



## CITY OF SALISBURY CITY COUNCIL AGENDA

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**MAY 22, 2023**

**6:00 p.m.**

**Government Office Building, Room 301, Salisbury, Maryland and Zoom Video Conferencing**

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Times shown for agenda items are estimates only.

- 6:00 p.m. CALL TO ORDER
- 6:01 p.m. WELCOME/ANNOUNCEMENTS/PLEDGE
- 6:02 p.m. INVOCATION- Dr. Bruce C. Glisson, Allen Memorial Baptist Church
- 6:04 p.m. PROCLAMATION- Mayor John R. "Jack" Heath
- EMS Week
- 6:09 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:10 p.m. CONSENT AGENDA- City Clerk Kimberly Nichols
- April 17, 2023 Work Session Minutes
- 6:12 p.m. AWARD OF BIDS- Procurement Director Jennifer Miller
- ITB 23-115 Helical Pier Underpinning \$176,729.00
  - ITB A-23-116 Security Guard Services \$165,000.00 (3 yr. estimate)
  - RFP A-23-103 Debt Collections 16.5% of collections
- Declaration of Surplus
- SPD – Property Room items retained for departmental use
  - SPD – Property Room items to be sold via public auction
- 6:20 p.m. RESOLUTIONS- City Administrator Andy Kitzrow
- **Resolution No. 3259**- to update and amend the Employee Handbook, including implementing a code of ethical conduct and SBY Cares (Culture, Acclimation, Readiness, Excellence, Service) Program, and revising grievance procedures
  - **Resolution No. 3260**- to modify the City of Salisbury Sustainable Community Boundaries to include 510 West Road
- 6:25 p.m. ORDINANCES- City Attorney Ashley Bosché
- **Ordinance No. 2806**- 2<sup>nd</sup> reading- approving a budget amendment of the FY23 General Fund Budget to appropriate the funds received from the recycling of scrap metal

- **Ordinance No. 2807**- 2<sup>nd</sup> reading- approving a budget amendment of the FY023 General Fund Budget and the FY2023 Water Sewer Fund Budget to appropriate additional funds required for Field Operations
- **Ordinance No. 2808**- 1<sup>st</sup> reading- authorizing the Mayor to appropriate funds for the Comprehensive Plan Project and the Zoning Code Project
- **Ordinance No. 2809**- 2<sup>nd</sup> reading- approving a budget amendment to accept \$99,633.55 grant for license plate recognition equipment for the Salisbury Police Department

6:35 p.m. PUBLIC COMMENTS

6:40 p.m. ADMINISTRATION and COUNCIL COMMENTS

6:45 p.m. ADJOURNMENT

Copies of the agenda items are available for review in the City Clerk's Office, Room 305 – City/County Government Office Building, 410-548-3140 or on the City's website [www.salisbury.md](http://www.salisbury.md). City Council Meetings are conducted in Open Session unless otherwise indicated. All or part of the Council's meetings can be held in Closed Session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b) by vote of the City Council.

**NEXT COUNCIL MEETING – June 12, 2023**

- **Ordinance No. 2808**- 2<sup>nd</sup> reading- authorizing the Mayor to appropriate funds for the Comprehensive Plan Project and the Zoning Code Project
- **Ordinance No. 2802**- 2<sup>nd</sup> reading- appropriating the necessary funds for the operation of the government and administration of the City of Salisbury, Maryland for the period July 1, 2023 to June 30, 2024, establishing the levy for the General Fund for the same fiscal period and establishing the appropriation for the Water and Sewer, Parking Authority, City Marina and Storm Water Funds
- **Ordinance No. 2803**- 2<sup>nd</sup> reading- to amend Water and Sewer rates to increase rates by 10% and making said changes effective for all bills dated October 1, 2023 and thereafter unless and until subsequently revised or changed
- **Ordinance No. 2804**- 2<sup>nd</sup> reading- to set fees for FY 2024 and thereafter unless and until subsequently revised or changed
- **Resolution No. 3258**- to appoint Andrew Kitzrow as new Resident Agent for the City of Salisbury

Join Zoom Meeting

<https://us02web.zoom.us/j/88163253286?pwd=K3RtZUhUMHNucDRPU2IHbnROQzZVUT09>

**Meeting ID:** 881 6325 3286

**Passcode:** 812389

Phone: 1.301.715.8592

CITY OF SALISBURY  
WORK SESSION  
APRIL 17, 2023

Public Officials Present

Council President Muir Boda  
Council Vice-President April Jackson  
Council member Michele Gregory

Mayor John R. Heath  
Council member Angela Blake  
Council member Megan Outten

In Attendance

City Administrator Andy Kitzrow, Fire Chief John Tull, Deputy Fire Chief Chris O’Barsky, Computer Tech Will Schmager, Human Resources Director Meg Caton, Human Resources Specialist-Benefits Melissa Becker, Information Services Director Bill Garrett, Attorney Ashley Bosche, City Clerk Kimberly Nichols, and interested members of the public.

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On April 17, 2023 the Salisbury City Council convened at 4:30 p.m. in a Work Session in Conference Room 306 of the Government Office Building following the adjournment of the Special Meeting. The following is a synopsis of the items discussed in Work Session.

**Ordinance to accept a DHCD grant for internet service at Anne Street Village**

Information Services Director Bill Garrett explained the grant was to provide high speed internet services to the residents of the Anne Street Village community. IS used estimated construction costs and averaged internet costs for locations across the City.

Council reached unanimous consensus to advance the ordinance to legislative session.

**Ordinance to accept a DHCD grant for expenses associated with an event fund for the Main Street District**

Business Development Director Laura Soper joined via Zoom and explained the \$25,000 DHCD TAG Grant would help create a competitive events fund for Downtown Salisbury. This was a Technical Assistance Grant to help with tech assistance for community needs.

Council reached unanimous consensus to advance the legislation to legislative agenda.

**Updates to the Employee Handbook- Human Resources Director Meg Caton**

Human Resources Director Meg Caton explained the overhaul of the employee handbook took about a year to accomplish. The last update was in April 2020. A Code of Ethical Conduct, Respect for Individuals, Building Trust and Credibility, Creating a Culture of Open and Honest Communication, Confidentiality, Metrics, Record Retention and Accountability were added to the handbook where there currently were none.

44 She reported SBY CARES (Culture, Affirmation, Readiness, Excellence and Service)  
45 was also created to ensure new hires became familiar with City culture and their new  
46 environment and responsibilities by establishing a 30, 60- and 90-day check-in process  
47 and a grievance process.

48  
49 Ms. Blake asked about an effective date and Ms. Bosché recommended there be an  
50 educational element for employees. President Boda said July 1<sup>st</sup> would be a good date.

51  
52 Council reached unanimous consensus to advance the legislation to legislative agenda.

53  
54 **Ordinance to amend the Fire Department Fuel Budget**

55  
56 Deputy Fire Chief Chris O’Barsky explained the amendment was for \$45,000 to the Fuel  
57 Account. The current budget had not been able to keep up with the current fuel prices  
58 this year and the amendment should get the department through the rest of the year.

59  
60 Council reached unanimous consensus to advance the legislation to legislative agenda.

61  
62 **Ordinance to accept grant funds for expenses associated with the Union Railway Station**  
63 **Stabilization Project**

64  
65 City Administrator Andy Kitzrow said the Union Railway Station needed some care and was  
66 recipient to a \$500,000 grant from the Maryland Department of Housing and Community  
67 Development (DHCD) Strategic Demolition Fund. The awarded funding would be used to  
68 stabilize activities at the station ensuring preservation for future development. A subrecipient  
69 agreement would be executed with Railroad Avenue Investments LLC to do the stabilization  
70 activities upon the City’s receipt of the executed agreement from DHCD. He thought the overall  
71 project would take around \$1.5 million to get the project where it needed to be ready to be used.

72  
73 Council reached unanimous consensus to advance the legislation to legislative agenda.

74  
75 **Resolution to approve lease with Wicomico County Board of Elections**

76  
77 City Clerk Kim Nichols explained the lease was for the Digital and Optical Scan units and other  
78 equipment and services, and approved every election with the County Board of Elections.

79  
80 Council reached unanimous consensus to advance the resolution to legislative agenda.

81  
82 **Ordinance to amend Chapter 1.08 and 1.12 Election Bd, City Campaign Advertising**  
83 **& Finance**

84  
85 Ms. Nichols discussed the suggested updates made by the City Election Board. Council  
86 reached unanimous consensus to advance the legislation to legislative agenda.

87  
88 **Charter Amendments to amend Elections, Campaign Finance, Challengers and**  
89 **Watchers**

90  
91 Ms. Nichols reviewed the Charter Amendments recommended by the Election Board.  
92 Council reached unanimous consensus to advance the legislation to legislative agenda.  
93

94 **Labor Code discussion**  
95

96 Mr. Kitzrow recapped the four-step process to proceed with development of the Labor  
97 Code. The adoption of the Labor Code would come next, followed by unionizing. The  
98 actual collective bargaining agreement would be negotiated as defined in the Labor Code  
99 between October and December this year and would be adopted in the FY25 Budget.  
100

101 Ms. Blake asked for clarification on retirement, and Ms. Bosché said it was not included  
102 in the scope of bargaining and the Labor Code was silent regarding retirement. Anyone  
103 vested by law could not lose their retirement.  
104

105 President Boda opened up the discussion to Public comments which are recapped below.  
106

- 107 • FOP attorney Dowdy discussed page 3 of the Labor Code. The Police suggested  
108 employees ranked Captain and above be considered management employees.  
109 Currently, it read lieutenants, Those with the authority to hire, fire and promote  
110 were considered management. Lieutenants did not have that authority at the SPD.
- 111 • On page 6 of the Labor Code concerning retirement, attorney said that every labor  
112 code in the state traditionally included bargaining tools such as wages, hours and  
113 other terms and conditions of employment. It seemed broad but the terms were  
114 well understood in the labor community. His client was comfortable with the  
115 phrase, “other terms and conditions excluding healthcare” since it was understood  
116 that the trend considered healthcare a single consolidated item everyone  
117 bargained jointly. Bargaining (3) separate health insurances would be difficult.
- 118 • Attorney noted the unions were eager to move through the process and the City  
119 should consider allowing the parties to seek immediate recognition after the Labor  
120 Code passes and to begin bargaining for a new labor agreement once passed.
- 121 • Speaker asked for clarification because he noticed that with Fire, Captain and  
122 above were considered management employees. At the last meeting it was  
123 concluded that Captain and below was included in the bargaining unit. (Mr.  
124 Kitzrow noted that for the Fire Department, Captain and below was what was  
125 requested and Lieutenant and below was requested for the Police Department.)
- 126 • If “other terms and conditions of employment” was not used, they wanted  
127 something similar. If it was not included, he requested clarification of retirement.  
128 (Ms. Bosché confirmed the law protected retirement for all vested employees.)
- 129 • Asked about the verbiage “no less than a two year” for any contract. (Ms. Bosché  
130 answered that everything was a two-year contract. The expedited one year would  
131 not have been feasible.)
- 132 • Originally when former Mayor Day announced collective bargaining he said  
133 employees would be able to bargain for better pay and benefits. Based on the  
134 scope of bargaining, what benefits were included? He saw wages, hours, uniforms  
135 and promotional but retirement was not included and was a big issue. (Mr.

136 Kitzrow answered he was unsure what Mr. Day was speaking to. Benefits was a  
137 broad term, and most people considered healthcare and retirement to be primary  
138 benefits. He said that on lines 96 and 97 it read that for the purposes of the Labor  
139 Code an employee holding rank of Captain or above within the Fire Department  
140 and rank of Lieutenant or above within the Police Department was deemed to be a  
141 management employee. He said the City was fine with Captain and Lieutenant not  
142 being part of the management employees. They could change the title of Captain  
143 to Assistant Chief for the Fire Department, and rank of Captain and above within  
144 the Police Department. Ms. Bosché would incorporate that into the draft code.)

- 145 • AFSME rep said the management employee definition for General Government  
146 Employees could be cleaner and exclude those who disciplined. Other  
147 municipalities created a Supervisor Bargaining Unit and some just exclude them.
- 148 • Rep wanted bargaining to include working conditions such as wages, hours,  
149 uniforms and promotional schedules. (President Boda asked how the supervisor  
150 role was classified in General Government. Mr. Kitzrow it was typically a  
151 Director, Deputy, or a Superintendent. There were several Assistant Directors to  
152 be included in the bargaining unit. Others that the definition described in the  
153 Mayor’s Office or the Assistant Director of Finance would be excluded. They  
154 were similar in line with the Fire and Police Department ranks, and as positions in  
155 the departments grew, more rank may be created. Ms. Outten thought it was vague  
156 and did not state what Mr. Kitzrow said. Ms. Bosché thought the intent was to do  
157 an org chart because of the different ranks of General Government they were  
158 difficult to identify. They could exclude Director, Deputy Director and every  
159 Superintendent. Mr. Kitzrow said General Government was not as clear with their  
160 rank structure as Police and Fire and they could list all those excluded.)
- 161 • Speaker asked for “working conditions” to be included in the Labor Code, as it  
162 was a large portion of what they would be able to bargain for. She asked why  
163 there was reluctance to include “Other terms and working conditions of  
164 employment with the exception of health insurance benefits.” Mr. Kitzrow said  
165 the City was picking out what they wanted employees to be able to bargain on and  
166 what they did not want to negotiate including benefits as related to healthcare  
167 because of the consortium and retirement. A lot of time and energy went into the  
168 new employee handbook including a fair document that protects the employee as  
169 much as the employer. With the Labor Code, this could be updated at any point  
170 via Council. Ms. Bosché shared that Frederick and Greenbelt did not include other  
171 terms and conditions and the term was only used with County governments.
- 172 • Speaker had a list of cities and counties that used the terminology. It would  
173 ensure them a voice to bring to the table. As the draft code stood currently, they  
174 could not bring the following grievances to arbitration: pay grade, increment step,  
175 performance appraisal, unsafe working conditions, etc.
- 176 • Some of the things that should be open for negotiation included the work schedule  
177 (overtime, 40-hour work week, holidays). Some of the brand-new equipment was  
178 difficult to work with and the old equipment was not safe at all times. Sanitation  
179 trucks broke down all the time but they found a way to get the job done.
- 180 • An example was given of an employee needing to have surgery but had exhausted  
181 all of their sick pay. They could telework but their department head would not

182 allow it. Clarifications for supervisors was needed. They sent out forms to  
183 employees- working conditions was most important to 50% of them, followed by  
184 wages and hours. Some of the people felt as if they were not being heard.

- 185 • Mr. Kitzrow noted that General Government sounded as if it was interested in  
186 having potentially more supervisors included, which was different from Fire and  
187 Police. It was a different union; he would want to make sure from the supervisors.
- 188 • Speaker said that many codes included the phrase in question. To leave that  
189 phrase open-ended without including it was dangerous.

190  
191 Mr. Kitzrow said they would give Council time to digest the ideas. Mr. Boda suggested  
192 and Council reached consensus to hold another discussion at the May 1<sup>st</sup> Work Session.  
193 In the meantime, Council would forward any questions to Mr. Kitzrow.

194  
195 Ms. Blake asked for confirmation that the City was the only municipality except for  
196 Baltimore City that unions represented all three (Fire, Police, General) and Ms. Bosché  
197 agreed. Baltimore City was the only other municipality with three units, and Mr. Dowdy  
198 said that Baltimore County had recently begun police bargaining. Their Fire, Nurses,  
199 Corrections, and other employees had bargaining rights. State employees and university  
200 employees had broad bargaining rights through the state. Mt. Rinnier’s sanitation  
201 workers were unionized. As a labor bargainer, these three broad units was the way to go.

202  
203 Mr. Dowdy discussed the phrase “other terms and conditions of employment” and Ms.  
204 Blake asked for its definition. He said it was developed by case law, and although not  
205 binding on public sector bargaining, the National Relations Labor Act in Maryland was  
206 considered widely persuasive on the issue. The case law on that was well organized to  
207 include wages, premium payments, overtime, promotional rules, in service training,  
208 mandatory meetings, indemnification, bereavement pay, on-call pay, changes in job  
209 duties, mileage issues, leave of absence rules, etc. When bargaining was limited to a few  
210 things people tended to dig in. Ms. Blake asked where the case law was written and he  
211 answered in a publication from the NLRA that listed them. There was no official list or  
212 code, and it has developed over time. There was no risk from a budgetary standpoint.

### 213 214 **Administration and Council Comments**

215  
216 Mayor Heath discussed the death of two community teenagers. In today’s world, when  
217 there are disagreements, someone was likely to pull a gun or knife and kill the other  
218 person. We could not go on like this and needed to figure out what was going on.

219  
220 Ms. Gregory discussed the “God Loves You Tidewater Tour,” concert, and Franklin  
221 Graham, who were coming to Salisbury on May 4<sup>th</sup>. She called them an anti LGBTQ hate  
222 group and asked why they were being allowed to come Downtown. Mr. Kitzrow said the  
223 City was approached by the organization to host an event. They were looking for a large  
224 outdoor space, and the Jay Copeland concert had just taken place. It was an outdoor  
225 venue of which the City was in partnership with TidalHealth. It was approved by the  
226 previous Administration as an event.

228 Mayor Heath said the City would not promote it, and Ms. Gregory said it was promoted  
229 by the City Facebook page. She was disappointed because the City had prided itself on  
230 being inclusive and open to the LGBTQ groups and the City was allowing the platform  
231 to be used by that kind of messaging. The City’s Facebook post said it was a “free, one-  
232 night, evangelistic event with a hope-filled message.” She asked who the hope-filled  
233 message was for, as it was not for her friends and family. She objected to the event being  
234 held Downtown, but did not know what could be done to stop it. She asked that the City  
235 be very careful who they allowed to have a platform in the streets and on the City’s  
236 resources. The event would hurt family members, friends, all of Salisbury’s constituents  
237 and she was extremely disappointed when she heard the event would be held Downtown.  
238

239 Mayor Heath said that he and his family were equally offended. He was sorry it  
240 happened, and the City would do a better job of screening from now on.  
241

242 Ms. Jackson concurred with Mayor Heath that the violence had to stop and that the  
243 young man murdered was her nephew and another family friend was shot at the same  
244 place that evening. It hurt that our children were destroying themselves. She said adults  
245 needed to be adults and parents, and not their children’s friends. It was sad that this was  
246 happening in our City and Wicomico County. She pled for something to be done right  
247 now- it started at home, school, society and our judicial system. We had to do better.  
248

249 Ms. Blake asked those healthy and fortunate enough to donate blood to consider doing  
250 so. A pint of blood could save up to three lives. The City had a blood drive coming up.  
251

252 Ms. Outten thanked everyone for attending and said their comments were heard. She  
253 agreed with Ms. Gregory as she was also concerned with the information Council learned  
254 over the weekend about the “God Loves You” tour. Clearly there were no ill intentions  
255 on the City’s part, but they needed to work on their vetting and screening processes so  
256 that events like this would never happen again. They were weeks away from the Pride  
257 event and this did not make our LGBTQ community feel like they were welcome. She  
258 thanked Mayor Heath and Mr. Kitzrow for their attention to the matter. She seconded the  
259 words of Ms. Jackson. This was a tough time and a time for our community to come  
260 together. Find ways to get involved because our kids were our future.  
261

262 President Boda agreed with everyone’s comments. It was a tough weekend. Tomorrow,  
263 the budget sessions would begin in Conference Room 306.  
264

265 **Adjournment / Convene in Special Meeting #2**

266  
267 With no further business to discuss, the Work Session was adjourned at 6:18 p.m.  
268

269 \_\_\_\_\_  
270 City Clerk

271 \_\_\_\_\_  
272 \_\_\_\_\_  
273 Council President





City of  
**Salisbury**  
Jacob R. Day, Mayor

**COUNCIL AGENDA – Department of Procurement**

**May 22, 2023**

**Award of Bid(s)**

- |   |                           |
|---|---------------------------|
| 1. ITB 23-115 Helical Pier Underpinning | \$176,729.00              |
| 2. ITB A-23-116 Security Guard Services | \$165,000.00 (3 yr. est.) |
| 3. RFP A-23-103 Debt Collections        | 16.5% of collections      |

**Declaration of Surplus**

1. SPD – Property Room items retained for departmental use
2. SPD – Property Room items to be sold via public auction



# City of Salisbury

John "Jack" R. Heath, Mayor

**To:** Mayor and City Council  
**From:** Jennifer Miller  
Director of Procurement  
**Date:** May 22, 2023  
**Subject:** Award of Bids

**The Department of Procurement seeks Award of Bid approval from City Council for the solicitation(s) as defined herein. The City followed required bidding practices as defined by the Salisbury Code of Ordinances, and publicly posted these solicitations on the City of Salisbury's Procurement Portal and the State of Maryland's website, eMaryland Marketplace Advantage.**

#### ITB 23-115 Helical Pier Underpinning at the Salisbury WWTP

- Department: Infrastructure and Development
- Scope of Work: Install helical piles and replace sidewalk at the Salisbury WWTP
- Bid date: 03/14/23
- Bid opening: 04/20/23 @ 2:30 pm
- Total bids received: 5
- Lowest responsive and responsible vendor:
  - Avon Corporation (Alexandria, VA)
- Cost: \$176,729.00
- GL Account(s):
  - 97030-513026-55515 Structural Study/Construction
  - 96122-513026-55515 Structural Study/Construction

#### ITB A-23-116 Security Guard Services

- Department: Arts, Business & Culture
- Scope of Work: Security guard service for the City of Salisbury Zoological Park
- Bid date: 02/10/23
- Bid opening: 03/16/23
- Total bids received: 5
- Lowest responsive and responsible vendor for award:
  - Devine Professional Consulting Group (Silver Spring, MD)
- Cost: approx. \$55,000 per year (\$165,000 est. 3 yr. total)
- GL Account:
  - 40000-523608 Zoo Security
- Notes:
  - The contract includes a renewal clause: "The City reserves the right to renew all or portions of this contract with the same prices, terms and conditions as the original contract for two (2) one-year terms, contingent upon mutual agreement between the City and the supplier."



# City of Salisbury

John "Jack" R. Heath, Mayor

## RFP A-23-103 Debt Collection Services

- Department: Finance
- Scope of Work: Debt collection services to collect delinquent charges or amounts owed to the City of Salisbury
- Proposal date: 03/03/23
- Proposal opening: 04/06/23
- Total proposals received: 3
  - First Credit Services, Inc. (Piscataway, NJ) – 88.00 pts
  - Midwest Municipal Services, LLC (Camby, IN) – 74.41 pts
  - FDR Alliance, LLC (Kennesaw, GA) 68.79 pts
- Highest ranked responsive and responsible vendor for award:
  - First Credit Services, Inc. – 88.00 pts
- Cost: 16.5% of collections
- GL Account: N/A
- Notes:
  - As the firm may be directed from time to time by the City to perform litigation activities for select collection efforts, i.e., filing suit to obtain and enforce a judgment, Council approval of this contract award is intended to also satisfy §SC9-1 City Solicitor, wherein “additional legal counsel may be authorized and/or retained from time to time by the Council”.
  - The contract includes a renewal clause: “The City reserves the right to renew all or portions of this contract with the same prices, terms and conditions as the original contract for two (2) one-year terms, contingent upon mutual agreement between the City and the supplier.

**The Department of Procurement seeks approval from City Council to declare the following items as surplus and to dispose of the items as indicated:**

### Salisbury Police Department

- Property Room Item(s):
  - Glock 19 Model BB Gun
  - Glock pistol case
  - Qty 2 Nikon Coolshot
- Method of disposal: Departmental use by SPD
  
- Property Room Item(s):
  - Apple Macbook Air
  - Qty 2 Sony Playstation
- Method of disposal: Public auction sale

Additional details can be found in the departmental memo.



City of  
**Salisbury**  
Jacob R. Day, Mayor

To: Jennifer Miller, Director of Procurement  
From: Michael Zimmerman on behalf of Richard D. Baldwin, Director of Infrastructure and Development  
Date: May 9, 2023  
Re: ITB 23-115 Helical Pier Underpinning at Salisbury WWTP

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Salisbury Department of Infrastructure and Development recently advertised ITB 23-115 Helical Pier Underpinning at Salisbury WWTP. The work will consist of the furnishing and installation of helical piles for the IRPS building, Effluent pump station, and Pump House 4, and concrete demo and repair.

Bids were opened on Thursday, April 20, 2023 at 2:30 p.m. for ITB 23-115 Helical Pier Underpinning at Salisbury WWTP. Five (5) responses to this contract were received, as summarized below:

Company	Bid
Avon Corporation	\$ 176,729.00
Stratified, Inc.	\$ 188,000.00
Hillis-Carnes Engineering Associates. Inc.	\$210,424.00
Murtech Inc.	\$ 231,580.00
MAR-ALLEN Concrete Products, Inc.	\$ 237,221.00

Salisbury Department of Infrastructure and Development reviewed the bids in accordance with the contract documents. Avon Corporation is the lowest responsive and responsible bidder. Salisbury Department of Infrastructure and Development recommends awarding the scope of work specified in ITB 23-115 to Avon Corporation. in the amount of \$176,729.00. Funding is available for the Helical Pier Underpinning at Salisbury WWTP Repair with \$176,181.00 in account 97030-513026-55515 and \$584.00 in account 96122-513026-55515.



City of  
**Salisbury**  
John "Jack" R. Heath, Mayor

To: Jennifer Miller, Director of Procurement  
From: Leonora Dillon, Director of Salisbury Zoo  
Date: May 11, 2023  
Re: ITB A-23-116 Security Guard Services

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The Salisbury Zoo, Division of ABC Department worked with the Department of Procurement to advertise ITB A-23-116 for Security Guard Services. The contract provides security coverage in the zoo after normal business hours with one security guard seven days a week.

Bids were advertised on February 20, 2023 and opened on March 16, 2023. Five bids were received.

The responses to this contract are shown below:

Company	Ref. 101 Base Bid Rates	Ref. 201 Option Bid Rates
Devine Professional Consulting Group	\$17.85	\$21.00
Zicherheit LLC	\$25.00	\$25.00
Prominence Security Inc.	\$30.00	\$36.00
Shored Up Solutions LLD	\$40.00	\$40.00
Trauma Response Security	\$50.00	\$55.00

Devine Professional Consulting Group demonstrated clear understanding of the scope and sufficient experience managing other facilities with similar requirements.

The Salisbury Zoo recommends awarding the contract to Devine Professional Consulting Group at the specified rate. Funds for this contract are available in account number 40000 523608 pending the final approval of the budget.

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Leonora Dillon  
Director of Salisbury Zoo



City of  
**Salisbury**  
John "Jack" R. Heath, Mayor

**To:** Jennifer Miller, Director of Procurement  
**From:** Keith Cordrey, Director of Finance  
**Subject:** RFP A-23-103  
**Date:** May 17, 2023

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The Department of Finance recently put out an RFP for debt collection services for the collection of City debt. The RFP was released on March 8, 2023 and the responses were due back on April 6, 2023. The following three agencies responded to the Request for Proposal:

FDR Alliance  
Midwest Municipal Services LLC  
First Credit Services Inc.

The City evaluated the proposals of all three vendors. The categories of focus included:

- Billable rates for services outlined within the RFP document.
- Expertise, experience, and qualifications of the company as related to the scope of work, including team members and municipal collection experience.
- Collection process detail including effort made to collect debts at various ages and success rates for collections within those durations of time.

The award to First Credit Services Inc. should afford the City the following advantages:

- Excellent collection performance
- Technologies to improve collection and efficiency
- Collection Reporting
- Professional and courteous services

The committee recommends awarding the contract to First Credit Services, Inc.



City of  
**Salisbury**  
Salisbury Police Department

May 8, 2023

TO: Jennifer Miller  
FROM: Colonel David Meienschein  
Subject: Recommendation of Surplus of Items for Departmental Use

I am requesting that the attached list of property be deemed surplus and with council approval be incorporated into the Salisbury Police Department inventory to be used for training purposes.

Respectfully,

David Meienschein  
Assistant Chief of Police







City of  
**Salisbury**  
Salisbury Police Department

May 8, 2023

To: Chief Duncan

From: Sgt. Loring

REF: Surplus to Convert to Departmental Use

The Salisbury Police Department Property room has reviewed the listed pieces of property. These items have no owner and are to be disposed of. It has been requested that they be converted to departmental use. I respectfully request that these items be approved to be used for departmental use.

- 1) CC# 202300007113 - Item #1 - One Glock 19 model BB gun.
  - This was brought in for destruction and has been requested by Cpl. Fissel for department use for training purposes at the academy.
  
- 2) CC# 202200000601 - Item #4 - Glock Pistol Case
  - Owner was sent notification and never called or came to the Salisbury Police Department to retrieve property. This item is in good condition and is now to be disposed; however, the department could utilize this Glock Pistol Case.
  
- 3) CC# 202000015172 – Items #2 & #3. The Salisbury Police Department’s property personnel have reviewed the circumstances of The Police Department coming into possession of the below listed items. The items were obtained during the investigation of a work from home scheme whereby unwitting persons were shipping items purchased by a third party using stolen credit card information. The case was suspended on 09/03/2020 following a detailed investigation. There are no further leads to pursue that would lead to charges. There is / are no known owner(s) of the property nor will any be identified through further investigation. Items received into SPD property whereby the owner is unable to be identified are destroyed or discarded. As these items are of value I request that they be presented to The Salisbury City Council for approval as surplus and then converted to departmental use.
  - Item #2 - One (1) white, black in color, Nikon, Coolshot 20iGII range finder, model # AL121 (S# 2006228).
  - Item #3 - One (1) white, black in color, Nikon, Coolshot 20iGII range finder, model # AL121 (S# 2005234).

Respectfully Submitted,

Sgt. M. Loring 2125

*907024  
5/8/23*



699 W. Salisbury Parkway  
Salisbury, MD 21801  
410-548-3165  
www.salisburypd.com







City of  
**Salisbury**  
Salisbury Police Department

May 8, 2023

TO: Jennifer Miller  
FROM: Colonel David Meienschein  
Subject: Recommendation of Surplus for Sale on Govdeals.com.

I am requesting that the attached list of property be deemed surplus and sold on Govdeals.com. There are no listed owners for this property and no one has reported these items stolen. The waiting period required to hold these items has passed.

Respectfully,

David Meienschein  
Assistant Chief of Police



699 W. Salisbury Parkway  
Salisbury, MD 21801  
410-548-3165  
[www.salisburypd.com](http://www.salisburypd.com)



May 8, 2023

To: Chief Duncan

From: Sgt. Loring

REF: Surplus for Sale on Govdeals.com

The Salisbury Police Department's property personnel have reviewed the circumstances of The Police Department coming into possession of the below listed items. The items were obtained during the investigation of a work from home scheme whereby unwitting persons were shipping items purchased by a third party using stolen credit card information. The case was suspended on 09/03/2020 following a detailed investigation. There are no further leads to pursue that would lead to charges. There is / are no known owner(s) of the property nor will any be identified through further investigation. Items received into SPD property whereby the owner is unable to be identified are destroyed or discarded. As these items are of value I request that they be presented to The Salisbury City Council for approval as surplus and then sold using our established methods for surplus property through govdeals.com.

202000015172

- Item #4 - One (1), silver in color, Apple Macbook Air laptop, bearing SN: C02CF01EM6KH, Model NO. A2179
- Item #5 - One (1) Sony Playstation 4 virtual reality gaming console, bearing SN MF544201147, encased within a gray in color Sony Playstation box.
- Item #6 - One (1) Sony Playstation 4 virtual reality gaming console, bearing SN MF546337738, encased within a gray in color Sony Playstation box.

Respectfully Submitted,



Sgt. M. Loring 2125

*JNF d124*  
*5/8/23*





City of  
**Salisbury**  
John "Jack" R. Heath, Mayor

To: Mayor and City Council  
From: Meg Caton  
Director of Human Resources  
Date: April 17, 2023  
Subject: Employee Handbook

---

Attached is a draft of the updated Employee Handbook. The current handbook was revised in April 2020. This version is an overall update for more modern terminology, organization and flow. Major changes include a Code of Ethical Conduct, CARES (Culture, Acclimation, Readiness, Excellence Service) and revised grievance procedures.

Attachments:  
Draft Handbook

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**RESOLUTION NO. 3259**

**A RESOLUTION OF THE CITY OF SALISBURY TO UPDATE AND AMEND THE EMPLOYEE HANDBOOK, INCLUDING IMPLEMENTING A CODE OF ETHICAL CONDUCT AND SBY CARES (CULTURE, ACCLIMATION, READINESS, EXCELLENCE, SERVICE) PROGRAM, AND REVISING GRIEVANCE PROCEDURES.**

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

**WHEREAS**, the Mayor’s Office and the Human Resources Department have reviewed the Employee Handbook and recommend certain changes and additions as set forth in the proposed Employee Handbook, attached as **Exhibit A**; and

**WHEREAS**, Mayor and Council have reviewed the proposed Employee Handbook and approve all amendments; and

**WHEREAS**, by this Resolution, the Council **(i)** hereby approves the Employee Handbook (attached hereto and incorporated as **Exhibit A**) and **(ii)** hereby authorizes the Employee Handbook to become effective July 1, 2023; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

**Section 1.** The Employee Handbook, attached hereto and incorporated herein as **Exhibit A**, shall become effective July 1, 2023 and shall remain in effect until any such other further amendments shall be approved by Council.

**Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Resolution shall be deemed independent of all other provisions herein.

**Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Resolution shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Resolution shall remain and shall be deemed valid and enforceable.

**Section 4.** The recitals set forth hereinabove and **Exhibit A** attached hereto, are incorporated into this section of the Ordinance as if such recitals and **Exhibit A** were specifically set forth at length in this Section 4.

**THE ABOVE RESOLUTION** was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on this 22<sup>nd</sup> day of May, 2023 and is to become effective immediately upon adoption with the proviso that the Employee Handbook does not become effective until July 1, 2023.

ATTEST:

\_\_\_\_\_  
Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
Muir Boda, President  
Salisbury City Council

APPROVED BY ME THIS \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
John R. Heath, Acting Mayor

City of Salisbury  
Employee Handbook  
July 2023



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**Introduction**

This Handbook has been prepared by the City of Salisbury to provide employees with a general understanding of policies, rules and procedures. It does not constitute a contract between the City of Salisbury and present or future employees. This handbook is provided to all employees during their orientation and made available in Human Resources. The City of Salisbury reserves the right to review and modify these policies as necessary. No one except the City Administrator or their designee is authorized to alter, amend, or modify the provisions of this Handbook, whether through oral or written statements or promises.

It is the responsibility of employees to read and become familiar with the provisions in this Employee Handbook or as amended from time-to-time. All employees agree to abide by all the rules and policies in this Handbook and any additional; rules or policies of the City. If something is unclear, contact the Director of Human Resources.

This new Handbook makes all previous Handbooks void.

# BUSINESS CONDUCT AND GOVERNANCE

## Code of Ethical Conduct

## **Code of Ethical Conduct**

### **Vision**

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.

### **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.

### **Mission**

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.

### **Build Trust and Credibility**

The success of the City of Salisbury is dependent on the trust and confidence we earn from our employees, citizens and businesses. We gain credibility by adhering to our commitments, displaying honesty and integrity and reaching our goals solely through honorable conduct. It is easy to say what we must do, but the proof is in our actions.

When considering any action, it is wise to ask: will this build trust and credibility for the City of Salisbury? Will it help create a working environment in which the City of Salisbury can succeed over the long term? Is the commitment I am making one I can follow through with? The only way we will maximize trust and credibility is by answering “yes” to those questions and by working every day to build our trust and credibility.

### **Respect for the Individual**

We all deserve to work in an environment where we are treated with dignity and respect. The City of Salisbury is committed to creating such an environment because it brings out the full potential in each of us, which, in turn, contributes directly to the City of Salisbury’s success. The City of Salisbury is an equal employment/affirmative action employer and is committed to providing a workplace that is free of discrimination of all types from abusive, offensive or harassing behavior. Any employee who feels harassed or discriminated against should report the incident to his or her manager or to human resources.

City of Salisbury employees are also expected to support an inclusive workplace by adhering to the following conduct standards:

- Treat others with dignity and respect at all times.
- Address and report inappropriate behavior and comments that are discriminatory, harassing, abusive, offensive or unwelcome.
- Foster teamwork and employee participation, encouraging the representation of different employee perspectives.
- Seek out insights from employees with different experiences, perspectives and backgrounds.
- Avoid slang or idioms that might not translate across cultures.
- Support flexible work arrangements for co-workers with different needs, abilities and/or obligations.
- Confront the decisions or behaviors of others that are based on conscious or unconscious biases.
- Be open-minded and listen when given constructive feedback regarding others’ perception of your conduct.

The City of Salisbury will not tolerate discrimination, harassment or any behavior or language that is abusive, offensive or unwelcome.

### **Create a Culture of Open and Honest Communication**

At the City of Salisbury everyone should feel comfortable to speak their mind, particularly with respect to ethics concerns. Managers have a responsibility to create an open and supportive environment where employees feel comfortable raising such questions. We all benefit when employees exercise their power to prevent mistakes or wrongdoing by asking the right questions at the right times.

The City of Salisbury will investigate all reported instances of questionable or unethical behavior. In every instance where improper behavior is found to have occurred, the city will take appropriate action. We will not tolerate retaliation against employees who raise genuine ethics concerns in good faith.

Employees are encouraged, in the first instance, to address such issues with their managers or the Human Resources Director, as most problems can be resolved swiftly. If for any reason that

is not possible or if an employee is not comfortable raising the issue with their director or Human Resources Director, the City Administrator does operate with an open-door policy.

### **Set Tone at the Top**

Management has the added responsibility for demonstrating, through their actions, the importance of this Code. In any organization, ethical behavior does not simply happen; it is the product of clear and direct communication of behavioral expectations, modeled from the top and demonstrated by example.

To make our Code work, managers must be responsible for promptly addressing ethical questions or concerns raised by employees and for taking the appropriate steps to deal with such issues. Managers should not consider employees' ethics concerns as threats or challenges to their authority, but rather as another encouraged form of communication. At the City of Salisbury, we want the ethics dialogue to become a natural part of daily work.

### **Uphold the Law**

The City of Salisbury's commitment to integrity begins with complying with laws, rules and regulations where we do business. Further, each of us must understand City policies, laws, rules and regulations that apply to our specific roles. If we are unsure of whether a contemplated action is permitted by law or the City of Salisbury policy, we should seek the advice from the resource expert. We are responsible for preventing violations of law and for speaking up if we see possible violations.

### **Confidentiality**

We will not selectively disclose (whether in one-on-one or small discussions, meetings, presentations, proposals or otherwise) any material nonpublic information with respect to the City of Salisbury, its securities, business operations, plans, financial condition, results of operations or any development plan. We should be particularly vigilant when making presentations or proposals to customers to ensure that our presentations do not contain material nonpublic information.

### **Avoid Conflicts of Interest**

We must avoid any relationship or activity that might impair, or even appear to impair, our ability to make objective and fair decisions when performing our jobs. At times, we may be faced with situations where the business actions we take on behalf of the City of Salisbury may conflict with our own personal or family interests. We owe a duty to the City of Salisbury to advance its legitimate interests when the opportunity to do so arises. We must never use the City of Salisbury property or information for personal gain or personally take for ourselves any opportunity that is discovered through our position with the City of Salisbury.

### **Set Metrics and Report Results Accurately**

Maryland's Public Information Act ("PIA"), Title 4 of the General Provisions Article ("GP"), grants the public a broad right of access to records that are in the possession of State and local government agencies.

Official requests for public records are maintained by the Mayor's Office.

We will make certain that all disclosures made in financial reports and public documents are full, fair, accurate, timely and understandable. This obligation applies to all employees, including all financial executives, with any responsibility for the preparation for such reports, including drafting, reviewing and signing or certifying the information contained therein. No business goal of any kind is ever an excuse for misrepresenting facts or falsifying records.

Employees should inform City Administration and the HR department if they learn that information in any filing or public communication was untrue or misleading at the time it was made or if subsequent information would affect a similar future filing or public communication.

### **Record Retention**

We create, retain and dispose of our company records as part of our normal course of business in compliance with all the City of Salisbury policies and guidelines, as well as all regulatory and legal requirements.

We must not improperly influence, manipulate or mislead any unauthorized audit, nor interfere with any auditor engaged to perform an internal independent audit of the City of Salisbury books, records, processes or internal controls.

### **Promote Substance Over Form**

At times, we are all faced with decisions we would rather not have to make and issues we would prefer to avoid. Sometimes, we hope that if we avoid confronting a problem, it will simply go away.

At the City of Salisbury, we must have the courage to tackle the tough decisions and make difficult choices, secure in the knowledge that the City of Salisbury is committed to doing the right thing. At times this will mean doing more than simply what the law requires. Merely because we can pursue a course of action does not mean we *should* do so.

Although the City of Salisbury's guiding principles cannot address every issue or provide answers to every dilemma, they can define the spirit in which we intend to do business and should guide us in our daily conduct.

### **Accountability**

Each employee is responsible for knowing and adhering to the values and standards set forth in this Code and for raising questions if we are uncertain about company policy. If we are concerned whether the standards are being met or are aware of violations of the Code, we must contact the HR department.

The City of Salisbury takes seriously the standards set forth in the Code, and violations are cause for disciplinary action up to and including termination of employment.

## YOUR EMPLOYEMENT

Equal Employment Opportunity

Diversity, Equity and Inclusion

Veteran's Rights

American with Disabilities Act & Reasonable Accommodation

Reasonable Accommodation Due to Pregnancy

Employment Status

FLSA Status

Pre-Employment Physical Examination

Orientation

CARES (Culture, Acclimation, Readiness, Excellence, Service)

Special Note Concerning Police Department Directives

Special Note Concerning Fire Department Policies and

Procedures

### **Equal Employment Opportunity**

The City of Salisbury supports and practices the concept of Equal Employment Opportunity. The City of Salisbury provides equal opportunities in the terms, conditions, and privileges of employment to all employees and applicants. Employment and related decisions are made on the basis of an individual's ability and merit, without regard to race, color, religion, sex (including pregnancy), age, marital status, national origin, veteran or service member status, disability, including the need for reasonable accommodation, sexual orientation, gender identity, genetic information including an individual's refusal to submit to a genetic test or make available the results of a genetic test, association with another who is in a protected class, and any other category protected by applicable law.

The City of Salisbury's policies and practices comply with all applicable federal, state, and local laws and regulations to ensure equal opportunity.

### **The City of Salisbury Embraces Diversity, Equity and Inclusion**

Teamwork, diversity and, accountability is embedded in the values that all employees of the City of Salisbury should uphold every day. Treating everyone fairly is important to earn and build our community's confidence in us.

Discrimination of any kind will not be permitted. The City of Salisbury is committed to equality – in our community and in our workforce.

All employees should ensure their actions and words are in keeping with the values that we are expected to uphold at all times, whether at work or in public.

In alignment with our values and standards of behavior, inclusive excellence demands that we confront and reject all manifestations of discrimination or harassment, including those based on race, ethnicity, age, disability, nationality, sexual orientation, gender, gender identity, religious beliefs, marital or veteran status, genetic information or presence of a medical condition or any of the other differences among people that have been excuses for hatred. A thriving organization needs diversity within the workforce that reflects the diversity of the people it serves. We all must respect that diversity, because to work effectively, it is essential for us to work in harmony.

Discrimination causes division and pain, and we stand for unity. We will work together with accountability to ensure we are an anti-racist organization, in addition to supporting all protected classes.

### **Veterans Rights**

The City of Salisbury complies with all federal and state laws pertaining to the employment of veterans.

### **Americans With Disabilities Act (ADA) And Amendments Act (ADAAA) & Reasonable Accommodation**

As required by the ADA, the ADAAA, as well as state and local law, the City of Salisbury will provide reasonable accommodations for qualified individuals with known disabilities to assist them in performing the essential functions of the job unless the accommodation would create an undue hardship on the City of Salisbury or create a direct threat to the health or safety of the individual. We prohibit discriminatory treatment against qualified individuals with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. To obtain a reasonable accommodation, an applicant or employee should inform the City of Salisbury of the existence



of a disability, the disability related limitation(s) or workplace barrier(s) that need to be accommodated, and if known, the desired reasonable accommodation. The City of Salisbury may request documentation of your functional limitations and need for accommodation to support the accommodation request.

### **Reasonable Accommodation Due to Pregnancy**

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

- Changing the employee's job duties
- Changing the employee's work hours
- Relocating the employee's work area
- Providing the employee with mechanical or electrical aids
- Transferring the employee to a less strenuous or less hazardous position
- Providing the employee with leave

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

### **Employment Status**

Employee status at the City of Salisbury is defined by the following terms:

#### **Elected Positions**

Positions established by local law, the incumbents of which are selected by a prescribed process and who serve for defined terms.

#### **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.

#### **Regular Full-Time Employee**

Full-time employees are those who work at least 35 hours a week or 42 hours a week (when working 12 or 24-hour shifts).

#### **Regular Part-Time Employee**

Part-time employees are those who work a minimum of 50 percent of the work week, but less than 35 hours a week. This does not include the Fire Department.

#### **Temporary Full Time Employee**

Temporary full-time employees are hired to fill a position that is anticipated to exist for less than one year (12 months) and are regularly scheduled to work a full-time work week. Grant or contractual positions must be reviewed annually to determine the need to continue this status.

### **Temporary Part Time Employee**

Temporary part-time employees are hired to fill a position that is anticipated to exist for less than one year (12 months) and are scheduled to work less than a full-time work week. Grant or Seasonal positions, must be reviewed annually to determine the need to continue.

### **FLSA Status**

#### **Non-Exempt (Hourly) Employee**

A non-exempt (hourly) employee is one whose position does not meet the tests for being exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA), or one who meets the tests, but whom management has voluntarily classified as non-exempt. Non-exempt employees typically work a regular set of hours each work week, although their schedules may vary as departmental needs dictate. Non-exempt employees are eligible for overtime pay (payable at time and one-half of the employee's regular hourly rate) after working 40 hours per work week (except for public safety employees eligible for the FLSA Section 7(k) exemption).

#### **Exempt (Salaried) Employee**

Exempt (Salaried) employees are those who, because of their positional duties, responsibilities, educational training, and/or level of decision-making authority, are exempt from the overtime provisions of the FLSA. Exempt employees are expected to work whatever hours are necessary each work week to complete the duties, responsibilities and accountabilities of their exempt position.

### **Pre-Employment Post-Offer Physical Examination**

All new employees who are hired to work at the Salisbury Fire Department, Salisbury Police Department or are required to have a Commercial Driver's License (CDL) are required to pass a pre-employment physical assessment, which shall include a drug screen, to ensure they are medically able to perform their duties. Recommendations of the examining healthcare provider will assist in determining whether the applicant meets the essential physical requirements for the position for which they have been hired. Consistent with applicable law, the City of Salisbury may require medical examinations and/or drug and alcohol screens at other times during employment in order to continue or resume working.

### **Orientation**

A formal orientation program is conducted for all new employees as an introduction to the City of Salisbury, its history, organization, policies, procedures, and benefits. It is mandatory for all new employees to attend the *New Employee Orientation Program*.

In addition, each supervisor will provide an orientation to acquaint the new employee with departmental rules, regulations, safety matters, and other related information.

### **CARES (Culture, Acclimation, Readiness, Excellence, Service)**

The CARES program ensures new employees are adjusting to their new environment.

New employees will complete the following:

30 Day Interview: Addresses the workplace culture and how the initial onboarding phase went for each employee.

60 Day Survey: Addresses the individuals department and how they are acclimating to their team and new expectations.

90 Day Evaluation: A brief formal check-in with the employee's supervisor, to align goals for the last portion of their probationary period. This evaluation is to help guide and redirect any uncertainties or outlying concerns.

Employees of the Fire and Police Departments follow a different timeline do to training accommodations.

Most newly hired, re-hired, promoted, demoted and transferred employees serve a six (6) month introductory period during which their performance, behavior and compliance with policies will be monitored by their supervisor. Some departments may have a longer introductory period. The length of the introductory period excludes any absences from work, regardless of reason. If the employee is not satisfactory in performance, behavior or compliance with policies, as solely determined by the City of Salisbury, a decision will be made to extend the introductory period or discontinue employment. If the employee's performance, behavior, or compliance with policies is not satisfactory at any time during or following completion of the introductory period, the employee is subject to termination without notice or requirement of cause or reason.

All newly hired employees are considered to be probationary employees until they have completed a probationary period. For most positions there is a six (6) month probationary period. Some departments have a longer probationary period for certain jobs. The Police Department has a twenty-four (24) month probationary period and the Water and Wastewater Plant have a twelve (12) month period, with the exception of administration. At the time of hiring you will be informed of the probationary period applicable to your position.

If you have demonstrated the ability to satisfactorily perform your job, you will become a regular employee.

#### **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.

#### **Special Note Concerning Fire Department Policy and Procedures**

Pursuant to the City Code, the Salisbury Fire Department has established rules and regulations known as the City of Salisbury Fire Department's Standard Operating Policies and Procedures. These written directives govern the operation of the Fire Department and employees of that department. When the written policies and procedures of the Salisbury Fire Department conflict with or directly address employment, policies discussed in this Employee Handbook, those written policies and procedures shall control.

## HEALTH, SAFETY and SECURITY

Substance Abuse Policy

Smoking

Workers Compensation

Safety

Duty to Report All Accidents

Hazard Reporting Procedure

Violence in the Workplace

Sexual and Other Unlawful Harassment

Discrimination

Mandatory Reporting Requirement

### **Substance Abuse and Testing Policy**

The City of Salisbury has a Drug and Alcohol Policy, separate from the Employee Handbook. Please refer to this policy.

### **Smoking**

Smoking/tobacco/nicotine use, as well as use of electronic devices or other devices is prohibited on any property owned by the City of Salisbury by all persons. "Property" includes (but is not limited to) real property and buildings thereon; City owned or leased property and equipment, City vehicles, workspace and storage facilities.

Tobacco and nicotine use means smoking, vaping, chewing, dipping or any other use of a tobacco or nicotine product. This includes all forms of tobacco or nicotine products, including, but not limited to: cigarettes, cigars, pipes, hookahs, electronic cigarettes (i.e., "e-cigarettes") and all forms of smokeless tobacco.

Failure to comply with this will result in the corrective action, including termination of employment

The City Administrator may designate smoking areas within any City owned facility provided that such area meets the requirement of state law.

### **Worker's Compensation**

For an employee's protection while at work, the City of Salisbury provides Worker's Compensation insurance, which is, administered under the Maryland Worker's Compensation Laws. The City of Salisbury engages an insurance carrier to make initial determinations regarding the extent of the City of Salisbury's financial responsibility for occupational injury or illness, as defined by this law. All employee occupational injuries and illnesses are evaluated and managed through an independent third-party provider.

Should an employee experience an occupational injury or illness, the employee should report this information immediately to their supervisor, who will notify Human Resources. Immediately after an employee injury, a Workers' Compensation First Report of Injury or Illness Report should be completed. Injured employees requiring medical evaluation will be referred to an independent third-party provider selected by the City. After the initial evaluation/consultation, that third-party provider, will facilitate and coordinate any medical treatment the employee may require. The employee should continue to communicate at least weekly with the supervisor, who will update Human Resources in reference to their condition and status until recovery is complete.

If an employee is injured on the weekend or after hours, the employee should report the injury to their immediate Supervisor who will direct the employee for appropriate medical treatment. The Supervisor should email a representative in Human Resources to notify them of the injury. Included in the email should be the employees name, telephone number where they can be reached and a description of their injury.

If a post occupational injury medical evaluation reveals that the employee is unable to perform the full duty job responsibilities, the employee may be assigned, at the discretion of their department and Human Resources, to a modified duty position within their department or city wide. During this period of modified duty assignment, the employee should communicate with the Supervisor, who will regularly notify a representative in Human Resources and participate in all medical re-evaluations by the physician.

Time lost from work will be compensated by the City of Salisbury's insurance carrier according to a schedule established by law and will not be supplemented by available paid benefit leave time (i.e., Wellness, Personal, Annual, Comp, Recognition). The employee will be placed on Family Medical Leave, if eligible for such leave, which will run concurrently with time off under Worker's Compensation. If not eligible for Family Medical Leave, the employee will be placed on a medical leave of absence during the period of time that the employee is absent from work due to the compensable injury or illness.

An employee may receive full pay for up to three (3) month following an accident which has been determined compensable under the Maryland Workers Compensation Act. At the end of the three months, the employee's salary may be continued for a period determined by the City pending documented expectation that the employee will return to working. The City reserves the right to require the employee be evaluated by a doctor designated by the City. Payment will not be extended beyond one year and, under no circumstances, may the employee retain both full pay from the City of Salisbury and disability benefits from the insurance carrier.

Consistent with all obligations under the Americans with Disabilities Act, as amended, and other applicable leave and accommodation laws, if a work-related injury under Worker's Compensation results in an extended period of absence, employees should be aware that the City of Salisbury reserves the right to consider termination of the employee if it is medically determined that the employee will be unable to return to work.

### **Safety**

The City of Salisbury has a genuine concern for employee safety and health. If, during the course of daily duties, an employee has a question about the materials or equipment required for their job, please speak to a supervisor.

We expect all of our employees to be safety-conscious and to report any unsafe or hazardous condition to their supervisor. Safety suggestions are always welcome and can be made to Human Resources. Failure to follow the City of Salisbury's safety policies and procedures may be cause for corrective action up to and including termination.

It is the employee's responsibility to immediately inform their supervisor of any injury sustained while at work. By doing so, the employee helps preserve their right to Worker's Compensation and may help prevent injury to co-workers. Injuries not reported within twenty-four (24) hours may result in no disability benefits being paid to the employee and/or a denial of workers' compensation coverage. Through collaborative efforts, they City of Salisbury can maintain a safe and accident-free environment.

### **Duty to Report All Accidents**

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

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

- The City Police Department if inside City limits;
- The Police Department in the jurisdiction of the accident (if outside City limits);
- The employee's supervisor and Department Director
- Risk Manager/Human Resources

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

### **Hazard Reporting Procedure**

Employees are expected to promptly report the following situations to the immediate supervisor or person in charge of the job:

- Any unsafe conditions or unsafe acts involving City property or equipment
- Any City operations, procedures, or practices which any employee considers hazardous or unsafe

Supervisors must 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.

Employees may use the informal grievance procedure to bring unsafe working conditions or hazards to the attention of management, if not satisfied with the response of their supervisor.

In addition to the above, employees are encouraged to make suggestions for safety improvements to the safety committee. The safety committees will look into any suggestion made and respond to the employee suggestion within one month of the date on which the suggestion was made.

### **Violence in the Workplace**

The City of Salisbury is committed to preventing workplace violence and to maintaining a safe work environment for all employees, customers, vendors, and visitors. The City of Salisbury has adopted the following guidelines to address intimidation, harassment, threats of violence, and/or any acts of violence that may occur on any of its premises.

All employees should be treated with courtesy and respect at all times. Employees must not engage in fighting, "horseplay," or any other conduct or behavior, whether physical, spoken or written, that is dangerous or may reasonably lead to danger to others. Firearms, weapons, and other dangerous or hazardous devices or substances of any kind are prohibited from the premises. Only Salisbury Police Department personnel required to carry a weapon as part of their position may possess a weapon on premises.

Please refer to the City of Salisbury's Weapons Free Workplace Policy for more information.

Conduct that threatens, intimidates, or coerces another employee, customer, visitor, or a member of the public at any time, including during off-duty periods, will not be tolerated. This prohibition includes but is not limited to all acts of harassment. No employee may incite violence or encourage another to do the same.

All threats of or actual violence, whether direct and indirect, must be immediately reported to the employee's supervisor and then Human Resources. This includes threats by employees, as well as threats by customers, visitors, vendors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible. Any suspicious individuals or activities should be reported as soon as possible to a supervisor as well as Human Resources.

The City of Salisbury will promptly and thoroughly investigate all reports of threats of or actual violence and of suspicious individuals or activities. The identity of the individual(s) making a report of violence will be kept confidential to the extent practical. In order to maintain workplace

safety and the integrity of its investigation, the City of Salisbury may suspend or place employees on leave pending investigation.

Anyone determined to be responsible for threats of or actual violence or other conduct that brings violence into the workplace, may be subject to disciplinary action up to and including termination.

Employees are encouraged to bring their disputes or differences with other employees or individuals at the City of Salisbury with whom they may have difficulty to the attention of their supervisors or Human Resources before the situation escalates into potential violence. The City of Salisbury will assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

When working in the Government Office Building, it is important for you to be familiar with certain terms in the event of an emergency. The following is a list of the calls that you should recognize. Your Supervisors and Human Resources will provide employees with how to respond to a code and pertinent information.

- Code Red: Employees/visitors to evacuate
- Code Brown: Weather related event
- Code Orange: Employees/visitors shelter in place
- Code Pink: Missing or abducted child

### **Sexual and other Unlawful Harassment**

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:

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

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;

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual
- 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.

Unlawful harassment of employees on the basis of race, ethnicity, age, disability, nationality, sexual orientation, gender, gender identity, religious beliefs, marital or veteran status, genetic information or presence of a medical condition are strictly prohibited. Examples of unlawful harassment would be:

- Slurs, epithets, and/or jokes based on unlawful harassment characteristics
- Conduct, comments, and/or innuendoes that may be perceived by others as offensive
- 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.



## **Discrimination**

The City of Salisbury is committed to preventing workplace discrimination and to maintaining a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices.

The City of Salisbury encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor and Human Resources.

The City of Salisbury encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that their behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. The City of Salisbury recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

When reporting a complaint or concern, you should be as specific and detailed as possible. Any suspicious individuals or activities should be reported as soon as possible to a supervisor as well as Human Resources.

The City of Salisbury will promptly and thoroughly investigate any reported allegations of discrimination. The identity of the individual(s) making a report of discrimination will be kept confidential to the extent practical. In order to maintain workplace safety and the integrity of its investigation, the City of Salisbury may suspend or place employees on leave pending investigation.

Anyone determined to be responsible for discrimination in the workplace, may be subject to disciplinary action up to and including termination.

The City of Salisbury will assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

## **Mandatory Reporting Requirement**

The City requires that all complaints be investigated promptly and completely.

Any employee who thinks that they have been subjected to sexual or other unlawful harassment must report it immediately. The report must be made to the employee's immediate Supervisor or the employee's Director, unless it involves one of those individuals. Then it must be reported to Human Resources Director or a Human Resources Representative and City Administrator. Employees should not assume that any act is already known to the Supervisor, Department Director, City Administrator or the Human Resources Director.

The City can only prevent sexual and other unlawful harassment with the active reporting by all employees.

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.

## COMPENSATION AND HOURS OF WORK

Pay and Classification  
Annual Step Increase  
Reclassification  
Market Adjustments  
Pay for Newly Hired Employees  
Pay Upon Promotion  
Pay Upon Demotion  
Pay Upon Lateral Transfer  
Pay Upon Reclassification  
Pay for Serving in an Acting Capacity  
Compensatory Time  
Payday and Paychecks  
Taxes  
Payroll Deductions  
Attachments and Garnishments

The City's pay system and work schedules must align with 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 the City's pay system, Departments stay within their budget.

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

### **Pay and Classification**

Each City job is assigned a pay grade according to factors such 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 range of pay steps, including the minimum and maximum compensation. 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 within the pay grade. Generally, 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.

### **Annual Step Increase**

If approved through the budget, 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 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.

An employee must have six months of service with the City before June 30th to be eligible for the annual step increase.

An employee's annual increase may be withheld after receiving a "Needs Improvement" score on their annual performance appraisal. Any individual in this category will be expected to successfully complete a 90-day Performance Improvement Plan (PIP). If all areas of the evaluation are not brought up to a Satisfactory rating after completing the PIP, the employee forfeits the annual increase for that calendar year and may be recommended for disciplinary action or dismissal. Upon successfully completing the 90-day PIP, the employee will receive the increase effective on the first full pay period in October. The annual increase will not be retroactive. The information recorded on the employee appraisal forms and PIP will become part of the employee's personnel record.

\*This increase at six months is not applicable to Police Officers and Water and Waste Water Plant employees as they must complete their probation period 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 Needs Improvement 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, the employee received

a Satisfactory Rating in all areas. This employee would not receive the 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 received 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 disciplinary action or dismissal.

### **Reclassification**

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. Submission for reclassifications should be made to the Human Resources Department by December 1<sup>st</sup> each year.

### **Market Adjustments**

Market Adjustments to a position may be made with the written approval of the City Administrator 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 City Administrator. This should include surveyed rates from private and public sector employers in our labor market for a similar position.

### **Pay for Newly Hired Employees**

New employees should be hired at the minimum of the salary grade to which their classification is assigned; however, the Department Director may submit a written request with such justification based on the following factors to the City Administrator for review. Upon the approval of the City Administrator a new employee may be appointed at a pay step above the minimum salary based on the following factors:

- Inability to hire qualified applicants at the minimum appointed pay step
- A shortage of qualified applicants for the particular position
- Experience that exceeds the minimum qualifications for the position.

### **Pay Upon Promotion**

The City encourages current City employees to apply for open City employment positions for which they are qualified. Promotions and transfers are based on the department recommendations, work force requirements, performance evaluations, job qualifications and related City requirements.

There are two categories of promotions:

- Progression based on defined time in grade and/or education or Career Ladder advancement for approved positions.
- Advancement to a higher grade to assume new job duties and responsibilities.

### **Pay Upon Demotion**

#### **Non-disciplinary**

An employee being reassigned for non-disciplinary reasons shall be placed in the pay grade established for the classification to which they are assigned and shall receive the pay step they would have achieved in the lower position if he had been employed in that position continuously.

#### **Disciplinary**

An employee being demoted for disciplinary reasons shall be placed in the pay established for the classification to which they are demoted and shall be assigned to the highest pay step in that pay grade which represents at least an 6% decrease in pay for a one grade decrease or 12% for a two or more-grade decrease.

### **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 City Administrator upon the recommendation of the Department Director.

### **Pay Upon Reclassification**

If the position held by an employee is reclassified to a higher paygrade classification, the employee's pay shall be upgraded in the same way as if the employee had been promoted.

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.

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 pay scale without going below their current pay rate.

### **Pay for Serving in an Acting Capacity**

An employee, who is assigned the duties and responsibilities of a vacant 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 basis and shall continue until the employee is relieved of this additional assignment.

The increase in pay for such additional acting basis assignment shall be the higher of either 1) the minimum pay rate of the new range, or 2) the lowest pay step, which will provide at least an 6% 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.

### **Compensatory Time**

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 work week.

Compensatory time must be authorized in writing. If the need for compensatory time is due to an emergency, the authorization must be obtained 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 wellness leave will be shown on the employee's bi-weekly pay summary.

### ***Nonexempt Employees***

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.

Overtime hours are calculated based on hours worked during a non-exempt 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 hours actually worked by the employee and does not include hours taken for wellness leave, vacation, holidays, personal leave or other paid or unpaid absences. Police, Fire and EMS employees will be eligible for the time and a half rate according to the departments' workweek regulations.

Meal time is excluded from the overtime calculation, provided that the employee is not required to perform any duties during the meal period.

Taking work home is not permitted unless there is a signed telework agreement on file for the position.

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.

### **Accrual**

Employees are encouraged to take their compensatory time within 30 days.

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 compensatory time balance may be used.
- When an employee has accumulated 160 hours, the employee cannot earn any additional compensatory time and must be paid for all overtime exceeding 160 hours in the next pay period. The City reserves the right at any time to pay an employee for overtime in lieu of accruing or accrued compensatory time.

### **Payout Upon Separation**

Compensatory time must be paid out upon termination of employment or retirement. The maximum number of hours paid out is 160 hours.

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 termination of employment or retirement, shall be paid the greater of either:

- The average regular rate received by such employee during the last three years of

employment, or the final regular rate received by such employee. Compensatory time must be paid out when an employee moves from a non-exempt job to an exempt job at the rate last paid to the employee for the non-exempt position.

### **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 Director of the new department is willing to assume the compensatory time at the new rate with the new position.

### **Exempt Employees**

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.

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 City of Salisbury exempt employees may be especially burdensome.

Examples of these circumstances might include but are not limited to:

- Temporary high priority project assignments with mandatory deadlines
- Overload work performed while vacancies in a department are being filled
- High volume of service calls
- Work required to work deadlines related to the administrative cycle

Employees become eligible for compensatory time in these situations only when they are unable to fulfill the tasks within normal business hours.

Employees are not subject to time and a half, instead, they earn straight time.

For example: Fifteen (15) minutes of work, equals fifteen (15) minutes earned.

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 the normal 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, unless there is a signed telework agreement on file for the position.

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.

### **Accrual**

Employees must obtain prior approval from their supervisor to use compensatory time.

Compensatory time should be taken before vacation time is taken.

- 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 compensatory time balance may be used.
- When an employee has accumulated 160 hours, the employee cannot earn any additional compensatory time and must be paid for all overtime exceeding 160 hours. The City reserves the right at any time to pay an employee for overtime in lieu of accruing or accrued compensatory time.

### **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.

### **Payout Upon Separation**

Compensatory time must be paid out upon termination of employment or retirement. The maximum number of comp hours paid out at separation of employment is 160 hours.

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 termination of employment or retirement, shall be paid the greater of either:

- The average regular rate received by such employee during the last three years of employment, or the final regular rate received by such employee.

### **Executive Employee Compensation**

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:

- This time is earned and usable in full one-hour increments.
- 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>.

### **Payday and Paychecks**

Payday is every other Friday. A pay period is fourteen (14) consecutive calendar days starting with shifts beginning on or after 12:00 a.m. Saturday and ending at the conclusion of the final Friday shift of the second week. Employees will be paid on the Friday following the end of the pay period. The City of Salisbury does not withhold pay for any time worked by employees and follows all laws and regulations regarding wage payment.



Direct Deposit is the method of receiving net pay. Employees may choose to have their paycheck deposited into a checking or savings account. If necessary, employees may change or discontinue their direct deposit by completing a cancellation form available in the Human Resources or on the SBY.net site.

Employee pay information is available online by accessing the online pay system. Information on access to the online system is available on the SBY.net site.

## **Taxes**

### **Income Tax**

Federal and state tax laws require an employer to withhold from an employee's salary an amount specified in accordance with tax guidelines and the number of exemptions claimed. Each year employees will receive from the Finance Department a statement (W-2) of the amount of taxes withheld during the previous year.

### **Social Security**

Social Security (Federal Insurance Contributions Act-FICA) taxes will be deducted from the salary of each employee in accordance with the appropriate Federal schedule.

## **Payroll Deductions**

Employees will receive an itemized statement of deductions from their pay in the form of either a paycheck stub or a direct deposit voucher. This statement itemizes the various deductions required by law, ordered by a court, or authorized in writing by the employee, which should be retained for the employee's records.

Payroll deductions may include items such as health insurance, dental insurance, voluntary life insurance, disability, uniforms from an approved company, bills, flexible spending accounts and tax-sheltered annuities. Any payroll deduction will be authorized in a writing signed by the employee to be charged, specifying the reason for the payroll deductions to be made.

Payroll deductions (other than legally mandated attachments and garnishments) require signed authorization by the employee. Legally mandated deductions in the forms of child support and wage garnishments require legally executed decrees from the court.

## **Attachments and Garnishments**

It is important that employees keep their financial affairs in order so that the City of Salisbury does not become involved with people or businesses to which money is owed. The City of Salisbury does not accept attachments or garnishments on employees pay except as required by law. Repeated credit problems may result in corrective action.

## EMPLOYEE RESPONSIBILITIES

Personal Appearance

Employee Conduct

Communications

Whistle Blower

Grievance

Disciplinary Guidelines

Corrective Action

Information Technology

Confidentiality of Personnel Records in Human Resources

### **Personal Appearance**

The City of Salisbury always reserves the right to determine what is acceptable or not acceptable in terms of professional image.

It is an expectation that Department Directors will ensure that these outlined professional standards are consistently maintained in their areas of responsibility. The following procedure will be followed for staff members who violate these standards

If a staff member reports to work improperly dressed or groomed, the Department Supervisor or designee shall instruct that individual to return home to change. Repeated violations of this policy will result in disciplinary action up to and including termination of employment.

Given the variety of departments and services within the City of Salisbury, individual Department Supervisors may enforce more rigid regulations than those detailed within these guidelines in their respective departments, provided such regulations are disclosed to existing staff members with sufficient time to ensure their compliance and to new staff members at the time of the job interview.

### **Dress Code**

The City of Salisbury has a Dress Code Policy, separate from the Employee Handbook. Please refer to the City Dress Code Policy.

### **Uniforms and Footwear**

Refer to your department policies and procedures.

### **Employee Conduct**

It is the policy of the City of Salisbury to provide an equitable, uniform and consistent procedure for administering corrective action for infractions of the City of Salisbury's handbook or policies and procedures. Other than those instances that warrant immediate termination of employment, it should be clearly understood by both employee and supervisor that the purpose of such corrective action is to support growth of employees, not to punish. Accordingly, progressive corrective action may be defined as a process of education which may range from timely verbal reminder(s) for less serious offenses to written reminder(s) or suspension for repeated infractions of rules. When progressive corrective action does not result in the necessary behavior change, termination of employment will occur.

When progressive corrective action is taken, such action will be in writing, explaining the reason for the written reminder and the next step in the corrective action process should the infraction recur. The employee will be given a copy of the written reminder document and a copy will be placed in their personnel record. In most instances, the immediate Supervisor or Department Director shall be responsible for initiating verbal and written reminders. Human Resources will be notified and assist as needed.

### **Communications**

The City will endeavor to maintain the best possible communications with all City employees. Employees are required to immediately report any acts of sexual harassment, any unlawful actions by co-workers, or any accidents to the Department Director. Employees are also welcome to communicate any concerns or suggestions to their Department Director, Human Resources or to the Mayor's Office. A meeting will be scheduled with any employee upon request.

### **Whistleblower**

It is the City's policy to follow and enforce all federal, state and local laws applicable to the City and requires its employees to do likewise. Every employee has the responsibility to assist in implementing this policy.

Any violation of this policy should be reported to the employee's immediate supervisor in writing and signed by the employee. If reporting the violation to the Department Director is not practical, a written statement, signed and dated, should be submitted by the employee to the Director of Human Resources who will initiate an investigation.

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 the investigation, it is determined there has not been a violation.

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 of Salisbury and its employees to be subjected to publicity leading to an adverse image in the eyes of the public or worse yet, legal action.

The procedures outlined herein must be followed before any employee reports alleged violations to any news media or another government agency. Adhering to this policy is a condition of employment with the City. Employee complaints that do not follow this procedure constitute a policy violation. The City should have the opportunity to conduct an investigation first, and each employee should ensure that the City is notified of the violation and is able to undertake this investigation.

### **Grievance**

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 resolve 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 efficient means of developing and enhancing favorable and effective work relationships. However, if such discussions fail to resolve a problem, the employee should use the procedures presented here, and each supervisor has the obligation to readily and fairly address the dissatisfaction of the employee.

### **Grievance Definition**

A grievance is defined as an unresolved issue concerning the application of City policy, practice, or procedure and includes disciplinary action up to and including termination, unsafe working conditions, performance appraisals or placement on a pay grade and/or increment step.

### **Informal Grievance Procedure (To be utilized for any grievance other than challenging termination of employment).**

Employees should submit a written complaint to the Human Resources Director which shall include:

- An explanation of the grievance and details of all previous efforts to resolve the issue
- Detailed information regarding the employee's dissatisfaction with the immediate supervisor's response

The Human Resources Director will use their reasonable discretion to determine if the grievance is “grievable” as defined by the Handbook. If determined to be grievable, the Human Resources Director will submit the grievance to the City Administrator, who will promptly meet with the grievant and provide a written response to the grievant within five (5) working days. The decision by the City Administrator shall be final.

### **Formal Grievance Procedure (To be utilized for any grievance challenging termination of employment)**

Employees who are not on probation and who are terminated from employment have five (5) working days from the notice of termination of employment to submit a formal grievance to Human Resources, which shall result in a hearing before an attorney, who is referred to as the “Hearing Examiner.” The formal grievance must include:

- A detailed explanation regarding the employee’s dissatisfaction with the termination, which must include how the grievant’s termination allegedly violated City policy or practice
- A list of names of employee witnesses supporting the grievant’s claims and who will be called as a witness at the hearing
- Indicate the corrective action desired
- Provide notice as to whether the grievant intends to be represented by council or another person at the hearing

Within ten days of an employee submitting a formal grievance, a hearing shall be held before an Hearing Examiner. That hearing shall be closed to the public. A representative from the Human Resources Department shall record the hearing and administer the oath of each employee testifying. Witnesses must be employees of the City and the City shall make available any employee requested to appear as a witness, provided such witness can contribute materially to the issues in the case.

The burden of proof rests with the grievant, who must show by a preponderance of the evidence that the termination was without cause.

The proceeding before the Hearing Examiner will be conducted in a relaxed manner and will not be subject to the formal rules of evidence. The grievant and management will be given the opportunity to ask questions, provide information, and cross exam witnesses.

The Hearing Examiner shall issue a written decision within ten (10) working days of the hearing. The Hearing Examiner’s decision is final.

Human Resources will maintain records of all grievance processes confidentially and securely.

### **Disciplinary Guidelines**

The Department Director or the Human Resources Director will initiate disciplinary action if an employee engages in:

- Immorality
- Misconduct
- Insubordination

- Poor performance
- Incompetency
- Violation of City policies or procedures
- Neglect of duty

Disciplinary actions listed below\* may be initiated and any other disciplinary sanction deemed appropriate for the infraction. In the event of suspension or termination, the employee will receive written notice including the reason(s) for the disciplinary action. In the event of termination, the employee will immediately be escorted from the City property.

- Verbal warning
- Written warning
- Performance Improvement Plan
- Demotion
- Suspension
- Termination

\*The actions listed above may not follow steps in chronological order.

The City reserves the right to upgrade or downgrade this guideline based on extenuating circumstances.

### **Information Technology**

- Misuse of computer user codes/electronic signatures (including leaving a terminal unattended while logged on with user code), viewing unauthorized information, making unauthorized/non-approved changes
- Unauthorized or non-business use of the City of Salisbury applications and/or technology as stated in the IT policies and procedures
- Using another employee's computer user code with or without permission; or an employee who allows others to use their user code

### **Confidentiality of Personnel Records**

Human Resources will maintain employment information on all employees and the information contained in employee files is confidential. Disclosure of information is limited to authorized persons and agencies and as otherwise required by law.

Personnel files are the property of the City of Salisbury, and access to the information they contain is restricted. The disclosure of information contained in any employee personnel file will be limited to (1) only those authorized persons of the City of Salisbury who have a specified "need-to-know" in order to perform their assigned administrative or managerial duties; (2) outside agencies as authorized by law and presenting proper evidence of same; and (3) persons or organizations which the employee authorizes to receive such information which are recognized as appropriate and consistent with disclosure practices (educational institutions, credentialing agencies, verification of employment for financial reasons, etc.). The City of Salisbury retains the ultimate discretion to release any employee record and employee consent is not the sole criterion for doing so.

### **Human Resources Access**

Employees in Human Resources shall have the right to access personnel records so long as done consistently with and while fulfilling their specific job responsibilities within the Department. All employees shall receive instruction on the strict confidential nature of personnel records, the

proper manner of access and handling of files, and the continuing obligation to maintain the confidentiality of information within the personnel files.

### **Employee Access**

Employees may request to review documents in their own personnel file. Unless required by law, employees will not have regular access to personal and employment references obtained with the employee's consent when applying for employment. With reasonable advance notice, employees may review the file in Human Resources with a member of Human Resources present. Employees are permitted to take notes but may not make copies of their records, as permitted by law.

### **Management Access**

Managers may review the personnel file of any employee under their direct or indirect supervision, or any employee requesting transfer into the manager's department/unit. Such access will occur in Human Resources offices. Managers may not remove or possess any employee personnel files.

### **Personal Information Protection**

The City of Salisbury will take all reasonable and necessary steps to protect against unauthorized access to or use of an employee's personal information when destroying an employee's personnel records.

## GENERAL INFORMATION

Employment of Relatives

Outside Employment

Gifts

Cellphones



### **Employment of Relatives**

The City permits hiring of relatives except in situations involving supervisory relationships or when a conflict of interest or the appearance of a conflict of interest arises in order to maintain proper employee relations, interdepartmental discipline and manage confidentiality.

A “relative” is defined as spouses, parents, children, siblings, in-laws, grandparents, grandchildren, aunts, uncles, cousins, step-relatives, or any individual with whom an employee has a close personal relationship.

This policy applies to hiring and employment decisions affecting all job classifications, including full time, part time and temporary positions. These restrictions also are applicable when assigning, transferring, or promoting an employee.

The hiring of a relative as defined above is prohibited when a supervisor/subordinate relationship would exist between a relative and an employee. If a supervisory or managerial relationship would be established, a relative of a current employee cannot be considered as an applicant for an open position.

The hiring of a relative is prohibited when the employment of a relative would create a conflict of interest, the appearance of a conflict of interest or potential disruption on the department. The City of Salisbury reserves the right to take prompt action if a conflict of interest, the appearance of a conflict of interest or potential disruption on the department arises involving a relative as defined above who occupy positions at any level in the same line of authority.

Employees who marry or establish a close personal relationship can continue in their current position as long as a supervisor relationship does not exist or a conflict of interest, the appearance of a conflict of interest or potential disruption on the unit/department does not exist. If one of these situations would occur, the employee may attempt to transfer to a position outside of the department. The City of Salisbury reserves the right to determine which employee will transfer. If accommodations of this nature are not feasible, the individuals will be permitted to determine which of them will resign.

Request for exceptions to this policy will be under the review and consideration of Human Resources and the City Administrator.

Employees who become subject to this policy's provisions due to marriage or commencement of a close personal relationship must inform their supervisor and Human Resources immediately. All decisions and personnel actions taken as a result of this policy must be reviewed and approved by Human Resources and the City Administrator.

### **Outside Employment**

The City of Salisbury allows employees to engage in outside employment provided this 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 Director:

- The work being performed is related to City Government operations
- The employment adversely affects the quality or performance of the City's work requirements
- The employment adversely affects the employee's individual work quality or

- performance
- The employment brings discredit upon the City Government or creates the impression of impropriety
- The outside employment causes a violation of any other Federal, State or Local law, regulation or similar standard

### **Gifts**

City employees are not permitted to accept gifts, gratuities or loans from any organization, business or individual with who the employee has an official business relationship with as a representative of the City—except for small gifts with a value of less than \$20.00 and, up to \$50.00 aggregated from a single source in any given calendar year.

Any employee receiving a gift in excess of this limitation must promptly notify the Department Head of such gift and the gift shall immediately become the property of the City of Salisbury.

Nothing in this section shall prohibit employees from accepting or giving social courtesies which promote good public relations or from obtaining loans from regular lending institutions.

### **Cell Phones**

The City of Salisbury has a Cell Phone Policy, separate from the Employee Handbook. Please refer to the Cellphone Policy.

## TIME AWAY FROM THE WORKPLACE

Annual Leave  
Wellness Leave  
Wellness Leave Pool  
Employee to Employee Donations  
Holidays  
Compensation Time  
Recognition Time  
Personal Leave  
Bereavement Leave  
Administrative Leave  
Jury Duty  
Paid Parental Leave  
Family Medical Leave (FMLA)  
Non-Family Medical Leave (Non-FMLA)  
Military Leave  
Attendance/Lateness

### **Annual Leave**

The City of Salisbury offers employees several banks of time to use for leave. These banks provide employees with the ability to manage their time off in accordance with their personal needs while maintaining the City of Salisbury's need to appropriately staff (i.e., budget) its departments. Employees are expected to provide notice to their department director in a timely manner.

<b>Completed Years of Service</b>	<b>Leave Earned per Month</b>	<b>Hours Earned Per Month for 7 Hour Employee</b>	<b>Hours Earned Per Month for 12 Hour Employee</b>
<b>0 - 1 year</b>	<b>.833 days per month</b>	<b>5.83</b>	<b>6.67</b>
<b>1 - 5 years</b>	<b>1 day per month</b>	<b>7</b>	<b>8</b>
<b>6 – 10 years</b>	<b>1 ¼ days per month</b>	<b>8.75</b>	<b>10</b>
<b>11 – 15 years</b>	<b>1 ½ days per month</b>	<b>10.5</b>	<b>12</b>
<b>16 – 20 years</b>	<b>1 ¾ days per month</b>	<b>12.25</b>	<b>14</b>
<b>21+ years</b>	<b>2 days per month</b>	<b>14</b>	<b>16</b>

**\*\*Leave is credited on the first day of the following month\*\***

Annual leave is to be taken during the calendar year (January 1 – December 31) with no more than 30 days carried over between calendar years.

- Any request for leave should be approved at least three (3) days in advance by the supervisor and must not conflict with the operation of the department.

Exceptions to the annual leave policy carry over policy may be made due to extreme circumstances caused by the employer. If an extension is necessary due to extreme circumstances, the following guidelines must be followed:

- A written explanation of the extreme circumstance must be submitted to the department director by the employee requesting carryover of annual leave. The request must include a timeframe within which the requested carryover of annual leave will be used.
- Upon approval by the department director, the request will be forwarded to the City Administrator for review and approval. Approved carryover annual leave time in excess of 30 days must be used within 90 days.
- Supervisors should work with their employees year-round to limit the need to carry over annual leave

### **Annual Maximum Caps**

Employees who work 35 hours a week can rollover up to 210 hours. Upon separation of employment, the maximum payout is 210 hours.

Employees who work 42 hours a week can rollover up to 240 hours. Upon separation of employment, the maximum payout is 240 hours.

### **Rehired Employees**

Employees who are rehired within two years of their termination date, will have their accrual times reinstated to the accrual level they were earning prior to terminating.

### **Accrual Exceptions**

If the employee has not reported to work during the preceding month due to any cause other than vacation, military leave or on-the-job injury, no additional leave will be credited on the first day of the month.

In the case of absence due to on-the-job injury, annual leave will accrue for the first six (6) months of the absence; however, no annual leave will accrue beginning on the seventh month of the absence.

### **Separation of Service**

An employee who leaves in good standing will receive their annual, comp and holiday time.

Holiday time, is time earned, while working on a City observed holiday.

The employee will receive this payout in their final check, unless they request a separate check.

In the unfortunate event of the death of an employee, who is eligible for retirement the employee's beneficiary will receive the payout.

### **Wellness Leave**

Following the first full month of service after the month of employment:

- Full-time City employees are credited with one wellness leave day per month worked.
- Wellness leave is credited on the first day of each month.
- Wellness leave will not be earned on the first day of the month, if the employee has not worked during the entire previous month due to any cause other than vacation, military leave or on-the-job injury.
- At no time will wellness 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, wellness leave will accrue for the first six (6) months of the absence. No wellness leave will accrue beginning on the seventh (7) month of the absence.

City employees may use wellness leave for illness, disability or 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 wellness leave request upon returning to work.

Wellness leave may also be used for family necessity or if the employee is needed to care for a Serious Health Condition of an immediate family member (see Leave of Absence).

In the event that wellness leave exceeds three consecutive work days or five days within the calendar year, a certified doctor's explanation will be required to receive wellness leave pay.

**Special Circumstance:** A doctor's note **is required** if a wellness leave day is taken on the day immediately preceding or immediately following a holiday.

### **Sick and Safe Leave**

There are responsibilities that will arise in employees' lives related to employee and family member health and wellbeing.

Sick and Safe Leave would be used for time off that is pre-scheduled or unscheduled for the following reasons:

- To care for or treat an employee's mental or physical illness, injury or condition.
- To obtain preventive medical care for an employee or an employee's family member.
- To care for a family member with a mental or physical illness, injury or condition.
- For maternity/paternity leave.
- In domestic violence, sexual assault, and stalking situations against the employee or the employee's family member for medical or mental health attention, to receive services from a victim services organization, to attend to legal services or proceedings, or during the time the employee has temporarily relocated.

Family member includes:

- Child (biological, adopted, foster, stepchild, child for whom the employee has legal or physical custody or guardianship, and a child for whom the employee stands in loco parentis).
- Spouse.
- Parent (biological, adopted, foster, and step-parent of the employee or the employee's spouse, legal guardian, and an individual who acted as a parent or stood in loco parentis to the employee or employee's spouse).
- Grandparent (biological, adopted, foster or step-grandparent of the employee).
- Grandchild (biological, adopted, foster, or step-grandchild of the employee).
- Sibling (biological, adopted, foster, step-sibling of the employee).

Employees may be required to provide proof of the family relationship.

Sick and Safe Leave is accrued at a rate of 1 hour for every 30 hours worked up to 40 hours accrued in one year. Employees may maintain a balance of no more than 64 hours of Sick and Safe Leave at any time.

Sick and Safe Leave is a sub-bank of Wellness Leave and is not a separate accrual of time. Sick and Safe Leave is Wellness Leave that is designated as Sick and Safe Leave.

Employees may elect to use some or all of their Sick and Safe Leave hours as Wellness Leave. If employees elect to do so, they will not receive additional hours of Sick and Safe Leave for qualified events.

**Although providing a wellness leave benefit for valid illnesses, the City retains a right to discipline employees, transfer employees or terminate employees whose subsequent 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 co-workers. 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.

Any city employee that completes the following annual appointments (annual physical, two teeth cleaning and one eye exam) and supplies documentation to their timekeeper, will receive one additional paid Recognition Day to be used during the following year.

Upon Retirement, as defined by the applicable Maryland Retirement Plan, an employee shall be paid up to 25% of all accrued wellness days up to a maximum of thirty (30) 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 wellness days up to a maximum of thirty (30) days.

### **Advanced Wellness Leave**

Before a request for advanced wellness leave can be approved, an employee must have utilized all available earned paid leave.

An employee may use advanced wellness 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 wellness leave may be used in addition to the accumulated wellness leave to the credit of the employee. The following requirements must be observed if wellness leave is advanced:

- 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 wellness 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 wellness leave will be supported by a certificate of a practicing physician stating the nature of the illness and necessity for advanced wellness leave.
- The total amount of wellness leave advanced shall not at any time or for any one case exceed the 96 hours in excess of the accumulated wellness leave to the credit of the employee.
- Wellness leave advances shall be reviewed by Human Resources who shall consider both mitigating and aggravating circumstances and forward their recommendation to the department director.
  - The director shall approve or disapprove the request.
  - Any wellness leave that is extended under this condition must be paid back at the same rate that is accumulated.
  - Any advanced wellness leave must be reported in writing to the Human Resources and the Finance Department for purpose of payroll.

Any wellness leave, which is not paid back by subsequently accumulated wellness 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 outstanding advanced hours multiplied by 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 their separation of employment.

### **Wellness Leave Pool**

The Wellness Leave Pool is a voluntary program that allows full-time participating employees to “pool” wellness leave time to allow participating employees who have exhausted **all** of their accrued leave time and are out of work due to a Family Medical Leave qualifying condition to use time in the “pool”.

Any employee who enrolls in the program will be charged with a Wellness day which will be credited to the Wellness Leave Pool.

### **Full-Time Employees**

The Wellness Leave Pool is voluntary contribution of one workday’s wellness leave hours by participating employees electing to do so during a stated open enrollment period. The Wellness Leave Pool takes effect on January 1 of each year.

The City Wellness Leave Pool may be used by eligible employees who have contributed to it and have:

- A qualifying medical condition as determined by the Family Medical Leave Act
- Exhausted normal wellness leave, annual leave, holiday leave, personal leave, compensatory time and any other leave time available to the employee
- Submitted the completed Request for Wellness Pool Form to the Human Resources Department

During the open enrollment period of each year, those eligible employees who have used no more than five non-physician documented working days of wellness leave during the preceding twelve months depending on hire date may:

- Accumulate their wellness leave in a normal manner
- Contribute one workday’s hours of wellness time (not to exceed 8 hours) to the City’s Wellness Leave Pool and accumulate the rest in a normal manner. Employee must have the wellness time available on December 31 of each year.

A maximum of 120 hours per 12-month period may be requested by an employee from the City Wellness Leave Pool.

### **Newly Hired Full-Time Employees**

All newly hired full-time employees will be eligible to join the Wellness Leave Pool after the completion of their six (6) month probationary period. A new employee will have 30 days from the end of their probation to enroll in the Wellness Leave Pool.

### **Employee to Employee Donation**

Full-time employees may donate annual, personal and/or wellness leave to other full-time employees who have been approved for continuous Family Medical Leave and have exhausted all of their leave time.

The Human Resources Department will solicit for donations. The appropriate forms must be completed and submitted to Human Resources for review and final approval.

Any unused donated leave time will automatically be forfeited to the Wellness Leave Pool and not returned to the employee.

A maximum of 240 hours per 12-month period may be requested by an employee from the



employee to employee donation program.

Full-time employees may utilize both the Wellness Leave Pool and the Employee to Employee Donation Program for a maximum donation of 360 hours per 12-month period.

**Holidays**

The City of Salisbury recognizes the following twelve (12) holidays, which are paid holidays for regular full-time employees.

New Year's Day	Independence Day
Martin Luther King Jr. Day	Labor Day
Presidents Day	Veterans Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Juneteenth Day	Christmas Day

Some employees will be required to work on City holidays due to their regular work responsibilities or in the event of an emergency. Employees required to work on a holiday will be credited with one day of holiday leave. This must 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.

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.

**Compensation Time**

Employees who leave in good standing will be paid out the balance of unused time up to 160 hours at their regular rate of pay.

**Recognition Time**

A Recognition Day cannot be carried over to the next calendar year. Recognition time is not paid out upon separation of employment.

**Personal Leave**

One day of Personal Leave will be issued at the beginning of the calendar year to each full-time employee after one (1) year of satisfactory employment. During year two (2) of employment, two (2) days of Personal Leave will be issued at the beginning of the calendar year to each full-time employee.

Request for leave must be approved at least one (1) day in advance by the supervisor and must not conflict with the operation of the department.

Personal Leave cannot be carried over to the next calendar year.

**Bereavement Leave**

In the event of the death of spouse, child, step-child, parent, step-parent, mother-in-law, father-in-law, sibling or step sibling, an employee will be granted five (5) paid days of leave. In the event of the death of a grandparent, grandchild, grandparent-in-law, sister-in-law, brother-

in-law an employee will be granted up to three (3) paid days of leave.

In the event of the death of an uncle, aunt, nephew, niece, first cousin employees will be granted one (1) day absence with pay to attend the funeral on a work day.

For all other situations, including pets, the City will allow employees to use one (1) day of the employee's wellness leave, at the approval of Human Resources.

### **Administrative Leave**

Under certain circumstances, such as an ongoing investigation of an incident, the City of Salisbury may deem it desirable to place an employee on an administrative leave of absence, pending the outcome of the investigation or other stated reason for the administrative leave decisions. At the sole discretion of the City of Salisbury, such leaves may be with pay or without pay. Depending on the individual circumstances, benefits may or may not be affected. Human Resources will provide appropriate guidance in all such instances where employees are placed on administrative leave.

### **Jury Duty**

A regular full-time employee will be granted leave with pay for a period up to fifteen days per calendar 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. If an employee gets selected for jury duty, they must provide a note when they return to work. In extraordinary circumstances, jury duty may be continued by the decision of the City Administrator.

### **Paid Parental Leave**

The City of Salisbury has a Paid Parental Leave Policy, separate from the Employee Handbook. Please refer to the Paid Parental Leave policy.

### **Family Medical Leave Act (FMLA)**

Employees who have completed twelve (12) months of employment with the City of Salisbury and have worked a minimum of 1,250 hours during the 12-month period immediately preceding the leave are entitled to a leave of absence under the Federal Family and Medical Leave Act (FMLA) if taken for a qualifying reason. This leave of absence is available for the following reasons:

Eligible employees will be granted leaves of absence for up to 12 weeks within a "rolling" 12-month period counted backwards from the date leave begins for any of the following reasons:

- The birth or care of a newborn child, the placement of a child with the employee for adoption or foster care, or the care of a child with a serious health condition
- When certified by a health care provider to care for a family member (the employee's spouse, child (under 18 years old) or parent, but not a parent-in-law) with a serious health condition
- For a serious health condition that makes the employee unable to perform the essential functions of their position
- For any "qualifying exigency" arising out of the active duty or call to active duty status of a spouse, son, daughter or parent
- To care for a covered service member with a serious injury or illness. (Up to 26 weeks).

For the purpose of this policy, a "serious health condition" means an illness, injury, impairment or physical/mental condition that involves inpatient care in a hospital, hospice or residential

medical care facility, or continuing treatment by a health care provider as defined by FMLA. Generally, (unless complications arise) the common cold, flu, earaches, upset stomach, ulcers, headaches and routine dental or orthodontia problems are examples of conditions that DO NOT constitute a serious health condition and do not qualify for FMLA.

Where a family or medical leave is foreseeable (including intermittent or reduced schedule leaves), employees are to provide the City of Salisbury with 30 days prior notice of their leave. If an employee fails to give timely advance notice when the need for leave is foreseeable, the City of Salisbury may deny the leave until 30 days after notice is given. If 30 days prior notice is not possible because of unforeseen circumstances, then notice of the leave must be given as soon as possible (usually within 1-2 business days after the leave begins). The notice should include the reasons for the leave, the anticipated duration of the leave and the anticipated start date of the leave.

Employees will have the same call-in notice obligation to their supervisor as required for all other unscheduled absences. It is the employee's responsibility to know their call-in notice obligation in their department. As with all other types of unscheduled absences, failure to comply with the department's call-in notice obligation will result in corrective action. Human Resources Department will notify the employee that the absence qualifies as leave under the FMLA. If they City of Salisbury does not have the information from the employee needed to designate the leave as FMLA prior to or at the time leave commences, it may retroactively designate the leave as FMLA qualifying upon obtaining the information.

Eligible employees may take leave under the FMLA for any combination of these reasons, but the total of all combined leaves may not exceed 12 weeks within the "rolling" back 12-month period. Spouses who are both employed by the City of Salisbury are limited to a combined total of 12 weeks of leave under the FMLA within the "rolling" back 12-month period for the purpose of parenting following the birth or placement of a child, or the care of a parent with a serious health condition.

A parental leave may be taken on an intermittent basis. A parental leave must be completed within 12 months after the birth, adoption or placement of the child. An employee may take leave for a serious health condition of a family member or the employee on a continuous or intermittent basis (e.g., a period of working followed by a period of absence) or through a reduced work schedule (such as cutting back on work hours). Leave for a serious health condition is permitted only for the period of actual medically required absence.

Absence for job related injuries or illnesses under Workers' Compensation will be considered leave under FMLA provided that the injury or illness is a serious health condition. Employees on leave under FMLA for a job-related illness or injury who are receiving Workers' Compensation lost wage benefits may use accumulated Wellness Time (if any) to make up the difference between their workers' compensation benefits and their normal pay.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to FMLA requests for medical information. Genetic information as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an

embryo lawfully held by an individual or family member receiving assistive reproductive services.

### **Initial Certifications**

Employees who request or are placed on leave because of a family member's or their own serious health condition must provide a medical certification from a health care provider on the form provided by the City of Salisbury. Employees may obtain a Medical Certification Form from Human Resources or their Department Director for the health care provider to complete. When the need for the leave is foreseeable and a 30-day notice to the employee's Department Director has been provided, the employee must have the attending physician complete the medical certification before the leave begins. If the employee fails to return the completed medical certification in a timely manner, the Department Director may deny foreseeable leave until the medical certification is submitted. When the need for the leave is unforeseen, the medical certification must be completed and returned to the employee's Department Director within 15 calendar days.

If City of Salisbury has reason to doubt the validity of the medical certification, it may require (at the City of Salisbury's expense) that the employee obtain a second opinion from a health care provider designated by the City of Salisbury. If there is conflict between the first and second opinions, the City of Salisbury may also require (at its expense) a third opinion by a health care provider designated jointly by the City of Salisbury and the employee. The opinion rendered by the third health care provider is final.

### **Recertification**

At the discretion of the Department Director, an employee may be required to provide recertification at the employee's expense every 30 days. FMLA leave taken on an intermittent basis (a day or less at a time) for chronic serious health conditions for which continuing treatment is received must be recertified at intervals not to exceed six-months. It is the employee's responsibility to recertify. The Department Director may also require recertification when the employee requests an extension of leave; the circumstances set forth in the original medical certification change significantly; or if the Department Director receives information that casts doubt on the continuing validity of the medical certification.

Employees on leave will be required to periodically contact their supervisor and Human Resources every two (2) weeks regarding their intent to return to work upon completion of their leave.

### **Benefits During Leave**

Employees will be required to exhaust first any wellness, annual, personal, comp, recognition and holiday time as appropriate. Such paid time runs concurrently with the employee's FML. Once all earned paid time off is exhausted, any remaining FML will be unpaid. Employees will not accrue any benefit time (wellness, annual and personal) after being out on leave for thirty (30) days.

Employees will not accrue benefit time during the unpaid portion of a leave. Health, prescription, dental insurance coverage and all other voluntary benefits will remain in effect during leave if the employee timely pays their portion of the premium. The premiums will be deducted from paid benefit time used during the leave. If paid benefit time is not available during the leave, employees must arrange with the Human Resources Department for payment of their portion of the premium cost to continue coverage. Employees who fail to pay their premium(s) within 30

days of a payment date will be dropped from coverage during the remainder of their FML and will need to re-enroll upon returning to work.

### **Return to Work Certification**

Prior to reinstatement from leave, an employee must submit a medical certification that they are fit for duty and able to perform the essential functions of the job. Employees will not be reinstated until this certification is received by Human Resources.

### **Reinstatement from Leave**

Employees taking leave on a continuous basis must contact their Department Director at least two weeks prior to their anticipated return to work date to allow time to be scheduled for duty. Employees must provide their Department Director with a return-to-work certification from their doctor stating their medical condition and ability to perform their duties. If employees fail to contact their Department Director within two days after being released by their doctor to return to work, they will be subject to termination.

The City of Salisbury will reinstate an employee from FMLA leave to their former position provided the employee seeks reinstatement before the expiration of 12 cumulative weeks of leave and can perform the duties of their position (with or without reasonable accommodation). If the employee's former position is not available, the employee will be reinstated to a substantially equivalent position. Refusing an offer of reinstatement to a substantially equivalent position will be treated as a voluntary resignation of employment. Employees who are released to return to work but do not return to work after 12 weeks of cumulative leave under the FMLA will be terminated from employment. However, such employees are eligible to reapply for future employment by submitting an electronic application to the City of Salisbury provided the employee gave proper notice of their intent not to return from leave and their resignation otherwise was in good standing.

### **Additional Leave of Absence**

Employees who exhaust their FMLA leave and need additional time off from work for treatment of their own serious health condition may qualify for a Non-FMLA Medical Leave of Absence, as defined below.

### **Non-FMLA Medical Leave of Absence**

Employees who do not qualify for FMLA may apply for or be placed on a medical leave of absence for treatment of an on-the-job or off-the-job injury or serious health condition.

A Non-FMLA Medical Leave of Absence must be taken on a continuous basis and may not be taken in intermittent periods or on a reduced work schedule.

Accrued benefit time (wellness, annual, personal, comp, recognition and holiday time) must be used during the leave under the policies of the facility until such paid benefits are exhausted. The remainder of the leave will be unpaid. The use of accrued benefit time will not extend the duration of a medical leave. An employee may not receive more than 100 % of regular wages during a medical leave from any combination of employment benefits (e.g., Short Term Disability and Workers' Compensation). Unemployment benefits are not available during medical leaves of absence.

### **Medical Certifications**

Employees must provide an initial medical certification from their health care provider under the same procedures as required by the FMLA. The City of Salisbury may request second and third opinions (at its expense) following receipt of the initial medical certification. Employees must

provide recertification during their medical leave under the circumstances required by the FMLA. Prior to reinstatement from medical leave, employees must provide Human Resources with a certification from their doctor that they are fit for duty and able to perform essential job functions (with or without reasonable accommodation).

### **Reinstatement from Leave**

An employee's reinstatement to work from a Non-FMLA Medical Leave of Absence is subject to staffing needs at the time the employee seeks reinstatement and can resume work. Employees are not guaranteed reinstatement to work or placement in their former or alternate positions or work schedules. **Employees will not be reinstated, if at all, until medical certification is received by Human Resources indicating fitness for duty. Employees returning from medical leaves must also be cleared for return to work through Human Resources prior to reinstatement. It is the employee's responsibility to provide appropriate medical certification at that time.**

If an employee's former position is not vacant or if the employee cannot perform the essential job functions with or without reasonable accommodations, the City of Salisbury will consider the employee along with other qualified candidates for vacant positions for which employee is qualified. The City of Salisbury's normal selection criteria will be followed. If an employee accepts an alternate position offered by the City of Salisbury, they will be subject to the pay, benefits and work the schedule for that position.

If no positions are vacant for which an employee is qualified, or if the employee is not selected for an alternate position or refuses the first position offered by the City of Salisbury, they may be terminated from employment. Employees terminated under this policy are eligible to apply for future employment by submitting an electronic application to the City of Salisbury.

### **Benefits During Medical Leave**

Employees will be required to use wellness, annual, personal, comp, recognition and holiday time as appropriate. Employees will not accrue benefit time (wellness, annual, personal, comp, recognition and holiday time) during the unpaid portion of a leave.

Health, prescription, dental insurance coverage and all other voluntary benefits will remain in effect during leave if the employee timely pays their portion of the premium. The premiums will be deducted from paid benefit time used during the leave. If paid benefit time is not available during the leave, employees must arrange with the Human Resources for payment of their portion of the premium cost to continue coverage. Employees who fail to pay their premium(s) within 30 days of a payment date will be dropped from coverage during the remainder of their Non-FMLA Medical Leave of Absence and will need to re-enroll upon returning to work.

### **Military Leave**

The City of Salisbury will grant time off to all regular full time and part time employees who are on active duty, a member of a military reserve or National Guard unit for annual active duty and field training, and for monthly meetings. The City of Salisbury will comply with all applicable laws in granting time off for active military duty, including but not limited to the provisions of the Uniformed Services Employment & Re-employment Rights Act (USERRA).

An employee who receives notification of impending training or call to duty is required to present the official government/military orders to their supervisor as soon as possible after receipt so that coverage can be arranged (unless giving advanced notice is impracticable under the circumstances).

The employee must complete a “Request for Leave” form, indicating military leave and return the completed form to their supervisor for processing.

Eligible employees may take up to twenty-six (26) weeks of leave in a single rolling 12-month period to care for a spouse, child, parent or family member for whom the employee is “next of kin” who is a current member of the U.S. Armed Forces (including a member of the National Guard or Reserves) and who has sustained a serious illness or injury in the line of duty. A “serious injury or illness” of a service member for which leave may be taken is one incurred in the line of duty that may render the service member medically unfit to perform the duties of their office, grade, rank or rating. In addition, leave may be taken while the service member is undergoing treatment, recuperation, or therapy, is on outpatient status, or is on the temporary disability list. This leave may not be taken for former Armed Forces members or service members on the permanent disability retired list.

Eligible employees with a spouse, child, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may take up to 12 weeks of leave in a rolling 12-month period to address certain qualifying events. Qualifying events include attending certain military events, arranging for alternative (but not routine) childcare and attending to certain child-related emergencies, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. Leave also may be taken immediately prior to a service member’s short-notice deployment (up to 7 days) and during a service member’s short-term rest and recuperation leave (up to 5 days). This leave does not extend to families whose covered relations are members of the regular Armed Forces deployed in the line of duty.

Employees may be eligible for leave under the Maryland Deployment of Family Members in the Armed Services Act. In order to be eligible, the employee must have completed at least one full year of service with the City of Salisbury and have worked a minimum of 1,250 hours in the twelve-month period preceding the requested leave date. If eligible, the employee may take leave on the day that an immediate family member (including their spouse, parent, stepparent, child, stepchild, or sibling) is leaving for, or returning from, active duty outside the United States as a member of the United States Armed Forces. The employee may elect the use annual time or be unpaid for the day. The employee may be asked to provide written verification that the leave is being taken for this reason.

### **Military Leave for Active Duty for Full-Time Employees**

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:

- Upon presentation of orders and the establishment of an effective date for the leave of absence, the employee is placed in Leave Without Pay status.
  - 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.
- The employee’s status as an employee of the City 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.

- 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.
- The employee shall be granted all across-the-board pay increases realized during absence.
- 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 Wellness Leave and Annual Leave.

### **Military Leave for Training and Weekend Drill Obligations for Full-Time Employees**

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 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.

### **Attendance/Lateness**

An employee's timely and regular attendance to work all scheduled hours is an important factor to success in employment at the City of Salisbury. Frequent employee absences from work can adversely affect the quality of service provided to residents and customers and is unfair to fellow employees who must assume a larger share of the workload.

### **Absence**

An Employee is deemed "absent" when they are unavailable for work as scheduled or assigned and such time off was not scheduled or approved in advance as required by the departmental notification procedure.

### **Notification of Absence**

An employee who is unable to report to work as scheduled must notify their supervisor at least one hour prior to the start of each scheduled shift. Due to unique needs, individual departments may require other notice of intention to be late or absent, therefore employees should contact their supervisor to ensure that they understand the obligation in their department. Employees have the responsibility for knowing where, when, and whom to call and must personally report their absence on a daily basis. The daily notification requirement may be waived in case of hospitalization or extended illness beyond one week if approved by the supervisor. Regardless, unless on FMLA leave, employees must contact their supervisor to update status a minimum of every two (2) weeks.

Failure to properly report an absence will result in designating the absence as unauthorized and will result in corrective action. For absences longer than three (3) days consecutive scheduled days/shifts, the City of Salisbury requests a physician's note upon returning to work.



**Lateness**

An employee is deemed late when they fail to report to work at the assigned/scheduled time.

**Occurrence of Lateness**

Employees are expected to arrive at work on time and report to their work area prepared for work no later than the scheduled time for the start of their shift. Employees are expected to be ready to begin work (i.e., all personal belongings put away at their scheduled time).

**Pattern Absenteeism**

Absences including unscheduled absences or partially missed shifts that occur in a pattern, for example, on the day before or after a scheduled day off; same day of the week; the day before, the day of, or the day after a holiday; the day before, the day of, or the day after an otherwise denied request for vacation or personal leave, as soon as enough benefit time has accrued; or any other observable pattern will be considered a "pattern of absence." Patterned absenteeism will be subject to appropriate corrective action.

**Corrective Action**

Employees who have attendance/lateness issues may be counseled. Should attendance issues or lateness continue despite counseling, the employee will be disciplined.

**Job Abandonment**

Any employee who fails to report to work for a period of three days or more without notifying their supervisor will be considered to have abandoned the job and voluntarily terminated the employment relationship.

## BENEFITS

How the Plan Works

Medical, Prescription, Dental and Vision Plan

Flexible Spending Account (FSA)

Basic Life Insurance

LTD, Accident, Cancer, Critical Illness and Supplemental Life Insurance

Retirement Benefits

Tuition Assistance

Employee Assistance Program

Paid Parental Leave

House Keys for Employees

Credit Union

Retiree Benefits

Medicare

### **How the Plan Works**

Each year employees will be given the opportunity to choose the benefits they want from the available options. Employees need to make selections carefully because they will remain in effect for the entire year. The only time a change is permitted during the year is in the event the employee experiences a defined life event (such as a change in marital status, gain or loss of a dependent, or a spouse loses benefits). Other than life events, changes in elections are permitted only during the Open Enrollment period.

Each of the options available in the City of Salisbury's Benefits Plan is described briefly below. Full details are available in the Benefits Plan booklets which are distributed during orientation, which employees may obtain online from SBY.Net, or from Human Resources. Pre-tax deductions for coverage will vary depending upon the options selected.

Full-time employees are eligible to participate in the City of Salisbury's comprehensive benefits program. The summaries that follow provide a brief explanation of each benefit.

In the event of a discrepancy between the information contained in this Handbook and the official plan documents or the City of Salisbury's policy, the plan documents/policy will govern. Employees should contact Human Resources if they have any questions about their benefits.

Eligible Full-time employees and their dependents are eligible to join many of the City of Salisbury's benefits plans **on the first day of the month following completion of thirty days (30) of employment.**

### **Medical, Prescription, Dental and Vision Plan**

The City of Salisbury recognizes the value of benefits to employees and their families. The company supports employees by offering a comprehensive and competitive benefits program. For more information regarding benefit programs, please refer to the Summary Plan Descriptions (SPDs), which are found on the SBY.Net, or contact the Human Resources department.

### **Flexible Spending Account**

Benefit eligible employees may elect Flexible Spending Accounts (FSA) that allows employees to pay for certain expenses with money deducted from paychecks on a pre-tax basis. This money is held by the plan administrator pending receipt of eligible expenses.

Employees pay no Federal Income taxes or Social Security taxes on the money contributed to a FSA. However, any amount not utilized by the Federal deadline will be forfeited.

### **Basic Flat Life Insurance**

Full-time employees will receive Life and Accidental Death and Dismemberment (AD&D) Insurance at no cost beginning the first day of the month following completion of 30 days of employment. Eligible employees receive a death benefit of \$10,000 and an AD&D benefit of \$10,000. At age 65, the benefit decreases to \$6,500. All benefits terminate upon retirement or employment termination.

### **Long-Term Disability, Accident, Cancer, Critical Illness and Supplemental Life Insurance**

All full-time eligible employees may purchase these additional benefits to augment the City of Salisbury's wellness program. These plans are fully funded by the employee.

### **Retirement Benefits**

Retirement with the City of Salisbury consists of two parts:

## **Base Pension**

The Employees' Pension System (EPS) portion of retirement is a part of the Maryland State Retirement and Pension System. Membership in the EPS is mandatory, with very limited exceptions and contribution is 7% of an employee's annual compensation. Employees earn service credit towards their retirement benefits each day worked. Service credit and age determine when an employee is eligible for retirement and how much the retirement benefit will be.

Eligibility service is used to determine when an employee is eligible for a benefit. Employees earn one year of eligibility service during any calendar year when a minimum of 500 regular hours are worked, excluding overtime. Creditable service is used to determine the amount of the retirement benefit. A full-time employee will earn one month of creditable service for each month of employment. Creditable service also can include purchase prior service, qualifying military service and accrued wellness leave as an employee's retirement date.

The EPS also provides a Survivor Benefit. If an employee dies while in active membership and after having earned at least one year of eligibility service, the employee's beneficiaries are eligible to receive a one-time payment equal to the employee's annual salary plus the balance of accumulated contributions and interest.

Please visit <https://sra.maryland.gov/post/planning-retirement> for more information about the pension benefit and the process of retirement.

## **457(b) Plan**

All full-time employees have the option to enroll in the 457(b) Deferred Compensation Plan through pre-taxed payroll deductions.

**\*Sworn officers of the Salisbury Police Department and Salisbury Fire Department are not eligible for the match contribution\***

The City of Salisbury 457(b) Deferred Compensation Plan uses an online enrollment. Contact Human Resources for the most current Plan Enrollment Code

## **Tuition Assistance**

The City of Salisbury has a Tuition Assistance Policy, separate from the Employee Handbook. Please refer to the Tuition Assistance Policy.

## **Employee Assistance Program**

The Employee Assistance Program (EAP) is a confidential counseling program that helps employees deal effectively with personal problems that may affect their well-being, their home lives and /or performance. An employee or any member of their immediate family is eligible to use the EAP. The first five visits with a licensed counselor and pursuant to the EAP are provided to the employee or any member of their immediate family at no cost. These visits can be in person, video or telephonic. If an employee experiences more than one (1) issue in a given year, the session count restarts for each new issue. Issues include anxiety, bereavement, depression, personal relationships, stress, etc.

## **Paid Parental Leave**

The City of Salisbury has a Paid Parental Leave Policy, separate from the Employee Handbook. Please refer to the Paid Parental Leave Policy.

### **House Keys for Employees**

If an employee qualifies for a Maryland Mortgage Program Loan such as a CDA or MMP-Plus or a VA or FHA Loan, they may qualify for the House Keys 4 Employees Program and receive assistance with closing costs. Please contact Human Resources for more information or visit Maryland Mortgage Program web site [www.mmp.maryland.org](http://www.mmp.maryland.org)

### **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.

### **Retiree Benefits**

Full-time employees hired before September 1, 2017 are eligible to participate in the City's health insurance program following retirement after the employee has worked for the City for a minimum of ten (10) years.

Full-time employees hired on or after September 1, 2017 are eligible to participate in the City's health insurance program following retirement after the employee has worked for the City for a minimum of twenty (20) years.

There is not a minimum years of service requirement for regular full-time employees retiring through accidental disability after July 1, 2008. 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.

Part-time employees are not eligible for insurance with the City.

Individual benefits/insurance policies will be required for married employees who both work for the City at retirement.

### **Medicare**

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 dependents' coverage period.

The City will pay the applicable premium attributable to dependent health insurance, provided 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.

Individual benefits/insurance policies will be required for married employees who both work for the City at retirement.

The City will pay 50% of the premiums for Medicare supplemental insurance for all eligible retirees retired before September 1, 2017. The City will only pay up to the maximum benefit amounts for employees retiring on or after September 1, 2017.

The maximum benefit amounts are set in the City's Annual budget or as otherwise updated by subsequent ordinance.

# YOUR FUTURE WITH THE CITY OF SALISBURY

Job Posting/Transfer  
Employee Development  
Performance Appraisals

### **Job Posting/Transfers**

The City of Salisbury maintains a general policy of posting job vacancies.

The City of Salisbury will seek to fill every position with the best-qualified candidate. Every effort will be made to identify qualified candidates from within the system. Internal candidates may be given priority consideration if they possess the qualifications, experience necessary and requisite skills and competencies required for the position. In addition to an employee's qualifications for the job, the employee's effectiveness in the interview will be considered in making the selection decision.

General policies regarding job transfers include:

- Employment in current position at least six (6) months prior to request for transfer to a job in another department or area; at the discretion of the employee's supervisor, such transfers will be considered within the same department or area. At its discretion, management reserves the right to make exceptions to this requirement.
- In order to ensure consideration, the employee will need to complete an electronic application.
- To be eligible for a transfer, an employee must be qualified for the position by possessing the necessary combination of education and experience requirements specified in the job description (if applicable) and have good attendance, work performance and discipline history.
- No written corrective actions within the last six months.

### **Employee Development**

In addition to our educational assistance program, we want to provide employees with the opportunity to gain knowledge of developments and trends in their field. The City of Salisbury offers a variety of programs in continuing education, skills training, and professional development. Courses, seminars, and workshops are conducted by City of Salisbury staff or outside experts on selected topics which will help employees perform their job to the best of their ability.

### **Performance Appraisals**

The City of Salisbury makes every effort to foster excellence in job performance. We recognize that open communication between employees and supervisors about job responsibilities, performance expectations and other related issues play a vital role in performance. Performance appraisals will serve as a basis for decisions related to continued employment, promotions/transfers, training development, and other pertinent matters.

#### **Probationary Appraisals:**

New Hires require a probationary employee appraisal.

Six-month probation is not applicable to Police Officers and Water and Waste Water Treatment Plant employees.

**Quarterly appraisals** are to be completed by providing areas of improvement or exemplary comments. These reviews are intended to be brief, but to provide insight on how an employee is performing. Quarterly appraisals are to be used as tracking mechanisms that will assist when completing the 4<sup>th</sup> quarter annual appraisal.

1<sup>st</sup> Quarter- July 1<sup>st</sup>  
2<sup>nd</sup> Quarter- October 1<sup>st</sup>  
3<sup>rd</sup> Quarter- January 1<sup>st</sup>  
4<sup>th</sup> Quarter- April 1<sup>st</sup> Annual Appraisal

**Annual appraisals** during the 4<sup>th</sup> quarter are thorough and compile the entirety of the year's accomplishments and/or challenges.

An employee's annual increase may be withheld after receiving a "Needs Improvement" score on their annual performance appraisal. Any individual in this category will be expected to successfully complete a 90-day Personal Improvement Plan (PIP). If all areas of the evaluation are not brought up to a Satisfactory rating after completing the PIP, the employee forfeits the annual increase for that calendar year and may be recommended for disciplinary action or dismissal. Upon successfully completing the 90-day PIP, the employee will receive the increase effective on the first full pay period in October. The annual increase will not be retroactive. The information recorded on the employee appraisal forms and PIP will become part of the employee's personnel record.

Employees who receive a satisfactory and above rating will be eligible for an annual increase in July, if budgeted.



## TERMINATION OF EMPLOYMENT

Resignation Requirements

Return of City of Salisbury Equipment, Identification Badges, Etc.

Exit Interview

Re-Employment

References

An employee who resigns, retires, is terminated or abandons their position, will be regarded as separated from employment. An employee who resigns in good standing or retires will be required to work through their proper notice period. Failure to work through their proper notice period will make the employee ineligible for rehire with the City of Salisbury. An employee who fails to comply with their working notice requirement or who is discharged for disciplinary or other disqualifying reasons may be considered ineligible for rehire, and will not receive payment of any annual or holiday hours.

### **Resignation Requirements**

If an employee decides to resign from the City of Salisbury, the employee should discuss with their supervisor the appropriate working notice period, prior to writing a letter of resignation and committing to a new start date. Appropriate written notices are required as follows:

- Employees are required to give a minimum two (2) weeks' notice or as defined by departmental requirements
- If an employment agreement exists, any notice period indicated in the agreement would supersede the requirements listed above.

### **Requested days off will not be counted toward the required notice.**

Appropriate notice must be working notice. Please note that accrued leave time may not be used to satisfy working notice requirement, unless the department is closed for a legal holiday recognized by the City of Salisbury or unless annual time has been pre-approved at least three months prior to the written resignation notice or unless required by law.

If an unexpected absence during occurs during the employee's working notice period, please employees must discuss make-up shift(s) arrangements with their supervisor to ensure they leave in good-standing. Any exceptions to this policy must be approved in advance by the Director of Human Resources. Good-standing means working all scheduled shifts/days during the appropriate working notice period for the position as determined by the department, except as described above.

Employees who fail to satisfy their working notice requirement will:

- Jeopardize their eligibility for re-employment at the City of Salisbury
- Forfeit their eligibility to receive a balance payout of annual or holiday time

This appropriate notice period begins on the first date that the supervisor is at work to receive the written notice. The notice must be dated and signed with the effective date of resignation.

### **Return of City of Salisbury Equipment, Identification Badges, Etc.**

Upon termination, employees are responsible for returning all City of Salisbury equipment such as I.D. badges, phones, laptops, iPads, fobs, keys, P-cards, etc. 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. A separated employee will receive their final pay on the next regularly scheduled payday following the last day of work.

### **Exit Survey and Interview**

Upon written notice of resignation, the employee will receive a paper exit survey. Upon review of the exit survey Human Resources may reach out to the employee to schedule an exit interview. The exit interview will be conducted in confidence and affords the opportunity to discuss reasons for leaving, along with views and opinions on the practices and policies of the City of Salisbury.

### **Re-Employment**

Former employees are generally eligible for re-employment provided they meet certain conditions. These conditions include:

- Having left in good standing (which includes but is not limited to prior satisfactory performance and proper notice of resignation)
- Meeting the qualifications of the position being sought
- Being in compliance with IRS regulations as it relates to pension distributions, which includes a forty-five (45) waiting period

An employee shall be eligible to be reinstated in their former position, at the same rate of pay they earned prior to terminating, as long as they are reemployed within two (2) years of their termination date. The employee will be eligible to have their benefits restored, as if they had never left employment, except for any benefit or compensation for which the employee was paid at the time of his resignation.

### **References**

The City of Salisbury will provide reference and verification information on current and former employees in response to requests from outside organizations, employers, schools, agencies, and other entities establishing a legitimate need to confirm employment information. The City will timely respond to reference requests, including service letters, as required by law.

- Human Resources or the Department Director shall be responsible for responding to all reference and employment verification requests.
- Only the following information will be verified on current and former employees: Last Position Held and Dates of Employment.
- An employee may authorize the release of wage information or prior positions held by submitting a written authorization and release from liability to Human Resources.

## **Employee Handbook Receipt Acknowledgment**

The employee handbook describes important information about the City of Salisbury, and I understand that I should consult human resources regarding any questions not answered in the handbook. I have entered into my employment relationship with the City of Salisbury voluntarily and acknowledge that there is no specified length of employment.

This manual and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of my employment with the City of Salisbury. By distributing this handbook, the City of Salisbury expressly revokes any and all previous policies and procedures which are inconsistent with those contained herein.

I agree to abide by all rules and policies in the Handbook and any additional rules or policies of the City. If something is unclear to me, or if I have any questions, I will ask Human Resources.

**I understand that this Handbook does not create a contract (express or implied) and that the City can make changes to it at any time.**

All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Employee's name (print)

\_\_\_\_\_  
Date

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**



City of  
**Salisbury**  
John "Jack" R. Heath, Mayor

**To: Andy Kitzrow**  
**From: Laura Soper**  
**Subject: 510 West Road Sustainable Community**  
**Date: 5/5/23**

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Included is a Resolution to support the addition of 510 West Road to the City of Salisbury's Sustainable Community designation. The expansion of the SCA boundary is a necessary step for the revitalization of property located at 510 West Road. Wicomico County applied for and received a grant in the amount of \$500,000 for the strategic demolition and revitalization of the former Campbell Soup factory located at 510 West Road. In order to complete a grant agreement for work to begin, the property must be located within a SCA boundary, which is administered by the City of Salisbury.

Before applying to add it to the Sustainable Community, the City executed a pre-annexation agreement with the developer, Dynamic Development, that would require the property to be annexed no later than January 1, 2030. A copy of this agreement is also included in Council's documents.



City of  
**Salisbury**  
John "Jack" R. Heath, Mayor

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**RESOLUTION NO. 3260**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY TO MODIFY THE CITY OF SALISBURY SUSTAINABLE COMMUNITY BOUNDARIES TO INCLUDE 510 WEST ROAD.**

WHEREAS, the City of Salisbury has previously submitted to the Maryland Department of Housing and Community Development (the "**Department**") a Sustainable Community Designation Application (the "**Application**"), and has adopted a Sustainable Community Plan (the "**Plan**"), which Application and Plan have been approved either directly by the Department, or through the Smart Growth Subcabinet of the State of Maryland; and

WHEREAS, the City of Salisbury proposes to modify the area designated as the City of Salisbury Sustainable Community (the "**Sustainable Community**"), as outlined on the revised Sustained Community map attached hereto as **Exhibit 1** (the "**Modified Area**"); and

WHEREAS, the Modified Area is located within a priority funding area under Section 5-7B-02 of the Smart Growth Act; and

WHEREAS, the applicable law and the Community Legacy Program regulations require a local government to submit an application to the Department in order to modify a designated Sustainable Community.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

**Section 1.** The Council of the City of Salisbury hereby approves the modification of the Sustainable Community as outlined on the revised Sustained Community map attached hereto as **Exhibit 1**, and the Mayor of the City of Salisbury be and hereby is authorized to execute any and all documents necessary to carry out the intent of this resolution.

**Section 2.** Copies of this Resolution shall be sent to the Secretary of the Department of Housing and Community Development of the State of Maryland for consideration by the Smart Growth Sub-Cabinet.

**Section 3.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Resolution shall be deemed independent of all other provisions herein.

**Section 4.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Resolution shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Resolution shall remain and shall be deemed valid and enforceable.

**Section 5.** The recitals set forth hereinabove and **Exhibit 1** attached hereto, are incorporated into this section of the Resolution as if such recitals and **Exhibit 1** were specifically set forth at length in this Section 5.

**THE ABOVE RESOLUTION** was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on this 22<sup>nd</sup> day of May, 2023 and is to become effective immediately upon adoption.

**ATTEST:**

\_\_\_\_\_  
**Kimberly R. Nichols, City Clerk**

\_\_\_\_\_  
**Muir W. Boda, City Council President**

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.



\_\_\_\_\_  
**John R. Heath, Acting Mayor**

N



City of  
Salisbury



-  Current Sustainable Community
-  Sustainable Community Boundary Modification



**PRE-ANNEXATION COVENANT AND AGREEMENT**

*for service connection to  
City of Salisbury Water/Sewer Mains*

THIS PRE-ANNEXATION COVENANT AND AGREEMENT (hereinafter referred to as "Agreement") made and executed this 16 day of December, 2022, by and between the City of Salisbury, a municipal corporation of the State of Maryland (hereinafter referred to as "City"), and Dynamic Development LLC (hereinafter referred to as "Owner"):

WHEREAS, Owner is in the process of developing or performing construction on a tract of land (hereinafter referred to as "Property") located at 510 West Road, Salisbury, MD (Address) 05156/00320 (Liber/Folio), located in a previously identified Urban Service District, but outside the City of Salisbury Corporate Limits, Wicomico County, State of Maryland, and has requested water and/or sewer utility service to the described Property utilizing City of Salisbury public utility mains; and

WHEREAS, the Owner has requested the Property be included within the boundary map of the modified 2022 Sustainable Communities application attached hereto as Exhibit A.

NOW, THEREFORE, in consideration of the mutual understandings and agreements contained herein, the parties covenant and agree as follows:

A. City will modify the boundary map for the Sustainable Communities to include the Property.

B. City will allow the extension of existing utilities outside the City corporate limits to serve the Property after January 1, 2028, but conditioned upon the agreement that the Owner shall petition for annexation of the Property into the City upon request by the City and, in any event, no later than January 1, 2030.

C. Owner shall be responsible for all costs and fees associated with the connection of services as established by the policy of the City of Salisbury for utility construction and service connections. Owner shall make all required payments on a time schedule established by the City.

D. Owner shall request service connection for both water and sewer utilities to the Property, when available.

E. The Parties expressly acknowledge and agree the City has made no promise or assurance as to the zoning or lawful use of the Property at the time of annexation, and this Agreement is not intended, nor shall it be construed, to prohibit the City from enacting such future ordinances, charter provisions, engineering standards or any amendments thereto deemed necessary or appropriate to protect the public, health, safety and welfare of the residents of the City, nor from applying such ordinances or charter provisions to the development of the Property or any portion thereof.

F. The Owners shall:

1. Dedicate to the City all easements and rights-of-way needed to serve Property with water and/or sewer utilities.
2. Prepare and submit executed deeds for utility easement and/or right-of-way, when needed.
3. Pay fees to the City of Salisbury required for hookup, inspection, and other costs associated with providing water and sewer service to the Property.
4. Prepare a site plan showing building proximity to other buildings and property lines, where needed. Plans shall be prepared with sufficient detail to allow the City to determine location of service to the existing or proposed buildings.
5. Submit a petition for annexation within thirty (30) days of receipt of an annexation request from the City.
6. Agree to pay for all costs associated with the annexation, including, but not limited to, advertising costs.

G. The City shall:

1. Review and accept or require modifications to site plans.
2. Provide municipal water and sewer service to the Property after receipt of fees and costs.
3. Accept for perpetual maintenance the public utility service between the public main and the sanitary cleanout, excluding the cleanout assembly.
4. Accept for perpetual maintenance the public utility service between the public main and the water meter assembly tailpiece, including the water meter and vault.

H. This Covenant and Agreement is, and shall be, binding upon the Owner, its successors, heirs, and assigns, and shall burden and run with the land. All future Owners shall be bound by this Covenant and Agreement. This Covenant and Agreement shall become null and void when the annexation of the Property into the City becomes effective.

WITNESS the hands and seals of the parties, the day and year set forth above.

ATTEST:

CITY OF SALISBURY

*Donna S. Day*

By:

*[Signature]*

(SEAL)

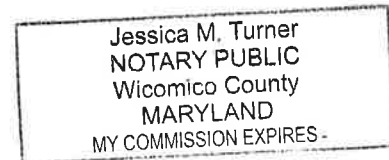
*Handwritten signature*

*Handwritten signature* (SEAL)  
, Owner

STATE OF MARYLAND, COUNTY OF WICOMICO, TO WIT:

I HEREBY CERTIFY that on this 20<sup>th</sup> day of December, 2022, before me, the subscriber, a Notary Public, for the state and county aforesaid, personally appeared Jacob R. Day, as Mayor for the CITY OF SALISBURY, a municipal corporation of the State of Maryland, and on their behalf did acknowledge the foregoing instrument to be the act and deed of said corporation.

AS WITNESS my hand and Notarial Seal.



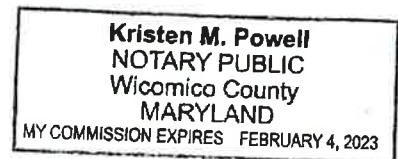
Jessica M. Turner  
NOTARY PUBLIC

My Commission Expires: 2/28/26

STATE OF MARYLAND, COUNTY OF WICOMICO, TO WIT:

I HEREBY CERTIFY that on this 16<sup>th</sup> day of December, 2022, before me, the subscriber, a Notary Public, for the state and county aforesaid, personally appeared Brit Davis, Owner, and (they/he/she) acknowledged the foregoing to be (their/his/her) respective act and deed.

AS WITNESS my hand and Notarial Seal.



Kristen M. Powell  
NOTARY PUBLIC

My Commission Expires: 2/4/2023

I HEREBY CERTIFY that I am an attorney admitted to practice before the Court of Appeals of Maryland, and that the foregoing instrument was prepared under my supervision.

Laura Evelyn Hay  
Laura Evelyn Hay, Esquire

1 AS AMENDED ON MAY 8, 2023  
2 ORDINANCE NO. 2806  
3

4 AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A  
5 BUDGET AMENDMENT OF THE FY23 GENERAL FUND BUDGET TO  
6 APPROPRIATE THE FUNDS RECEIVED FROM THE RECYCLING OF  
7 SCRAP METAL.  
8

9 WHEREAS, the Department of Field Operations Streets-Roadways Division demolished  
10 structures located at 317-325 Lake Street; and  
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12 WHEREAS, as a result of providing material salvaged from the structures to Donovan Salvage  
13 Works which resulted in a payment to the City of Salisbury in the amount of ~~\$3,574.80~~ \$4,518.40 which  
14 was deposited in the General Fund; and  
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16 WHEREAS, the Department of Field Operations has use for the funds received and requests that  
17 these funds in the total amount of ~~\$3,574.80~~ \$4,518.40 be transferred to the Street-Roadways Operating  
18 Account (31150-546006), which is used, in part, for the daily operations of the Street-Roadways division;  
19 and  
20

21 WHEREAS, § 7-29 of the Salisbury City Charter forbids any office, department, or agency from  
22 expending funds not appropriated; and  
23

24 WHEREAS, appropriations must be made upon the recommendation of the Mayor and the  
25 approval of four-fifths of the Council of the City of Salisbury.  
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27 NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE  
28 CITY OF SALISBURY, MARYLAND, as follows:  
29

30 Section 1. Mayor John R. Heath is hereby authorized to appropriate funds to the Department of  
31 Field Operations in the amount of ~~\$3,574.80~~ \$4,518.40 .  
32

33 BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF  
34 SALISBURY, MARYLAND, as follows:  
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36 Section 2. The City of Salisbury's FY23 General Fund Budget be and hereby is amended as  
37 follows:  
38

Increase Decrease	Account Type	Project Description	Account Description	Account	Amount
Increase	Revenue	None	General Fund Revenue-Scrap Recycling	01000-434505	<del>3,574.80</del> <u>\$4,518.40</u>
Increase	Expense	None	Street-Roadways Operating Account	31150-546006	<del>3,574.80</del> <u>\$4,518.40</u>

39 BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF  
40 SALISBURY, MARYLAND, as follows:  
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42 Section 3. It is the intention of the Mayor and Council of the City of Salisbury that each provision  
43 of this Ordinance shall be deemed independent of all other provisions herein.  
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46 **Section 4.** It is further the intention of the Mayor and Council of the City of Salisbury that if any  
47 section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,  
48 unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication  
49 shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other  
50 provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

51  
52 **Section 5.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as  
53 if such recitals were specifically set forth at length in this Section 5.

54  
55 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.

56  
57 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of  
58 Salisbury held on the 8<sup>th</sup> day of May, 2023 and thereafter, a statement of the substance of the Ordinance  
59 having been published as required by law, in the meantime, was finally passed by the Council of the City  
60 of Salisbury on the 22<sup>nd</sup> day of May, 2023.

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62 **ATTEST:**

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66 Kimberly R. Nichols, City Clerk Muir W. Boda, City Council President

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68 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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71 John R. Heath, Acting Mayor  
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**ORDINANCE NO. 2807**

**AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY2023 GENERAL FUND BUDGET AND THE FY2023 WATER SEWER FUND BUDGET TO APPROPRIATE ADDITIONAL FUNDS REQUIRED FOR FIELD OPERATIONS.**

**WHEREAS**, the City has declared multiple pieces of equipment, as surplus and the equipment has been sold through online auction.

**WHEREAS**, the City equipment was operated by Field Operations and Water Works; and

**WHEREAS**, the City’s Field Operations and Water Works Departments would like to use the proceeds to assist in purchasing and repairing equipment

**WHEREAS**, the funds will be instrumental in continued operations for Field Operations and Water Works;

**WHEREAS**, the budget amendment as provided herein must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

**Section 1.** The City of Salisbury’s Fiscal Year 2023 General Fund budget is hereby amended as follows:

Increase (decrease)	Account Type	Account	Description	Amount
Increase	Revenue	01000-469200	Sale of Fixed Assets	24,492.97
Increase	Expense	31150-546012	Equipment & Maintenance	24,492.97

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**Section 2.** The City of Salisbury’s Fiscal Year 2023 Water Sewer budget is hereby amended as follows:

Increase (decrease)	Account Type	Account	Description	Amount
Increase	Revenue	60100-469200	Sale of Fixed Assets	4,664.58
Increase	Expense	86085-534308	Vehicle Repair	4,664.58

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**BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

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**Section 3.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

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**Section 4.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

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**Section 5.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

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**Section 6.** This Ordinance shall take effect from and after the date of its final passage.

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**THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 8<sup>th</sup> day of May, 2023 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 22<sup>nd</sup> day of May, 2023.

***[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]***

***[SIGNATURES APPEAR ON THE PAGE THAT FOLLOWS]***



48 **ATTEST:**

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\_\_\_\_\_  
**Kimberly R. Nichols, City Clerk**

\_\_\_\_\_  
**Muir W. Boda, City Council President**

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Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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**John R. Heath, Acting Mayor**

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City of  
**Salisbury**  
John "Jack" R. Heath, Mayor

To: Andy Kitzrow, City Administrator  
From: Richard D. Baldwin, Director of Infrastructure & Development <sup>mz</sup>  
Date: 5/10/2023  
Re: Budget Transfer – Comprehensive Plan Update and Zoning Code Update

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The Department of Infrastructure and Development is requesting approval of a budget amendments in the amount of \$75,000.00 for the Comprehensive Plan update and \$85,000.00 for the Zoning Code update.

The Department of Infrastructure and Development is requesting \$75,000.00 and \$85,000.00 to complete the Comprehensive Plan Update and Zoning Code update. The source of funds requested are \$160,000.00 in PayGO from the Computer Aided Dispatch Project. Funds not used in the completion of these projects will be returned to PayGO.

**ATTACHMENT (1):**

**1. ORDINANCE**

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**ORDINANCE NO. 2808**

**AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE  
MAYOR TO APPROPRIATE FUNDS FOR THE COMPREHENSIVE PLAN  
PROJECT AND THE ZONING CODE PROJECT.**

**WHEREAS**, the City of Salisbury is due to update the Comprehensive Plan and Zoning Code; and

**WHEREAS**, the City of Salisbury determined an additional \$75,000 will be required to complete the Comprehensive Plan Project and \$85,000 is required for the Zoning Code Project; and

**WHEREAS**, funding for the two projects shall be provided by transferring \$160,000 in PayGO funds from the Computer Aided Dispatch Project; and

**WHEREAS**, the appropriations necessary to execute the appropriation of \$160,000 as provided hereinabove, must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

**Section 1.** Acting Mayor John R. Health, on behalf of the City of Salisbury, is hereby authorized to appropriate funds for the Comprehensive Plan project in the amount of \$75,000 and the Zoning Code Project in the amount of \$85,000.

**BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

**Section 2.** The City of Salisbury's General Capital Project Fund Budget be and hereby is amended as follows:

Increase	Account	Project Description	Account Description	Account	Amount
Increase	Revenue	Comprehensive Plan	PayGO	98023-469313-48088	75,000
Increase	Expense	Comprehensive Plan	Engineering	98123-513020-48088	75,000
Increase	Revenue	Zoning Code	PayGO	98023-469313-TBD	85,000
Increase	Expense	Zoning Code	Construction	98123-513026-TBD	85,000
Decrease	Revenue	Computer Aided Dispatch	PayGO	98023-469313-43034	160,000
Decrease	Expense	Computer Aided Dispatch	Construction	98123-513026-43034	160,000

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**BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

**Section 3.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

**Section 4.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

**Section 5.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 5.

**Section 6.** This Ordinance shall take effect from and after the date of its final passage.

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**THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 22<sup>nd</sup> day of May, 2023 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

\_\_\_\_\_  
**Kimberly R. Nichols, City Clerk**

\_\_\_\_\_  
**Muir W. Boda, City Council President**

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**John R. Heath, Acting Mayor**

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**ORDINANCE NO. 2809**

**AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND TO  
ACCEPT STATE OF MARYLAND – MARYLAND STATE POLICE  
GRANT FUNDS FOR LICENSE PLATE READER EQUIPMENT FOR  
THE SALISBURY POLICE DEPARTMENT.**

**WHEREAS**, the State of Maryland – Maryland State Police has grant funds available to local law enforcement agencies for the purchase of License Plate Reader Systems; and

**WHEREAS**, the Maryland Coordination and Analysis Center has designated grant funds in the amount of \$99,633.55 to be reimbursed to the City of Salisbury for the purchase of License Plate Reader System equipment; and

**WHEREAS**, appropriations necessary to execute the purpose of this grant must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

**Section 1.** Acting Mayor R. Heath, on behalf of the City of Salisbury, is hereby authorized to enter into a grant agreement with the State of Maryland - Maryland State Police for the City’s acceptance of grant funds in the amount of \$99,633.55 to be allocated for assistance with the purchase of License Plate Reader System equipment.

**Section 2.** The City of Salisbury’s Grant Fund Budget be and hereby is amended as follows:

(a) Increase State of Maryland MD State Police Revenue Account 10500–424000–xxxxx by \$99,633.55.

(b) Increase Equipment Expense Account No. 10500–577030–xxxxx by \$99,633.55

**BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

**Section 3.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

**Section 4.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or Federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

**Section 5.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 5.

**Section 6.** This Ordinance shall take effect from and after the date of its final passage.

**THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 22<sup>nd</sup> day of May, 2023 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the \_\_\_\_ day of \_\_\_\_\_, 2023.

47 **ATTEST:**

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50 \_\_\_\_\_  
**Kimberly R. Nichols, City Clerk**

\_\_\_\_\_ **Muir W. Boda, City Council President**

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52 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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55 \_\_\_\_\_  
**John R. Heath, Acting Mayor**