



**City of Annapolis**

# Rules & Regulations

**OF THE  
PERSONNEL SYSTEM**

**Issued  
Revised 2015**



## PREFACE

### **Special Notes:**

#### **ABOUT THIS PERSONNEL MANUAL**

This manual sets forth the Rules and Regulations of the City of Annapolis, hereafter referred to as the City. The policies and provisions included in these Regulations have been implemented under authority granted to the Human Resources Director by applicable sections of the Charter and Code of the City.

This manual and the appendices included in it provide an explanation of the employment policies, procedures and employment benefits of the City of Annapolis. It applies to full time, part time and other exempt service employees and volunteers.

These Rules and Regulations also apply to City employees covered by collective bargaining agreements with labor unions. If any conflicts exist between policies and procedures included in the Rules and Regulations and a current union collective bargaining agreement, the terms and conditions of the union collective bargaining agreement shall take precedence for employees in the classifications subject to that union collective bargaining agreement, regardless of whether the rights and benefits are greater or less than those provided in the Rules and Regulations.

**These Rules and Regulations are not an employment contract. Nothing contained herein is intended to create or become an employment contract between the City and any person for the purposes of employment, promotions, or for the providing of any benefit.**

The City retains the right to establish, change, modify, or make exceptions to these Rules and Regulations when necessary.

Any questions concerning the interpretation and application of these Rules and Regulations shall be referred to the Human Resources Director for resolution.

Additional administrative policy and procedure provisions are contained in the regulations of the City's individual departments and various union collective bargaining agreements.

The personal pronouns he, his, and him used in these Rules and Regulations are to be interpreted to include both sexes. They are used merely for convenience and are not to be considered as any adverse reflection on either sex.

If you have any questions about the manual or its contents, please consult your supervisor, Department Director or the Human Resources Department.

CITY OF ANNAPOLIS  
RULES AND REGULATIONS OF THE PERSONNEL SYSTEM

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## INTRODUCTION

~~This document sets forth the Rules and Regulations of the City of Annapolis. The policies and provisions included in these Regulation have been implemented under authority granted to the Personnel Director by applicable sections of the Charter and Code of the City of Annapolis.~~

~~These Rules and Regulations have been developed in the interest of Providing employees with clear and concise information of the opportunities responsibilities and obligations associated with employment by the City of Annapolis. Employees are unquestionably the City's most valuable asset, and these Regulation are intended to allow all City personnel to pursue their employment under fair and equitable conditions.~~

~~A set of Rules and Regulations in their entirety is maintained within each City department, and employees are entitled to review the Rules and Regulations within a reasonable time following such a request to their supervisor. The Personnel Department staff is also available to answer any questions that may arise concerning the Rules and Regulations.~~

~~Serving the citizens of Annapolis through City employment is both an honor and a serious responsibility. Our ability to provide the most effective and efficient service to the public will be greatly enhanced by the cooperation of all employees in abiding by the provisions of the Rules and Regulations.~~

## PREFACE

~~These Rules and Regulations of the Personnel System were established in July, 1992.~~

~~Additional administrative policy and procedure provisions may also be contained in the individual departmental regulations, policy memoranda issued by the City, and various labor contracts.~~

### Special Notes:

~~X — The personal pronouns he, his, and him used in these Rules and Regulations are to be interpreted to include both sexes. They are used merely for convenience and are not to be considered as any adverse reflection of either sex. When communication is directed toward either sex separately, words such as he and she and male and female will be used.~~

~~X — These Rules and Regulations are not an employment contract. Nothing contained herein is intended to create or become an employment contract between the City and any person for the purposes of employment, promotions, or for the providing of any benefit.~~

~~X — Any questions concerning the interpretation and application of these Rules and Regulations shall be referred to the Personnel Department for resolution.~~

~~X — The City retains the right to establish, change, modify, or make exceptions to these Rules and Regulations when necessary~~

~~X — If any direct conflicts exist between policies and procedures included in the Rules and Regulations and a current City labor agreement, the terms and conditions of the labor agreement shall take precedence for employees in classifications represented by a bargaining agent, whether the rights and benefits are greater or less than those provided in the Rules and Regulations.~~

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## AMERICANS WITH DISABILITIES ACT

On July 26, 1990, the President signed into law the American with Disabilities Act (ADA, or the Act), which bars discrimination against the disabled.

The ADA prohibits discrimination against disabled persons in the areas of employment, public services, public accommodations, and telecommunications. The provisions governing employment and public accommodations are of particular interest to employers and businesses.

Three significant compliance dates apply to the City of Annapolis. They are:

January 26, 1992 Public accommodations must not discriminate against individuals with disabilities. Auxiliary aids and services must be provided to individuals with vision or hearing impairments or other individuals with disabilities, unless an undue burden would result. Physical barriers in existing facilities must be removed, if removal is readily achievable. If not, alternative methods of providing the services must be offered, if they are readily achievable.

July 26, 1992 Employers with 25 or more employees are prohibited from discriminating against individuals with a disability.

January 26, 1993 New facilities designed and constructed for first occupancy later than this date must be accessible to the disabled.

The Americans with Disabilities Act (ADA) sets forth conduct required by employers as it relates to disabled applicants, employees, and the public. Its goal is to mainstream disabled individuals by prohibiting discrimination against them.

### WHAT IS, AND IS NOT, A DISABILITY?

A disability is a physical or mental impairment that substantially limits one or more major life activity. Examples of disabilities include:

Mobility: Persons who use wheelchairs, canes, walkers, crutches, etc.

Sensory: Persons who are blind, visually impaired, deaf, hearing impaired, etc.

Intellectual: Persons who are developmentally delayed.

Neurological: Persons with multiple sclerosis, strokes, epilepsy, cerebral palsy, etc.

Chronic Illness: AIDS, diabetes, lupus, arthritis, muscular dystrophy, etc

~~Learning: Learning disabilities which may include problems with reading, spatial memory, short-term memory, sequential learning, etc.~~

~~Emotional: Persons who have schizophrenia, manic-depression, panic attacks, etc.~~

~~The following are not disabilities as defined by the ADA:~~

~~500Minor, non-chronic conditions of short duration such as sprains, infections, broken limbs, pregnancy, etc.~~

~~X Current illegal use of drugs.~~

~~X Asexual behavior disorders i.e. transvestites, homosexuals, bisexuals, pedophiles, etc.~~

~~X Compulsive gambling, tobacco addiction, kleptomania, pyromania, and obesity (except in rare circumstances).~~

### **WHO IS COVERED BY THE ADA?**

~~The law prohibits discrimination against:~~

~~1. Qualified individuals with disabilities.~~

~~2. Persons who have a known association or relationship with disabled individuals. For example, a person who does volunteer work with AIDS patients.~~

~~500Individuals with records of such physical or mental impairment. For example, a cancer patient in remission.~~

~~4. Individuals regarded as having such an impairment. For example, a person disfigured by a burn accident.~~

### **WHAT IS COVERED BY THE ADA?**

~~The ADA prohibits discrimination in the areas of employment, public service, public accommodations, and telecommunications.~~

~~The employment provisions refer to all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.~~



~~The public accommodations provisions prohibits denying full and equal enjoyment of goods, services, facilities, privileges, or accommodations to disabled individuals.~~

### **WHAT ACTIONS CONSTITUTE DISCRIMINATION?**

~~The ADA specifies types of actions that may constitute discrimination. These actions are discussed more fully in the following chapters, as indicated:~~

- 1) ~~Limiting, segregating, or classifying a job applicant or employee in a way that adversely affects employment opportunities for the applicant or employee because of his or her disability.~~
- 2) ~~Participating in a contractual or other arrangement or relationship that subjects an employer's qualified applicant or employee with a disability to discrimination.~~
- 3) ~~Denying employment opportunities to a qualified individual because he/she has a relationship or association with a person with a disability.~~
- 4) ~~Refusing to make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability, unless the accommodation would pose an undue hardship on the business.~~
- 5) ~~Using qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability unless they are job-related and necessary for the business.~~
- 6) ~~Failing to use employment tests in the most effective manner to measure actual abilities. Tests must accurately reflect the skills, aptitude, or other factors being measured, and not the impaired sensory, manual, or speaking skills of an employee or applicant with the disability (unless those are the skills the test is designed to measure).~~
- 7) ~~Denying an employment opportunity to a qualified individual because he/she has a relationship or association with an individual with a disability.~~
- 8) ~~Discriminating against an individual because he/she has opposed an employment practice of the employer or filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing to enforce provisions of the Act.~~

### **WHAT ARE PENALTIES FOR DISCRIMINATION?**

~~The relief or remedies for employment discrimination, whether caused by intentional acts or by practices that have a discriminatory effect, may include hiring, reinstatement, promotion, back pay, front pay, reasonable accommodation, or other actions that will make an individual whole (in the condition he/she would have been but for the discrimination). Remedies also may include payment of attorneys' fees, expert witness fees and court costs.~~

~~Compensatory and punitive damages also may be available where intentional discrimination is found. Damages may be available to compensate for actual monetary losses, for future monetary losses, for mental anguish and inconvenience. Punitive damage also may be available if an employer acted with malice or reckless indifference. The total amount of punitive damages and compensatory damages for future monetary loss and emotional injury for each individual is limited, based upon the size of the employer, using the following schedule:~~

<u>Number of employees</u>	<u>Damages will not exceed</u>
15-100	\$ 50,000
101-200	100,000
201-500	200,000
500 and more	300,000

~~Punitive damages are not available against state or local governments.~~

~~In cases concerning reasonable accommodation, compensatory or punitive damages may not be awarded to the charging party if an employer can demonstrate that A good faith efforts were made to provide reasonable accommodation.~~

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**THE AMERICANS WITH DISABILITIES ACT**  
**DRUG AND ALCOHOL ABUSE**

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**INTRODUCTION**

The ADA specifically permits employers to ensure that the workplace is free from the illegal use of drugs and the use of alcohol, and to comply with other Federal laws and regulations regarding alcohol and drug use. At the same time, the ADA provides limited protection from discrimination for recovering drug addicts and for alcoholics.

**OVERVIEW OF LEGAL OBLIGATIONS**

- X ~~— An individual who is currently engaging in the illegal use of drugs is not an individual with a disability when the employer acts on the basis of such use.~~
- X ~~— An employer may prohibit the illegal use of drugs and the use of alcohol at the workplace.~~
- X ~~— It is not a violation of the ADA for an employer to give tests for the illegal use of drugs.~~
- X ~~— An employer may discharge or deny employment to persons who currently engage in the illegal use of drugs.~~
- X ~~— An employer may not discriminate against a drug addict who is not currently using drugs and who has been rehabilitated, because of a history of drug addiction.~~
- X ~~— A person who is an alcoholic is an individual with a disability under the ADA.~~
- X ~~— An employer may discipline, discharge or deny employment to an alcoholic whose use of alcohol impairs job performance or conduct to the extent that he/she is not a qualified individual with a disability.~~
- X ~~— Employees who use drugs or alcohol may be required to meet the same standards of performance and conduct that are set for other employees.~~
- X ~~— Employees may be required to follow the Drug-Free Workplace Act of 1988 and rules set by Federal agencies pertaining to drug and alcohol use in the workplace.~~

## ILLEGAL DRUG USE

~~X — A current drug use@ applies to the illegal use of drugs that has occurred recently enough to indicate that the individual is actively engaged in such conduct. Employers may seek reasonable assurances of no current drug use, including asking the applicant/employee to show participation in a drug treatment program or results of a drug test.~~

~~X — An employer, such as a law enforcement agency, may also be able to impose a qualification standard that excludes individuals with a history of illegal use of drugs if it can show that the standard is job related and consistent with business necessity.@~~

## THE AMERICANS WITH DISABILITIES ACT

~~The Americans With Disabilities Act (ADA) may drastically change most aspects of the employer-employee relationship and will have a dramatic impact upon how government relates to its citizens.~~

~~The major thrust of the Act is simple: applicants, employees, and the public will be dealt with on an individual, case by case basis rather than on the basis of generalities, assumptions, and preconceived notions. The relationships affected include the application and hiring process, on-going employer-employee relationships, and communications and relations with the public.~~

## HIRING

~~Under the ADA, an applicant's disability may not disqualify him/her from a position for which he/she is otherwise qualified. If an applicant is not qualified by training, education, or experience, he/she need not be hired, regardless of disability. However, if qualified, the disability may not be the reason for failure to hire, if he/she can perform the job with a reasonable accommodation.~~

~~If the employee is qualified, he/she may still not be hired if he/she cannot perform the essential job functions, with or without a reasonable accommodation. The employer's written job description and decision as to what are the essential functions of a job will be given considerable weight and deference under the Act in the face of a challenge to a personnel decision.~~

~~As an aid to effecting this requirement of the Act, employers are precluded from inquiring about an applicant's disability, or lack thereof, until after an offer of employment has been made. The employer may condition the offer on successfully completing a physical and/or psychological examination, provided the examination is reasonably job related and is required of all applicants.~~

~~While an employer may not inquire into disabilities during the application process, the employer may ask if an applicant can perform the required tasks of the job sought.~~

## **CONTINUING EMPLOYMENT**

~~What about the current employee who becomes disabled at some point during his/her career? Must employers create "permanent light duty" assignments to accommodate those individuals? First, it should be made clear that the Act does not apply to temporary conditions.~~

~~The same standards apply to this individual as to the applicant: can he/she still perform the essential functions of the job with a reasonable accommodation: If the answer is yes, and the disability does not otherwise prevent him/her from performing all other essential job functions, the accommodation should be made.~~

~~The ADA also has application to the promotional process and assignment process. An employee may not be discriminated against in promotions or assignments as a result of a disability, if he/she is otherwise qualified for the position or assignment, on the same basis as an applicant may not be disqualified.~~

## **REASONABLE ACCOMMODATIONS**

~~What is a "reasonable accommodation" under the Act?~~

~~There is no one answer. The nature of the accommodation will vary by individual; indeed, the Act suggests that the employee be asked what accommodation is necessary as a first step. The answer may be as simple as providing an extra cushion for a vehicle; it may be as complex as providing telephone amplification. An employer will be excused from providing a reasonable accommodation if to do so would be an undue hardship.~~

~~Evaluations must be made on a case-by-case basis. What is reasonable under one set of circumstances may be an undue hardship under others. The important thing to note is that an actual examination and evaluation should be conducted, not merely an out-of-hand rejection of a requested accommodation because it requires a different way of thinking or acting.~~

~~The concept of "undue hardship" is as flexible as the concept of "reasonable accommodation" and is defined as a significant difficulty or expense, considering such factors as the cost of the accommodation, the number of employees involved, the size of the physical plant, and the resources of the employer. In other words, it is a balancing test which weighs the cost of the accommodation against the resources of the employer.~~

## CIVIL LIABILITY

~~An individual who has been discriminated against in violation of the ADA may seek relief in the form of an injunction, an affirmative action order, back pay and other equitable relief, and attorneys' fees. It is assumed that awards for violations of the ADA will be in line with awards in cases dealing with discrimination based on race, sex or age.~~

~~Because enforcement authority of the employment provisions is vested in the EEOC, an applicant or employee with a complaint must exhaust all administrative remedies before litigating in federal court. Procedures for enforcement are to be consistent with actions filed under the Rehabilitation Act of 1973, 50 Procedurally there will be little new for employers to learn.~~

~~One final note. The ADA is not intended to require the employment of the unfit or the incompetent. It is intended to create an atmosphere of equal opportunity and access, free of preconceived notions and beliefs.~~

## CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES

~~To avoid misunderstandings and Conflicts of interest, the following policy shall be adhered to by City employees. This policy is in accordance with Section 2-16 of the Code of the City of Annapolis.~~

In order to maintain the trust and confidence of those we serve and to avoid misunderstandings and conflicts of interest, City employees shall adhere to the following policy. This policy is in accordance with Section 2.08 of the Code of the City.

1. ~~No City public officer or employee shall~~ Solicit or accept anything of value to the recipient such as gifts, ~~(including Christmas gifts)~~ favors, loans, preferred service, benefits or concessions that would reasonably tend to improperly influence him in the discharge of his official duties or give the appearance of improperly influencing him;
2. ~~No City public officer or employee shall~~ Use or attempt to use his position to secure special privileges, benefits or exemptions for himself or others; ~~except as may be provided by policy and/or law.~~
3. ~~No City public officer or employee shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose Confidential information acquired by him by reason of his official position.~~ Transact any business in his official City capacity with any business entity of which he is an officer, director, agent, or member, or in which he has a financial interest.
4. ~~No City public officer or employee shall disclose confidential information gained by reason of his official position, nor shall he otherwise use such information for his personal gain or benefit.~~
5. ~~If any public officer or employee of the City is an officer, director, agent or member of, or owns a financial interest in any corporation, firm, partnership, or other business entity which is subject to the regulation of, or which has business transactions or commitments with the City or other political subdivision of the state, he shall file a financial disclosure form with the Ethics Commission.~~
6. ~~No City public officer or employee shall transact any business in his official City capacity with any business entity of which he is an officer, director, agent, or member, or in which he owns a financial interest.~~
4. ~~No City public officer or employee shall~~ Have personal investment in any enterprise, which would reasonably create a conflict between his private interests and the public interest.



If any public officer or employee of the City is an officer, director, agent or member of, or has a financial interest in any corporation, firm, partnership, or other business entity which is subject to the regulation of, or which has business transactions or commitments with, the City of other political subdivision of the state, he shall file a financial disclosure form with the Ethics Commission.

When an employee has any doubt as to the personal application of this policy, he should discuss the possible conflict with the Personnel Director or City Attorney.

### **SEXUAL HARASSMENT POLICY**

~~All acts of sexual harassment are recognized by the Federal government as civil rights violations, Covered under Section 703 of the Civil Rights Act, and are prohibited under the Standards of Conduct for government employment.~~

~~Unwelcome sexual advances, such as requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute harassment when:~~

- ~~1) Submission to such conduct is either explicitly or implicitly made a term or condition of employment.~~
- ~~2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions.~~
- ~~3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.~~

~~If you think you are being sexually harassed:~~

~~Contact the Personnel Director of the City of Annapolis or the Equal Employment Opportunity Commission (EEOC) 1-800-669-EEOC.~~

### **SUBSTANCE ABUSE POLICY**

~~Although the City of Annapolis maintains a strict policy with regard to substance abuse and has stressed, since 1985, its intention to maintain a drug free workplace, the City of Annapolis, as a recipient of federal grants, is required to abide by requirements of the Drug Free Workplace Act of 1988. This NOTICE, issued to all employees, will serve to re-emphasize the City's policies regarding substance abuse. Further, a copy of this notice will be given to all new employees during orientation.~~

- ~~1) As a condition of employment, unlawful manufacture, distribution, dispensation, possession, or use of any controlled dangerous substance, as defined in Article 27 of the Annotated Code of Maryland, in the workplace is prohibited and violators are subject to dismissal charges and procedures. Further, it shall be the duty of the employee to report to the City any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.~~

- ~~2) All persons hired for positions with the City of Annapolis are required to undergo a Drug Screening Test as part of pre-employment/employment processing. Initial positive results trigger a comprehensive confirmatory test upon which final employment decisions are based.~~
- ~~3) Substance abuse also includes alcohol and employees are prohibited from consuming alcoholic beverages during work hours which shall include, but not be limited to, an employee's lunch period, nor shall they have in their possession any open alcoholic beverage in or on City property. Employees shall not be allowed to report to work if the odor of an alcoholic beverage can be detected.~~
- ~~4) During the course of employment, should reasonable suspicion exist to indicate possible abuse and/or impairment from proper and safe performance of duties, employees may be subject to testing for substance abuse.~~
- ~~5) Employees subject to reasonable suspicion, who are confirmed through authorized testing (including confirmatory tests) to be users of controlled dangerous substances, will be referred to counselors at external agencies for evaluation and, if necessary referred to appropriate outpatient or inpatient treatment facilities. It shall remain the policy of the City of Annapolis to encourage rehabilitation and return to the work force.~~
- ~~6) Counseling, referral and treatment programs are available to all City of Annapolis employees and are coverage by the City's health plan through specific riders covering alcohol, drug, and psychological counseling and treatment. These riders are maintained by the City for the exclusive use of its employees.~~
- ~~7) Employees who have successfully completed rehabilitation and treatment and been returned to full duties in the workplace, are expected to remain free of substance abuse. Employees who fail to maintain a drug free status and again become subject to positive testing during the term of their employment, will subject to dismissal charges and procedures.~~

## **EMPLOYMENT NON-DISCRIMINATION AND HARASSMENT POLICY**

The City is committed to creating a workplace that is free of all employment discrimination and harassment without regard to political or religious opinion or affiliation, age, race, creed, color, sex, national origin, marital status, physical or mental disability, sexual orientation, genetic information, or any other category protected by applicable law. This policy governs conduct in the workplace and all other work-related activities.

## **POLICY REGARDING ACCOMMODATION OF DISABILITIES AND PREGNANCY**

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

The City encourages individuals with disabilities to come forward and promptly request reasonable accommodations.

An employee or job applicant who has questions regarding this policy should contact the Human Resources Department.

### **Procedure for Requesting an Accommodation**

- An employee or job applicant who has a disability and believes that he or she needs a reasonable accommodation to perform the essential functions of his or her job should contact the Human Resources Department with a request for accommodation. Pertinent medical information may be needed to determine the appropriate accommodation.
- Upon receipt of an accommodation request and medical documentation, as appropriate, a member of the Human Resources Department and pertinent staff will begin an interactive process of determining whether the individual's disability can be accommodated. They will meet with the individual to discuss and identify the precise limitations resulting from the disability and the potential accommodation(s) that the City might be able to make to help overcome those limitations. The City will then determine the feasibility of the proposed accommodation(s) by considering various factors, including but not limited to, the nature and cost of the accommodation, the City's overall financial resources, and the accommodation's impact on the operation of the City, including its impact on the ability of other employees to perform their duties and on the City's ability to conduct business.

### **Non-Disclosure of Genetic Information**

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law.

To comply with this law, employees should not provide any genetic information when responding to a request for medical information made in connection with a request for an accommodation, including any leave of absence. "Genetic information," as defined by GINA, includes an individual's family medical

history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

### Reasonable Accommodation Due To Pregnancy

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

- changing the employee's job duties
- changing the employee's work hours
- relocating the employee's work area
- providing the employee with mechanical or electrical aids
- transferring the employee to a less strenuous or less hazardous position, or
- providing the employee with leave

# **SECTION 1: General Provisions**

## **SECTION 1: GENERAL PROVISIONS**

### **1-1 Purpose**

~~The purpose of these Rules and Regulations is to implement the policies of the Personnel System as established in the Charter and Code of the City of Annapolis. They are intended to serve as a guide to administrative actions affecting City employees. These Rules and Regulations apply to all employees in classified positions. All other employees are designated as exempt and are not covered by these Rules and Regulations except as noted herein or as otherwise determined by management.~~

These Rules and Regulations set forth the policies of the Personnel System as established in the Charter and Code of the City. They are intended to serve as a guide to administrative actions affecting City employees.

### **1-2 Administration of the Personnel System**

~~The Personnel Human Resources Director shall be responsible for the administration and maintenance of the Personnel System. Amendments, changes or revisions of the Rules and Regulations shall be promulgated issued by the Personnel Human Resources Director and approved by the City Council, in accordance with Code Section 3.12.030.E. Upon enactment, any changes or revisions shall be forwarded to the Mayor, Council, all City departments, and others as appropriate and published on the City's intranet.~~

### **1-3 General Terms Used in the Personnel System**

#### A. Definitions

1. Active Pay Status - A status in which an employee receives pay from the City of Annapolis for working his regularly scheduled work hours or while on paid leave.
2. Anniversary Date of Classification - The date an employee begins employment in a classification and the same month and day in following years of uninterrupted employment in that classification.
3. Anniversary Date of Employment - The date an employee begins employment and the same month and day in the following years of uninterrupted employment.
4. Certification ~~— The referral of an applicant's name appearing on an eligibility list to a City department in order that the applicant be considered to fill a position vacancy in that department.~~ Annual Performance Appraisal – An annual written assessment of an employee's job performance by the employee's supervisor(s).

5. Appointing Authority – Person delegated to lawfully enforce Human Resources matters to include appointments, terminations and disciplinary action. The Appointing Authority may delegate responsibilities to a designated individual to act on his behalf. The Appointing Authority may also be referred to as the Department Director. In the Personnel Rules and Regulations the terms are used interchangeably.
6. Certification – The referral of an applicant’s name appearing on an eligibility list to a City department in order that the applicant be considered to fill a position vacancy in that department.
7. Civil Service Board - The Civil Service Board is composed of citizens of Annapolis appointed by Mayor and confirmed by City Council. The Board shall hear ~~and review~~ appeals filed by classified employees and perform other duties as described in City Code Section 3.12.040. ~~who have been dismissed, demoted or suspended in excess of ten (10) consecutive working days.~~
8. Civil Service Status – An employment status given to persons who have successfully completed the probationary period and are in a classified position.
9. Classification - A job category comprising a group of related positions sufficiently similar in general duties and responsibilities to be given the same title and pay range.
10. Classified Status - An employment status given to a full-time employee who has successfully completed an initial probationary period and is filling a classified position.
11. Classified Position – A full-time Civil Service authorized position which is not designated as exempt service.
12. Compensatory Time – Time off with pay granted to FLSA non-exempt employees in lieu of overtime pay which shall be at a rate of one and one half hours (1.5) for each hour worked over 40 in a single workweek.
13. Compensatory Time (FLSA Exempt Employees) – Time off with pay awarded at the discretion of the appointing authority in the event an FLSA exempt employee has consistently worked long hours under unusual conditions of a non-routine nature.
14. Demotion - A change in an employee’s classification to one which has a lower entry hourly wage rate.

15. Dismissal/Discharge - Disciplinary separation from City employment.
16. Eligibility List - A rank-ordered list, by examination score, of names of all applicants who have passed an examination for a specific classification.
17. Examination - Any instrument, process, or procedure used to assess the relative qualification of individuals to perform the duties of a specific classification.
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18. Exempt Service Status - An employment status given to ~~employees~~ persons who are not ~~classified~~ covered by Civil Service status- such as part- time, temporary, initial probationary, management and other classifications as ~~determined by management~~. listed in Chapter 3.08 of the City Code.
19. FLSA – The Fair Labor Standards Act, FLSA establisheds minimum wage, overtime pay, recordkeeping and youth employment standards affecting employees in the private sector and in the Federal, State, and local governments.
20. FLSA Exempt Employee – Employees who are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). FLSA exempt employees are typically categorized as executive, administrative or professional, depending upon the nature of work performed. Employees earn a salary instead of an hourly wage.
21. FLSA Non-exempt Employees – Employees who, because of the type of duties performed, the usual level of decision making authority, and the method of compensation, are subject to the Fair Labor Standards Act (FLSA) including the payment of overtime.
22. FLSA Overtime – Overtime pay, or compensatory time in lieu of overtime, as specified in the Fair Labor Standards Act.
23. Full Time - Appointment to a position that requires a working schedule of (35) hours or more a week
24. Job Description - A written description of the essential characteristics and duties of a classified position. Responsibilities, examples of tasks, required knowledge, skills and abilities, and qualifications needed to perform the work and included in a job description



- ~~14. Full Time - Appointment to a position that requires a working schedule of (35) hours or more a week.~~
- ~~15. Job Description - A written description of the essential characteristics and duties of a classification. Responsibilities, examples of tasks, desirable knowledge, skills and abilities, and qualifications needed to perform the work and included in a job description.~~
25. Layoff - A reduction of employees due to lack of work, funds, or other causes not pertaining to employee performance.
- 2547 Layoff List - A list of employees separated from employment due to a layoff.
26. Overtime - ~~Overtime is paid in accordance with Fair Labor Standards Act.~~ Compensation paid to FLSA non-exempt employees in accordance with Fair Labor Standards Act or the requirements of a union collective bargaining agreement.
- ~~19.~~
- ~~27.~~ Part-time - Appointment to an exempt position that usually requires a working schedule of twenty-eight (28) work hours or less per week.
- ~~20.~~ 28. Pay Range - The minimum to maximum wage or salary rates which are assigned to a particular classification.
- ~~21.~~ ~~29. Performance Evaluation Improvement Plans (PIP) - A written assessment of an employee's job performance by the employee's supervisor.~~ A written formal action plan to monitor and measure performance of an employee who does not meet minimum expectations, in order to assist the employee in improving performance.
- ~~22.~~ ~~31. Position - A group of job duties and responsibilities requiring the full-time or part-time employment of one (1) person. A position relates to the duties assigned and not to the employee performing those duties.~~
- ~~23.~~ ~~32. Probationary Employee - A full-time employee, upon initial employment, serving a trial working period. An employee is placed in classified status after successful completion of the initial probationary period. Another probationary period is required for employees promoted, demoted or transferred.~~
24. ~~33. Promotion - A change in an employee's classification to one which has a higher entry hourly wage rate.~~

25. 34. Recall - An offer of reinstatement to former employees who are on a layoff list.
26. 35. Reemployment - Hiring a former employee as a new employee.
27. 36. Reinstatement - An action returning a former employee to City service without loss of his continuous employment status.
37. Regular Work Day – Regularly scheduled consecutive hours of actual work within a work day, generally a 7, 8, 10 or 12 shift.
38. Regular Work Week – Scheduled hours within the calendar week of five consecutive regular work days (except for employees employed in a continuous operation, which will have its own regular work week schedule).
28. 39. Retirement - The act of separating from City employment for the purpose of receiving ~~pension~~ retirement benefits upon fulfilling eligibility criteria of the applicable retirement system.
29. 40. Suspension - A disciplinary absence from work without pay as directed by management.
30. 41. Temporary Employee - An exempt employee appointed for a special project, program, grant or ~~other work for a short duration~~. Seasonal employment.
31. 42. Transfer List- ~~By classification, a list of employees~~ A list of employees who have advised they wish to move to another department, or within the same department, without changing their classification.
43. Volunteer – An individual who provides a service to the City without pay as directed by a Department and who shall be governed by all applicable rules and regulations.
44. Work Day – A period of 24 hour beginning at 12:00 midnight and ending at 11:59 p.m. on the following day.
45. Work Week – Seven consecutive days beginning at 12:00 midnight on Thursday and ending at 11:59 p.m. on the following Wednesday.

#### **1-4 Personnel Records and Reports**

- A. The ~~Personnel~~ Human Resources Department shall ~~establish and~~ maintain ~~comprehensive~~ personnel records of all employees. Files maintained by the Human Resources Department are the official personnel records for all employees.

- B. An employee may inspect his personnel record during the normal office hours of the ~~Personnel~~ Human Resources Department and may ~~include~~ submit for inclusion in his file a written and signed ~~refutation~~ of comment on any material ~~he considers to be detrimental~~. in his personnel record.
  
- C. ~~All requests for information concerning past or present employees shall be directed to and processed by the Personnel Department.~~

## 1-5 References

**All reference requests regarding past or present employees must be directed to and processed by the Human Resources Department. No other City employees are authorized to provide employment references. The Human Resources Department will confirm dates of employment, position title and rate of pay after receiving written authorization from the employee.**

**SECTION 2: Application for Employment Provisions**

## **SECTION 2: APPLICATION FOR EMPLOYMENT PROVISIONS**

### **2-1 General Policy**

There shall be no discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel action because of political opinions or affiliations, ~~or religious Opinions or affiliations~~, or because of race, religion, color, ~~ereed~~, sex, age, national origin, physical or mental disability, marital status, veteran status, sexual orientation, genetic information or any other document factors as determined by applicable law.

As part of the commitment of the City to the principles of equality of opportunity, the ~~Personnel~~ Human Resources Department will continue furthering efforts to ~~reach the goals of the City's Affirmative Action Plan~~ ensure a diverse and well-qualified workforce.

~~Handicapped applicants will be given full consideration for employment in all departments. Reasonable effort shall be made to accommodate disabled applicants in all departments. Physical standards shall be adapted to the realistic requirements of jobs and will be based on complete, factual information regarding working conditions, hazards, and essential physical requirements of each job. Physical standards will not be used to arbitrarily eliminate handicapped persons with disabilities from consideration.~~

### **2-2 Recruitment and Examination Announcements**

All recruitment notices and announcements of examinations for positions shall be issued by the ~~Personnel~~ Human Resources Department ~~for the purpose of posting in the Personnel Office, on official City bulletin boards and in other appropriate places.~~ And available in the Human Resources Office, on official City bulletin boards and in other appropriate places. When recruitment is conducted for persons not employed by the City, advertisements may be placed in both the general and ~~minority~~ specialized media. A full time permanent civil service employee who has passed the probationary period is eligible to be considered for internal job vacancies. The announcement shall specify the title and salary range of the classification, the qualifications necessary or desirable for the performance of work, the place and manner of making application, a closing date for consideration of applications, if applicable, and other essential information.

### **2-3 Employment Application Form and Process**

Applications for employment shall be made on forms prescribed by the Human Resources Department. ~~Such forms shall require information covering training, experience, and other pertinent information. Each application must be signed by the person applying, and the truth of the statements contained therein certified by the applicant's signature.~~ Applications shall require personal information covering an applicant's qualifications. Each application must be signed by the person applying with a certification as to the truth of the information contained herein. The City shall require such proof of age, education, experience, and other claims as may be appropriate. Applications shall not be considered if not filed by the announced closing ~~date for receiving applications for a particular~~

position. Any exceptions to this require the approval of the Personnel Director, unless an exception is approved by the Human Resources Director.

Appointments to Exempt Service positions are made by the Mayor or his designee as defined by City Code. Applications submitted by applicants for these positions are evaluated based upon criteria established for that position, with the most qualified applicants proceeding to subsequent stages in the selection process. Subsequent evaluation may consist of structured interviews, examinations, or any other criteria, which fairly and impartially assess suitability to perform the duties of the position.

#### **2-4 Disqualification for Employment**

The City shall ~~reject~~ not select an applicant who does not possess the minimum qualification required for the position or fails to pass any examination for that position. Failure to meet the physical requirements for a particular job as determined by physical ability test(s) and/or the City's designated physician ~~will~~ may also result in disqualification. An applicant with a disability who cannot be reasonably accommodated may be disqualified. Fraudulent conduct or false statements by an applicant, or by others at his request or with his knowledge, in any application or examination, shall be cause for the is qualification of such applicant from an examination, removal of his name from all eligibility lists, or termination from City employment.

#### **2-5 Examination Procedures**

Whenever a vacancy exists or is contemplated for a Civil Service position, the ~~Personnel~~ Human Resources Department in conjunction with the department's appointing authority shall prepare selective criteria and/or administer competitive examinations to determine the relative qualifications of applicants for the position as may be needed to determine the qualifications of the applicants. In classifications where vacancies frequently occur, continuous recruitment examinations may be administered. All examinations will be designed to fairly and impartially assess the merit, fitness, experience and other qualifications of an applicant to perform the duties of the classification. Examinations may consist of one or more of the following:

- Written examination
- Oral examination
- Performance examination
- Medical examination
- Evaluation of training and experience
- Performance in present classification
- Length of time in present classification
- Any other applicable criteria which will fairly assess the abilities of an individuals to perform the duties required for the position
- Upon conditional offer of employment, medical examination

An employee shall suffer no loss of pay for participation in examinations for Civil Service positions.

Sound measurement techniques and procedures shall be used in the scoring of examinations and determining the relative qualifications and/or ranking of candidates. At the City's discretion, final scores shall be determined by the score achieved in any single element, or by combining scores achieved in any or all of the individual elements of the total process in accordance with the value or weight established for each element.

The retake of an examination shall be limited to those examinations administered solely for entrance level positions. An applicant for an entrance level position that requires examinations may retake an examination after two weeks have elapsed from the time the examination was initially taken. An examination may be taken a third time after two weeks have elapsed from the first retake. No additional retakes shall be allowed until one year has elapsed from the date of the last retake. An applicant may retain his original score on his examination, if achieved within one calendar year, or may accept the score of a retake, at his discretion. ~~Examinations designated as promotional shall not be retaken until the eligibility list for that position has expired.~~

~~D. Department Directors and certain other employees are considered exempt and are not employed in classified service positions. Appointments to these positions are made by the Mayor. Resumes submitted by applicants for these positions are evaluated based upon criteria established for that position, with the most qualified applicants proceeding to subsequent stages in the selection process. Subsequent evaluation may consist of structured interviews, assessment centers, reference checks, or any other criteria which fairly and impartially assess suitability to perform the duties of the position.~~

## **2-6 Eligibility Lists**

An ~~examinee~~ applicant who achieves a passing score on a competitive examination shall be placed on the eligibility list for that classification, according to his examination score. An employee requesting a transfer within the same classification shall be placed at the top of the eligibility list for the classification and no examination ~~is~~ shall be required. Honorably discharged veterans of the United States military services shall be given preference ~~in appointment, promotion and reemployment~~ in accordance with applicable laws.

An ~~examinee's~~ applicant's name shall remain on the eligibility list for a period of one ~~(1)~~ year. The ~~Personnel~~ Human Resources Director may, in writing, extend the entire list beyond that date. In no event will an eligibility list be in effect for more than two ~~(2)~~ years.

Whenever a Civil Service position is established or becomes vacant, the ~~Personnel~~ Human Resources Department shall certify to the requesting department ~~five (5)~~ the names of persons for each vacancy, in descending score order, ~~plus~~ as well as all persons on the transfer list for that classification.

Names of all persons with the same score as the last person (lowest score) certified applicant shall also be certified to the department for consideration in filling the vacancy. ~~(or vacancies)~~. The department shall have the discretion to fill the vacancy ~~(or vacancies)~~ with any of the names certified. When an applicant is certified to the same department more than once in a twelve (12) month period, the department may request replacement with an additional certification. ~~If the eligibility list does not contain a minimum of five (5) persons for each vacancy, all names on the list shall be certified.~~

## **2-7 Pre-employment Medical Examinations**

An applicant who has been selected and given a conditional offer of employment, ~~for employment,~~ including but not limited to those being reemployed, recalled, or reinstated, ~~may~~ shall be required to ~~pass a medical examination and~~ to undergo a drug screening test prior to his employment and be required to undergo a medical examination. ~~The medical examination shall be performed and evaluated by the City's designated physician. In the event a preemployment medical examination cannot be scheduled until after he starts work, he will suffer no loss of pay if the examination scheduled during his normal shift hours.~~ The drug screen and medical examination shall be scheduled by the Human Resources Department and the drug screening test must be taken within two workdays of job offer and evaluated by the City's designated physician.

## **2-8 Employment of Relatives (Nepotism)**

Approval will not be granted for the employment, promotion, or transfer of a member of the immediate family of an employee or other relative by marriage including but may not be limited to: ~~(father, mother, spouse, son, daughter, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, grandparents, grandchildren or other members of the employee's household)~~ spouse, father, mother, son, daughter, stepparent, stepchild, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, aunt, uncle, grandparents, grandchildren or other members of the employee's household to a position where an employee would be either supervising, subordinate to or directly influencing the activities of ~~his~~ the relative.



## **SECTION 3: Employment Provisions**



## **SECTION 3: EMPLOYMENT PROVISIONS**

### **3-1 Probationary Period**

All ~~entrance or promotional~~ appointments to Civil Service positions shall be ~~in a probationary status~~ subject to a probationary period. ~~This trial working period shall be utilized to closely observe an employee's work in an effort to secure the most effective adjustment to his position. An exempt status employee does not serve a probationary period.~~ While in the probationary period, an employee shall be deemed an "at will" employee. The probationary period shall be utilized to closely observe an employee's work performance in an effort to ensure the employee's suitability for the position and to assess the employee's job performance. An exempt status employee (as defined in Section 1 of this policy) is not required to serve a probationary period.

#### **B. ~~Duration of Probationary Period~~**

A probationary period for an employee in most Civil Service positions shall be a minimum of twelve (12) months for entrance and promotional appointments. A probationary period may, at management's discretion, be extended for six ~~(6)~~ months to allow for additional observation of an employee whose job performance is considered marginal and who may otherwise not successfully pass his probationary period.

Any extensions of ~~this nature~~ the probationary period shall be ~~shown~~ noted on an employee's annual performance evaluation form conducted prior to the expiration of his twelve (12) month probationary period and the Human Resources Department notified. ~~Additionally,~~ The employee must be advised that his probationary period is being extended prior to the expiration of the normal probationary period. A final performance evaluation form shall be completed and forwarded to the ~~Personnel~~ Human Resources Department prior to completion of ~~his~~an employee's probationary period indicating whether he is to be classified, terminated or demoted.

1. ~~Exceptions may be approved by the Personnel Department for classifications which require special training, licenses and certifications.~~
2. ~~An employee who transfers to another department in the same classification shall be required to complete a three (3) month probationary period.~~

Additional time may be approved by the Human Resources Director for classifications which require special training, licenses and certifications. In such cases, the probationary period may be extended for an additional one (1) year period. In no case shall the probationary period for an employee be extended for more than two (2) years.

Cumulative absences of thirty (30) or more calendar days ~~or more~~ and any suspensions from scheduled work shall ~~be added to~~ extend a probationary period. ~~Departments are~~ Department Director is responsible for computing, adjusting and documenting adjusted probationary periods.

### **3-2 Termination or Demotion of a Probationary Employee**

A probationary employee who has never attained Civil Service status in any classification may be terminated or demoted at the discretion of his Department Director. Grievance and appeal procedures are not available to an employee who has never attained Civil Service status in any classification.

A Civil Service employee serving a probationary period as a result of a promotion or transfer who is found to be unable ~~or unwilling~~ to perform the duties of the position shall be returned to his prior position if it is vacant, or he may be transferred to a vacant position with the same job classification as his prior position, subject to approval of the ~~concerned department director(s)~~ Director of that Department. The Department shall provide written notice specifying the reasons for failure to pass the probationary period. If there is no job vacancy or he is not transferred, he will be terminated ~~and placed at the top of the eligibility list for his prior classification for a period of six (6) months~~ and he becomes eligible to apply as an internal candidate for his prior classification for a period of six months.. A Civil Service employee may appeal his termination or demotion action directly to the Civil Service Board if he feels that the action is improper.

### **3-3 Civil Service Status**

Civil Service status ~~results from satisfactorily completing~~ is attained after satisfactory completion of the Probationary period in a specific classification. Once an employee passes his initial probationary period, he becomes a classified employee and receives all applicable benefits and rights as provided by the Rules and Regulations of the Personnel System. Civil Service appeal procedures do not apply to Exempt Service Employees who are listed in Chapter 3.08 of the City Code.

### **3-4 ~~Exempt Status~~**

~~Exempt status is a term used to designate the condition of employment of City employees who have not passed an initial probationary period and/or who are not in a Civil Service position. Personnel employed in an exempt status are usually subject to different pay and leave programs than employees in Civil Service positions. Employees who are in an exempt status are employed at the discretion of the Mayor, and as such, grievance and appeal procedures do not apply. Exempt status categories of employment are as follows:~~

#### ~~A. Temporary (Short Term)~~

~~A person who is employed on a short term basis in a position established for special projects, grant funded programs, or for work of a transitory nature, is designated temporary. The period of employment will not exceed one (1) year unless otherwise specified by a particular program, or as approved by the Personnel Department.~~

~~B. — Part time~~

~~A person who is employed on a part-time basis performs work in a position which usually requires less than thirty five (35) hours a week. A part-time employee can be assigned to a regular work schedule of up to twenty-eight (28) hours a week, but may be required to work more hours for a short duration when necessary to meet unusual contingencies.~~

~~C. — Management~~

~~Management personnel are employed at the discretion of the Mayor in positions designated in the City's Personnel Job Classification Record.~~

**3-5 — Employee Performance Evaluations**

~~A. — General Provisions~~

~~The employee performance evaluation is designed to examine and review an employee's work performance. The ratings shall be set forth on the performance evaluation form.~~

~~B. — Intent of Performance Evaluation~~

~~The performance evaluation will indicate to an employee how his past performance has been evaluated by his immediate supervisor, and may serve as the basis for discussing how an employee's performance can be improved. The performance evaluation may be used in estimating an employee's potential for advancement or for documenting unsatisfactory job performance.~~

~~C. — Frequency of Performance Evaluations~~

~~A classified employee shall receive regular annual ratings based upon his date of classification. Exempt employees, who are not filling management positions (e.g., temporary and part-time), may receive performance evaluations at the discretion of their department director.~~

~~D. — Performance Evaluation Rating Procedure~~

~~The immediate supervisor(s) most directly familiar with an employee's performance during the evaluation period shall be responsible for completing a performance evaluation rating unless otherwise assigned by the department director. If an employee has had more than one supervisor during the rating period, all concerned supervisors may contribute to his performance evaluation at the department director's discretion.~~

~~An employee should sign and date the evaluation form indicating that he has received a copy of his performance evaluation. The signature does not mean that he agrees with the supervisor's evaluation. If the employee refuses to sign the form, it should be so indicated by the supervisor in the space provided for the employee's Signature.~~

**SECTION 4: Classification and Pay Provisions**

## **SECTION 4: CLASSIFICATION AND PAY PROVISIONS**

### **4-1 Classification Provisions**

#### A. Purpose of the Classification Plan

The classification plan provides for a systematic arrangement and inventory of a wide variety of classified and exempt positions. The plan groups related positions into classifications with a similar range of duties, level of responsibility, and nature of work performed. Two or more classifications that are similar in type of work, but differ significantly as to the level of responsibility and difficulty, may be grouped as a classification series.

#### B. Classification Plan Administration and Maintenance

The ~~Personnel~~ Human Resources Department shall be responsible for establishing, administering, reviewing and revising the classification plan. No person shall be appointed to a position in the City under a title not contained in the classification plan. Surveys and studies shall be conducted of new or proposed positions for assignment to the proper classification. Job audits are conducted to analyze officially assigned duties and responsibilities, and when appropriate, positions shall be reclassified.

#### C. Job Descriptions

Job descriptions shall be developed and maintained for each classification describing the general duties, essential functions ~~and responsibilities of~~, and qualifications for the classification. Job descriptions are not to be considered as restrictive, but are intended to indicate the ~~kinds~~ types of duties and tasks that are generally assigned to the respective classifications. Job descriptions shall not be held to exclude those duties and ~~responsibilities~~ and essential functions which are not specifically mentioned, and the phrase “performs ~~related work~~ other duties as assigned” shall be liberally interpreted. All job descriptions are to be interpreted in a broad sense, and are not intended to be construed as limiting or modifying the authority of management to assign, direct and evaluate the work of any employee.

Job descriptions shall include the FLSA status, which will determine whether a position is eligible for overtime and/or compensatory time.

### **4-2 Position Reclassification (Job Audit)**

Classified positions may be reclassified when evidence supports the ~~fact that officially assigned duties and responsibilities of a continuing nature are not consistent.~~ Finding that the job description, duties and responsibilities are not consistent with the position’s classification. A



Department Director may request a review of a position during the month of October. Classification studies may result in a position upgrade, downgrade, lateral reclassification or conformation that the position is currently classified appropriately.

Whenever an employee affected by a job audit feels that his position has been classified incorrectly, he may appeal the determination to the Human Resources Director for review. Decisions of the Human Resources Director are final and not subject to grievance or further administrative appeal.

#### **4-3 Result of Reclassification**

A.     Reclassification to a New or Revised Classification

When an employee is reclassified as a result of the establishment of a new or revised classification of a similar nature, he will retain his present classification status. The employee's anniversary date in classification and relative position in the salary range will not be adjusted as a result of such action. Exceptions to this policy must have the approval of the Human Resources Director.

B.     Reclassification to a Higher Pay Grade

Should an employee be reclassified to an existing classification with a higher entry pay, such change shall be considered a promotion (see Promotion 4-5a).

C.     Reclassification to the Same Pay Grade

Should a position be reclassified to a similar existing classification with the same pay grade, an existing employee shall receive a change in classification title without an examination and shall maintain his same pay and date of classification.

D.     Reclassification to a Lower Pay Grade

Should an employee be reclassified to an existing classification with a lower entry pay, he shall be treated in accordance with demotion procedures (see Demotion 4-5B).

#### **4-4 Pay Provisions**

The Civil Service and Exempt pay plans shall be implemented, maintained, and administered by the Human Resources Department. The pay plans shall provide the basis of compensation for all employees.

The Civil Service Pay Plan shall include:

A. Tables of basic pay rates

Schedules of pay grades for each title in the classification plan consisting of the minimum and the maximum hourly rate and any applicable pay steps.

A description of applicable pay progression, pay differential, and other compensation policies.

B. Amendment of the Pay Plans

Amendments to the pay plans shall be considered when changes in responsibilities of work, cost of living, availability of labor supply, prevailing rates of pay, the City's financial condition, or other pertinent economic consideration-supports such action. After consultation with Department Directors and other concerned parties, the Human Resources Director may implement amendments to the pay plans in accordance with Section 3.12.070 of the City Code.

C. Pay Rates for New Appointees

Entrance appointments to Civil Service positions shall be made at the minimum pay rate of the assigned pay range. Written requests by Department Directors for a pay rate above the minimum of the range shall only be approved for exceptional reasons which are documented in the request and must have the prior authorization of the Human Resources Director, or his designee.

D. Red-Lining

An employee may receive a pay rate that is above the maximum range assigned to the job grade. This employee will be "red-lined". A red-lined employee is not eligible for further pay increases until the range maximum reaches or exceeds the employee's current pay rate.

E. Out of Class Pay

Employees performing the duties of a higher classification for more than ten (10) consecutive workdays shall be paid out of class pay at an hourly rate 5% higher than their regular pay, subject to the approval of the Department Director.

F. Overtime and Compensatory Time Policy

In accordance with the Fair Labor Standards Act (FLSA), overtime and compensatory time shall be administered as described. For employees in classifications covered by collective bargaining agreements, other terms and conditions may apply. Each job description contains the position's FLSA status. Relevant FLSA terms are defined in Section 1-3.

Policy

A. FLSA Non-Exempt Employees: This section applies to employees who are not exempt from the overtime provisions of the Fair Labor Standards Act (FLSA).

1. Overtime:

a. One and one-half (1.5) times an employee's hourly rate shall be paid for all hours worked in excess of forty hours actually worked within the work week.

b. For the purpose of computing overtime as described in a. above, paid leave hours are not regarded as hours worked.

c. If an employee uses scheduled leave for part of a work day and is required to work scheduled overtime in the same work day, the employee's work start time and work end time should be adjusted so that the payment of any daily overtime is minimized as much as possible.

d. Employees in classifications to which the partial overtime exemption applies under 29 U.S.C. §207(K) (Sworn Police and Fire Personnel) shall receive overtime compensation at the rate of one and one-half (1.5) times the number of hours worked beyond the statutory maximum for the applicable work cycle.

2. Compensatory Time:

a. Compensatory time may be used to compensate a non-exempt employee for performing work outside normal working hours at the rate of one and one-half (1.5) hours off for each hour of overtime worked. The supervisor and the employee must agree in writing prior to the work being performed that the additional time worked will be compensated by using compensatory time. Such agreement will be documented using an employee leave form.

b. Employees, including those in classifications to which the partial overtime exemption applies under 29 U.S.C. §207(K), may receive compensatory time in lieu of overtime at the rate of one and one-half (1.5) times the number of hours worked in excess of forty (40) hours in a work week, provided that the employee and the appointing authority have reached written agreement to that effect prior to the work being actually performed. Such agreement will be documented using an employee leave form.

c. Each department has the authority to manage the use of compensatory time. In this regard, some departments find it more effective and efficient to require an employee who has earned compensatory time during one quarter (or month, pay period, or some other time frame) to use that compensatory time before the end of the following quarter (or month, pay period, or established time frame). Use of compensatory leave time will be documented using the employee leave form.

d. Compensatory time leave balances earned by non-exempt employees may not exceed 120 hours (representing 80 hours of overtime work). An employee must be paid overtime for hours worked in excess of the 120 hours compensatory leave balance maximum.

e. Unused compensatory time earned by non-exempt personnel shall be paid no later than the end of each fiscal year. Requests will be submitted by the Department for payout of all accrued compensatory time with the effective date shown as the last pay period in the fiscal year.

B. FLSA Exempt Employees: This section applies to salaried FLSA-exempt employees in administrative, executive and professional positions.

1. All employees categorized as FLSA-exempt are to be paid on an annual “salaried” basis and are expected to work those hours necessary to complete their assigned responsibilities.
2. The granting of compensatory time shall be subject to available appropriations and the demands of efficiently providing City services, and is not an employee entitlement or right.
3. Appointing authorities shall have the discretion to provide FLSA-exempt employees compensatory time off with pay based on the needs of the Department in accordance with the following guidelines and subject to the following limitations:
  - a. An employee may be granted hour for hour compensatory paid time off when he or she:
    - (1) works more than one hour beyond the regularly scheduled hours actually worked in the employee’s regular work day;
    - (2) works at least an hour on a regularly scheduled day off;
    - (3) works at least an hour on an official City holiday, provided the employee was not scheduled to work on the holiday as part of the regular work schedule; or
    - (4) has worked significant additional hours and demonstrated extra effort that the Appointing Authority deems worthy of recognition.
  - b. An employee *may not* be granted paid compensatory time off if:
    - (1) compensatory time is not approved by the employee’s

supervisor. The appointing authority will have the final decision with regard to any dispute that may arise with regard to the granting of compensatory time;

- (2) it is the employee's poor productivity or performance that causes the employee to work extra hours to complete their assignments; or
- (3) an employee has already reached the 80 hour maximum limit for FLSA exempt employees.
4. Compensatory time made be taken in one-hour increments only.
5. After the initial one hour is worked, compensatory time is awarded in quarter hour increments only for additional time worked.
6. Compensatory time may be taken at times approved by the employee's supervisor only.
7. The FLSA-exempt employees may not accrue more than 80 hours of compensatory time.
8. Cash shall not be paid to FLSA exempt employees in lieu of paid compensatory time.
9. No cash payment will be made for compensatory time when an exempt employee leaves employment, moves to a non-exempt position, or when an employee becomes subject to a union collective bargaining agreement.
10. If the compensatory time is awarded for work performed beyond a regular work day, an employee must actually work the regular work day.
11. If the compensatory time is awarded for work performed on a holiday or a regularly scheduled day off, an employee must actually work the regular work week.
12. Appointing Authorities shall be responsible for:
  - a. Administering and controlling the use of compensatory time off that is granted to FLSA-exempt employees in his or her Department.

- b. Consulting with the City Attorney and the Human Resources Director prior to suspending any FLSA-exempt employee without pay. FLSA-exempt employees who are subject to disciplinary action resulting in an unpaid suspension may not be suspended for less than a day. Appointing Authorities must seek guidance from the Office of Law and the Human Resources Director in all such situations.

## **4-5 Personnel Actions**

### **A. Promotion**

An employee may be selected for promotion to a classification with a higher entry rate of pay. Upon promotion, an employee shall have his pay grade, hourly pay rate, classification date, and probationary period adjusted as follows:

An employee shall be placed in the pay grade established for the classification to which he is promoted and shall receive either the minimum of the new classification or the pay rate ~~of the new range or the pay rate~~ which will provide a five (5) percent increase in the hourly rate of pay, whichever is greater. If ~~a five (5) percent promotional~~ the pay increase results in an hourly rate between pay steps, the employee shall receive the higher step.

A promoted employee who previously held permanent Civil Service status shall retain all ~~permanent~~ Civil Service status rights and privileges during the probationary period. A promoted employee shall be subject to a twelve (12) month minimum probationary period.

### **B. Demotion**

#### **1. Effect of Demotion on Pay**

An employee demoted to a classification with a lower entry rate of pay shall have his pay grade, hourly pay rate, classification date and probationary period adjusted as follows:

- a. Demotion will not result in a pay increase.
- b. Pay will not exceed the maximum hourly rate of the pay grade designated for the lower classification.
- ~~c. An employee demoted for disciplinary reasons shall receive the hourly pay rate in the lower range which would place him in the same~~

~~relative position had he progressed from the minimum of the pay range assigned to the higher classification.~~

- c. An employee demoted for non-disciplinary reasons to a lower classification shall retain his current hourly pay rate or the maximum of the pay range assigned to the classification, whichever is lower.
- d. The ~~Personnel~~ Human Resources Director may approve administrative exceptions to the demotion pay policy upon the submission of a written request from a Department Director detailing any extenuating circumstances.

## 2. Demotion Approvals and Appeal

All demotions and resulting adjustments in an employee's pay rate shall be subject to ~~receive~~ the prior review and approval of the Human Resources Department. A classified employee demoted involuntarily may appeal the action directly to the Civil Service Board.

### C. Transfers

Employees may be transferred when necessary to a position within the same or a different classification. ~~Transfer will be to position where the employee's skills can be utilized to the maximum extent.~~ When transfers are dictated by reorganizations, every effort will be made to avoid reductions in pay. ~~and employee's desires will be adequately considered.~~

## **4-6 Overtime/Compensatory Time Performance Appraisals**

~~Overtime hours/compensatory time shall be paid in accordance with Fair Labor Standards Act. The Fair Labor Standards Act is available for review in the Personnel Office.~~

### A. General Provisions

The employee performance evaluation is designed to examine and review an employee's work performance. The ratings shall be set forth on the performance evaluation form.

### B. Intent of Performance Evaluation

The performance evaluation will indicate to an employee how his past performance has been evaluated by his immediate supervisor(s), and may serve as the basis for discussing how an employee's performance can be improved. The performance evaluation may be used in estimating an employee's potential for advancement or for documenting unsatisfactory job performance. In addition, the performance appraisal may serve as an opportunity to establish future goals and performance objectives as well as an opportunity to address other work-related issues.

### C. Frequency of Performance Evaluations

A classified employee shall receive regular annual ratings on his performance review date. Exempt employees, who are not filling management positions (e.g., temporary and part-time), may receive performance evaluations at the discretion of their Department Director.

### D. Performance Evaluation Rating Procedure

The immediate supervisor(s) most directly familiar with an employee's performance during the evaluation period shall be responsible for completing a performance evaluation rating unless otherwise assigned by the Department Director. If an employee has had more than one supervisor during the rating period, all of the supervisors may contribute to his performance evaluation at the Department Director's discretion.

An employee should sign and date the evaluation form indicating that he has received a copy of his performance evaluation. The signature does not mean that he agrees with the supervisor's evaluation. If the employee refused to sign the form, it should be so indicated by the supervisor in the space provided for the employee's signature. If an employee disagrees with the performance review they may submit a written response to the evaluation to the Human Resources Department for inclusion in their personnel file.

If an employee is displaying substandard performance, the supervisor shall inform the employee in writing of the unacceptable performance as soon as the events triggering unsuitable performance occur. Suggestions to improve the performance shall be included in the discussion or correspondence to the employee and documentation of this meeting shall be placed in the employee's personnel file.

If substandard performance results in an unsatisfactory rating on the performance appraisal, the appraisal shall be accompanied by a Performance Improvement Plan (PIP). The PIP will clearly state the areas of concern regarding performance and shall specify the performance standard to be met, and the steps necessary to achieve that standard and the follow-up requirements.

~~**4-7 In accordance with negotiated Labor Contracts.**~~



## **SECTION 5: Miscellaneous Rules and Employment Conditions**

## **SECTION 5: MISCELLANEOUS RULES AND EMPLOYMENT CONDITIONS**

### **5-1 Departmental Rules**

Each department may promulgate and implement departmental rules for employees and volunteers based upon operational needs and requirements as a supplement to the ~~Personnel Management System~~ Rules and Regulations. Copies of departmental rules shall be readily available to employees.

### **5-2 Hours of Work**

Full-time employees shall a minimum ~~of be scheduled to work~~ thirty five (35) hours per week. ~~except where other provisions are Specifically made.~~ The normal office workday shall be from 8:30 a.m. to 4:30 p.m., Monday through Friday, with time for an unpaid lunch period of ~~at least~~ one hour scheduled at the discretion of management. ~~Regular~~ Working hours, including flex time, other than the above shall have prior approval of the ~~Personnel~~ Human Resources Department.

### **5-3 Attendance**

Each employee shall be at work by his designated starting time. ~~in accordance with the Rules and Regulations or established departmental policy.~~ An employee shall personally notify his supervisor or other designated departmental prior to or at the beginning of a scheduled work kperiod and receie authorization for his absence whenever he cannot report to work on time. ~~representative in a timely manner and receive authorization for his absence whenever he cannot report to work on time or fulfill his work assignment.~~ An employee who fails to report his absence in accordance with City or departmental regulations shall be considered to be absent without authorized leave. All departments shall be responsible for maintaining accurate daily attendance records ~~of their employees~~ which shall include the types of and specific reasons for each absence.

### **5-4 ~~Pecuniary Interest~~**

~~No public officer or employee of the City shall have any financial interests in the profits of any contract, Service or other work performed by the City; or shall personally profit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company; or personally or as an agent provide any surety, bail, or bond required by law or subject to approval by the City Council.~~

### **5-4 General Appearance, Work Attire, and City Uniforms**

~~Reasonable standards of personal dress, appearance and hygiene during working hours are appropriate for all supervisors to establish and enforce. No attempt is made to set Specific personal dress, appearance and hygiene standards on a city wide basis. The important factor is the general impression created by the employee's overall appearance. Personal appearance should be evaluated based upon the type or work, the work environment, and the amount of public contact required by the job. Designated uniforms or work clothes shall be worn as required by departmental policy.~~

The City expects employees to dress professionally. All employees are expected to be dressed and groomed appropriate to the work environment.

Employees in certain positions (primarily public works and public safety) may be required to wear uniforms, safety shoes or other safety equipment while at work. Failure to do so may result in disciplinary action.

The City recognizes that there are a number of employees with limited access to the public for whom casual dressing is acceptable. Employees who are allowed to dress in business casual clothing are expected to wear neat, clean clothing without holes or tears and clothing which is not provocative or insufficiently covers the body. Employees are not to wear clothing with written messages or depictions.

Due to the varied nature of the City offices, each Department Director may determine the dress code that is appropriate to their office using the guidelines cited here.

### **5-5 Double Employment**

No City employee may engage in or have employment involving more than one full time position with the City. ~~of Annapolis. Double employment for part time employees must receive prior approval from the Personnel Department.~~ A part-time employee may hold a second part-time position with the City only if the employment in the second position is approved in advance by the Human Resources Director.

### **5-6 Outside Employment**

Employees may engage in outside employment during off duty hours when such employment does not, in any way, interfere or create a potential conflict of interest with their City employment. An employee, who wishes to engage in any outside employment, including self employment, shall provide information concerning his proposed ~~activities~~ employment to his Department Director ~~for approval, prior to engaging in outside employment.~~ who shall consider the request based on the criteria listed above, prior to permitting the employee to engage in the proposed secondary employment.

An employee who wishes to engage in outside employment shall make arrangements to be relieved from his outside employment duties if and when called for duty by the City.

- A. All injuries sustained while engaged in outside employment that would impair the employee's ability to perform the employee's duties for the City must be reported to the employee's supervisor after the injury is sustained. An employee may not use the City's Workers' Compensation for any injury sustained during the outside employment. ~~prior to his next scheduled working day. An employee may not use City Workers' Compensation benefits or accumulated extended illness leave for~~

~~sickness or injury sustained while engaged in outside employment.~~

## **5-7 Participation in Employee Organizations**

City employees have the right to form, join, and participate in, or to refrain from forming, joining, or participating in any employee organization.

Eligible City employees shall have the right to be represented by an employee organization of their own choosing, to negotiate collectively through a certified bargaining agent with their employer in the determination of the terms and conditions of their employment, and to be represented in the determination of grievances.

It is the intent of the City that nothing in this section shall be construed to either encourage or discourage the organization of employees.

~~D. Employees who are covered under a labor agreement shall also be subject to the Rules and Regulations of the Personnel System. If any direct conflicts occur between the labor agreement and the Rules and Regulations of the Personnel System, the labor agreement shall take precedence. The labor agreement shall be the governing document in all cases even though the rights or benefits may be greater or lesser than provided for in the Rules and Regulations.~~

## **5-8 Cell Phone Usage**

An employee who uses City-supplied equipment or a City-supplied vehicle is prohibited from using a cell phone, hands on or hands off, or similar device while driving or operating the equipment. This prohibition and limitation includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, checking for phone messages or any other purpose related to your employment. When not driving or operating equipment all City employees are expected to limit cell phone usage and personal calls to a bare minimum.

## **5-9 City Equipment-Use of City Vehicles or Privately Owned Vehicles on City Business**

~~The personal use of any City equipment, such as typewriters, tape recorders, cameras, tool, etc., shall be prohibited unless otherwise approved in advance by the concerned department management.~~

It is necessary for some employees to have City owned vehicles at their disposal in order to carry out their official duties. Under no circumstances shall the vehicle be used for personal business or pleasure. No City vehicle shall be used to transport non-employees without prior supervisory approval.

An employee driving a City vehicle, or a personal vehicle for City business, shall have in his possession a valid driver's license or, if applicable, a valid Commercial Drivers License (CDL). An employee who operates a vehicle on behalf of the City has a responsibility to immediately report the loss or suspension of his license or CDL license to his supervisor.

For those City vehicles assigned to an employee on a 24 hour basis, off street parking should be provided when the vehicle is taken to a place of residence. Before a City vehicle can be driven to and from work, an employee shall obtain approval from his Department Director.

All mechanical defects or malfunctions on City vehicles should be reported by employees as soon as possible to their assigned departmental representative.

If a City vehicle is involved in an accident, the employee shall immediately notify the Police Department and his Department Director and must undergo a post-accident alcohol test within 2 hours of the time of the accident and a post-accident drug testing within 32 hours.

An employee operating a City vehicle, or a personal vehicle in the performance of duties, is expected to drive safely and comply with all traffic laws of the State of Maryland, including laws regarding texting, cell phone usage, and the use of seat belts. The payment of any fines received by improper driving shall be the responsibility of the employee, e.g., speeding, red light offense, etc.

Employees who are in classifications or positions that require the use of their personal vehicle to carry out assigned duties and who qualify for dedicated vehicle and mileage allowance are responsible for maintaining automobile liability, property damage and personal injury insurance coverage

## **5-10 Address and Telephone Number**

Each employee shall provide his department and Human Resources with his current address and telephone number(s), ~~if any.~~ This information shall be ~~reflected~~ included in the employee's personnel record and shall also include name, address and telephone number of the person(s) to contact in case of emergency. ~~on the appropriate form. He shall also maintain the name, address and telephone number of the person(s) to contact in case of emergency on a current basis with his~~

department.

### **5-11 Political Activity**

~~No~~ City employees shall take any active part in political campaigns or other political activities ~~during~~ while an employee is on duty. No equipment, materials or facilities owned or operated by the City may be used by anyone in the conduct of any political activities. ~~hours. Employees having questions concerning political activities should consult the City Law Office.~~

No employee shall directly or indirectly use or seek to use their official positions, authority, or influence to control or modify the political action of any other person. Employees are also prohibited from using their positions or influence for the purpose of interfering with or affecting the result of an election or nomination for office; or, directly or indirectly coercing, attempting to coerce, command, or advise other employees to lend or contribute anything of value to a party, organization, or person for political purposes; or, being a candidate for an elective partisan office with the City.

Employees may express their personal opinions privately to others. However, they must remain objective, non-committal, and professional when others wish to discuss City politics with them.

Employees may not be required to contribute to a political campaign or pay dues to a political party.

Employees having questions concerning political activities should consult the City Office of Law.

### **5-12 Solicitation of Contributions, Memberships, or Business**

The solicitation of contributions, memberships, or business among employees of the City shall not be permitted on City property during the employee's working time except for charity drives and promotions specifically authorized by the ~~City~~ by the Department Director and/or Director of Human Resources.

Employee organizations, their members, agents, representatives, or persons acting on their behalf are prohibited from soliciting employees during working hours. This section shall not be construed to prohibit solicitation by employee organizations during the employee's lunch ~~period or in such areas not specifically devoted to the performance of the employee's official duties.~~ and permitted break period.

### **5-13 ~~Statements by City Employees to Attorneys, Lay Firms, or Others Concerning Employees or City Business~~**

Smoke Free Work Environment

Smoking or carrying lighted tobacco products including, but not limited to cigarettes, cigars, or pipes is prohibited in all City facilities and vehicles. Employees are also prohibited from smoking

or giving the impression of smoking while conducting City business except during lunch or permitted breaks in designated smoking areas.

~~From time to time, an employee, especially one in a supervisory and/or managerial position, may be requested or subpoenaed to make a statement to an attorney or law firm. These statements may be concerned with a contemplated legal action against the City. Should an employee receive either a request to make a statement or be subpoenaed, he shall discuss the matter first with his department director, then, before making any oral or written statements, the entire matter shall be discussed with the City Law Office.~~

#### **5-14 Use of City Vehicles or Privately Owned Vehicles on City Business Bulletin Boards**

**Bulletin boards are provided by the City and shall be located in approved work areas for the purpose of posting announcements of interest to employees. Department management is responsible for approving all announcements prior to their posting and for maintaining City bulletin boards in an orderly and current condition. A employee wishing to post material on a bulletin board must submit the material to his department for approval before posting.**

- ~~A. It is necessary for some employees to have City owned vehicles at their disposal in order to carry out their official duties. When so assigned, under no circumstances is the vehicle to be used for personal business or pleasure. No City vehicle shall be used to transport non employees without prior supervisory approval.~~
- ~~B. An employee driving a City vehicle, or a personal vehicle for City business, shall have in his possession a valid Maryland driver's license or, if applicable, a valid Maryland Chauffeur's license. An employee who operates a vehicle on behalf of the City has a responsibility to immediately report the loss or suspension of his driver's license to his supervisor.~~
- ~~C. For those City vehicles assigned to an employee on a 24 hour basis, off street parking should be provided when the vehicle is taken to a place of residence. Before a City vehicle can be driven to and from work, an employee shall obtain approval from his department director.~~
- ~~D. All mechanical defects or malfunctions on City vehicles should be reported by employees as soon as possible to their departmental representative who has been designated the maintenance service coordinator.~~
- ~~E. If a City vehicle is involved in an accident, the employee shall immediately notify the Police Department and his department director.~~

- F. ~~An employee operating a City vehicle, or a personal vehicle in the performance of duties, is expected to drive safely and comply with all traffic laws of the State of Maryland Department of Transportation, including the use of seat belts when the vehicle is so equipped.~~
- G. ~~Employees who are in classifications or positions that require the use of their personal vehicle to carry out assigned duties and who qualify for a dedicated vehicle and mileage allowance, are responsible for maintaining automobile liability, property damage, and personal injury insurance coverage requirements in accordance with provisions contained in the Administrative Policies and Procedures.~~

## **5-15 Seniority, Layoff, and Recall Procedures**

An employee ~~or employees~~ may be laid off when necessary by reason of shortage of funds, lack of work, the abolishment of a position, or other substantive changes in job duties or the organization, or for ~~related~~ business reasons unrelated to the employee's performance ~~which are outside of employee's control and which do not reflect discredit upon the service of employees~~. The duties performed by any employee laid off may be reassigned to other employees. ~~in appropriate classifications.~~

### A. Types of Seniority

#### 1. ~~City~~ Seniority

~~City~~ Seniority shall be defined as the length of time since an employee's most recent date of employment or reemployment with the City. ~~City~~ Seniority shall be used for purposes of computing annual leave accrual, service awards, and other matters based upon the total length of continuous employment.

#### 2. Classification Seniority

Classification seniority shall be defined as the length of time in a classification and ~~Classification seniority~~ shall be used in conjunction with the current pay plan and administrative policies for the purposes of pay progression and other matters based upon length of service in a classification.

#### 3. Seniority Adjustment

City and classification seniority shall continue to accrue during all types of paid leave except for leaves of absence or suspensions without pay which are in excess of thirty (30) consecutive calendar days. ~~Such absences shall cause the seniority dates to be adjusted for an equivalent amount of time.~~

An employee having a minimum of five years of continuous City seniority shall suffer no loss of City or classification seniority while on a medical leave



of absence without pay for a period not to exceed twelve (12) months.

4. Loss of Seniority

An employee shall lose his City and classification seniority as a result of the following:

- a. Resignation
- b. Retirement (Regular or Disability)
- c. Termination and Dismissal
- d. Layoff without reinstatement within nine (9) months.
- e. ~~Failure to return from military leave within the time limits prescribed by law.~~

5. ~~Seniority Records~~

~~It shall be the responsibility of the Personnel Department to establish and maintain classification and City seniority records of employees.~~

B. Layoff Procedures

1. Application

a. Classified Status Employees

~~The layoff procedures described herein shall apply to employees who have passed an initial Probationary period and have attained classified status. in classifications not represented by a labor agreement. When a layoff becomes necessary, classified employees in an affected classification shall be laid off in accordance with the procedures described in this section. The layoff procedures for employees in classifications represented by a labor agreement are contained in the appropriate agreement.~~

No classified employee shall be laid off while another employee is employed in temporary, part-time, or initial probationary status in the same classification.

b Exempt Status Employees

Employees in exempt status (~~management, temporary, part time, initial probationary, and others so designated~~) are not covered by the layoff procedure. ~~since employment in this status is at the discretion of the Mayor.~~ Exempt status employees may be discharged at the discretion of the appointing authority. ~~as necessary for reasons including, but not limited to, inefficiency, economy, or operational requirements.~~ Employees in exempt status who are separated from employment are not entitled to be placed on a recall list for possible ~~and~~ reinstatement to City employment.

2. Layoff Criteria

~~When a reduction in force is approved by the Mayor and the classification(s) affected is determined, a nonunion classified employee in that classification will be laid off on the basis of both his most recent documented job performance evaluation in the affected classification and his classification seniority. A current performance evaluation shall be completed prior to any layoff action if one has not been conducted during the employee's preceding year of employment.~~

Employees shall be laid off in the inverse order of their length and quality of service. While an employee with less classification seniority will generally be laid off before an employee with greater classification seniority, the Department Director shall have discretion to retain an employee with superior qualifications or performance as determined by the Director in order to lay off a more senior employee with inferior qualifications or performance. Probationary employees shall be laid off before permanent employees.

3. Transfer Procedures

A classified employee subject to layoff shall be eligible to apply, interview, and be competitively selected for promotion or demotion to ~~position~~ vacancies throughout the City prior to actual layoff.

4. Unemployment Compensation

Employees who are laid off may be eligible ~~apply~~ for unemployment compensation. ~~benefits at the State of Maryland Department of Labor and Employment Security, Division of Unemployment Compensation.~~

C. Recall, Reinstatement and Reemployment Procedures

Classified employees who are laid off, shall have preference for recall and reinstatement in classifications from which they were initially laid off over applicants on any eligibility list for a period of nine (9) months from the layoff date. Reinstatement will be without loss of prior seniority, and the employee's extended illness sick leave account will be restored to the status prior to the layoff. If the layoff absence was in excess of thirty (30) calendar days, City and classification seniority dates shall be adjusted, upon reinstatement, to account for the time on layoff status.

An employee reinstated to his prior classification within nine (9) months from the date of layoff, shall receive the same hourly pay rate earned at the time of layoff, and any general wage increases applicable for his classification that were implemented during the period he was laid off.

~~1. — An employee on layoff status who applies, and is competitively selected for full-time City employment in any other classification prior to expiration of nine (9) months from the date of layoff, shall be reinstated, resulting in the restoration of prior City seniority, which shall be adjusted if the layoff absence is in excess of thirty (30) consecutive calendar days, and restoration of his extended illness leave account balance.~~

If an employee who has been laid off applies, is competitively selected for full-time City employment in any other classification prior to expiration of nine (9) months from the date of layoff, he shall be reinstated and reinstatement shall result in the restoration of prior City seniority, which shall be adjusted if the layoff absence is in excess of thirty consecutive calendar days, and restoration of his extended illness leave account balance.

An employee on layoff status who is not recalled and reinstated by the City within nine (9) months from the date of layoff, will be removed from the layoff list and will be ineligible for reinstatement of prior seniority or benefits in the event of reemployment by the City at a later date.

**5-16 Involuntary Reduction of Work Hours and Pay**

All City employees may be subject to furlough due to a lack of funds to operate. Employees are strictly prohibited from performing any City work during the furlough period. This includes checking work-related e-mail and voice mail.

## **5-17 Resignation**

Resignation is the voluntary separation of an employee from employment accomplished by submitting a written ~~or oral~~ notice expressing a desire to end employment with the City. An employee who wishes to leave in good standing shall notify his immediate supervisor at least two (2) weeks before leaving. Notice of resignation shall be effective upon receipt, and cannot be rescinded without the approval of the Department Director. Failure to provide at least two (2) weeks' notice shall result in the forfeiture of any accrued annual leave.

- A. ~~An employee who resigns from employment shall not be eligible for reemployment for six (6) months following his date of separation, unless approved by the Personnel Department.~~

## **5-18 Disability Separation**

An employee may be terminated for disability reasons when medical evidence indicates he is unable to safely or effectively perform the ~~required duties~~ essential functions, with or without reasonable accommodation, of his position because of a physical or mental impairment. ~~of his position because of a physical, emotional or mental impairment, and no other suitable work is available elsewhere within the City.~~ The City may require a medical examination at its expense, to be performed by physicians of its choice. Such an examination may include physical, emotional or mental evaluations. ~~as well as the completion by the employee of a current Personal History and Medical Examination Form.~~ Separations for disability under this section are not considered to be disciplinary terminations, and shall be in compliance with the Americans With Disabilities Act and the City's Policy Regarding Accommodation of Disabilities and Pregnancy.

### A. Requesting a Medical Evaluation

If, based on objective evidence, an employee is suspected of being ~~disabled or~~ medically impaired to the extent that he cannot perform the essential functions of his job, with or without reasonable accommodations, or to the extent that he creates a direct threat, the Department Director shall submit a written request to the Human Resources Director to schedule a medical examination to evaluate the employee's fitness for duty. ~~safely or effectively fulfill his assignments on a regular basis, the concerned department director shall submit a written request to the Personnel Director to schedule a medical examination to evaluate the employee's fitness for duty.~~ Such examination should attempt to establish the cause, extent, and probable duration of the disability.

The department's request shall include the following:

- A copy of the employee's job description.
- A detailed list of the specific tasks that the employee performs along with the physical activities required in his job.

- The employee's attendance record for the prior eighteen (18) month period which shows ~~in detail the specific reasons for each absence from duty. For example, when the employee is absent for medical reasons, the specific type of medical problem should be identified.~~ When the employee has been absent for medical reasons, the specific type of medical problem should be identified, if known.
- All information available to the department regarding the employee's medical problems or condition.

## B. Separation Procedures

Upon establishing the existence of medical factors indicating an employee is medically unable to perform ~~impaired and/or restricted in performing~~ his job, ~~the concerned department~~ the employee's Department Director should contact the ~~Personnel~~ Human Resources Department for the purpose of coordinating and seeking assistance in making a reasonable effort to locate suitable alternate employment elsewhere with the City, if appropriate.

If the employee is medically unable to perform the essential functions of his job, with or without reasonable accommodation, and there is no suitable alternate employment available for the employee, the employee's Department Director may contact the Director of Human Resources and the City Attorney for the purpose of initiating the termination of the employee.

2. ~~Upon approval by the Personnel Director, the concerned department director may terminate an employee for appropriate reasons relating to a medical disability, and excessive absenteeism.~~

- C. ~~If an employee has been separated from employment due to medical disability, and after a reasonable period of time not to exceed nine (9) months he recuperates to the extent that he can perform work for the City, the Personnel Director may authorize reinstatement upon receipt of acceptable evidence that he can Satisfactorily perform the job, providing a vacancy exists.~~

## 5-19 Use of Electronic Equipment/Services

Employees shall adhere to the City's policies concerning electronic communications (e.g., computer systems, email, internet usage, mobile data, etc.) Transmission of any material in violation of any federal, state or local law or regulation is prohibited. Further information on rules governing the use and content of electronic communications are set forth in the MIT policies.

## **5-20 Return of City Property**

At the time of separation, and prior to receiving final compensation due, all records, books,

identification badges, electronic equipment, ~~assets~~, uniforms, keys, tools, and other items of City property in an employee's custody, shall be returned to the department. Certification to this effect shall be documented by the employee's supervisor. Money or City property due the City because of any shortages shall be collected through appropriate action approved in advance by the Human Resources Department.

### **5-21 Loss of Driver's License**

It is a policy requirement that an employee in a classification or position which requires the operation of a motor vehicle possess and maintain a valid motor vehicle operator's license. ~~(driver's or chauffeur's) issued by the State of Maryland. The loss of such license and driving privilege shall subject an employee to the Possibility of termination.~~

An employee required to maintain a valid driver's license who loses his driving privilege for whatever reason (e.g., suspension, expiration, physical loss of driver's license) shall immediately report such loss to his supervisor and shall not be permitted to operate a motor vehicle or motorized equipment on the job until his driving privilege is restored.

Upon timely notification by an employee that he has lost his driving privilege, his Department Director shall have the following options:

1. Make a reasonable effort to reassign him, on a temporary basis, to ~~appropriate~~ non-driving responsibilities, if available, for a period not to exceed forty-five (45) calendar days. ~~to provide continuous employment during his efforts to reinstate his driving privilege.~~
2. Allow him to use any accrued annual leave during the forty-five (45) calendar day period while obtaining reinstatement of his driving privilege.
3. Place him on a temporary leave of absence without pay not to exceed forty-five (45) calendar days.

Any exceptions to the above options require the approval of the Department Director and the Human Resources Director. ~~Department.~~

An employee who fails to have his driving privilege reinstated on a permanent or temporary restricted business purposes only basis may apply and be competitively selected for any vacant City position for which he is qualified prior to expiration of the forty- five (45) calendar day grace period. If he is not selected for a non-driving position within this period, he shall be terminated for failure to maintain necessary job qualifications required. This is normally considered a non-disciplinary termination of employment as it is not the policy or intent of the City to discipline an employee who loses his driving privilege due to non-job-related misconduct, unless the situation involves unusual circumstances.

## 5-22 Substance Testing—Abuse Policy

~~An employee will be subject to an appropriate medical test(s) if there is reasonable suspicion on the part of the employee's immediate supervisor and department director, or his designee, that the employee is under the influence, while on duty, of alcohol or illegal drugs, or other controlled substances when taken without a prescription or without being under the care of a physician. Additionally, any employee is subject to an appropriate medical test(s) if there is reasonable suspicion that he is using illegal drugs or controlled substances while either on or off duty.~~

~~For administrative purposes, Reasonable suspicion means observable signs that indicate that an individual is using or under the influence of illegal drugs, controlled substances or alcohol. Some examples of observable signs are bloodshot eyes, dilated pupils, slurred speech, lack of coordination, the smell of alcohol about a person, radical mood shifts, possession of drug paraphernalia and related behavioral patterns. In addition to the physical signs, a supervisor may also observe and consider obvious work related performance problems and pronounce changes in the employee's behavior and/or work habits. Random substance testing will be conducted.~~

- ~~A. The procedure for drug testing and controlled substance testing will include the following:~~
- ~~1. A blood sample and/or urine specimen will be taken at the designated facility. The sample/specimen will be sealed and chain of custody procedures followed in transporting the sample/specimen to the testing facility. The testing will be done at the expense of the City. The initial screening test will be the EMIT test. In the event that the first test is positive, indicating the presence of a drug, a Gas Chromatography/Mass Spectrometry test using the initial sample/specimen will be conducted to ensure accurate results.~~
  - ~~2. An employee who is tested will be placed on an administrative leave status, with pay, pending the result of the test(s). Departmental field calendars will be adjusted to show no employee absence in those cases when a substance test is negative.~~
  - ~~3. If the first substance test result is negative, a second test will not be conducted and the employee will be returned to work. If the first test is positive and the second test is negative, the employee will be returned to work. In the event either the first or second test is negative, no disciplinary action related to drug use will be taken, and no record will be placed in an employee's personnel file that the drug testing occurred.~~
- ~~B. Employees suspected of using or being under the influence of alcohol while on duty will be subject to undergoing a Breathalyzer examination. This test will be administered by qualified City Police Department personnel.~~

- ~~C. An employee who admits to being under the influence, or whose final test result is positive, indicating alcohol or substance use, shall be referred to the City's Employee Assistance Program. No disciplinary action shall be taken against the employee for drug or alcohol use if subsequently the employee successfully completes the rehabilitation program prescribed through the Employee Assistance Program, except that Police Department employees are subject to discipline, up to and including discharge, for the first offense of illegal substance or controlled substance use while on or off duty. However, the City can discipline employees for other serious offenses that have been committed relating to actions caused while under the influence of alcohol or drugs. Only one such referral to the Employee Assistance Program shall be permitted.~~
- ~~D. Unless the employee admits that he is using or is under the influence of drugs or alcohol prior to the testing, failure to submit to the appropriate test(s) when there is reasonable suspicion that he is under the improper influence of alcohol, illegal drugs or other controlled substances will be cause for disciplinary action against the employee for insubordination.~~

The City has a strict policy with regard to substance abuse, maintains a drug-free workplace, and, as a recipient of federal grants, is required to abide by requirements of the Drug-Free Workplace Act of 1988. Additional requirements applicable to employees who perform safety sensitive duties are set forth in Appendices A and B.

1. The unlawful manufacture, distribution, dispensation, possession, or use of any controlled dangerous substance in the workplace is prohibited. Further, it shall be the duty of the employee to report to his Director any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. An employees' failure to comply with his obligations under this paragraph may result in disciplinary action, up to and including termination.
2. Substance abuse includes use of alcohol and employees are prohibited from consuming alcoholic beverages during work hours which shall include, but not be limited to, an employee's lunch period. No employee shall have in his possession any open alcoholic beverage in or on City property. Employees shall not be allowed to report to work if the odor of an alcoholic beverage can be detected.
3. All persons hired for positions with the City of Annapolis are required to undergo a pre-employment Drug and Alcohol Screening Test. A confirmed positive test result will result in the withdraw of any offer of employment.
4. Current employees will be subject to Drug and Alcohol Screening test(s) if there is



reasonable suspicion on the part of the employee's immediate supervisor and Department Director, or his designee, that the employee is under the influence, while on duty, of alcohol or illegal drugs, or other controlled substances not taken in accordance with a valid prescription

"Reasonable suspicion" means observable signs that indicate that an individual is using or under the influence of illegal drugs, other controlled substances or alcohol. Some examples of observable signs are bloodshot eyes, dilated pupils, slurred speech, lack of coordination, the smell of alcohol about a person, radical mood shifts, possession of drug paraphernalia and related behavioral patterns. In addition to the physical signs, a supervisor may also observe and consider obvious work related performance problems and pronounced changes in the employee's behavior and/or work habits. Reports of drug or alcohol use or impairment coming from a coworker or a third party may also provide a supervisor or Director with reasonable suspicion.

5. If an employee tests positive for illegal drugs, controlled substances or alcohol and the test results are confirmed positive, the employee is subject to disciplinary action, up to and including discharge. In the City's discretion, an employee may be referred to counselors at external agencies for evaluation and, if necessary, referred to appropriate outpatient or inpatient treatment facilities. It shall remain the policy of the City of Annapolis to encourage rehabilitation and return to the work force in circumstances where the City determines that such action is appropriate.
6. Counseling, referral and treatment programs are available to all City of Annapolis employees through the Employee Assistance Plan Program and the relevant health plan. An employee who self-reports drug and/or alcohol use/misuse or being under the influence shall be referred to the City's Employee Assistance Program. No disciplinary action shall be taken against the employee for drug or alcohol use if subsequently the employee successfully completes the rehabilitation program prescribed through the Employee Assistance Program, except that Police Department employees are subject to discipline, up to and including discharge, for the first offense of illegal substance or controlled substance use while on or off duty. However, the City can discipline employees for other serious offenses that have been committed relating to actions caused while under the influence of alcohol or drugs.
7. Employees who have successfully completed rehabilitation and treatment and been returned to full duties in the workplace, are expected to remain free of substance abuse. Employees who violated this policy after returning from rehabilitation and treatment will be subject to immediate discharge.
8. The City has the right to conduct random substance testing.
9. Failure to submit to the a Drug and Alcohol screening test when there is reasonable suspicion that he is under the improper influence of alcohol, illegal drugs or other

controlled substances is grounds for disciplinary action against the employee, up to and including termination of employment.

#### 5-23 Confidentiality

Medical records and other documents related to City employees are confidential, unless otherwise provided by law. Such records may only be made available to the employee (or his/her legally designated representative) or to the duly elected or appointed officials who supervise the work of the employee; or to those involved in disciplinary proceedings, or in compliance with a summons from a court or administrative agency.

Disciplinary hearings, grievance hearings, screening committee meetings to review applicants for employment or other meetings of a similar nature involving employee issues are not open to the general public, unless otherwise provided by law.

Certain City business matters may be designated as confidential by a Department Head, the Mayor, and/or the City Manager. Such matters may not be discussed with or otherwise disclosed to any persons not authorized to receive such information, including members of the public or the media. Failure to maintain confidentiality may lead to disciplinary action, up to and including termination.

#### 5-24 Dating/Personal Relationships Policy

An environment where employees maintain clear boundaries between personal and business interactions is most effective for conducting business. Although this policy does not prevent the development of friendships or consensual relationships between coworkers, it does establish clear boundaries as to how relationships will progress during working hours and within the working environment. Individuals in supervisory relationships or other influential roles are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information and the ability to influence others.

#### **Procedures**

1. During working time and in working areas, all employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges and so that productivity is maintained.
2. During non working time, such as lunches, breaks and before and after work periods, employees are not precluded from having appropriate personal conversations in non work areas as long as their conversations and behaviors could not reasonably be perceived as offensive or uncomfortable to a reasonable person.

3. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while on City premises, whether during working hours or not.
4. Employees who allow personal relationships with co-workers to affect the working environment will be subject to the appropriate provisions of the City disciplinary policy, which may range from counseling to more severe sanctions. Failure to change behaviors and maintain expected work responsibilities is viewed as a serious disciplinary matter.
5. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates. There shall be no romantic or sexual relationships between supervisors and subordinates.
6. Any City employee involved in a consensual personal relationship with another co-worker must immediately disclose the relationship to the immediate supervisor, the Department Director or the Director of Human Resources. This disclosure will enable the City to determine whether any conflict of interest exists because of the relative positions of the individuals involved. While both employees involved in a consensual relationship are individually responsible for disclosure, the failure of a supervisor, manager, executive or anyone else in a sensitive or influential position to disclose a personal relationship will be regarded as a serious lapse in his or her management of the workplace and grounds for appropriate disciplinary action, up to and including termination of employment.
7. When problems or potential risks are identified the City will work with the parties involved to consider options for resolving the conflict. The initial solution will be to make sure that the parties involved no longer work together on matters where one is able to influence the other or take any personal action related to the other.
8. If an employee, whether or not he or she is involved in the relationship, believes that he or she has been or is being adversely affected by a personal relationship among co-workers, he or she is encouraged to promptly report the concern to an immediate supervisor or to the Human Resources Department.
9. Any supervisor who receives a report of a personal relationship must immediately act in accordance with this policy. Failure to do so may lead to disciplinary action, up to and including termination.
10. Individuals who have questions or are uncertain as to the application of this policy should speak to the Human Resources Department.

## 5-25 Legal Proceedings

1. From time to time, an employee, especially one in a supervisory and/or managerial position, may be requested or subpoenaed to make a statement to an attorney or law firm. If an employee receives either a request to make a statement or be subpoenaed, he shall inform his department director and the City Attorney within one business day.
2. If an employee is served with a civil summons, complaint, or other notice naming him as a defendant or potential defendant in an action resulting from his duties as a representative of the City, he should immediately inform his Department Director and the City Attorney and provide them with a copy of the summons, complaint or notice within one business day. The employee shall also state whether or not he requests and authorizes the City Attorney to represent him in the matter.
3. In the event an employee appears to testify at administrative hearings or court proceedings, including but not limited to appeals and grievances, Civil Service Board, arbitration, deposition and other hearings, he shall be paid for all hours required for his appearance, including off-duty hours. If an employee appears, while on annual leave, he shall have his annual leave hours restored if satisfactory evidence of the time served in court/administrative hearings is presented to his department.
4. In the event an employee is subpoenaed in a non-City proceeding, or if he voluntarily appears/testifies in a legal proceeding, he may use accrued annual leave, or leave without pay, for any time-spent at such proceedings.
5. An eligible employee shall retain any subpoena/witness fee received if he is subpoenaed to appear/testify for an administrative, deposition or court hearing and is not paid by the City for the total hours of his appearance.
6. Pay and benefits for Police Department employees who are required, through a subpoena or directed by management, to appear at an administrative hearing shall be governed by Police General Orders and applicable labor agreements.
7. An employee required to appear for a deposition, administrative hearing, or a court proceeding shall promptly notify his immediate supervisor with such documentation as necessary so that arrangements can be made for his absence from work.
8. Time spent in administrative hearings or court proceedings is the actual time required to report as stated on the subpoena or as scheduled, continuing until released by the judge or other hearing officer. An employee who appears for only a portion of a regular scheduled workday shall report to his supervisor or department for work when excused or released by the court or hearing officer.

9. An employee who becomes a plaintiff or defendant in a legal action not related to the performance of his official duties shall not be eligible for pay under the provisions of this Section.

## 5-26 City Closings

The City of Annapolis provides essential services to the public and it is critical that departments and agencies are open for business as scheduled. During severe weather events, or other designated emergencies, an employee has a continuing obligation to report for work as normally scheduled and at other times as required by the employee's supervisor. If operating conditions require that an employee report to work, the employee is expected to do so.

At times, adverse travel conditions resulting from a severe storm may compromise employee safety. Whenever severe weather prompts state and local officials to issue traveler's advisories in the Annapolis region, the Mayor will determine the operational status of City Government as follows:

**Delayed Opening** – Non-essential employees will be granted administrative leave for the hours of the delay. However, if an essential employee does not show up for work, he may be subject to disciplinary action for failing to report.

**Open - all personnel required to report as scheduled.**

Employees failing to report to work without their supervisor's prior approval shall be charged annual leave, personal leave or leave without pay for the entire day.

Employees who report to work late shall be charged annual leave, personal leave or leave without pay for the hours not worked.

**Open, with liberal leave in effect for non-essential City employees.**

Liberal leave allows non-essential employees to use personal or annual leave if storms, severe weather conditions and/or unforeseen designated emergencies prevent them from reporting to work on time or not at all. However, employees must report their tardiness or absence to their respective supervisor.

**Closed** – if or when the Mayor closes business due to inclement weather or other designated emergency:

- Non-essential employees will be granted administrative leave for the hours of the closing.
- Nonexempt, full-time essential employees who do not report for work shall be charged annual leave, personal leave or leave without pay for the time not worked and may be subject to disciplinary action for failing to report to work.

- Nonexempt, full-time essential employees, who are required to report to work, or at work when the Government closes, will not receive additional compensation for hours worked during closure.

Some full-time nonexempt, nonessential employees who, are not generally required to respond to emergencies may be designated as essential employees for a period of time by their Department Director; are required to respond; and will not receive additional compensation for hours worked during closure.

Television, radio stations, the City's website and supervisor's notification will be used to disseminate weather-related announcements.

#### 5-27 Driving Required Positions

**“Driving Required Positions”** are positions whose duties require: (1) the operation of a motor vehicle, or the operation of any vehicle which requires a commercial designation or special class of license, or the operation of a personnel carrier; and (2) whose minimum qualifications require a valid driver's license of the proper class and/or commercial designation.

An employee in a Driving Required Position, whose driver's license is limited, non-renewed, revoked or suspended for thirty (30) days or more, shall either be transferred to a currently vacant position that is not a Driving Required Position or terminated for just cause, as determined to be in the best interest of the City.

An employee in a Driving Required Position, whose driver's license is suspended for less than thirty (30) days, either shall be assigned duties that do not include operation of a vehicle, if such assignment is in the best interest of the City, or otherwise shall be suspended for the duration of the employee's license suspension.

Employees in Driving Required Positions, who as a result of driving while intoxicated, driving under the influence, reckless driving, leaving the scene of an accident and/or speeding, together or separately, and who accumulate one (1) point shall be disciplined with a verbal warning; two (2) points shall be disciplined with a written warning; three (3) points shall be disciplined with a one (1) day suspension; four (4) points shall be disciplined with a three (3) day suspension; and five (5) points shall be disciplined by the City with a five (5) day suspension. If the employee's accumulation of points reaches six (6) or more points, that employee may either be demoted to a currently vacant non-driving position or terminated, at the discretion of the Department Director.

Employees with three (3) or more at-fault accidents shall be disciplined with a five-day (5) suspension, and may also either be demoted to a currently vacant position or terminated at the discretion of the Department Director.

In any of these instances of discipline, except for the verbal warning, the employee shall receive written notification (with a copy to the personnel file) not to drive any vehicle in the conduct of City business.

#### 5-28 Non-Driving Required Positions

An employee who is not a City Driver or otherwise generally required to drive for City Business, but whose driver's license is limited, non-renewed, revoked or suspended, shall not be permitted to operate any vehicle including his or her own for the purpose of conducting any City Business.

A City Driver who is NOT in a Driving Required Position, who as a result of driving intoxicated, driving under the influence, reckless driving, leaving the scene of an accident and/or speeding, together or separately, accumulates three (3) to five (5) points shall receive notice of warning from his or her Department supervisor. If the City Driver's accumulation of points reaches six (6) or more, that City Driver shall receive written notification (with a copy to the personnel file) not to drive any vehicle in the conduct of City Business until all applicable violations and/or excessive points are removed from his or her record in a manner satisfactory to the City.

## **SECTION 6: Employee Benefit Programs**

~~**Note: Resolution R-22-09 adopted by City Council on May 11, 2009.**~~



## **SECTION 6: Employee Benefit Program**

~~Some Employee benefits such as life and health insurance change regularly due to fiscal budgets. For a full and complete up to date list of benefits please contact the Human Resource Department. The Maryland Flexible Leave Act of October 1, 2008 mandates that an employee is entitled to use all forms of paid leave for an immediate family member's illness. Please refer to Section 6-11 The Flexible Leave Act.~~

The City of Annapolis provides its employees with a comprehensive Benefits Program, including paid leave, holidays, health insurance, life insurance and retirement plans. These Benefit Programs may change over time due to plan design changes, budget considerations or other factors. Every effort will be made to keep this Section current. However, for a full and complete up-to-date list of benefits, please visit the employee Benefit Center website (<http://annapolis.ubaebc.com>) or contact the Human Resources Department (410-263-7998).

### **Family and Medical Leave**

Eligible employees are entitled to Family and Medical Leave under the federal Family and Medical Leave Act ("FMLA"). FMLA requires employers to give employees up to 12 work weeks of unpaid leave for:

1. Birth of a child, and to care for the newborn child;
2. Placement with the employee of a child for adoption or foster care;
3. Care for the employee's spouse, child or parent with a serious health condition;
4. The employee's own serious health condition that renders the employee unable to perform one or more essential functions of the job; or
5. Non-medical exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or on call to active duty status ("Qualifying Exigency Leave").

The term "child" includes biological, adopted, foster, stepchild or legal ward. The term "parent" does not include parent "in law."

**Qualifying Exigency Leave-** family members of covered service members called to active duty may take leave for one or more of the following qualifying exigencies: (1) to address any issues which arise from the member learning of a call or order to duty seven or less calendar days prior to deployment; (2) to attend military events or sponsored family support programs; (3) to arrange for alternative childcare or school attendance, attend childcare or school meetings, or provide childcare on an urgent immediate need basis when necessitated by the call to duty; (4) to make or update financial and legal arrangements to address the military member's absence, or to serve as the military member's representative in obtaining, arranging or appealing military service benefits; (5) to attend counseling (not provided by a health care provider) for oneself, the military

member, or child of the military member; (6) to spend time (up to 5 days of leave for each instance) with a military member on temporary rest and recuperation leave; (7) to attend post-deployment activities, and (8) any other events which employer and employee agree arise out of the military member's call to duty, qualify as an exigency, and agree as to the timing and duration of leave.

Additionally, an eligible employee may take up to twenty six (26) workweeks of leave during a single 12-month period to care for a "covered service member" with a serious injury or illness incurred in the line of duty who is the spouse, son, daughter, parent, or kin to the employee (military caregiver leave). A "covered service member" is defined as a member of the armed forces (including a member of the National Guard or reserves) (a) who is on the temporary disability retired list; (b) who is undergoing medical treatment, recuperation, or therapy for a serious illness or injury; (c) who is assigned to a military medical treatment facility as an outpatient or is otherwise receiving outpatient care at a unit established for members of the armed forces; or (d) who is a veteran released or discharged (for any reason other than dishonorable) during the five year period prior to the first date of leave and is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

**Amount of Leave** – An employee approved for FMLA leave will be eligible to receive up to 12 workweeks of job-protected leave in a rolling 12-month period to manage a FMLA-qualifying event (employees are eligible for up to 26 workweeks of leave for covered service member leave). Spouses working for the City are both eligible for FMLA leave. However, the aggregate leave period for both employees will be limited to 12 workweeks during any 12-month period if the leave is for birth of the employee's child, the adoption or placement of a foster child with the employee, or for the care of a sick parent.

**Use of Accrued Leave** – Family and Medical leave is unpaid. However, if leave is taken because of the birth, adoption or foster care placement of a child, any accrued annual and personal leave must be used before taking unpaid leave. If leave is taken because of an employee's or family member's serious health condition, any accrued annual, personal, or sick leave must be used before taking unpaid leave. After accrued leave has been exhausted, the remainder of the FMLA leave will be unpaid.

**Benefits While on FMLA Leave** – An employee will be able to continue his health benefits during the period of leave under the same conditions applicable to active employees. The employee will be required to continue his contribution for each pay period.

**Fitness-For-Duty Certification** – The City may require that the certification specifically address the employee's ability to perform the essential functions of their job; and, where reasonable job safety concerns exist, may require a fitness-for-duty certification before an employee returns to work after taking intermittent leave.

**Return from FMLA Leave** - Provided an employee returns as scheduled from FMLA leave, he is granted service credit for the period of their leave. If he is qualified and available to return to

work, he will be reinstated to the same position and salary in effect at the beginning of his leave (plus the benefit of any applicable salary adjustment that may have occurred during his absence), or to a position of like status and pay, unless circumstances have changed so as to make it impossible or unreasonable to do so. If employee fails to return as scheduled, he will be terminated effective their last day covered by FMLA.

**Outside Employment During FMLA Leave** – Employees on FMLA leave for their own serious medical condition (paid and/or unpaid) are restricted from secondary employment including volunteer work.

For additional details and instructions on how to apply for FMLA, please visit the Employee Benefit Center website or contact the Human Resources Department.

**6-1 Paid Holidays**

The City observes the following eleven (11) paid holidays:

News Year’s Day	January 1
Martin Luther King’s Birthday	Third Monday of January
Presidents’ Day	Third Monday of February
Maryland Day	March 25
Good Friday	Friday Preceding Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

The Mayor has the authority to designate paid holidays. The Human Resources Department distributes a list of designated holidays for the coming year.

The Mayor or his designee will determine when any departmental operations will be closed in observance of a holiday. Operations permitting, employees will be granted time off on holidays.

If an observed holiday occurs on a Saturday, the City will designate the preceding Friday as the official holiday. If an observed holiday occurs on a Sunday, the City will designate the following

Monday as the official holiday.

If an eligible full-time classified employee is granted a day off to observe a holiday but is required to work part of the day due to operational requirements, he shall be paid for his normal schedule of hours as holiday pay for that day plus the time actually worked.

An eligible full-time employee who has requested annual leave, jury duty, sick leave, funeral leave, or military leave will receive holiday pay in lieu of the requested type of leave.

In order to qualify for holiday pay, an employee must be on active pay status or work his full normal schedule of hours, either on the regularly scheduled work day immediately prior to a holiday or his regularly scheduled work day immediately following a holiday.

## **6-2 Scheduled and Unscheduled Leave From Work**

A **scheduled leave** is a leave from work which is planned by an employee and approved by his department supervisor. To be considered “scheduled” leave, a minimum of twenty-four (24) hours advance notice must be given.

An **unscheduled leave** is a leave from work in which less than twenty-four 24 hours notice is given. Unscheduled leave generally causes more operational problems due to insufficient notice of less than 24 hours to allow the department to properly manage work operations. A department supervisor may deny a request for unscheduled leave, unless granting the leave is required by applicable law.

## **6-3 Personal Leave**

Eligible employees receive up to three (3) personal leave days per year. When using personal leave an employee will make every effort to give his department supervisor as much notice as possible to ensure smooth operations of City services for the public. Personal leave may not be carried over to the next calendar year. Public Safety employees may receive a different amount/type of leave and should check with their department supervisor.

## **6-4 Annual Leave**

### A. Purpose of Annual Leave

The purpose of annual leave is to provide eligible employees with an opportunity to have scheduled leave from work without loss of pay or benefits.

### B. Annual Leave Accrual Rate and Maximum Accrual

Annual leave is accrued based on the number of regularly scheduled hours an employee remains on active pay status and length of service. Annual leave accrues on a per pay period basis in accordance with the schedule set forth below.

<u>Civil Service:</u>	<u>Years of Service</u>	<u>Days of Annual Leave</u>
	1 to 2	15 days
	3 to 9	18 days
	10 or more	21 days

**Police Department (Sworn Personnel Only):**

Refer to Union Collective Bargaining Agreement

**Fire Department (Sworn Personnel Only):**

Refer to Union Collective Bargaining Agreement

At the end of the calendar year for the year in which an employee has attained full-time status in a classified position, a maximum of five (5) days of annual leave is permitted to be carried over into the next calendar year. An additional 5 annual leave days will be permitted for carry-over each year thereafter, up to a maximum of 30 days.

<u>End of Calendar Year (December 31)</u>	<u>Maximum Days of Annual Leave Eligible for Carryover</u>
First	5 days
Second	10 days
Third	15 days
Fourth	20 days
Fifth	25 days
Sixth	30 days

Example: An employee is hired to fill a full time classified position on August 3, 2011. At the end of the calendar year 2011, he may carry over five (5) days of annual leave into the year 2012. At the end of calendar year 2012, he may carry over ten (10) days into 2013. At the end of calendar year 2013, he may carry over fifteen (15) days into calendar year 2014. This annual leave carryover pattern continues until the maximum of 30 days of carryover is reached.

C      General Provisions

Annual leave may be used in increments of a quarter (1/4) of an hour.

A request for annual leave shall be made at least twenty-four hours prior to the first day of leave. The department supervisor may waive this requirement in cases of emergency.

Use of paid annual leave is not permitted during the initial six (6) months of employment or reemployment except for absences of documented medical reasons or as specified in a union collective bargaining agreement or employment contract.

Paid annual leave will not be approved for hours not yet accrued by the employee.

The scheduling and use of paid annual leave shall be approved in advance in accordance with departmental procedures. Factors and criteria to be considered in approving annual leave requests may vary based upon departmental requirements.

The nature of an employee's job and operational requirements may cause the department to limit the scheduling of leave during certain periods of the year. Based upon these requirements, the department may require the use of annual leave for vacation purposes in amounts of thirty-five (35) or more consecutive hours. In the event that such limitations apply, the Department Director must identify in writing these limitations to employees.

An employee who voluntarily terminates employment with the City must provide at least two (2) weeks advance notice to be entitled to be paid after termination for his accrued but unused annual leave.

#### 6-5 Longevity Leave

A. Longevity leave is provided annually to an eligible employee in a lump sum on his anniversary date and must be used within one year.

<u>Years of Service</u>	<u>Days of Longevity Leave</u>
<b>20 to 24</b>	<b>1</b>
<b>25 to 29</b>	<b>2</b>
<b>30 or more</b>	<b>3</b>

#### 6-6 Sick Leave

A. Purpose of Sick Leave

The purpose of sick leave is to provide an eligible employee with basic salary continuation during periods of illness or injury. Sick leave may not be donated to another employee and will not be paid at termination of employment.

B. Sick Leave Accrual Rate and Eligibility

An eligible employee accrues fifteen (15) sick days per year. These days are pro-rated depending upon the new employee's hire date. A new employee may use his accrued sick leave after six (6) months of continuous regular full-time employment. Sick leave shall accrue on a per-pay-period basis at the rate of one and one-quarter working days per month.

Sick leave may be used in increments of a quarter (1/4) of an hour. Paid sick leave will not be approved for hours not yet accrued by the employee

There are no limits or carryover restrictions for accrued sick leave. At retirement, an employee's final sick leave balance may be eligible for additional service credit towards retirement. However, accrued sick leave cannot be used as service time to enable an employee who has otherwise failed to meet length of service requirements to become eligible to retire.

#### C. Notification Procedures

An employee who is medically incapacitated to the extent that he is unable to work must notify his immediate supervisor before his scheduled reporting time and must inform him of the expected length of the absence, unless a medical emergency precludes the employee from giving advance notice of the leave. This notification procedure must be followed for each day he is unable to work, unless specific prior approval waiving this requirement is granted by the Department Director or his designee.

An employee who uses excessive sick leave may, at the Departmental Director's discretion, be required to document future absences for medical reasons with a physician's statement prior to being permitted to use paid sick leave. An employee who fails to provide written notice of his absence shall not receive paid leave for the day(s) in question. Use of sick leave will not relieve an employee of his attendance obligations and will not excuse excessive absenteeism.

Departmental management may send an employee home who is injured or too ill to work effectively, or who would cause unhealthy or unsafe working conditions if he continued to work. Such directed absences are to be considered unscheduled, and shall be accounted for by hours from the employee's leave account, if leave is available.

Unusual circumstances may prevent an employee from personally notifying his department of an absence for reasons of illness or injury, in which case notification may be made by another person. If an employee is not able to make alternative arrangements to notify the department of his absence, and can substantiate valid reasons for his failure to report an absence, sick leave may be authorized by his Department Director.

#### D. General Provisions

Paid sick leave will not be advanced to an employee before it is accrued. An employee, who requests sick leave for an absence over three (3) days, will be required to submit a physician's

statement verifying that the employee is medically incapacitated in order to be eligible for paid sick leave. An employee who fails to provide written documentation will not receive paid sick leave for the day(s) in question.

An employee returning to work after an illness or injury of more than three (3) consecutive workdays may be required, at the department supervisor's discretion, to provide written authorization from his physician certifying his medical fitness to return to work. In cases where a physician's certification is required, the department shall reserve the right to require an employee to be examined by a physician designated by the City prior to authorizing his return to work. In such cases, an appointment for an examination will be scheduled by the Human Resources Department and paid for by the City. The department supervisor will provide the Human Resources Department with:

- A copy of the employee's job description.
- A detailed list of specific tasks that the employee performs along with the physical activities required in his job.
- The employee's attendance record for the prior eighteen (18) month period which shows reasons for each absence from duty. When the employee has been absent for medical reasons, the specific type of medical problem should be identified, if known.
- All information available to the department regarding the employee's medical problems or condition.

An employee who is granted sick leave is expected to follow all medical direction/advice and exercise due care in facilitating his recovery. Sick leave is to be used for periods of illness to stay home and address health and safety needs. Activities such as secondary employment, travel and recreational activities are prohibited while an employee is receiving paid sick leave.

When a full-time employee is transferred to part-time status, his sick leave account balance will be forfeited.

The Maryland Flexible Leave Act (MFLA): employees who have accrued leave with pay may use such leave for the illness of their child, parent, or spouse. Employees who earn more than one type of paid leave may elect the type and amount of leave to use.

Leave includes sick leave, vacation time, and compensatory time. Leave with pay does not include an insurance benefit, Workers' Compensation, unemployment compensation, a disability benefit, or a similar benefit.

A parent is defined as an adoptive, biological, or foster parent; stepparent; legal guardian; or



someone standing in *loco parentis*. A child is defined as an adopted, biological, or foster child; stepchild; or legal ward who is under age 18 or incapable of self-care due to a mental or physical disability.

#### E. Donation of Annual Leave to Another City Employee

Under special circumstances, the Department Director and Human Resources Director may approve the donation of annual leave to another City employee's sick leave balance on a straight hour-for-hour basis.

#### F. Modified Duty

Some minor injuries or illnesses may prohibit the full performance of assigned job duties; however, there may be other duties an employee could safely perform without aggravating his medical condition. When the physician states in writing that "modified duty" work is acceptable and identifies the employee's specific physical limitations, the Department Director may, at his discretion, assign other appropriate tasks and duties as the employee's health and medical condition may permit. Modified-duty assignments in compliance with medically established restrictions shall be performed by an employee so assigned. A physician's written recommendation for an employee's return to work on a "modified-duty" basis will be considered by the department on the following basis:

- Suitable "modified-duty" work must be available within any department in the City.
- The physician recommending an employee's return to work on modified-duty status must provide reasonable assurance that the condition will not exceed thirty (30) calendar days.
- Extension of modified-duty status beyond thirty (30) calendar days requires the approval of the employee's Department Director. Extension of modified-duty status beyond ninety (90) calendar days requires the approval of the Human Resources Director.

#### 6-7 Accident Prevention and Safety

##### ~~G~~ On-the-Job Injuries

An employee shall be advised of his responsibility to immediately report to his supervisor all injuries sustained on the job.

A Report of Injury and an Employers First Report of Injury/Illness form should be submitted to the Supervisor within twenty-four (24) hours after the occurrence of the injury. Failure to report an injury immediately may result in delays in authorization for

medical treatment and lost wages. If the injury occurs over a holiday or weekend, the injury reports should be submitted within twenty-four (24) hours from the time the work period starts after the weekend or holiday. This applies to all on-the-job injuries, as well as any employee injured in a vehicular accident involving City equipment. In the latter case, a Motor Vehicle Accident Report will also be required. Fatal injuries to an employee while at work shall be immediately reported to the Human Resources Director. As required by law, the Human Resources Director shall report the fatality within eight (8) hours to MOSH and within twenty-four (24) hours to the Maryland Workers' Compensation Commission.

An employee who sustains a work-related injury is encouraged to seek medical treatment if necessary. For any on-the-job injury requiring medical attention, the employee shall deliver to his supervisor the Treating Physician's medical status note (or the City's Duty Status form). If the employee is unable to bring the medical note on the same day as the medical appointment, the employee must immediately call his supervisor to update him on his return-to-work status, and shall do so for all future medical appointments related to the on-the-job injury. In no case shall an employee be allowed to return to work until the Treating Physician has released the employee to modified or full duty.

#### **H. Workers Compensation Benefit for Injured Employees**

An employee whose compensable on-the-job injury results in a disability will be governed by Maryland Workers' Compensation law. Full wages will be paid for the complete shift on the day of the compensable on-the-job injury or for that part of the day spent receiving medical treatment.

Maryland Workers' Compensation law does not allow for payment to the injured employee during the first three (3) calendar days of disability. Employees may use available leave during the first three (3) calendar days. If the disability results in more than fourteen (14) calendar days away from work, payment shall be made by the City's third party administrator for the first three (3) calendar days of disability.

Employees may begin receiving lost wage payments starting on the fourth day after the compensable on-the-job injury. Workers compensation payment is tax-free to the injured employee. The employee's weekly wage is based on the average of his salary for the fourteen (14) week period prior to the date of injury.

If the employee is restricted by his Treating Physician from returning to work for more than three (3) days due to the compensable on-the-job injury, the employee will be placed on both Workers' Compensation leave and Family and Medical Leave. All questions regarding payment of medical bills or lost wages should be directed to the City's Third Party Administrator or to Risk Management.

If the injury is not accepted as a compensable on-the-job injury by the Third Party Administrator, the employee may use his sick or other available leave for time lost from work.

An employee on leave due to a compensable on-the-job injury is expected to follow all medical direction/advice and exercise due care in facilitating his recovery. The injured employee is expected to stay home and address health and safety needs. Activities such as secondary employment, travel and recreational activities are prohibited while on leave for a compensable on-the-job injury.

In order to be paid wages for the time away from work, the employee is required to promptly submit to his department supervisor updated medical status notes from his doctor. Doctor notes that are back-dated will not be accepted for wage reimbursement. Any delay in submitting these doctor notes will delay wage payments to the employee.

### **Return to Work and Modified Duty**

An employee who is released by his physician to return to work, but with restrictions, may be placed in a modified-duty position. Modified duty is customized to align with the employee's restrictions. This position may be in the employee's current department or another City department. A modified-duty position is available on a short-term basis and is meant to be a transition back to the employee's original position.

If an employee has been released to work either modified duty or full duty, he is expected to schedule appointments for physician visits or physical therapy during non-work hours. An employee may use his available leave for these appointments, but this leave will not be reimbursed under the Workers' Compensation program.

If the employee has not returned to work by the time FMLA leave is exhausted or has been on modified duty for 30 days and is not able to return to full duty, the case will be reviewed by the Department Director, Human Resource Director, City Attorney and the Risk Analyst. This review will include, but is not limited to, the Treating Physician's and/or Independent Medical Examiner's prognosis for recovery and any information regarding the likelihood that the employee can return to his pre-injury job duties within a reasonable timeframe.

If an additional review is necessary, the review date will be determined during the initial review.

Once all reviews are completed, the reviewers will determine whether the employee's position will be held for a limited additional time, or if the employee should be separated from employment. The employee will be promptly notified of such determination.

Prior to termination, the Human Resources Director will make all reasonable efforts to find a vacant City position for which the employee is qualified.

## 6-8 Military Leave

The City will comply with the **Uniformed Services Employment & Reemployment Rights Act (USERRA)** and Maryland law for matters concerning military leave.

### A. Annual Military Leave

An employee who is ordered to active or inactive duty training shall be entitled to military leave. An employee shall be required to submit an order or statement from the appropriate military commander as evidence of any such duty. Such order or statement must accompany the formal request for military leave at least two (2) weeks in advance.

### B. Inactive Duty Training (Weekend Drills)

An employee who is a member of the Armed Forces Reserve or the National Guard shall be excused from work to attend inactive duty training as required. The employee shall provide to the department supervisor evidence of membership in the applicable organization and training orders. The submission of the applicable Reserve or National Guard training schedule will satisfy this requirement. In the event scheduled inactive duty training falls on an employee's duty day(s), he shall be paid for time missed from work, up to a maximum of 15 days per calendar year, unless otherwise required by law. Actual payment will be the amount of the employee's regular base salary for work time missed (up to 120 hours), less the gross military earnings. To ensure prompt payment for the leave, the employee must submit appropriate documentation on the military leave and earnings statement to Human Resources within thirty (30) days of the leave.

### C. Recall to Active Military Duty

A full-time employee, who is a member of a military reserve component or the National Guard, who is ordered to active duty to fulfill his primary military obligation, will be granted military leave of absence without pay for this period of time unless otherwise required by law.

### D. Recall to Emergency Active Military Duty

Employees responding to emergency military orders shall be granted leave without pay for required absences as necessary unless otherwise required by law.

### E. Reinstatement from Military Service

Upon termination from active military service, an employee who wishes to return to City

employment shall contact the Human Resources Director in writing according to the following guidelines from date of discharge:

1-30 days of service                      The next scheduled workday after safe travel and 8 hours rest;

31-180 service days                      Within 14 days after completion of service;

More than 180 service days    within 90 days after completion of service.

An employee shall not be considered eligible for reinstatement by the City if he received a dishonorable military discharge. An employee requesting reinstatement with the City shall submit to a medical examination, at City expense, to determine if he is physically and mentally capable of performing the duties of his former position prior to assuming his position. The Department Director cannot reinstate an employee until the Human Resources Director confirms the employee has received medical clearance to perform the duties of his position.

An employee returning to City employment in his previous classified position shall be reinstated at the salary he would have received, including all general wage adjustments, had he remained continuously employed by the City instead of entering the armed service.

If the position vacated by an employee who entered the military service is reclassified or retitled during his period of military service, he shall be reinstated where possible in accordance with USERRA. If his former position has been abolished, or if he is incapable of satisfactorily performing the duties, he shall be reinstated in a position as nearly comparable as possible in salary and duties to the position he vacated, provided a vacancy is available.

#### 6-9    Funeral Leave

Upon approval by the department supervisor, an eligible full-time employee will be granted up to three (3) consecutively scheduled workdays as time off with pay for the funeral of an immediate family member. Funeral leave shall not be charged to annual or sick leave.

An immediate family member includes the following: spouse, son, daughter, brother, sister, mother, father, grandmother, grandfather, grandchild, legal guardian, stepmother, stepfather, stepson, stepdaughter, father-in-law, mother-in-law, son-in-law, and daughter-in-law.

Should an employee require additional time beyond the three (3) days noted above, he may request additional time from the department supervisor. Upon approval, any additional time used may be taken from the employee's accrued annual leave or personal leave, or as leave without pay.

An employee may be required to provide the department supervisor with proof of death and/or proof of relationship before funeral leave pay is approved.

## 6-10 Jury Duty

An eligible full-time employee shall suffer no loss of his normal pay for time served on jury duty. An employee subpoenaed or summoned for jury duty during working hours shall receive straight time pay for the hours he is required to be absent from his currently scheduled work hours. In addition, he shall retain any jury allowance provided by the court.

Jury duty leave is the actual time required to report as scheduled in writing until released by the judge or other officer of the court. An employee who performs jury duty for only a portion of his regular scheduled workday shall report to work for the duration of his shift when excused or released by the court.

An employee called for jury duty shall promptly notify his immediate supervisor and provide a copy of the court summons so that arrangements may be made in advance for his absence from work.

An employee called for jury duty while on scheduled annual leave shall be allowed jury duty pay for that time served in court which corresponds to his regular workday. Such employee shall have his annual leave hours restored provided satisfactory evidence of the time served on jury duty is presented to the department.

In the event a holiday occurs during the period an employee is serving on jury duty, he shall receive holiday leave for the holiday rather than jury duty leave.

An employee shall provide the department with proof of jury duty service before compensation is approved.

## 6-11 Leave of Absence Without Pay

### A. Voluntary

Under certain circumstances, the Department Director may grant a request for a leave of absence without pay, not to exceed one (1) year. The Department Director must notify the Human Resources Director in writing as soon as the leave of absence without pay is approved.

While on a leave of absence without pay, annual leave and sick leave will not accrue and the employee will not be entitled to receive personal or longevity leave days. While on a leave of absence without pay the employee will not be able to use paid leave of any kind. The employee will be responsible for paying the total monthly premium (employee's and employer's cost) for his medical, dental, vision, and prescription drug coverage. All other benefits (including basic and voluntary life insurance, accidental death & dismemberment insurance, short-term disability, long-term disability, health care flexible spending account, dependent care flexible spending

account and legal services) will end on the last day that the employee works.

At the termination of the leave of absence without pay, the employee shall be reinstated in the civil service system with all previous rights and privileges the employee had earned as of the last day of paid employment. The employee will be subject to any waiting periods required to reenroll in benefit plans that he ceased to partake in while on the leave of absence, The employee should contact the Human Resources Department immediately upon his return to work to discuss the reinstatement of benefits.

#### B. Involuntary

A civil service employee who, by reason of illness or disability, is required to be placed on leave of absence without pay, shall not be entitled to accrue either annual leave or sick leave as long as the employee remains on leave of absence without pay.

An employee on a leave of absence without pay for reasons covered by the FMLA is entitled to continue to participate in the City's group health plan under the same terms as if he were on paid leave. This means the employee is required to pay his share of the health insurance premium, and the City will pay the employer's share of the premium until the employee has exhausted all FMLA leave.

#### 6-12 Tuition Assistance Program

The City encourages employee self improvement. The Tuition Assistance Program is available subject to funding to all eligible full-time employees to help reimburse them for a portion of tuition expenses for pre-approved educational courses. Approved courses must relate to the employee's current job or a reasonable promotional objective. An employee may receive up to 70% of direct tuition costs for each pre-approved course in which they receive a grade of "C" or better, or "Pass" if a Pass/Fail system is used.

#### 6-13 Longevity Pay Program

A civil service employee will receive one salary step increase at years 7, 12 and 15 of continuous employment with the City. Pay grade steps 8, 9 and 10 must be reserved for a longevity pay increase unless the employee already has completed those years of service

#### 6-14 Vehicle Mileage Allowance

The City provides a vehicle mileage allowance when the official duties of an employee require the use of his personal vehicle for business and such use is authorized by his department supervisor. Please contact the Finance Department for additional information.

~~Carry-over period.—At the end of the calendar year (December 30) for the year in which an employee has attained full-time status, a maximum of 5 days of annual leave is permitted to be carried over into the next calendar year. An additional 5 annual leave days will be permitted for carry over each year thereafter. Effectively an employee can carry 5 annual leave days for each year of service up to a maximum of 30 days.~~

~~———— C. ——— Scheduled and Unscheduled Leave From Work~~

~~A scheduled leave is a leave from work, which is planned by an employee and approved by his department. (Guide: Minimum 24 hours advance notice)~~

~~An unscheduled leave generally causes more operational problems due to insufficient notice of less than 24 hours.~~

~~———— D. ——— Personal leave.~~

~~Eligible employees may use up to 3 personal leave days per year. The City requests that the employee makes every effort to contact his supervisor to give as much notice as possible to ensure smooth operations of citizen services.~~

~~———— E. ——— General Provisions~~

~~Annual leave may be used in increments of quarters of an hour.~~

~~Requests for annual leave shall be made in advance of its use. In cases of an emergency, the department may waive this requirement.~~

~~Paid annual leave may not be taken during the initial six (6) months of employment or reemployment except for absences for documented medical reasons or as specified in union or employment contracts.~~

~~An employee shall not be granted paid annual leave for hours not accrued, or for hours in excess of his account balance.~~

~~The scheduling and use of annual leave shall be approved in advance in accordance with departmental regulations. Factors and criteria to be considered in approving annual leave requests may vary based upon departmental requirements.~~

~~The nature of an employee's job and operational requirements may cause the department to limit the scheduling of leave during certain periods of the year. Based upon these requirements, the department may require the use of annual leave for vacation purposes in amounts of thirty five (35) or more consecutive hours. In the event that such limitations apply the Department Director must identify in writing these limitations to employees.~~



## 6-2 — Sick Leave

### — A. — Purpose of Sick Leave

The purpose of the sick leave program is to provide an eligible employee with basic salary continuation during periods of illness or injury. Sick leave is not redeemable for monetary payment.

### — B. — Sick Leave Accrual Rate & Eligibility

An eligible employee accrues 15 days per year pro-rated. Employees accrue sick leave on an unlimited basis, there are no carryover restrictions. After 6 month continuous regular full time employment, an employee is eligible to use accrued sick leave.

### — C. — Notification Procedures

An employee medically incapacitated to the extent that he is unable to work shall ensure his immediate supervisor is notified, before his scheduled reporting time, and include the expected length of the absence. This procedure shall be followed for each day he is unable to work, unless specific prior approval waiving this requirement is granted by the department director or his designee.

An employee who utilizes excessive leave for reported illnesses or injuries, or is otherwise frequently absent from duty for stated medical reasons may, at the department's discretion, be required to document his future absences for medical reasons with a physician's statement prior to being authorized an absence from duty on paid sick leave. An employee failing to comply with such written notice shall not receive paid leave for the day(s) in question. Use of leave will not relieve an employee of his attendance obligations and shall not excuse excessive absenteeism.

Departmental management may send an employee home who is injured or too ill to work effectively, or who would cause unhealthy or unsafe working conditions if he continued to work. Such directed absences are to be considered unscheduled, and shall be accounted for by hours from the employee's annual leave and/or sick leave account, whichever is applicable.

Unusual circumstances may prevent an employee from personally notifying the department of an extended absence, in which case notification may be made by another person. If an employee is not able to make alternative arrangements to notify the department of his absence, and can substantiate valid reasons for his failure to report an absence, sick leave may be authorized by his Department Director.

### — D. — General Provisions

An employee shall not be granted sick leave for hours not accrued, unless the department

~~specifically waives the requirement. An employee requesting sick leave for an absence over three (3) days, shall be required to submit a physician's statement verifying that the employee is unfit for duty in order to be eligible for paid sick leave. An employee who fails to comply with this requirement shall not receive paid sick leave for the day(s) in question.~~

~~An employee returning to work after an illness or injury of more than three (3) consecutive workdays may be required, at the department's discretion, to provide written authorization from his physician certifying his medical fitness to return to work. In cases where a physician's certification is required, the department shall reserve the right to require an employee to be examined and receive a report from a physician designated by the City prior to authorizing his return to work. In such cases, an appointment for an examination will be scheduled by the Human Resources Office and paid for by the City. The concerned department shall provide the designated physician with a letter describing in detail the physical requirements of the employee's position.~~

~~An employee granted sick leave is expected to take all due care by following medical direction and advise.~~

~~The City will adhere to all terms of the Family Medical Leave Act and the Maryland Flexible Leave Act which allows employees to take leave from work for certain family circumstances.~~

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~~Sick leave may not be utilized for childcare purposes, however, employees may use sick leave for the illness or injury of their immediate family members (parent, spouse and child).~~

~~An employee returning to work after an extended period of time (greater than 30 days) may be required to submit to a fitness for duty examine and appropriate follow up when necessary as coordinated by Human Resources.~~

~~When a full-time employee is transferred to part-time status, his sick leave account balance shall be eliminated.~~

#### ~~G. Donation of Vacation/Sick Leave to Colleague~~

~~Under special circumstances the Department Director and Human Resources Director may approve the donation of vacation time to another city employee's sick leave account on a straight hour for hour basis. Any donated hours remaining in that employee's sick time shall be divided equally among donors not to exceed employees donors initial donated hours.~~

#### ~~F. Serious Chronic Medical Condition~~

~~If it is determined that an employee has a serious and continuing medical condition which makes it necessary for him to be absent from duty for the specific chronic medical problem, including required follow up medical treatment/therapy and/or recuperation, he is eligible to use sick leave. The department director shall review an employee's absenteeism record for compliance with established guidelines, and when circumstances warrant, may recommend consideration of the case to the Human Resources Director for review and final approval.~~

~~Guidelines for determining eligibility for this benefit are as follows:~~

- ~~1. The employee was initially absent to the extent that sick leave has been used due to the specific illness or injury being considered.~~
- ~~2. The condition must be of a chronic and continuing nature. For example, heart disease is generally a continuing medical condition. Being ill with the flu in the spring, recuperating, and then becoming ill with the flu again in the autumn does not meet the guidelines since it is a re-infection rather than a continuing condition.~~
- ~~3. The illness/injury is serious/severe to the degree that the employee must be absent from duty for medical reasons, and be physically unable to perform required job tasks so that working would be dangerous or a threat to his health according to medical authority, and/or follow up physician visits/therapy is needed. Since it is expected that a serious~~

~~medical condition would require the attention of a physician, a medical report and documentation from the attending physician is a standard requirement for determining eligibility.~~

#### ~~4. Limited duty Assignments~~

~~Some minor injuries or illnesses may prohibit the full performance of assigned job duties, however, there may be other duties an employee could safely perform without aggravating his medical condition. When the physician states in writing that "limited duty" work is acceptable and identifies the employee's specific physical limitations, the department director may, at his discretion, assign other bonafide tasks and light duties as the employee's health and medical condition may permit. Limited duty assignments in compliance with medically established restrictions shall be performed by an employee so assigned. A physician's written recommendation for an employee's return to work on a "limited duty" basis will be considered by the department on the following basis:~~

~~———— Suitable "limited duty" work must be available within any department in the city.~~

~~The physician recommending an employees return to work on light duty status must provide reasonable assurance that the condition will not exceed thirty (30) calendar days. Extension of light duty status beyond thirty (30) calendar days requires the approval of the employee's department. Extension of light duty status beyond ninety (90) calendar days requires the approval of the Human Resources Director.~~

#### ~~———— G. ——— Workers' Compensation~~

~~An employee who sustains a workers' compensation covered lost time injury may request his department to apply accrued sick leave hours or accrued annual leave hours from his account in order to obtain full base pay while absent from duty for medical reasons related to his injury.~~

**6-3 — Holidays Observed by the City**

~~The following eleven (11) holidays are generally observed:~~

<del>News Year's Day</del>	<del>January 1</del>
<del>Martin Luther King's Birthday</del>	<del>Third Monday of January</del>
<del>Presidents Birthday</del>	<del>Third Monday of February</del>
<del>Maryland Day</del>	<del>March 25</del>
<del>Good Friday</del>	<del>Friday Preceding Easter</del>
<del>Memorial Day</del>	<del>Last Monday in May</del>
<del>Independence Day</del>	<del>July 4</del>
<del>Labor Day</del>	<del>First Monday in September</del>
<del>Veteran's Day</del>	<del>November 11</del>
<del>Thanksgiving</del>	<del>Fourth Thursday in November</del>
<del>Christmas Day</del>	<del>December 25</del>

~~The Mayor has the authority to designate holidays. A list of designated holidays will be distributed by the Human Resources Department on an annual basis.~~

~~When a holiday falls on a Saturday, the preceding Friday is designated a substitute holiday and observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday is designated a substitute holiday and observed as the official holiday.~~

~~The Mayor or his designee will determine when any departmental operations will be closed in observance of a holiday.~~

~~Operations permitting, employees will be granted time off on holidays. A holiday will either be taken as time off, or will be paid as of the day that it is observed.~~

~~A full-time employee who is granted a day off on one of his regularly scheduled work days to observe the holiday shall be paid for his normal schedule of hours for that day.~~

~~A full-time employee whose regularly scheduled work day falls on a day observed by the City as a holiday and, in fact, works his normal schedule, shall receive an additional number of normally scheduled hours holiday pay for that day.~~

~~If a full-time employee is granted a day off to observe a holiday but is required to work part of the day due to operational requirements, he shall be paid for his normal schedule of hours as holiday pay for that day plus the time actually worked.~~

~~A full-time employee whose scheduled day off occurs on a holiday shall receive normal scheduled hour's holiday pay in addition to receiving his normal pay for hours worked during the week.~~

~~An employee on annual leave, jury duty, sick leave, funeral leave, annual military leave and flexible leave from duty on active pay status shall receive holiday pay, if eligible, for the same day that it is observed. An employee cannot receive both holiday pay and other leave pay for the day observed as a holiday.~~

~~In order to qualify for holiday pay, an employee must be on active pay status or work his full normal schedule of hours, either on the regularly scheduled working day immediately prior to a holiday or his regularly scheduled working day immediately following a holiday.~~

~~Exceptions to this policy may be found in the various labor agreements.~~

#### **6-4 — Funeral Leave**

~~Upon approval by the department, an eligible full-time employee shall be granted time off with pay at his straight time rate, not to exceed three (3) consecutive scheduled workdays, if needed, to attend the funeral of an immediate family member.~~

~~The employee's immediate family or other relative by marriage (spouse, domestic partner, father, mother, legal guardian (in AFSCME contract), stepparent, son, daughter, stepchild, brother, sister, father in law, and mother in law, son in law, daughter in law, grandparents, and grandchildren).~~

~~Funeral leave shall not be charged to annual or sick leave.~~

~~Should an employee require additional time other than provided in paragraph "A" above, he may request the additional time from the department. Upon approval, any additional time used may be taken as leave without pay, or be charged to annual or personal leave if he has accrued sufficient annual or personal leave time.~~

~~An employee may be required to provide the department with proof of death in his immediate family before funeral leave pay is approved.~~

#### **6-5 — Jury Duty**

~~An eligible full-time employee shall suffer no loss of his normal pay for time served on jury duty. An employee subpoenaed or summoned for jury duty during working hours shall receive straight time pay for the hours he is required to be absent from his currently scheduled work hours. In addition, he shall retain any jury allowance provided by the court.~~

~~Time spent on jury duty is the actual time required to report as scheduled in writing until released by the judge or other officer of the court. An employee who performs jury duty for only a portion of his regular scheduled workday shall report to work for the duration of his shift when excused~~

or released by the court.

~~An employee called for jury duty shall promptly notify his immediate supervisor and provide a copy of the court summons so that arrangements may be made in advance for his absence from work.~~

~~An employee called for jury duty while on scheduled annual leave shall be allowed jury duty pay for that time served in court which corresponds to his regular workday. Such employee shall have his annual leave hours restored provided satisfactory evidence of the time served on jury duty is presented to the department.~~

~~In the event a holiday occurs during the period an employee is serving on jury duty, he shall receive holiday leave for the holiday rather than jury duty leave.~~

~~An employee shall provide the department with proof of jury duty service before compensation is approved.~~

## **6-6 — Compensation Practice for Administrative Hearings and Court Attendance**

### ~~———— A. ——— Administrative Hearings~~

#### ~~————— 1. ——— Appearance on behalf of the City~~

~~In the event an employee is subpoenaed or is directed by management to appear/testify at administrative hearings, including but not limited to grievance, Civil Service Board, arbitration, deposition and other hearings, he shall be paid for all hours required for his appearance, including off duty hours.~~

#### ~~————— 2. ——— Appearance on behalf of a grievant/appellant~~

~~In the event an employee is subpoenaed or voluntarily appears/testifies at administrative hearings, which are defined as City grievance procedure hearings, including the Civil Service Board, depositions, and steps in the negotiated grievance procedures, excluding arbitration, he shall be paid for his normal on duty time. An employee must notify their supervisor immediately upon being scheduled to attend a hearing.~~

### ~~———— B. ——— Court Attendance~~

#### ~~————— 1. ——— Appearance on behalf of the City~~

~~In the event an employee is subpoenaed or is directed by management to appear/testify at a court proceeding or his subpoena is due to his official position with the City, he shall be paid for all hours required for his appearance. Appearances for depositions in connection with court~~

appearances are covered by this policy. This policy applies to all non-management employees unless otherwise provided for in a labor agreement.

~~\_\_\_\_\_ 2. \_\_\_\_\_ Appearance on behalf of a non-city legal proceeding.~~

~~In the event an employee is subpoenaed or voluntarily appears/testifies in a court proceeding, he may utilize annual or personal leave for pay by the City for any time spent at such proceedings which does not include the City. An employee may utilize accrued annual leave or be on a leave without pay status for such appearances.~~

~~\_\_\_\_\_ C. \_\_\_\_\_ Subpoena Fees~~

~~An employee shall retain any subpoena/witness fee received if he is subpoenaed to appear/testify for an administrative, deposition or court hearing and is not paid by the City for the total hours of his appearance.~~

~~\_\_\_\_\_ Police Department employees are governed by Maryland Statutes concerning subpoena fees and attendance at court hearings, depositions and administrative hearings. Pay and benefits for Police Department employees shall be administered in accordance with applicable Maryland State Statutes.~~

~~Police Department employees who are required, through a subpoena or directed by management, to appear at an administrative hearing shall retain or return subpoena fees in accordance with the above paragraphs.~~

~~\_\_\_\_\_ D. \_\_\_\_\_ General Provisions~~

~~An employee required to appear for a deposition, administrative hearing, or a court proceeding shall promptly notify his immediate supervisor with such documentation as necessary so that arrangements can be made in advance for his absence from work.~~

~~An employee who is subpoenaed/directed to appear and does appear while on annual leave, and who is eligible to receive pay in accordance with this policy, shall have his annual leave hours restored if satisfactory evidence of the time served in court/administrative hearing is presented to his department.~~

~~Time spent in court, for depositions, or at an administrative hearing is the actual time required to report as stated on the subpoena or as scheduled, continuing until released by the judge or other administrative officer of the hearing. An employee who appears for only a portion of a regular scheduled workday shall report to his supervisor or department for work when excused or released by the court or hearing officer.~~



An employee who becomes a plaintiff or defendant in a legal action not related to the performance of his official duties shall not be eligible for pay under the provisions of this section.

### **6-7 — Policy Regarding a Civil Summons, Complaints or Law Suit**

~~From time to time, an employee, especially one in a supervisory and/or managerial position, may be requested or subpoenaed to make a statement to an attorney or law firm. These statements may be concerned with a contemplated legal action or business issues concerning the City. If an employee receive either a request to make a statement or be subpoenaed, he shall inform his department director and the City Attorney.~~

~~An employee who is served with a civil summons, complaint, or other notice naming him as a defendant or potential defendant in an action resulting from his duties as a representative of the City shall immediately inform his Department Director and the City Attorney in writing and provide both parties with a copy of the summons, complaint or other notice. Such notification shall include the precise date, time, and manner of service, and shall state whether or not he requests and authorizes the City Attorney to represent him in the matter.~~

~~The City will defend and protect an employee from liability incurred in the line of duty under certain circumstances as established by law or other official documents of the City in accordance with the interpretation of the City Attorney.~~

~~Procedures to be followed when an employee receives such civil summons, complaint or law suit are as follows:~~

~~Upon receipt of a civil summons or complaint naming an employee as defendant, he shall provide the information required by this policy and forward the information through supervisory channels to the City Attorney within forty eight (48) hours. A copy of the summons or complaint shall be attached.~~

~~Upon receipt of a letter or other written notice that a summons or suit is contemplated, a memorandum including the information required by this policy, shall be immediately forwarded to his Department Director and the City Attorney with a copy of the letter or written other notice attached.~~

### **6-8 — Military Leave**

~~The City shall adhere to the Uniformed Services Employment & Reemployment Rights Act (USERRA) for matters concerning Military leave.~~

~~—————A.————— Military Leave~~

~~In accordance with Maryland Statutes, applicable federal law, an employee who is absent from~~

~~work for military duty, shall be entitled to a leave of absence without loss of pay for such time as he shall be ordered to active or inactive duty training for a period not to exceed two weeks. The annual period is defined as January 1 through December 31.~~

~~An employee shall be required to submit an order or statement from the appropriate military commander as evidence of any such duty. Such order or statement must accompany the formal request for military leave at least two (2) weeks in advance.~~

~~———— B. ——— Inactive Duty Training (Weekend Drills)~~

~~An employee who is a member of the Armed Forces Reserve or the National Guard shall be excused from work to attend inactive duty training as required. Evidence of membership in the applicable organization and training orders shall be provided to the department by the employee. Requests for such absences from work can be made either orally or in writing. The submission of the applicable Reserve or National Guard training schedule will satisfy this requirement. In the event scheduled inactive duty training falls on an employee's duty day(s) he may request the use of annual military leave, annual leave, trading time assignments in conformance with departmental procedures or leave without pay.~~

~~———— C. ——— Recall to Active Military Duty~~

~~A full time employee who is a member of a military reserve component or the National Guard, who is ordered to active duty to fulfill his primary military obligation, will be granted military leave of absence without pay for this period of time unless otherwise noted in Federal, State, or City law.~~

~~———— D. ——— Recall to Emergency Active Military Duty~~

~~Employees responding to emergency military orders shall be granted leave without pay for required absences as necessary unless otherwise noted in Federal, State, or City law.~~

~~———— E. ——— Reinstatement from Military Service~~

~~Upon termination from active military service, an employee who wishes to return to City employment shall contact the Human Resources Director in writing within ninety (90) calendar days from the date of military discharge. An employee shall not be considered eligible for reinstatement by the City if he received a dishonorable military discharge. An employee requesting reinstatement with the City shall submit to a medical examination, at City expense, to determine if he is physically and mentally capable of performing the duties of his former position prior to assuming his position. The Department Director can not reinstate an employee until Human Resources confirms the employee has received medical clearance to perform duties of the position.~~

~~An employee returning to City employment in his classified position shall be reinstated at the salary he would have received, including all general wage adjustments, had he remained continuously employed by the City instead of entering the armed service.~~

~~If the position vacated by an employee who entered the military service is reclassified or retitled during his period of military service, he shall be reinstated where possible in accordance with USERRA. If his former position has been abolished, or if he is incapable of satisfactorily performing the duties, he shall be reinstated in a position as nearly comparable as possible in salary and duties to the position he vacated, providing a vacancy is available.~~

## **6-9 — Leave of Absence Without Pay**

### ~~———— A. ————~~ Voluntary

~~The appointing authority may grant requests for leaves of absence without pay for periods not to exceed one year. During the period of absence without pay, no sick or vacation leave is accrued. At the termination of such leave, the employee shall be reinstated in the civil service system with all previous rights and privileges, earned by the individual up to the previous last day of employment. The appointing authority must notify the Human Resources Department to ensure all benefits are reinstated.~~

### ~~———— B. ————~~ Involuntary

~~A civil service employee who, by reason of illness or physical disability, is required to be placed on leave of absence without pay, shall not be entitled to accrue either sick leave or annual leave so long as the employee remains on leave of absence without pay.~~

~~A civil service employee who, by reason of illness or physical disability, is on leave of absence for one calendar year or more shall be released from employment with the city, and all pay and benefits stopped, and the position may be filled. The released employee shall have priority consideration, before other applicants, for any job vacancy for which that person is qualified when that person is certified by medical authority to return to work with or without reasonable accommodations.~~

### ~~———— C. ————~~ Family Leave (Reference Family Medical Leave Act)

~~“Family Leave” means leave without pay up to a maximum of 12 weeks is available to an employee who needs to take time off from work to care for:~~

- ~~———— a. ————~~ A newly born or newly adopted child of the employee;
- ~~———— b. ————~~ A foster child placed with the employee; or a seriously ill child, spouse, parent, or legal dependent of the employee.

~~An employee must immediately notify his supervisor and complete all necessary forms to avail of Family Leave. Employee needs to consult with Human Resources for specific regulations governing this leave.~~

## **6-10 — Accident Prevention and Safety**

~~The City maintains a, comprehensive city-wide safety program. All aspects of the working environment and work-associated activities are to receive proper attention. The development of safe working conditions, practices, habits and safety conscious thinking are the principal objectives of the program.~~

~~———— A. ——— Risk Management Committee~~

~~———— B. ——— Safety Committee~~

~~Each department director will designate a person who will actively participate in the safety program and represent the department in safety matters.~~

~~———— C. ——— Safety Equipment Devices~~

~~The City will provide proper and necessary safety equipment and devices for an employee engaged in work where such special equipment and devices are necessary. Such equipment and devices, where provided, shall be used.~~

~~———— D. ——— Reporting System~~

~~As an integral part of the City's overall safety program, a comprehensive reporting system has been implemented. Three basic report requirements will be used in this area: (1) Incident/Liability Report; (2) Motor Vehicle Accident Report; and (3) Report of Injury to an Employee and Notice of Injury forms.~~

~~———— E. ——— Incident/Liability Report~~

~~An Incident/Liability Report is to be used to report any event that happened or is alleged to have happened where the City might conceivably share liability, but which does not require either a Motor Vehicle Accident Report or Report of Injury to an Employee and Notice of Injury forms.~~

~~———— F. ——— Vehicle Accident Reporting Procedures~~

~~In the case of any City-owned vehicle, which is involved in a motor vehicle accident to include boats, an employee operating such vehicle will immediately notify the Police Department and his supervisor who will be dispatched when determined appropriate. In the event his supervisor is not available, another supervisor from within the concerned department will be dispatched by the~~

department director.

~~A mandatory post-accident drug test will be administered within 32 hours and a post-accident alcohol test will be administered within 8 hours by City approved contractor.~~

~~The department director of an employee involved in the motor vehicle accident will ensure that a City Motor Vehicle Accident Report is completed and copies forwarded to both the Legal Department and the Director of Finance within three (3) working days of the time the accident occurred.~~

~~Employees utilizing their personal vehicle while on City business shall immediately report any accident to their supervisor.~~

~~In case of serious injury or fatality, the Police Department and the Human Resources Director shall be notified immediately. The Police Department will, in turn, notify the Director of Finance (Risk Manager) regarding the accident.~~

~~———— G. ——— On the Job Injuries~~

~~An employee shall be advised of his responsibility to immediately report to his supervisor all injuries to himself that occur on the job.~~

~~A Report of Injury and an Employers First Report of Injury/Illness form should be submitted to the Supervisor within forty-eight (48) hours after the occurrence of the injury. If the injury occurs over a holiday or weekend, the injury reports should be submitted within forty-eight (48) hours from the time the work period starts after the weekend or holiday. This applies to all on-the-job injuries, as well as any employee injured in a vehicular accident involving City equipment. In the latter case, a Motor Vehicle Accident Report will also be required. Fatal injuries to an employee shall be immediately reported to the Director of Finance Office, which shall report the fatality to the State Division of Workers' Compensation within twenty-four (24) hours as required by law.~~

~~In every on-the-job injury requiring medical attention, an employee will bring the Medical Doctors Note back (signed by the attending physician) to his supervisor upon returning to work. In no case shall an employee be returned to work the treating physician has released him to full duty.~~

~~———— H. ——— Workers' Compensation for Injured Employees~~

~~Payment of workers' compensation to an employee who is incapacitated because of an injury occurring while on the job will be governed by the State of Maryland Workers' Compensation law and/or governed by Collective Bargaining Agreement.~~

~~Full wages will be paid for the complete shift on the day of the on-duty injury if disability results,~~

or for that part of the day spent receiving medical treatment.

If an injured employee cannot return to work on his next shift or normal workday as determined by a physician, his injury will be considered a disability, with the disability starting immediately following the day of the injury.

The statutory benefits of the Maryland Workers' Compensation Law do not allow for compensation during the first three calendar days of disability. Employees may apply for accrued leave pay during the first three calendar days. However, if the injury results in disability of more than fourteen (14) calendar days, compensation shall be allowed from the commencement of the disability.

A decision involving possible separation of employment on the basis of physical inability to perform job duties for an employee who was injured as a result of a job-related accident and who has qualified for treatment under workers' compensation will not be made until after the employee reaches the status of maximum medical improvement as defined under the provisions of the Maryland Statutes governing Workers' Compensation.

#### ~~———— I. ——— On-Duty Injury Benefit~~

~~An employee who experiences a disability resulting from a compensable injury while acting within the scope of his city employment may elect the following:~~

~~To be paid sick leave and use the workers' compensation check to restore sick leave at the ratio of 66 2/3% or as determined by Collective Bargaining Agreement.~~

~~Use annual or personal leave with no restoration of annual or personal leave. Receive insurance checks from workers' compensation carrier.~~

~~No sick or annual leave. Receive insurance checks from workers' compensation carrier.~~

~~May request leave without pay, with the continuation of some benefits.~~

#### **6-11 — Leave of Absence With Pay**

~~On October 1, 2008, The Flexible Leave Act became Law in the State of Maryland. This legislation provides that employees may use any form of paid leave for an immediate family member's illness.~~

~~An immediate family member is defined as parent, spouse and child (including adult child)\*  
The employee may choose which type of paid leave he/she wishes to use.~~

~~The use of leave under this Act applies to any and all paid leave that is earned or accrued prior to~~

and after October 1, 2008.

~~\*while the definition of immediate family may differ from other areas of the Rules and Regulations, it is applicable to flexible leave as defined by Maryland Law.~~

~~The City may require proof of a family member's illness before flexible leave is paid.~~

### **6-12 — Blood Bank**

~~Every employee and City retiree is automatically a member of the “City Employees Blood Bank Group”. As a member, he and his immediate dependent family are eligible to receive needed blood at no cost. Periodically, blood drives are held to replenish this account.~~

### **6-13 — Rest Breaks**

~~Rest breaks are authorized as a privilege, which shall be arranged so as not to interfere with normal City business. Rest breaks may not be scheduled to extend meal periods or reduce the length of the employee's shift. It shall be the responsibility of supervisors to properly enforce this provision.~~

### **6-14 — Credit Union**

~~Application for Membership in the State of Maryland Employees Credit Union is available to all employees and members of their immediate families. Additional information on Credit Union policies may be obtained at the State Employees Credit Union of Maryland.~~

### **6-15 — Group Insurance Program**

~~The City offers full time employees the opportunity to participate in group life and health insurance programs. At the time of employment, the employee will be required to complete the necessary enrollment cards to indicate whether or not he wishes to participate in the insurance program. The employee is responsible for advising the Human Resources Department of any beneficiary changes, marital status change, and the addition/deletion of dependents.~~

~~A full-time classified service employee is provided with a basic amount of term life and accidental death and dismemberment insurance at no cost. Additional Supplemental term life insurance may be obtained at the employee's expense.~~

~~A full-time employee is eligible to participate in one of the health plans offered and to change his selection annually during the open enrollment period. Health insurance coverage becomes effective on the first day of the month following date of hire.~~

An employee's contribution for his group health plan and any additional life insurance will be deducted from his paycheck.

Cobra Health insurance coverage may be extended to covered employees and their enrolled dependents as governed by Federal law in the following instances:

- Death of covered employee.
- Divorce or legal separation.
- Dependent child ineligible due to age.
- Reduction of hours or termination of employee other than for reasons of gross misconduct.

If extension of coverage is elected, Federal legislation requires that the entire cost of the health insurance, plus administrative expenses, be borne by the covered employee or dependent.

#### **6-16 — Vehicle/Mileage Allowance**

The City provides a vehicle Federal mileage allowance when the official duties of an employee require the use of his personal vehicle and such use is authorized by his department.

#### **6-17 — Longevity Pay Program**

Salary Increase at 7 year, 12 year, 15 year milestone of continuous employment

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#### **6-18 — Pension Plans**

All full-time City employees who meet established membership requirements shall participate in a pension plan for which they are eligible. Details concerning the various City pension plans may be obtained from the Human Resources Department.

#### **6-19 — Employee Assistance Program**

The Employee Assistance Program (EAP) is a program designed to provide professional, confidential and personal counseling services for employees, who are faced with problems arising from substance abuse, marital disputes, family financial concerns, illness or any one of a number of other causes.

#### **6-20 — Tuition Refund Program**

The City encourages employee self improvement. The Human Resources Department is available to discuss financial support for continuing education that may enhance the individual's



career path with the City. A Tuition Refund Program is available to full-time employees. The program is designed to help reimburse eligible employees for a portion of their tuition expenses, for pre-approved educational courses, which must relate to the employee's present job or a reasonable promotional objective.

— A. — Eligibility

Employee must be on a full-time status.

The resignation or discharge of an employee automatically terminates his eligibility for benefits under this program.

— B. — Courses

1. — This program applies to courses offered by accredited colleges or universities.
2. — The course must relate to the employee's present job or a reasonable promotional objective. Courses, including associated courses and electives, taken toward an undergraduate degree related to the employee's present job or reasonable promotional objective are acceptable.
3. — There must be a probability that the course will contribute to the employee's development as a City employee.
4. — Course attendance must be on the employee's own time and should not interfere with his regular work assignment.

— C. — Approval

Approval for course eligibility must be requested prior to the starting date of the course and granted by the employee's department director, Supervisor and the Human Resource Director.

— D. — Reimbursement

1. — Amounts of reimbursement to employees under this program will be made for tuition costs only.
2. — Reimbursement of tuition will not exceed percentage approved during the annual budget process up to specified dollar limit per fiscal year/semester. Contact the Human Resources Department for current amount available.

3. ~~Course requirement for reimbursement is evidence of a grade of “C” or better.~~
4. ~~A verified statement of tuition cost or a receipt of payment is required prior to reimbursement.~~

~~E. Filing Procedure~~

1. ~~When an employee wishes to participate in the tuition refund program, he will complete a Tuition Reimbursement Application form, which can be obtained from the Human Resources Department.~~
2. ~~The employee will submit the application to his immediate supervisor and, if necessary, discuss the application with the supervisor to provide information relevant to determining if the employee is eligible to participate in the program.~~
3. ~~If eligibility (employee and course) is recommended, the employee’s immediate supervisor will forward the completed Tuition Reimbursement Application with an itemized bill to the department director for approval.~~
4. ~~If approved by the department director, the application will then be submitted to the Human Resources Department for review, final approval and processing.~~
5. ~~The Human Resources Director acknowledgment portion of the employee’s Tuition Reimbursement Application form will be returned to the employee. This form will indicate if the request has been approved, or will give reason(s) if disapproved.~~
6. ~~A new application must be submitted for each course, each session (semester or other term).~~
7. ~~Within fifteen (15) days of completion of approved courses, the employee must submit a copy of the final grade to the Human Resources Department.~~
8. ~~Upon receipt of above materials, the Human Resources Department will process a refund to the employee.~~

**6-21 Unemployment Compensation**

Former employees who file an unemployment claim and are determined qualified under the

~~Maryland Unemployment Compensation Law may be eligible to receive unemployment compensation benefits. Any forms or correspondence concerning unemployment compensation received by a department are to be forwarded immediately to the Human Resources Department for processing.~~

## **SECTION 7: Code of Conduct and Disciplinary Provisions**

**SECTION 7: CODE OF CONDUCT AND DISCIPLINARY  
PROVISIONS**

**7-1 Purpose**

All employees of the City of Annapolis are members of a team working together for the purpose of serving our community. Employees who fail to follow the necessary rules and regulations governing their conduct are subject to disciplinary action, up to and including termination of employment. ~~not only penalizing themselves, but are doing a disservice to other employees and the citizens of Annapolis.~~ The Code of Conduct rules are not intended to restrict the privileges of anyone, but are ~~designed~~ designed to ensure the rights and safety of all employees and to provide working guidelines to encourage acceptable and ~~business like~~ appropriate conduct.

Employees are expected to abide by the City Code and Rules and Regulations (including the Code of Conduct) and all established City and departmental policies, and may be disciplined for violation of either City or departmental rules and regulations.

**7-2 Policy**

~~A. — It is the policy of the City that discipline should be characterized as corrective rather than punitive, and that disciplinary actions be utilized as an element of an overall program to emphasize appropriate standards of behavior and promote proper employee conduct. When circumstances permit, department directors are encouraged to pursue a philosophy of ‘progressive discipline’ whereby employees receive increasingly severe levels of discipline for each successive instance of related misconduct. This will provide an employee an opportunity to modify and correct his behavior and/or work deficiencies.~~

~~B. — The City’s Code of Conduct provides that certain offenses are of such a serious nature that the use of progressive discipline is generally not advisable, and that immediate dismissal from employment is recommended upon the first violation of the offense. Dismissal from employment is also a necessary personnel action when progressive discipline for offenses of a generally related nature has failed to achieve satisfactory improvement in an employee’s conduct and/or job performance.~~

Discipline is corrective rather than punitive, and disciplinary actions are utilized as an element of an overall program to emphasize appropriate standards of behavior and promote proper employee conduct. When circumstances permit, Department Directors are encouraged to pursue “progressive discipline” whereby employees receive increasing levels of discipline for each successive instance of misconduct. This will provide an employee an opportunity to modify and correct his behavior and/or work deficiencies.

The City’s Code of Conduct provides that certain offenses are of such a serious nature that the use of progressive discipline is generally not advisable, and that immediate dismissal from employment is recommended upon the first violation of the offense. Dismissal from employment

is also a necessary personnel action when progressive discipline for offenses of a generally related nature, or those of a chronic offender, have failed to achieve satisfactory improvement in an employee's conduct and/or job performance.

Infractions of any kind are disruptions of the working environment. The Code of Conduct establishes three groups of infractions and recommended disciplinary actions. In each group and for each rule, the degree of discipline may vary in consideration of numerous factors which include, but are not necessarily limited to, the following areas

- the nature and seriousness of the misconduct
- prior warnings and disciplinary actions for offenses for the same or generally similar nature
- the length and quality of the employee's employment
- time interval between offenses
- effectiveness of prior disciplinary actions
- demonstrated willingness to improve overall work performance

### **7-3 Disciplinary Actions**

Management should inform an employee promptly and specifically whenever his performance, work habits, or personal conduct falls below an acceptable level. ~~In coordination with the concerned department director,~~ It is the responsibility of the employee's supervisor to investigate the facts and evaluate document the evidence of misconduct or work deficiency. ~~In most cases,~~ An investigation should include discussing the matter with the employee(s) involved. A decision to administer a disciplinary action of any kind should be based upon a complete review of relevant facts.

Disciplinary actions may include:

#### **A Informal Counseling**

~~Depending upon the circumstances of the case,~~ An employee may receive informal counseling, at the discretion of his supervisor, to advise him of work deficiencies and/or misconduct.

~~It is recommended that~~ Appropriate notes or other records concerning the time and nature of an informal counseling session be maintained by the employee's supervisor. Informal counseling is not subject to appeal. ~~within~~

~~the department to document action taken.~~

B Oral Warning

The purpose of an oral warning session is to advise an employee of a disciplinary problem and to encourage improvement in performance, work habits, and/or behavior. An oral warning shall be ~~which is~~ documented by a Report of Oral Warning form and shall ~~may~~ be used as the initial formal disciplinary action. ~~The recommended procedure is for management to inform the employee of its expectation and how improvement can be achieved.~~ Management shall inform the employee of its expectation and how improvement is to be achieved. Management ~~should~~ shall also notify him of the consequences of further misconduct.

Appropriate notes or other records concerning the time and nature of the oral warning shall be maintained by the employee's supervisor. Imposition of an oral warning is not subject to appeal.

C. Written Reprimand

In order to document a written reprimand, an Employee Notice (~~memo~~) shall be issued, specifically defining the nature of the infraction under either the City Code, Code of Conduct, Rules and Regulation, City Policy and/or the appropriate departmental rule which has been violated, and the reason(s) for the disciplinary action.. The Employee Notice should include a ~~complete~~ description of the infraction of misconduct ~~incident of misconduct~~ and refer to specific times, dates, locations, personnel involved, and any rule or rules violated.

Before an Employee Notice is initiated, the employee's immediate supervisor or other management employee shall obtain the approval of the department director. A copy of the Employee Notice shall remain in the employee's personnel file. Imposition of a written reprimand is not subject to appeal.

~~b. The employee's immediate supervisor or other management employee initiates an Employee Notice with the approval of the concerned department director.~~

D. Suspension

An employee may be suspended by management for reasons provided under the City Code, ~~either in the~~ Code of Conduct, Rules and Regulations, City Policy and/or the appropriate departmental rules. ~~Suspensions may be for a variable number of work days as determined by~~

~~management based upon the nature, severity and/or number of occurrences of misconduct committed.~~ Suspensions may be for a greater ~~than,~~ or lesser ~~than,~~ the number of days than that which is recommended in ~~the groups of offenses in~~ the Code of Conduct. Suspensions for ~~of~~ more than one (1) shift shall be issued on a consecutive workday shifts. ~~basis.~~ Suspension for two (2) or more offenses shall be cumulative, ~~and shall not be served concurrently.~~ Suspension days should be scheduled without undue delay. An employee on suspension shall not be eligible to work overtime during the payroll period in which the suspension is served unless such restriction is waived by the concerned Department Director to meet unusual operational needs.

~~a. An Employee Notice shall specifically describe the nature of the misconduct, any rule(s) violated and the disciplinary action taken. The Employee Notice implementing the disciplinary suspension should be received by the Personnel Department within one (1) work day following the action to meet the schedule imposed by the grievance procedure. If circumstances preclude meeting the time limit, the delay shall be coordinated with the Personnel Department prior to expiration of the deadline. The total number of consecutive workdays, including the beginning and ending dates of the suspension, shall be listed.~~

An employee shall be notified of his suspension by an Employee Notice which shall include the infraction, disciplinary action taken, the beginning and ending days of the suspension, and any applicable appeal rights. The Employee Notice implementing the disciplinary suspension shall be delivered to the Human Resources Department within one (1) work day following its issuance.

#### E. ~~Dismissal and Pre-dismissal Hearing~~

An employee may be dismissed for reasons provided under the City Code, Code of Conduct, Rules and Regulations of the Personnel System, City Policy and/or the appropriate departmental rules. An employee shall be notified of the City's intent to terminate his employment by an Employee Notice which shall include the infraction, disciplinary action taken, and any applicable appeal rights. The Employee Notice implementing the disciplinary suspension shall be delivered to the Human Resources Department within one (1) working day following its issuance. ~~serious and/or continued misconduct. Employee Notice describing the incident and any rule(s) violated shall be completed and forwarded to the Personnel Department within one (1) workday following the action.~~



~~A Civil Service Status classified employee has a right to have an informal pre-dismissal hearing before being dismissed. If an employee makes a written request within five (5) working days after his receipt of the Employee Notice, after notice of his proposed dismissal, his Department Director, or designee, shall schedule a pre-dismissal hearing to discuss the infraction and proposed dismissal-misconduct and proposed action. The hearing shall be informal.should provide an opportunity to review the case, but need not be elaborate. A classified employee is entitled to oral or written notice of the charges against him, an explanation of the evidence and an opportunity to present his side of the story. After completion of the informal hearing, the department shall take appropriate action and notify the employee.~~

A Civil Service Status employee shall be entitled to receive written notice of the alleged infraction(s) under the City Code, Code of Conduct, Rules and Regulations of the Personnel System, City Policy and/or the appropriate departmental rule; and an explanation of the evidence to respond to the allegation(s). After completion of the informal hearing, the department shall notify the employee and the Human Resources Director in writing of the results of the informal hearing. The Department Director may rescind, modify or affirm the disciplinary action as a result of the hearing.

In recognition of the fact that employee disciplinary and work records are unique, and that each infraction of misconduct may differ in the same regards from a similar infraction, the City retains the right to treat each disciplinary occurrence on an individual basis.

Disciplinary actions resulting in suspension or dismissal shall be reviewed by the City Attorney and the Human Resources Director prior to implementation.

The employee's signature is required on the Employee Notice to acknowledge receipt, and does not indicate his agreement with the provisions of the disciplinary action. If he refuses to sign, it should be so indicated by management on the Employee Notice in the area reserved for the employee's signature and witnessed by another employee.

When imposing a disciplinary action, supervisors will generally not take into consideration prior infractions the nature of which are entirely unrelated to the current infraction and which occurred more than eighteen (18) months previously. However, where progressive discipline has been taken, and a decision to dismiss an employee is under consideration, it is appropriate to review his entire employment record with the City.

An employee may be dismissed as a chronic offender of the City Code, Code of Conduct, Rules and Regulations, City Policy and/or the appropriate departmental rule when he has been issued three (3) disciplinary actions resulting in an Employee Notice within a two (2) year period that have been sustained.

## **7-4 Application of Disciplinary Measures—Code of Conduct**

- A. ~~Employees are expected to abide by the City Code of Conduct and all established departmental policies, and may be disciplined for violation of either City or departmental rules and regulations.~~
- B. ~~In recognition of the fact that employee disciplinary and work records differ, and that each instance of misconduct may vary in some respects from similar actions, the City retains the right to treat each disciplinary occurrence on an individual basis without creating a precedent for resolving other cases of misconduct which may arise in the future.~~

Section 7 of the Rules and Regulations of the Personnel System addresses Code of Conduct as well as the Disciplinary Provisions. It is a guide to establish the types of infractions that are disruptive in the workplace and for which employees are subject to progressive discipline.

The supervisor shall apply a reasonable person's interpretation of the group offenses and address employee behaviors that affect the ability of the employee to be meaningfully engaged in work or to be otherwise displaying proper decorum in the workplace.

### **GROUP I OFFENSES**

Progressive discipline is intended to be corrective at the lowest level and offenses in Group I are infractions that are considered the mildest level of violations that are more impacting when they are repeated or become a chronic disregard for rules and positive workplace behaviors. The first violation is routinely handled with an oral reprimand. If an employee engages in the behavior repeatedly, then any subsequent violations can result in suspensions and finally dismissal.

### **GROUP II OFFENSES**

These violations of policy begin on a more egregious level and are generally evidence of a more willful disregard for policy and procedure. Often times these violations put coworkers or others in jeopardy by engaging in unsafe behavior.

### **GROUP III OFFENSES**

Violations of the policies and procedures in this category are clearly serious in nature and constitute a level of willful, gross misconduct that suggest that keeping the employee in the workplace is a risk for the City. Often, infractions in this category involve actions that might also be considered violations of law or have consequences that would lead to significant harm to others.

Every possible act of misconduct cannot be specifically identified in the Rules and Regulation. As a result, ~~such~~, Code of Conduct offenses are to be interpreted broadly. Infractions set forth in the Rules and Regulations are illustrative only and are not intended to be all encompassing. ~~Explanations more closely describing the specific act of misconduct may be provided by the department director. Illustrative examples given in any rule are not intended to restrict the regulation, and do not limit the general application of the rule.~~ If a specific instance of misconduct not identified is not appropriately

represented by an established rule in the Code of Conduct has been charged, the Department Director may explain describe the infraction misconduct and take appropriate disciplinary action. The disciplinary procedures are not to be construed as a limitation upon the retained management rights of the City, but are to be used as a guide to assist management in determining an appropriate type and level of discipline to be administered.

- ~~D. — When formally disciplined, an employee shall be given documented notice of his misconduct or work deficiencies. Such employee should also be provided with notice of the consequences of further misconduct or the lack of immediate corrective action. The department is responsible for informing the employee of any grievance and appeal rights by so noting on the appropriate form. Documentation of all formal disciplinary actions shall be included in the employee's official personnel record in the Personnel Department.~~
- ~~E. — The employee's signature is requested on the Employee Notice to acknowledge receipt, and does not indicate his agreement with the provisions of the disciplinary action. If he refuses to sign, it should be so indicated by management on the Employee Notice in the area reserved for the employee's signature.~~
- ~~F. — When imposing disciplinary measures on a current charge, supervisors will not take into consideration prior infractions of the City of departmental rules and regulations which occurred more than eighteen (18) months previously. However, within the context of progressive discipline, the final personnel action of dismissal from employment cannot be considered corrective or rehabilitative in nature since the employment relationship is terminated. In such instances where progressive discipline has failed to achieve an employees compliance with expected standards of behavior, and a decision to dismiss him is under consideration, it is appropriate to review his entire employment record with the City.~~
- ~~G. — An employee may be dismissed as a chronic offender of the Code of Conduct or departmental rules when he has been issued four (4) disciplinary actions resulting in a Report of Oral Warning or an Employee Notice within an eighteen (18) month period.~~
- ~~H. — As a uniform guideline, these procedures provide recommended progressive disciplinary actions for continued misconduct of the same or generally related nature; however, the recommended disciplinary action may be modified by management, including either lesser or more severe discipline, when extenuating circumstances are found to exist. In such instances where a disciplinary action to be administered is not in accordance with the recommended action for an offense(s), the department director will document the reasons for the disciplinary modification.~~

For purposes of this Code of Conduct, infractions are typically associated in one of three general categories:

1. Attendance Related Misconduct

Attendance related offenses generally consist of ~~refer to~~ absenteeism, tardiness, and all other activities resulting in time away from the work site.

2. ~~Work Related Misconduct~~ Performance Related Infractions

~~Work related offenses generally refer to neglect of work, mistakes, accidents, and all other activities affecting work site productivity or job performance.~~ Performance related infractions generally consist of neglect of work, accidents, abusive behavior, dishonesty, and all other conduct affecting work site productivity or job performance.

3. Miscellaneous Infractions ~~Misconduct~~

All other infractions ~~improper activities may be~~ are grouped into a category entitled "miscellaneous". ~~misconduct. Under the miscellaneous misconduct category, progressive discipline normally should not be applied when an employee commits offenses of a totally unrelated nature.~~

Items in this category involve prohibited actions in the City Code, Code of Conduct, Rules and Regulations, City Policy and/or the appropriate departmental rule.

A. An appropriate level of discipline for related violations of offenses in separate groups (Group I, II, and III) shall be determined on a case by case basis upon considering the employee's disciplinary record and the circumstances of the employee's current misconduct. Progressive discipline is applicable for repeat misconduct of the same or of a related nature.

B. Although offenses of any kind are disruptions of the working environment and cannot be tolerated, some misconduct is more serious and warrants a more severe disciplinary action to correct the situation. The Code of Conduct lists three groups of offenses based upon misconduct. The City has established recommended disciplinary actions for the first, second, third, or more violations of the same or generally similar offense in any particular group. In each group and for each rule, the degree of discipline may vary in consideration of numerous factors which include, but are not necessarily limited to, the following areas:

1. the nature and seriousness of the misconduct

2. prior warnings and disciplinary actions for offenses for the same or generally similar nature

3. the employee's length and quality of City employment
4. time intervals between offenses
5. effectiveness of prior disciplinary actions
6. demonstrated willingness to improve
7. overall work performance
8. and disciplinary actions previously administered to other departmental employees with comparable records for the same or similar offenses.

~~D. — Groups of Offenses~~

Groups of Offenses and Recommended Disciplinary Action

Group I Offenses And Recommended Disciplinary Action

First Violation	-	Oral Warning (Documented on Form)
Second Violation	-	Employee Notice And One (1) Work Day Suspension
Third Violation	-	Employee Notice And A Five (5) Work Day Suspension
Fourth Violation	-	Dismissal

**WORK RELATED Performance Related Misconduct**

1. Refusal to work overtime, special hours or special shifts, after being scheduled or assigned according to overtime and standby duty policies.
2. Operating, using, or possessing tools, equipment or machines to which the employee has not been assigned, or performing other than assigned work.
3. Quitting work, wasting time, loitering, or temporarily leaving assigned work area during working hours without permission.
4. Discourtesy to persons with whom the employee comes in contact while in the performance of his duties.
5. Washing up or changing clothes during working hours without specific permission of the supervisor.

6. Productivity or workmanship not up to required standards of performance.
7. Mistakes due to carelessness.
8. Disregarding job duties by ~~leaving or~~ neglecting work during working hours.
9. Violating a safety rule or safety practice.
10. Reporting for work or working while unfit for duty, either mentally or physically.
11. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, ~~demonstration on the job~~, or similar types or disorderly conduct.
12. Creating or contributing to unsafe and unsanitary conditions, poor personal hygiene or poor housekeeping in the work area.
13. Conducting personal business during work period.
14. Failure to properly wear a complete City uniform as provided by the employee's department, or to display proper City identification as required by departmental rules.

#### **Attendance Related Misconduct**

1. Failure to properly report an ~~unavoidable~~ a late arrival at work to the supervisor or other designated departmental representative within the time required by departmental policy.
2. Taking more than specified time for meals or rest periods.
3. Habitual failure to punch own time card. (Guide: three (3) times in any thirty (30) calendar day period, or six (6) times in any ninety (90) calendar day period).
4. Tardiness. (Guide: three (3) times in any thirty (30) calendar day period, or six (6) times in any ninety (90) calendar day period).
5. Chronic absenteeism. (Guide: Three (3) times in any thirty (30) calendar day period, or six (6) times in any ninety (90) calendar day period).
6. Absent without permission or leave (AWOL).
7. Failure to file the required Request for Outside Employment Form.
8. Abuse of annual leave or extended illness leave privileges.

9. Failure to report immediately to the Department Director the loss of the employee's City identification card.
10. Failure to maintain and keep the department notified of current address and telephone number.
11. Unauthorized posting or removal of any matter on City bulletin board or City property at any time.
12. Violation of a departmental rule within the Group I level for overall seriousness, nature and significance of the misconduct.

**MISCELLANEOUS MISCONDUCT**

- ~~21. Failure to file and/or keep current the required Request For Outside Employment.~~
- ~~22. Failure to pay just debts due or failure to make reasonable provision for the future payment of such debts, thereby causing annoyance or embarrassment to the City or the employee's supervisors.~~
- ~~23. Failure to report immediately to the department director the loss of a City identification card.~~
- ~~24. Failure to keep the department notified of current address and telephone number, if any.~~
- ~~25. Unauthorized posting or removal of any matter on City bulletin boards or City property at any time.~~
- ~~26. Violation of a departmental rule which is considered within the Group I level for overall seriousness, nature and significance of the misconduct.~~

**Group II Offenses And Recommended Disciplinary Action**

- |                  |   |                                                   |
|------------------|---|---------------------------------------------------|
| First Violation  | - | Employee Notice And A Two (2) Work Day Suspension |
| Second Violation | - | Dismissal                                         |

**Work Related Misconduct**

1. Provoking or instigating a fight, actively participating in a fight any time on City property, or deliverately hitting, shoving, striking, physically abusing or otherwise assaulting or committing a battery upon another person while on duty.

2. Threatening, intimidating, coercing or interfering with fellow employees, supervision or the public at any time, including the use of abusive, foul or obscene language.
3. Sleeping during working hours, unless otherwise provided as in the Fire service.
4. Failure to comply with the requirements of the Code of Ethics.
5. ~~Reporting to work while under the influence of alcohol or illegal drugs.~~ Participating in gambling, lottery, or engaging in any other game of chance at any time while on duty.
6. ~~Being in possession of intoxicating beverages during the time while on duty including break and/or while on lunch periods.~~ Making or publishing false, vicious or malicious statements concerning any employee, supervisor, the City, of its operation.
7. ~~Negligence or omission in complying with the requirements as set forth in the Code of Ethics.~~ Carelessness which results in any injury, damage in excess of \$500.00 or loss of materials, equipment tools, property or creates a financial liability to the City.
8. ~~Participating in illegal pyramid chain letter organizations, gambling, lottery, or engaging in any other game of chance at any time while on duty.~~ Unauthorized distribution of written or printed matter of any description on City.
9. ~~Making or publishing false, vicious or malicious statements concerning any employee, supervisor, the City, or its Operation.~~
10. ~~Carelessness which results in an injury, and/or at least \$75 damage or loss of materials, equipment, tools or property or results in a financial liability to the City.~~
11. ~~Unauthorized distribution of written or printed matter of any description on City premises.~~
9. Failure to report to the Office of Law a request for information, or receipt of a subpoena from an attorney, law firm, or court of law in connection with City related business.
10. Unauthorized vending, soliciting, or collecting contributions for any purpose whatsoever at any time on City premises property.
11. Use or possession of another employee's tools or equipment without the employee's consent.
12. Refusal to give testimony in City related accident investigations or refusing to attend grievance/appeal hearings when subpoenaed or directed to attend.
13. Failure to report in a timely manner an accident or personal injury in which the employee



was involved while on the job.

14. Unauthorized use of City vehicles, equipment or supplies.
15. ~~Driving a motor vehicle while on duty without a valid State of Maryland driver's license (operators or chauffeur's), or failure to report the loss or suspension of a drivers license when an employee is required to drive while on duty.~~

#### **ATTENDANCE RELATED MISCONDUCT**

15. Leaving the job site during regular working hours without per miss ion
16. ~~Where the operations are continuous,~~ Leaving the assigned post at the end of the scheduled shift prior to being relieved by the supervisor or the relieving employee on the incoming shift in a continuous operation.
17. Abuses of annual leave or extended illness leave privileges.

#### **MISCELLANEOUS MISCONDUCT**

18. Unauthorized use of City telephones for charging personal long distance or toll calls to the City.
19. Violation of a departmental rule which is considered within the Group II level for overall seriousness, nature and significance of the ~~misconduct~~ infraction.

#### **Group III Offenses And Recomendd Disciplinary Action**

First Violation - Dismissal

#### **Work Related Misconduct**

1. Serious neglect in the performance of assigned duties.
2. Deliberately misusing, destroying, damaging, or causing to be damaged any City property or property of any employee.
3. Falsification of personnel or other City records including, but not limited to, employment applications, accident records, insurance records, leave records, work records, purchase orders, time sheets, or any other report, record or application.
4. Making false claims or misrepresentations in an attempt to obtain accident benefits, workers' compensation, unemployment compensation, health insurance payments, or other benefits, or

failure to repay overpayments for which not entitled, in a timely manner.

5. Insubordination by the refusal to perform work assigned, or to comply with written or verbal instructions, directives or orders of the supervisory force. ~~including the use of abusive language or behavior directed toward a supervisor or a member of management.~~
6. ~~The consumption of alcohol while on duty including break and/or while on lunch periods.~~ Use of abusive language or behavior directed toward a citizen, supervisor or a member of management.
7. ~~The possession or use of illegal controlled substances while on duty including breaks and/or while on lunch periods.~~ Any violation of the City's "Substance Abuse Policy" or any other policy governing the use and possession of alcohol, drugs, or other controlled substances.
8. ~~Serious~~ Incompetence or inefficiency in the performance of assigned duties.
9. Receipt from any person of a fee, gift, or other valuable thing in the course of work when such fee, gift, or other valuable thing is given or accepted in the hope or expectation of receiving a favor or better treatment than is accorded other persons, or any violation of the Code of Ethics.
10. ~~Deliberately hitting, shoving, striking or physically abusing a supervisor at any time.~~ Unauthorized possession or use of firearms, explosives or weapons on City property.
11. ~~Knowingly harboring without proper treatment, a communicable disease, which may endanger the health of other employees.~~
11. Concerted curtailment or restriction of production or interference with work in or about the City's work stations including, but not limited to, instigating, leading or participating in any walkout, sit-down, stand-in, slowdown, sick-out, refusal to return to work at the assigned time for the scheduled shift, or participation in a strike or any concerted activity against the City as defined in the Charter and Code of the City of Annapolis Chapter 3.32.100.
12. Participation in prohibited political activity. ~~in violation of Maryland Statutes.~~
13. Failure to obtain and maintain licenses, certifications or other qualifications required for an employee's job.

#### **ATTENDANCE RELATED MISCONDUCT**

14. ~~Knowingly punching the time card of another employee, having one's time card punched by another employee, or unauthorized altering of a time card or related payroll records.~~
15. —

~~16. Being absent from duty for a period of three (3) consecutive working days without proper authorization.~~

~~17. Failure to return from an authorized leave of absence within three (3) working days from scheduled date of return.~~

### **MISCELLANEOUS MISCONDUCT**

~~18. Unauthorized possession or use of firearms, explosives or weapons on City property.~~

~~19. Permitting another person to use your City identification card, or using another person's identification card, or altering a City identification card.~~

15. Use or attempted use of political influence or bribery to secure an advantage of any manner.

16. Driving a motor vehicle while on duty without the appropriate, valid license or to report the loss or suspension of a license when an employee is required to drive while on duty.

#### Attendance Related Misconduct

1. Knowingly punching the time card of another employee, having one's time card punched by another employee, or unauthorized altering of a time card or related payroll records.

2. Being absent from duty for a period of three (3) consecutive working days without proper authorization.

3. Failure to return from an authorized leave of absence within three (3) working days from scheduled date of return.

~~20. Theft or removal from City locations without proper authorization any City property or property of any employee.~~

#### Miscellaneous Misconduct

1. Permitting another person to use your City identification card, or using another identification card, or altering a City identification card.

2. Removal from City locations without proper authorization any City property or property of any employee.

3. Immoral, unlawful, or improper conduct or indecent conduct, either on or off the job, which would tend to affect the employee's relationship to his job, his fellow workers, his reputation or goodwill in the community.

4. Conviction ~~or guilt~~ of a felony or a misdemeanor of the ~~first or second~~ any degree as defined by Maryland Statutes, or any violation of a City ordinance involving moral turpitude, while either on or off the job.
5. Chronic ~~offender~~ infractions of the Code of Conduct. (Guide: ~~four (4)~~ three (3) violations of any departmental or City rule or regulation in an eighteen (18) month period which results in a ~~Report of Oral Warning~~ or an Employee Notice being issued)
6. Violation of a departmental rule which is considered within the Group III level for overall seriousness, nature and significance of the ~~misconduct~~ infraction.

## **SECTION 8: Grievance and Appeal Procedures**

## **SECTION 8: GRIEVANCE AND APPEAL PROCEDURES**

### **8-1 Policy**

The City grievance and appeal procedures ~~are established to provide the opportunity for full-time classified~~ eligible employees to present a grievance or appeal certain disciplinary actions, ~~and seek resolution of the subject matter of the grievance.~~ Both supervisors and employees are encouraged to make every reasonable effort to resolve grievances and appeals on an informal basis. ~~The formal grievance and appeal procedures are established in recognition that there will be grievances which may only be resolved after an appeal and review.~~

Only full-time classified employees may utilize the formal grievance and appeal procedure. ~~Grievances involving involuntary demotion, dismissal, or suspension in excess of ten (10) consecutive workdays (normally eighty (80) work hours) may be appealed only by filing directly to the Civil Service Board in a timely manner.~~ For employees not covered by a collective bargaining agreement, appeals involving involuntary demotion, dismissal, suspension, intolerable work conditions and other complaints must ~~filed be appealed only by filing~~ with the Civil Service Board within 5 working days of the action appealed ~~issuance of Employee Notice~~, in accordance with Section 3.16.150 of the City Code.

Classified employees who are in classifications ~~represented by a labor agreement may utilize either the negotiated grievance procedure or the Civil Service Board.~~ covered by a union collective bargaining agreement may utilize either the grievance procedure set forth in the collective bargaining agreement or the Civil Service Board, but not both.

~~Exempt employees may informally discuss problems or concerns with their supervisors up to and including the department director.~~

### **8-2 Grievance**

A grievance is defined as ~~a complaint of an adverse action taken against a classified employee as a result of a management interpretation or application of the Rules and Regulations of the City and/or various departmental rules or regulations.~~ a dispute concerning the application or interpretation of the terms of a union collective bargaining agreement; a claimed violation, misinterpretation or misapplication of the Rules and Regulations of the Personnel System, or other City actions affecting the terms and conditions of employment.

### **8-3 General Provisions**

~~Procedures under the grievance process are specifically intended to be informal to allow an employee to tell his side of the story without need of a representative. However, an employee shall have the right to be represented by any qualified person, or legal counsel at his expense. A grievant, and a City employee who represents a grievant, shall be granted a reasonable amount of time to process a grievance without loss of pay. Grievance forms shall be made available in the administrative office~~

of each department.

### **8-3 Grievance and Appeal Procedures**

~~According to the Charter and Code of the City of Annapolis, Chapter 3.32, Section 3.32.090 A. Agreements reached between an employee organization which is the exclusive representative of employees in an appropriate unit and the employer may contain provisions concerning procedures for consideration and resolution of grievances by arbitration. Those procedures shall be in addition to any grievance procedure already established by the Civil Service Code, and the employee has the right to choose which method of grievance procedure will be utilized. Once an employee has elected to pursue a specific grievance procedure, the employee is bound by the election and subsequently may not choose to follow a different procedure. Employees covered by a union collective bargaining agreement who choose to utilize the grievance procedure in the collective bargaining agreement shall be bound by the grievance procedure contained in the agreement. Alternatively, the employee may opt to file an appeal with the Civil Service Board if the grievance pertains to a matter within the Board's jurisdiction, as defined in Section 3.16.150 of the City Code. Once an employee has elected to pursue a specific appeal procedure, the employee is bound by the election and subsequently may not choose to follow a different procedure.~~

### **8-4 Grievance and Appeal Records Retention and Disposition**

~~Upon receipt, a copy of all City of a grievance or appeal by a Department Director, a copy of the grievance or appeal forms filed shall be forwarded to the Personnel Human Resources Department within one (1) working day. A copy of the department director's answer to the grievance at Step 1 will also be forwarded to the Chairman of the Civil Service Board.~~

Within one (1) working day after receipt of a grievance or an appeal, the Department Director shall forward the grievance or appeal to the Human Resources Department.

Records, notes, correspondence, decisions and actions shall be maintained in the Personnel Human Resources Department.

~~Grievance files shall be maintained by the Personnel Department and the concerned department separately from the employee's personnel file.~~

### **8-5 Civil Service Board**

#### **A. Structure**

The Civil Service Board is composed of five (5) residents appointed by the Mayor and confirmed by the City Council. No person shall be appointed to the Board who holds any salaried office or employment in the City government nor shall any member be eligible for municipal employment while serving on the Board.

#### **B. Duties**

~~It shall be the duty of the Civil Service Board to hear and decide all appeals submitted by Civil Service employees resulting from employer action of involuntary demotion, dismissal or suspension in excess of ten (10) consecutive workdays. The Civil Service Board will meet within a reasonable period of time and continue until the grievance is disposed of. During such review, the grievant and the department shall have the right to be heard publicly, be represented, and to present evidential facts. The concerned department director, or designee, shall be present at the hearing to give the department position and/or to assist counsel during the presentation. At the hearing of such grievances, technical rules of evidence shall not apply.~~

In accordance with Section 3.16.150 of the City Code, it shall be the duty of the Civil Service Board to hear and decide all appeals submitted by Civil Service employees. The Civil Service Board will meet within a reasonable period of time, not to exceed 45 days after the receipt of the appeal to hear the appeal, unless extended by the Civil Service Board, and at the discretion of the Board. During the hearing, the employee and the department shall have the right to be heard publicly; to be represented by an attorney; to call and cross examine witnesses; and to present documentary evidence.

Within forty-five (45) working days after the conclusion of the hearing, the Civil Service Board shall issue a written decision.

The Civil Service Board shall adopt rules of procedure governing the conduct of hearings.

~~The Board shall within five (5) working days of the conclusion of the hearing forward its decision to the grievant and the Mayor.~~



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