

RESOLUTION NO. 2686

A RESOLUTION OF THE CITY OF SALISBURY TO CHANGE THE EMPLOYEE HANDBOOK SECTIONS 0102 EQUAL EMPLOYMENT OPPORTUNITY, 0301 WAGES AND HOURS, 0509 MILITARY LEAVE FOR TRAINING AND WEEKEND DRILL OBLIGATIONS, 0610 SEXUAL HARASSMENT.

WHEREAS, the City of Salisbury has an Employee Handbook; and

WHEREAS, the Human Resources Department has reviewed the Employee Handbook;
and

WHEREAS, the Human Resources Department recommends making changes to the Employee Handbook due to changes to the law and changes made through the recent budget process; and

WHEREAS, the recommended changes have been discussed with the Mayor and by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City of Salisbury, Maryland to amend the Employee Handbook as follows:

0102 Equal Employment Opportunity

The City of Salisbury is an equal opportunity employer. It is the City's policy to employ qualified individuals on the basis of their relative ability, knowledge and skills, without regard to race, color, religion, national origin, sex, marital status, age, mental or physical disability, sexual orientation or political affiliation. This policy applies to all personnel-related actions, including promotion, compensation, benefits, job assignment, discipline and training.

The City is committed to a workplace free from sexual or any other unlawful form of harassment. ~~Sexual harassment includes any unwanted request or suggestion to engage in any sexually related activity. It also includes any action that tends to create a sexually offensive workplace, including the display of sexually graphic material, sexually offensive speech or the use of sexually explicit or suggestive gesture.~~ Any employee encountering employment discrimination, ~~or~~ sexual harassment or any type of unlawful harassment should immediately report the incident to anyone of the following: the immediate supervisor, ~~and to~~ the Department

Head, the Human Resources Department or the Office of the Mayor. All reports will be investigated immediately.

0301 Wages and Increases

The City's pay system and working schedules must fit the fiscal and service requirements of the City. These guidelines are largely determined by the City Budget. City tax-payers expect and require that in all matters, including our pay system, we stay within our budget. As a City employee, you share in the commitment and responsibility to our tax-paying citizens.

All wage determinations are subject to the City's budgetary process and are conditioned upon prior budgetary approval. Any wage increases described in this Chapter 3 are only available if approved as part of the City's budget.

0302 How Our Pay System Works

- A. Pay and Classification— Each City job is assigned a pay grade according to such factors as: job complexity; education/experience required; scope and impact; supervision received; supervisory duties; working relationships; working environment; and physical demands. Within each pay grade there is a minimum and a maximum compensation level and, a total of thirty pay steps which include the minimum and maximum. The minimum pay step represents the lowest amount that the City feels should be paid to any employee performing a job within that pay grade. The maximum pay step represents the highest amount that the City feels should be paid to any employee performing a job within that pay grade. All employees will be assigned to one of the listed pay steps in the pay grade.

- B. In most cases, a new employee begins employment at the minimum pay step of the pay grade for the job for which they were hired. Progression from the minimum pay step, through the pay range, is based on the annual step increase approved through the budget approval process and the employee's performance evaluation. An Employee must have

six months of service with the City before June 30 to be eligible for the annual step increase. An Employee's annual increase may be withheld due to the need to be reevaluated for receiving an overall less than Satisfactory Annual Performance Rating. Upon receiving a reevaluation where all areas are now rated at Satisfactory, the Employee will receive the increase effective on the first full pay period following the completion of the rating period or the corresponding number of weeks after the annual increase is provided. The annual increase will not be retroactive. If all areas of the evaluation are not brought up to a satisfactory rating after the initial probation period, the employee forfeits the annual increase for that fiscal year and may be recommended for further performance probation or dismissal.

Example 1: Employee A received an overall rating of less than satisfactory in February. This employee was then placed on performance probation for 90 days to bring those areas of the evaluation up to Satisfactory. At the end of the 90 day probation period, all areas have been brought up to a Satisfactory Rating. This employee would not receive their annual raise until the first full pay period of October because of the 90 day Performance Probation Period, even though the probation period occurred earlier in the calendar year.

Example 2: Employee B received an overall rating of less than satisfactory in December and was placed on Performance Probation for 90 days. Following the 90 day probation period, all but two areas of the evaluation had been brought up to a satisfactory rating. This employee forfeits the annual increase and based on the inability to improve all areas of the performance may be recommended for further Performance Probation or dismissal.

- C. Annual Increases will take place the first full pay period of July. This increase will be a minimum one step increase and will be applicable to all Regular Full Time Employees. All employees will be notified of the increase prior to the effective date. Part Time employees pay rates will be reviewed and calculated as an hourly rate. Generally, Part Time employees are not eligible for the annual increase.

- D. Salary Scales will be evaluated for Cost of Living Adjustments every few years to determine if the scale itself requires adjustment. Employees will not be moved to meet the scale adjustment unless they are below the minimum.
- E. Positions which require reclassification due to a change in the scope of work, the complexity, increased skill level, education, or market concerns require the Department Director to request the reclassification through the Human Resources Department. Once the evaluation is performed, Department Directors will receive a recommendation for the reclassification which should then be included in their Essential Items during the next fiscal budget process.
- F. Market Adjustments to a position may be made with the written approval of the Mayor on a case by case basis provided the evidence for requesting the adjustment is supported by verifiable documentation. This documentation must be reviewed by the Human Resources Director prior to presentation to the Mayor. This should include surveyed rates from private and public sector employers in our labor market for a similar position. A recommendation will be made to the Mayor based on an analysis of the current position and the salary survey information by the Human Resources Department.

0303 Pay for Newly Hired Employees

New employees should be appointed at the minimum of the salary grade to which their classification is assigned. Upon the approval of the Mayor, a new employee may be appointed at a pay step above the minimum based on the following factors:

1. Inability to hire qualified applicants at the minimum appointed pay step; or
2. A shortage of qualified applicants for the particular position; or
3. Experience that exceeds the minimum qualifications for the position.

Such justification must be put in writing enumerating the reasons based on the above mentioned factors and approved by the Mayor before the offer of employment is made. This documentation must be provided by the Department Director and reviewed by the Human Resources Department prior to presentation to the Mayor.

0509 Military Leave for Training and Weekend Drill Obligations

A regular full-time employee, who is a member of the Armed Forces Reserves, shall be eligible for Paid Military Leave for Training and Weekend Drill benefits up to 39 working days each calendar year. Application for Military Leave for Training purposes shall be made immediately upon receipt of official notification. Paid Military Leave may be used toward weekend drills, or training obligations when the employee is scheduled to work for the City of Salisbury and is unable to fulfill the City's schedule due to the weekend drill, or training obligations. Employees may combine the Paid Military Leave along with the use of Annual Leave, Compensatory Time, or leave without pay to cover Training and Weekend Drills beyond 39 days in any twelve month period.

0610 Sexual and other Unlawful Harassment

A. The City of Salisbury is committed to a workplace free from sexual and other forms of unlawful harassment. Sexual Harassment includes any of the following activities:

1. Any unwelcomed physical conduct;
2. Any sexually explicit language, pictures or gestures;
3. Any uninvited or unwanted sexual advances; or,
4. Any actions which tend to create a sexually offensive environment, including the use of vulgar language, profanity or sexually offensive stories or jokes.

B. Sexual harassment is strictly prohibited. Unwelcomed advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- C. Unlawful harassment of employees on the basis of age, disability, national origin, race, color, religion, gender, marital or veteran status, sexual orientation, genetic information or presence of a medical condition are strictly prohibited. Examples of unlawful harassment would be:
1. Slurs, epithets, and/or jokes based on unlawful harassment characteristics; or
 2. Conduct, comments, and/or innuendoes that may be perceived by others as offensive; or
 3. Sending, showing, sharing, and/or distributing in any form inappropriate jokes, pictures, comics, stories, etc., via paper, facsimile, electronic mail, the Internet or on cell phones.
- D. Procedure
1. Mandatory Reporting Requirement
 - a. The City takes very seriously every complaint of unlawful harassment and/or complaints of unlawful adverse employment action relating to filing sexual harassment or other unlawful harassment complaints. The City requires that all such complaints be investigated promptly and completely.
 - b. Any employee who thinks that he/she has been subjected to sexual or other unlawful harassment in, or related to the workplace must report it immediately. Employees must not delay reporting any incident which involves sexual harassment or other forms of unlawful harassment. These reports must be made to the employee's immediate Supervisor or the employee's Department Head, unless it involves one of those individuals, and then it may be reported to the City Administrator or the Human

Resources Director. Employees should not assume that any act is already known to the Supervisor, Department Director, City Administrator or Human Resources Director.

- c. The City can only prevent sexual and other unlawful harassment with active reporting by all employees.
- d. Any and all reported claims of sexual or other unlawful harassment will be investigated immediately. All witnesses identified will be interviewed privately. Where violations of this policy are found to have occurred, appropriate disciplinary actions will be taken, up to, and including termination.

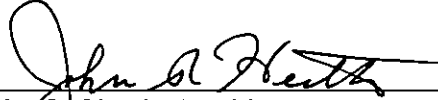
Again, any and all claims of sexual harassment should be reported immediately without delay, directly to the appropriate person(s) identified above.

THE ABOVE RESOLUTION was introduced and read and passed at the regular meeting of the City of Salisbury held on 24th day of October 2016, and is to become effective immediately upon adoption.

ATTEST:

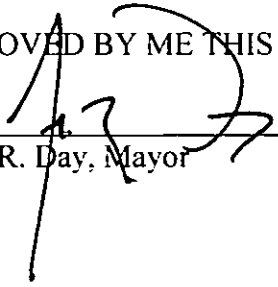


Kimberly R. Nichols, City Clerk



John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS 25 day of OCTOBER, 2016.



Jacob R. Day, Mayor

Memo

To: Tom Stevenson, City Administrator
From: Jeanne Loyd, HR Director *JL*
cc: Julia Glanz, Assistant City Administrator
Date: September 26, 2016
Re: Changes to Employee Handbook

Please see attached recommended changes for the Employee Handbook. These changes represent items which have either changed due to the law changing or through the recent budget process.

0102 Equal Employment Opportunity – moved the Sexual Harassment section to appropriate section.

0610 Sexual Harassment – added other forms of unlawful harassment

0301 Wages and Hours – updated the information to reflect the changes that were introduced with the budget, 25 steps to 30 steps with a step increase annually with a satisfactory performance appraisal.

0509 Military Leave for Training and Weekend Drill Obligations – recommended changes to the policy to offer more pay stability for our military during their active duty.

These changes have been reviewed or recommended by the Executive Staff and are now presented for approval by the City Council.