



The City of Seat Pleasant

*A Smart City of Excellence*

## Personnel Rules and Regulations Manual

Smart City Definition

*Seat Pleasant offers Smart City Services  
that is better, faster, more personalized  
Making it **A Smart City for me**  
using  
Information and Communication  
Technology with the  
Internet of Things*

**Mayor and City Council of Seat Pleasant, Maryland**

**Mayor**  
**Eugene W. Grant**

**Council Members**

<b>Shireka McCarthy</b>	<b>At-Large</b>
<b>Kelly Porter</b>	<b>At-Large</b>
<b>Lamar Maxwell</b>	<b>Ward 1</b>
<b>Hope Love</b>	<b>Ward 2</b>
<b>Reveral L. Yeargin</b>	<b>Ward 3</b>
<b>Charl Jones</b>	<b>Ward 4</b>
<b>Gloria L. Sistrunk</b>	<b>Ward 5</b>

**City of Seat Pleasant**

**City Hall**  
**6301 Addison Road**  
**Seat Pleasant, Maryland 20743**

**Revised – May 2020**

**Jeannelle B. Wallace, Chief Operating Officer**

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The City of Seat Pleasant  
*A Smart City of Excellence*

### **Purpose of Handbook**

Whether you have just joined our staff or have been with the City of Seat Pleasant for a period, we are confident you will find our organization a rewarding place in which to work and we look forward to a productive and successful association. We consider the employees of the City of Seat Pleasant to be a valuable resource, serving the citizens in this community. This handbook has been written to serve as the guide for the employer/employee relationship.

There are several things that are important to take note of about this handbook. First it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. If you have any questions concerning eligibility for a benefit, or the applicability of a policy or practice, you should address your specific questions to the Human Resource Officer or the Chief Operating Officer.

Second, the procedures, practices, policies and benefits described here may be modified or discontinued from time to time. We will always try to inform you of changes as they occur.

Lastly, some of the subjects described herein, such as the Group Insurance Plans are covered in detail in official policy documents. You should refer to these documents for specific information, since this handbook only briefly summarizes those benefits. Please note that the terms of the written insurance policies are controlling.

***This is an employment at-will relationship between City of Seat Pleasant and its employees. Nothing in this Employee Handbook is intended, nor any other Company document, confers a contractual right, either expressed or implied, to remain in the Company's employ. Nor does it guarantee any fixed terms or conditions of your employment. Your employment is not for any specific time and may be terminated at will, with or without cause or without prior notice, by the City of Seat Pleasant or you may resign for any reason at any time.***

## **EEO STATEMENT**

Equal Employment Opportunity is a fundamental principle. The City of Seat Pleasant, MD is an equal opportunity employer where employment of qualified individuals is based upon job-related qualifications regardless of race, color, religion, sex, age, national origin, disability, sexual orientation or any other classification protected by applicable federal, state or local laws. Our Management team is dedicated to this policy with respects to recruitment, hiring, promotion, transfer, compensation, benefits, employee relations and general treatment during employment.

The City of Seat Pleasant, MD expressly prohibits any form of discrimination and complies with the laws regarding reasonable accommodations to the known physical or mental limitations of qualified employees with disabilities unless the accommodation would impose an undue hardship on the operation of City business. If you need assistance to perform your job duties because of a physical or mental condition, please let the Human Resource Director and/or Chief Operating Officer know immediately.

The City of Seat Pleasant, MD will endeavor to accommodate the sincere religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on the City of Seat Pleasant, MD operations. If you wish to request such an accommodation, please speak to the Human Resource Director and/or Chief Operating Officer directly.

If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter to your supervisor. If you are unable for any reason to contact this person, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be a violation of this policy, please contact the Human Resources Director and/or Chief Operating Officer directly.

Note: If you supervisor or next level in management is the person toward whom the complaint is directed you should contact any high-level manager. The City will not allow any form of retaliation against individuals who raise issues of equal employment opportunity.

If you feel that you have been subjected to any such retaliation, report it in the same manner you would report a perceived violation of this policy. To ensure our workplace is free of artificial barriers, violation of this policy including any improper retaliatory conduct will lead to appropriate disciplinary action, up to and including termination.

The Chief Operating Officer has the overall responsibility for this policy and maintains reporting and monitoring procedures. Questions or concerns should be referred to the Chief Operating Officer or the Human Resources Director.

Complete EEO compliance can be reviewed in the Human Resources Department.

## **CHAPTER I.**

### **Article 1. Welcome**

Welcome to the City of Seat Pleasant, A Smart City of Excellence. As a City of Seat Pleasant employee, you are part of a workplace of dedicated professionals. You can take a great deal of pride in being associated with a hard-working organization that has a long-standing tradition of providing the very best in municipal services. The work we do every day contributes to the outstanding quality of life enjoyed by the citizens and businesses of the Seat Pleasant community through the development and delivery of reliable and efficient services. Always keep in mind that the citizens of the City of Seat Pleasant are our ultimate “employer.” As local public officials and employees, we are a service provider for City residents and the public in general. Customer service is our greatest quality.

### **Article 2. History**

Seat Pleasant is a friendly community located just over the District of Columbia line at its northeast corner. The site is part of what had been the Williams-Berry estate until the descendants of General Otho Holland Williams, a Revolutionary War hero, and James Berry, a mid-17<sup>th</sup> century Puritan leader, sold it to Joseph Gregory in 1850. Designers of the Chesapeake Beach Railway, constructed between 1897 and 1899 between Washington and Chesapeake Beach in Calvert County, located their first station in Maryland (or last, depending on the direction of travel) on the railway’s right-of-way that traversed the Gregory property. They called the station “District Line.” In 1906, the growing number of residents in the area around the station adopted a more imaginative name for their community, “Seat Pleasant,” after the early Williams-Berry estate.

Steady growth of traffic on the Chesapeake Beach Railway between 1900 and its peak in 1920 translated into steady development for Seat Pleasant. When the community was incorporated as a city in 1931, it had a school, water company, sewer connections courtesy of the District of Columbia’s sanitary system, and reliable fire protection by the Seat Pleasant Fire and Community Welfare Association. By that time, the railroad had been in steady decline for a decade. In 1935, the railroad ceased operations altogether. The cause of its demise, highway construction, was clearly evident in Seat Pleasant. The City gained two State highways running through it — Maryland Route 704 (now called Martin Luther King Highway and previously named George Palmer Highway after a banker and community leader) and Maryland Route 214 (Central Avenue).

With highway construction came further expansion for Seat Pleasant. Construction of “affordable” housing, most notably the Gregory Estates apartments in 1949, was the catalyst for the migration of African-American families from the District of Columbia. Prior thereto, the community had been entirely white. In the 1980s, the old Chesapeake Beach.

Railroad roundhouse and turntable were demolished to make room for the Addison Plaza Shopping Center on Central Avenue.

Like Watkins Hardware Store, which was a fixture in Seat Pleasant from the early 1900s until it finally closed in the mid-1990s, most of the testaments to the City’s past are long gone.

Two that remain are the Episcopal Addison Chapel (1696) and Mount Victory Baptist Church (1908). Goodwin Park, named after a former mayor, is the City's most prominent location.

### **Article 3. Departments**

The City of Seat Pleasant consists of seven departments:

#### **Office of the Chief Operating Officer**

The Chief Operating Officer directs and coordinates the general administration of the City government, which includes preparation of the annual budget. The Office of the Chief Operating Officer provides management and administrative support for operating departments, programs, and initiatives established by the Mayor and Council. The Chief Operating Officer coordinates the enforcement and execution of laws and ordinances of the City.

#### **Economic Development**

The Economic Development Department provides a variety of services designed to foster economic vitality, increase the City's commercial base, decrease vacant residential property, and engage in activities which fosters partnerships and investment opportunities. The department is also responsible for developing programs and services which empowers and educates the community of available resources that enable residents and commercial business owners to thrive.

#### **Finance Department**

The Finance Department's activities and responsibilities include the receipt and disbursement of City Funds, financial reporting, investment of idle funds, control of fixed assets, collection of taxes and assessments for special projects, and assisting all departments in securing supplies, materials, equipment, and services. The Finance Department effectively and efficiently manages the financial operations of City Government by implementing sound fiscal policies which will provide the Mayor and City Council, and taxpayers of Seat Pleasant a Smart City with accurate, and timely, financial information.

#### **Human Resources**

The Human Resources Director provides moderately difficult administrative and technical paraprofessional level work in the major functional areas within the Chief Operating Officer's office, including the research and analysis of personnel information programs, policies, benefits and work processes.

#### **Public Engagement**

The Public Engagement coordinates outreach and engagement activities throughout the community. Services will provide consistent and continuous interactions that facilitates collaborative relationships; which is a smart, transformative, inclusive, diverse and open relationship with the citizens of Seat Pleasant. The Public Engagement Department connects

residents with services, engages residents in multicultural, educational, and volunteer initiatives, advertises and promotes City events and activities, and fosters collaboration and involvement.

### **Police Department**

The Seat Pleasant Police Department is a law enforcement agency that shares responsibility with the Prince George's County Police Department, thereby providing police coverage 24 hours a day, 365 days a year. The Police Department operates under the philosophy of community policing and utilizes a problem-solving approach to address crime and traffic issues.

### **Public Works**

The Public Works Department provides a variety of services such as snow removal, street sweeping, repair and maintenance of streets, sidewalks, and storm drains, beautification of the City's streets, public buildings, and parks, recycling, and city vehicle maintenance. The Public Works Department oversees maintaining all City facilities, including custodial services, utilities, repairs, supervision of construction, and service contracts of all major equipment.

### **City Clerk**

The City Clerk Department provide efficient, professional services through the Smart City automation process. To ensure that the City empowers, educates and engages the citizens by being effective in the legislative process; by serving as the Custodian of Records; by assuring conformance with the State of Maryland Open Meeting Law; and by implementing all municipal elections. Although the City Clerk serves at the pleasure of the City Council, the City Clerk works with all branches of the government.

## **Article 4. Government**

The City of Seat Pleasant is governed by an elected City Council and Mayor and a Chief Operating Officer chosen by the City Council to implement their programs and run the day-to-day operations of the City. This form of government combines the voice of citizens through the Mayor and Council with the professional training of an Administrator.

The Chief Operating Officer is the chief executive and administrative officer of the City government, supervising the daily affairs of the City government and implementing legislative policy. The Chief Operating Officer is appointed by, and serves at the pleasure of, the Council. The Chief Operating Officer is responsible for keeping the City Council informed and making recommendations regarding City needs. The Council also delegates duties to the Chief Operating Officer.

## Chapter II. Seat Pleasant Personnel System

### **Article 1. Employees Covered**

Except as otherwise expressly provided in these Rules and Regulations, all employees on the City's payroll are employees for the purposes of these Rules and Regulations, except the following classes of persons: Contractors and Consultants.

1. Employees whose actions are subject to any provision of State or Federal law, a State or Federal contract, or any other set of employee rules and regulations duly adopted by the City, shall be governed by such applicable provision, rule, or regulation, to the extent any such provision, rule, or regulation conflicts with these Rules and Regulations.
2. Employees whose actions are subject to the Police Department's General Orders, the Maryland Law Enforcement Officers' Bill of Rights ("LEOBR"), and other provisions of State law shall be governed by Police Department regulations only when discrepancies exist between these Rules and Regulations and the Police Department's General Orders and State law. In all other situations, such employees shall follow these Rules and Regulations.

### **Article 2. Definitions**

1. **Appointing Authority**: The Chief Operating Officer.
2. **City**: The City of Seat Pleasant, a municipal corporation of the State of Maryland.
3. **Chief Operating Officer**: The Chief Operating Officer of the City, appointed by the City Council to represent the City in all matters of day-to-day administration.
4. **City Council**: The duly elected or appointed officials who comprise the legislative body of the Seat Pleasant municipal government.
5. **Complaint**: An employee's informal expression of disagreement or dissatisfaction with issues that have affected his/her status or conditions of employment or concerning specific issues related to his/her employment with the City.
6. **Contractual Employee**: An individual hired under a written contract signed by the individual and the City that establishes the terms of employment.
7. **County**: Prince George's County, Maryland.
8. **Date of Hire ("DOH")**: The first date of employment with the City.

9. **Demotion:** Movement of an employee from a position in one job classification to a position in another job classification of decreased responsibility or complexity of duties and in a lower pay grade.
10. **Department Head:** An employee designated with the responsibility for operation and management of a department of the City government.
11. **Directors:** Department Heads that manage and oversee various departments within the City government.
12. **Discrimination:** Any act, the effect of which is to adversely affect or differentiate against an individual or group of individuals in any employment or personnel action based on race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, disability, marital or parental status, political opinions or affiliations, or lawful employee organization activities unless based upon a bona fide occupational qualification. An employment or personnel action shall include all phases of the employment relationship, including but not limited to, recruitment, testing, hiring, reclassification, promotion, demotion, transfer, layoff, suspension, and termination, rates of pay, benefits, and selection for training.
13. **Employer:** The City of Seat Pleasant.
14. **Emergency Employee:** An employee who is hired during emergency conditions and gives temporary service under circumstances that require immediate attention.
15. **Exempt Employee:** Exempt employees include all employees who are covered by the overtime provisions of the FLSA or any applicable state laws. Employees placed in this classification are paid on a salary basis. An employee who is employed in a bona fide executive, administrative, or professional capacity as outlined by the FLSA.
16. **Fair Labor Standards Act (“FLSA”):** The federal law which sets minimum wage, overtime pay, and equal pay, recordkeeping, and child labor standards for employees covered thereunder.
17. **Full-Time Employee:** Employees who are not in a temporary or probationary status and who are regularly scheduled to work forty (40) hours per work week. Employees are also eligible to accept CITY OF SEAT PLEASANT full benefit package. A person hired to provide services to the City, excluding independent contractors.
18. **Grievance:** An employee's formal expression of disagreement or dissatisfaction with issues that have affected his/her status or conditions of employment or concerning specific issues related to his/her employment with the City.

19. **Health Care Provider**: A Doctor of Medicine or other person who is authorized by the State to practice medicine or surgery, or any other person determined capable of providing health care services by the Chief Operating Officer.
20. **Immediate Family**: An employee's spouse; partner; parent thereof, sons and daughters and spouses thereof. Parents and spouses thereof. Brothers and sisters and spouses thereof. Grandparents and grandchildren, and spouses thereof. Domestic partner and parents, thereof.
21. **Non-Exempt Employee**: Non-exempt employees include all employees who are covered by the overtime provisions of the Fair Labor Standard Act (FLSA) or any applicable state laws. Such employees are entitled to overtime pay for work required to be performed by the City of Seat Pleasant over forty (40) hours work per work week. Employees placed in this classification may be on a salary or hourly basis.
22. **Part-Time Employees**: Employees who are not in a temporary or probationary status and who are regularly scheduled to work less than forty (40) hours per week.
23. **Serious Health Condition**: Any illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care in a hospital, hospice, or residential medical care facility; or (2) continuing treatment by a health care provider. **Serious Health Condition**: Any illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care in a hospital, hospice, or residential medical care facility; or (2) continuing treatment by a health care provider.
24. **State**: The State of Maryland.
25. **Supervisor**: An employee who, through their position as assigned by the Chief Operating Officer, a Department Head, or by default because of a given situation, is responsible for exercising supervision over other City employees.
26. **Temporary Employees**: Employees hired for a limited period of time or until completion of one or more particular projects, and who may work part-time or full-time hours depending on the needs of the City.
27. **Termination**: Permanent removal from employment with the City.

## **Article 3. Harassment Policy**

### **HARASSMENT POLICY**

City of Seat Pleasant is committed to 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 discriminatory practices, including unlawful harassment. Therefore, the City of Seat Pleasant expects that all relationships among persons in the workplace will be professional and free from unlawful discrimination and harassment.

It is the policy of the City of Seat Pleasant to promote an equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, age, national origin, sexual orientation, disability or any other characteristic protected by applicable law. The City of Seat Pleasant prohibits and will not tolerate any such discrimination or harassment in employment.

#### **Definitions of Harassment:**

Sexual Harassment constitutes discrimination and is illegal under Federal, State and local laws. For purposes of this policy, sexual harassment is defined as unwelcomed sexual advances, request of sexual favors and other verbal or physical conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: repeated unwanted sexual advances or request for sexual favors, sexual jokes and innuendo; verbal abuse of a sexual nature; unwanted commentary about an individual's body, sexual prowess or sexual deficiencies; leering catcalls or touching; displays or circulation in the workplace of sexually demeaning or pornographic objects or pictures (including through email, telephone or any electronic device; and other unwelcome physical, or verbal or visual conduct of a sexual nature. The defining characteristic is whether the behavior is unwelcome and so objectively offensive as to alter the conditions of employment. Basing an employment decision or implying that the decision will be based on an employee's submission to or rejection of lewd overtures is prohibited.

Harassment on the basis of any other protected characteristic is also strictly prohibited under this policy. Harassment is defined as verbal or physical conduct that denigrated or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, age, sexual orientation, national origin, disability or any other characteristic protected by law, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work

environment; or (ii) has the purpose or effect of unreasonably interfering with an individual's workplace performance.

Harassing conduct includes, but is not limited to, epithets, slurs or negative stereotyping; threatening, intimidation or hostile acts; denigrating jokes and display or circulation in the workplace or group (including through email, telephone or any electronic device).

### **Individuals and Conduct Covered**

Harassment in employment can occur and is prohibited both in the workplace and off the premises, including at social activities conducted or sponsored by the City of Seat Pleasant. The City of Seat Pleasant will not condone any harassment of a City of Seat Pleasant employee by any personnel or a client, customer, or other business entity whose relationship to the City of Seat Pleasant employee is through the business of the City of Seat Pleasant.

### **Reporting an Incident of Harassment, Discrimination or Retaliation**

The City of Seat Pleasant strongly urges the reporting of all incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the City of Seat Pleasant policy or who have concerns about such matters should contact the Human Resource Director. Individuals may, but should not feel obligated to discuss the matter with their immediate supervisor first before bringing the matter to the attention of the Human Resource Director.

Early reporting and intervention have proven to be the most effective methods of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City of Seat Pleasant strongly urges the prompt reporting of complaints or concerns so that timely and constructive action can be taken when appropriate.

Individuals who believe they are being subjected to harassing conduct should promptly notify the offender that his or her behavior is unwelcomed and requesting that it be discontinued.

### **The Investigation**

Any reported allegation or harassment, discrimination or retaliation will be investigated as promptly as practicable. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have relevant knowledge.

The City of Seat Pleasant will strive to maintain confidentiality to the extent consistent with adequate investigation and appropriate corrective action. The parties involved, including persons interviewed, will be advised of the need for discretion and confidentiality.

## **Responsive Action**

Misconduct constituting a violation of this policy will be dealt with appropriately. Responsive action may include, for example, training, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as the City of Seat Pleasant believes appropriate under the circumstances.

Individuals who have questions or concerns about these policies should talk with their supervisor or the Human Resource Manager.

## **Retaliation and Intentionally False Reports is Prohibited**

The City of Seat Pleasant prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Alleged retaliation will be investigated and may result in disciplinary action. Conversely, knowingly filing false reports of harassment is also a violation of this policy and is subject to disciplinary action.

## **Article 4. Benefits**

The City of Seat Pleasant offers certain benefits to eligible employees, including health, dental, vision, HRA, Retirement, Life, Long Term Disability (LTD) and Short-Term Disability (STD) insurance. Eligibility will depend upon the specific requirements of each benefit plan. The City of Seat Pleasant also provides several other benefits such as paid vacation, holidays, and sick days. Employees are encouraged to contact the human resources office to inquire more about the benefits offered.

### **Dental**

City of Seat Pleasant offers employees the most affordable dental coverage at a substantial discount of 66% for employees and a discount of 50% for each dependent. Your choice of accepting or denying coverage must be recorded annually. Detailed research is preformed to meet you and your family's needs and preferences. All benefit plans are offered through proven licensed state approved providers.

### **Medical**

City of Seat Pleasant offers employees the most affordable medical coverage at a substantial discount of 66% for each employee and a discount of 50% for each dependent. Your choice of accepting or denying coverage must be recorded annually. Detailed research is preformed to meet the needs of employees and dependents preferences. All benefit plans are offered through proven licensed state approved providers.

### **Retirement**

City of Seat Pleasant presents a suitable retirement plan offered through a proven licensed state approved provider. City of Seat Pleasant currently offers a 401(a) financial retirement plan. This is an employer only contribution. Contributions are made yearly and are made based on yearly budget approval. City of Seat Pleasant also offers a 457(b) retirement pre-tax plan. The 457(b) plan is an employee only contribution plan. All monies enrolled to this plan will be based on the discretion of the employee. Employees are encouraged to make contributions into the plan.

### **Vision**

City of Seat Pleasant offers employees the most affordable dental coverage at a substantial discount of 66% for employees and a discount of 50% for each dependent. Your choice of accepting or denying coverage must be recorded annually. Detailed research is preformed to meet you and your family's needs and preferences. All benefit plans are offered through proven licensed state approved providers.

### **Medical Documentation**

If an employee is unable to work or absent on sick leave for 3 consecutive days, they are required to supply original supporting records/certificates from a medical provider that state whether an

employee is unable to perform his/her normal work duties based on the employee's job description. The projected length of inability to return to work, or the ability to return to work in a modified work status (alternate duty). Documents are to be submitted to the Human Resources Director upon returning to work.

### **Article 5. Severability**

Should any Article, Section, sentence, clause, or phrase of these Rules and Regulations be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of these Rules and Regulations in its entirety or of any part thereof, other than such Article, Section, sentence, clause, or phrase so declared to be invalid. The City Council declares that it would have adopted these Rules and Regulations, and each Article, Section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more Articles, Sections, sentences, clauses, or phrases thereof may be declared invalid.

### **Article 6. Amendments to Rules and Regulations**

The City reserves the right to amend, supplement, or otherwise revise, by ordinance, the provisions of these Rules and Regulations.

### **Article 7. Personnel Directors**

The Chief Operating Officer is the Personnel Director for the City. The Personnel Director shall administer the provisions of these Rules and Regulations and otherwise administer all personnel policies and procedures adopted by the City.

### **Article 8. Personnel Records**

#### Personnel Files

##### a) Inquiries from Employees

Employee personnel files are maintained by the human resources office and are the sole property of the City of Seat Pleasant. Employees may inspect or obtain a copy of their file(s); but not remove documents from the file. Such inspection must be requested by submitting a written request to the human resources office and will be scheduled at a mutually convenient time. Records deemed to contain sensitive or confidential information may be excluded from inspection, and all inspections must be conducted in the presence of the Human Resources Director and or Chief Operating Officer. A responsible charge, not to exceed the actual cost to the City of Seat Pleasant will be made for any copies of records made by the employee.

Employees who feel that any file materials are incomplete or inaccurate may submit a written request to the Chief Operating Officer that the file be revised accordingly. If such a request is not granted, the employee may place a written statement in the file and pursue the matter further using the regular grievance procedure.

The Chief Operating Officer, Directors, supervisors who have an employment-related, need-to-know information about another employee may inspect the files of that employee after written authorization of the Chief Operating Officer. Employers must comply with an employee's written request to view or obtain copies of personnel files within 5 business days of receipt of the request.

b) External Inquiries

The information that will be released from an employee's personnel file in response to an outside inquiry ordinarily will be limited to job title and dates of employment. Further information may be divulged if required by law, safety and medical necessity or by the audit provisions of an applicable contract or grant. An employee may authorize the release of additional information (for example, for bank, credit or employment references) by submitting a written request to Personnel Records or to the human resources office.

Employees may place letters of recommendation or other material that might be useful as employment references in their personnel files in the human resources office.

Requests for Employment Verification

Employment verification requests should be directed to the Human Resources Director or Chief Operating Officer, both of whom handles verifications for City of Seat Pleasant. The Human Resources Director will only verify job titles and dates of employment. Income verification information will not be released unless specifically authorized in writing by the employee.

**Chapter III.**  
**Management Authority and Responsibility**

**Article 1. Responsibility for Administration**

The Chief Operating Officer shall have the responsibility for implementing the provisions of these Rules and Regulations and the authority to interpret these Rules and Regulations. The Chief Operating Officer shall also have the responsibility for establishing and modifying the classification and compensation plans approved by the City Council.

**Article 2. Chain of Command**

Unless specifically authorized by the Chief Operating Officer, all employees shall report to their supervisor and follow his/her direction. Any time a supervisor position is vacant, employees shall consider the next filled level of the department to be the direct level to which they should report. If an employee is unsure of the chain of command, the employee shall request a clarification from the Chief Operating Officer. Employees who circumvent the City's chain of command shall be subject to disciplinary action.

**Article 3. Chief Operating Officer's Open-Door Policy**

The Chief Operating Officer is available to any employee seeking to discuss work-related problems or concerns in an open and informal manner; after the employee(s) have utilized the appropriate procedures of communication with their supervisor, department head and/or human resources director. Employees are encouraged to request a meeting with the Chief Operating Officer in writing to meet and discuss work related issues. When an employee has made a good-faith effort to resolve concerns with their supervisor and/or Department Head and believes that their concerns have not been adequately addressed, they have the right to meet with the Chief Operating Officer without fear of reprisal or retaliation.

**Article 4. Human Resources**

The Chief Operating Officer or his/her designee shall:

1. Have overall responsibility for establishing, maintaining, and coordinating personnel transactions and records management systems and procedures for City employees consistent with State and federal laws.
2. Advise and assist supervision/management on all City personnel transactions and records management systems and procedures related to personnel.

**Article 5. Management and Supervision**

As part of the Chief Operating Officer's management and supervisory responsibilities, the Chief Operating Officer shall:

1. Establish goals and provide leadership for carrying out assigned tasks;
2. Initiate personnel transactions for employees, using forms prescribed by the Chief Operating Officer and Human Resources Director;
3. Direct and supervise all operations, functions, and work of the employees;
4. Determine the place to report to work and determine methods, processes, and manners of performing work;
5. Establish and revise schedules of work;
6. Assign shifts, workdays, hours of work, and work locations;
7. Designate, assign, or reassign all work duties;
8. Evaluate the skill, ability, efficiency, and general work performance of employees; and
9. Take actions, as necessary, to carry out the mission of the City.

#### **Article 6. Employees**

Each employee is required to notify the Human Resources Director of any changes in the employee's personal status which may affect his/her employment or benefit status. Examples of changes in personal status include, but are not limited to:

1. Name, address, and telephone number(s)
2. Name(s) and telephone number of persons to be notified in case of emergency
3. Legal name change;
4. Number of dependents to be declared on tax forms;
5. Person(s) covered by insurance;
6. Revocation of license, permit certification, and other credentials required for the job;
7. Beneficiaries of the group life insurance policy; and
8. Direct deposit form(s)

The Social Security Administration and the City of Seat Pleasant require your current name and correct social security number. If you have a name change or notice an incorrect social security number, please notify both parties.

In addition, employees should notify the Human Resources Director of anything else that would affect his/her employee benefits or our ability to contact the employee quickly. The City may periodically request all employees to update this information.

### **Immigration Compliance**

Federal law requires the City of Seat Pleasant to verify the identity and legal ability to work of all individuals before they may be hired. All offers of employment for positions with the City of Seat Pleasant are conditioned on furnishing satisfactory evidence of identity and legal authority to work in the United States.

### **Article 7. Personnel Records Retention**

Official personnel records are considered confidential and the property of the City of Seat Pleasant. Personnel records shall be retained for a period from date of receipt in compliance with Federal, State, and local laws, and as the Chief Operating Officer shall determine necessary. The Human Resources Director shall be the custodian of all official personnel records.

## **Chapter IV. Position Classification Plan**

### **Article 1. General Policy**

Each authorized position within the City has assigned job functions. Candidates for these positions must meet the minimum qualifications of the job as to education, experience, knowledge, skill, and ability. All positions are assigned a specific classification, which may be singular in nature covering only one position or representing multiple positions. Employees of the same classification share the same title, minimum qualifications, and similar kinds of work activities, but may be assigned to different departments, divisions, or work units. Thus, the tasks of individual employees within the same classification can differ in response to the different operational needs of each department.

### **Article 2. Classification**

The Chief Operating Officer has the authority to develop and administer the classification plan. He/she shall classify positions so that employees doing like work shall be similarly titled and compensated. The entire classification plan shall be reviewed annually by the Chief Operating Officer and submitted to the City Council for review and approval.

When the City Council authorizes additional positions, the Chief Operating Officer or his/her designee shall study the duties and responsibilities of the new position as it is created, and the position shall either be placed into an existing classification or, if there is not a sufficient match, a new classification shall be developed by the Chief Operating Officer or his/her designee.

### **Article 3. Classification Categories - Exempt/Non-Exempt**

The FLSA specifies eligibility criteria for overtime compensation. Certain positions, as defined under the FLSA, are exempt from overtime compensation regardless of the number of hours worked in a week. The class specification for each position indicates whether the position is exempt or non-exempt from the FLSA.

#### **Exempt or Nonexempt.**

Employees whose jobs are governed by the FLSA are either "exempt" or "nonexempt." Nonexempt employees are entitled to overtime pay. Exempt employees are not. Most employees covered by the FLSA are nonexempt. Some are not.

With few exceptions, to be exempt an employee must (a) be paid at least \$23,600 per year (\$455 per week), and (b) be paid on a salary basis, and also (c) perform exempt job duties. These requirements are outlined in the FLSA Regulations (promulgated by the U.S. Department of Labor). Most employees must meet all three "tests" to be exempt.

**Chapter V.  
Recruitment, Selection, and Appointment**

**Article 1. Equal Opportunity Employment**

City of Seat Pleasant is committed to selecting staff without discrimination against individuals based on race, color, sex, gender identity, sexual orientation, religion, creed, national origin, ancestry, age, veteran status, disability unrelated to job requirements, genetic information, military service, or other protected status. The Chief Operating Officer calls upon every employee of the City of Seat Pleasant involved in recruitment, hiring, and promotions to exert their best efforts to achieve the goals set forth in the current affirmative action plan. The Chief Operating Officer also calls upon every employee to engage wholeheartedly in the effort to ensure a wholly non-discriminatory process of recruiting, hiring, and promoting women, members of minority groups, qualified handicapped individuals, and disabled and other covered veterans at all levels of employment throughout the City of Seat Pleasant also expects that outside agencies with which it contracts will comply with all applicable anti-discrimination laws.

Diversity within the City and community advances the working purposes of the City of Seat Pleasant, and an affirmative action policy is essential to achieving such diversity. The City of Seat Pleasant endorses the goals of equal employment opportunity and affirmative action as supportive of City of Seat Pleasant values and of the values of a democratic and pluralistic society.

But simply adopting a policy of equal employment opportunity alone is insufficient. The City of Seat Pleasant is also required to meet affirmative action program requirements established for contractors by the federal government and monitored by the Department of Labor. Such programs provide a mechanism for monitoring City of Seat Pleasant personnel policies to ensure equal employment, as well as a means for locating and eliminating any deficiencies in relevant areas of employment.

City of Seat Pleasant must and will maintain its commitment to the goals of affirmative action and equal employment opportunity. The Chief Operating Officer and employees Request continuing cooperation at every level of the City of Seat Pleasant toward implementing all City of Seat Pleasant's policies.

If you have questions or concerns about any type of discrimination in the workplace employees are encouraged to bring these issues to the attention of your supervisor or the Chief Operating Officer or Human Resources Director. Employees can raise concerns without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

## **Article 2. Vacancies**

When a vacancy occurs in a City position, the affected Department Head shall notify the Chief Operating Officer. Based upon availability of City funds, the Chief Operating Officer shall accept or reject the recommendation to fill a vacancy. If the recommendation is accepted, the vacancy shall be filled as soon as possible following advertisement on the City's website and in a newspaper of general circulations.

## **Article 3. Recruitment**

The Human Resource Director has the responsibility for centralized recruitment and hiring of all employees, under the supervision of the Chief Operating Officer. The Human Resources Director develops and maintains effective recruitment processes that attract candidates possessing the education, experience, competencies, skills, abilities, knowledge, and other determined attributes to meet the current and future needs of the City.

The City encourages employees to assume higher-level positions or lateral transfers for which they qualify. Any full-time employee who believes he/she is qualified for the job may apply for the opening by notifying his/her immediate supervisor and the supervisor is responsible for the job posting and completing a transfer request.

## **Article 4. Procedure for Filling New/Vacant Positions**

Each employee requesting a transfer or promotion will be considered for the new position along with all other applicants. Each transfer is judged on an individual basis, depending on the needs of the department(s) involved, employee's prior experience in the duties of the position, qualification, work and attendance record, and ability to perform the job successfully.

All unsuccessful candidates for the position will be told why they were not selected for the position. If in the City's judgment none of the internal or external applicants are qualified for the opening, the City may transfer a present employee who is willing to accept a transfer.

Once a decision has been made about filling a position with a current employee, the movement of that employee into the new position will be made as soon as any needed subsequent job filling is accomplished.

Employees promoted or transferred into a new job are in their initial period of employment for the first six months in the new position. This time period is for the employee to demonstrate his/her ability to satisfactorily perform the job. If the employee is unsuccessful, he/she may be returned to his/her old job. If his/her job is no longer available, the City will make an effort to find a position for which the employee is qualified (the employee will be paid at the wage rate for the position for which he/she is transferred) or the employee may be terminated.

1. No person shall be hired, promoted, or transferred into a new or vacant position until that position is properly funded, established, and assigned a salary range.

2. Job announcements shall be directed to appropriate sources to attract qualified candidates who possess the knowledge skills, abilities, and personal characteristics necessary for successful job performance. Job announcements for internal recruitments shall be limited to internal sources (such as e-mail). All external recruitments shall be posted electronically on the City website and shall appear in at least one other media, such as newspapers or the Internet.
3. Each employment announcement shall include all pertinent information, including job title, qualifications, examination information (if any), and an Equal Employment Opportunity statement.

## **Article 5. Family Members Employment**

### **Employment of Family Members**

An employee's immediate family member will be considered for employment within the City of Seat Pleasant if the applicant possesses all the qualifications for employment. An immediate family member may not be hired however, if the employment would:

1. Create either a direct or indirect supervision/subordination relationship with the family member; or
2. Create either an actual conflict of interest or the appearance of a conflict of interest.

These criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family members" include: the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household.

City of Seat Pleasant recognizes that members of a family or the same household may work in the same department or unit. However, in the interests of fairness and to avoid issues of favoritism or any potential conflict of interest, no employee may initiate or participate in, directly or indirectly, decisions involving a direct benefit to a member of the employee's immediate family, domestic partner or member of the same household. Direct benefits include, but are not limited to, hiring, salary and salary adjustments, promotion and work assignments.

Persons should not be employed in positions where they will be subject to the close supervisory authority of a member of their immediate family or household or where a member of their immediate family or household, in the ordinary course of business, makes decisions or plays a significant role in making decisions concerning their direct benefits. In situations where this policy would be applicable, but the department is large enough that decisions concerning direct benefits and supervision can be made without the participation of the immediate family or household member of the person employed, hiring and other employment decisions should be made on the appropriateness of the situation, without reference to this policy.

In some instances, the City of Seat Pleasant's policy of preserving the confidentiality of records or other materials may make it inappropriate for a member of an employee's immediate family or household have access or perform duties pertaining to confidential records at the City of Seat Pleasant. For example, it is usually inappropriate for someone to have access to records concerning the performance of a member of his or her immediate family or household.

While general responsibility for ensuring adherence to this policy must rest with those responsible for appointments and assignments, a responsibility for sensitivity to the potential conflicts falls on those employees who work or expect they may work with family or members of the same household.

Employees who are interested in recommending family or household members for positions at the City of Seat Pleasant should refer them to the human resources contact. Exceptions to this policy, which applies to all categories of employment at the City of Seat Pleasant, require the written approval of the Chief Operating Officer

If employees have questions regarding the application of this policy, they should contact the human resources department or the Chief Operating Officer.

### **Consensual Relationships**

In cases where a consensual relationship exists between individuals in inherently unequal positions of authority, it is important that the person in the position of greater authority does not exercise any supervisory or evaluative function over the other person in the relationship. Accordingly, the person in the position of greater authority must notify his or her human resource officer to evaluate the situation and ensure that alternate supervisory or evaluative arrangements are put in place.

### **Conflicts of Interest or Commitment**

Employees throughout the City of Seat Pleasant have important fiduciary responsibilities in the work they perform. In support of these significant obligations, it is essential that employees perform their duties in a manner that will ensure no conflict, or any appearance of conflict, between their personal interests and those of City of Seat Pleasant.

### **Conflict of Interest**

A conflict of interest exists when individual commitment to the City of Seat Pleasant may be compromised by personal benefit. Employees are expected to avoid situations or activities that could interfere with their unencumbered exercise of judgment in the best interests of City of Seat Pleasant.

In addition, it is considered inappropriate for employees to make use of City of Seat Pleasant's property or other resources, including time, to advance personal interests or activities during their employment at City of Seat Pleasant.

## **Conflict of Commitment**

This policy is not intended to limit reasonable participation in professional and community activities that benefit and reflect positively on the City of Seat Pleasant, by agreement of the employee and his or her supervisor. Paid outside activities that primarily advantage or benefit the employee are to be performed on the employee's personal time. In some circumstances, accrued vacation or personal time may be not used to cover such absences.

Paid personal consulting activities or other outside pursuits are not to occur on City of Seat Pleasant's time. It is not permissible to use City of Seat Pleasant resources during outside consulting or other pursuits. These resources may include, but are not limited to, office equipment, supplies or support staff. Such activities must not divert an employee's attention from his or her City of Seat Pleasant's duties or consume so much time or creative energy that they interfere, or appear to interfere, with an employee's responsibilities to City of Seat Pleasant.

## **Relationships with Third Parties**

Employees should pay special attention to ensuring they maintain the proper relationship between themselves and third parties with whom they come in contact during performing their jobs for the City of Seat Pleasant. These parties may include, but are not limited to, vendors of goods and services and citizens. Personal gain resulting from a relationship with a third party must be avoided. Such activity provides no useful business purpose and can create conflicts of interest.

## **Article 6. Resumes and Employment Applications**

The Chief Operating Officer has a designated human resources officer appointee to maintain a reliable software component to advertise City positions and screen potential employees electronically. The appointee shall also create and maintain employment application forms on which applicants may formally submit their credentials. Employment application forms shall be available to the public during all regular business hours. The Human Resources Manager shall submit a written acknowledgement electronically of receipt to each job applicant and shall retain applications and resumes for a period of at least one year. All candidate's driving records will be investigated.

At the request of the Chief Operating Officer and/or department heads, the Human Resources Director shall review and screen employment applications received to recommend the most qualified candidates for the vacancy, to the Department Head based on the required job description.

When a candidate is hired, the original employment application shall be placed in the employee's personnel file. The employment applications and/or resume of unsuccessful applicants shall be filed separately and retained for a period of one year as required by law.

## **Article 7. References**

The City reserves the right to contact former supervisors, employers, and other references provided by job applicants as part of the pre-employment procedure. These references shall be documented and made part of the applicant's file.

## **Article 8. Background Investigations**

Final candidates for all positions receiving a conditional offer of employment must still satisfy the applicable reference and prior employment history checks. A candidate shall be permitted to provide authorization for the City to not only conduct a reference check, but also a thorough background investigation including criminal history, driving record, educational degree(s), and certification checks. If positions involve the handling of public funds, information systems, confidentiality, security, or public safety, final candidates may also be subject to a credit check. Where credit checks are required, the City shall comply with the rights and notifications requirements outlined in the Federal Fair Credit Reporting Act. Background investigations described in this section shall be conducted by or at the direction of the Human Resources Director.

The City reserves the right to not offer a specific position or to terminate an employment offer, as required under State and Federal law and in accordance with City policy. In no instance shall an applicant or employee be discriminated against on the basis of any classification protected by law.

## **Article 9. Making Appointments**

The Chief Operating Officer shall be the Appointing Authority for the City. Employee vacancies may be filled by regular appointment, temporary appointment, promotion, transfer, or demotion. The appointment of an emergency employee need not comply with the procedures of this Chapter.

## **Article 10. Probationary Period**

1. Each employee receiving a regular appointment to a position not previously held shall serve a probationary period before being considered a permanent employee. The probationary period provides the employee with the opportunity to learn more about the City and demonstrate that he/she has the necessary skills and abilities to perform the duties of his/her position in a satisfactory manner.
2. All new employees shall serve a probationary period of three months before being considered a permanent employee, with the exception of sworn employees in the Police Department who shall serve a 12-month probationary period before being considered a permanent employee.
3. The probationary period is not a guarantee of employment during or after the probationary period. If the Department Head concludes at any time that the employee is not suited for

his/her position, the employee may be terminated or may be placed on extended probation, if approved by the Chief Operating Officer.

4. The Chief Operating Officer may extend the probationary period up to a maximum of two additional three-month periods to allow the probationary employee the opportunity to improve performance.
5. The Chief Operating Officer may not waive or reduce the probationary period for current employees who are transferred or promoted from within.
6. The probation period ends successfully when the Department Head evaluates the new employee in writing and authorizes his/her classification as a regular employee.

#### **Article 11. Performance Evaluation**

1. The employee shall be informally evaluated periodically during the probationary period to ensure satisfactory progress in meeting job requirements, proficiency in performing essential job functions, and to identify areas of improvement and development. The formal evaluation shall occur at least 15 working days prior to the expiration of probation.
2. The Department Head or immediate supervisor of an employee on probation shall submit the results of the evaluation to the Chief Operating Officer or the Administrator's designee. The results of the performance evaluation shall state, at a minimum, whether the work of the probationary employee has been satisfactory or unsatisfactory.
3. The Chief Operating Officer shall make the final decision as to whether the work of the probationary employee has been satisfactory or unsatisfactory.

An unsatisfactory rating shall result in either the extension of the probationary period or termination. In the event that an unsatisfactory rating results in an extension of the employee's probationary period, the employee's supervisor shall be required to create a probation improvement plan for the employee and attempt to improve the employee's performance during the period of the extension.

#### **Article 12. Termination during Probation**

A probationary employee may be terminated at any time during the probationary period without any cause or reason and without notice. Such termination shall not be subject to review or appeal.

## **Chapter VI. Work Rules**

### **Section 1. Work Rules**

#### **Article 1. Established Work Hours**

The City of Seat Pleasant's established business hours of operation are 9 a.m. to 5 p.m., Monday through Friday, except that the Chief Operating Officer may authorize alternative business/operating hours for City employees on a case-by-case basis to best meet the needs of residents and other customers. Where service to the public is required on a seasonal or 24-hour basis, work schedules shall be prepared by the department concerned, with the approval of the Chief Operating Officer.

#### **Article 2. Clocking-In**

All employees must clock in and out when coming to and departing from the work site, with the exception of attending prior scheduled meetings. If an employee does not clock in or out during the week, the employee will be charged with annual leave. If annual leave is not available, the employee will be leave without pay (LWOP). If an employee is found to be absent from the premises without prior authorization the employee will be charged with LWOP. Repetitive unexcused absences are grounds for disciplinary action including termination of employment.

Lunch periods are usually taken each day for 1 hour; between the hours of 11 a.m. and 2 p.m. Any employee who is intentionally reporting inaccurate time worked will be subject to disciplinary action, including termination of employment.

No one is authorized to clock in another employee for any reason. If employees do not clock in during a specific time but claim that they worked, the Chief Operating Officer has the authority to decide if the employee shall be paid for the time they claimed they worked. Abusive practice of this procedure will not be tolerated, and the employee will receive leave without pay for the day or days in question.

All employees are issued an identification badge and key fob (if applicable) upon hire. This badge must be worn at all times during normal business hours. In addition, identification badges must be worn during any City financed functions and special events.

### **Section 2. Work Attire**

#### **Article 1. Purpose**

The purpose of this policy is not only to provide it also allows flexibility while maintaining good morel and comfortability in work attire. In order to promote a professional work environment and a positive image of the City while respect individual religious, racial, gender-specific, and ethnic attire, and to give due consideration to safety and sound business practice.

## **Article 2. Applicability**

This policy establishes some broad parameters which apply to all employees of the City of Seat Pleasant. However, most departments have some uniqueness in terms of operating needs, uniform requirements, customer expectations, and safety. Therefore, regulation of employee work attire shall be managed at the department level.

Departments may establish more stringent requirements based on needs, but may not establish lower standards than those set forth herein, except as provided in Article 5 of this Section. If the Department Head sets more stringent guidelines, with prior approval from the Chief Operating Officer, for his/her department, he/she is responsible for communicating the departmental work attire guidelines to all affected employees.

## **Article 3. Work Attire**

The purpose of this policy is not only to provide guidance to all employees in terms of expectations and adherence to reasonable standards of neatness, good grooming and acceptable standards of dress in the workplace, but also to allow flexibility to maintain good moral standards of work attire. The following Professional Dress Code Policy sets forth those guidelines. Violators of this policy may result in the individuals being sent home to change into what has been defined as an “acceptable” standard of dress as outlined in this policy.

City of Seat Pleasant has an informal Casual “Jeans” Friday policy for Administrative personnel. However, no faded or stonewashed, tight fitting or jeans with holes are permitted to be worn. Avoid overly trendy styled clothing and shoes better suited for evening or weekend wear. Any questions regarding the Business Casual/Professional Dress Code Policy may be directed to Chief Operating Officer or Human Resource Director.

### **Prohibited Attire**

1. Business Casual Dress Code Clothing that is noticeably worn, faded, stained, discolored, patched, ripped, frayed, torn, or dirty is not permitted in the workplace.
2. Clothing that is revealing, transparent, or provocative including, but not limited to: overly revealing and tight fitted attire, hemlines for skirts and dresses should be worn no higher than two inches above the knee, shorts, cutoffs, tube tops, halter tops, short sleeved or sleeveless undershirts worn as off-the-shoulder tops, midriff length tops, plunging neck lines, garments made of mesh, attire that reveals the abdomen or lower back, attire which displays underwear or lack thereof, strapless dresses (unless worn with a jacket, sweater, or shirt).
3. Clothing with printed messages, slogans, statements, or graphic designs that violate the City’s Discrimination and Harassment Policy.

4. Clothing that is generally worn for exercise or relaxation, including but not limited to, tennis shoes, sneakers, sweatpants, sweatshirts, warm-up suits, or overalls of any color, beach wear, spandex or Lycra, or leotards or leggings and flip flops.

Individual questions about appropriate attire in a department shall be addressed to and resolved by the Department Head or supervisor. For the full City dress code policy, please see the Human Resources Director.

#### **Article 4. Uniforms**

The City of Seat Pleasant shall determine which employees shall be required to wear uniforms and shall issue appropriate clothing and accessories to those employees. An employee who is required to wear a City uniform while carrying out the duties of his/her position shall comply with the appropriate departmental policy and the following:

1. Employee is responsible for wearing a City uniform while performing City-related work.
2. Except as provided herein, a uniform, or any part thereof, shall only be worn while the employee is on duty or while in route to and from the City. No employees shall wear a City uniform while off duty, unless specifically approved by the Department Head or Chief Operating Officer. No employee may wear a City uniform while engaged in employment or work for an employer other than the City unless specifically approved by the Chief Operating Officer.
3. Safety boots and/or hard sole shoes, if appropriate, shall be worn with the uniform.
4. Employees are responsible for taking proper care of uniforms and accessories as directed by departmental guidelines.
5. Employees in uniform are perceived by the public to be “on duty” and representing the City. An employee’s appearance and conduct reflects upon the City at all times.

#### **Article 5. Exceptions**

At the discretion of the Department Head or supervisor, employees may be exempted from the guidelines of this policy due to the nature of the employee's work, environmental or weather conditions, for special projects requiring more casual attire (i.e., office clean-up days, organized social events), for special times designated by the department (i.e. “Casual Friday”), or for medical, religious, ethnic, or safety reasons. Nothing in this policy is intended to discriminate or hinder the advancement of diversity in the organization and every effort shall be made to accommodate an employee's religious or ethnic dress.

## **Article 6. Enforcement**

The Department Head and/or supervisor is responsible for enforcing the guidelines of this policy consistently and fairly within his/her department. The Department Head and/or supervisor is authorized to refuse to allow an employee who is inappropriately attired or whose appearance is not appropriate to begin work.

If the Department Head and/or supervisor determines that an employee's attire is inappropriate for the workplace or that the employee's uniform is incomplete, the Department Head is required to write up the employee and the employee shall be required to leave the premises to change clothes. The employee shall be required to use available annual, compensatory, or personal leave or leave without pay to cover the period of absence. More than two write-ups on this matter is a direct violation of City policies and procedures and will be grounds for termination.

## **Section 3. Severe Weather and Other Emergencies**

### **Article 1. Policy**

Emergencies that may directly impact, disrupt or threaten to disrupt our normal business operations are defined as, but not limited to, severe weather events, natural disasters or other conditions such as snow, freezing rain, tornadoes, hurricanes, flooding, earthquakes, power outages, or acts of terrorism. It is the policy of City of Seat Pleasant to follow the Prince George's County Government as it relates to office closures, delayed openings, early closings and liberal leave for emergency events. When those decisions are made, the City of Seat Pleasant employees should seek official notification using one of the following methods described below.

It is the responsibility of the employee to call the Prince George's County Government Employee Hotline at (301) 952-4810 or visit the website at [www.princegeorgescountymd.gov](http://www.princegeorgescountymd.gov) that day for a status update. In addition, official information may be obtained on the City of Seat Pleasant's website at [www.cityofseatpleasant.org](http://www.cityofseatpleasant.org). Employees may also contact their immediate supervisors directly for information. Regular full-time employees will receive their regular pay for the day of closure. Regular part-time employees will receive an amount equivalent to four hours of base pay for the day. Temporary/Contractual employees will not be compensated for the day.

### **Article 2. Essential Personnel**

1. For this Article, essential personnel are defined as those who are needed to maintain communications with the public, remove snow, ice, and/or other hazards, or provide police protection.
2. Essential personnel include but are not limited to individuals in the following departments; **Public Works, Public Safety and Public Engagement**. With the exception of any employee assigned to light duty.

3. Staff members defined as essential must report to work, unless otherwise specifically instructed by their Department Heads. Essential personnel who are truly unable to get to work must call and talk directly to their Department Heads or designees. Voicemail and third-party messages are not acceptable. The City may, at its option, provide transportation for essential personnel who cannot otherwise get to work.
4. Essential personnel may not use annual leave on emergency days unless already on vacation and beyond commuting distance from the City.

### **Article 3. Non-Essential Personnel**

Non-essential personnel are those City employees not defined as “essential personnel” in Article 2 herein.

### **Article 4. Prince George’s County Inclement Weather Policy**

The City of Seat Pleasant follows the Prince George’s County Government inclement weather policy.

1. If the Prince George’s County Government closes or is delayed due to inclement weather, then non-essential employees shall be on administrative leave. Please see the information in Articles 2 and 3 herein defining essential and non-essential employees.
2. If the City is open but the employee cannot get to work, liberal leave can be taken without prior approval.
3. Sick leave may not be used on an emergency day unless the employee has been on approved sick leave for at least two previous days.
4. If the County closes after the City’s normal office hours have started, City personnel may be released from work on the decision of the Chief Operating Officer only.
5. On the day following an emergency day, when the County is no longer on a closed or liberal leave day, an employee who is unable to come to work due to lingering weather or other conditions may use the liberal leave policy with the permission of the Chief Operating Officer and/or the employee’s immediate supervisor.

## **Section 4. Safety and City Property Policies**

### **Article 1. Vehicle Use Policy**

The operation of motor vehicles is essential to the City's operations; it facilitates the efficient and effective use of City resources and the timely delivery of government services. Vehicle operation skills and safe driving practices ensure that health, lives, and public property are preserved. Use of a City vehicle by an employee is neither a right nor a privilege; rather, it is a

trust and responsibility conferred to facilitate necessary performance of job duties. While operating a City vehicle, employees are visible and official representatives of the City and, as such, should show every motor vehicle courtesy possible and exhibit responsible behavior which reflects favorably upon the City and the individual employee.

## **Article 2. Purpose and Scope**

The purpose of this policy is to establish regulations and procedures for the use of City vehicles and personal vehicles in conducting City business. The policy ensures that all City employees required to drive City vehicles meet City driving standards as set forth in this policy and follow State and local laws. The provisions of this policy shall apply to all employees of the City.

## **Article 3. Qualifications/Standards for Operating City Vehicles**

1. City vehicles may be operated only by City employees who are at least 18 years of age and who possess and maintain a valid driver's license for the type of vehicle operated.
2. An employee's driver's license must meet the minimum requirements for his/her position as established on the class specification for the position.
3. Employees operating commercial motor vehicles as defined by the Department of Transportation must possess a valid commercial driver's license ("CDL"), regardless of whether the vehicle being operated is on public or private property.

## **Article 4. Responsibilities**

### **1. Fleet Maintenance**

- a. Fleet Maintenance shall acquire and replace all City vehicles based on needs assessment and available funding. The Chief Operating Officer shall designate an individual to be responsible for allocating and assigning City vehicles on a full-time or temporary basis for utilization by properly qualified employees as requested by Department Heads. Fleet Maintenance shall maintain a list of assignments of all City vehicles, including those assigned to employees for take-home use.
- b. Fleet Maintenance shall establish and operate a regular preventative maintenance program for all City vehicles. Fleet Maintenance shall outfit each City vehicle with a first-aid kit and a Vehicle Checklist to be followed if the vehicle is involved in an accident/incident or if emergency repairs are needed.

### **2. Department Head**

- a. Each Department Head shall designate the assignment of City vehicles to personnel as required to conduct operations of his/her department. The assignment of City vehicles during normal work hours shall be based upon job duties and shall be assigned in a manner consistent with departmental workload and employee function. Vehicles may

- be assigned on a full-time basis to individual employees or used as assignments for his/her department.
- b. The Department Head shall notify the Human Resources Office of any employee who is required to operate a City vehicle as part of his/her job duties and shall verify that all employees in positions requiring operation of a motor vehicle possess a valid driver's license.
  - c. The Department Head shall ensure that all policies herein are met before authorizing the use of a City vehicle, that the vehicles assigned to his/her department are operated as this policy dictates, that the vehicles meet all criteria outlined in this policy, and that each employee in his/her department who operates a City vehicle adheres to the regulations set forth in this policy.
  - d. When a Department Head becomes aware of a suspension, restriction, revocation, or expiration of a City employee's driver's license, it is his/her responsibility to suspend the employee's use of the City vehicle until satisfactory evidence is presented to the Department Head that such suspension, restriction, revocation, or expiration is no longer in effect.

3. **Employees**

- a. Employees driving City vehicles shall comply with all relevant City policies and procedures, including but not limited to, the Vehicle Use Policy and Drug-Free Workplace Policy.
- b. Any employee who is assigned a take-home vehicle or who performs work that requires the operation of a City vehicle must notify his/her supervisor immediately when practicable, but in no case later than 24 hours following: (a) an arrest for or being charged with a motor vehicle offense for which the punishment includes suspension, restriction, or revocation of the driver's license; or (b) the expiration of the employee's driver's license.
- c. Any employee whose driver's license is suspended, restricted, revoked, or expired shall not drive a City vehicle until satisfactory evidence is presented to the Department Head that such suspension, restriction, revocation, or expiration is no longer in effect.
- d. An employee who is issued a citation for any offense while operating a City vehicle must notify his/her supervisor immediately when practicable, but in no case later than 24 hours following the citation.
- e. An employee is personally responsible for any fines incurred as a result of driving or parking violations while driving a City vehicle or the employee's personal vehicle while on City business, unless the citation is for lack of maintenance of the vehicle or other act for which the City is responsible.

- f. Any employee who deliberately and/or willfully violates and/or circumvents the standards and procedures described within this policy shall be subject to loss of any and/or all City vehicle privileges and may be subject to other disciplinary action.

#### 4. **General Rules for City Vehicle Use**

When an employee operates a City Vehicle, the following rules shall be observed:

- a. City vehicles may only be used for conducting City business, i.e., activities, jobs, tasks, or other commitments that further the interests of the City or that provide a benefit to its citizens. City vehicles shall not be used for private or personal business, except as otherwise provided in this policy.
- b. Employees operating a City vehicle may utilize the vehicle for incidental personal use determined to be appropriate by the Department Head. Limited personal errands, including going to meals on authorized meal breaks, could be permitted if within the general locality of the work site, provided such personal use does not substantially alter the employee's scheduled work activities or route to or from a work site or does not violate other existing departmental or City policies.
- c. City vehicles may not be used in situations that are exclusively for personal use. Personal use of a City vehicle that involves driving significantly out of a normal route is not permitted.
- d. A City vehicle may not be used outside the City boundaries unless approved in advance by the Department Head except to attend job-related meetings or trainings outside the jurisdiction, or to respond to a work-related emergency.
- e. City vehicles shall be operated in a safe and courteous manner at all times. Employees driving vehicles shall obey and comply with all applicable traffic and parking regulations, ordinances, and laws concerning the operation of motor vehicles. Employees should avoid distractions, such as eating and/or drinking, while operating a City vehicle.
- f. Employees must carry a valid driver's license of a proper class while operating a City vehicle.
- g. Seat belts must be worn by the employee operating a City vehicle and by all passengers in the vehicle during the operation.
- h. City vehicles may not be used to transport family members or other passengers not engaged in City business without prior approval of the Department Head.
- i. City vehicles should contain only those items for which the vehicle is designed. The City shall not be liable for the loss or damage of any personal property transported in the City vehicle.

- j. Employees should adhere to all State laws regarding the use of electronic devices such as cell phones (talking or texting), pagers, digital assistants, laptops, and other electronic communication devices.
- k. Employees may not operate City vehicles while under the influence of alcohol, illegal drugs, or prescription drugs or medications which may interfere with effective and safe operation.
- l. An employee may not carry a firearm or other weapon which is not required and/or utilized for his/her position with the City in any City vehicle.
- m. Employees are prohibited from using City vehicles during the time period when any of these following conditions exist: (1) paid or unpaid suspensions; (2) paid or unpaid leave; and (3) holidays, with the exception of working holidays.
- n. When not in use, City vehicles shall be kept on City property locations, except as otherwise provided in this policy.
- o. Theft or vandalism must be reported immediately to the employee's his/her Department Head, who shall then report the incident to the Chief Operating Officer.
- p. Any traffic accidents/incidents involving City vehicle must be reported immediately to the employee's department head, who shall then report the incident to the Chief Operating Officer. Employee may be required to submit to an alcohol and or substance abuse testing.

**To ensure the City is in compliance with the Maryland Department of Transportation (MVA) laws and regulations, all employees are required to provide a copy of a valid state issued driver's license annually or as required by the City.**

#### **Article 5. Take-Home Vehicles**

Generally, the City vehicles are not permitted to be taken home or used for personal use by City employees. However, take-home vehicles may be provided to facilitate timely response to emergency situations which pose an immediate threat to the safety of the public or where the vehicle taken home by the employee is equipped in such a manner that performance of the employee's duties in his/her own vehicle would be impractical. Positions that utilize a take-home vehicle shall be reviewed and approved by the Chief Operating Officer.

1. **Permanent Assignment - Police Personnel** Police Department personnel may be assigned to a take-home vehicle in accordance with the provisions of the Police Chief and Chief Operating Officer.
2. **Temporary Assignment** This policy does not preclude the Chief Operating Officer from authorizing an employee to take home a City vehicle on a specific occasion to facilitate

City business. An employee requesting temporary assignment of a take-home vehicle shall have prior approval from the Chief Operating Officer.

3. **Take-Home Vehicle Use**

When an employee operates a take-home vehicle, the employee shall follow the General Rules for the City Vehicle Use set forth in this policy. The following rules shall also be observed:

- a. Take-home vehicles may be used for commuting to and from work, except as otherwise provided in this policy, and for other limited purposes as provided herein, including minimal personal use, but shall not be used for general personal use. Minimal personal use includes stopping for necessary errands or appointments while commuting to and from work or conducting City business and during an employee's personal time during the workday.
- b. The take-home vehicle shall be parked, secured, and locked at the employee's home or another secure location when it is not being used for official business. An employee who is assigned a take-home vehicle, especially a vehicle containing additional City equipment, must take reasonable precautions to secure and safeguard all City property. When possible, employees shall provide secure, off-street parking for take-home vehicles.
- c. The take-home vehicle shall be returned to the City when the employee is in alternative duty status, on leave for more than three days, on administrative leave for any duration, suspended from duty, or upon the request of the supervisor.
- d. The employee shall be responsible for maintaining both the interior and exterior of the vehicle in a clean and safe condition.

4. **Revocation of Take-Home Authorization**

Take-home authorization may be revoked for failure to comply with the provisions of this policy; for a change in job assignment, duties, or responsibilities such that a take-home vehicle is no longer justified; or when the Chief Operating Officer determines it to be in the best interest of the City to revoke such authorization.

5. **Exceptions**

Any permanent exception to this policy may be requested by the Department Head in writing and granted by the Chief Operating Officer. Any exception that is urgent and temporary may be granted by the Chief Operating Officer with notification to the Department Head.

**Section 6. Workplace Privacy Generally**

All desks, cabinets, offices, storage and workspaces, and other property of the City are subject to the control of, and inspection, and search by, City officials, with or without cause, and without the consent of employees. Employees have no expectation of privacy in such areas or property. An employee who refuses to allow the search or inspection of City property used by

the employee shall be subject to disciplinary action. Employees may not use their own locks on any City property. Any employee's property or other items considered in violation of local, State, or federal laws may be removed by the City. City officials may grant local, State, or federal authorities access to City offices to search or inspect the City's desks, storage and workspaces, offices, contents, and property to investigate possible violations of the law. The City may search or inspect an employee's personal property, including, but not limited to, briefcases, bags, packages, lunch boxes, containers, vehicles, or other items that an employee brings onto City property, including its parking lots, if City officials have reasonable grounds to believe that City property or contraband are concealed unlawfully in such personal property, or that the employee otherwise is using such personal property to engage in criminal conduct.

## **Section 7. Computers and Operating Systems**

### **Article 1. Responsibility for Computers and Computer Systems**

Employees shall take necessary precautions to ensure that the computer equipment is properly handled and operated.

### **Article 2. System Purchase, Installation, and Maintenance**

1. The Chief Operating Officer is responsible for coordinating all activities involving computer equipment and operating systems. This includes, but is not limited to purchasing, installing, training, operation, maintenance, storage, moving, and reconfiguration. It includes both hardware and software. No employee shall engage in these activities without prior approval.
2. Employees shall not contact vendors directly without prior approval.
3. Employees shall not, without prior approval:
  - a. Install any computer or associated equipment;
  - b. Install any software;
  - c. Connect or disconnect any computer or associated equipment, except to unplug it from a power source in the event of an emergency;
  - d. Move any computer from its place of installation; or
  - e. Modify any equipment or software, except to the degree that such modification is a normal user function.
4. When there is a problem which prevents a computer from functioning properly, an employee shall report the problem promptly to the Chief Operating Officer and/or its designee.

### **Article 3. Computer and Electronic Mail Privacy and Protocol**

1. The City maintains computers and related equipment to assist in the conduct of its business. As used in this Article, the term “computers” includes desk-top and laptop, computers, cellular telephones, including “smart phones,” “tablet computers” and similar devices, and other similar types of electronic equipment. All computers, computer software, and the data depicted or stored on the computers (including the hard drive, disks, or other storage units or media), are and remain at all times the property of the City. The City may search all City-owned computers, hard drives, disks, files, etc., and read, copy, and retrieve anything stored therein. The City also may retrieve, review, and copy files that may have been deleted by the sender and receiver. Employees are not permitted to access other employees' files and directories without a legitimate business reason to do so.
2. The use of City computers for occasional personal use is allowed. Employees may not depict or store personal data or files on City computers. Personal data or files depicted or stored on City computers may be reviewed, retrieved, stored, and/or deleted by the City without cause or notice.
3. All electronic mail messages composed, sent, and received at City computers are and remain the property of the City. The City may retrieve, read, and copy any message composed, sent, or received at City computers, including an employee’s personal messages.
4. Unauthorized use, removal, or intentional destruction of data or computer equipment may be considered theft and/or destruction of property.
5. City computers shall not be used to access any sites that contain pornographic or sexually related material or material that would offend a reasonable person on the basis of that person’s race, gender, age, sexual orientation, religious or political beliefs, national origin, or disability, or on any other basis.

### **Article 4. Electronic Mail Use**

An employee may not use the electronic mail (“e-mail”) feature of any City computer for personal purposes or for any other purpose unrelated to the legitimate business of the City. As used in this Section, “e-mail” includes text messaging, instant messaging, and similar types of electronic communications. An employee may not:

1. Read e-mail of other employees without prior authorization or approval from such other officials or employees;
2. Encrypt any e-mail message unless specifically authorized to do so and without depositing the encryption key with the Chief Operating Officer before encrypting the message;
3. Intercept, eavesdrop, record, or alter another person’s e-mail message;

4. Adopt the identity of another person on any e-mail message, attempt to send e-mail anonymously, or use another person's password;
5. Misrepresent their affiliation with the City on any e-mail message;
6. Compose and/or send e-mail messages containing content that reasonably may be considered offensive or disruptive to a reasonable person. Offensive content includes, but is not limited to, comments and material that would offend a reasonable person on the basis of that person's race, gender, age, sexual orientation, religious or political beliefs, national origin, disability, or on any other basis;
7. Compose and/or send e-mail messages that contain libelous or slanderous material;
8. Send or receive software or other material in violation of copyright laws;
9. Use e-mail to communicate any material of a political, religious, obscene, or derogatory nature;
10. Use e-mail to disseminate any material that is privileged by law or restricted from dissemination by the Maryland Public Information Act;
11. Download, print, copy, transmit, or re-transmit defamatory, harassing, offensive, discriminatory, slanderous, libelous, or otherwise inappropriate material; or
12. Download, print, copy, transmit, or re-transmit any of the following:
  - a. Illegal or malicious communications;
  - b. Political campaigning or solicitations;
  - c. Chat room, blog, or message board conversations; or
  - d. Anything that violates a provision of this Section.

#### **Article 5. Voicemail Privacy and Use**

1. The City maintains voicemail on its telephone system to assist in conducting the City's business. The City's telephone and voicemail system, including all stations used by employees, and all related software, peripherals, data storage files, and media, are and at all times remain the property of the City. Voicemail messages are not private, even if employees have been given passwords or security codes to access their voicemail messages. The City may search, review, and retrieve any and all voicemail messages sent from or received at the City's telephone and voicemail system, whether such messages are of a business or personal nature.

2. When leaving any voicemail message, an employee shall not engage in any act that would violate the regulations set forth in Article 3 if the messages were conveyed by e-mail.
3. Voicemail messages are to be answered promptly, and within 24 hours if at all feasible.

### **Article 6. Mail Privacy**

Any mail delivery to the City's offices is presumed to be for City business. The City reserves the right to open any mail delivery to an employee at the City's offices unless the envelope or package is clearly marked "Personal," "Private," or in some other manner that unequivocally indicates that the envelope or package is of a personal nature and not related to City business.

## **Chapter VII. Employee Conduct**

### **Section 1. General Employee Conduct**

#### **Article 1. Policy**

The orderly and efficient operation of the City government requires that certain work rules be established and followed. The rules exist in order to protect and preserve City property and good will, protect employees' health and safety, and maintain uninterrupted municipal services. The following rules are not inclusive, and the City may establish additional rules, provided the rules are in writing and made available to affected employees to ensure the effective operation of the City government.

#### **Article 2. Work Site Activities and Employee Behavior**

1. Employees shall report to their designated work sites on time and ready to work. Employees shall work and remain at their designated work sites until the scheduled quitting time unless permission to leave the work site is granted by the employee's supervisor.
2. Where operations are continuous, an employee shall not leave his/her post until replaced by the next shift employee or until relieved by the employee's supervisor.
3. Employees shall follow all safety regulations, including the use and wearing of protective equipment, and immediately report accidents and injuries to their supervisor.
4. Employees shall not gather on the Employer's premises to conduct personal business without authorization, except as otherwise required by law.
5. Employees shall not remove any City records, files, equipment, **or electronic devices from** the Employer's premises unless authorized.
6. Employees shall not falsify records, reports, claims, illness, or injury.
7. Employees shall be attired in a manner appropriate to the duties they are required to perform. Reasonable requirements as to grooming, neatness, and cleanliness are expected of every City employee, regardless of his/her job.
8. Maintain workplace and work area cleanliness and orderliness;
9. Treat all customers, visitors, and coworkers in a courteous and respectful manner;
10. Employees shall not restrict, interrupt, or interfere with the work of others.
11. Employees shall not fight, gamble, or use profanity language while on duty or on City property.

12. Individual employees shall not contact the Mayor or Council members to involve them in personnel issues or initiate Council intervention in an internal Department or unit matter unless specifically authorized to do so, in writing, by the Chief Operating Officer.

The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination and/or prosecution:

Reporting to work under the influence of alcoholic beverages and/or with illegal drugs or narcotics, or the use, sale, dispensing, or possession of alcoholic beverages and/or illegal drugs or narcotics on City of Seat Pleasant's property.

The City may also take criminal prosecution actions to any employee engaging in acts unbecoming of a City employee.

### **Article 3. Telephone Courtesy**

Any employee whose job requires the use of a telephone shall: (1) be sure to have appropriate phone coverage; (2) answer promptly; (3) identify him/herself and his/her office; (4) speak pleasantly and directly into the phone; (5) always be courteous; (6) keep calls as brief as possible; (7) repeat back the nature of the call to be sure the message taken is accurate; and (8) hang up the phone gently.

### **Article 4. Citizen Complaint Procedure**

Employees shall follow the procedures instituted below to respond to citizen complaints. The City's complaint procedure consists of four stages:

#### **1. Receipt of Complaint**

The employee who receives the complaint must listen attentively to the individual making the complaint and avoid interruption. The employee shall write down all information pertinent to the complaint, including the name, address, and phone number of the individual making the complaint so that a referral or follow up with such individual can be made. The employee shall also maintain a written record of each complaint and the process through which it is resolved.

#### **2. Referral or assignment**

Calls may be transferred to another department or office only when absolutely certain that office can solve the complaint or answer the individual's questions. In all other situations, the employee receiving a complaint shall assume the responsibility of finding an answer for the individual.

#### **3. Follow up**

After referring the complaint to the appropriate department, employees shall follow up to ensure that the complaint has been resolved.

#### **4. Notification of Corrective Action**

Upon receiving a reply from the department, employees shall return the response of the complaint to the individual.

### **Article 5. Employee Confidentiality**

Employee will perform services for COSP which may require the City to disclose confidential and proprietary information ("Confidential Information") to EMPLOYEE.

Confidential Information is any information of any kind, nature, or description concerning any matters affecting or relating to Employee's services for COSP, the business or operations of COSP, and/or the products, drawings, plans, processes, or other data of COSP. Accordingly, to protect the COSP Confidential Information that will be disclosed to EMPLOYEE, the EMPLOYEE agrees as follows:

- a. Employee will hold the Confidential Information received from COSP in strict confidence and shall exercise a reasonable degree of care to prevent disclosure to others.
- b. Employee will not disclose or divulge either directly or indirectly the Confidential Information to others unless first authorized to do so in writing by COSP.
- c. Employee will not reproduce the Confidential Information nor use this information personally, privately, commercially, or for any purpose other than the performance of his/her duties for COSP.
- d. Employee will, upon the request or upon termination of his/her relationship with COSP, deliver to COSP any drawings, notes, documents, equipment, and materials received from COSP or originating from its activities for COSP.
- e. COSP shall have the sole right to determine the treatment of any information that is part or project specific received from EMPLOYEE, including the right to keep the same as a trade secret, to use and disclose the same without prior patent applications, to file copyright registrations in its own name or to follow any other procedure as COSP may deem appropriate.
- f. COSP reserves the right to take disciplinary action, up to and including termination for violations of this agreement.

Employee will receive a "Confidentiality Agreement" upon hire. Failure to follow this agreement may result in disciplinary actions leading to but not limited to termination.

## **Section 2. Discrimination and Harassment**

### **Article 1. Statement of Philosophy**

The City of Seat Pleasant is committed to maintaining a work environment in which all individuals are treated with respect and dignity. The City believes that all employees are entitled to a workplace free of harassment and discrimination, including sexual harassment, and expects employees to treat each other and its customers with courtesy and respect. No person should be

subject to harassment and discrimination by supervisors or coworkers or be required to work in a hostile environment as a condition of their employment.

The purpose of this policy is to make it clear that the City strictly prohibits any form of unlawful discrimination or harassment in the workplace and to establish procedures for reporting behavior prohibited by the law and this policy.

#### Disclosure and Resolution

It is the responsibility of every employee to discuss with his or her supervisor and human resource manager and/or department head any activity that might result in a conflict of interest or conflict of commitment before participating in that activity. The employee shall refrain from participation in the activity until it is determined whether a conflict of interest or commitment does exist and the matter is fully resolved. Resolution may include, for example, ceasing the activity, a change in job duties or a change in hours or salary. All disclosures and their resolutions shall be documented, and copies of the documentation will remain in the individual's personnel records.

Failure to disclose possible conflict of interest or commitment or refusal to cease activities that are determined to conflict with the City of Seat Pleasant's best interests may be grounds for disciplinary action and may lead to termination.

### **Article 2. Policy**

Unlawful discrimination or harassment undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale, and interferes with work productivity. The City does not tolerate any form of unlawful discrimination or harassment on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, disability, marital or parental status, political opinions or affiliations, or lawful employee organization activities in City employment or City-operated programs, services, or facilities.

### **Article 3. Applicability**

This policy applies to all employees of the City of Seat Pleasant, including those employees excluded by Chapter II, Article 1, paragraph 1, of these Rules and Regulations. Conduct prohibited by this policy is unacceptable in the workplace and in any location that can be reasonably regarded as an extension of the workplace, including but not limited to, business trips, any off-site business-related social function, or any facility where City business is being conducted and discussed.

### **Article 4. Examples of Prohibited Conduct**

Discrimination and harassment may take many forms, including but not limited to:

#### **1. Discrimination**

Personnel decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals on the basis of race, religion, sex, sexual orientation, gender identity,

color, ancestry, serious medical condition, national origin, age, disability, marital or parental status, political opinions or affiliations, or lawful employee organization activities; denying employment opportunities to a person because of marriage to, or association with, an individual on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, disability, marital or parental status, political opinions or affiliations, or lawful employee organization activities.

2. **Verbal Harassment**

Use of epithets, innuendos, threats, derogatory comments or references, slurs or jokes, gestures, pranks, teasing, or other banter, including negative stereotyping, on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, disability, marital or parental status, political opinions or affiliations, or lawful employee organization activities. Verbal harassment may also include sexual remarks or well-intentioned compliments about a person's clothing, body, or sexual activities.

3. **Physical Harassment**

Assault, unwelcome or hostile touching or contact, intimidation, impeding or blocking movement, and/or any physical interference with normal work or movement when directed at an individual on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, disability, marital or parental status, political opinions or affiliations, or lawful employee organization activities.

4. **Visual Forms of Harassment**

Displaying or distributing written or graphic material in the workplace that is derogatory, demeaning, or displays hostility on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, disability, marital or parental status, political opinions or affiliations, or lawful employee organization activities, including but not limited to, jokes, posters, notices, bulletins, magazines, cartoons, drawings, advertisements, videos, or Internet sites or other electronic media.

5. **Sexual Harassment**

Unwelcome sexual advances, expectations, propositions, requests, demands, or pressure for sexual favors, and other verbal or physical conduct of a sexual nature which are implicitly or explicitly a term or condition of an employee's employment, are used as the basis of employment decisions, or affect or interfere with the employee's work performance.

6. **Hostile Environment**

Conduct including the above-referenced behavior(s) that has the purpose or effect of creating an intimidating, hostile, or offensive work environment on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, disability, marital or parental status, political opinions or affiliations, or lawful employee organization activities.

## **Article 5. Reporting a Complaint**

1. Employees shall report all incidents of prohibited conduct, regardless of who the offender may be. If an employee believes he/she is being harassed or discriminated against, the employee shall promptly notify the human resources manager that the behavior is unwelcomed. In a situation where the human resources manager is the alleged offender, the employee shall present the allegation to the Chief Operating Officer.
2. Supervisors who observe any form of harassment or discrimination shall take immediate action to stop it and report it to the next level of supervision, as well as to the Human Resources Director or Chief Operating Officer.
3. Employees shall file a written complaint with the Human Resources Director or Chief Operating Officer promptly after the incident. The written complaint shall name the alleged offender or offenders, the dates that are relevant to the incident or incidents, and a detailed description of the incident or incidents.
4. Within five working days of receiving a written complaint, the Human Resources Director or the Chief Operating Officer shall initiate an investigation of the complaint. In the event that a complaint is filed against the Chief Operating Officer, the Mayor, or a member of the City Council, the City Council shall appoint the investigator. The investigator shall investigate the facts of the written complaint and submit a written report to the Chief Operating Officer or City Council, as applicable, within 20 calendar days of the investigator's appointment. The report shall include findings of fact and recommendations for resolving the complaint, including disciplinary or other measures that appear appropriate in light of the facts.
5. The Chief Operating Officer or City Council, as applicable, shall, within five working days of the decision after the investigation is completed, notify in writing the person who filed the complaint along with the Chief Operating Officer's or City Council's disposition of the matter, including disciplinary and other actions that may have taken place, if any.
6. If an investigation results in a finding that the employee who filed the complaint falsely accused another, the employee shall be subject to appropriate sanctions as determined by the Chief Operating Officer or City Council, as applicable.
7. Complainants or employees accused of harassment or discrimination may file a grievance in accordance with Chapter XIV of these Rules and Regulations when they disagree with the investigation or the disposition of a discrimination or harassment claim.
8. The City prohibits retaliation against anyone who reports harassment or discrimination or who participates in an investigation of an alleged harassment complaint.

## **Article 6. Training**

1. The City shall provide information and training to all employees regarding the discrimination and harassment policy, prevention of unlawful discrimination and harassment, and the procedure to be followed in filing complaints when unlawful discrimination or harassment has allegedly occurred. Training shall be provided at the time of hire and at other regular intervals as determined by the Chief Operating Officer and Human Resources Director.
2. Department Heads and supervisors shall periodically receive specialized training to assist them in creating an environment of respect in the workplace and in recognizing, responding to, and resolving complaints of unlawful discrimination and harassment.
3. All employees shall sign an acknowledgment as evidence of training after completing each training session.

## **Section 3. Workplace Violence and Bullying**

### **Article 1. Prohibitions**

1. No employee shall engage in any act of violence or in any physical or verbal confrontation, or threaten to engage in any act of violence, or engage in any act of workplace bullying, on any City property or at any City worksite.
2. The following types of behavior are examples of bullying, but other conduct may constitute bullying as well:
  - a. Verbal bullying, such as slandering, ridiculing, or maligning a person or his/her family; persistent name calling which is hurtful, insulting, or humiliating; using a person as butt of jokes; abusive and offensive remarks; personal insults and use of offensive nicknames; shouting or raising voice at an individual in a berating manner in public and/or in private; repeated criticism on matters unrelated or minimally related to the person's job performance or description;
  - b. Physical bullying, such as pushing; shoving; kicking; poking; tripping; assault; or threat of physical assault; other unwanted physical contact; damaging a person's work area or property;
  - c. Gesture bullying, such as non-verbal threatening gestures; glances which tend to convey threatening messages; use of obscene gestures;
  - d. Exclusion, such as socially or physically excluding or disregarding a person in work-related activities; and
  - e. Public humiliation in any form.

3. No employee shall bring any gun or other weapon onto City property, except for public safety employees required to carry such gun or other weapon incident to their duties.

## **Article 2. Employee Obligations**

Any employee who observes an act of violence or a physical or verbal confrontation, or hears another employee or any other person threaten or engage in an act of violence or threaten any act of workplace bullying, on City property or at any City job site, shall report the matter immediately to the employee's supervisor, Department Head, or the Chief Operating Officer.

## **Section 4. Alcohol and Controlled Substances**

### **Article 1. Alcohol and Controlled Substance Policy**

1. It is the policy of the City to provide safe, dependable, and economical services to its citizens and to provide safe, healthy, and satisfying working conditions for its employees. It is also the policy of the City to comply with the requirements of federal laws and regulations related to the Omnibus Transportation Employee Testing Act of 1991.
2. Nothing in these Rules and Regulations is intended to supersede the City's policies and procedures outlined in Chapter 16 (Drug and Alcohol Abuse Policy) of the Seat Pleasant City Code.
3. As a means of achieving these goals, it is the policy of the City of Seat Pleasant:
  - a. To ensure that its employees are not impaired in their ability to perform assigned work functions and duties as a consequence of unauthorized drug and alcohol use;
  - b. To create a work environment free from the adverse effects of the unauthorized use and abuse of alcohol and controlled substance by employees;
  - c. To prohibit the unlawful manufacture, distribution, dispensing, possession, or use of alcohol and controlled substances by its employees; and
  - d. To encourage employees to seek professional assistance when personal problems, including alcohol or controlled substance dependency, adversely affect their ability to perform assigned work duties.

#### **Alcoholic Beverages**

The City of Seat Pleasant consistent with the local laws, prohibits the consumption, possession and sale, and the provision or serving of alcoholic beverages by and to persons less than 21 years of age. All City of Seat Pleasant employees are prohibited from consuming alcohol or being under the influence of alcohol during work hours or in the workplace or in conduction City of Seat Pleasant business. Under no circumstances may a City of Seat Pleasant employee consume or be under the influence of alcohol while operating City of Seat

Pleasant vehicles or equipment. The consumption of alcohol will not constitute a mitigating circumstance when it contributes to the violation of City of Seat Pleasant policies.

### Drugs and Alcohol in the Workplace

The City of Seat Pleasant's policy on drugs and alcohol in the workplace is designed to address the City of Seat Pleasant's concern for the health and well-being of its employees, and to ensure that the City of Seat Pleasant community complies with the federal Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. Penalties for violations of these policies, or for violations of the laws regarding controlled substances or alcohol, range from warning to permanent separation from the City of Seat Pleasant depending on the seriousness of the infraction and the degree to which violation of the policy adversely affects the well-being of the community or the fulfillment of the City of Seat Pleasant's mission. Detailed information on local, state, and federal laws concerning drugs and alcohol is available upon request from the Human Resources Director. This policy applies to every City of Seat Pleasant employee, including contractors, consultants, part-time employees, interns and temporary and summer employees.

### Controlled Substances

Employees may not consume, manufacture, distribute, dispense, or be under the influence of controlled substances in the workplace, including in vehicles provided by City of Seat Pleasant, at any worksite or locations at which City of Seat Pleasant duties are being performed by City of Seat Pleasant employees, or as part of any other City of Seat Pleasant activities. Common examples of controlled substances include, but are not limited to: cocaine, marijuana, and heroin.

The City of Seat Pleasant will take disciplinary action against violators, consistent with City of Seat Pleasant policy, and federal, state and local laws. Such disciplinary action may include satisfactory participation in a substance abuse treatment, counseling or education program as a condition of reinstatement or continued employment; suspension; termination of employment; and referral for prosecution.

### Reporting Requirements

The Drug-Free Workplace Act requires that employers who are engaged in activities funded by federal grants or contracts notify the relevant federal agency of convictions under the criminal drug laws for violations occurring in the workplace. To ensure City of Seat Pleasant's compliance with this federal law, an employee must report any criminal drug statute conviction for a violation occurring in the workplace to their immediate supervisor, department director, Chief Operating Officer or human resources director within five days of the conviction. Within ten days of learning of such a conviction of any individual engaged in work under federal grants or contracts, City of Seat Pleasant is required to notify the relevant federal agency. Upon notification of a conviction, supervisors should immediately contact the human resources office. Under no circumstances may a City of Seat Pleasant employee be under the influence of drugs while operating City of Seat Pleasant vehicles or

equipment. The consumption of drugs will not constitute a mitigating circumstance when it contributes to the violation of City of Seat Pleasant policies.

### **Available City of Seat Pleasant Resources**

Available City of Seat Pleasant Resources Substance abuse is potentially harmful to health. Because of the considerable health risks involved in drug and alcohol use, resources are available to assist the City of Seat Pleasant employees in understanding and dealing with drug and alcohol abuse problems. City of Seat Pleasant staff members can learn about the dangers of substance abuse and get information about treatment and counseling options available to the City of Seat Pleasant provided by health and mental medical insurance providers, Employee Assistance Program (EAP), or by contacting City of Seat Pleasant 's Human Resources Director. These programs and offices are part of City of Seat Pleasant's ongoing efforts to maintain a drug-free workplace.

### **Article 2. Policy Administrator**

1. The Chief Operating Officer or designee shall be the Controlled Substance and Alcohol Policy Administrator for the City. Any inquiries concerning this Article, its application, administration or its interpretation shall be made to the Policy Administrator.
2. The Policy Administrator shall develop all forms necessary to carry out the provisions of this Policy, unless the forms are provided under the U.S. Department of Transportation's Part 40 of the Code of Federal Regulations. The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy.

### **Article 3. Alcohol and Controlled Substance Prohibitions**

1. Safety-sensitive positions include the following duties: operating, maintaining, or controlling the movement of vehicles and machinery, including the supervision of such personnel, carrying a firearm, and any emergency response duties, including the supervision of such personnel.
2. An employee may not perform any safety sensitive function or engage in any work-related functions:
  - a. While consuming alcohol;
  - b. While having an alcohol concentration of 0.02 or greater;
  - c. Within four hours after consuming alcohol; and/or
  - d. After refusing to submit to an alcohol test.
3. An employee may not consume controlled substances within eight hours after an accident for which the employee is subject to post-accident testing as specified in this Article.

4. No employee shall possess, purchase, transport, or consume alcohol while on duty, while in a City uniform, or while driving a City vehicle.
5. City employees may not manufacture, possess, sell, use, administer, dispense, or distribute controlled substances, except that employees may use controlled dangerous substances in a manner authorized by medical prescription. In the event an employee is authorized to use a controlled dangerous substance by medical prescription, it is the employee's duty to inform the prescribing doctor that they perform safety-sensitive functions while at work and to obtain from the doctor a release to perform such work while taking or using such prescribed controlled dangerous substance. The employee is prohibited from using the prescribed controlled dangerous substance in any manner other than that prescribed.
6. Employees may not report to work impaired by, or under the influence of, alcohol or controlled dangerous substances. Employees may also not report to work impaired by, or under the influence of, lawfully prescribed medications, to the extent that such impairment would prevent the employee from performing the duties of the employee's position in a safe manner.

#### **Article 4. Notification to Employer by Employee of Violations and Convictions**

1. Any employee whose job performance requires the possession of a valid CDL must notify the Policy Chief Operating Officer of any conviction for a violation of any State or local law relating to motor vehicles (other than parking violations) immediately following the conviction. In addition, such an employee who loses his or her CDL for a violation of the law, or as a consequence of any administrative action, shall notify the Policy Administrator immediately of the loss of the CDL and shall be subject to disciplinary action up to and including termination.
2. Any employee convicted of illegal conduct related to controlled substances, including their manufacture, possession, sale, and distribution, either in a federal or a State court, must immediately report such a conviction to the Policy Administrator. Conviction resulting from such illegal conduct may result in disciplinary action. The failure of an employee promptly to report his or her controlled substance-related conviction to the Policy Administrator shall be regarded by the City as a serious violation of this Policy, which in and of itself shall constitute grounds for disciplinary action and/or discharge.

#### **Article 5. Drug and Alcohol Screening**

1. Drug and alcohol testing may be required for employees when:
  - a. Participating in drug and alcohol rehabilitation programs, when such testing is part of the program;
  - b. Job performance or behavior causes the Employer to have reasonable suspicion that the employee may be under the influence of drugs or alcohol;

- c. The employee is involved in a reportable accident while operating a City vehicle and receives a moving violation, or a known injury or fatality occurs due to the accident, or any vehicle requires towing from the scene of the accident; or
    - d. The employee has previously violated the Employer's substance abuse policy and is returning to work.
  2. Drug testing shall not be conducted without an employee's consent; however, refusal to consent may result in sanctions, including termination.
  3. In accordance with applicable law, the Employer's designated medical lab shall provide the tests results to the Chief Operating Officer or the Administrator's designee.
  4. As a condition of continued employment, each employee must abide by this policy and must notify the Human Resources Director within five days of any criminal drug and/or alcohol statute conviction for a violation occurring in the workplace or while acting on City business.
  5. Post-Testing Rehabilitative/Corrective Action
    - a. Applicants for employment whose urine is found to contain the presence of illegal drugs shall not be considered fit to perform the duties of the job which the applicant seeks.
    - b. Probationary employees whose blood or urine is found to contain the presence of illegal drugs, or who have been found to have possessed, used, or been under the influence of illegal drugs or alcohol while on duty, shall be discharged.
    - c. Any non-probationary employee found to have used or been under the influence of illegal drugs, or under the influence of alcohol while on duty, shall be subject to disciplinary action, up to and including dismissal.
    - d. A non-probationary employee whose blood or urine is found to contain the presence of illegal drugs, or who is found to have engaged in alcohol abuse, may be placed on a leave of absence without pay for a period of up to 60 days. The leave of absence may be extended by the Chief Operating Officer for compelling cause shown. The employee may use any accumulated sick or annual leave during the leave of absence to give the employee an opportunity to rehabilitate him or herself from abusing alcohol and/or illegal drugs. Upon the successful completion of the rehabilitation program as certified by the City, the employee, subject to the requirements below, shall be returned to City employment in the same or a similar position to the one which the employee occupied before his or her leave of absence.
      - i. Prior to resuming employment with the City, the employee shall be required to take a physical examination which shall include a blood and/or urine sample test for the presence of alcohol and/or illegal drugs.

- ii. The returning employee shall be placed on probationary status for a period of one year following his/her return to City employment. During the one-year probationary period, the City may require the employee to take unannounced blood and/or urine tests for the presence of alcohol and/or illegal drugs.
- iii. If at any time during the probationary period the employee's blood or urine is found to contain the presence of alcohol or illegal drugs, utilizing the double testing procedures set forth in the above, the employee shall be subject to disciplinary action, up to and including dismissal.

#### **Article 6. No Smoking Policy**

The City of Seat Pleasant is committed to providing a safe and healthy environment for employees, citizens, and other users of City facilities. Accordingly, smoking is prohibited in all City-owned buildings and vehicles.

Complaints concerning violations of this policy should be directed to the employee's immediate supervisor for resolution. An employee who willfully violates the City's no smoking policy shall be subject to immediate disciplinary action as recommended by the Chief Operating Officer and in accordance with these Rules and Regulations.

## **Chapter VIII. Performance Evaluations**

### **Article 1: Purpose**

The purpose of a performance evaluation is to document, at certain intervals whether the employee is meeting the established performance standard and provide recommendations on improving effectiveness as required. Performance reviews are normally conducted by your supervisor and discussed with you at the end of your initial period of employment (six months); annually; and at the time of promotion or reassignment. Counseling regarding performance will be conducted during each rating period or on an as needed basis. It is to be noted that repeated performance counseling is an indicator of problems.

Once you supervisor completes the written performance evaluation it will be forward through your supervisory chain to the Human Resources Officer. These evaluations act as a guide in recommendations for continued employment, pay increases and promotion. A written copy of each performance review will be maintained in your permanent personnel file.

Increases in salary or promotion are not an automatic part of the performance review but are at the sole discretion of the City of Seat Pleasant. Determinations will be made based upon your entire work record (e.g. attendance, disciplinary actions, evaluations, etc.), the evaluation of your supervisor or his/her designee, the present financial circumstances of the City and, in case of promotion, the availability of appropriate positions. Additional performance evaluations will:

1. Help employees clearly define and understand their responsibilities;
2. Suggest ways in which employees can improve performance;
3. Facilitate better working relationships;
4. Provide historical record of performance;
5. Contribute to professional development; and
6. Provide a fair basis for awarding compensation based on merit.

### **Article 2. Scope**

This policy applies to all employees.

### **Article 3. Policy**

The employee performance evaluation process is intended to accomplish the following objectives:

1. To allow the supervisor to communicate to the employee performance expectations and department/division goals and to allow for the mutual exchange of information about the performance between the supervisor and the employee;
2. To enhance individual employee performance and ensure effective City operations;
3. To promote and support performance/behavior which is in conformance with the City's mission and vision;
4. To document both formal and informal performance discussions held with the employee throughout the review period;
5. To document performance areas in which the employee does well and those areas which require improvement, to establish performance goals and plans to correct performance shortcomings, and focus on employee development;
6. To determine successful completion of the probationary period and to determine successful progress in meeting performance requirements following a promotion; and
7. To help guide management decisions regarding employee salary increases, wage adjustment, training needs, assignments, promotions, transfers, demotions, disciplinary actions, continued employment with the City, and for such other purposes as may be deemed advisable.

#### **Article 4. Procedures**

##### **1. Supervisor Responsibilities**

###### **a. Clear Performance Standards**

- i. Each supervisor is responsible for setting and communicating clear performance standards for his/her employees at the beginning of and throughout the review period.
- ii. In evaluating employees, supervisors shall consider factors such as the experience and training of the employee, the job description, **attendance** and the employee's attainment of previously set goals and objectives.

###### **b. Formal Evaluations**

On a regular basis and as described in this policy, each supervisor is responsible for conducting formal performance evaluations on each subordinate employee. A formal performance evaluation includes completing an Employee Performance Evaluation Form, meeting with the employee to discuss the employee's performance and update the employee's work plan and developing a performance improvement plan (if necessary). Performance evaluations shall include a summary of all, but informal

discussions related to performance during the review period and future performance goals.

## 2. **Employee Responsibilities**

- a. The employee shall be responsible for following through on goals, objectives, and comments as noted on the evaluation.
- b. Each employee has the right to comment on his/her performance evaluation. If the employee chooses to do so in writing, such comments shall be included in his/her personnel file.
- c. Each employee is encouraged to provide feedback regarding his/her supervisors' performance as part of the formal evaluation process. The feedback may be submitted confidentially if the employee so desires.

## 3. **Performance Evaluation Schedule**

### a. **Timely Processing**

The Chief Operating Officer's office shall develop and maintain a system to assist supervisors in completing performance evaluations on time. The timely processing of performance evaluations is one of the most important leadership responsibilities for those in supervisory positions.

It is the Department Head's responsibility to ensure that performance evaluations are completed and returned to the Chief Operating Officer's office in a timely manner and no later than the due date established by the Chief Operating Officer. Performance evaluations that are not fully completed shall be returned to the department for completion.

### b. **Frequency**

#### i. **Annual Review**

Following is the timetable for performance evaluations:

Initial Period of Employment – six-month work review.

Annual – annual work review based on fiscal year

Promotion – covers the period from the last annual review to the date of the promotion

#### ii. **New Hires and Promotions**

Newly hired employees and employees who have received a promotion shall be evaluated six months from the date of hire or the date of promotion, and annually as the entire organizations "Annual Review".

Initial Period of Employment – six-month work review.

Annual – annual work review based on fiscal year.

Promotion – covers the period from the last annual review to the date of the promotion.

iii. **Performance Issues**

Supervisors must conduct a formal performance evaluation any time when the supervisor considers the employee's level of performance to be below standards and/or require development.

4. **Performance Evaluation Forms**

a. **Employee Evaluations**

Formal employee performance evaluations must be completed using standard forms developed and made available to all supervisors by the Chief Operating Officer's office.

b. **Work Plan**

At the time of hire, the employee and supervisor shall establish a work plan outlining the employer's primary duties and responsibilities and continuing projects, special projects, or assignments, and established goals and objectives for the position. Thereafter, the work plan shall be reviewed and updated as part of the evaluation process. The information in the work plan is used to assist the employee and supervisor in communicating and reaching mutual goals.

c. **Retention**

The completed performance evaluation packet shall become part of the employee's personnel file maintained by the Human Resources Office.

5. **Approvals**

Performance evaluation forms shall be reviewed and signed by the Chief Operating Officer and Department Head before the immediate supervisor discusses and reviews the performance evaluation with the employee.

6. **Performance Evaluation Discussion**

Supervisors shall conduct a discussion with the employee regarding the performance evaluation. The purpose of the discussion is to review past performance, address any questions about the performance review, and to set goals for the period ahead.

7. **Employee Signatures**

a. Following the performance evaluation discussion, the employee should be asked to comment on the evaluation and acknowledge it by signing and dating the form.

- b. The employee shall be given a copy of the signed evaluation.
- c. The employee's signature indicates that the performance evaluation took place and that the employee understands what was communicated. The employee's signature does not indicate that the employee agrees with the assessment.
- d. If the employee declines to sign the form, he/she should be encouraged to discuss any concerns.
- e. If, after such discussion, the employee still declines to sign the evaluation, the supervisor should note "employee declined to sign" on the form, add his/her initials and the date, and give the employee a copy of the evaluation.
- f. The supervisor should immediately notify the Department Head and Chief Operating Officer when an employee declines to sign the performance evaluation form.

## **Chapter IX. Compensation**

### **Article 1. Compensation Plan**

The City Council, with assistance of the Chief Operating Officer, shall be responsible for the development, maintenance, and administration of the compensation plan. Each position within the compensation plan shall be placed in a pay grade, which offers a pay range commensurate with the duties and responsibilities of that position. Recommended changes to the compensation plan shall be prepared by the Chief Operating Officer and submitted to the Council for its consideration and approval. The City shall enact amendments and changes to the plan by ordinance. The Chief Operating Officer shall provide a copy of the current compensation plan to an employee upon request.

### **Article 2. Pay Period and Timesheets**

1. The fiscal year shall be divided up into 26 two-week periods of 80 hours each. Each period shall begin on Sunday at 12:01 a.m. and end on the second Saturday at 12:00 midnight.
2. Employees shall use designated time clocks to register their time in work status. Timesheet updates for missing hours shall be submitted by the employee in writing, with approvals from the Department Head.
3. Unless on a holiday, paychecks shall be issued on the Friday following the end of each pay period. If Friday is a holiday, paychecks shall be issued on the preceding Thursday.
4. All City employees are required to have direct deposit. Direct deposits will be made on payday or the workday prior to payday when payday falls on a holiday (or prior, depending on your banking institution).

Federal and State Income Tax, the employee's portion of Social Security and Medicaid contribution, as well as any garnishments or any other deductions required or allowed by law will be withheld from the employee's pay. Additional deductions (i.e. medical insurance, etc.) may be deducted if the employee elects' participation in writhing.

Deductions will be itemized on payroll stubs. Each employee should review his/her payroll report carefully each pay period. If questions arise about the amounts shown on paychecks, or about how those amounts are calculated, contact the Human Resources Manager for clarification

### **Article 3. Overtime Compensation**

According to the FLSA and U.S. Department of Labor regulations, some workers are guaranteed overtime protection and are classified as nonexempt employees. Exempt employees do not receive overtime protection.

In order for an employee to be exempt, three requirements must be met:

1. Minimum Salary;
2. Paid on a salary basis (without improper deduction); and
3. Exempt job duties

According to the FLSA, all nonexempt employees must be paid overtime pay of one and a half times their regular rate of pay for hours in excess to 40 hours in any workweek. The regular rate of pay includes basic pay, plus nondiscretionary bonuses, shift premiums, production bonuses, and commissions, but not discretionary bonuses, employer's contributions to benefit plans, or other supplemental earnings. Each employee must obtain approval from the employee's supervisor in advance for any overtime hours to be worked. Overtime hours and overtime assignments are determined by the Department Head with Chief Operating Officer approval.

For purposed of calculating overtime for non-exempt employees, the workweek begins at 12 a.m. on Sunday and ends 168 hours later at 12 a.m. on the following Sunday.

Employees required to work during a holiday shall be compensated at the rate of two times the hours worked during the holiday.

#### **Article 4. Compensatory Time Off**

Upon the request of an employee, the Chief Operating Officer may, at his/her discretion, grant compensatory time off in lieu of overtime pay. Compensatory time off shall be accrued at the rate of one and one-half hours for each hour worked in excess of the 40-hour workweek. Compensatory time off shall be provided in lieu of overtime pay only in the event that both the City and the employee agree to the provisions of compensatory time off. Compensatory time earned in one pay period should generally be used by the next pay period, but in all circumstances, must be used no later than FLSA and Department of Labor Regulations.

#### **Time Limits**

##### **FLSA-Exempt Employees**

An FLSA-exempt employee must use accrued compensatory time off by the end of the 26th pay period after the pay period during which it was earned.

The City may provide that an FLSA-exempt employee who (1) fails to take earned compensatory time off within 26th pay periods or (2) transfers to another agency or separates from City service before the expiration of the 26th pay period time limit:

Receive payment for the unused compensatory time off at the overtime rate in effect when earned or

Forfeit the unused compensatory time off, unless failure to use the compensatory time off is due to an exigency of the service beyond the employee's control. (An FLSA-exempt employee whose earned compensatory time off would otherwise be forfeited due to an exigency of service beyond the employee's control must receive payment for the unused compensatory time off at the overtime rate in effect when earned.)

#### FLSA-Nonexempt Employees

An FLSA-nonexempt employee must use accrued compensatory time off by the end of the 26th pay period after the pay period during which it was earned.

If accrued compensatory time off is not used by an FLSA-nonexempt employee within 26 pay periods or if the FLSA-nonexempt employee transfers to another the City or separates from City service before the expiration of the 26<sup>th</sup> pay period time limit, the employee must be paid for the earned compensatory time off at the overtime rate in effect when earned.

#### **Article 5. Travel Compensation**

1. Employees using their personal vehicles for authorized municipal business shall be compensated for gasoline by the IRS reimbursement rate, which shall be provided annually by the Chief Financial Officer. Employees shall submit proof of business trips and mileage used to the Chief Operating Officer.
2. Any request for non-routine travel, such as travel to a conference, shall be pre-approved by the Chief Operating Officer to be eligible to receive compensation.
3. When authorized for City-related non-routine travel, employees shall be compensated for the actual cost for lodging, meals, tolls, parking, conference registration, and travel, provided receipts are submitted.
4. The Chief Operating Officer may request an employee's travel logs to review. In the event that travel logs indicate travel, which was not approved, the employee shall be subject to disciplinary action.

**Chapter X.  
Leave Policies**

**Article 1. Leave Records**

The Chief Operating Officer or designee is responsible for establishing and maintaining accurate records of leave earned and taken by employees.

**Article 2. Annual Leave**

1. Only full-time or part-time employees with permanent status may accrue and use annual leave.
2. Employees on probation accrue annual leave but may not use annual leave, unless prior authorization is obtained from his/her supervisor and/or Chief Operating Officer.
3. Employees on probation accrue annual leave but may not use it until the successful completion of probation and/or prior authorization by supervisor and or Chief Operating Officer. Annual leave hours are earned by all employees at a rate that corresponds to the years of service according to the schedule below:

<b>Years of Service</b>	<b>Number of Hours Accrued Per Pay Period</b>
0-4	<b>Full-Time – 4.0 Part-Time – 2.0</b>
5-9	<b>Full-Time – 5.0 Part-Time - 2.5</b>
After 10 Years	<b>Full-Time – 6.0 Part-Time – 3.0</b>

4. Accrual of annual leave for permanent part-time employees shall be prorated to be commensurate with the number of hours the part-time employee is scheduled to work.
5. Requests for scheduling annual leave must be submitted to and approved by the employee's immediate supervisor and/or the Chief Operating Officer. Requests for annual leave shall be made at least one week prior to taking the leave.
6. When more employees request days off than can be accommodated, supervisors shall make annual leave assignments, considering the date the requests were made, special needs for annual leave dates, and the employees' lengths of service.
7. No more than 240 hours of annual leave shall be carried forward from one calendar year to a subsequent calendar year. All unused accrued leave in excess of 240 hours shall be forfeited at the beginning of the first payroll of each calendar year.

8. Unused annual leave shall be paid for at termination of employment only if the City terminates the employee for non-disciplinary reasons or if the employee gives and properly works a two-week notice of resignation period. The notice may be waived by the Chief Operating Officer. Upon termination, permanent employees shall be paid for unused annual leave up to 240 hours of salary.

### **Article 3. Sick Leave**

1. Only full-time or part-time employees with permanent status may accrue and use sick leave.
2. Employees on probation accrue sick leave but have limited authorization of use of leave; until the successful completion of probation.
3. A full-time employee accrues sick leave at a rate of 3.69 hours per pay period. Accrual of sick leave for a part-time employee shall be prorated to 1.84 hours per pay period.
4. Sick leave shall be granted to an employee because of personal illness; injury; medical quarantine; medical, dental, or optical examinations and treatments; temporary disability caused or contributed to by pregnancy, miscarriage, or childbirth; or to treat the illness or injury of a member of the employee's immediate family.
5. An employee shall notify his/her immediate supervisor by phone directly within 1 hour of his/her regular reporting time on the first day of sick leave. In the absence of the immediate supervisor, the Chief Operating Officer or his/her designee shall be notified. An employee shall also notify the supervisor as to his/her probable date of return to work. Employees who are absent from work without calling to report the absence may be terminated from employment based on job abandonment.
6. Use of sick leave for more three or more consecutive days shall require a licensed doctor's certificate describing the nature of the illness, the date treatment began, and the date of discharge from treatment.
7. If sick leave is exhausted, an employee may use annual leave for medical-related reasons.
8. Unused sick leave may be carried from one year to the next. However, the employee shall receive no financial compensation for unused sick leave upon the end of employment.
9. Abuse of the sick leave policy shall be considered a sufficient cause for disciplinary action up to and including termination.

### **Article 4. Administrative Leave**

Paid administrative leave may be granted to any full-time or part-time employee by the Chief Operating Officer for any of the following reasons:

1. Performance of jury duty;

2. When summoned as a witness in a criminal or civil case;
3. Voting, not to exceed two hours following the opening of the polls or two hours prior to the closing of polls;
4. For the attendance in an official capacity as a representative of the City at meetings, symposiums, conferences, conventions, or hearings;
5. To take educational courses directly related to the employee's work as determined by the employee's appointing authority, provided that such requests for administrative leave shall be approved in advance by the Chief Operating Officer and shall not exceed a total of five working days, or the prorated hourly equivalent thereof for part-time employees, in any one annual leave year. Administrative leave exceeding five days shall require Council approval;
6. Participation in blood donor services; provided supported documents are
7. Participation as a guard of honor at burial services;
8. Undergoing a medical examination as may be required by the employee's appointing authority;
9. For the employee in interest to consult with appropriate City personnel regarding grievances and adverse action appeals, applicable equal opportunity programs, skills assessment, and benefit planning and counseling;
10. Extreme inclement weather or other hazardous working conditions which may prevent an employee from reporting to work or which may require an early release from work.
11. For any other reason deemed appropriate by the Chief Operating Officer, including reasons associated with pending employment investigations or proceedings.

#### **Article 5. Leave Without Pay**

Any leave taken by a probationary employee or a permanent employee who has exhausted his/her annual or sick leave shall be without pay. Such leave shall be requested by the employee from his/her immediate supervisor and approved by the Chief Operating Officer 72 hours prior to the start of the leave. Leave without pay is not an entitlement and shall be taken only upon approval of the Chief Operating Officer. An employee who takes leave without obtaining proper approval shall be subject to disciplinary action.

## **Article 6. Family Medical Leave**

The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons.

### **Covered Employers**

The FMLA only applies to employers that meet certain criteria. A covered employer is a:

Private-sector employer, with 50 or more employees in 20 or more workweeks in the current or preceding calendar year, including a joint employer or successor in interest to a covered employer;

Public agency, including a local, state, or Federal government agency, regardless of the number of employees it employs; or

Public or private elementary or secondary school, regardless of the number of employees it employs.

### **Eligible Employees**

Only eligible employees are entitled to take FMLA leave. An eligible employee is one who:

1. Works for the City of Seat Pleasant;
2. Has worked for the City of Seat Pleasant for at least 12 months;
3. Has at least 1,250 hours of service for the City of Seat Pleasant during the 12-month period immediately preceding the leave\*; and
4. Works at a location where the City of Seat Pleasant has at least 50 employees within 75 miles.

The 12 months of employment do not have to be consecutive. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven years or more, the time worked prior to the break will not count unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement, including a collective bargaining agreement, outlining the City's intention to rehire the employee after the break in service.

### **Leave Entitlement**

Eligible employees may take up to 12 workweeks of leave in a 12-month period for one or more of the following reasons:

1. The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;

2. To care for a spouse, son, daughter, or parent who has a serious health condition;
3. For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
4. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

An eligible employee may also take up to **26 work weeks** of leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons.

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operations. If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the City's approval.

Under certain conditions, employees may choose, or the City may require employees, to "substitute" (run concurrently) accrued paid leave, such as sick or vacation leave, to cover some or all of the FMLA leave period. An employee's ability to substitute accrued paid leave is determined by the terms and conditions outline with the City's normal leave policy.

## **Notice**

Employees must comply with the City's usual and customary requirements for requesting leave and provide enough information for the City to reasonably determine whether the FMLA may apply to the leave request. Employees generally must request leave 30 days in advance when the need for leave is foreseeable. When the need for leave is foreseeable less than 30 days in advance or is unforeseeable, employees must provide notice as soon as possible and practicable under the circumstances.

When an employee seeks leave for a FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. If an employee later requests additional leave for the same qualifying condition, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

## **Certification**

When an employee requests FMLA leave due to his or her own serious health condition or a covered family member's serious health condition, the City may require certification in support of the leave from a health care provider. The City may also require second or third medical opinions (at the City's expense) and periodic recertification of a serious health condition.

## **Job Restoration**

Upon return from FMLA leave, an employee must be restored to his or her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot be counted against the employee under a "no-fault" attendance policy. The City is also required to continue group health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had not taken leave.

## **Enforcement**

It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any 4 proceeding, related to the FMLA. Therefore, the City will do its best to provide reasonable accommodations to any employee requesting the use of FMLA leave.

If you believe that your rights under the FMLA have been violated, you may file a complaint with the Wage and Hour Division.

## **Article 7. Personal Leave**

Personal leave is paid leave given to employees by the City of Seat Pleasant at the beginning each calendar year. Employees will receive two (2) days of personal leave per year. Personal leave cannot be carried over from one year to the next. Employees shall notify their supervisor before taking any personal leave. An employee is not paid for unused personal leave at the end of the employee's employment. All rules for requesting leave shall be followed when requesting a personal day.

<b>Days Per Year</b>
2

## **Article 8. Holiday Leave**

All full and part-time employees with permanent status and employees on probation shall be granted paid holiday leave on the following days:

- New Year's Day
- Dr. Martin Luther King Jr.'s Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Employee Appreciation Day (Day After Thanksgiving)

- Christmas Day
- Inauguration Day. Occurs every four (4) years and is considered a City-paid holiday.

The City reserves the right to refuse payment to any employee for a paid holiday if the employee takes leave on the day before or the day immediately following the holiday without first obtaining prior approval.

Employees required to work on holidays shall be paid at the rate of two times the hours worked during the holiday.

### **Article 9. Military Leave**

1. An employee who serves in the organized militia or in the Army, Navy, Air Force, or Marine Reserve shall receive up to 15 additional days annually of leave to engage in such service. The leave shall not be counted against annual leave, and an employee's salary shall be not be affected by use of the leave.
2. Requests for military leave shall be made in writing and delivered to the Department Head at least two weeks prior to the effective date of leave. The Department Head shall forward a copy of the employee's request to the Chief Operating Officer at least one week prior to the effective date of the request.

### **Article 10. Bereavement Leave**

Employees on permanent status may be granted bereavement leave for up to three workdays for an immediate family member. Requirement of satisfactory evidence to support the leave is necessary. All documentation must be submitted and verified by human resource director before distributed.

Probationary employees will be eligible for unpaid bereavement leave of up to three normally scheduled, consecutive working days off immediately following the death to arrange for and/or attend the funeral. Requirement of satisfactory evidence to support the leave is necessary. All documentation must be submitted to the human resources director.

Immediate family members include your spouse, and parents thereof, domestic partner and parents thereof; sons and daughters, and spouses thereof, Parents and spouses thereof; grandparents and grandchildren, and spouses thereof, parents, brothers, sisters, grandparents or any relative residing in the employee's household. One day can attend funerals of in-laws and other relatives with pre-approval of immediate supervisor.

### **Article 11. Leave Donation Program**

The Donated Leave Program provides a procedure for employees who have depleted their leave balances due to unforeseen circumstances to receive donations of sick/annual leave from their coworkers to help ensure continuing income for the employee. The program is supplemental in nature and depends entirely upon voluntary donations by other employees. Donating employees

must have annual leave balance of 80 hours and a sick leave balance of 240 hours after the donation is made. Employees can accept up to 240 hours per calendar year without Chief Operating Officer approval.

Leave donations cannot be accepted once an employee has submitted a letter of resignation or has been notified of termination of employment.

The City has adopted a leave donation bank. Employees are encouraged to donate sick and/or annual leave to be distributed to those employees who are in the negative of leave for family and or medical emergencies.

### **Article 12. Liberal Leave**

Under certain emergency conditions, Maryland State Government may declare liberal leave for its non-emergency essential employees. Such determinations are reported to the media and are posted on the Department of Budget and Management's website, [Weather Related Leave & Closings](#).

The following conditions apply when liberal leave is in effect:

1. Non-essential employees are allowed to be absent for a portion of a workday or the entire workday and are charged paid leave (i.e., annual, compensatory or personal) or leave without pay, as appropriate, for the period of absence. **Employees must notify their supervisors if they intend to take liberal leave.**
2. Non-essential employees who do not report to work under a liberal leave determination will not be penalized for unapproved absence.
3. Non-essential employees arriving late under a liberal leave determination will not be penalized for tardiness, but will be charged paid leave or leave without pay, as appropriate, for the period between the regular starting time and their arrival.
4. If liberal leave is announced during the workday, non-essential employees will be permitted to leave the work site, at their discretion **after apprising their supervisors.** Employees will be charged paid leave or leave without pay, as appropriate, for the period between their departure and the end of their regular workday.

If inclement weather occurs on a federal holiday not generally observed by the City, the Chief Operating Officer will make a decision concerning early closing on that day and communicate this to employees by email.

On days when weather conditions worsen as the day progresses, the City may decide to close the office early. Employees will be expected to remain at work until the appointed closing time, unless they receive permission from their department head to do otherwise.

## **IMPORTANT INFORMATION:**

1. Liberal leave determinations do not apply to essential employees. Essential employees are required to report for work when liberal leave is declared, unless they are specifically excused by their supervisors.
2. Employees may not use sick leave for a liberal leave absence unless the absence meets the criteria for sick leave.
3. Maryland State Government liberal leave determinations do **not** apply to temporary and contractual employees.

### **Article 13. Other Leave**

The City provides employees with such other leave as may be required by law.

## **Chapter XI. Retirement, Health, and Other Benefits**

### **Article 1. Retirement**

Permanent full-time employees of the City shall have the opportunity to participate in any retirement program(s) that the City Council may establish or offer for their benefit. The City Council retains sole and exclusive authority to determine what retirement program(s) employees may participate in and also the terms and conditions for that participation, and it also retains sole authority and discretion for administering, modifying, or otherwise interpreting the retirement program(s) employees may be able to participate in. Employees shall be furnished with summary plan descriptions of the retirement program(s) made available to them, as amended from the time to time by the City Council in its sole discretion.

### **Article 2. Workers' Compensation**

#### **1. Purpose**

- a. On-the-job injuries are covered by City of Seat Pleasant, MD's Workers' Compensation Insurance Policy, which is provided at no cost to the employee. To qualify for workers' compensation benefits, an employee shall immediately report any work-related injury or illness to his/her supervisor. The employee and supervisor shall each furnish a written report to the Human Resource Department and or Chief Operating Officer within 24 hours following the injury.
- b. This is solely a monetary benefit and not a leave of absence entitlement. Employees who need to miss work due to workplace injury must also request a formal leave of absence. See Leave Policy section of this manual for more information.
- c. It Any employee who is out of work due to a Workers Comp injury must keep the City updated on current injury status, expected return date of employment, and provide medical documentation as requested by the City or the Workers' Compensations Insurance. Failure to do so may result in disciplinary actions leading to but not limited to termination.

#### **2. Return-To-Work**

The purpose of this policy is to promote successful employee re-integration into the work environment as quickly as medically possible. The workers' compensation program strives to provide prompt treatment and adequate recovery periods for employees following a work-related injury or illness, and prompt return to work to perform duties that will not exacerbate the injury when the employee is released by the physician. An employee may be returned to work with limitations (i.e., it is not required that the employee be able to perform 100% of his/her former duties).

### **Return to Full Duty without Restrictions**

When an employee is released by an authorized workers' compensation physician or another authorized physician to return to his/her regular duties:

- i. The employee provides his/her immediate Supervisor and/or Human Resources Director with a written release statement that indicates that the Employee may **return to full duty**;
- ii. The Supervisor immediately returns the employee to work; the supervisor notifies Human Resources Office in order to ensure that all use of disability leave is properly recorded and/or to suspend the salary wage loss benefits that may have been received by the employee from the Workers Comp Insurance.
- iii. Any temporary employee hired to perform the employee's job while he/she was on leave is terminated, or moved/returned to another position, as appropriate.

### **Return to Duty with Restrictions**

When an employee is released by the attending physician to return to work with restrictions on a temporary basis:

- i. The Supervisor and/or Human Resource Manager reviews the position description to determine the essential functions of the position that must be performed;
- ii. The Supervisor, in consultation with a Workers' Compensation Administrator and the Human Resources Office may submit a request to the treating physician to review the essential functions in order to determine which functions can be performed by the Employee;
- iii. The Supervisor identifies work that the employee can perform based on the restrictions established by the physician;
- iv. The Supervisor contacts Human Resources to ensure that all use of disability leave is properly recorded and/or to suspend the salary wage loss benefits that may have been received by the employee; and
- v. Any temporary employee hired to perform the employee's job while he/she was on leave is terminated, or moved/returned to another position, as appropriate. If the employee refuses to work with restrictions, the Employee may take time off, if eligible, within the criteria established by the Family and Medical Leave Act (FMLA).

### **Inability to Return to Full or Light-Duty After a One-Year Period**

The City of Seat Pleasant does not guarantee continued employment for any employee who is unable to return to full-duty or limited capacity, exceeding a one-year period. The city can opt to continue with employment or terminate based upon the prognosis as to when the employee is projected to return to work in either full or limited capacity.

### **3. Training and Development Objectives**

The objectives shall be designed and established to achieve the following:

- a. Improve the quality of service provided by the City through its staff.

- b. Improve the quality of performance for each individual employee and the various departments of the City.
- c. Prepare employee for career advancement.
- d. Create a work force with the occupational skills necessary to meet current and future employment needs.
- e. Keep employees current on changing technologies in the workplace.

#### **4. Training and Development Responsibilities**

a. **Human Resources Office**

The administration of employees training and development falls under the general responsibility of the Human Resources Director but shall strongly depend on the input and cooperation of departments and City funding.

b. **Department Heads**

Department Heads shall share in the responsibility for an effective personnel development program. Department Heads shall ensure that training and development plans are prepared, updated, and discussed by supervisors and employees as part of the performance evaluation process and are consistent with the mission and needs of the department.

c. **Supervisors**

Supervisors have the primary responsibility for initiating communication about training and individual development, including but not limited to:

- i. Working in partnership with individual employees to assess training needs and coordinating work group and individual employee development plans;
- ii. Ensuring implementation of employee development plans; and
- iii. Incorporating training and development into the performance evaluation process.

d. **Employees**

City employees have responsibility for initiating discussion to identify and assess their own specific needs, including but not limited to:

- i. Working in partnership with supervisors to meet their own training and development needs and those of the work group; and
- ii. City employees may identify, where possible, certain needs related to their individual work experiences which are required to meet all of the performance

and advancement criteria, which criteria may be defined and established by the Chief Operating Officer.

If the City assist any employee with receiving a certification within their respective job-related function(s), and/or receive any paid training during the tenure of their employment, based on the type of training and or certification, the employee must provide at least a minimum of (2) years of service with the City total fund granted upon separation.

## **5. Tuition Assistance**

### **a. Purpose**

To encourage and support the efforts of City of Seat Pleasant employees to obtain skills, knowledge, and abilities that increase the effectiveness of work performance in their present position and improve their career opportunities in the City of Seat Pleasant.

### **b. Eligibility**

- i. Subject to paragraph 4.c, all regular employees of the City are eligible for this benefit after they have successfully completed their probationary period. Assistance is not available to employees on disciplinary probation or in an extended leave status.
- iii. The employee shall submit a request for preapproved reimbursement of tuition and/or related expenses to his/her Department Head, who shall then submit it to the Chief Operating Officer for approval before the beginning of class.
- iv. The employee must be required to complete at least a minimum of (2) years of service with the City when receiving tuition assistance. If the employee fails to complete minimum of (2) years of services, the employee must reimburse the City total funds granted upon separation.

### **c. Funding Amount**

Tuition assistance funds are based on budget allocations and availability. Availability of funds are limited to those budgeted in the fiscal year in which assistance is requested. Funds are distributed based on the fiscal year in which the course starts.

### **d. Course Completion/Submission of Grades**

In courses taken for credit, the employee must verify the completion of the course with at least a grade of “C” or its equivalent in order to qualify for reimbursement of expenses. In circumstances where pass/fail is the only grading system used, a pass grade must be earned.

## **Article 6. Other Benefits**

The City Council, in its sole discretion, may provide other employee benefits.

## **Chapter XII.**

### **Disciplinary Actions**

#### **Article 1. Responsibilities of Employees and Supervisors**

1. All employees are expected to maintain ambitious standards of conduct, cooperation, efficiency, and economy in their work for the City. Employees shall attempt to correct any faults in their performance which are called to their attention and to make every effort to avoid behavior and actions which conflict with municipal rules and regulations.
2. Every supervisor is expected to discuss improper or inadequate performance with the employee to correct the deficiencies and to avoid the need to exercise disciplinary action. Discipline may include a warning, written reprimand, suspension, demotion, or discharge. The type of discipline administered in each case shall be reasonable for the conduct or work performance for which discipline is administered.

#### **Article 2. Policy**

1. A disciplinary action against an employee shall be initiated promptly. Except for serious violations of policy and procedures, disciplinary action may be progressive in severity. The severity of the action shall be determined after consideration of the nature of the offense, its relationship to the employee's assigned duties and responsibilities, the employee's work record, and other relevant factors.
2. Failure to apply disciplinary action in an instance shall not be construed as a waiver or precedent with respect to the same or a similar situation in the future. The Employer reserves the right to take into account extenuating circumstances if such circumstances exist. It is the employee's responsibility to make known such circumstances. Questions concerning the gravity of a specific regulation, the application of any rules, or any questions regarding this policy should be referred to the Chief Operating Officer.
3. A probationary employee may be dismissed at any time for any reason, or for no reason, during the probationary period. Such termination shall not be subject to review or appeal.

#### **Article 3. Causes for Disciplinary Action**

Any conduct that reflects discredit upon the City or is a direct hindrance to the effective performance of the City's functions shall be considered cause for disciplinary action against any employee of the City. Circumstances constituting cause for disciplinary actions are listed in a non-exhaustive list below, and charges may be based upon cause and complaints other than those listed:

1. Being convicted of a misdemeanor and/or felony;
2. Being absent without authorized leave;
3. Engaging in acts of insubordination;

4. Intentionally failing or refusing to carry out instructions;
5. Willfully disregarding orders;
6. Engaging in misappropriation, destruction, theft, or conversion of municipal property;
7. Engaging in neglect or carelessness resulting in damage to City property or equipment;
8. Becoming unfit for the performance of the employee's duties;
9. Engaging in acts of misconduct while on duty;
10. Being repeatedly tardy and/or absent;
11. Falsifying any information required by the City;
12. Failing to properly report accidents or personal injuries;
13. Using intoxicating liquors, narcotics, or dangerous drugs (without a doctor's prescription) on City property or in City equipment or proceeding to work under the influence of intoxicating liquors, narcotics, or dangerous drugs;
14. Being absent from the employee's designated work area without permission;
15. Failing to follow safety regulations;
16. Conducting personal business during an employee's work hours without authorization;
17. Abusing or misusing leave;
18. Dealing with the public in a discourteous or unprofessional manner;
19. Failing to adhere to a dress code established by the City for the employee's position;
20. Making any false statement on an employment application; or
21. Violating any provision of these Rules and Regulations, regardless of whether a rule or regulation states that an employee who violates it may be subject to disciplinary action.

#### **Article 4. Types of Disciplinary Measures**

1. **Verbal Warning:** a spoken warning or indication of disapproval concerning a specific act, infraction, or violation of a policy or procedure shall be noted in the employee's personnel file.

2. **Written Reprimand:** a written indication of disapproval concerning a specific act, infraction, or violation of a policy or procedure that is made a part of the employee's personnel record. This form of disciplinary action shall be used for matters rising above those for which an oral reprimand is appropriate, but which does not warrant a more serious disciplinary action. A written reprimand shall be signed by the supervisor issuing the reprimand and the employee who is being disciplined.
3. **Suspension:** the placing of an employee on leave without pay status for a specified period for a specific act, infraction, or violation of a policy or procedure. The length of any suspension shall not exceed 30 days.
4. **Demotion:** any movement of an employee from one classification to another that has a lower maximum salary rate and less difficult or responsible duties.
5. **Dismissal:** the removal of an employee from City employment.

#### **Article 5. Who May Discipline Employees?**

1. Verbal warnings may be issued by supervisors, Department Heads, or the Chief Operating Officer for infractions or work rules.
2. Written reprimands may be issued by a Department Head or Chief Operating Officer.
3. Suspensions, demotions, and dismissals may be issued with Chief Operating Officer approval.

#### **Article 6. Pre-Disciplinary Notice and Right to be Heard**

- a. Subject to Paragraph 2 of this Article, written notice signed by a person authorized by Article 5 to administer discipline shall be given to each employee stating the reasons for the disciplinary action and the date it is to take effect. The notice is to be given to the employee at the time such action is taken and, in any event, and as soon as reasonably practicable after the date of violation or discovery of same and after the pre-disciplinary meeting if one is required. A copy of the notice signed by the employee in the employee's file shall serve as prima facie evidence of delivery, except that if an employee refuses to sign the notice, before placing the notice in the employee's file, the person administering discipline shall endorse on the notice that the employee refused to sign.

In any case of a proposed disciplinary action which involves dismissal, demotion, or suspension of an employee who has completed the probationary period of employment, a pre-disciplinary meeting shall be held by the person administering discipline as soon as practicable following the preliminary determination to impose disciplinary action. If practicable, the meeting shall be held within two working days after the employee has been informed of the potential discipline. No disciplinary action shall be implemented until after the completion of the meeting. Written notification of the pre-disciplinary meeting and the general reasons for the meeting and the proposed disciplinary action shall be given to the

employee. The employee also shall be advised that the employee shall be afforded an opportunity to respond to the proposed disciplinary action and the reasons for it. The general procedure for a pre-disciplinary meeting shall be the presentation of the action to the employee which is being considered as grounds for dismissal, demotion, or suspension by the supervisor and the opportunity for the employee to respond to the allegations. This shall not be a full administrative hearing, but rather a means for the person administering discipline to determine the validity of the allegations.

### **Article 7. Conflicting Policies**

Except as provided in this subsection, the provisions of this manual apply to all employees of the City, unless the provisions conflict with or are inconsistent with the state or federal legislation or a written contract of employment

When discrepancies exist between the City's personnel manual and police specific policies FOP, the Seat Pleasant's department's policies and procedures manual shall be the superseding authority.

## **Chapter XIII. Grievance Procedures**

### **Article 1. Policy**

It is the desire of the City to resolve grievances informally in a prompt and equitable manner. Whenever possible this shall be done informally and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there may be grievances which can be resolved only after a formal appeal process. Nothing shall preclude any employee, including a probationary employee, from making a formal complaint regarding a violation of civil rights or retaliation with the City. Alleged discriminatory treatment need not be stated as a grievance. The employee may report such to any federal, State, county, or city officer designated to such complaints.

### **Article 2. Applicability and Eligibility**

1. This Article governs grievances of all employees of the City and supersedes any regulation, rule, or order in all City departments.
2. Only a regular employee may file a grievance.
3. Exclusions: A grievance may not be filed when it involves:
  - a. A grievant who is a temporary/seasonal or probationary employee;
  - b. Actions or procedures governed by the LEOBR, unless the employee has waived the employee's rights under the LEOBR and elects to proceed with the grievance process under this Chapter XIV;
  - c. Actions taken by the City Council which are policy decisions and not management/administrative actions;
  - d. Non-selection for promotion, provided that the sole reason for the grievance is based on opinion and is not substantiated by fact;
  - e. Documented warnings not filed within the employee's official personnel records;
  - f. Performance appraisals with an overall rating of "satisfactory" or better;
  - g. Withholding a salary increase due to less than satisfactory performance;
  - h. Position classifications;
  - i. A supervisor's determination of the job responsibilities and performance standards of an employee's position;

- j. The content of published City policy;
- k. Separation due to reduction in work force; or
- l. The City's decision not to renew an employment contract.

### **Article 3. Procedures**

1. **Grievance Criteria.** Subject to the eligibility requirements and exclusions above, a regular employee may file a written grievance when the employee is adversely affected as a result of: (1) the application of the provisions of these Rules and Regulations to the employee, including disciplinary actions taken pursuant hereto; (2) the actions of a supervisor; (3) alleged discrimination or unfair treatment; or (4) unsafe or unhealthy working conditions. A grievance must contain, at a minimum, the relevant facts and dates, specifics of the act and harm done, and remedy or adjustment requested.
2. **Compliance.** A failure on the part of an employee to comply with the time limits and requirements set forth in this Section shall result in the employee waiving his or her right to pursue the matter as a grievance or appeal of such.
3. Every grievance pursuant to this Section shall be immediately dated and logged by the person receiving it. The grievant shall be provided a copy of the date and logging information.
4. The final decision of the City shall be the decision at the highest step or level to which the grievance or appeal was made. Unless the Chief Operating Officer determines otherwise, the discipline/termination that is the subject of the grievance shall ordinarily not be effective until the final decision by the City.
5. An employee may also follow the outlined grievance procedures by registering their grievance with the Human Resources Officer, who shall follow the above grievance procedures.
6. **Applicable Steps.**
  - a. Ordinarily, the grievant shall follow the steps in the order outlined below.
  - b. Any grievance involving a suspension, fine, or probation imposed or approved by the Department Head for a regular employee shall commence as a Step 2 grievance. Such grievance must be filed within five business days of the announcement of the action.
  - c. Any grievance involving the termination of a regular employee is an immediate Step 3 grievance. Such grievance must be filed within five business days of notice of termination being sent to the employee.

- d. For a regular employee subject to the direct supervision of the Chief Operating Officer, Step 3 shall ordinarily be the only grievance step applicable to such grievance. Such grievance must be filed within five business days of the occurrence.

7. Miscellaneous.

- a. Any party to a grievance may have an attorney present to advise and/or represent them at any step in a grievance.
- b. No new issues may be added to the appeal of any grievance after the initial grievance. Hence, after the employee's initial grievance, any step or level of grievance above the initial step or level of grievance shall be limited to the issues raised in the first grievance.

#### **Article 4. Grievance Steps**

##### Step 1.

Unless otherwise provided, the employee shall first present to his/her immediate supervisor a written grievance within five business days of the occurrence. The grievance shall conform to the requirements in the definitions of "grievance" in these regulations. The supervisor shall make careful inquiry into the facts and circumstances of the issue and shall respond in writing as soon as possible. If the supervisor fails to respond in writing within five business days, unless the supervisor affirmatively in writing extends the time to respond, the grievance shall be deemed denied. The supervisor, upon receipt of the grievance, shall immediately notify the Department Head of the nature of any grievance and thereafter shall promptly notify the Department Head of the action (or non-action) taken in response.

##### Step 2.

1. An employee who is dissatisfied with the decision(s) in Step 1 or who is otherwise entitled to bypass Step 1 may submit his/her grievance in writing to the Department Head within five business days of the supervisor's response or within five business days from the date the supervisor was required to respond. Any grievance filed with the Department Head shall, in addition to the requirements of a Step 1 grievance, include the names and addresses or phone numbers of all witnesses.
2. The Department Head shall meet with the employee as soon as possible and may also conduct a separate investigation. However, the Department Head shall give the employee a written decision and the reasons therefor within five business days after the date of the meeting, with a copy to the Chief Operating Officer. Unless the Department Head affirmatively in writing extends the time to respond, when the Department Head fails to render a written decision within the five-day period, the grievance shall be deemed denied.

##### Step 3.

1. An employee who is dissatisfied with the decision(s) in Step 2 or an employee who has an immediate Step 3 grievance may file a written grievance/appeal with the Chief Operating Officer. Step 3 grievances/appeals shall be accompanied by a statement as to the nature of

the grievance as provided in Step 2. Appeals from a Step 2 grievance shall be sent by the employee to the employee's Department Head at the same time as it is filed with the Chief Operating Officer. It shall be the duty of the Chief Operating Officer to promptly inform the Council of the filing and progress of any Step 3 grievance.

2. The Chief Operating Officer shall ordinarily be the Hearing Officer. In the event the Chief Operating Officer directly supervises the grievant (a Department Head or on employee in the Chief Operating Officer's office), the Council shall appoint a hearing officer. In any Step 3 grievance, where the Council, in its sole discretion, determines that the interests of the City or an unusual circumstance so dictates, the Council may appoint one or more independent arbitrators or mediators to take appropriate action, including serving as the Hearing Officer in a Step 3 grievance. The Hearing Officer in any Step 3 grievance shall hear the grievance and have all authority to decide the matter.
3. The Hearing Officer shall promptly conduct a hearing in the presence of the grievant and the appropriate City employee, both of whom shall have the right to request summons of witnesses and produce such relevant evidence as may be desired. The grievant, Department Head, or other appropriate City employee and the Hearing Officer shall have the right to be represented and/or advised by counsel.
4. The hearing shall be closed to the public in all cases unless the grievant elects otherwise, all parties agree, and the hearing officer finds that the interests of the City and of any City employee cannot be harmed by the hearing being open to the public. The Hearing Officer shall determine prior to the hearing: (1) procedures regarding the presentation of evidence; (2) the order in which the parties shall present the evidence; and (3) such other matters as the Hearing Officer considers appropriate to conduct a fair hearing. The hearing shall be recorded, videotaped, or transcribed, witnesses shall be sworn by the Clerk or another individual authorized to administer oaths, and all documentary evidence shall be marked, identified, and either admitted or not admitted as evidence. Formal rules of evidence shall not apply, but efforts shall be made to admit only credible, material, or relevant evidence. The Hearing Officer shall consider only the testimony and evidence presented at the hearing necessary to make a decision, which shall be in writing.

The Hearing Officer shall have full authority and discretion to decide all procedural and substantive issues in the grievance, basing his/her finding and conclusion on a preponderance of the evidence. The Hearing Officer may change the decision of the Department Head, in the event of an appeal from a Step 2 grievance, only upon finding that the Department Head's action was: (1) not supported by competent, material evidence or by a preponderance of evidence; (2) made upon unlawful procedure; or (3) arbitrary or capricious, and may, if the facts warrant, order payment of part or all of the salary to the employee from the date the action against the employee was effective or any other appropriate relief. The decision of the Hearing Officer shall be final, subject to any right of grievance review by the Circuit Court of Prince George's County authorized by law.

## **Chapter XIV. Separations**

### **Article 1. Voluntary Separations**

#### 1. Resignation

- a. An employee shall resign from employment by presenting a resignation in writing not less than two weeks prior to the effective date. A resignation may be withdrawn by an employee at any time prior to the effective date with the approval of the Chief Operating Officer and Department Head. The requirements of this paragraph may be altered in writing, as agreed to between the Chief Operating Officer and the employee.
- b. Any employee who fails to provide notice as set out in paragraph 1 Article 1 shall be deemed out of good standing with the City and shall be ineligible for rehire, absent extraordinary circumstances.

### **Article 2. Involuntary Separations**

#### 1. Reduction in Force; Layoff; Furlough.

- a. The Chief Operating Officer may terminate the employment of any employee because of lack of funds or government workforce reorganization or curtailment of work. However, no regular full-time employee shall be subject to lay off from a department while there are probationary, part-time, or temporary employees serving in that department. A Department Head may, with the approval of the Chief Operating Officer, appoint an employee who is to be laid off to any existing vacancy in a lower class for which the employee is qualified. The order of layoff shall be determined by employees' past performance and attendance and the requirements of service that are continuing. The City shall provide two weeks' notice or equivalent compensation to persons whose employment is terminated under this section.

Employees on probation may be terminated by the Chief Operating Officer without notice.

Employees with permanent status also may be terminated without notice.

- b. The Chief Operating Officer, with the approval of the City Council, from time to time may furlough all, or classes of, City employees on a temporary short-term basis to address a lack of funds reasonably available to the City to maintain a regular work schedule for all employees. Before implementing a furlough, the Chief Operating Officer shall prepare, and the City Council shall approve, a furlough plan that identifies the financial need for the furlough, the class or classes of the employee to be furloughed, and the reduction in work measures to be implemented as part of the furlough. A furlough plan may include reduced daily work hours, days off without pay, or other similar types of measures.

2. Death. At the time of death, the employee's beneficiary shall be eligible to receive wages due to the employee, as well as compensation for unused accrued annual leave in accordance with Chapter XI, Article 2, of these Rules and Regulations.

### **Article 3. Return of City Property and Final Payment upon Separation**

1. All employees separating from the City for any reason shall, prior to the end of the last day of employment, return all City-owned property, equipment, and identification cards issued to the employee. Employee shall disclose all passwords to all electronic devices. Failure to do so shall result, to the extent permitted by law, in the deduction of the value of the City-owned property and equipment from the employee's final paycheck and the withholding of benefits otherwise due the employee at the termination of employment. An employee's acceptance of this policy shall be authorization by the employee to the deductions from the employee's final paycheck.
2. All compensation and payment for other benefits due to an employee at the time of separation shall be provided in one check, unless otherwise authorized by the Chief Operating Officer, subject to any deductions from such check as provided in this section and authorized by the employee.

### **Article 4. Exit Interviews**

All terminated employees are required to schedule an appointment for an exit interview with the Chief Operating Officer or designee before leaving the City. Exit interviews are one of the best ways to get true and honest feedback from employees. An employee's honest feedback shall not result in repercussions from statements made during an exit interview and shall not be used to prevent future eligibility for rehire. The exit interview is an integral part of the City's employee retention efforts. The City is always looking for ways to retain its employees and feedback is valued.

## EMPLOYEE ACKNOWLEDGEMENT FORM

I acknowledge that the Personnel Rules and Regulations Manual **IS NOT AN EMPLOYMENT CONTRACT** but is to be used as an important reference tool for all employees.

I further acknowledge that all City employees not covered by a separate contract of employment with the City (i.e., a written contract between that employee and the City) are an “**At-Will**” employment relationship with the City. At-Will employment has been explained to me and I understand that I should consult my supervisor or the Human Resources Director regarding any questions about At-Will employment, this Manual, or any City policy.

Since the information, policies, and benefits described in this Manual are subject to change, I acknowledge that revisions to this Manual may occur. I understand that any changes shall be communicated through official channels and that revised information may supersede, modify, or eliminate existing policies. I am aware that the City Council has the authority to adopt any revisions to the policies in this Manual.

By signing my name below, I acknowledge that I have received this Manual, that it is my responsibility to read and comply with the policies contained in this Manual and any revisions thereto, and that I have, in fact, read this Manual.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee’s Printed Name

\_\_\_\_\_  
Date