Quarter Award**

This is an award for up to three employees per quarter who, in addition to being positive role models in their day-to-day activities, have by their actions demonstrated extraordinary service over and above what is expected or required. Their actions have had a demonstrated positive effect on the organization, fellow employees and/or the public.

Nominations: With the exceptions of elected and appointed officials, nominations are accepted from employees and City residents. Nominations must be written, signed and dated by the nominator and submitted to Human Resources. Forms for this purpose are available from Human Resources and the City's web page. All nominations on file at the end of a calendar quarter will be considered for that quarter. The Personnel Committee will meet within 30 days of the end of a quarter to evaluate the nominations and select the winners. At least six (6) members of the Personnel Committee must be present to constitute a quorum.

Awards: The winners will have their choice of awards, either \$100.00 worth of Downtown College Park Management Authority (DCPMA) gift certificates, or a \$100.00 check, or eight hours of annual leave. The awards will be presented, and nominees recognized, by the City Manager at a ceremony open to all employees. A press release will be published and posted in the lobby of City Hall.

Winners of the Employee of the Quarter Award are eligible for the Employee of the Year Award.

### **Section 18.2 – Spencer Harris Award**

This is an annual monetary award to the Public Works employee who best exhibits the high standard of public service embodied by the late Spencer Harris, a former dispatcher in the Public Works department.

Nominations are by and for Public Works employees during the month of December. The nominations are evaluated, and the winner selected by the Spencer Harris Award Committee composed of Public Works employees. Specific nomination and selection criteria are contained in the official Spencer Harris Award Nomination and Selection Memorandum maintained by the Public Works and Human Resources departments. The Spencer Harris Award Committee, by unanimous vote of all members, may amend the nomination and selection criteria at any time provided the changes are distributed to all Public Works employees before nominations are accepted in December. The award is presented at the annual Safety Breakfast

The winner of the Spencer Harris Award is eligible for the Employee of the Year Award.

### **Section 18.3 Miriam Wolff Award**

This is an annual monetary award to the administrative employee who best exhibits the high standards of dedication, integrity and public service embodied by Miriam P. Wolff, a former City Clerk.

Nominations may be made between October 1<sup>st</sup> and October 15<sup>th</sup> of each year. The nominations are evaluated, and a winner selected by an employee committee on or around November 1<sup>st</sup> of each year.

Specific procedures, nominations and selection criteria are contained in a procedural memo for that purpose. Changes may be made from time to time with input from the Personnel Committee and approval of the City Manager. The award is presented in December at an awards ceremony or the Holiday Party.

The winner of the Miriam Wolff Award is eligible for the Employee of the Year Award.

### **Section 18.4 – Employee of the Year Award**

The Personnel Committee will select the winner from the ranks of the winners of an Employee of the Quarter Award, the Spencer Harris Award and Miriam Wolff Award for that calendar year.

The award will be presented by the Mayor at a Council Meeting or by the City Manager at a ceremony open to all employees and the employee's family. The winner will receive a cash award of \$500.00. A press release will be published, and the winner's name inscribed on a permanent plaque in the lobby of City Hall.

### **Section 18.5 – City Manager's Award**

This is an award, selected by the City Manager, in categories that may include:

- a) Outstanding event or activity by an individual or group, or
- b) Distinguished Service by an individual, or
- c) Outstanding Manager

The size, type, regularity and presentation of a City Manager's Award are at the discretion of the City Manager.

### **Section 18.6 – Safe Driver Awards**

These are recognition awards for drivers of City vehicles who maintain a safe driving record for at least one calendar quarter or year. Commercial Driver's License is abbreviated as CDL throughout this section.

A Safe Driving Record is defined as not being involved in a preventable accident, and not having been issued a moving citation (including citations generated from speed and red-light cameras) or departmental safety violation while driving a City vehicle during the calendar

quarter or year. Any driver's license violations reported by the motor vehicle administration will be reviewed.

Eligible employees must be assigned to a position that requires driving and maintain the appropriate valid driver's license for the entire calendar quarter or year under consideration. Employees in the following positions are ineligible for this award:

- a. City Manager;
- b. Assistant City Manager;
- c. Directors, Assistant Directors, and Managers;
- d. Probationary (new hire), seasonal, temporary, and contract employees

The Safety & Risk Specialist shall be responsible for establishing the list of employees eligible for the Safe Driver Awards using information from the accident review files, automobile log reports, pre and post trip walk-around sheets, other related records, and the employees' driving records.

**Section 18.6.1 - Quarterly Safe Driver Award - CDL**

At the end of each calendar quarter, all CDL drivers who have a safe driving record, and have driven at least 875 miles in a vehicle that requires a CDL operator, will be eligible for the award. The daily pre and post walk-around sheets will confirm the mileage where mileage in and out is recorded. Other related records may also be used. To be considered for an award, the driver is responsible for completion and submission of the information necessary to determine eligibility for an award.

One driver will be randomly chosen from the eligible pool to receive a \$25.00 gift certificate. Winning a quarterly award will not disqualify a driver from eligibility for the annual award.

**Section 18.6.2 - Annual Safe Driver Award and Milestone Apparel- CDL**

To be eligible for consideration, CDL drivers must drive at least 3,500 miles during the year in a City vehicle on City business confirmed by daily pre and post walk-around sheets where mileage in and out is recorded and other related records. The driver is responsible for completion and submission of the information necessary to determine eligibility for an award.

One (1) year of safe driving-----	\$50.00
Two (2) or more consecutive years of safe driving-----	\$100.00
Five (5) or more consecutive years of safe driving-----	\$150.00

We continue to encourage our employees to practice good driving habits and prevent accidents despite the incorrect actions of others and adverse driving conditions. We take pride in their accomplishment and celebrate with them at these milestone years by providing workplace apparel that displays the accomplishment.

Safe Driver Apparel is awarded at milestone years as follows:

- CDL Safe Driver Milestone – 5 years (Fleece Hooded Sweatshirt)
- CDL Safe Driver Milestone – 10 years (Jacket)
- CDL Safe Driver Milestone – 15 years (Jacket)
- CDL Safe Driver Milestone – 20 years (Apparel of awardee’s choice)

**Section 18.6.3 - Annual Safe Driver Award and Milestone Apparel - Non-CDL**

To be eligible for consideration, non-CDL drivers must drive at least 5,000 miles during the year in a City vehicle on City business confirmed by daily automobile log reports and other related records. The driver is responsible for completion and submission of the information necessary to determine eligibility for an award.

- One (1) year of safe driving-----\$25.00
- Two (2) or more consecutive years of safe driving-----\$75.00
- Five (5) or more consecutive years of safe driving-----\$100.00

Safe Driver Apparel is award at the following milestone year for non-CDL drivers:

- Non-CDL Safe Driver Milestone – 20 years (Jacket)

All safe driver awards will be presented at the annual Safety Awards breakfast hosted by the Public Works Department.

**Section 18.7 - Time in Service Awards**

Service pins and other recognition awards such as bowls, clocks or other similar gifts are awarded to all employees and members of the elected body. Awards are given on the following schedule:

- |   |               |
|---|---------------|
| Two (2) years of service  | Service Pin   |
| Five (5) years of service   | Service Pin   |
| Every five years thereafter up to twenty-five (25) years of service | Service Pin   |
| Thirty (30) years of service and every five (5) years thereafter    | Engraved Gift |

**Section 18.8 - Longevity Bonus Award**

A longevity bonus will be granted at service milestones beginning with twenty (20) years of service and every five (5) years thereafter as long as the employee has no break in service. The bonus will be a percentage of the employee’s annual salary equal to a one (1)-step merit increase in the employee’s pay grade. If the step increase percentages vary within the employee’s pay grade, the highest percentage will be used for bonus calculation purposes. The bonus will normally be paid on the payday of the pay period in which the employee reaches the service milestone

## **Section 18.9 – Retirement Award**

The City will award \$100.00 for each completed full year of service to employees at the time of their retirement as defined in Section 21.2. (*Effective July 1, 2008*)

If an employee retires with at least 25 years of service, the City will also provide up to \$500.00 to fund an event in the retiree's honor. If the retiree declines to have an event, the City will contribute \$100.00 in the retiree's name to a recognized charity of the retiree's choice.

## **Section 18.10 – Suggestions Award**

Submitted suggestions must pertain to conditions over which the City has control such as ways to improve City operations, working conditions or environment. Suggestions become the property of the City of College Park and if an idea results in patent rights, the ownership of these rights belongs to the City of College Park.

### **Section 18.10.1 - Eligible Suggestions**

Eligible suggestions are original, practical and constructive ideas that:

- a. Reduce costs, or
- b. Generate revenue, or
- c. Increase efficiency, or
- d. Improve services, or
- e. Improve working and/or safety conditions, or
- f. Benefit the City in other ways.

### **Section 18.10.2 - Ineligible Suggestions**

Ineligible suggestions are ones that:

- a. Express personal grievances, or
- b. Recommend only studies, reviews or surveys, or
- c. Do not propose a method or way to make the improvement, or
- d. Correct a situation that exists only because established procedures are not followed, or
- e. Have been or are currently under consideration by City management or staff.

### **Section 18.10.3 – Suggestions - Employee Eligibility**

All employees are eligible to submit suggestions that relate to their job or any other section of City operations with the following exceptions: Department heads and the City Manager are not eligible to submit suggestions and receive an award. Directors may participate in the program to the extent of providing information to the Personnel Committee if and when requested. Employees are not eligible to submit suggestions concerning their own area of work, division or department if the creation of ideas is listed as an essential duty in their job description. They may, however, submit ideas relating to other areas of City operations.



#### **Section 18.10.4 – Suggestions - Tangible Awards**

These are awards for suggestions that generate cost savings or increased revenue that can be measured. The awards will be 10% of the first year's net savings or revenues arising directly from and solely as a result of the suggestion. The year will be measured from the date of implementation. The appropriate department head will pre-approve all suggestions in this category before implementation and provide documentation to the Personnel Committee for the Suggestions file and history at the time of pre-approval. Awards will not be made until savings or revenues have been demonstrated at the end of the first complete year of implementation. The Finance department will confirm the amount of savings or revenue. The minimum award for an implemented suggestion in this category will be \$50 and the maximum award will be \$2,000. The award will be charged to the budget of the department that realized the savings or increased revenue. If an employee's suggestion is implemented, and he or she subsequently terminates employment before the year is up, he or she is still eligible for the award.

If a suggestion is co-authored by more than one employee, any award will be distributed in equal shares. When identical or very similar suggestions are submitted, the first one received will be the one considered.

#### **Section 18.10.5 – Suggestions - Intangible Awards**

Some suggestions, such as those that improve working conditions, safety or morale, do not generate revenue or provide measurable monetary cost savings over time. Suggestions in this category should be submitted directly to the Personnel Committee that will function as the Suggestion Awards Committee and evaluate the suggestions at its quarterly meeting. During the evaluation process, the committee may, at its discretion, solicit outside technical advice or require the employee(s) who submitted the suggestion to furnish additional information.

The Personnel Committee will forward suggestions recommended for consideration of feasibility to the pertinent department head. The department head will decide if and when a suggestion will be implemented and inform the Personnel Committee of this decision.

An employee who submits a suggestion in this category will receive a letter of appreciation from the Personnel Committee. If the suggestion is implemented, the employee will receive a \$25.00 gift card to be awarded by his or her department head.

## **SECTION 19 - POLITICAL ACTIVITY/CONDUCT OF EMPLOYEES**

No employee shall solicit or receive any money or thing of value from any other City employee for any political purpose during duty hours.

No employee shall, directly or indirectly, use or seek to use his official position, authority or influence to control or modify the political action of any other person, nor shall any employee, during duty hours, engage in any form of political activity including the display of political signs, buttons or any other public display of partisanship.

With respect to College Park City elections, unless the employee is running for election, he or she shall not take part in any political movement nor actively support any candidate(s), nor support any group of candidates in any manner other than by casting his or her own ballot. To run for a seat on the College Park City Council or an appointed seat on a City board or commission, an employee shall take an unpaid leave of absence immediately upon the announcement of candidacy. The employee must resign immediately upon election or appointment.

Employees may run for, and hold, an elected or appointed public office or position in any public jurisdiction other than the City of College Park, provided such office does not present a real, potential or perceived conflict of interest. An advisory opinion from the Ethics Commission may be sought on conflict of interest issues.

Any violation of this section shall be deemed improper conduct and shall be subject the disciplinary action.

## **SECTION 20 - GIFTS AND GRATUITIES**

An employee shall not accept gifts, gratuities or loans from organizations, business concerns or individuals with whom he has contact while on official business or which are given with the intent of obtaining a special advantage from the employee in the performance of the employee's duties. These limitations are not intended to prohibit the acceptance of articles of negligible value (\$25.00 or less) that are distributed generally, nor to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans on customary terms from regular lending institutions. It is particularly important that all employees guard against contacts that might be construed as evidence of favoritism, coercion, unfair advantage or collusion. Any violation of this section shall be deemed improper conduct and shall subject such employee to disciplinary action. Employees are required to submit disclosure statements in accordance with Chapter 38 - Code of Ethics, Code of the City of College Park.

## **SECTION 21 - RETIREMENT**

### **Section 21.1 - Retirement Plan/City Contributions**

Effective July 1, 2014, the City participates in the Employees' Reformed Pension Plan, part of the Maryland State Retirement and Pension System. Upon hire, each employee working over 500 hours per year must join the plan and contribute a fixed percentage of their biweekly pay. Information about the Plan will be provided during benefits orientation.

The City also provides a Defined Contribution Retirement Plan for eligible employees who elected not to join the Maryland State Plan in 2014 or were ineligible to join. If a new employee is ineligible for the State Plan because they are already collecting a State pension, they may join the 401(a) Plan. The City makes regular contributions on behalf of participants and the City's contribution is calculated as a percentage of the employee's gross salary. The percentage and frequency of City contributions and employee eligibility requirements are contained in the Plan document that is available for review upon request to the Human Resources Director.

Any reference to either the retirement plan or the Maryland State Pension Plan in these regulations that conflicts with either Plan is governed by the appropriate Plan document.

### **Section 21.2 - Sick Leave Payout at Retirement**

For purposes of this section only, an employee is eligible for a retirement sick leave payout when the employee meets the following age and service criteria:

At least 55 years old with minimum 10 years continuous service	
56	9
57	8
58	7
59	6
60	5
61	4
62	3
63	2
64	1

Effective July 1, 2018 and upon retirement thereafter, an employee shall be eligible for a one-time payout of a portion of their unused sick leave. This benefit is described in Section 15.2.7. The payout is only available to an employee once.

### **Section 21.3 - Deferred Compensation**

Employees have the option to contribute to a 457 deferred compensation account with pre-tax dollars. The City may or may not make matching contributions to these accounts as authorized by Mayor and Council.

### **Section 21.4 – Individual Retirement Accounts (IRA)**

Employees may also have the option to contribute to a Traditional or Roth payroll -deducted IRA.

### **Section 21.5 – Retirement Award**

Please see Section 18.9 for details about the City's Retirement Award

## **SECTION 22 - SMOKING IN CITY BUILDINGS/VEHICLES**

Smoking is prohibited in all City-owned and leased buildings, office space and vehicles. This includes, but is not limited to, all workspaces, private offices, lounges, kitchens, restrooms and stairwells, etc. Smoking is permitted at City-owned outdoor areas unless otherwise posted, provided building access is not inhibited or blocked.

## **SECTION 23 - SAFETY**

The Safety Officer coordinates the citywide safety program for all departments. All employees are responsible for cooperation with, and support of, safety program objectives and procedures. All departments and employees are expected to work together to ensure the development and preservation of a safe work environment. Safety program goals include:

- a) Inform and educate employees about the safety issues that impact their working environment and the safest way to perform each task.
- b) Reduce the health and safety risks to City employees and the general public.
- c) Reduce the number of accidents and on-the-job injuries and subsequent workers compensation claims.
- d) Reduce the amount of damage to City vehicles, equipment and property.

Department heads and supervisors are responsible for the implementation of safe work practices and shall work closely with the Safety Officer to ensure all employees under their supervision are instructed in safe practices and properly trained to be aware of the hazards associated with their work.

### **Section 23.1 - Safety Committee**

The Safety Committee is a committee of employees, chaired by the Safety Officer, which meets regularly to review and recommend safety-related issues and activities. The Safety Committee membership will be a cross-section of employees representing all departments. Each member shall be selected by the Director of each department and will serve a two-year term. Terms should be staggered so that the Committee has a number of experienced members as well as new members. The Safety Officer will be responsible for maintaining and rotating the membership of the Committee.

### **Section 23.2 – Accidents & Accident Review Board (ARB)**

Any accident with property damage or personal injury which involves an employee shall be investigated by the Safety Officer or her designee. The Safety Officer will make the initial determination of whether an accident was non-preventable or preventable.

A non-preventable accident is an accident where the employee exercised all reasonable means to avoid the accident or when someone else was clearly at fault and nothing could be done to avoid the accident. In the case of a non-preventable accident determination, the Safety Officer will prepare written notification of all factors that led to that determination. At the discretion of the Safety Officer, drug testing and/or an ARB hearing may be waived. A summary of this determination will be sent to the employee involved, the Department Director, and Human Resources for the employee's personnel file.

A preventable accident is an accident in which the employee failed to take reasonable action to avoid such an occurrence or was in some way responsible for the accident.

In the case of a preventable accident determination, the Safety Officer or designee will immediately escort the employee for alcohol and drug testing and any driving privileges will be suspended until a negative status is confirmed by such testing. The Safety Officer will convene a meeting of the ARB within five (5) working days after a preventable accident occurs, unless an extension is required.

### **Section 23.3 – Accident Review Board (ARB) – Membership & Procedures**

Membership of the ARB shall be as follows:

- a. Management or supervisory representatives from Code Enforcement, Parking Enforcement, and Public Works;
- b. Representatives from Finance, Administration, Planning, or YFSS;
- c. Driver of a non-CDL vehicle;
- d. Driver of CDL vehicle;
- e. Union President or Officer; and
- f. Safety Officer – Chair (non-voting).

Members of the committee will serve a two-year term, after which the department director will select another representative to serve on the committee. Terms should be staggered so there will always be experienced members and new members on the Committee. The Committee will elect a Vice-chairperson whose duties will include chairing the ARB in the absence of the Chairperson. The Chairperson will be responsible to keep track of the membership terms and request the appointment of new members in a timely manner.

A quorum of at least three members of the ARB, not including the Chair, must be present to hear any case. Any board member who has a potential conflict of interest with an employee appearing before the Board should remove themselves from the hearing. The Chairperson or her designee may disqualify a member from the hearing if the member does not remove themselves.

An administrative employee may be assigned to take the minutes of the hearings and prepare and distribute reports, etc. An employee so assigned is not considered a member of the ARB and may not contribute to the proceedings other than in ways necessary to complete the administrative assignment. If an administrative employee is not available for a given hearing, the Safety Officer is responsible for the administrative duties.

When the accident report indicates a mechanical failure, the Fleet Supervisor will be required to attend. The Fleet Supervisor will provide the Board with information relevant to the vehicle involved in the accident.

The Chairperson may also invite other witnesses or people who have information about the accident being reviewed to the hearing.



The Safety Officer will notify all City personnel who are scheduled to appear before the ARB. Any employee involved in the accident being reviewed must attend the hearing. If applicable, the supervisor who investigated the accident must accompany the employee. An employee who is unable to appear when scheduled must notify the Safety Officer twenty four (24) hours in advance. The hearing will be rescheduled within five (5) working days of the employee's return to work

After review of the facts, the ARB shall submit its findings and recommendations to the employee and their department director within two working days. The recommendations may include additional training and/or disciplinary action up to and including dismissal. The department director, in consultation with the Director of Human Resources, will have the final determination regarding appropriate disciplinary action. A summary of the hearing and the ARB's recommendation will also be sent to Human Resources for the employee's personnel file.

## **SECTION 24 - Drug-Free Workplace Policy**

### **Purpose and Goal**

The City of College Park is committed to providing a safe, healthy, and productive work environment. Consistent with this commitment, the City intends to maintain a workplace free of drugs and alcohol. Employees are expected and required to report to work on time and fit to perform their duties in a safe and efficient manner.

The City encourages employees to voluntarily seek help with drug and alcohol problems and offers a confidential Employee Assistance Program (EAP) for that purpose.

### **24.1 Individuals Covered by this Policy**

This policy includes all full-time, part-time, temporary employees, and applicants. It does not include elected officials or appointed Board and Committee members.

### **24.2 Prohibited Behavior**

It is a violation of this drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs, marijuana, prescription drugs not being utilized as prescribed, or other intoxicants while on City property, on City time, while driving City vehicles, while driving personal vehicles while on City business, while on paid call or standby, or in other circumstances which adversely affect City operations or the safety of employees and others.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to notify their supervisor and call in sick or request change of duty to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of this drug-free workplace policy to intentionally misuse or abuse prescription medications.

### **24.3 Notification of Convictions or Loss of Driver's License**

Any employee who is convicted of a criminal drug or alcohol-related violation occurring in the workplace must notify Human Resources and their department director in writing no later than five calendar days after the conviction. Any loss or limitation of driving privileges for any employee whose job requires a driver's license must also be reported. The City will take appropriate action upon notification.

### **24.4 Drug Testing**

Each applicant and employee, as a condition of employment, will be required to participate in pre-employment, post-accident, reasonable suspicion, return-to-duty, and follow-up drug and alcohol testing upon selection or request of management. Employees with a commercial driver's license (CDL) will also be subject to random drug and alcohol testing according to regulations of the federal Department of Transportation (DOT) and this policy. Employees who do not have a CDL and are determined to be in safety-sensitive positions will also be subject to random drug testing.

Safety-sensitive positions include, but are not limited to: employees who regularly operate or work in close proximity to City vehicles or motorized equipment; employees whose duties and activities may endanger the public health, safety, or welfare; and employees who direct the operations of those units or departments.

To ensure the accuracy and fairness of our testing program, all testing will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; the opportunity for an employee to have the sample tested by an independent lab at their own expense; and a documented chain of custody.

The City will pay for the first test and the confirmation test. The City will use a lab certified by the state of Maryland and by the DOT to conduct tests for CDL drivers.

The substances that will be tested for are those that are commonly abused or that would likely affect the ability to perform the job in a safe and efficient manner, such as: alcohol,

amphetamines, cannabinoids (THC), cocaine, opiates, phencyclidine (PCP), barbiturates, MDMA, and methaqualone. For CDL testing, the lab will use the drug-testing panel that is mandated by the DOT.

Testing for the presence of alcohol will be conducted by analysis of breath, saliva, or blood. For the purposes of this policy, a positive result for the use of alcohol will be any blood alcohol concentration (BAC) that equals or exceeds 0.04 BAC.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine. Any amount that registers in the confirmed test will be considered a positive result as determined by the Medical Review Officer (MRO).

## **24.5 Consequences**

Any non-probationary employee who tests positive will be immediately removed from duty and suspended without pay for two additional days. Thereafter, the employee may be terminated; or, the employee may be: referred to a substance abuse professional for assessment and recommendations; required to successfully complete recommended rehabilitation or treatment, including continuing care; required to pass a Return-to-Duty test and/or sign a Return-to-Work Agreement; and subject to ongoing, unannounced, follow-up testing (at the employee's expense) for a period of up to five years. The employee may not return to work until cleared by the substance abuse professional and may use any accumulated sick and annual leave for required treatment following the suspension without pay. An employee who fails to follow through with any of these obligations will be terminated from employment.

If an applicant violates the drug-free workplace policy, the offer of employment will be withdrawn.

Any probationary employee who violates this policy will be terminated from employment.

An employee or applicant will be subject to the same consequences as a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms, or refuses to cooperate in the testing process in such a way that prevents completion of the test in a timely manner.

Any alcohol test with a result greater than 0 and less than 0.04 will be treated as reporting for

work unfit for duty (rather than as having a positive result). For the first offense the employee will be suspended without pay for the remainder of the work day and for one additional work day. Any subsequent offense could result in additional disciplinary actions including termination of employment.

Policy violations other than positive test results will be handled according to the severity of the offense. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations or performance problems.

#### **24.6 Assistance**

The City of College Park recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee's health insurance. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

#### **24.7 Confidentiality**

All information received by the City through the drug-free workplace program is confidential communication. Medical information is maintained in files separate from the personnel file. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and policies.

#### **24.8 Question**

Any questions regarding this policy or issues related to drug or alcohol use at work should be raised with the Department Director or the Director of Human Resources without fear of reprisal.

## **SECTION 25 - FINANCE**

### **Section 25.1 – City Credit Card**

No personal purchases may be charged to the City credit card. In the event that a charge cannot be separated between personal and business, reimbursement for the personal part of the purchase must be submitted to the Finance Department before the accounts payable payment process.

A receipt for each transaction must be attached to the monthly statement with a brief explanation of the business purpose for the purchase for the Finance Director's approval. The City Manager will subsequently review the statement and receipts at his or her discretion.

### **Section 25.2 – Employees' Personal Checks**

Employees may cash a personal check at the cashier's window in the Finance Department upon request. Such requests are subject to the amount of available cash the cashier has on hand and any approval process, including maximum dollar limit, deemed appropriate by the Finance Director. The Finance Director is responsible for informing employees of the approval process requirements. An employee whose personal check is returned for insufficient funds, or any other reason resulting in a "bounced" check, will be barred from cashing a personal check at the City for six (6) months. Any second occasion of a "bounced" check will result in the employee being barred from cashing a personal check from then on. The City will not accept or cash third party checks.

### **Section 25.3 – Purchase Orders**

Purchase orders are required, with or without encumbrance, under the following circumstances:

- a. For all purchases over \$3,000.00
- b. For any contract for goods or services included in the City's Capital Improvement Plan
- c. For any purchase where periodic, progress payments will be made.

Exceptions to the \$3,000.00 limit include the following:

- a. Payroll taxes, benefits and insurance premiums
- b. Utility bills such as water, gas, electric and telephone.
- c. Previously awarded multi-year contracts.

Nothing in this policy precludes the issuance of purchase orders for any amount below \$3,000.00.

The requesting employee and the department head must sign all purchase orders before forwarding to the Finance Director, then the City Manager, for approval.

Purchase orders for contracts awarded by the Mayor and Council shall indicate the date and motion number of the award and a copy of the motion or minutes should be attached to the purchase order.

Purchase orders issued on funds in the General Fund will lapse at the end of the fiscal year. Capital Project Fund purchase orders do not lapse automatically and may carry over into the next fiscal year.

## **SECTION 26 – EMPLOYEE RELATIONS**

### **Section 26.1 – Customer Service**

Employees must exhibit the highest standards of work and conduct while on duty. Encounters with members of the public shall be conducted in a courteous manner. When approached, an employee shall respond to the person to the best of their ability. Employees who encounter difficult situations that they are unable to bring to a successful conclusion alone shall immediately request the assistance of a supervisor.

### **Section 26.2 - Attendance**

To function efficiently and provide services to its residents, the City needs a reliable workforce where all employees assume responsibility for their attendance and promptness.

The City recognizes that illnesses, injuries and emergencies occur and has established policies granting the use of leave for these instances. Where annual leave may be approved for use in some emergencies, the accumulation of sick leave is designed to protect an employee's income during absences due to illness or injury.

Supervisors are responsible for reviewing attendance records on a regular basis to maintain awareness of leave usage. Where leave policies are abused through unexcused or excessive absences and/or tardiness, appropriate disciplinary action may be taken up to and including dismissal.

### **Section 26.3 – Appropriate Dress**

It is important that City of College Park employees present a positive, professional image when at work. For those employees not required to wear a uniform, professional business attire is the standard except for Casual Fridays and during summer months (June, July and August) when business casual is the standard.

Using common sense and the guidelines, every employee is expected to dress appropriately and project a positive, professional image when at work. Supervisors have the responsibility to insure that their employees are dressed appropriately and interpret what is appropriate dress if there are any questions.

#### **Section 26.3.1 – Appropriate Dress Guidelines**

The following are examples of what is not appropriate dress at work at any time:

- a. Clothing, including hats, advertising an organization, business, team, retail establishment, place or thing. The exceptions are clothing with the City of College Park or University of Maryland seal, logo or wording or the logo placed on the clothing by the manufacturer (e.g. Polo pony or Izod alligator)
- b. Tee shirts not covered by a jacket
- c. Clothing that is torn, cut, frayed or appears unclean or excessively worn
- d. Undergarments worn in a manner as to be visible
- e. Flip Flops



- f. Shorts (walking or Bermuda length shorts may be permissible on Casual Fridays and during Summer Months – check with your supervisor)
- g. Athletic wear, leisurewear, sweat pants/suits, warm-up pants/suits or spandex worn as outer garments
- h. Halter tops or any garment with spaghetti shoulder straps
- i. Clothing that bares thigh, midriff, back, chest or shoulder
- j. Opaque or see-through clothing without lining
- k. Long tailed or dress shirts made to worn tucked in, worn un-tucked

The following are examples of what may be worn only on casual Fridays and during the Summer Months (June, July and August):

- a. Golf, polo or collared shirt in accordance with logo restrictions (depending upon duties, may be worn year round with supervisor's permission);
- b. Sandals;
- c. Sneakers (plain – no grunge, bright or sparkly colors);
- d. Bermuda or walking shorts (check with your supervisor);
- e. Denim clothing or jeans provided they are not (fashionably or otherwise) worn, torn, cut or frayed;
- f. Sleeveless dress or top without jacket.

#### **Section 26.4 - Uniforms**

Employees in uniformed positions or who have a need to wear uniforms and protective clothing shall be furnished these items without cost to the employee. Lost uniforms or uniforms damaged by other than normal wear will be replaced at the employee's expense. Uniforms issued may include clothing, rain gear, eye protection, gloves and shoes. Employees shall ensure that their uniforms fits appropriately, are clean, neatly worn and not obstructed or concealed by any other clothing or object while working. Uniformed employees will be assigned a locker to safeguard their uniforms and personal clothing and property. Employees may take uniforms home after duty hours but shall not wear them other than traveling to and from home and work, or when attending work-related functions.

## **SECTION 27 -CITY PROPERTY & EQUIPMENT**

### **Section 27.1 – Electronic Communications (i.e. Computers, E-mail, Internet, Etc.)**

#### **Section 27.1.1 – Acceptable Use**

Employees using City computer hardware, software, networks, pagers, faxes, cell phones, wired phones, or any other electronic device or program for Internet access, e-mail, voice mail, texting, instant messaging, or for creating, accessing, receiving or transmitting documents, files or information of any type (collectively “Electronic Communications”) are representing the City of College Park. As such, their conduct should be ethical and lawful at all times. The Internet may be accessed for official City business to gain technical or analytical information and to establish business contacts. Unacceptable use of Electronic Communications can place the City and others at risk.

Employees are responsible for the content of all of their Electronic Communications. Fraudulent, harassing, or obscene Electronic Communications are prohibited. All Electronic Communications should be identified with the employee’s name. Employees may not obscure the origin of Electronic Communications and the Electronic Communications should not violate or infringe upon the rights of others. Employees are responsible for safeguarding their passwords to ensure that they are not improperly used by others. Abusive, profane or offensive language in Electronic Communications is strictly prohibited.

#### **Section 27.1.2 – No Expectation of Privacy**

All Electronic Communications are considered public information and the property of the City with no right of privacy extended to the employee. The City reserves the right to access and monitor all Electronic Communications at any time, without further notice. All Electronic Communications can be accessed and reviewed by the City or disclosed to law enforcement officials or other third parties without prior consent of the sender or the receiver.

#### **Section 27.1.3 – Blocking Sites with Inappropriate Content**

The City of College Park has the right to utilize software that makes it possible to identify and block access to Internet sites containing material deemed to be inappropriate in the workplace.

#### **Section 27.1.4 – Prohibited Activities**

- Unlawful harassment or discrimination via Electronic Communications is strictly prohibited. Electronic Communications with derogatory or inflammatory content regarding race, color, religion, sex, creed, gender, marital status, age, mental or physical disability, national origin or ancestry, sexual orientation, genetic information, pregnancy, status as a veteran, familial status, marital status, or any other consideration made unlawful by federal, state, or local laws are strictly prohibited.
- Streaming audio, video, and instant messaging via the Internet for non-City business is expressly forbidden at all times. This type of use limits bandwidth

available for legitimate City purposes and creates a portal through which unauthorized users, viruses, and spyware could access the City's computer system.

- Internet access cannot be used for personal gain or advancement of personal views, for solicitation of non-City business, or any other activities that result in the disruption of the City network operation or interfere with personal productivity at work.
- Employees may not send/upload City copyrighted materials, proprietary information, or similar materials to third parties. Employees may not violate the copyright laws in regard to the receipt/download of electronic materials by copying and/or disseminating information, except for purposes falling under the category of "fair use".
- Employees may not download licensed software without the express permission of the Information Systems Manager. Employees may not download unlicensed software at any time.

### **Section 27.1.5 – Personal Use**

Brief and occasional personal use of the Internet is acceptable as long as it is not excessive or inappropriate, does not occur during working time, does not violate any of the prohibitions listed above, and does not result in expense to the City or diminishing of the bandwidth available to other users. Management reserves the exclusive right to determine whether any use is inappropriate, excessive, or violates this policy.

### **Section 27.1.6 – Records Retention**

Electronic communications are government records and are subject to the City records retention policy with respect to storage and deletion. Upon notification that a claim has been or is likely to be made against the City, all e-mail and other computer records related to that claim must be retained until authorization for deletion is given.

### **Section 27.1.7 - Discipline**

Violations of this policy may result in disciplinary action up to and including termination and illegal activities may result in prosecution by the appropriate law enforcement agencies.

### **Section 27.2 - City Cell Phones & Communication Devices**

The City provides cell phones or communications devices to certain employees to facilitate business communications between staff members and staff and operations personnel. City cell phones and communication devices are the property of the City of College Park.

Personal use of City cell phones or communication devices is discouraged. If such use occurs, and the personal calls contribute to the user exceeding the monthly allowance of cellular minutes, the user may be required to reimburse the City for all calls that were initiated or received as a result of personal use.

## **Section 27.2.1 - Personal Cell Phones & Communication Devices**

Except for emergencies, personal calls and communications should be limited while on duty. Lengthy communications should be saved for and conducted during a break or meal period.

Under no circumstances should an employee conduct a personal communication while dealing with a customer, member of the public or another employee on City business.

Videotaping, photographing, copying, recording or transmitting any images, text or audio using multipurpose cell phones or other communications devices on City premises or time is strictly forbidden as a violation of privacy and/or security.

## **Section 27.3 – Use of City Vehicles**

The City Manager shall approve all vehicle assignments. The Public Works Director shall maintain a listing of vehicle assignments and provide dispatch and/or recovery on those vehicles, and provide authorized maintenance.

### **Section 27.3.1 – Vehicle Definitions**

*Take Home Vehicle:* If it is in the best interests of the City, the City Manager may assign a take home vehicle to an employee. A take home vehicle may be a car, SUV or pick-up truck and is specifically provided for use on official City business. Personal use is limited to commuting back and forth from home and the work site.

*Assigned Vehicle:* An assigned vehicle may be a car, SUV, pick-up truck or heavy truck used by an employee on a routine basis for official City business. Personal use is not authorized. The vehicle is picked up at a City facility at the beginning of the work shift and returned to a City facility at the end of the work shift.

Employees may take an assigned vehicle home only when operational conditions require it and with the approval of their department head who shall report this one-time use to the City Manager. Operational conditions may include:

- Early morning or late evening departure and/or arrival to or from trips on official City business.
- Weekend departure and/or arrival to or from trips on official City business.

### **Section 27.3.2 – Personal Mileage in a City vehicle**

Personal use of a City vehicle is a non-cash taxable benefit. An employee who uses a City vehicle for personal use shall report the personal use mileage to the Finance Department to insure that the economic value of the mileage is reported to the IRS by way of inclusion in the payroll reporting system.

Any employee who makes inappropriate use of a City vehicle will compensate the City for its use and mileage and may be subject to disciplinary action.

### **Section 27.3.3 – Business Mileage in a Personal Vehicle**

Employees who use a personal vehicle on official City business shall maintain a log of such usage that details the date, miles and destination of each occasion. A claim for mileage expense reimbursement may be submitted to the Finance Department in accordance with IRS rules.

### **Section 27.3.4 - Parking Rules for City Vehicles**

Employees using City-owned vehicles must park legally in accordance with State law and City ordinances.

Parking Enforcement Officers will issue written warnings to City vehicles parked in violation of State law and City ordinances. The Parking Enforcement Supervisor will forward a copy of the warning to the driver's department head and the City Manager. Depending upon the circumstances surrounding the parking violation, the employee driver may be subject to disciplinary action.

### **Section 27.3.5 - Non-Employee Use of City Vehicles**

The use and/or operation of City vehicles by other than City employees is strictly prohibited. Employees who permit such use shall be subject to disciplinary action.

### **Section 27.3.6 - Use of Installed Seatbelts**

All employees operating a City vehicle, and passengers, must use installed seatbelts for their intended purpose, as designed by the vehicle manufacturer.

### **Section 27.4 – City Property in Waste and Recycling Streams**

All articles and items put out as solid waste, bulk trash or recycling, whether or not they are on a schedule to be picked up, are deemed to be City property.

An employee may not remove anything from the waste, trash or recycling streams for any personal benefit unless specifically authorized by his department head. Unauthorized removal of items from the waste, trash or recycling streams is considered theft of City property and strictly forbidden and may result in disciplinary action up to and including dismissal.

### **Section 27.5 – Searches and Inspections**

Employees should have no expectation of privacy in any items they bring on to City property during the course of their employment, or utilize during the performance of their employment duties ("Personal Property"). Nor should those employees have any expectation of privacy in property, equipment, or supplies provided by the City to the employee ("City Property"). This policy expressly excludes electronic media, such as, but not limited to cell phones, laptops, and tablets. Such electronic media sources are covered under the City's Electronic Communications Policy.

Employees should be aware that all Personal Property and City Property may be subject to search and inspection at any given time. As such, if the City reasonably believes a search or inspection is necessary for non-investigatory, work-related purposes or for the investigation of work-related misconduct the City may search or inspect Personal Property and City Property without the employee's prior consent or presence.

## SECTION 28 -HUMAN RESOURCES

### Section 28.1 – Domestic Partners

The City of College Park prohibits discrimination on the basis of sexual orientation and marital status. The City recognizes that some employees may have a committed, personal relationship with a domestic partner whom the employee cannot marry solely because the partner is the same gender as the employee. Therefore, the City has determined it is appropriate to include a same gender domestic partner, and his or her dependents, in the definition of immediate family and eligible dependent for use of leave and entitlement to health related benefits.

To be eligible for benefits, an employee and his or her domestic partner must complete an Affidavit of Domestic Partnership available from Human Resources. The affidavit includes statements regarding their personal relationship and documents their legal and financial obligations to each other. The Human Resources Director will witness the affidavit. All affidavit information shall be held confidential and only disclosed to the extent necessary to provide and administer benefits

### Section 28.2 – Dependent Eligibility for Benefits

The following is a listing of the documents needed to confirm dependent eligibility for enrollment in health, dental and/or vision insurances.

SPOUSE:	Official State issued marriage certificate.
DOMESTIC PARTNER:	Documents in accordance with the Affidavit of Domestic Partnership.
NATURAL CHILD:	Child's official birth certificate showing employee as the parent.
DOMESTIC PARTNER'S CHILD:	Documents in accordance with the Affidavit of Domestic Partnership and the child's birth certificate showing domestic partner as the parent.
ADOPTED CHILD:	<u>After adoption:</u> A copy of the final signed adoption decree or State issued birth certificate. <u>Pending adoption:</u> A copy of the court order placing child or a copy of the placement letter from the adoption agency on their letterhead.
STEPCHILD:	Official State issued marriage certificate showing employee's marriage to child's parent and child's birth certificate showing the spouse as parent.
LEGAL WARD:	Copy of court appointed guardianship papers.
COURT ORDERED COVERAGE:	Copy of the court order or divorce decree requiring the employee to provide health and/or dental insurance for child or ex-spouse.

## **Section 28.3 – Live Near Your Work**

Employees who reside in the City they serve have a vested interest in helping to make the City a good place to live. To encourage employees to buy a home in the City of College Park, the City offers the following incentive:

To purchase a home in the City of College Park, an employee may cash in up to 240 hours of her earned, accrued annual leave. Leave cashed in will be deducted from her annual leave account balance and paid out at the employee's hourly rate. The check may be made payable to the employee after settlement or to the settlement company, title company or financial institution prior to settlement. A copy of the deed or executed sales contract listing the employee's name is a requirement. Income taxes will be withheld from the check before disbursement.

At the employee's request, the City will provide a letter of program eligibility, and the dollar amount available to the employee, for presentation to the employee's financial institution.

### **Section 28.3.1 – Live Near Your Work Eligibility Requirements**

- A full time or part time employee eligible for benefits, and
- Minimum of one (1) year's service, and
- The home to be purchased must be located within the corporate boundaries of the City of College Park and after purchase, owner occupied.

Annual leave sellback application forms are available from Human Resources. A copy of the deed or executed sales contract should be attached to the completed application form and returned to Human Resources for processing. This should be submitted two weeks prior to settlement if the check is to be made payable to other than the employee.

## **Section 28.4 – Commercial Drivers' Licenses - Benefit**

The City provides benefits for those employees required to hold a valid Commercial Driver's License (CDL) in order to perform the essential duties and responsibilities of their positions and to other Public Works employees as an encouragement to acquire a CDL and earn advancement. These benefits are not available to seasonal, temporary or new hire probationary employees.

### **Section 28.4.1 - Employees with a CDL**

The City will pay for the physical examination necessary to get a regular one-year or two-year DOT card provided the examination is performed at a City approved medical facility. An employee may use his or her primary care physician for the DOT examination at his or her own expense, but the City retains the right to have a confirming examination performed. If the results differ, the results from the City approved medical facility will prevail. Once the one-year or two-year DOT card is obtained, the City will front the cost or reimburse the employee for the MVA cost of renewing his or her CDL.



Interim physicals and follow-up testing that are required because the employee does not medically qualify for at least a one-year DOT card will be the employee's responsibility. The City will not pay for, or reimburse for any expenses related to medical appointments for follow-up testing.

#### **Section 28.4.2 - Employees without a CDL**

The City will pay for the employee to get the physical examination necessary to get a one-year or two-year DOT card with the understanding that the employee will acquire a CDL with airbrake endorsement in a finite period of time.

The employee will have two (2) months from the date of the physical in which to acquire a learner's CDL. The employee will then have six (6) months from the date of acquiring a learner's CDL in which to acquire a regular class B CDL with airbrake endorsement. If these time parameters for acquiring a CDL are not met, the employee will be required to reimburse the City for the cost of the DOT physical and any MVA or other fronted costs.

The employee must sign an agreement to this effect before the physical examination to acquire a DOT card will be scheduled.

#### **Section 28.5 – Employee Wellness Policy**

The City of College Park supports the overall health and wellbeing of its employees. A healthy workforce results in a more productive workforce with less absenteeism, fewer accidents and lower health care demands,. City employees are encouraged to participate in wellness program activities in order to reduce health risks before serious health problems occur and to improve management of existing health conditions.

##### **Section 28.5.1 - Purpose**

The purpose of this policy is to provide guidance on employee participation in wellness program activities, to describe the program's organization and focus areas; and to give the rationale for maintaining a wellness program for the City of College Park's employees.

##### **Section 28.5.2 – Activities for Employee Wellness**

The City of College Park encourages healthy lifestyles by:

- A. Forming a Wellness Committee with members from several departments to assist with developing and implementing ideas and programs for employee wellness.
- B. Communicating and promoting wellness programs and health improvement through the City's Wellness Committee, intranet posts, and Human Resource emails.
- C. Encouraging the inclusion of healthy food options in City vending machines and at meetings and special events.
- D. Encouraging employees to utilize breaks for walking, stretching, or other physical activity.
- E. Promoting the use of stairs.
- F. Providing educational resources and seminars that promote exercise, good nutrition and healthy lifestyles.

- G. Raising awareness among employees regarding the importance of lifestyle behaviors that promote good health: and providing employees information and resources on how to make changes that reduce risk for chronic diseases.
- H. Offering an annual Health Fair that includes vaccinations and vital health information.
- I. Providing an annual wellness reimbursement for the purposes of buying exercise equipment and/or joining an exercise class or gym. (see attached guidelines)
- J. Providing a wellness incentive, when available, to participate in targeted wellness initiatives for the year.

### **Section 28.5.3 – Guidelines for Wellness Reimbursement**

1. Must be regular City employee working over 20 hours per week with a minimum of one year of service.
2. Reimbursement is up to \$75 per fiscal year for a full-time employee. Amount will be prorated for part-time employees working more than 20 hours/week.
3. Items must be for employee's use.
4. Items eligible for reimbursement are those that are intended to improve your long-term health and wellness. They include, but are not limited to:
  - a. Fitness classes
  - b. Gym memberships
  - c. Weight loss program fees (not including food)
  - d. Exercise equipment to be utilized on a long-term basis, such as:
    - i. Treadmill
    - ii. Nordic track
    - iii. Personal trampoline
    - iv. bicycle
  - e. Exercise videos
  - f. Reusable medical equipment not otherwise covered by insurance, e.g.,
    - i. Blood pressure monitor
    - ii. Heart monitor
  - g. Personal equipment, such as :
    - i. Tennis rackets,
    - ii. Bike helmets
5. Items not eligible for reimbursement include, but are not limited to:
  - a. Tennis balls, soccer balls, basketballs, etc.
  - b. Massage, reiki, aroma therapies
  - c. exercise clothing, shoes
  - d. Portions of membership fees that are for family members (above the cost for the employee's membership)
  - e. Co-pays and deductibles not covered by health insurance and other services covered by health insurance
  - f. Entry fees for competitions
6. Employee must sign certification form to be reimbursed.

## **SECTION 29 - ADOPTION OF PERSONNEL REGULATIONS**

### **Section 29.1 – Regulations Repealed**

All regulations in conflict with the provisions of these regulations are hereby repealed. In the event of a conflict between these regulations and the City Charter and Code, the City Charter and Code will prevail.

### **Section 29.2 - Contract Disclaimer**

Policies set forth in these regulations do not represent contractual obligations of the City of College Park, but are designed to inform employees as to the policies, benefits and other programs of the City of College Park currently in effect. The Mayor and Council, and City Manager as appropriate, reserve the right to alter the policies without notice and will provide employees with updated information as changes occur. Unless specifically authorized, no employee of the City of College Park may commit the City to any agreement or obligation with any employee without the consent of the Mayor and Council, except as may be authorized by the Charter and Code of Ordinances of the City of College Park.

### **Section 29.3 - Effective Date**

These Personnel Regulations shall become effective on the date adopted by the Council or approved by the City Manager as appropriate.

### **Section 29.4 - Changes**

Any additions, deletions, updates or amendments to these regulations shall be distributed to all employees as necessary.

### **Section 29.5 - Receipt of Personnel Regulations**

Each employee shall receive a copy of these Personnel Regulations and shall acknowledge receipt in writing.

### **Section 29.6 - Saving Clause**

If any section of these regulations is found to be invalid by duly constituted authority, it shall not affect the validity of the balance of these regulations and policies.