



# **City of Salisbury Employee Handbook**

*LAST REVISED APRIL 27, 2020*

## EMPLOYEE HANDBOOK CITY OF

### SALISBURY

Revised April 27, 2020

#### DISCLAIMER

This Employee Handbook is provided to all employees during their employee orientation when they are hired and upon completion of any holistic updates. It is the responsibility of employees to read and comply with the policies contained in the Handbook. By signing the receipt and acknowledgement form on the last page of this Handbook, you agree to adhere to the policies and procedures herein.

This Employee Handbook supersedes, in all respects, any prior handbook, policy manual, or practices of the City and has been prepared for our employees to provide you with general information about some of your benefits and the highlights of the rules and policies under which we operate. Additional policies and updates will be delivered to you from time to time from your Department *Director Head*, our Director of Human Resources or City of Salisbury Administration. We could not in this publication, explain every City policy, rule or benefit in this Handbook and its provisions can be considered as no more than general summaries of the benefits, work rules and policies they address. While the City hopes that its' personnel actions will continue to be positive, from time to time, the City may unilaterally, in accordance with paragraph 0103, in its discretion, amend, supplement, modify or eliminate one or more of the benefits, work rules or policies described in this Handbook, or any other employment benefits, work rules or policies, without prior notice.

**Nothing in this Handbook constitutes an express or implied contract of employment or warranty of any benefits.** We hope to have a long and mutually beneficial working relationship together as we serve the citizens of the City of Salisbury. However, circumstances may arise that will cause the termination of your employment relationship with the City. The City will comply with any obligations it may have under federal, state, or local law prior to terminating an employee.

The City notes that a variety of policies and procedures may be available to employees prior to discharge. These policies and procedures include the grievance procedures described in Chapter 9 as well as the disciplinary and corrective action procedures described in Chapter 8.

The City of Salisbury is dedicated to promoting, stewarding and guiding our employees as leaders to reach their full potential

We ask that you dedicate yourselves as leaders to our mission:

***Mission Statement:*** *The City of Salisbury's staff exists to ensure the highest quality of life for our citizens. In partnership with our citizens and employees, we will provide safe, livable and diverse neighborhoods. We will deliver efficient and effective municipal services at the highest level of customer satisfaction. We will ensure that our infrastructure and services support our residents and businesses. The City of Salisbury will emphasize protecting and enhancing the environment.*

**Core Values:**

- *Accountability – We accept responsibility for our personal and organizational decisions and actions.*
- *Continuous Improvement – We provide the highest quality service with the resources available by promoting innovation and flexibility to meet the changing needs in the community.*
- *Diversity – We embrace differences and variety in our workforce and community.*
- *Environment – We are concerned about our natural, historic, economic and aesthetic resources and endeavor to enhance the sustainability for future generations*
- *Ethics – We set high standards for our personal, professional and organizational conduct and act with integrity as we strive to our mission.*
- *Respect – We treat our coworkers and the public with courtesy and dignity.*
- *Integrity – We are honest and transparent in our words and actions.*
- *Safety – We use education, prevention and enforcement methods to protect life and property in our business and residential neighborhoods, and maintain our infrastructure and facilities to provide a safe environment in which to live, work, shop and play.*
- *Teamwork – We work together to plan, develop recommendations, deliver services and openly communicate with the public and each other by soliciting feedback and sharing information to achieve our goals.*
- *Trust – We realize the perception of our organization is dependent upon the public’s confidence in our commitment in our core values and to meeting the goals set collectively by the Mayor and City Council.*

**Vision Statement:** *The City of Salisbury will remain the medical, educational, cultural and economic center of the Eastern Shore. Our commitment to excellence, innovation and service, combined with sound fiscal management, will ensure Salisbury’s future as a safe, vibrant and healthy community.*

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## Chapter 1

### **YOUR EMPLOYMENT WITH THE CITY OF SALISBURY**

#### 0101 Welcome to the City of Salisbury!

As a new employee, you are joining the team that has made our City a regional shining star, a respected Maryland municipality and a leader in customer service, business development, entrepreneurial development, and job creation. We wish you success in your new job and we hope that you quickly feel at home. At the City of Salisbury, every position is important. We hope you will immediately connect with our core values of customer service, transparency, relationships, sustainability and stewardship. Your commitment to these values is critical for our mutual success in the service of the citizens of the City of Salisbury.

To ensure the City's success in accomplishing its mission, this handbook has been prepared to provide you with a basic understanding of the City's mission, vision, policies and your responsibilities as an employee. It was prepared to make you aware of what you can expect from the City of Salisbury – and what the City will expect from you.

We hope your experience here will be challenging and enjoyable. This handbook should not be construed as an employment contract or an agreement for employment for any specified period of time. The information we have included in this handbook is necessarily brief and may be subject to change; however, all laws, rules, and policies from which this handbook is derived can be found in our Department of Human Resources. If any information contained in this handbook conflicts with any of the above, those laws, rules and policies take precedence over the information provided in this handbook.

Any questions regarding the content of this handbook or policies of the City of Salisbury should be addressed through your supervisor or our Department of Human Resources.

#### 0102 About this Employee Handbook

It is impossible in any employee handbook to anticipate all situations or new developments that may arise in employment. Accordingly, the City expressly reserves the absolute right to change the policies and set forth in this handbook, if doing so would be in the best interest of the people of Salisbury.

Through and by the issuance of this Employee Handbook, all prior explanations of the City's policies are superseded. This Employee Handbook specifically replaces all prior Employee Handbooks, policy directives, and manuals.

#### 0103 Special Note Concerning Police Department Directives

Pursuant to the City Code, the Salisbury Police Department has established rules and regulations known as the City of Salisbury Police Department Written Directives. These written directives govern the operation of the Police Department and employees of that Department. When the written directives of the Salisbury Police Department conflict with or directly address employment policies discussed in this

Employee Handbook, those written directives shall control.

#### 0104 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, ancestry, place of origin, color, ethnic origin, religion, disability, citizenship, creed sex, sexual orientation, gender identity, age, marital or relationship status, family status, immigrant status, receipt of public assistance, political affiliation, religious affiliation, genetic information, social or economic status, or level of literacy and language ability unless the individual's English language ability or level of literacy would have a detrimental effect on their job performance. 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 and any other unlawful forms of harassment. Any employees encountering employment discrimination or any form of unlawful harassment should immediately report the incident to their immediate Supervisor and the Department Director or the Human Resources Department. All reports will be investigated immediately.

The City of Salisbury shall implement and enforce a positive environment in its workplace to achieve full access and equal opportunity and to create a harmonious environment free from discrimination, harassment and hate.

*This statement of policy is intended as a reflection of the City's commitment to a fair and just workplace in which all existing legal rights are fully protected. This statement of policy does not, however, create any justiciable right.*

#### 0105 The Employment Understanding

All employees of Salisbury have the right to terminate employment with the City for any reason and at any time. The City of Salisbury reserves the right to terminate probationary employees at any time for any reason. The City reserves the right to terminate any non-probationary employee at any time for cause, as determined by the City of Salisbury, including, but not limited to, reduction in work force, disciplinary misconduct or poor performance. Non-probationary employees have a right to invoke the Grievance/Appeal procedure described in Chapter 9 of this Employee Handbook to appeal any termination decision.

#### 0106 Your Probationary Employment Period

A. All newly hired employees are considered to be probationary employees until they have completed



a probationary period. For most positions there is a 6-month probationary period. Some departments may have a longer probationary period for certain jobs. For example, an 18-month probationary period applies to certified police officers and a 12-month period applies to all Firefighting or EMS employees. At the time of hiring you will be informed of the probationary period applicable to your position.

- B. During probationary employment your work habits and work performance will be closely reviewed. Any disciplinary problems or attendance problems will be regarded very negatively. Your probationary status may be extended in order to provide further opportunity to be successful in your assignment.
- C. Employment will be ended immediately if performance or behavior is determined by the Department to be unacceptable for any reason. A decision to terminate employment during the probationary period is not appealable through the procedures described in this Handbook. A terminated probationary employee may, however, meet with the Mayor or his designated representative to discuss the termination decision.

#### 0107 Employment Status

- A. Elected Positions. Positions established by State or Local law, the incumbents of which are selected by a prescribed voting process and who serve for defined terms.
- B. Appointed Positions. Positions staffed through an “at will” employment relationship. Employees in “appointed” positions serve at the pleasure and discretion of the appointing officials subject to applicable local, state, and federal laws and regulations. The City may enter into a contract or employment agreement with an employee in an appointed position that provides for terms or conditions of employment that differ from the standard terms and conditions of employment for all other employees. All appointed positions are filled through a competitive selection process based on the merit and fitness of the individual selected.
- C. Exempt Employee. An employee not eligible for overtime pay.
- D. Non-exempt Employee. An employee who does not meet the statutory exemptions of the Fair Labor Standards Act and thus is paid or given compensatory time at time and one-half the employee’s regular rate for all hours worked over forty in a week (except for public safety employees eligible for the FLSA Section 7(k) exemption).
- E. Regular Full Time Employee. An employee employed on a continuing basis for a full workweek.
- F. Regular Part Time Employee. An employee who is hired to work on a continuing basis of a minimum of 50 percent of a workweek, but less than a full work week.
- G. Temporary Full Time Employee. An employee hired to fill a position that is anticipated to exist for less than one year (12 months). Is regularly scheduled to work a full-time workweek.

*(Grant or contractual positions and must be reviewed annually to determine the need to continue this status)*

- H. Temporary Part Time Employee. An employee hired to fill a position that is anticipated to exist for less than one year (12 months). Is scheduled to work less than a full-time work week. *(Grant or Seasonal, must be reviewed annually to determine the need to continue)*
- I. Unless specifically notified otherwise and expressly approved by the Mayor, only regular full time employees are entitled to the benefits described in the Employee Handbook section

0108 Reinstatement

- A. An employee, who leaves the employment of the City, and subsequently applies for reemployment, shall be eligible to be reinstated in his former position, at the rate of pay he would have been paid if he had not left, provided that he is reemployed within six months of the date of his resignation, and provided that his former position, or a similar position in the same classification, is available. If the employee is reinstated, he will be eligible to have his benefits restored, as if he had never left employment, except for any benefit or compensation for which the employee was paid at the time of his resignation.
- B. An employee, who leaves the employment of the City and is subsequently reemployed at any time after six months of the date of his resignation, shall be reemployed on the same terms and conditions as if he was a new employee.
- C. An employee, who is reinstated as provided in paragraph (A) of this section, and who subsequently leaves the employment of the City, shall be eligible to be reemployed as provided in paragraph (B) of this section but shall not be eligible to be reinstated again as provided in paragraph (A).

## Chapter 2

### JOB ASSIGNMENTS

#### 0201 Our View Of Job Assignments

The employees of our City are employed to serve the citizens of Salisbury. Every attempt is made to match the strengths of each employee with a job assignment that best serves our citizens.

From time to time, reaching this goal may involve the promotion, transfer, temporary reassignment or permanent reassignment of an employee within the employee's Department or within City government. Intra departmental changes are usually undertaken by the Department Director. Changes between Departments are usually done through cooperative efforts of the Department Directors and the Mayor's Office.

Although the City tries to place employees in jobs of their preference, this may not be possible at all times. Also, the City reserves the right to maintain an employee in the employee's existing job if determined to be in the best interests of the City.

#### 0202 Promotions

The City hopes that employees with superior performance and good work habits can be promoted as vacancies arise. Promotions are accomplished by a request from the Department Director to the Mayor's Office. Employees interested in consideration for promotion should make that interest known to the Department Director.

A promoted employee serves a probationary period in the new position. The length of the probation (usually 6 months) is determined by each department. If work performance or work habits are unacceptable, the City reserves the right to return the employee to his former position or to terminate employment. A decision whether to terminate a promoted employee during this probationary period is subject to appeal or grievance under Chapter 9 of this Handbook.

#### 0203 Job Reassignments

From time to time it may be necessary to temporarily or permanently reassign an employee from one job to a different job, either within the same department or to a different department. The City reserves the right to reassign employees involuntarily.

Job reassignments may result, for example, from reorganization of the work, reduced departmental funding, a change in technology or public needs, a change in the workforce, a change in the employee's abilities, a voluntary request from an employee, or as a disciplinary adjustment.

Any employee reassigned by request or as a disciplinary adjustment will serve a probationary period in the new position. The length of the probation (usually 6 months) is determined by each department. If work performance or work habits are unacceptable, the City reserves the right to return the employee to his

former position or to terminate employment. A decision to terminate a reassigned employee during this probationary period is subject to appeal or grievance under Chapter 9 of this Handbook.

#### 0204 Travel Policy

The City of Salisbury has a travel policy. A copy of that travel policy may be obtained from your Department Director *or via intranet* . All forms may be obtained on sby.net available to all employees on our intranet. Please refer to that policy in regard to travel.

### Chapter 3

#### WAGES AND HOURS

#### 0301 Wages and Increases

The City's pay system and work 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 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 in October. The annual increase will not be retroactive. If all areas of the evaluation are not brought up to a satisfactory rating after the 90-day performance probation period, the employee forfeits the annual increase for that fiscal year and may be recommended for further performance probation or dismissal.

*\*This increase at six months is not applicable to Police Officers and Fire Fighter/EMT/Paramedics as they must be off of probation before being eligible for an increase. Each of these areas must follow the applicable directives for their pay plan.*

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 in 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 Market 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 **hired** at the minimum **window (first five steps)** 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 **window** 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.

0304 Pay Upon Promotion

- A. The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the department recommendations, work force requirements, performance evaluations, job descriptions and related City requirements.
- B. There are two categories of promotions:
  1. Progression because of defined time in grade and/or education or **Career Ladder**.
  2. Advancement to a higher grade to assume new job duties and responsibilities.
- C. The salary of a promoted employee shall be set at the lowest step in the pay grade established for the classification to which he is promoted, which represents at least a four percent (4%) increase if the promotion is because of defined time in grade and/or education. If the promotion is because of advancement to assume new job duties, the salary will be set at the lowest step in the pay grade that represents at least an 8% increase for a one grade increase or 12% for a two or more grade increase. *(This section is not applicable to Police Officers and Fire Fighters/EMT/Paramedics, which must follow their departmental directive promotional policy and advance through their own salary scale which does not provide for an automatic percentage)*

0305 Pay Upon Demotion

- A. Non-disciplinary - An employee being *reassigned* for non-disciplinary reasons shall be placed in the pay grade established for the classification to which he is *assigned* and shall receive the pay step he would have achieved in the lower position if he had been employed in that position continuously.
- B. Disciplinary - An employee being demoted for disciplinary reasons shall be placed in the pay established for the classification to which he is demoted and shall be assigned to the highest pay

step in that pay grade which represents at least an 8% decrease in pay for a one grade decrease or 12% for a two or more grade decrease.

0306 Pay Upon Lateral Transfer

The pay rate of an employee, who transfers from a position or classification within one pay grade to another position or classification within the same pay grade, shall not be affected by the transfer. Exceptions to this policy may be granted by the Mayor upon the recommendation of the department head.

0307 Pay Upon Reclassification

- A. If the position held by an employee is reclassified to a classification assigned to a higher pay grade, the employee's pay shall be changed in the same way as if the employee had been promoted.
- B. If the position held by an employee is reclassified to a different classification, but without a change in pay grade, the employee's pay rate will remain the same.
- C. If the position held by an employee is reclassified to a classification assigned to a lower pay grade, the employee's pay shall be placed on step in the lower scale without going below their current rate.

0308 Pay for Serving in an Acting Capacity

- A. An employee, who is assigned the duties and responsibilities of another position, which is assigned to a higher pay grade, on an acting basis, and who acts in this capacity, shall receive a temporary increase in pay. This increase in pay shall be effective upon the **first day of the next full pay period** in which the employee serves in such acting capacity, and shall continue until the employee is relieved of this additional assignment.
- B. The increase in pay for such additional assignment shall be the higher of either the minimum pay rate of the new range, or the lowest pay step, which will provide at least an 8% increase, if the assignment represented an increase of one pay grade, or an increase of at least 12% if the assignment represented an increase of two or more paygrades. *\* This is not applicable to Police Officers and Fire Fighter/EMT/Paramedics, they must follow their own salary scale as developed to move to the appropriate grade and at the appropriate step.*
- C. Upon the approval of the Mayor, an employee, who is assigned to work in an acting capacity, may receive a temporary increase in pay earlier than thirty days. Any department director desiring to increase the pay of an employee serving in an acting capacity earlier than the thirty-first day shall submit a written explanation to the Mayor enumerating the reasons for the recommendation. The term of the employee being assigned in an acting capacity shall not be for more than a period of six months without the advice and consent of the City Council.

0309 Compensatory Time Nonexempt Employees

A. Policy Statement – The City of Salisbury provides compensation in the form of time off or cash payment for employees required to work in excess of their normal workweek.

B. Overview

1. Overtime must be authorized by the employee's supervisor before the overtime is worked. Employees may be paid for overtime hours, or if approved by their supervisor, may receive compensatory time in accordance with this policy.
2. Overtime hours are calculated based on hours worked during a nonexempt employee's designated workweek. Hours worked up to forty (40) hours in a single workweek accrue overtime pay or compensatory time on an hour for hour basis. Hours worked in excess of 40 hours per week accrue overtime pay or compensatory time at a rate of 1 ½ hours of pay or compensatory time for each hour of overtime. Hours worked means actual work done by the employee. For example, hours taken for sick leave, vacation, holidays, personal leave or other paid or unpaid absences do not count toward the 40 hours per week. Police, Fire and EMS employees will be eligible for the time and a half rate according to department workweek regulations.
3. Meal time is excluded from the overtime calculation, provided that the employee is not required to perform any duties during the meal period.
4. Take home work is not permitted unless there is a signed telework agreement on file for the position.
5. When an employee travels outside the area, transit time (excluding meal times) on an employee's time will be eligible for compensatory time. Also travel time in the area (define area) is included in computing hours of work if the employee travels during regular work hours, travels from one worksite to another, or is called out after work hours in emergency situations.

C. Accrual

1. Employees are encouraged to take their compensatory time within 30 days.
2. Compensatory time should be used before vacation time.  
When an employee has accumulated 80 hours of compensatory time, the employee must schedule a meeting with the employee's supervisor to discuss how the comp time balance can be drawn down. When an employee has accumulated ~~120~~ **160** hours, the employee cannot earn any additional compensatory time and must be paid for all overtime exceeding ~~120~~ **160** hours
3. The City reserves the right at any time to pay an employee for overtime in lieu of accruing or accrued compensatory time.

D. Payment

1. Compensatory time must be paid out upon cessation of employment or retirement.
2. Compensatory time generally is payable at the employee's rate in effect at the time the employee is being paid for compensatory time. An employee who is paid for compensatory time upon cessation of employment or retirement, shall be paid the greater of (i) the average regular rate received by such employee during the last three years of employment, or (ii) the final regular rate received by such employee.



3. Compensatory time must be paid out when an employee moves from a nonexempt job to an exempt job at the rate last paid to the employee for the non-exempt position.

E. Not Transferable

Compensatory time may not be converted to any other type of leave *or transferred to any other position within The City of Salisbury unless the new Department Director is willing to assume the comp time at the new rate with the new position.*

0310 Compensatory Time Exempt Employees

A. Policy Statement

The City of Salisbury wishes to recognize that in some situations, City of Salisbury employees who are exempt from the overtime provisions of the federal Fair Labor Standards Act and equivalent Maryland law (collectively referred to herein as “FLSA exempt”) may be required to work significantly longer work hours or work weeks than normally are required. This policy is designed to treat such situations equitably and to recognize the work, commitment and dedication of employees who put in those extended hours. This policy applies to all City of Salisbury employees designated as FLSA exempt and is the only compensatory time policy applicable to these employees.

B. Purpose of Compensatory Time

Full-time FLSA exempt employees generally are expected to work at least thirty-five (35) or forty (40) hours each week, depending on their schedule, and as many hours as necessary to complete their jobs. This policy does not change these expectations. It does, however, recognize the existence of unusual circumstances in which the workload of particular City of Salisbury exempt employees may be especially burdensome. Examples of these circumstances might include but are not limited to:

1. Temporary high priority project assignments with mandatory deadlines,
2. Overload work performed while vacancies in a department are being filled,
3. High volume of service calls, or
4. Work required in meeting work deadlines related to the administrative cycle.
5. Employees become eligible for compensatory time in these situations only when they are unable to fulfill the tasks within normal business hours.

C. How Earned

Compensatory time is granted on an hour-for-hour basis. There is no provision for earning time and a half for hours exceeding the work-week. Time will be earned and usable in 15 minute increments. Compensatory time is earned only with prior approval from the Department Head or his designee. Both the employee and the supervisor shall discuss in advance the need for unusually long work hours in a workweek for which compensatory time might be appropriate. When compensatory time is to be accrued based on discussions described above, all documented hours worked beyond thirty-five (35) or forty (40) in a workweek, depending on their schedule, shall be granted as compensatory time. Work taken home will not be eligible for Compensatory time. For travel

outside the area, transit time (excluding meal times) on an employee's time will be eligible for Compensatory time as will travel time inside the area when during regular work hours; travel from one worksite to another, and if called out after work hours in emergency situations.

How Used

Employees must obtain prior approval from their supervisor in order to use compensatory time. Compensatory time should be taken before vacation time is taken. Employees are encouraged to take Compensatory time within the following 30 days. When 80 hours of compensatory time are accumulated, the supervisor must schedule a conference to schedule draw down of the Compensatory time with the employee. Compensatory time accumulated in excess of 120 hours must be taken within 30 days. At retirement any accumulated Compensatory time will be either taken or paid out on the same basis as accumulated sick leave at the option of the employee which is a maximum of 25% of the accrued comp time. Nothing over 120 hours will be considered in this computation.

D. Not Transferable

Compensatory time may not be converted to any other type of leave or transferred to any other position within The City of Salisbury, ***unless the new Department Director is willing to assume the compensation time off as part of their transfer.***

E. Records

Compensatory time will be authorized in writing. If the need for compensatory time is due to an emergency, then the authorization will be as soon as practical after the event requiring the compensatory time. The employee's record of accumulated compensatory time will be kept on the City's payroll system by each department's payroll clerk. The amount of accumulated compensatory time, annual leave, and sick leave will be shown on the employee's bi-weekly pay summary.

F. Separation

Upon cessation of employment prior to retirement or eligibility for retirement, there is no payout of compensatory time, and any remaining compensatory time is lost.

G. Executive Compensation Time

Department Directors, Deputy City Administrators and the City Administrator are also eligible to accumulate Compensatory time in the same manner as other exempt employees with the following exceptions:

1. This time is earned and usable in full one hour increments.
2. The accumulated Compensatory time will be kept by the executive and reported to the Mayor (in the case of the City Clerk accumulated Compensatory Time will be reported to the City Council President) every June 30<sup>th</sup> and December 31<sup>st</sup>.

## Chapter 4

### **EMPLOYMENT BENEFITS**

#### 0401 About Your Benefits

The City of Salisbury provides an excellent employment benefit package for regular full-time employees. Briefly, qualified employees of the City of Salisbury enjoy the following benefits:

- Health Insurance, incl. Prescription Drugs, Dental and Vision
- State of Maryland Retirement Benefits
- Deferred Compensation Program
- Supplemental Insurance, incl. Accident, Cancer, Specified Health, Hospitalization and Short Term Disability
- Flexible Spending Accounts (medical and dependent care)
- Credit Union
- Blood Bank Participation
- Life Insurance
- Free Parking
- Paid Leave
- College Tuition Reimbursement
- House Keys for Employees

Most of these employee benefit programs are provided through insurance carriers or various State agencies. For each benefit plan there is a formal plan document which describes all the details, qualifications and exclusions applicable to the particular plan. These documents are readily available upon request. **In all matters, the provisions of the plan documents supersede any description contained in this Employee Handbook** because it is impossible, in the format of this Handbook, to fully describe all provisions of each plan. It is hoped, however, that this Employee Handbook gives you some background sufficient for a general understanding of these valuable benefits. Some of the above-referred benefits may require the Employee to pay part or all of the cost. Employees that did not elect to participate in certain benefits during new hire or open enrollment may elect to participate provided they have a qualifying event as defined by the Regulations issued by the Department of Treasury for Section 125 Plans (birth or adoption of a child, marriage, divorce, etc.).

#### A. Health Insurance

The City of Salisbury currently provides group health insurance coverage for Regular Full-time City employees. This insurance coverage is purchased through a private health insurance carrier and includes Medical, Dental, Vision, and Prescription Drugs. The details of the plan and coverage are readily available in the Human Resources Department.

Regular Full-time City employees are eligible to participate in the plan on the first day of the month following the completion of at least 30 days of employment. It is the responsibility of the employee to complete all necessary forms for the enrollment process and to keep all personal information current.

#### 1. Pre-Tax Deduction

As an additional benefit to City employees, the deduction for Health Insurance coverage is paid through the City's flexible benefit plan. The plan allows City employees to pay for coverage through pre-tax dollars.

2. Termination Coverage (COBRA Rights)

Upon termination of employment, employees may be eligible to continue their insurance coverage under the Federal law known as COBRA (Consolidated Omnibus Budget Reconciliation Act of 1995). Under COBRA, under certain circumstances, an employee and the employee's dependents may continue coverage for a particular period of time until alternative coverage is available. Any terminated employee seeking to continue insurance coverage should immediately contact the Human Resources Department.

3. Health Insurance upon Retirement

a. Eligibility

- i. For employees hired prior to 9/1/2017, to be eligible to participate in the City's health insurance program following retirement, the employee must have worked for the City for a minimum of 10 years.
- ii. For employees hired on or after 9/1/2017, to be eligible to participate in the City's health insurance program following retirement, the employee must have worked for the City for a minimum of 20 years.
- iii. For employees retiring through accidental disability after July 1, 2008, no minimum number of years of service is required. The employee's retirement must meet the State Retirement Agency's criteria for accidental disability and the employee must have been awarded accidental disability retirement from the State Retirement Agency to be eligible for the waiver of years of service.

b. Benefit

- i. For eligible employees who retire prior to 9/1/17, the City will pay 50% of the retiree's health insurance premium and 50% of the premium attributable to eligible dependents, until the retiree becomes eligible for Medicare coverage.
- ii. For eligible employees who retire on or after 9/1/17, the City will pay 50% provided it does not exceed the established maximums set for the various types of coverage. See Human Resources for the established annual maximums for these types of coverage.
- iii. When the retiree becomes eligible for Medicare, any eligible dependents will be converted to policies independent of the Medicare eligible retiree for the duration of the dependent's
- iv. The City will pay the applicable premium attributable to dependent health insurance, provided that the retired employee's dependent was enrolled at the level of dependent coverage requested for at least three years prior to retirement or for the entire time that the dependent was eligible to be enrolled if the dependent was eligible for less than three years. If a retiree has a spouse working for the City and the spouse has maintained health insurance coverage under the City policy (either individually or combined) for at least the three years prior to the retiree's retirement, the retiree may combine policies with the spouse. This combination can occur at the retiree's retirement or at a change in

employment status of the spouse (i.e. spouse resigns, spouse goes part-time, etc.) The combined coverage may not be at a higher level than previous separate coverage, nor may it allow for the coverage of additional dependents not covered prior to the time of combination

- v. The City will pay 50% of the premiums for Medicare supplemental insurance for all eligible retirees, but only up to the maximum benefit amounts for employees *retiring* on or after 9/1/17.
- vi. The maximum benefit amounts are set in the City's Annual budget or as otherwise updated by subsequent ordinance.

#### B. Life Insurance

The City of Salisbury provides life insurance for all regular full-time employees. Coverage begins on the first day of the first month following completion of at least 30 days of employment. Eligible employees are subject to a death benefit of \$10,000. This benefit will be reduced based on age. The plan also provides for certain payments in the event of dismemberment. It is the employee's responsibility to seek and complete the necessary insurance forms and to keep beneficiary information current. Specific information about the plan can be obtained from the Human Resources Department.

#### C. State of Maryland Retirement Plan

All regular full-time and regular part-time City employees must participate in the State of Maryland Retirement System. The plan in which you participate depends upon your job classification. Eligibility and qualification for participation are fully controlled by the Maryland Retirement System documents.

To participate, you must obtain an enrollment form from the Human Resources Department and fully complete the form. It is the employee's responsibility to assure that the application is properly completed. A full description of the State of Maryland Retirement System programs, including all eligibility and participation requirements, is contained in documents which may be obtained from the Maryland State Retirement Agency or the Human Resources Department.

#### D. Deferred Compensation Program

All regular full-time City employees are eligible to enroll in the 457 (b) Deferred Compensation Plan through payroll deductions. This plan allows participants the opportunity to defer income. Information regarding this plan and the qualifications for participation are available from the Human Resources Department.

#### E. Supplemental Insurance

All regular full-time employees are eligible to enroll in a variety of supplemental insurance policies offered by the City of Salisbury. Accident, Cancer, Specified Health, Hospitalization, Short Term Disability, Dental and Vision Plans are offered. The costs of these plans are completely covered at the expense of the employee.

#### F. Flexible Spending Accounts

All regular full-time City employees are eligible to enroll in Flexible Spending Account Plans. Medical FSA and Dependent Care FSA plans are offered. The Medical FSA is limited to \$2500 tax deferred payroll and the Dependent Care FSA is limited to \$5000 tax deferred each plan year.

#### G. Credit Union

All full-time City employees and their immediate families are eligible to join the Maryland State Employees Credit Union. Employees may make loan repayment deductions directly from their payroll checks. For more information, contact the Department of Finance Payroll Section.

#### H. Parking

The City of Salisbury provides free parking in assigned lots for full-time employees during duty hours. Employees are expected to park in the appropriate lots. Please be mindful not to damage the vehicles of coworkers. City employees are not permitted to use, and are subject to disciplinary measures for use of, the metered spaces in Lot No.9 for their personal vehicles during working hours. This lot is intended for citizens doing business with government offices.

#### I. College Tuition Reimbursement Program

All City employees may be eligible to be reimbursed for a portion of their college tuition. A College Tuition Reimbursement Program is designed to provide an opportunity for employees to obtain education in order to increase their competence in their present jobs and to prepare for future advancements within the City. This is dependent on availability of funding and meeting criteria set forth in the College Tuition Reimbursement Program.

## Chapter 5

### LEAVE TIME

#### 0501 About Leave Time

Employees of the City of Salisbury enjoy a generous leave time program. All employees are expected to provide the maximum notice possible in requesting any leave time. It is the employee's responsibility, before any leave, to make sure that coworkers are sufficiently informed of the leave to allow coverage of the employee's responsibilities during the leave. Your cooperation is expected and appreciated.

#### 0502 Holidays

A. The following holidays are observed as paid holidays for regular full-time City employees:

- New Year's Day
- Martin Luther King's Birthday
- Presidents Day
- Memorial Day
- Good Friday
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Day

B. Some employees will be required to work on City holidays due to their regular work responsibilities, emergencies or the need to secure the peace and security of the community. Employees required to work on a holiday will be credited with one day of holiday leave to be taken at a later date with the prior approval of the employee's supervisor. To receive holiday pay, the employee must work the scheduled work day before and after the holiday, unless approved by the department.

C. When a City holiday falls on a Sunday the following Monday will be observed as the paid holiday. If the holiday falls on a Saturday, the preceding Friday will be observed as the holiday. If the holiday falls while the employee is on another type of authorized leave, the holiday will be counted rather than the other leave.

#### 0503 Annual Leave

A. All regular full-time employees accrue annual leave at the following rate, commencing with the first full month of service after the month of employment:

Leave Credited On The

Months of Completed Service:

First Day Of The Following Month:

12(up to 1 year)	.833 days per month
13– 60 (years 1 – 5)	1 day per month
61 – 120 (years 6 – 10)	1 ¼ days per month
121 – 180 (years 11 – 15)	1 ½ days per month
181 – 240 (years 16 – 20)	1 ¾ days per month
241+ (over 20 years)	2 days per month

- B. Annual leave may be taken at any time during the fiscal year (July 1 - June 30); however, in no event may more than 30 days be carried over between fiscal years, except in extreme circumstance caused by the employer. If an extension is desired due to extreme circumstances, a written explanation must be submitted by the requesting employee to the department head. The request must include a timeframe within which the annual leave carried forward will be used. Upon approval by the department head, the request will be forwarded to the Mayor for review and approval. Leave time in excess of 30 days that is carried forward past the end of the fiscal year in accordance with this policy must be used within 90 days. Any request for leave must be approved at least 5 days in advance by the department and must not conflict with the operation of the department.
- C. As an exception to the accrual formula described above, no additional leave will be credited on the first day of the month if the employee has not reported to work during the preceding month due to any cause other than vacation or on-the-job injury. In the case of absence due to on-the-job injury, annual leave will accrue for the first six months of the absence. No annual leave will accrue beginning on the seventh month of the absence.
- D. When an employee resigns from employment with the City, the employee will receive payment, in lieu of accumulated leave, in an amount equal to the number of days of such leave multiplied by the employee's current daily rate of pay. An employee, who dies while in service, and who was eligible for retirement through length of service or age, is also entitled to payment, in lieu of accumulated leave, and their beneficiary shall receive such compensation under the formula given in the preceding sentence.

0504 Sick Leave

- A. Regular full-time City employees are credited with one sick leave day per month worked following the first full month of service after the month of employment. Sick leave is credited on the first day of the month. No sick leave will be credited on the first day of any month if the employee has not reported to work during the preceding month due to any cause other than vacation or on-the-job injury. At no time will sick leave be paid out in cash in lieu of time off, except upon Retirement as explained herein. In the case of absence due to on-the-job injury, sick leave will accrue for the first six months of the absence. No sick leave will accrue beginning on the seventh month of the absence.



- B. City employees may use sick leave for illness or disability of the employee or for a medical appointment of the employee or a member of their immediate family subject to approval by the employee's supervisor. A doctor's note is required to document all appointments and must be submitted with the sick leave request upon returning to work. Sick leave may also be used for family necessity, which is explained in paragraph C, or if the employee is needed to care for a Serious Health Condition of an immediate family member, as provided in Section 0505 of this handbook.
- C. Sick Leave may be used for a family necessity, such as the unexpected illness of a child, subject to approval by the employee's supervisor. The use of Sick Leave for a family necessity is limited to 64 hours in a twelve month period.
- D. In the event that sick leave exceeds ~~three~~ two consecutive calendar days, or five days in a fiscal year, a certified doctor's explanation may be required to receive sick leave pay. A doctor's note is **required** if a sick leave day is taken on the day immediately preceding or immediately following a holiday.
- E. **Although providing a sick leave benefit for bonafide illnesses, the City retains a right to discipline employees, transfer employees or terminate employees whose resultant pattern of absences prevents the employee from effectively performing the essential functions of the job.** The City further reserves the right to request that an employee undergo a physician's examination by a physician selected by the City, at the expense of the City, to verify that an employee can continue to perform the essential functions of the job without danger of injury to the employee or coworkers. The City also reserves the right to require that employees remain accountable during all periods of absence, including the requirement that employees report to their department upon request to discuss their status in person with their supervisor.
- F. Any City employee that does not use any sick leave days during a fiscal year will receive one additional paid Recognition Day (see Section 0507) to be used in the following fiscal year. Upon Retirement, as defined by the applicable Maryland Retirement Plan, an employee shall be paid up to 25% of all accrued sick days up to a maximum of thirty days. Payment will be based upon the rate of pay immediately preceding retirement. An employee, who dies while in service, and who was eligible for retirement through length of service or age, is also entitled to payment of up to 25% of all accrued sick days up to a maximum of thirty days, and their beneficiary shall receive such compensation under the formula given in the preceding sentence.
- G. Advanced Sick Leave  
An employee may be advanced sick leave not in excess of 96 hours in a twelve-month period in cases of serious disability or ailments and when the exigencies of the situations so require. This advanced sick leave may be in addition to the accumulated sick leave to the credit of the employee. The following requirements must be observed if sick leave is advanced:
1. The period of absence from duty on account of illness must be for a period of at least five or more consecutive work days, except that a lesser amount of sick leave may be advanced to supplement accumulated leave to cover a continuous period of absence of five or more work days. Every case of advanced sick leave will be supported by a certificate of a practicing physician stating the nature of the illness and necessity for advanced sick leave.

2. The total amount of sick leave advanced shall not at any time or for any one case exceed the 96 hours in excess of the accumulated sick leave to the credit of the employee. Sick leave advances shall be reviewed by the employee's supervisor who shall consider both mitigating and aggravating circumstances and forward his recommendation to the department director. The director shall approve or disapprove the request. Any sick leave that is extended under this condition must be paid back at the same rate that is accumulated.
3. Any sick leave, which is advanced and not paid back, by subsequently accumulated sick leave must be repaid to the City at the time the employee ceases employment with the City. The amount to be repaid will be that number of advanced hours still outstanding times the hourly rate of the employee at the time such advanced leave was taken. Such amount may be offset against any amounts otherwise due to the employee, and/or the City may recover any such amounts from the employee, which the employee shall pay within 30 days after his cessation of employment.
4. Before advanced sick leave can be approved, an employee must have utilized all available earned paid leave.
5. Any advanced sick leave must be reported in writing to the Finance Department for purpose of payroll.

H. Sick Pool

The City of Salisbury has developed a Sick Pool for regular full-time employees. The purpose of a Sick Pool is to allow regular full-time City employees to "pool" sick leave together to be used by participating employees that have depleted all of their accrued leave time and are out of work due to a Family Medical Leave qualifying condition.

The Sick Pool is a voluntary program. Any employee who enrolls in the program will be charged with a sick day, but the day will be noted as a pool donation, therefore the employee will still be eligible for the up to 8 hours of Recognition Day time if no other sick time is used within the fiscal year.

1. Regular Full Time Employees

The City Sick Leave Pool will be developed through the voluntary contribution of one workday's sick leave hours by eligible employees electing to do so during a stated open enrollment period, with the pool to take effect on January 1 of each year.

- a. The City Sick Leave Pool may be used by eligible employees who have contributed to it and:
  - i. Have a qualifying medical condition as determined by the Family Medical Leave Act;
  - ii. Have exhausted their normal sick leave, annual leave, holiday leave, personal leave, compensatory time and any other leave time available to him or her;
  - iii. Have submitted the completed Request for Sick Pool Form to the Human Resources Department; and
  - iv. Have had the request reviewed by the HR Department with the ultimate approval by the Director of Internal Services.
- b. During the open enrollment period of each year those eligible employees who have used no more than five non-physician documented working days of sick leave

during the preceding twelve months depending on hire date may:

- i. Accumulate their sick leave in a normal manner, or
  - ii. Contribute one workday's hours of sick time (not to exceed 8 hours) to the City Sick Leave Pool and accumulate the rest in a normal manner. Employee must have the sick time available on December 31 of each year.
- c. A maximum of 120 hours per 12 month period may be requested by an employee from the City Sick Leave Pool.
  - d. Employees that did not elect to participate during the open enrollment period may elect to participate provided they have a qualifying event as defined by the Regulations issued by the Department of Treasury for Section 125 Plans (birth or adoption of a child, marriage, divorce, etc.)
2. Newly Hired Regular Full-Time Employees

All newly hired regular full-time employees will be eligible to join the Sick Pool after the completion of their probationary period. A new employee will have 30 days from the end of their probation to enroll in the Sick Pool.

I. Employee to Employee Donation Program

Effective November 1, 2008, regular full-time employees may donate annual, personal and/or sick leave to other regular full-time employees who have a serious and prolonged medical condition and who have exhausted all of their leave. A serious and prolonged medical condition is defined as determined by the Family Medical Leave Act. The only rule for eligibility of employee to employee donated time is the FMLA condition.

The Human Resources Department will solicit donations, not the employee. The appropriate forms must be completed and submitted to the HR Department for review and final approval.

**Any unused donated leave time will automatically be forfeited to the City Sick Leave Pool – not returned to any employee.**

A maximum of 240 hours per 12 month period may be requested by an employee from the employee to employee donation program.

**Regular Full-Time Employees may utilize both the Sick Leave Pool and the Employee to Employee Donation Program for a maximum donation of 360 hours per 12 month period.**

**0505 Family Leave**

The Family and Medical Leave Act of 1993 (FMLA) provides you certain rights. You are eligible to take up to 12 weeks of unpaid family/medical leave within a 12 month period and to be restored to the same or an equivalent position upon your return from leave provided that you (1) have worked for the City of Salisbury for at least 12 months, and (2) have worked for at least 1250 hours in the last 12 months. The 12-month period for determining the 12 weeks of leave will be based on a rolling calendar year measured backward from the date an employee uses FMLA leave.

A. Reasons for Family/Medical Leave

You may take family/medical leave for any of the following reasons: (1) the birth of a son or daughter and in order to care for such son or daughter; (2) the placement of a son or daughter with you for adoption or foster care; (3) to care for a spouse, son, daughter, or parent (“covered relations”), with a serious health condition; or (4) because of your own serious health condition which renders you unable to perform the essential functions of your position. Leave because of reasons “1” or “2” must be completed within the 12 month period beginning of the date of birth or placement. In addition, spouses both employed by the City of Salisbury who request leave because of reasons “1” or “2” or to care for an ill parent may only take a combined total of 12 weeks leave during any 12 month period.

B. Notice of Leave

If your need for family/medical leave is foreseeable, you must give 30 days prior written notice. If this is not possible, you must at least give notice as soon as practicable (within 1 to 2 business days of learning of your need for leave). Failure to provide such notice may be grounds for delay of leave. Where the need for leave is not foreseeable, you are expected to give notice within 1 to 2 business days of learning of your need for leave, except in extraordinary circumstances. The City of Salisbury has Request for Family/Medical Leave forms available from your supervisor or from the Human Resources Department. You must use these forms when requesting leave.

C. Medical Certification

If you are requesting leave because of your own or covered relation’s serious health condition, you and the relevant health care provider must supply appropriate medical certification. You may obtain Medical Certification Forms from your supervisor or from the Human Resources Department. When you request leave, the medical Certification is due within 15 days after you make the request. Failure to provide requested medical certification in a timely manner might result in denial of leave until it is provided. The City of Salisbury, at its expense, may require an examination by a second health care provider designated by the City, if it reasonably doubts the medical certification you initially provide. If the second health care provider’s opinion conflicts with the original medical certification, the City, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final binding opinion. The City will require subsequent medical recertification on a reasonable basis.

D. Reporting While on Leave

If you take leave because of your own serious health condition, or to take care of a covered relation, you must contact your supervisor on the first and third Monday of each month regarding the status of the condition and your intention to return to work.

E. Leave is Unpaid

Family/Medical Leave is unpaid. Any accrued sick time and vacation leave must be taken concurrently with family/medical leave; it will not extend or delay the 12 week family/medical leave period.

F. Medical and Other Benefits

During an approved family/medical leave, the City will maintain your health benefits, as if you

continued to be actively employed. If paid leave is being taken concurrently with family/medical leave, then the City will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium to the City on the first day of each month. Your health care coverage will cease if your payment is more than 30 days late. If you elect not to return to work at the end of the leave period, you will be required to reimburse the City for the cost of the premiums paid by the City for maintaining coverage during your leave, unless you cannot return to work because of a serious health condition or other circumstances beyond your control.

G. Employment Status While on Extended Leave

FMLA leave will be treated as continued service for purposes of pension vesting and participating rules.

H. Exemption for Highly Compensated Employees

Highly compensated employees (i.e. highest paid 10% of employees) might not be returned to their former or equivalent position following a leave. The City will notify you if you qualify as a “highly compensated” employee, if the City intends to deny reinstatement, and of your rights in such instances.

I. Returning From Leave

If you take leave because of your own serious health condition, you are required to provide medical certification that you are fit to resume work. Employees failing to provide medical certification will not be permitted to resume work until it is provided.

J. Interpretation of Family and Medical Leave Policy

Any questions regarding the FMLA or the application of this policy should be directed to your supervisor or to the Human Resources Department at 410-548-1065. It is the intention of this leave policy to comply with the requirements of the Federal Family and Medical Leave Act. It shall be construed so as to comply with such Act, and to provide only the rights required thereunder.

K. Paid Parental Leave

As a supplement to your rights guaranteed under the FMLA, you are entitled to up to six (6) weeks of paid leave following the (1) birth of a child in order to care for such child; or (2) placement of a child with you for adoption.

1. Eligibility

For an employee to be eligible for Paid Parental Leave, the employee must have worked at least 1250 hours over a 12-month period, thus qualifying for FMLA benefits.

a. Paid Parental Leave for the birth or placement of a child may only be requested within twelve months of the birth or placement.

b. If both parents are employed by the City, six (6) weeks is the maximum combined total available for Paid Parental Leave for both employees during any 12-month period.

c. An employee may receive Paid Parental Leave for only one qualifying event within a 12-month period.

- d. Employees eligible to receive Paid Parental Leave benefits may exhaust their six (6) weeks of Paid Parental Leave before using any other accrued sick or leave time.
  - e. Requests to take Paid Parental Leave must be approved by a supervisor.
  - f. While eligible employees are entitled to six (6) weeks of Paid Parental Leave, they may take the leave in a non-consecutive manner.
  - g. Paid Parental Leave time shall expire 12 months after the occurrence of a qualifying event.
  - h. To receive the Paid Parental Leave benefit, you must agree to remain in the employment of the City of Salisbury for a minimum of twelve (12) months following your return to work. If you elect not to return to work at the end of the leave period, or if you fail to remain in the employment of the City for a minimum of twelve (12) months following the end of the leave period, you must repay to the City all Paid Parental Leave received by you during the leave period. All Paid Parental Leave to which the City is entitled will be due and payable within thirty days after written notice to you by the City. The amount owed will be equal to all sums paid to you or on your behalf by the City to the fullest extent permitted by law. If you are unable to return to work because of a serious health condition or other circumstances beyond your control, you will not be required to repay the City.
- 2. **To Be Used Concurrently with FMLA**  
An employee who qualifies for FMLA shall request leave under FMLA and follow the procedures outlined in 0505 of this handbook. When an employee requests leave under FMLA for reasons "1" or "2" in 0505(A), he or she will automatically be entitled to and receive Paid Parental Leave.
  - 3. **Applicability of Certain FMLA Restrictions**  
An employee who does not qualify for FMLA may use their accrued leave in order to take time off; they may also benefit from employee to employee leave donations.

0506 Jury Duty Leave

A regular full-time employee will be granted leave with pay for a period up to fifteen days per fiscal year for jury duty. The employee will be paid the employee's regular salary. Employees are expected to provide notice of jury duty as soon as the employee is notified by the court. In extraordinary circumstances, jury duty may be continued by the decision of the Mayor.

0507 Other Leave Provisions

- A. Up to one full day's leave, known as a Recognition Day, will be issued at the beginning of the fiscal year for any employee who has used no Sick Leave days during the prior fiscal year (See Section 0504). A Recognition Day cannot be carried over to the next fiscal year.
- B. Up to one full day's Personal Leave will be issued at the beginning of the fiscal year to each regular full-time employee to take at the employee's request, provided approval is granted by the

employee's supervisor. In order to be granted Personal Leave, the employee must have been employed by the City for a least one (1) year. Personal Leave cannot be carried over to the next fiscal year.

#### 0508 Military Leave for Active Duty

In the event that a regular full-time employee is either inducted into the Armed Forces of the United States or is called up to active duty as a member of the U.S. Armed Forces Reserves or the National Guard, the following policy will govern the employee's pay and benefits while on such active duty status:

- A. Upon presentation of orders and the establishment of an effective date for the leave of absence, an employee is placed in Leave Without Pay status.
- B. The employee's status is frozen relative to all benefits, with the exception of Health Care and Life insurance premiums which shall continue under the same terms and conditions as if the employee remained an active employee. If the employee is now paying a percentage of the premium, the employee must make arrangements to continue to pay the percentage of the premium.
- C. Any accumulations of leave or compensatory time will remain in place, or the employee may choose to receive pay for any accrued annual or personal leave. The leave of absence will not be considered time worked for purposes of determining benefits that accrue on the basis of employment, such as Sick Leave and Annual Leave.
- D. The employee is given job retention rights after active duty, subject to physical and psychological ability to perform, to the employee's former position or one of comparable status. To exercise reinstatement, the employee must report within 90 days of release from active duty.
- E. The employee shall be granted all across-the-board increases realized during absence.
- F. If the employee's total military pay is less than the pay as an active city government employee, the employee shall be entitled to the difference in pay between total military pay and the city pay. The employee must document this difference by the presentation of military pay stub to the City's payroll clerk.

#### 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 not to exceed 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 drill 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 that go beyond the 39 days in any calendar year.

0510 Bereavement Leave

In the event of the death of an immediate family member (spouse, child, step-child, parent, step-parent, mother-in-law, father-in-law, brother, sister, grandparent or grandchild) an employee will be granted up to three paid days of leave. Leave will only be paid as reimbursement for actual lost work days. In the event of the death of a relative (uncle, aunt, nephew, first cousin, sister-in-law, brother-in-law) other than a member of the immediate family, employees will be allowed one day absence with pay to attend the funeral on a work day.

0511 Leave Without Pay

- A. Occasionally, employees may seek a leave of absence under circumstances which do not otherwise qualify for leave under the other sections described in this Employee Handbook. The provision of unpaid leave under these circumstances is discretionary with the Department Head.
- B. By example, this Section 0511 applies to employees who are ineligible for Family & Medical Leave coverage (for example, employees who have not been employed for a sufficient period or who have failed to work sufficient hours to qualify), employees who have exhausted their available Family and Medical Leave coverage, or employees who have encountered family emergencies not otherwise described in this Employee Handbook. Each request for leave should be addressed to the Department Head in writing with the following information provided:
  - 1. The purpose for which the leave is requested;
  - 2. The length of time the employee seeks leave;
  - 3. The effect the leave will have on the ability of the Department to carryout its responsibilities; and
  - 4. The employee's position and length of service.
- C. A Department Head may approve an unpaid leave for up to ninety calendar days. It is within the discretion of the Department Head to extend a leave, to require regular reports from the employee during the leave period, or to require the employee's use of all other available leave which the employee may have accrued.
- D. At the end of the leave, the City will endeavor to reinstate the employee to the same position previously occupied or to a similar position as that held prior to the leave. However, in the case of leaves of absence under this Section 0511 extended beyond ninety days, the City cannot guarantee that the same position will be immediately available at the time the employee desires to return to work. In such circumstances, the City will attempt to place the employee in an appropriate position, reserving the right to terminate employment if no position becomes available within six months of the employee's request to return to work.
- E. In the event that an unpaid leave of absence is granted, the leave time will not be considered time worked for purposes of determining benefits that accrue on the basis of employment, such as Sick Leave and Annual Leave



## Chapter 6

### EMPLOYMENT EXPECTATIONS

#### 0601 About Our Expectations

The City of Salisbury requires that each employee observe proper decorum and ethical standards. As a municipal employee, your work is closely scrutinized by the citizens of Salisbury and you have certain responsibilities beyond those encountered outside government employment. In particular, the honesty and ethics of City employees must be beyond question and every effort must be made to avoid even the appearance of impropriety or conflict of interest. This Section describes various expectations for all City employees.

#### 0602 Employment of Family Members/Relatives

Although the City of Salisbury allows the concurrent employment of family members and relatives, such employment is not allowed in job classifications in which one family member is in direct supervision of another family member or relative. When such circumstances arise, the City will endeavor to make a reasonable effort to assign employees consistent with this standard. If a reasonable accommodation cannot be reached, the City reserves the right to terminate the employment of one of the affected employees.

#### 0603 Attendance/Lateness

- A. Every employee is expected to be at work, on time, every working day. Absence and lateness cause an unfair and undue burden on coworkers and deters the City in its mission to provide the highest quality services to its citizens. In many cases, absence and lateness's can be avoided by better planning or extra effort.
- B. At some point, regardless of good reason or bad reason, a pattern of absence or lateness can interfere with the employee's ability to perform the essential functions of the job and will accordingly result in disciplinary action. Employees are strictly admonished against false claims of illness or similar actions for obtaining time off or extending weekend or holiday periods. In the event that a pattern of absence or lateness becomes apparent, regardless of reason, the employee will be placed on notice of this fact and any future incidents may be cause for disciplinary action.
- C. Any employee who will be absent or late must call the employee's supervisor before the beginning of the scheduled shift.

#### 0604 Outside Employment

The City of Salisbury allows full-time employees to engage in outside employment provided that the

outside employment will not adversely affect the employee's job-related function, the operation of City Government or create a conflict of interest or the appearance of a conflict of interest with City operations. Outside Employment may be prohibited if, in the discretion of the Department Head:

- A. The work being performed is related to City Government operations;
- B. The employment adversely affects the quality or performance of the City's work requirements;
- C. The employment adversely affects the employee's individual work quality or performance;
- D. The employment brings discredit upon the City Government or creates the impression of impropriety; or
- E. The outside employment causes a violation of any other Federal, State or Local law, regulation or similar standard.

#### 0605 Use of City Property/Return of Property

Employees are prohibited from using or borrowing City property or equipment for personal use. Upon termination, all City property in an employee's possession must be immediately returned to the City of Salisbury. Failure to return property will result in an appropriate deduction from any amounts otherwise owed by the City to the employee including any unpaid wages, leave time, or other benefits.

#### 0606 Substance Abuse

- A. The City of Salisbury is firmly committed to a workplace free of drug or alcohol abuse. No employee is allowed to ingest any unlawful drug, alcohol or controlled dangerous substance during the employee's working time for the City unless specifically prescribed by a medical practitioner. Further, no employee may possess on City property or in City vehicles any unlawful or controlled dangerous substance at any time unless specifically prescribed by a licensed medical practitioner. Employees are further prohibited from reporting to work under the influence of any prescription medication for which the employee has not received a doctor's prescription, alcohol, controlled dangerous substance or illegal drugs.
- B. Any employee who is taking controlled dangerous substances prescribed by a licensed medical practitioner, or who is taking any over-the-counter medication which may affect the employee's ability to perform the essential functions of the job or which may affect the safety of the employee, coworkers or the general public should notify the supervisor of this fact so that the situation may be fully discussed.
- C. The City of Salisbury has adopted a substance abuse policy applicable to all employees. A full reproduction of that substance abuse policy is beyond the scope of this Handbook format. A copy

of the City's substance abuse policy is readily available upon request to the Human Resources Department. The provisions of that policy statement shall fully control any questions relating to substance abuse and shall supersede the general description set forth in this Employee Handbook.

- D. As a general condition of employment, the City of Salisbury reserves the right to engage in random substance abuse testing, and pre-employment testing, and testing where reasonable suspicion exists for any employee determined to be a safety sensitive employee. Non-safety sensitive employees may be substance abuse tested in the event that a reasonable suspicion of substance abuse arises based upon specific objective facts and any rationally derived inference from those facts about the conduct of a particular individual. Reasonable suspicion may arise from circumstances such as extreme job carelessness, or involvement in an accident in which judgmental errors are apparent. This does not purport, however, to be an exhaustive list of those circumstances in which reasonable suspicion may arise.
- E. All substance abuse testing will be conducted in strict compliance with the State of Maryland guidelines for substance abuse testing. In particular, testing will only be conducted by a certified laboratory and a testing sample shall be reserved for the employee's re-testing should a positive test result issue.

#### 0607 Smoking

Smoking is prohibited in all City owned or leased buildings, facilities and offices, including lounges, restrooms, conference and meeting rooms, classrooms, and cafeteria areas. Smoking is also prohibited in any City vehicle. Department Directors may establish designated and defined smoking areas that are away from entrances and must minimize the exposure to others from second hand smoke. The Mayor may designate smoking areas within any City owned facility provided that such area meets the requirement of state law.

#### 0608 Gifts

- A. Acceptance of a gift, gratuity or loan to a City of Salisbury employee may create the impression of impropriety among the citizens of Salisbury. Accordingly, employees are not permitted to receive gifts, gratuities or loans from any organization, business or individual with whom the employee has had an official business relationship as a representative of the City.
- B. An exception, however, is made for articles of small value, meaning less than \$25.00. Any employee receiving a gift in excess of this limitation shall promptly notify the Department Head of this fact and any such gift shall immediately become the property of the City of Salisbury. Nothing in this Section 0608 shall prohibit employees from accepting or giving social courtesies which promote good public relations or from obtaining loans from regular lending institutions.

#### 0609 Commitment to Ethical Conduct

All employees of the City of Salisbury are required to comply with the City's Ethics Code. A copy of the Code may be obtained from the City Clerk.

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

- c. The City can only prevent sexual and other unlawful harassment with the 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.

0611 Review of Personnel Files

- A. The City of Salisbury allows each employee to review the contents of that employee's own personnel file. Review may be accomplished by request to the Department Head. Employees will be accompanied when reviewing the file and will not be allowed to remove material in the file. In the event that an employee chooses, the employee may request, and shall be allowed, to place additional material in the file.
- B. Various State and Federal laws, as well as insurance carriers, may require the inclusion of information relating to such matters as age, sex, race or marital status. Be assured that this information will not otherwise be used in any manner with respect to the employee's employment. This information may be released, upon request by various governmental agencies, for statistical purposes to monitor the equal employment practices of the City.

## CHAPTER 7

### SAFETY ON THE JOB

#### 0701 Our View On Safety

Employees are required, as a condition of employment, to follow all established safety procedures and use all available safety equipment to minimize accidents and injuries. Employees are encouraged to suggest ways to minimize risks associated with the employee's job. Additionally, each employee's work safety history will be considered in evaluations and promotion decisions.

It is the responsibility of employees, supervisors and Department Heads to work together to promote safety. Any review should be aimed at the correction of known conditions that appear to be unsafe or pose unnecessary safety hazards. If an employee evidences tendencies of carelessness or neglect, the employee may be disciplined as deemed appropriate by the supervisor. Any employee that observes an unsafe working condition or hazard must immediately report the condition.

#### 0702 Duty To Report All Accidents

All accidents, no matter how small, must be reported immediately to your supervisor. Any City employee observing an accident or injury on City property or involving City property is required to report the occurrence to his supervisor.

Accidents involving City vehicles or personal vehicles on City business shall be reported to the following persons in the order set forth:

1. The City Police Department if inside City limits;
2. The Police Department in the jurisdiction of the accident (if outside City limits);
3. The employee's supervisor; and,
4. The Mayor's Office.

Make sure that medical assistance is being provided. If not, contact medical assistance immediately or render first aid as appropriate.

#### 0703 Workers Compensation Claims (On-The-Job-Injury)

- A. Each employee of the City of Salisbury is covered by worker's compensation insurance which is fully paid by the City. This insurance covers accidental injuries arising out of or relating to your employment with the City of Salisbury.
- B. In the event of an on-the-job-injury, an employee must **immediately** report the accident to the employee's supervisor. Accidents large or small should be immediately reported. Do not wait until the day following an injury or over a weekend to report an injury. All injuries should be reported on the same day. The employee should not leave work until a report has been made.
- C. If you are injured on the job you must discuss the circumstances with your Department Head or his designee and assist in the completion of an injury report form. Further, you must fully cooperate in any investigation relating to the injury.

- D. In the event that it is determined that an accident is compensable under the Maryland Workers Compensation Act, an employee may receive full pay for up to 3 months. Upon the conclusion of three months, the employee's salary may be continued for a period to be determined by the City if there is a bonafide documented expectation that the employee will return to work. In no event will payment be extended beyond one year. The City reserves the right to direct that the employee be evaluated by a doctor designated by the City. Under no circumstances may an employee retain both a full City paycheck and disability benefits from the insurance carrier.

0704 Hazard Reporting Procedure

- A. Employees are expected to promptly report the following situations to the immediate supervisor or person in charge of the job:
  - 1. Any unsafe conditions or unsafe acts involving City property or equipment
  - 2. Any City operations, procedures, or practices which any employee considers hazardous or unsafe
- B. Supervisors are expected to immediately investigate any allegations of unsafe or hazardous conditions or acts, and take appropriate action. Supervisors are expected to provide a response to the employee, within five (5) working days of the report, on the results of the investigation and any corrective action taken.
- C. Employees may use the informal grievance procedure, set forth in Chapter 9 of this handbook, to bring unsafe working conditions or hazards to the attention of management, if not satisfied with the response of their supervisor.
- D. In addition to the above, employees are encouraged to make suggestions for safety improvements to the safety committee, which has been established in their work area. The safety committees are expected to look into any suggestion made and to respond to the employee making the suggestion within one month of the date on which the suggestion was made. Anonymous suggestions will be responded to by placing a response on the employee bulletin board in the work area.

0705 Cellular Telephones (Cell Phones)

For certain reasons and under certain circumstances the City provides employees with cell phones as a necessary component of job performance.

- A. Cell phones are assigned on the basis of functions of the employee's position and are not a substitute compensation or a fringe benefit.
- B. Safety is the first priority in the use of cell phones. The following applies to the use of cell phones whether issued by the City or personally owned:
  - 1. Employees must adhere to all federal, state or local rules and regulations regarding the use of cell phones.

2. Employees should not use hand-held cell phones while driving or operating equipment. Should an employee need to make a business call while driving, he should locate a lawfully designated area to park and make the call.
  3. Employees may use hands-free cell phones to make business calls, but only in emergency situations. Such calls should be kept short and should the circumstances warrant (e.g. heavy traffic, bad weather), the employee should locate a lawfully designated area to park and to continue the call.
- C. Personal use of a city-provided cellular phone is not allowed. If an employee experiences a severe personal emergency that results in the need to use the City provided cell phone, the employee is required to report this to their supervisor as soon as possible. When personal calls are made or received, the employee is to reimburse the City the greater of \$.10/minute or the charge that appears on the monthly bill. Additionally, all long distance and roaming charges incurred for personal calls (even if under the plan limit) must be reimbursed to the City. All reimbursements are to be made within 15 days of receipt and reconciliation of the monthly statement. Employees not making timely payment will have the charges deducted from their payroll checks including a \$5.00 administrative fee. Employees violating or abusing this policy will be subject to disciplinary action.
- D. Other Safety Concerns. Given the variety of safety sensitive activities throughout City departments, employees must contact their supervisors to be knowledgeable of departmental policies regarding cell phone usage specific to their departments.



## Chapter 8

### DISCIPLINARY EXPECTATIONS

#### 0801 Our View Of Employee Conduct

All City employees are expected to act maturely and professionally in all dealings with coworkers, citizens and business contacts. All employees are expected to be honest and trustworthy in all dealings. Any failure to comply with these expectations can result in disciplinary action up to and including immediate termination.

#### 0802 Rules of Conduct

Employees engaging in misconduct, unsatisfactory work performance or unsatisfactory behavior will be disciplined. A single serious infraction or a series of lesser infractions may be grounds for dismissal. It is impossible to list each and every circumstance under which disciplinary action or termination can result. The list below is intended to be a partial listing only and in no way limits the authority to discipline employees for an unlisted reason.

The following types of misconduct are examples of infractions which may result in disciplinary action, which may include written warning, suspension or discharge:

- Violations of provisions of the Substance Abuse Policy;
- Poor Work Performance
- Stealing City property or the property of others;
- Dishonesty in any manner or degree;
- Fighting;
- Possessing firearms, explosives or weapons on City property or while on duty;
- Misusing of City property or City funds;
- Misrepresenting or falsifying any forms, records, reports or attendance records;
- Insubordination, including, but not limited to, failing to follow instructions, failing or refusing to cooperate with a supervisor or using of abusive or threatening language;
- Deliberate damage to City or private property;
- Sleeping on the job;

- Offensive conduct toward the public or other employees;
- Conducting private or personal business which interferes with efficient performance of duties or represents a conflict of interest;
- Unauthorized use of City vehicles or equipment;
- Conviction of a criminal offense or the commission of a criminal or non-criminal act of such nature that the individual's credibility or moral character would render the employee unfit, undesirable or unacceptable as a City employee. This does not preclude the right of the City to discipline, even though the employee is not formally charged or convicted of a criminal offense or the commission of a non-criminal act;
- Failing to report to work for three consecutive work days without notice or approval and without a compelling and substantial reason;
- Excessive absenteeism or tardiness;
- Failing to follow rules and regulations contained in this Employee Handbook or as stipulated by your Department Head;
- Poor and careless workmanship, even if not willful, resulting in less than satisfactory results or property damage;
- Violation of established safety rules or failure to use safety equipment;
- Disorderly conduct;
- Carelessness or recklessness in operating City vehicles and equipment;
- Failing or refusing to carry out instructions or assignments;
- Absence from work areas without permission or excusable reason, to include extended lunch periods or unauthorized break periods; or
- Any other action or conduct deemed inappropriate in the workplace or contrary to the interest of the City.

0803 Disciplinary Action

- A. In the event of improper conduct or poor performance by a City employee including any violation of a rule set forth in Section 0802 of this Handbook, the department will initiate disciplinary action which is deemed appropriate for the infraction.
- B. Disciplinary action may include oral or written warnings, reductions of leave, demotions, suspensions or termination. The department may also initiate any other disciplinary sanction deemed appropriate for the infraction.

- C. In the event of a suspension or termination, the employee will be provided with written notice of the reasons for the disciplinary action. Notice will be sufficient if it generally apprises the employee of the infraction, or series of infractions, for which the disciplinary action was deemed appropriate.

## Chapter 9

### COMMUNICATIONS

#### 0901 Our View of Communications

The City will endeavor to maintain the best possible communications with all City employees. Communications, however, is a two-way street. Employees are expected to communicate any concerns or suggestions to their Department Head or to the Mayor's Office. In particular, employees are to immediately report any acts of sexual harassment, any unlawful actions by coworkers, or any accidents. Your cooperation is expected and appreciated.

The Department Head will meet with any employee upon request at a convenient time. Further, employees may request an opportunity to discuss any matter of concern or any idea with the Mayor.

#### 0902 Whistleblower Policy

- A. It is the City's policy to follow and enforce all federal, state and local laws applicable to it and to require its employees to do likewise. Every employee has the responsibility to assist in implementing this policy.
- B. A violation of this policy should be reported to an employee's immediate supervisor in writing and signed by the employee. However, if that is not practical, a written statement, signed and dated, should be submitted by the employee to the Director of Human Resources so that an investigation may be undertaken.
- C. There will be no retaliation by the City, or any of its employees, against any employee who makes a good faith report pursuant to this policy, even if after investigation it is determined that there has not been a violation.
- D. It is the responsibility of the City to correct or prevent violations of federal, state and local laws applicable to it. This is a legal obligation. A violation can cause the City and its employees to be subjected to publicity leading to an adverse image in the eyes of the public.
- E. The procedures outlined herein must be followed before any employee reports alleged violations to any news media or another government agency. Employee complaints that do not follow this procedure constitute a policy violation. Adhering to this policy is an employment condition. The City should have the opportunity to conduct the investigation first, and each employee should ensure that the City can undertake this investigation.

#### 0903 Grievance Policy.

In an employee/employer relationship, matters of concern and dissatisfaction to employees occasionally arise. Both employees and management officials have the responsibility to consider and dispose of such matters promptly, and to the greatest extent possible, at the lowest supervisory level. Normal day to day discussions between employees and supervisors regarding working conditions and related employment

matters are the most constructive and expeditious means of developing and enhancing favorable and effective work relationships. However, if such discussions fail to resolve a problem, then an employee will be free to use the procedures presented here, and each supervisor has the obligation to readily and fairly address the dissatisfaction of an employee.

0904 Grievance Definition.

A grievance is a complaint arising from a disciplinary action, alleged discrimination, improper or unfair implementation of City personnel policies, rules, regulations, or procedures. In addition, the definition includes complaints about the existence of hazardous or unhealthy working conditions or improper conduct during work hours of fellow employees which poses a threat to health or well-being of others. Complaints pertaining to the establishment or alteration of City policy or procedure, performance appraisals, general level of wages, placement in a pay grade and/or increment step, fringe benefits, or other broad areas of financial management or staffing are not grievable.

0905 Informal Grievance Procedure

From time to time in any work place setting misunderstandings or differences of opinion may arise. Should this occur, employees are encouraged to meet with their immediate supervisor within five (5) days of the occurrence which gives rise to the concern. Immediate supervisors may request that any concerns be placed in writing. Each side is encouraged to be courteous to the other so that a productive discussion can occur. Employees are expected to be sensitive to the employment needs of the City and immediate supervisors are encouraged to be open-minded in reviewing any actions. The ability to resolve current concerns informally is viewed positively for both the employee and the immediate supervisor.

If the complaint is not resolved to the employee's satisfaction by his immediate supervisor, then the employee may present the complaint to the Department Head and then the City Administrator by the procedure set forth in 0906 below.

0906 Formal Grievance Procedure

- A. Grievance. Any employee may file a formal grievance (except a disciplinary grievance set forth in Section 0908) as provided herein.
- B. When submitted. A formal grievance shall be filed by the employee within ten (10) working days of the event causing the grievance.
- C. How Submitted. A formal grievance must be presented in writing.
- D. Submitted To. A formal grievance must be presented, in writing, to the immediate supervisor.
- E. Contents. A formal grievance must:

1. Set forth the basis for the grievance;
2. List the names of all witnesses, if any, to the event;
3. Indicate the date that the grievable event occurred;
4. Contain a recommendation or indicate the corrective action desired; and
5. Provide notice as to whether the employee intends to be represented by counsel, or by another person.

F. Procedure.

1. The immediate supervisor shall make a careful inquiry into the facts and circumstances of the complaint and shall respond in writing to the employee within five (5) working days. If the employee is not satisfied with the finding by the immediate supervisor, the employee may forward the grievance to the department head within five (5) working days. If the immediate supervisor fails to respond in writing within five (5) working days of filing, the grievance shall be deemed denied and the employee may forward the grievance to the department head, within five (5) working days. The employee may also request a meeting about the grievance with the department head. The request for a meeting shall be filed within the same five (5) working day period.
2. The employee's immediate supervisor and the department head will then meet with the employee within five (5) working days of receipt of the grievance by the department head. A written decision by the department head shall be sent to the employee within five (5) working days following the meeting. If no meeting is requested, the department head shall issue a written decision within ten (10) days of receipt of the grievance.
3. If the department head's decision does not resolve the grievance, the employee may appeal the grievance within five (5) working days from receipt of the department head's decision by forwarding the grievance to the City Administrator. The City Administrator shall meet with the employee, the department head, and witnesses within ten (10) working days of receipt of the employee's appeal. The City Administrator shall render a decision in writing to the aggrieved employee within five (5) working days after the meeting. The decision rendered by the City Administrator will be final.

G. Closed Meeting/Hearing. All meetings/hearings will be closed.

H. Time Extension. By mutual consent of employer and employee, time periods may be extended up to twice the time period set forth herein.

0907 Human Resources Department.

The employee may consult with the Human Resources Department at any time about a grievance. The Human Resources Department will provide information and consultation to an employee, but the Human Resources Department does not make a final decision on a grievance.

0908 Disciplinary Grievance Procedure.

A. Disciplinary Grievance. An employee who is demoted, suspended or terminated may file a

disciplinary grievance as provided herein. (Unless they are on probation)

- B. When Submitted. A disciplinary grievance shall be filed by the employee within ten (10) work days after receiving written notice of demotion, suspension, or termination.
- C. How Submitted. A disciplinary grievance must be presented in writing.
- D. Submitted To. A disciplinary grievance must be presented, in writing, to the Director of Human Resources
- E. Contents. A disciplinary grievance must:
  - 1. Set forth the basis for the grievance;
  - 2. List the names of all witnesses and those that the employee desires to have appear, if appropriate, before the Disciplinary Grievance Review Board;
  - 3. Indicate the date that the grievable issue occurred;
  - 4. Contain a recommendation or indicate the corrective action desired;
  - 5. Provide notice as to whether the employee intends to be represented by counsel, or by another person, during the grievance hearing; and
  - 6. Identify the department head selected by the employee to serve on the Board, as provided in Section 0909B.
- F. Disciplinary Grievance Presented. The Director of Human Resources will determine whether to accept, return, or reject in whole or in part any disciplinary grievance presented. A disciplinary grievance may be rejected if the disciplinary grievance is not presented within ten (10) day time limit, if it does not relate to a grievable matter, or if it fails to contain any of the information required by Section 0908E. The Director of Human Resources may return the disciplinary grievance to the grievant, in which case the grievant shall be given five (5) business days to resubmit the disciplinary grievance with the required information.

0909 Disciplinary Grievance Review Board.

- A. Time Limits. The Disciplinary Grievance Review Board shall be notified and meet within fifteen (15) working days after the Director of Human Resources has accepted the disciplinary grievance pursuant to Section 0908F, unless extended by mutual agreement.
- B. Board Membership. The Board shall consist of three members, consisting of two department heads and one employee of similar grade (i.e. at the same grade, or one grade higher or lower) as the grievant. The department head for the department in which the grievant is employed may not serve on the Board. The chairperson of the Board shall be a department head selected by the City Administrator. The second department head member of the Board shall be selected by the employee. The employee member of the Board will be selected by the chairperson of the Board, but the employee may not be employed in the department of either the grievant or of any department head serving on the Board.
- C. Administrative. A representative from the Human Resources Department, assisted by a stenographer or by electronic recording device, shall act as the Secretary to the Board.

0910 Hearing.

The Secretary shall provide a copy of the disciplinary grievance case file to each member of the Board, to management, and to the grievant. The chairperson will open the hearing before a full Board by briefly summarizing the employee's disciplinary grievance and the relief sought.

- A. Closed Hearing. Disciplinary grievance hearings will be closed.
- B. Recording. The Disciplinary Grievance hearing shall be recorded by or at the direction of a representative from the Human Resources Department. This record, along with the findings of the Board, and all exhibits introduced, shall be preserved for not less than three (3) years.
- C. First Finding. The Board shall verify that the disciplinary grievance was submitted within the allowed time limit and that the complaint is a grievable matter.
- D. Witnesses. All persons called before the Board will be sworn prior to providing information. The City shall make available any City employee requested to appear as a witness provided that such witness can be expected to contribute materially to the issues in the case, and further provided, that the appearance of witnesses may be staggered consistent with the manpower needs of the City. If a City employee is requested to be a witness and does not appear, the employee may be subject to discipline for insubordination. Provided that a written request is made at least five (5) days in advance of the hearing, the employee may request production of documents provided the documents requested are both material to the issues in the case and are documents which the employee would be entitled to obtain under the Maryland Public Information Act.
- E. Grievant. The Board shall allow the aggrieved employee to restate their disciplinary grievance, if they so desire, to present additional information relevant to the disciplinary grievance, and to call any witness who can be expected to contribute materially to the issue. The grievant may be represented by any person of their choice (at the grievant's expense if other than an employee in the City service), if such person so consents, excluding members of the Board, the grievant's department head, the Director of Human Resources or member of the Human Resources Department, the City solicitor or any assistant City solicitor.
- F. Management. The department head of the grievant, with such assistance as may be appropriate (including, but not limited to, the City solicitor or any assistant City solicitor), shall represent management in these proceedings, and shall present all facts and evidence available to them which bear on the disciplinary grievance, including information which may support the contentions of the aggrieved employee. The burden of proof is on the aggrieved employee to persuade the Board by a preponderance of the evidence.
- G. Proceedings. The Disciplinary Grievance proceedings will be conducted in a relaxed manner and will not be subject to formal rules of evidence. All parties present will be allowed to ask questions, provide information, and cross examine any witness.
- H. Time Extension. By mutual consent of employer and employee, time periods may be extended up to twice the time period set forth herein.



0911 Findings and Decision of the Board.

The Board after having heard the case and deliberated upon its findings, within five (5) working days of the conclusion of the hearing will by majority vote forward to the Mayor a recommendation.

0912 Findings and Decision of the Mayor.

Within ten (10) working days of receipt of the Board's recommendation, the Mayor will review the Board's recommendation and the case records; will determine if additional information is necessary; will make a decision as to an appropriate action; and will so notify the grievant and the department head. The decision of the Mayor shall be final.

## Chapter 10

### TERMINATION OF EMPLOYMENT

#### 1001 Resignation In Good Standing

To resign in good standing, a City employee must resign in writing and provide at least fourteen days' notice of intention to resign to the Department Head. Further, the employee must perform all work in a satisfactory manner during the notice period. Whenever possible, employees are encouraged to provide at least one month's notice of intention to resign. Resignation under any other circumstance, except unforeseen illness or accident, will be considered resignation which is not in goodstanding.

#### 1002 Return of Property

Upon termination for any reason, all City property must be returned immediately. This includes all City uniforms, insignias, tools, manuals, handbooks, or equipment. In the event that an employee fails to return any City property, an appropriate amount may be withheld from any amounts otherwise owed to the employee until such property has been returned.

#### 1003 Unused Leave Time

- A. Upon notice of termination of employment, the employee will be paid out for any accumulated but unused annual leave time through the end of the preceding full month. The payout amount will be equal to the number of unused leave days multiplied by the employee's last daily rate of pay.
- B. Upon notice of termination, any unused sick leave days will be forfeited, except in the event of Retirement from City employment. In the event of Retirement from City employment, the employee will be paid 25%, up to a maximum of thirty days, of all unused sick leavetime.

Do we pay out for comp time?

- C. Unused leave time may not be used to extend an employee's employment if the employee has no bonafide intention of returning to work following the leave.

#### 1004 Insurance Benefits Upon Termination

Upon termination of employment, all insurance benefits will terminate immediately. Employees, however, may make arrangements to continue health insurance coverage by making arrangements with the Human Resources Department to pay the premium for health insurance coverage.

## Chapter 11

### PERFORMANCE APPRAISAL

#### 1101 General - Should we talk about the Self Appraisal?

One of the most important responsibilities of a supervisor or manager is to monitor the work of other people. At a minimum, this requires ensuring that employees understand their job assignment, that they receive the training they need to do the job, that their performance is appraised on a continuing basis, and that the performance that is below standard is corrected.

#### 1102 Purpose

The purpose of the performance appraisal program is to provide supervisors with a job-related tool for:

- A. Evaluating subordinate performance on a periodic basis;
- B. Promoting an understanding of job requirements, work objectives and standards of acceptable performance;
- C. Providing employees with feedback as to how well their supervisor believes that they are meeting expectations;
- D. Offering constructive criticism and making the appraisal a useful tool for upgrading productivity;
- E. Suggesting the specific courses of action the subordinate can take in order to meet or exceed expectations;
- F. Identifying employee training needs; and
- G. Making decisions regarding promotions, assignments, disciplinary actions and terminations.

#### 1103 Development of Major Job Elements, Goals, and Performance Factors

Developing major job elements, goals, and performance factors requires two-way communication between the supervisor and the employee of what the job requires for successful performance, and what the supervisor expects as quality performance from the employee.

- A. Major Job Elements. Major job elements and goals should be a concise listing of the major responsibilities of the job. They should be observable, measurable, and achievable.
- B. Performance Factors. Performance factors enable the supervisor to rate the employee's work-related behavior by which duties are performed. Factors, as much as possible, should be specific and incident based.

#### 1104 Appraisal Techniques

Evaluating the employee's performance should be done in as objective a manner as possible against the goals and standards established. At the beginning of each rating period, supervisors should review the job elements, goals, and performance factors with the employee, explain their expectations regarding the employee's performance, and how the rating form is to be used in the appraisal process. No employee can be expected to meet performance expectations or standards of which they are not aware.

#### 1105 Performance Evaluators

- A. Rater. The rater shall normally be the employee's immediate supervisor. They shall be responsible for completing an appraisal on each employee under their supervision at the time specified in paragraph 1106. Before submitting the rating to the Human Resources Department, the rater shall discuss the appraisal with the employee.
- B. Reviewer. The reviewer shall normally be the rater's immediate supervisor or department head. The reviewer shall review the appraisals completed by each rater under their jurisdiction before the report is discussed with the employee to assure consistency in the performance appraisal process.

#### 1106 Rating Periods

All employees except those on temporary and part-time appointments shall receive an appraisal of work performance at the following periods.

- A. Probationary Period. Probationary employees should receive counseling at intervals throughout their probation. The first performance appraisal form shall be completed two weeks prior to the end of their probationary period.
- B. Annual Date. All employees should be counseled regarding their performance appraisal at least once during the rating year, and shall receive an annual appraisal at least two weeks prior to June 1 each year.
- C. Special. Special performance appraisal shall be completed whenever:
  - 1. Significant Changes. If there is a significant change in the employee's performance, either upward or downward, a special performance appraisal may be completed. The reason for the new appraisal shall be indicated on the form.
  - 2. Change of Supervisors. When an employee has a change of supervisors, or a supervisor leaves their position, the supervisor shall complete a performance appraisal report on each employee under their supervision.
- D. Extension of Appraisal Period. If additional time is needed to evaluate an employee, the rater must inform the Director of Internal Services of the reasons for the delay, and specify the date the appraisal can be expected.
  - 1. Annual appraisals. Annual performance appraisals may not be delayed for more than 30 days, except in cases of prolonged absence of the employee or the supervisor.

2. Probationary appraisals. Appraisals for completion of the probationary period may be delayed up to one (1) year. The reason for the delay must be provided to the employee in writing.

1107 Appraisal of Employee's Performance and Completion of the Appraisal Form HR-03

A. Human Resources Department. Thirty (30) days prior to an employee's appraisal date or completion of probationary period, the Human Resources Department will initiate a notification letter with the necessary information needed to complete the Appraisal Form (Form HR-03) and send it to the department head.

B. Supervisor

1. Major Job Elements. List the key job elements assigned to the job for which the employee is responsible. Job elements should speak of what the job requires, not what the employee knows or is able to do. Major job elements and goals are components of an employee's job which are of sufficient importance that performance below the satisfactory level would result in remedial action such as denial of a salary increase, reduction in grade or removal.

a. Comments: Comment on the degree of success (or lack of it) the employee has shown in meeting or exceeding the performance standards. These comments must give validity to the appraisal and support the rating assigned for each individual job element.

b. Rating: Record a rating for each major job element.

2. Performance Factors

a. Comments: Comment on the employee's work related behavior using specific examples and describing positive or negative performance. These comments must give validity to the appraisal and support the rating assigned for each individual factor.

b. Rating: Record a rating for each factor.

C. Employee, Rater, and Reviewer

1. Certification. The employee, the rater, and the reviewer must sign and date the form at the time of the annual performance rating.

2. Employee's Signature. The employee's signature only indicates that the appraisal report has been discussed with the employee and does not indicate that the employee concurs. If the employee does not concur, the employee may indicate their nonconurrence and attach comments to be filed with the official appraisal report.

3. Rater's/Reviewer's Signature. The rater's and/or reviewer's signature indicates that the report has been discussed and reviewed with the employee and, if appropriate, comments of the employee have been considered.

4. Distribution. The original copy shall be returned to the Human Resources Department for the employee's official personnel file. One copy shall be given to the employee, and one copy is for the supervisor's file.

1108 Needs Improvement or Unsatisfactory Performance

- A. First Appraisal. Employees who receive an overall rating of less than satisfactory, shall not be eligible to receive a performance based salary increase for the 12 month rating period following the less than satisfactory evaluation. The supervisor shall counsel the employee, state and document the specific reasons for less than satisfactory rating, advise them of the consequences, and inform them that a second appraisal will take place within 90 days.
- B. Second Appraisal.
  - 1. If the second appraisal is satisfactory, the employee will be eligible for a performance based salary increase after the next full twelve (12) month rating period and a satisfactory performance appraisal at that time.
  - 2. If the second appraisal is less than satisfactory, the supervisor may initiate discharge proceedings.

1109 Performance Rating Appeals

- A. Grievance Procedures. Performance appraisals shall not be subject to the standard grievance procedure except in the case of an overall rating of less than satisfactory.
- B. Other Procedures. Employees shall have the right to appeal all other appraisals in accordance with the following procedures:
  - Employee Action. If after a review of their performance appraisal with the rater, the employee believes that the performance appraisal is inaccurate, they may:
    - a. Provide comments on the Appraisal Form or attach written reasons for their nonconcurrency to the report. If attached, written reasons for nonconcurrency will become a part of the official appraisal report and be used by the reviewer to finalize the appraisal report; and/or
    - b. Request a meeting with the reviewer.
- C. Reviewer Action. The rater shall forward all pertinent information to the reviewer who shall, if requested, meet with the employee within (5) working days after receiving the request for a meeting. Within five (5) working days of receipt of written nonconcurrency, or the meeting with the employee, the reviewer shall forward the decision to the employee.
- D. Third Level Review. If after receipt of the reviewer's decision the employee still believes the appraisal is inaccurate, they may further explain in writing the reasons for their nonconcurrency and submit to the person named in the reviewer's decision as the next level reviewer. The third level reviewer shall review all documents related to the appraisal, decide if a meeting is necessary with any of the parties, and forward a decision to the employee, rater, and 2<sup>nd</sup> level reviewer. The decision of the third level reviewer shall be final and shall be made part of the employee's permanent personnel file.
- E. Department Heads. In the event that a department head disagrees with the performance evaluation given them by the Mayor, they may file an appeal with the City Council within fifteen working days of the date on which their performance evaluation conference was conducted. The appeal must be in writing and must contain the same information as indicated above for an employee's appeal. The City Council will meet with the employee within twenty-one (21) working days of their receipt of the appeal to review the appeal. The City Council shall issue a written

advisory opinion to the employee and to the mayor.

## Chapter 12

### INCENTIVE AWARDS PROGRAM

#### 1201 Purpose

The Incentive Awards Program is established for the purpose of improving City operations and to provide recognition through incentive awards for employee contributions through effective and beneficial suggestions or through achievements and performance. The program is based upon three premises.

- A. The success of a supervisor or department head depends upon their ability to create and maintain a team spirit among their staff. One of the best ways to motivate personnel to become a strong and cooperative group is by recognizing and rewarding their achievements publicly and promptly.
- B. Employees seek recognition and distinction regardless of their grade or status. They need to feel that the work they are doing makes an important contribution to the City. Personal recognition and awards for suggestions and special work efforts help fill this need.
- C. Effective use of incentive awards can result in increased productivity, better quality work, and more efficient operation of City Government.

#### 1202 Scope

All employees of the City of Salisbury are eligible for awards under this program.

#### 1203 Types of Awards

An incentive award is an honorary and/or monetary award granted to individuals or groups in recognition of a contribution which results in tangible and definable benefits. The contribution may be for one of the following:

- A. Suggestions
- B. Superior achievements
- C. Special acts or services
- D. Length of service

Cash awards made to City employees are considered wages by the Internal Revenue Service and are subject to tax withholding. It is the policy of the City to absorb these tax payments and grant awards which are net amounts not requiring further tax payment by the employee.



## 1204 Suggestions

### A. General

1. A suggestion is a constructive idea submitted by an individual or group that proposes a method of doing a job better, faster, or cheaper. A suggestion may propose ways to improve significantly:
  - a. Services to the public, quality of products, procedures, tools, machines and equipment, protection of property, safety;
  - b. Combine operations, materials, methods, records, reports, forms;
  - c. Eliminate unnecessary work, duplication, breakage, waste;
  - d. Devise new tools, equipment, machines, and new applications of old ideas.
  - e. Save manpower, material, time and space; or
  - f. Reduce costs of material and services.
2. Suggestions must present a specific area of improvement, a workable solution, and must be fully documented.
3. Suggestions must be outside the suggester's job responsibilities, or, if within them, so superior that they warrant special recognition. As an example, a clerical procedure suggested by a clerical employee would not normally be eligible for an award. However, such a suggestion having City Government wide application or resulting in significant savings could be eligible.

### B. Procedures

1. Suggestions must be made in writing and submitted to the Employee's Supervisor. Suggestions should be submitted on the Suggestion Form, Form HR-37.
2. The Supervisor, after recording receipt of the suggestion, will forward it to the appropriate department head by use of the Suggestion Evaluation Form, Form HR-38, so they may evaluate the merits of the suggestion and recommend its adoption or nonadoption. A recommendation for adoption must be supported by a statement as to how, when and by whom implementation will be effected and an estimate of benefits. A recommendation for nonadoption must include detailed reasons. Since comments are used by the department in replying to suggestions, it is necessary that a reasonable explanation be offered that will encourage, rather than discourage, future participation.
3. The department will forward suggestions to the Executive Officer for final approval or disapproval.
4. Upon approval by the Executive Officer, the suggestion shall be returned to the appropriate department head who will then implement the suggestion on a trial basis. After a period of ninety (90) days, the department head will report to the Executive Officer the results of the trial, including the efficiency of the suggestion, the amounts saved to that point, the savings projected through the next nine months and a recommendation for adoption or nonadoption.
5. The department head shall calculate the award and forward it together with the report to the Executive Officer who may adopt, amend, reject, or extend the trial period.
6. Benefit awards are based on the estimate of the first year's savings that will be realized as the result of adoption of a suggestion. The award shall be:

Slight Benefit	\$100.00
Moderate Benefit	\$300.00
High Benefit	\$500.00

1205 Superior Achievement

A. General. A superior achievement is an accomplishment that has resulted in dollar economy. Examples of superior achievements for which employees (singly, or in groups) may receive reward consideration are: having devised new and improved work methods and procedures that saved manpower, time, space, or material, or other items of expense; or having accomplished assigned tasks in a manner that achieved previously unobtainable records of production and to which a specific dollar value may be attached.

B. Procedures

1. Recommendations for awards for Superior Achievement must be fully documented and submitted in writing to the department head within 30 days of the act or circumstances.
2. When a supervisor observes that the performance of one, or a group of employees, has been so superior that significant dollar savings have resulted, they must fully document such performance and submit full documentation, in writing, including the amount, and how the savings resulted, in a recommendation to their department head.
3. The department head shall forward the Superior Achievement Award request to the Executive Officer for final approval or disapproval.
4. The Superior Achievement award shall be one full day's Administrative Leave with pay.

1206 Special Act or Service

A. General. A special act or service is one that is related to or associated with official employment contributing to the efficiency, economy, or other improvement in the operations of the City Government, or which is otherwise in the public interest. Examples of special acts or services for which employees may receive award consideration are: demonstrating unusual courage or competence in an emergency, such as rescuing fellow workers or saving City Property; or improving public relations by volunteer service.

B. Procedures

1. Recommendations for awards for special acts or services must be fully documented and submitted in writing to the department head within 30 days of the act or circumstances.
2. The department head shall forward the Special Act or Service Award request to the Executive Officer for final approval or disapproval.
3. The award for tangible, or intangible, benefits resulting from a special act or service shall be one full day's Administrative Leave with pay.

1207 Length of Service Award

The purpose of the award is to pay recognition to City employees for their length of service and dedication to the City. Employees who have served the City for several years and are knowledgeable in the policies, goals and procedures of the City government are a valuable asset.

Length of service will include aggregate time with the City in either a full-time or permanent part-time capacity.

Those employees who have completed at least five years of service and in five year increments thereafter with the City will be invited to a recognition ceremony to be held at least once each year. The employee's Department Head will also be invited to the ceremony. During the recognition ceremony the Mayor will present length of service awards to the employees.

Employees who are leaving City employment in good standing for reason of retirement will receive a Retirement Award from the Mayor and City Council at a City Council meeting. The award will be announced in advance so that co-workers, family, and friends may participate.