

TOWN PERSONNEL MANUAL

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 Town of University Park employees. These regulations are promulgated by the Mayor and Council under the authority contained in §5-206 of the Local Government Article, Annotated Code of Maryland.

These personnel regulations are an implementation of the Town Charter and Code. 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.

Section 1.1 - Personnel Policy Objectives

The Personnel Regulations are written and distributed in order to communicate Town 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 Town and its employees.

Section 1.2 - Responsibility of the Mayor

The Mayor shall be responsible for policy and direction of personnel matters contained in these regulations that shall apply to all Town employees except those specifically exempt in Section 1.4. All personnel files, policies and records shall be maintained in the Town's Administrative Office.

Section 1.3 - Application of Policies

Except as otherwise expressly provided in this Personnel Manual or in the Town Charter or Code, these provisions, policies and guidelines shall apply to all Town employees. Nothing in this Personnel Manual shall be construed to infringe upon provisions of the Town Charter or Code regarding discipline and termination of the Chief of Police, Director of Public Works, Town Clerk and Town Treasurer, and this Personnel Manual shall be construed in a manner consistent with such provisions. This Personnel Manual revokes previous manuals or policies.

Section 1.4 Application of Personnel Manual to Certain Employees

Portions of the Personnel Manual do not apply to certain employees. When a particular section does not apply, it is noted. These employees include:

- a. Chief of Police
- b. Public Works Director
- c. Town Clerk
- d. Town Treasurer
- e. Mayor
- f. Seasonal, temporary or contractual employees.

Section 1.5 - Contracts of Employment

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

Section 1.6 Application to Police Department

If, as applied to sworn officers of the University Park Police Department, there is a conflict between this Personnel Manual and (i) the Maryland Law Enforcement Officers Bill of Rights (“LEOBR”), (ii) General Orders of the University Park Police Department as authorized by Section 2-201 *et seq.* of the Town Code and Section 1.8 below, or (iii) regulations of the Maryland Police Training Commission, the provisions of the LEOBR, Section 2-201 *et seq.*, General Orders, or regulations of the Maryland Police Training Commission shall prevail only to the extent of such conflict.

Section 1.7 - Interpretation of Personnel Regulations

The Mayor shall have sole authority for the interpretation of these regulations and shall resolve all questions relating to the application and interpretation of these regulations, other than those involving issues for which authority is specifically reserved to the Town Council.

Section 1.8 - Departmental Guidelines

The head of any Town department, in conjunction with the Mayor, may formulate in writing reasonable guidelines for the conduct of the operations of such person's department, such as those relating to safety or operational procedures, which shall be available to all departmental employees. Such department guidelines shall not be less stringent than, in violation of, or in conflict with this Personnel Manual or any other personnel guidelines adopted by the Town Council.

SECTION 2 – DISCRIMINATION AND HARASSMENT

The Town of University Park provides equal employment opportunities to all employees and applicants for employment without regard to age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, pregnancy, gender identity or physical characteristic or other status under applicable Federal laws. Discrimination in any form shall not be tolerated in the workplace.

No Town elected or appointed official or employee of the Town of University Park shall discriminate in hiring, firing, promotion, training, discipline or any other personnel transaction for or against any person on the basis of age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, pregnancy, gender identity or physical characteristic 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 Town of University Park shall consider the guidelines of affirmative action in all recruitment activities and employment actions.

Section 2.2 - Harassment

The Town of University Park expressly prohibits any form of unlawful employee harassment based on age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, pregnancy, gender identity or physical characteristic or other protected status, or for any reasons prohibited by these regulations. Improper interference with the ability of University 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 Town'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 Town of University 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;
- c. Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations or comments;
- d. Visual conduct such as derogatory posters, photography, cartoons, e-mail, drawings or gestures;
- e. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with the ability to work;
- f. Offers of job benefits or enhancements in exchange for sexual favors;
- g. Employment decisions involving matters such as, but not limited to, compensation, promotion, job assignments, job education opportunities, discipline and discharge, that are based improperly upon an employee's sex, race, color, creed, gender, marital status, age, mental or physical disability, national origin or ancestry, or any other basis protected by federal or state law, ordinance or regulation; and/or

- h. Retaliation for having reported or threatened to report discrimination or harassment, or having participated in the investigation of a complaint of alleged unlawful discrimination or harassment.

Each Department Head and supervisor is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. In addition, employees are responsible for respecting the rights of their co-workers. All Town employees 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 age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, pregnancy, gender identity or physical characteristic 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. Complaints may be made orally or in writing to:

- (a) The employee's immediate supervisor or Department Head;
- (b) Other supervisory personnel
- (c) The Mayor where an employee alleges that a Department Head has engaged in unlawful discrimination or harassment; or
- (d) The Mayor Pro Tem where it is alleged that the Mayor has engaged in unlawful discrimination or harassment.

The employee should be prepared to provide the following information:

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

- (g) Whether the employee has previously reported such alleged harassment or discrimination and if so, when and to whom;

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

2.5 – Review of Complaint

It shall be the responsibility of the Mayor to coordinate the investigation and review of complaints of alleged unlawful harassment or discrimination. The Mayor may delegate the investigation to another Town official or employee or to an outside investigator. If the Mayor is the subject of the complaint, an outside investigator designated by the Mayor Pro Tem shall coordinate and conduct the investigation of the complaint. The Mayor, or Mayor Pro Tem if the Mayor is the subject of the complaint, shall consult with the Town Attorney. The following procedures shall apply to the receipt, review, and handling of such complaints:

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

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

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

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. Where the complaint is against a person other than an employee, the Mayor shall take such other action as may be appropriate. The Town of University 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 Town 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 Town supervisors or using the Town'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 Town Administrative Office and are posted on the employee bulletin board.

2.6 - Accommodation of Disabilities

The Town is committed to complying with the Americans with Disabilities Act ("ADA"), as well as applicable state and local disability discrimination laws. It is the Town's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability, perceived disability, or record of a disability. Consistent with this policy of non-discrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the Town aware of his or her disability, so long as that individual can perform the essential functions of the job and provided that such accommodation does not constitute an undue hardship on the Town. The Town encourages individuals with disabilities to come forward and promptly request reasonable accommodations.

When an employee's ability to perform the essential duties and responsibilities of his or her position has been adversely affected by a disability, the Mayor or designee 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.

2.7 - Requesting an Accommodation

a. An employee or job applicant who has a disability and believes that he or she requires a reasonable accommodation to perform the essential functions of his or her job should notify the Department Head of the request for accommodation. Pertinent medical information may be needed to determine the appropriate accommodation.

b. The Town is not required to make the “best possible” accommodation, grant the accommodation requested, reallocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, or wheelchairs.

c. Upon receipt of an accommodation request and medical documentation, as appropriate, Town staff will begin an interactive process of determining whether the individual’s disability can be accommodated. They will meet with the individual to discuss and identify the limitations resulting from the disability and the potential accommodation(s) that the Town might be able to make to help overcome those limitations. The Mayor or designee will then determine the feasibility of the proposed accommodation(s) by considering various factors, including but not limited to, the nature and cost of the accommodation, the Town’s overall financial resources, and the accommodation’s impact on the operation of the Town, including its impact on the ability of other employees to perform their duties and on the Town’s ability to conduct business.

d. If it is determined that, on a permanent or long-term basis, an employee will be unable to perform some or all of the essential functions of his or her position, with or without an accommodation, the employee is no longer a “qualified employee” under the ADA and this Policy would not apply.

2.8 - Reasonable Accommodation Due to Pregnancy

Under Maryland law, pregnant employees are entitled to a reasonable accommodation for a disability caused or contributed to by pregnancy. If an employee provides the Department Head certification from a health care provider as to restrictions on their ability to perform their job while the employee is pregnant, the Town will explore with the employee all possible means of providing a reasonable accommodation, which may include, but not be limited to:

- a. changing the employee’s job duties
- b. changing the employee’s work hours
- c. relocating the employee’s work area
- d. providing the employee with mechanical or electrical aids
- e. transferring the employee to a less strenuous or less hazardous position, or
- f. providing the employee with leave

The Town is not required to make any accommodation for a pregnant employee that imposes an undue hardship on the Town.

2.9 – Available Accommodations

If an employee requests a transfer to a less strenuous or a less hazardous position the Town will transfer the employee to such position if (i) the Town has a policy or practice requiring or authorizing the transfer of a temporarily disabled employee to a less strenuous or less hazardous position for the duration of the disability; or (ii) the employee’s health care provider advises the transfer and the Town can provide the reasonable accommodation without (a) creating additional employment that the Town would not otherwise have created, (b) discharging any employee, (c) transferring any employee with more seniority than the employee requesting the reasonable accommodation, and (d) promoting any employee who is not qualified to perform the job.

The Mayor or designee may require an employee to provide a certification from the employee’s health care provider concerning the medical advisability of a reasonable accommodation. This

certification must include the date the reasonable accommodation became medically advisable, the probable duration of the reasonable accommodation, and an explanation as to the medical advisability of the reasonable accommodation.

SECTION 3 - RECRUITING

Section 3.1 - Recruiting

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

Application shall be made on forms provided by the Town. Town employees shall apply for position vacancies by the same method as outside applicants.

SECTION 4 – HIRING

Section 4.1 Requirements

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

- a. The Mayor or designee shall, as part of the pre-employment check, contact references as listed by applicants, and conduct criminal or other background checks as relevant for the positions for which the applicants are being hired. These reference and background checks may become part of the applicant's file. In addition, the Police Department shall conduct those background checks required by the Maryland Police Training Commission.
- b. An exclusion from hiring based on the results of a criminal history background check will be job related and consistent with business necessity, having included consideration of the nature and gravity of the offense or conduct, the time that has passed since the offense or conduct and/or completion of the sentence, and the nature of the job to be filled.
- c. If required by the nature of the position for which employment is sought, an applicant may be required to possess a valid driver's license and/or current certification. If hired, the applicant must maintain the license and/or certification during employment.

d. Depending upon the job requirements, after a conditional offer of employment has been made an applicant may be required to successfully complete a physical agility test (PAT) as a condition of employment. In the event that an applicant with a disability fails the PAT, the Mayor shall determine if a reasonable accommodation can be made for the applicant.

e. No Department Head may supervise or hold a supervisory position over his/her immediate family, which includes a spouse, a partner in a lawfully recognized civil union or a domestic partner, children or parents.

f. All reports and records of all physical, psychological, and mental exams prepared in connection with the hiring process shall be kept in a confidential file apart from the personnel file. Should there be a dispute concerning the exam, or should a Supervisor be informed as to the need of reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel in the Town on a strict need to know basis.

f. Members of the immediate family of a Town elected official or Department Head are not eligible for employment with the Town.

Section 4.2 – Permanent Full Time and Part Time Employees

Permanent full time employees are entitled to sick, annual, and other allowed leave, retirement, life insurance, health insurance, dental insurance and paid holidays. Permanent part time employees are entitled to pro-rata sick and annual leave, other allowed leave, retirement if otherwise eligible and paid holidays on a pro-rata basis. Permanent part time employees are not entitled to life insurance or health, dental or other benefits. The Mayor is entitled to no leave or benefits other than retirement.

Section 4.3 - Seasonal, Temporary or Contractual Employees - Benefits

Employees who are hired for less than twelve (12) months, and are hired on a seasonal, temporary or contractual basis, are not eligible for any benefits.

Section 4.4 - Interim Temporary Staffing

When a job position is to be filled, to meet emergency staffing needs, the Mayor may hire someone on a temporary basis. Temporary employees are not eligible for any benefits.

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, re-hired as an employee, or promoted to a position classification with greater pay and responsibility. 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 to a position classification with greater pay and responsibility, reassigned to a position consistent with the employee's abilities, if one is available.

Section 5.1 - Probationary Period

With the exception of police officer employees, all positions shall serve a probationary period of at least one year. A new employee in a probationary status may be terminated at any time during the period for any lawful reason or no reason. These requirements may be waived or extended at the discretion of the Mayor, or Police Chief with respect to Police Department officers. Nothing in this section shall be construed as an extension of a property interest in an employee's position with the Town. All police officers must serve a probationary period of twelve (12) months of active duty upon graduation from a police academy. A sworn law enforcement officer in the probationary period of employment is a probationary employee for purposes of the Law Enforcement Officer's Bill of Rights.

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. Any time served as a seasonal, temporary or contractual employee shall not be credited toward any future probationary period unless waived by the Mayor.

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.

Section 5.5 Extension of Probationary Period

The Mayor or designee, or the Chief with respect to Department police officers, may extend an employee's Probationary Period for reasonable cause for an additional six (6) months if, at the end of the initial probationary period, the Mayor, designee or Chief is unable to make a reasonable judgment whether the employee should be given permanent status. Probationary Period employees must obtain at least a satisfactory performance rating at the completion of their Probationary Period in order to continue their employment with the Town and be granted permanent status. However, a satisfactory performance rating does not automatically result in an employee being placed in permanent status. Probationary Period employees may be terminated, with or without cause, at any time before the employee is given permanent status with no

recourse to any appeal provisions provided in this Personnel Manual. The Town may discharge an employee from employment at any time during a Probationary Period with or without cause and with or without notice.

Section 5.6 Effect of Section

Nothing in this section shall be construed as an extension of a property interest in an employee's position with the Town. Notwithstanding hire or promotion, the Town may discharge an employee from employment with the Town at any time with or without cause and with or without notice.

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 satisfactory rating in all categories on her annual evaluation.
- d. In the case of identical seniority, a partial basis for determining order of layoff when a position is eliminated.
- e. 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 prior to July 1 of each year.

Section 6.3 - Timeliness of Evaluations

Department Heads are responsible for ensuring that performance evaluations for all employees in their departments are completed in a timely manner. 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 Department Head who has supervised the employee. The Department Head shall solicit input from the direct supervisors regarding the employee's performance during the rating period. Employee counseling and special performance evaluations shall be taken into account in preparation of each annual performance evaluation. The Mayor shall perform the evaluations for the Chief of Police, Director of the Public Works Department, the Treasurer and the Town Clerk.

Section 6.5 - Evaluator's Review with Employee

After review by the Mayor, the individual 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 shall be attached to the evaluation form.

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 and department head; (c) the Mayor. The evaluation and any attached statements shall become part of an employee's official Town personnel record.

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 the Department Head or as much time as possible prior to the employment termination date. The Department Head will immediately notify Mayor and Treasurer 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 Town 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, contractual or temporary employees)

- a. All plans for reductions in force shall be initiated by the Mayor and plans for implementing a reduction in force shall be approved by the Mayor.
- 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 Town 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 Town at least fourteen calendar days prior to the effective date of the reduction.

Section 7.4 - Break in Service

A permanent full time or part time 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 7.5 - 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 Department Head 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 a certain date 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 Department Head 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 and Department Head will work with 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 7.6 - Death

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

Section 7.7 - Separation Benefits

At the time of separation, the employee may be eligible for certain benefits, including wages due, payment for unused accrued annual leave and compensatory time, and any retirement or insurance benefits for which they are eligible.

Section 7.8 - Return of Town Equipment and Property

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

SECTION 8 - DISCIPLINE

The Town has a disciplinary policy that includes several types of discipline. The goals of the discipline policy are to assure that Town 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 Town reserves the right to modify or apply the policy in any way it deems appropriate for the circumstances, including acceleration, exclusion, or repetition of disciplinary 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 included in the employee's personnel file.

This Section does not apply to the Mayor, Chief of Police, Director of Public Works, Town Clerk and Town Treasurer, who shall serve as required in the Town Charter and Code. This Section does not apply to seasonal, temporary, or contractual employees.

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 16.
- 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 Town.

- c. Conflicts of interest in the award of Town 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 Town property.
- j. Theft of Town-owned property or property of others on Town 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 Town property.
- p. Refusal to be examined by a licensed medical practitioner of the Town's choosing for a job-related purpose.
- q. Engaging in violent verbal or physical or other inappropriate behavior against a fellow employee or member of the public.
- r. Engaging in sexual harassment or other type of discriminatory behavior against another Town employee or member of the public.
- s. Conviction of a felony or incarceration for a misdemeanor exceeding one week.
- t. Failure to follow communication and cell phone policies.

Section 8.2 - Disciplinary Steps

The type, duration and extent of disciplinary action that may be taken in any case shall take into account the severity of the violation, the employee's prior work record and disciplinary history, and the impact of the employee's conduct upon Town operation.

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 Mayor. 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 Mayor, may suspend an employee, with or without pay, for an indefinite period if it is deemed in the best interest of the Town 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 Department Head 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 Town. The Town shall include a statement of the primary reasons for termination. Employees may grieve the decision to terminate their employment in accordance with Section 15 of these Personnel Regulations.

Section 8.3 - Employee Rights Following Disciplinary Action

A regular employee who has been disciplined has the right of appeal through the Town's grievance procedure (See Section 15).

Section 8.4 – Confidentiality of Disciplinary Action

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

SECTION 9 - OFFICIAL PERSONNEL FILE

A personnel file for each employee 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 9.1 - 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 Town property.
- Training and education certificates
- Awards and recognitions
- Disciplinary actions

Section 9.2 – Employee Review of File Contents

An employee may inspect his personnel file during normal business hours upon reasonable notice to the Department Head.

Section 9.3 - Records Retention

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

Section 9.4 - Public Information

The Town complies with the Maryland Public Information Act. 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 staff is authorized to distribute this information.

SECTION 10 - POSITION CLASSIFICATION & PAY PLAN

Position classification and pay plans shall conform to the principle of equal pay for equal work as defined in the Equal Pay Act of 1963, an amendment to the Fair Labor Standards Act (FLSA).

Section 10.1 - Definitions

a. A position is a group of assigned duties and responsibilities and specifications requiring the full or part-time employment of one person. A position may be occupied or vacant. All positions shall have a job description. The job description shall indicate FLSA exempt or nonexempt classification.

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

c. A step is a level within a grade that reflects longevity and/or merit.

Section 10.2 – Development and Maintenance of Job Descriptions

A job description shall be created for each position, which shall be maintained and amended as appropriate.

Section 10.3 - Job Descriptions

All job descriptions are descriptive and shall include a list of the essential duties, required education and experience and FLSA exempt or nonexempt status.

Section 10.4 - Pay Range Plan

The Town Council shall adopt a pay plan as part of the annual budget, with minimum and maximum amounts of pay for each grade and step. The pay ranges assigned to each grade and step shall be periodically reviewed and revised by the Town Council upon recommendation of the Mayor.

Section 10.5 - Maintenance of the Classification Plan

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

10.6 - Pay Increases

(a) Pay increases shall not be routine or automatic.

- (b) Annual cost-of-living pay increases may be given by the Town Council based upon the Town's financial condition.
- (c) Merit increases will be determined by the Department Head, with approval by the Mayor, upon at least a satisfactory performance evaluation, according to the pay scale adopted by the Town Council, and subject to availability of funds in the Department's budget. The amount of any merit increase will be determined by the Department Head and based upon the employee's performance.
- (d) The Mayor should request planned compensation increases as part of the budget process annually.

10.7 - Performance Evaluations

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

10.8 - Pay at End of Employment

- (a) An employee who leaves Town employment shall receive his or her final paycheck on the first regularly scheduled payday following the last day of employment.
- (b) Employees discharged for cause, and those who voluntarily terminate their employment without giving a minimum of two weeks' notice, shall not be eligible to receive pay for any accrued benefits other than unused annual leave and any accumulated compensatory time.
- (c) All employees separating from the Town for any reason shall, prior to the end of the last day of employment, return all Town-owned property, equipment and identification cards issued to the employee. Failure to do so will result, to the extent permitted by law, in the deduction of the value of the Town-owned property and equipment from the employee's final pay check and the withholding of benefits otherwise due the employee at the end of employment. An employee's acceptance and continuation of employment with the Town shall be deemed to be authorization by the employee to the deductions from the employee's final paycheck as provided in this subsection (c).

Section 10.9 – Classification & Pay Plan Information Available to the Public

The Town shall maintain official copies of job descriptions, position classifications and the corresponding pay plan. They shall be available for inspection by the public under reasonable conditions during normal business hours.

Section 10.10 - Review of Pay Plan

The Mayor shall review the pay plan prior to or concurrent with the annual submission of his or her proposed budget to the Council.

The rates of pay for each grade and step that are recommended by the Mayor shall be approved, rejected or modified by the Town Council. The Pay Plan approved by the Town Council for a given fiscal year is the basis for employees' pay in that fiscal year.

SECTION 11 - PAYROLL ADMINISTRATION

Section 11.1 - Anniversary Date

July 1 is the anniversary date for all employees 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 longevity and benefits is July 1 of each year.

Section 11.2 - Work Schedule

The normal work week for all full-time employees shall be 40 hours, consisting of five, eight hour days for employees on a 40 hour per week work schedule. The normal work week for police officers may exceed 40 hours per week and shall be established by the Chief of Police. The Mayor shall set the work week and work schedule for part-time employees. No employee shall be permitted to work in excess of their normal work week except when so directed by the employee's Department Head, or the Mayor.

Section 11.3 – Rest and Lunch Breaks

Employees are entitled to a rest break of 10 minutes for each four hours of work. The time of the rest breaks, usually mid-morning and mid-afternoon, shall be determined by the employee's immediate supervisor, Department Head or the Mayor, and are not accumulative in nature. Lunch periods will be determined by the Department Head, or the Mayor, and may not be accumulated with rest breaks unless approved by the employee's immediate supervisor.

Section 11.4 – Distribution of Paychecks

The Town may require direct deposit of paychecks. If an employee wishes to have his check mailed, or picked up by someone other than himself or the authorized person in his department, a signed authorization must be submitted to the Treasurer. Without this authorization, the check will be held until the employee claims it. Unless prior arrangement with the Treasurer is made, pay checks or direct deposit statements of terminated employees shall be mailed to the home address on file with the Town.

Section 11.5 - Attendance Records/Timesheets

Each Department Head is responsible for recording the attendance of all persons in the department. Records of attendance shall be maintained and certified by the Department Head and forwarded to

the Treasurer for processing. The records shall be delivered to the Treasurer at a time specified by the Treasurer.

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

Section 11.6 - Salary Impact - Promotions

When an employee is promoted to a position in a higher pay grade, the salary shall be increased to the minimum in the higher pay grade. In the event the promoted employee is currently at a rate of pay higher than the minimum rate in the new pay grade, at minimum, the employee shall be placed in the next highest wage rate to that which the employee received in his former position. In no case shall the employee receive less than if the employee had received a step increase in his previous pay grade.

Section 11.6.1 - Salary Impact - Transfers

When an employee is transferred to a position in the same pay grade, the rate of pay shall remain the same.

Section 11.6.2 - Salary Impact - Demotions

When an employee is demoted into a position at a lower pay grade due for any reason, the employee will be paid at a rate in the lower pay grade and step that most closely matches his or her rate in the higher pay grade and step without a rate increase. In the event the employee's current rate exceeds the top of the lower pay grade, the employee will be paid at the top of the lower pay grade. There will be no gain in pay.

Section 11.7 - Temporary Assignment Pay

Employees may be temporarily assigned to perform the duties and responsibilities of a higher classification due to a vacancy in that position or the absence of the incumbent. Temporary assignments are viewed as opportunities to learn or expand skills and experience. A temporary assignment salary adjustment may be paid depending upon the reason for the temporary assignment and if approved by the Mayor.

Section 11.8 - Verification of Employment and Salary

Only the Mayor and designated 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 12 - OVERTIME & COMPENSATORY TIME

Supervisors shall arrange employee work schedules so as to accomplish the required work within the standard workday and workweek whenever possible. Overtime is defined as working more than forty (40) hours in a pay week, except that sworn law enforcement officers must have worked a minimum of 84 hours in a 14 day period. For purposes of this section, use of annual, sick or compensatory leave shall be counted as hours worked. The Department Head shall grant approval for overtime work prior to the work being performed. Working unapproved overtime may subject an employee to disciplinary action.

FLSA Exempt Positions

The FLSA Exempt Positions follow. All other positions are non-exempt.

- a. Chief of Police
- b. Public Works Director
- c. Town Clerk
- d. Town Treasurer
- e. Mayor

FLSA Non-Exempt Positions

When employees in FLSA nonexempt positions are required to work overtime they shall have the option of paid overtime or compensatory time. The option chosen is for all overtime worked in the same pay period.

If the employee selects paid overtime, he or she shall receive time and one half for each hour of overtime or compensation in accordance with the current FLSA regulations if they provide for a greater benefit.

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 eighty (80) hours of compensatory time. Any overtime worked by an employee carrying a balance of eighty (80) hours of compensatory time shall be paid overtime.

Use of compensatory time shall be requested and approved using the same procedures and guidelines as use of annual leave.

Police officers are granted 8 hours of compensatory time for each holiday, whether working or not. This leave must be used within sixty calendar days of the holiday for which it was granted. In addition, police officers are granted four hours of compensatory time each pay period when working a twelve hour shift of duty, which accrues on July 1. This compensatory time must be used by July 1 of the following year. If the officer's employment is terminated and use of unearned compensatory leave has been made, the officer agrees the unearned hours will be deducted from the final paycheck. An officer who separates from the Town's service for any reason shall be paid at his average regular rate over the past three (3) years or at his final regular rate, whichever is higher for the balance of any compensatory time off earned for the twelve hour shifts.

Notwithstanding the number of hours worked in a two week period, sworn law enforcement officers who are required by subpoena to attend court on a day that the officer is not scheduled to work shall be paid a minimum of three hours overtime at time and one-half (1½) of the regular rate of pay.

Section 12.1 - Pay Policy During Weekends, Holidays, Closure or Dismissal.

Non-Police

Employees who are required to work on Saturdays will be paid time and a half. Employees required to work on Sundays or holidays are paid double time. Non-exempt employees required to work when an emergency is called by the Mayor receive double-time pay.

Police

Police officers required to work on a holiday receive time and a half pay plus eight hours of compensatory leave.

Section 12.2 – Distribution of Additional Work Hours

Additional work hours, whether paid overtime, straight time or compensatory time, shall be managed by supervisors to assure that all employees available to work are given an equal opportunity to work. The additional hours actually worked, or offered but declined, should show a reasonably equal distribution over time. This provision is not to be construed as requiring an equal distribution of additional work hours and no liability arises on the part of the Town for any disparity in assignments.

SECTION 13 - LEAVE AND BENEFITS

LEAVE - 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 13.1 - 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:

Length of Service	Hours Per Annum	Hours Per Pay Period
Up to 2 years	80	3.08
After 2 years	120	4.62

Annual leave shall not accrue if a full time employee has more than five (5) days leave without pay (LWOP) during a pay period or is absent on workers compensation status. For part time employees,

no annual leave shall accrue if the employee uses more than half of his or her scheduled hours in a pay period as LWOP or is absent on workers' compensation status. Annual leave accrual while using LWOP for more than one pay period shall be in accordance with Section 13.5 – Leave Without Pay.

Section 13.1.1 - Granting of Annual Leave

Employees may use accrued annual leave upon notification to, and approval by, the employee's Department Head. Approval of a request for annual leave is not automatic, but will be granted based upon the supervisor's assessment of the workload. Sick leave shall not be used as a substitute for annual leave.

Section 13.1.2 - Annual Leave Accumulation

Employees may rollover a maximum of 240 hours of annual leave into the next calendar year. Excess annual leave over and above 240 hours on the last day of the first full pay period in January will be forfeited. Exceptions to forfeiture for a period not to exceed four (4) months may be considered by the Mayor on a case-by-case basis. If an exception is not requested, annual leave hours in excess of 240 shall be automatically converted to sick leave.

Section 13.1.3 - Annual Leave Payout at Termination

Upon termination of employment for any cause, an 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 employee's estate unless the employee has a signed Beneficiary for Unpaid Compensation form on file with the Town.

Section 13.2 - Sick Leave

Eligible employees accrue sick leave for use during their tenure. Sick leave is a privilege granted by the Town. Unless otherwise specifically allowed by these regulations, annual leave shall not be used as a substitute for sick leave if the employee has sick leave available. Annual leave may be used at the employee's option after sick leave balances are exhausted if the employee is on approved leave.

Section 13.2.1 - Sick Leave Accrual

For the purposes of this policy, a full time employee's day is the equivalent of eight (8) hours. Each regular full-time employee shall accrue sick leave at the rate as follows:

Hours Per Annum	Hours Per Pay Period
104	4

Eligible part-time employees accrue leave proportional to a 40-hour week.

Sick leave shall not accrue if a full time employee has more than five (5) days leave without pay (LWOP) during a pay period or is absent on workers compensation status. For part time employees, no sick leave shall accrue if the employee uses more than half of his or her scheduled hours in a pay

period as LWOP or is absent on workers compensation status. Sick leave accrual while using LWOP for more than one pay period shall be in accordance with Section 13.5 – 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 with the Town, except as credited by the State Retirement System.

Section 13.2.2 - Granting Sick Leave

An employee may request use of accrued sick leave. To be granted sick leave, the employee shall notify his immediate supervisor prior to the leave. If not planned, the employee shall notify his supervisor before his scheduled workday begins but no later than one (1) hour prior to his shift. 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 use, and may be grounds for disciplinary action. The requirement for daily notification may be waived at the supervisor's discretion.

Paid sick leave shall be used for an employee's absence due to his or her own illness or injury and subsequent required medical, dental or vision treatments. Paid sick leave may be used for periodic non-emergency medical, dental or vision checkups, quarantine, exposure to a contagious disease when continued work might jeopardize the health of others, or an immediate family medical emergency or sickness. (For use of sick leave purposes, the definition of immediate family is the same as that defined in Bereavement Leave.)

Special conditions for immediate family sickness: The employee shall provide any proof of illness or need that the Mayor or Department Head may deem necessary to justify the use of sick leave for persons other than the employee.

Section 13.2.3 - Physician's Certificate

1. The Town may require a physician's certificate each time an employee requests the use of sick leave, or is absent from work due to illness for three consecutive work days. The physician's certificate shall indicate dates of treatment, dates of necessary absence and any temporary or permanent work modifications or restrictions based on the employee's job description. Supervisors may require a physician's certificate from employees who call in sick the day before or the day after a holiday.
2. An employee may be required to submit to a medical examination at the Town'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 himself or others.

Section 13.2.4 - Donation to Sick Leave

Probationary (new hire), seasonal and temporary employees are ineligible to participate in leave donation as donors or recipients. An employee may donate leave to another employee under the following conditions:

Probationary (new hire) employees are ineligible to participate in leave donation as donors or recipients. An employee may donate sick leave to another employee under the following conditions:

- a. The recipient employee must have been absent on documented sick leave for more than ten (10) consecutive work days and have exhausted his or her accrued sick and annual leave balances.
- b. The recipient employee must request through his or her department Department Head that donations be solicited.
- c. Leave may be donated retroactively for an absence that occurred within thirty (30) calendar days prior to the donation date.
- d. Leave donations must be voluntary and will be anonymous to the recipient.
- e. Leave donations may be from the donor's sick leave account but may not result in a donor's sick leave balance falling below 40 hours.
- f. Leave donations may only cover actual absences for an existing medical condition. Donations may not be used to establish a reserve for possible future use.
- g. Donations not used will be returned to the donor.
- h. Leave donations for other than an employee's own sick leave absence, or under any other conditions than those listed above, are not permitted. Any exceptions to this rule may be considered on a case by case basis by the Mayor.

The need for leave donations may be announced to employees by the Mayor to all employees as appropriate. Leave donation forms are available at the Town office. Completed donation forms must be submitted to the Mayor for confirmation of donor and recipient eligibility.

Section 13.4 - Leave Without Pay

An employee is placed on Leave Without Pay (LWOP) when all other appropriate leave is exhausted or when requested by the employee and approved by the Department Head and Mayor. No annual or sick leave shall accrue in a pay period in which the full time or part employee uses five or more days of LWOP in the pay period. The employee may continue health and life insurance during the leave period. If an employee is on LWOP for disciplinary or investigative reasons, the Town will continue to pay its portion for health and other benefits, but annual and sick leave will not accrue during the period.

Section 13.5 - Leave of Absence

For exceptional reasons, the Mayor may grant a request from an employee who has been employed by the Town for at least five years, for a leave of absence without pay for a period not to exceed one (1) year when it appears that reinstatement of the employee would be in the best interest of the

Town. 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 13.6 - 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 Town as determined and authorized by the Mayor. Such leave shall not be deducted from any other leave accrued by the employee.

Section 13.7 - 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 Day
- Presidents Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Employee Appreciation 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, except for shift work personnel.

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 not be paid. 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.

Section 13.8 - 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 Town shall not be charged to either sick or annual leave.

In the event of death of a family member of an employee, the employee may be granted three (3) days leave of absence with pay to make household adjustments or attend funeral services. Family member 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, a registered domestic partner who is not a Maryland resident, or a same sex domestic partner if the employee is prohibited from marrying a same sex partner in the state of residence, and the domestic partner's mother, father and legal dependents.

Section 13.9 - Military Leave

Any regular employee who is a member of 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 13.10 - Military Training – Supplemental Pay

Any regular employee ordered to engage in military training is entitled to receive a pay supplement from the Town if the military pay is less than the employee's pay from the Town. 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 Town policy.

Section 13.11 - Jury and Court Leave

Any regular employee called upon for jury service shall be paid regular salary 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 Town 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 Town, 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 13-12 - Facilities Closings

Section 13.12.1 - Emergency Closing (e.g. Severe Weather)

During severe weather or other emergency situations, department heads will be responsible for contacting the Mayor or designee before 8 a.m. each day of the emergency to advise of their personal situation and receive directions and information to pass along to their employees.

The Mayor will advise the Department Heads if only essential personnel are required to report for duty and department heads are responsible for informing their essential personnel to report for duty.

Essential personnel are employees in positions that will be needed in the emergency. Public Works snow clearing crews are obviously essential personnel during a snow event, but 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 Mayor and Department Heads. Department Heads are responsible for informing their employees of their essential or non-essential status.

Non-essential personnel will be on liberal leave status unless directed by their supervisor to stay home. 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. If directed to stay home, the employee shall not be charged leave for the absence. Employees already on leave at the time of the emergency will remain so.

Section 13.13 - Workers' Compensation

To be eligible for Workers' Compensation an employee must be absent due to a work-related injury or illness.

All on-the-job injuries/accidents, no matter how minor, shall be reported to the immediate supervisor as soon as possible, but no later than twenty-four (24) hours after the occurrence. The supervisor shall report all injuries/accidents promptly to the Department Head. Any verbal report must be followed by a written report.

Sick and annual leave shall not accrue for Workers' Compensation absences.

Town-paid insurances while absent on workers' compensation shall continue until the employee returns to work or until the employee is determined to be unable to return to work or is terminated. The employee's usual contribution to benefit insurances and other payroll deductions will be the employee's responsibility when absent on workers compensation.

13.14 BENEFITS

13.14.1 Health Insurance

For full time employees, the Town pays:

100% of the employee health coverage

75% of the dependents coverage

100% of the deductible at the beginning of the plan year. An employee who becomes eligible in the second six months of the plan year receives 50% of this benefit

13.14.2 Dental and Vision

For full time employees, the Town pays 100% of employee and dependent dental and vision coverage

13.14.3 Life Insurance

The Town pays 100% of the premium for \$50,000.00 in life insurance for all permanent full time and part time employees.

13.14.4 Employee Assistance Plan

An employee assistance plan is available to all permanent full time and part time employees.

SECTION 14 - SECONDARY EMPLOYMENT

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

All secondary employment, including self-employment, performed by Town employees must be reported in writing to an employee's Department Head before starting the secondary employment. Forms specifically created for this purpose should be used. After approval and signature, the Department Head will forward the report to the Mayor.

The Department Head will review the reports of secondary 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 Town duties and responsibilities.

No secondary employment activities are allowed on Town time or premises or with Town equipment or uniform except as provided in the Police Department General Orders .

An employee's Town work schedule may not be adjusted to allow for secondary employment unless specifically approved by the Mayor.

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

For police officer employees, this section must be read in conjunction with UPPD 1300.9.

SECTION 15 - GRIEVANCE PROCEDURE

This procedure is not available to the Mayor, Chief of Police, Treasurer, Public Works Director or Town Clerk, or temporary, seasonal, or contract employees, except with respect to a claim of alleged discrimination.

It is the desire of the Town 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 15.1 - 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 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 Mayor. 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 Mayor 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 Mayor and the 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 Mayor 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 Mayor will be final. All materials related to the grievance and its resolution will be kept in the employee's personnel file.

SECTION 16 - POLITICAL ACTIVITY/CONDUCT OF EMPLOYEES

This policy does not apply to the Mayor.

No employee shall solicit or receive any money or thing of value from any other Town 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.

To run for a seat on the University Park Town Council or an appointed seat on a Town 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 Town of University 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 17 - 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 and to act in accordance with Chapter 12 – Public Ethics, Code of the Town of University Park.

SECTION 18 - RETIREMENT

Section 18.1 - Retirement Plan/Town Contributions

Eligible Town employees, except where exempted, are enrolled in the Employees' Pension System of the State of Maryland. The Town also participates in a 401(k) plan, which is made available to all permanent full time and part time employees. The Town does not match or contribute to employee 401(k) plans, with the exception of employees who are not eligible due to prior retirement to participate in the Employees' Pension System of the State of Maryland. Said employees are entitled to a 401(k) contribution equal to that made by the Town for employees in the Employees' Pension System.

SECTION 19 - SMOKING IN TOWN BUILDINGS/VEHICLES

Smoking is prohibited in all Town-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 Town-owned outdoor areas unless otherwise posted, provided building access is not inhibited or blocked.

SECTION 20 - SAFETY

All employees are responsible for cooperation with, and support of, safety program objectives and adopt the concept that the safe way to perform a task is the most efficient and only acceptable way to perform it. All employees must comply with equipment and uniform requirements. All departments and employees are expected to work together to insure 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 Town 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 Town vehicles, equipment and property.

Department Heads and supervisors are responsible for the implementation of safe work practices and shall work 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 21 - ALCOHOL AND DRUG POLICY

The Alcohol and Drug Policy allows for pre-employment, accident related and reasonable suspicion testing for alcohol and/or drugs. The health and safety of Town workers and residents plus applicable federal law requires that the Town establish a policy to eliminate substance abuse and illegal drugs from the work place

The unlawful use, sale, manufacture, transfer or possession of alcohol, illegal drugs, controlled substances, or any combination thereof on or in any Town vehicle, property, premises or work site shall be grounds for disciplinary action up to and including immediate dismissal.

This policy meets Federal Highway Administration regulations pertaining to drug and alcohol testing and education for Town employees whose duties require a Commercial Drivers' License (CDL). Further prohibited is the use of such drugs and/or alcohol off duty to the extent that such use negatively impacts an employee's work performance.

All public safety sensitive employees must notify the Department Head if they are taking prescription medication that may affect their ability to operate vehicles or equipment. Police Officers are required to notify the Chief of the use of any such medications.

Section 21.1 - Definitions

"Employee" means a person who holds a position with and performs services for the Town and is compensated through the Town's payroll system. It includes full time, part time, probationary, seasonal, temporary, contract and on-call employees except as otherwise noted. It does not include temporary help supplied and paid by an outside agency or independent contractors paid by disbursement.

"Job applicant" means a person who applies to become an employee and has been made a job offer by the Town.

"Reasonable suspicion/cause" means a belief that can be articulated based on specific objective facts and reasonable inferences drawn from those facts.

"Under the influence" means having the presence of illicit drugs or alcohol at or above State mandated levels.

"Employee Assistance Program" (EAP) means a resource provided by the Town for employees, their dependents and family members experiencing personal problems including those resulting from the use of alcohol or drugs.

"Public Safety Sensitive Positions" are positions where the listed duties include the operation of, or the requirement to be in close proximity to, Town vehicles or machinery. It also includes police officers.

Section 21.2 - Drugs

A urinalysis test and/or breathalyzer test will be given to detect the presence of the following drugs:

- a. Alcohol (ethyl)
- b. Amphetamines (e.g., speed)
- c. Barbiturates (e.g., Amobarbital, Butabarbital, Phenobarbital, Secobarbital)
- d. Cocaine
- e. Methaqualone (e.g., Quaalude)
- f. Opiates (e.g., Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone)
- g. Phencyclidine (PCP)
- h. THC (marijuana)

Section 21.3 - Job Applicant Testing

All applicants who have been offered a public safety sensitive position will be required to undergo a drug test as part of a pre-employment physical examination.

Section 21.4 - Employee Testing – Reasonable Suspicion/Cause

The Town may require an employee to undergo drug and/or alcohol testing if there is reasonable suspicion/cause that the employee may be under the influence of drugs or alcohol during working hours. Circumstances which constitute a basis for determining reasonable suspicion/cause may include, but are not limited to:

- a. A pattern of abnormal or erratic behavior or performance; or
- b. Direct observation of drug or alcohol use; or
- c. Presence of the physical symptoms of drug or alcohol use, (e.g., alcohol odor on breath, slurred speech, poor coordination and/or reflexes, impaired judgment).
- d. An accident involving the employee and any Town vehicle or equipment.

Supervisors are required to detail in writing the special facts, symptoms, or observations that form the basis for their determination that reasonable suspicion/cause exists to warrant the testing of an employee. This documentation shall be forwarded to the appropriate Department Head or designee. The Department Head or designee shall forward the request for implementation, which may be immediate or scheduled depending upon the circumstances. The reasons for testing shall be disclosed to the employee at the time of notification of testing and the

employee is entitled to a written statement of the facts within three (3) working days after the test is performed.

The consequences of a refusal to consent to testing for reasonable suspicion/cause shall be in accordance with Section 21.8.

Section 21.4.1 - Employee Testing - Accidents

Drug and alcohol testing of the employee will routinely take place as soon as practicable after all accidents unless the Department Head deems the accident to be non-preventable and waives the requirement for testing. The Department Head or designee will document all the facts leading to the determination of non-preventability and the decision to waive testing.

Section 21.4.2 – CDL Driver Random Testing

All employees who are certified with a commercial driver’s license must undergo random drug testing as required by Federal Highway Administration regulations.

Section 21.5 - Prior Notice of Testing Policy

The Town’s employment application form shall include notification that a post-offer pre-employment physical including drug screen will be required. All employees shall receive a copy of the Alcohol and Drug Policy.

Section 21.6 – Consent for Testing

Before a drug or alcohol test is administered, employees will be asked to sign a consent form authorizing the test and permitting release of test results to those Town officials with a need to know. Those Town officials with a need to know include the Mayor, Department Head and, if necessary, the employee’s immediate supervisor. The signed consent form will allow, if necessary, the re-disclosure of current and previously obtained test results to a physician, counseling or rehabilitation program consulted as the result of a positive test result.

Section 21.7 - Refusal to Consent - Applicants

A job applicant who, after being offered a position, refuses to consent to a drug test as part of a pre-employment physical will be denied employment with the Town.

Section 21.8 - Refusal to Consent - Employees

An employee who refuses to consent to a drug or alcohol test is subject to immediate unpaid suspension. The employee shall remain on unpaid suspension until the test is completed or three days have elapsed, whichever comes first. If three days elapse without the test being completed, the employee will be considered to have abandoned the position and his or her employment will be terminated immediately. A second instance of refusal to consent will be grounds for immediate termination of employment. Refusal to consent includes:

- a. Failure to provide adequate breath or urine for testing without a valid medical explanation.
- b. Failure to provide photo identification at the time of testing.
- c. Failure to sign consent form.
- d. Engaging in conduct that clearly obstructs the testing process.

Section 21.9 - Positive Test Result - Consequences

Applicants: The Town shall withdraw its offer of employment if an applicant's pre-employment drug test yields a positive result. Applicants shall be informed in writing.

Probationary (new hire)/Seasonal, Temporary, or Contract Employees: An employee who has not attained regular status shall be terminated if his or her drug or alcohol test yields a positive result. The employee shall be notified in writing with a copy of the test results.

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

If an employee's test result is positive, the employee is subject to immediate unpaid suspension and mandatory referral to the Employee Assistance Program (EAP). To remain employed by the Town, the employee must comply with the following conditions of continued employment within the listed time frames. The time frame starts with the date of the alcohol and/or drug test.

- a. Within thirty (30) calendar days, contact the EAP and agree to participate in and successfully complete any counseling or rehabilitation program provided or recommended by the EAP; and
- b. Within thirty (30) calendar days, sign the Release of Information Authorization provided by the EAP or program Substance Abuse Professional naming the Department Head as the authorized recipient of information; and
- c. Within thirty (30) calendar days, provide written confirmation from a Substance Abuse Professional of the employee's enrollment and participation in the EAP recommended program; and
- d. Within forty-five (45) calendar days, be retested with a negative test result and return to work.

No extension of the 30-day period or 45-day period will be granted. The employee may not return to work until he or she has complied with conditions a) and b), and has delivered the documents required by conditions c) and d) to the Department Head or Mayor. Noncompliance with any or all of these conditions will result in termination of employment. Failure to successfully complete any treatment or rehabilitation program after return to work will result in termination of employment.

During his or her absence, the employee may use accrued paid sick leave following the day of unpaid suspension; then paid annual leave; then sick leave without pay. Leave donations will not be accepted for this purpose and the Town will not advance any leave for this purpose.

Any costs associated with participation in a rehabilitation program that are not covered by the employee's health insurance will be at the employee's expense. Any costs for drug or alcohol testing before the employee returns to work will be at the employee's expense.

After return to work, random re-testing will occur for six months or as prescribed by the treating Substance Abuse Professional, or Department of Transportation (DOT) regulations if a longer period is required. Any second occasion of a positive test result within seven (7) calendar years of the first positive test will result in immediate termination of employment. The test dates will define the beginning and end of the seven-year period.

Section 21.10 - The Right to a Hearing

If a regular employee's positive test result has resulted in disciplinary action, the employee has the rights of appeal as outlined in Section 15 of these regulations.

Section 21.11 - Alcohol and Substance Abuse Programs through the EAP

Upon the occasion of a positive test result, or at the employee's request, the Town shall provide information about the Town's Employee Assistance Program (EAP) through which an employee will get information and the ability to access services and/or programs for assessment, counseling and rehabilitation purposes. If, prior to notification of an impending alcohol or drug test, an employee voluntarily identifies his or herself as a drug user or alcohol abuser, he or she may request a leave of absence to obtain counseling and rehabilitation through an EAP approved program.

Conditions of continued employment, return to work and use of leave during this leave of absence shall be the same as described in Section 21.9 for mandatory program participation. Employees who voluntarily identify themselves as users shall not be disciplined for drug and/or alcohol use if they thereafter refrain from violating the Town's Alcohol and Drug policy. However, all employees are subject to disciplinary action for any violation of work rules, Personnel Regulations or other Town policies resulting from the employee's violation of the Town's Alcohol and Drug policy.

Section 21.12 - Confidentiality of Test Results

All information from an employee's or applicant's drug and alcohol test is confidential and only those with a need to know as defined in Section 9 will be informed of test results. Disclosure of test results to any other person, agency or organization is prohibited unless mandated by law or written authorization is obtained from the employee or applicant. Any person who inappropriately discloses confidential information is subject to appropriate disciplinary action. The testing laboratory will destroy the records of unconfirmed positive test results.

Section 21.13 - Testing Laboratory Requirements

All drug and alcohol testing of employees and applicants shall be conducted at medical facilities selected by the Town and laboratories approved by the State.

SECTION 22 - FINANCE

Section 22.1 – Town Credit Card

No personal purchases may be charged to the Town credit card. In the event that a charge cannot be separated between personal and business, or a personal charge is inadvertently made on the card, reimbursement for the personal part of the purchase must be submitted to the Treasurer 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 Treasurer's approval. The Mayor may subsequently review the statement and receipts at his or her discretion.

SECTION 23 – EMPLOYEE RELATIONS

Section 23.1 - Attendance

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

The Town 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 23.2 – Appropriate Dress

It is important that Town of University Park employees present a positive, professional image when at work. For those employees not required to wear a uniform, professional business casual attire 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 23.2.1 – 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 Town of University Park 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, except when worn as part of a required uniform
- 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 worn as part of a uniform that are made to worn tucked in, worn un-tucked

Section 23.3 - 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. 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 24 -TOWN PROPERTY & EQUIPMENT

Section 24.1 – Electronic Communications (i.e. Computers, E-mail, Internet, Etc.)

Section 24.1.1 – Acceptable Use

Employees using Town 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 Town of University Park. As such, their conduct should be ethical and lawful at all times. The Internet may be accessed for official Town business to gain technical or analytical information and to establish business contacts. Unacceptable use of Electronic Communications can place the Town 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 24.1.2 – No Expectation of Privacy

All Electronic Communications are considered public information and the property of the Town with no right of privacy extended to the employee. The Town 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 Town or disclosed to law enforcement officials or other third parties without prior consent of the sender or the receiver.

Section 24.1.3 – Use of Computers and Telecommunications

All electronic-mail messages composed, sent and received at Town computers are and remain the property of the Town. The Town also may retrieve, review and copy files that may have been deleted by the sender and receiver. Employees are not permitted to access other employees' files and directories without a legitimate business reason to do so. The Town may intercept, monitor, copy, review, and download any communications or files, including personal files, employees create or maintain on their systems. No employee may use passwords on any part of their Town computers or computer files without the prior consent of the Town. The Town shall have access to all passwords. When using the Internet, employees shall exercise discretion and good judgment. Sending materials of a sensitive nature or materials that constitute "confidential information" is highly discouraged unless the information is properly encrypted to prevent interception by third parties.

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

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

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

Section 24.1.4 – Blocking Sites with Inappropriate Content

The Town 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 24.1.5 – 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, gender identity, 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-Town business is expressly forbidden at all times. This type of use limits bandwidth available for legitimate Town purposes and creates a portal through which unauthorized users, viruses, and spyware could access the Town's computer system.
- Internet access cannot be used for personal gain or advancement of personal views, for solicitation of non-Town business, or any other activities that result in the disruption of the Town network operation or interfere with personal productivity at work.
- Employees may not send/upload Town 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.
- Employees may not send/upload political or partisan content.

Section 24.1.6 – Personal Use

Brief and occasional personal use of the Internet is acceptable as long as it is not excessive or inappropriate, does not violate any of the prohibitions listed above, and does not result in expense to the Town 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 24.1.7 – Records Retention

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

Section 24.1.8 - 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 24.2 - Town Cell Phones & Communication Devices

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

Personal use of Town 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 Town for all calls that were initiated or received as a result of personal use.

Section 24.2.1 - 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 Town business.

Videotaping, photographing, copying, recording or transmitting any images, text or audio using multipurpose cell phones or other communications devices on Town premises or time is strictly forbidden as a violation of privacy and/or security. This section does not apply to activities undertaken as part of an employees' work duties, such as police in-car video and body cameras.

Section 24.2.2 - Disciplinary Action

Violations of this policy may result in disciplinary action up to and including termination.

Section 24.3 – Social Media Policy

For purposes of this policy, “social media” is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media include, but are not limited to, Facebook, blogs, MySpace, RSS, YouTube, Second Life, Twitter, LinkedIn, Delicious, and Flickr. For purposes of this policy, “comments” include information, articles, pictures, videos or any other form of communicative content posted on a Town of University Park social media site.

24.3.1 - General Policy

- a. The establishment and rules of use by any Town department or agency of a Town social media site is subject to approval by the Mayor and Council.
- b. Town social media sites must make clear that they are maintained by the Town and that they follow this Social Media Policy.
- c. Wherever possible, Town social media sites should link back to the official Town website for forms, documents, online services and other information necessary to conduct business with the Town.

- d. The Mayor or designees will monitor content on Town social media sites to ensure that use of the sites adhere to this Social Media Policy. Town employees and officials should have no expectation of privacy while using the Town's social media sites and the internet generally.
- e. The Town reserves the right to restrict or remove any content that the Town reasonably determines to be in violation of this Social Media Policy or any applicable law. Any content that the Town removes from the Town's social media sites based on this policy should be retained for a reasonable period of time, including the time, date and identity of the poster, when available.
- f. These guidelines must be displayed to users of the Town's social media sites or made available by hyperlink contained on those sites.
- g. The Town will approach the use of social media tools as consistently as possible, enterprise wide.
- h. All Town social media sites shall adhere to applicable federal, state and local laws, regulations and policies.
- i. Content posted, delivered to or sent from Town social media sites are public records subject to the Maryland Public Information Act. Any content maintained in a social media format that is related to Town business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure. Wherever possible, Town social media sites shall clearly indicate that content posted or submitted to the Town for posting is subject to public disclosure.
- j. The Town shall retain and maintain social media content in a manner and format that preserve the integrity of the original record and is readily retrievable for compliance with public information act requests and judicial e-discovery rules.
- k. The Town may remove from its social media sites without notice comments on topics or issues not within the jurisdictional purview of the Town, not responsive to posts made by the Town or in violation of this social media policy.
- l. Employees and officials representing the Town government through Town social media sites must conduct themselves at all times as a representative of the Town, in a manner respectful to Town citizens and the general public and in accordance with all Town policies.
- m. Town employees may not post any confidential or proprietary Town information without the prior express written permission of the Mayor or designees.
- n. Town employees who hold themselves out as Town employees in Town social media posts or in personal social media posts must take responsibility for conducting their social media activities in a professional manner that does not cast discredit on the Town. If an employee identifies himself or herself as an employee of the Town

on any personal social media postings not undertaken in furtherance of Town business, the employee must contain a disclaimer that the posts are solely the opinion of the employee and are not intended to reflect the views or philosophy of the Town, its officials, or other employees.

o. The Town will only accept third-party pages for posting on the Town's social media sites from organizations and entities that are not political in nature and are intended to provide non-commercial community information to the Town's citizens. Examples of such organizations and entities include other government entities, libraries, volunteer fire departments, businesses, public activities, newspapers and other media, and emergency management services. The posting of these third-party pages is not an endorsement of the content on those pages by the Town.

p. The Town may revise this Social Media Policy at any time.

24.3.2 - Comment Policy

a. As a public entity the Town must abide by certain standards to serve all its constituents in a civil and unbiased manner.

b. The intended purpose behind establishing Town of University Park social media sites is to disseminate information from the Town, about the Town, to its citizens and members of the public and to receive information, in civil discourse, through a limited public forum from the Town's citizens and the general public.

c. Comments containing any of the following inappropriate forms of content may not be permitted on Town of University Park social media sites and are subject to removal and/or restriction, without notice, by the Mayor or the Mayor's designees:

1. Comments not related to the original topic, including random or unintelligible comments;
2. Profane, obscene, violent, or pornographic content and/or language;
3. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin or any other trait or characteristic protected by federal, State or local law;
4. Defamatory or personal attacks against any individual or entity;
5. Threats to any individual or entity;
6. Comments in support of, or in opposition to, political campaigns or ballot measures;
7. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
8. Conduct in violation of any federal, state or local law;
9. Encouragement of individuals or organizations to engage in illegal activity;
10. Information that may tend to compromise the safety or security of the public or public systems; or
11. Content that violates a legal ownership interest, such as a copyright, of any party.

d. When a Town employee responds to a comment, in the individual's capacity as a Town employee, the employee's name and title should be used, and the employee shall not share personal information about himself or herself, or other Town employees.

Section 24.4 – Use of Town Vehicles

The Mayor or Public Works Director or Police Chief as appropriate shall approve all vehicle assignments. The Public Works Director and Police Chief shall maintain a listing of vehicle assignments and provide dispatch and/or recovery on those vehicles, and provide authorized maintenance.

Section 24.4.1 – Vehicle Definitions

Take Home Vehicle: If it is in the best interests of the Town, the Mayor or the Chief 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 Town 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 Town business. Personal use is not authorized. The vehicle is picked up at a Town facility at the beginning of the work shift and returned to a Town 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 Department Head. Operational conditions may include:

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

Section 24.4.2 – Personal Mileage in a Town vehicle

Personal use of a Town vehicle is a non-cash taxable benefit. An employee who uses a Town vehicle for personal use shall report the personal use mileage to the Treasurer 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 Town vehicle will compensate the Town for its use and mileage and may be subject to disciplinary action.

Section 24.4.3 – Business Mileage in a Personal Vehicle

Employees who use a personal vehicle on official Town 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 Treasurer in accordance with IRS rules.

Section 24.4.4 - Parking and Traffic Laws for Town Vehicles

Employees using Town-owned vehicles must operate the vehicle and park legally in accordance with State and local law and Town ordinances. Depending upon the circumstances surrounding any parking violation, the employee driver may be subject to disciplinary action. Except as exempted for emergency and public safety reasons, Town employees shall pay any parking, red light, speeding or speed camera or other citations issued for unlawful use of a vehicle issued during their operation of the vehicle, including when the vehicle is parked.

Section 24.4.5 - Non-Employee Use of Town Vehicles

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

Section 24.4.6 - Use of Installed Seatbelts

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

SECTION 25 -HUMAN RESOURCES

Section 25.1 – Domestic Partners

The Town of University Park prohibits discrimination on the basis of sexual orientation, gender identity and marital status. The Town 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 Town has determined it is appropriate to include a registered domestic partner who is not a Maryland resident, and his or her dependents, in the definition of immediate family and eligible dependent for use of leave and entitlement to health related benefits, if the employee is prohibited from marrying a same sex partner in the state of residence.

To be eligible for benefits, an employee and his or her domestic partner must provide the information required by the company administering benefits. The a information may include statements regarding their personal relationship and documents their legal and financial obligations to each other. All such information shall be held confidential and only disclosed to the extent necessary to provide and administer benefits

Section 25.2 – 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 to show committed personal relationship.
NATURAL CHILD:	Child’s official birth certificate showing employee as the parent.
DOMESTIC	The child’s birth certificate showing domestic partner as the parent.

PARTNER'S CHILD:	
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 25.3. - Employees with a Commercial Drivers License (CDL)

The Town will pay for the physical examination necessary to obtain a regular one-year or two-year DOT card provided the examination is performed at a Town approved medical facility. An employee must use a Town approved physician for the DOT examination at the Town's expense. Once the one-year or two-year DOT card is obtained, the Town will pay the cost or reimburse the employee for the Motor Vehicle Administration 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 performed by a Town approved physician. The Town will pay for, or reimburse for any expenses related to medical appointments for follow-up testing that are not covered by the employee's health insurance or health savings account.

SECTION 26 - ADOPTION OF PERSONNEL REGULATIONS

Section 26.1 – 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 Town Charter and Code, the Town Charter and Code will prevail.

Section 26.2 - Contract Disclaimer

Policies set forth in these regulations do not represent contractual obligations of the Town of University Park, but are designed to inform employees as to the policies, benefits and other programs of the Town of University Park currently in effect. The Mayor and Council 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 Town of University Park may commit the Town 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 Town of University Park.

Section 26.3 - Effective Date

These Personnel Regulations shall become effective on the date adopted by the Mayor and Council.

Section 26.4 - Changes

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

Section 26.5 - Receipt of Personnel Regulations

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

Section 26.6 - 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.