

## NOTICE OF ADOPTION & CERTIFICATION

NOTICE IS HEREBY GIVEN that during a meeting of the Milford City Council on February 25, 2019, the following ordinance was adopted:

**ORDINANCE 2019-06**  
CODE OF THE CITY OF MILFORD  
PART I-ADMINISTRATIVE LEGISLATION  
CHAPTER 55-PERSONNEL

WHEREAS, Chapter 55 of the City of Milford Code governs personnel practices for all City of Milford employees; and

WHEREAS, on April 9, 2018, Chapter 55 was repealed in its entirety and replaced with an updated Chapter 55, to conform and comply with Federal and State law and current personnel practices made effective April 19, 2018; and

WHEREAS, it is the recommendation of the Human Resources Administrator to amend Section 12.5 adopted on April 9, 2019, entitled Alcohol & Drug Free Workplace, for the purpose of enhancing the City's Drug-Free Safety Program; and

WHEREAS, City Council authorizes the creation of the amended policy to conduct preemployment drug testing and random drug testing of all employees to protect the safety and well-being of the general public and staff of the City of Milford.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*Section 1.* The following terms are hereby added, as shown by underline and bold:

### SECTION 1 - GLOSSARY OF DEFINITIONS AND TERMS

**City Premises: Includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by the City of Milford or any site on which the City is conducting business.**

**Illegal Drug: A substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)**

**Refuse to Cooperate: To obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.**

**Under the Influence of Alcohol: An alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.**

Section 2. The following text is hereby deleted as indicated by strikethrough:

#### 12.5 ALCOHOL & DRUG-FREE WORKPLACE

~~The City of Milford does not permit the use of illegal drugs by employees or the misuse of alcohol, the sale, purchase, transfer, trafficking, use or possession of any illegal drugs, or arrival or return to work under the influence of any drug (legal or illegal) or alcohol to the extent that job performance is affected. Use of prescription drugs are only permitted when prescribed by a physician who has determined that the substance will not adversely affect the employee's ability to safely perform his or her duties. Specific requirements and implementation procedures are detailed in the Drug Free Safety Program Policy, and the City requires full compliance with said policy.~~

Section 3. The following text is hereby added, as indicated by underline and bold:

#### **12.5.A PROHIBITED ACTIVITIES**

**Employees are prohibited from engaging in the following activities:**

- 1. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).**
- 2. Being under the influence of alcohol or illegal drugs while on duty.**
- 3. The operation of any City vehicle in violation of the guidelines set forth in this policy.**
- 4. The refusal to submit to an alcohol or drug test as defined and required by this policy.**

**The appropriate law enforcement agency will be notified of any sale, distribution or possession of any illegal substance by an employee at any time.**

**While use of medically prescribed or some other legal medications and drugs is not a violation of this policy, when such drug use adversely affects job performance, the employee will be required to use sick leave or take a leave of absence. Failing to notify an employee's supervisor before beginning work, when taking medications or drugs which may interfere with the safe and effective performance of duties by a City employee, may result in disciplinary action up to and including termination. Such actions will constitute violation of the City of Milford's Employee Policy Manual. When an employee's driver's license is suspended due to alcohol or drug use and driving is required by the employee's job description, the employee is subject to disciplinary action as described in Section 11.1.**

#### **12.5.B TESTING**

##### **12.5.B.1 PRE-EMPLOYMENT**

**Each individual who has been conditionally offered employment with the City of Milford will be required to take a drug test as a condition of employment. The offer of employment may be withdrawn from any individual whose test reveals the presence of a controlled substance**

##### **12.5.B.2. RANDOM**

Each employee who is assigned to a position which requires the possession of a CDL shall be part of the CDL random testing pool. All other employees shall be placed in the non-CDL pool for random testing for alcohol and for the use of controlled substances. Such test shall be conducted on a random, unannounced quarterly basis and in accordance with this policy.

#### **12.5.B.3. REASONABLE SUSPICION**

The request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor. These observations may include indications of the chronic and withdrawal effects of controlled substances as defined by the Federal Motor Carrier Safety Administration (FMCSA). Two trained supervisors must witness the conduct and be trained in the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

#### **12.5.B.4. POST-ACCIDENT**

Each employee who operated a City vehicle while it was involved in a traffic accident which resulted in the loss of human life or the issuance of a traffic citation shall be tested for alcohol content and for the use of controlled substances.

#### **12.5.C TESTING PROCEDURES**

All testing required by this policy will be conducted in accordance with the Omnibus Transportation Employee Testing Act of 1991. The testing will only be conducted by certified, qualified individuals who are either employed by a contractor hired by the City for this purpose or are sworn, law enforcement personnel. To ensure accuracy, employee's must be tested immediately following reasonable suspicion or post-accident as described above.

Testing will be done for the following substances, however not limited to:

- Alcohol
- Marijuana (THC)
- Cocaine
- Amphetamines and methamphetamine
- Opioids
- Phencyclidine (PCP)

Refusal by an employee to cooperate or submit immediately to an alcohol and/or drug test when requested by management, will constitute insubordination and is cause for disciplinary action in accordance with 11.1 of this manual.

#### **12.5.D PAYMENT**

The City shall pay the cost of testing for alcohol and controlled substances. The employee shall pay the cost of any confirmation test requested by the employee to deny the use of a controlled substance if the results of the initial test are positive. If the results of the confirmation test are negative, the City shall pay the cost of the confirmation test. The City shall not pay the cost of evaluating, counseling or rehabilitation which may be required by the Omnibus Transportation Employee Testing Act of 1991.

#### **12.5.E POSITIVE TESTS**

**Confirmation of drug or alcohol use or abuse will result in disciplinary action in accordance with Section 11.1 of this manual. Two disciplinary actions relating to drug or alcohol use may be cause for termination.**

**Discipline for being under the influence of alcohol or nonprescribed controlled substances during non-job-related activities will be based on the employee's work history, previous disciplinary actions and previous identification of substance use problems.**

**Employees who test positive, or otherwise violate this policy, will be subject to discipline, up to and including termination. Depending on the circumstances, the employee's work history/record and any state law requirements, the City of Milford may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up alcohol and drug testing at times and frequencies established by the City. These follow-up tests will be determined by the Human Resources Administrator and Department Head and will take place for a minimum of one year but not more than two years. A waiver of the right to contest any termination resulting from a subsequent positive test will also be provided. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be immediately discharged from employment.**

*Section 4. Dates:*

City Council Introduction: 01/28/19

City Council Re-Introduction (after changes): 02/25/19

Adoption: 02/25/19

Effective: 03/07/19

This ordinance shall take effect and be in force ten days after its adoption.

A complete copy of the Code of the City of Milford is available by request through the City Clerk's office or by accessing the city website at [www.cityofmilford.com](http://www.cityofmilford.com).

### **CERTIFICATION**

I, Teresa K. Hudson, duly appointed City Clerk of Milford, Delaware, do hereby certify the foregoing ordinance was adopted by City Council at a Meeting at Milford City Hall, Milford, Delaware on the 25th day of February 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the City of Milford, Delaware.

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Teresa K. Hudson, MMC

**CITY OF MILFORD**  
**EMPLOYEE POLICY MANUAL**

NOTE: Policies and procedures referenced, but not contained within this manual can be obtained from your supervisor, Department Director or the Human Resources Office.

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## SECTION 1 - GLOSSARY OF DEFINITIONS AND TERMS

**Anniversary Date:** The date an employee reports to work following appointment to a regular full-time or regular part-time position with the City of Milford. For purposes of performance evaluation, the review date shall be date of the most recent appointment or promotion.

**Appointing Authority:** City Manager or designee having the power of appointment over subordinate positions in any office, department, or division, or any person or group of persons having the power by virtue of ordinance or other lawfully delegated authority to make appointments to positions in the municipal service; Police Chief or designee having the power of appointment over subordinate positions in the Police Department.

**Appointment:** The designation of an individual to a position who has qualified for the appointment through an appropriate selection process.

**City Premises:** Includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by the City of Milford or any site on which the City is conducting business.

**Class:** A grouping of positions that is sufficiently similar in responsibility, education and experience requirements that the positions will carry the same salary range, also known as Pay Grade.

**Corrective Action:** The process of correcting or addressing negative or unprofessional work performance and employee behavior.

**Demotion:** The movement of an employee from a position in one class to a position in another class having a lower salary range.

**Department:** A grouping of positions by function (i.e. Public Works Department, Finance Department).

**Department Director:** The individual responsible for overall operations of a department.

**Discharge for Cause:** Involuntary separation or dismissal from employment with the City of Milford due to unsatisfactory work performance or behavior.

**Division or Office:** A grouping of positions by function within a Department (i.e. Electric Division or Customer Service Office).

**Exempt Employee:** Professional, administrative and executive employees who are paid a fixed salary rather than an hourly wage and who are exempt from overtime provisions in the Fair Labor Standards Act (FLSA). Exempt employees do not receive payment for overtime hours worked.

**Extended Family:** Extended family shall mean: employee's aunt, uncle, niece, nephew or first cousin; employee's spouse's aunt, uncle, niece, nephew or fist cousin.

**FLSA (Fair Labor Standards Act):** An act passed by the Federal Government in 1938, regulating minimum wage payments and overtime payments for non-exempt employees.

**Family Member:** Family member shall mean: employee's spouse, parent, child, step-child, grandparents, grandchildren, or siblings.

**Illegal Drug:** A substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)

**Immediate Family:** Immediate family shall mean: employee's spouse, parent, child, step-child, grandparents, grandchild or sibling; the employee's spouse's parent, child, step-child, grandparents, grandchild or sibling; the employee's child's spouse.

**Introductory Period:** A trial period of six (6) months for a newly appointed or six (6) months for a promoted employee, during which an employee will receive frequent feedback regarding his/her performance. An employee may be placed on introductory status when transferred or promoted into a different position.

**Job Description:** See *Position Description* (below)

**Layoff:** The temporary, indefinite or permanent separation of an employee due to lack of funds, curtailment of work or abolishment of a position.

**Non-exempt Employee:** An employee who is not exempt from the provisions of the Fair Labor Standards Act of 1938. Non-exempt employees are normally paid overtime for hours worked beyond 40 in a week.

**Office or Division:** See *Division or Office* (above)

**Pay Grade:** The minimum and maximum compensation that a position can be paid.

**Position Description:** A summary document which defines the position title, i.e. department, reporting relationship, status, pay grade, schedule, summary of position, specific duties, education and experience requirements and any special knowledge and skill requirements essential to successful job performance.

**Promotion:** The movement of an employee from one position in one class to a position in another class with a higher maximum salary rate.

**Pyramiding:** Overtime pyramiding or overtime doubling is the (often mistaken) practice of counting the same hours against two different overtime limits. The most common example of overtime pyramiding is using hours that have been counted against daily overtime to calculate a weekly overtime limit.

**Qualifying Exigency:** Qualifying exigencies may arise when the employee's spouse, son, daughter, or parent who is a member of the Armed Forces (including the National Guard and Reserves) and who is on covered active duty or has been notified of an impending call or order to covered active duty. For purposes of qualifying exigency leave, an employee's son or daughter on covered active duty refers to a child of any age.

**Refuse to Cooperate:** To obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when

directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

**Regular Full-time Employee:** An employee who normally and regularly works a full department weekly schedule.

**Regular Part-time Employee:** An employee who normally and regularly works less than a full department schedule, generally between twenty (20), but less than thirty (30) regularly scheduled hours per week.

**Suspension:** Involuntary time away from work imposed on the employee as part of the corrective action process.

**Transfer:** The movement of an employee from one department, division or unit of the municipal government to another.

**Under the Influence of Alcohol:** An alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

**Vacancy:** An officially created, approved and funded position not currently filled.

## **SECTION 2 - GENERAL PROVISIONS**

### **2.1 PURPOSE**

The purpose of this manual is to set forth the policies and procedures that will be followed by the City of Milford in the administration of its Human Resources program. The City's policies and procedures are intended to establish an efficient, equitable and functional system of Human Resources administration based on merit principles which govern employee selection, promotion, transfer, layoff, dismissal, discipline and other conditions of employment.

The information contained in the City of Milford Employee Policy Manual has been prepared as a guide to general human resource methods at the City of Milford. If anything has been stated that is different from actual provisions of benefit plan documents, the actual provisions will govern.

No employee manual can anticipate every circumstance or question about policy. As the City continues to grow, the need may arise to change policies and procedures contained in the manual. The City of Milford, therefore, reserves the right to revise, supplement or rescind any policies or portion of the manual, from time to time, at the City's discretion for any reason, with or without notice. The policies and statements contained in the manual, as in other provisions that may be modified or added from time to time, are not direct or implied contractual commitments between the City of Milford and its employees with respect to duration of employment, level of compensation, or any other terms or conditions that are a part of the employment relationship. It does not promise that the policies mentioned will be applicable in any given instance.

For those who are at-will employees, the policy manual does not change the employment-at-will relationship in any way. Employees, who fall under the provisions of an executed Collective Bargaining Agreement shall be guided by relevant provisions regarding the employment relationship.

The policy manual is not an employment contract and does not provide any enforceable contractual rights to the employee with respect to his/her terms or conditions of employment. Neither these guidelines, nor any written or oral policies, practices nor procedures, which may develop from these guidelines, create either an express or implied employment contract.

## **2.2 SCOPE**

This manual is prepared for all employees of the City of Milford. For employees who are covered under collective bargaining agreements (CBA), the provisions in those agreements / documents will prevail, if and when there is conflict between this manual and a CBA. Specific department rules and standard operating procedures that have been reviewed and approved by the Appointing Authority will also prevail (see section 4 below).

## **2.3 ADMINISTRATION AND APPROVAL**

The City's Appointing Authorities (or his/her designee), shall be responsible for the overall administration of these policies and procedures, the City's Human Resources Administrator shall serve as the Appointing Authority's designee, for questions on any of the policies and procedures that are part of or referenced by this manual. City Council approval may be required for some of the policies referenced herein.

## **2.4 DEPARTMENT POLICIES AND PROCEDURES**

Individual Department Directors have the right to establish certain policies and procedures that are unique to the department, and if reviewed and approved by the Appointing Authority, they are given the same weight as if they were contained in this manual.

# **SECTION 3 - RESPONSIBILITIES FOR MANAGING INFORMATION AND SERVING THE PUBLIC**

## **3.1 CONTACT WITH THE PUBLIC**

The City of Milford's employees will, at all times, treat the residents of Milford and the general public with patience, courtesy, dignity and respect.

Beyond acts that are obviously illegal and/or unethical, any behavior that is not conducive to properly and effectively serving the citizens of Milford is prohibited and may be subject to corrective action.

In addition, the City of Milford and its employees will make every effort in dealings with the general public to make reasonable accommodations for persons with disabilities.

While employees are encouraged to be helpful and courteous to the public, responses to requests for information should comply with the City's *Public Records Policy*, which is

available in the City's Clerk's Office. Questions about the City's policy should be referred to the employee's supervisor.

### **3.2 CONTACT WITH CITY COUNCIL**

All employees are expected to respond to requests from City Council through the appropriate Appointing Authority in a timely manner.

Neither City elected officials nor Commission members can act directly to resolve employee concerns or issues. Thus, employees are encouraged to use steps under the section covering *Grievance* of this manual to address and resolve issues and concerns.

### **3.3 CONTACT WITH THE MEDIA**

Representatives of the media who are seeking information or opinions concerning pending legislation, litigation, or other matters of apparent interest to the general public may contact City of Milford employees from time to time. Any requests for non-routine information from media representatives must be immediately referred to the appropriate Department Director and be reported to the Appointing Authority. It is important that the media be provided accurate and timely information. Accordingly, in the context of City government business, employees should not initiate contact with the media unless assigned as his/her responsibility by an Appointing Authority.

### **3.4 RELEASE OF INFORMATION AND PUBLIC RECORDS**

It is the policy of the City of Milford that openness leads to better informed citizens, which leads to better government and better public policy. The City of Milford policies and practices regarding release of information and public records adhere to the State of Delaware Public Records Law; Freedom of Information Act (FOIA) and employees receiving requests for public records should refer and adhere to the City's *Public Records Policy*.

All requests for information regarding the plans or business affairs of the City, or the personal and/or business affairs of its employees, except routine matters relating to day-to-day operations, shall be immediately referred to the Department Director or Appointing Authority. Employees are prohibited from releasing such information without specific authorization of the Appointing Authority, Department Director or as may be authorized by departmental policies and procedures.

## **SECTION 4 - EMPLOYMENT POLICIES AND PROCEDURES**

### **4.1 EQUAL EMPLOYMENT POLICIES**

The City of Milford's policy is to employ and treat all employees and employment applicants without discrimination on the basis of race, creed, color, religion, citizenship status, gender, age, national origin, ancestry, disability, sexual orientation, gender identity or expression, marital status, pregnancy, military veteran status, political beliefs or affiliation, genetic history, or other characteristic protected by law. These protections apply to all areas of employment, including recruitment, hiring, training and development, promotion, transfer, dismissal, layoff, compensation, benefits, social and recreational programs.

Questions and concerns should be addressed to the employee's supervisor, Department Director, or to the Human Resources Administrator, who serves as the City of Milford's EEO compliance officer.

## **4.2 ACCOMMODATIONS FOR PERSONS WITH DISABILITIES**

It is the policy of the City to comply with all the relevant and applicable provisions of the Americans with Disabilities Act and corresponding state and local laws. The City does not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability.

A person with a disability who believes that he or she may require an accommodation should contact the Human Resources Administrator, who will work with the individual in an interactive manner in order to assess a needs-based accommodation.

## **4.3 ANTI-HARASSMENT**

### **4.3.A PURPOSE**

The City strives to maintain a workplace that fosters mutual employee respect and promotes harmonious, productive working relationships. Our organization believes that harassment in any form constitutes misconduct that undermines the integrity of the employment relationship. Therefore, the City is committed to a work environment which is free of harassment (which includes harassment based on gender, gender identity, pregnancy, childbirth, or related medical conditions), as well as harassment based on such factors as race, color, creed, national origin, ancestry or citizenship, age, physical or mental disability, marital status, genetic history, or any other categories protected by law.

The City disapproves of and will not tolerate harassment of employees by managers, supervisors, or coworkers. Similarly, the City will not tolerate harassment by its employees of non-employees with whom its employees have a business, service or professional relationship. The City also will attempt to protect employees from harassment by non-employees in the workplace.

### **4.3.B HARASSMENT DEFINED**

Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment that interferes with an employee's work performance. Such conduct constitutes harassment when:

- Submission to the conduct is made either an explicit or implicit condition of employment;
- Submission to or rejection of the conduct is used as the basis for an employment decision; or
- The harassment has the purpose or effect of interfering with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

#### **4.3.B.1 EXAMPLES OF HARASSING CONDUCT**

Harassing conduct can take many forms and includes, but is not limited to, the following: slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings, or cartoons based upon an employee's sex, race, color, national origin, religion, age, physical disability, mental disability, medical condition, ancestry, marital status, sexual orientation, gender, gender identity, or physical appearance.

#### 4.3.B.2 EXAMPLES OF SEXUALLY HARASSING CONDUCT

Sexually harassing conduct in particular includes all of these prohibited actions as well as other unwelcome conduct, such as: unwelcome sexual flirtations, advances, or propositions; verbal abuse of a sexual nature; subtle pressure or requests for sexual activities; unnecessary touching of an individual; graphic comments about an individual's body; a display in the workplace of sexually suggestive objects or pictures; sexually explicit or offensive jokes; or physical assault. Sexually harassing conduct can be by a person of either the same or opposite sex.

#### **4.3.C REPORTING & INVESTIGATING HARASSING CONDUCT**

The City understands that victims of harassment are often embarrassed and reluctant to report acts of harassment for fear of being blamed, concern about being retaliated against, or because it is difficult to discuss sexual matters openly with others. But no employee should have to endure harassing conduct and the City therefore requires employees to promptly report any incidents of harassment so that corrective action may be taken.

##### 4.3.C.1 REPORTING HARASSMENT

Any incidents of harassment, including work-related harassment by any personnel or any other person, must be reported immediately to the employee's supervisor or Department Director. An employee is not required to complain to that person if that person is the individual who is harassing the employee but may instead report the harassment to any other member of management. Supervisors and managers who receive complaints or who observe harassing conduct must immediately inform the Department Director or Appointing Authority or other appropriate City official so that an investigation may be initiated.

##### 4.3.C.2 INVESTIGATING HARASSMENT

Every reported complaint of harassment will be investigated thoroughly and promptly. Typically, the investigation will include the following steps: (1) an interview of the employee who lodged the harassment complaint to obtain complete details regarding the alleged harassment; (2) interviews of anyone who is alleged to have committed the acts of harassment to respond to the claims; and (3) interviews of any employees who may have witnessed or who may have knowledge of the alleged harassment.

The investigating City official will notify the complainant of the results of the investigation. The investigation will be handled in as confidential a manner as possible consistent with a full, fair, and proper investigation.

#### **4.3.D CORRECTIVE ACTION**

The City will not tolerate retaliation against any employee for making a complaint of harassment or for cooperating in an investigation. If harassment or retaliation is established, the City will take corrective action. Corrective action may include, for example: training, referral to counseling, or disciplinary action ranging from verbal or written warnings to termination of employment, depending on the circumstances.

#### **4.3.E NON-RETALIATION**

The City's mission can only be accomplished in an environment that promotes integrity, honesty and open communication which is free from any form of discrimination, harassment or retaliation. Retaliation by part of management and/or employees against any employee for reporting of any real or perceived incident involving alleged discrimination or harassment or unethical, illegal in good faith, unsafe conduct, or for participating in the investigation of any such allegations are not be tolerated.

#### **4.4 PREGNANCY NOTICE**

The Delaware Discrimination in Employment Act prohibits discrimination against any employee based on pregnancy, childbirth, or related condition, including, but not limited to, lactation. If you believe that you have been subjected to pregnancy discrimination or harassment, please inform a member of management as soon as reasonably possible. The company is committed to providing a workplace free of discrimination and harassment and will take prompt action to investigate and address any such allegations.

The Delaware Discrimination in Employment Act also entitles employees to reasonable accommodation of known limitations related to pregnancy, childbirth, and related conditions, provided that the accommodation does not impose an undue hardship on the company. An employee need not be disabled to request a reasonable accommodation related to pregnancy, childbirth, or a related condition(s). If you suffer from a limitation that prevents you from performing the essential duties of your job, please inform your supervisor promptly so that we can begin the process of identifying a reasonable accommodation. Employees are encouraged to request a reasonable accommodation as soon as possible before performance problems arise.

#### **4.5 METHODS OF APPOINTMENT**

City vacancies shall be filled either by original appointment, promotion, reassignment, transfer, demotion, or re-employment, and shall require submission of an application. Police officers, except as provided otherwise by ordinance of City Council, are competitive class positions and those positions shall be filled by competitive testing.

In the event that a vacancy must be filled immediately, the Appointing Authority may make an interim, temporary appointment, for a period of no longer than ninety (90) days; additional periods of temporary appointment, not to exceed ninety (90) days, may be granted only through written agreement and approval of the Appointing Authority. During the period of such interim appointment, the recruitment and selection processes will proceed (refer to *Recruitment Guidelines Policy*).



No person shall hold more than one City of Milford position at the same time without prior approval of both Department Heads (if applicable) and the respective Appointing Authority(ies).

#### **4.6 TYPES OF APPOINTMENTS**

Employees shall be appointed to one of the following classifications in consultation with the respective Appointing Authority or the Human Resources Administrator:

##### **4.6.A REGULAR FULL-TIME:**

A position which requires working a full department schedule per week, which is generally between thirty (30) and forty (40) hours per week. Regular full-time positions will be classified as either FLSA exempt (salaried) or FLSA non-exempt (hourly), depending on their job duties, in accordance with the Fair Labor Standards Act. These positions may or may not fall under provisions of one of the City's collective bargaining agreements.

##### **4.6.B REGULAR PART-TIME:**

A position which requires consistently working a part-time schedule, which is generally between twenty (20) hours, but less than thirty (30) hours per week and which is not classified as an intermittent, seasonal or special classification. Regular part-time employees will be classified as either FLSA exempt (salaried) or FLSA non-exempt (hourly), depending on their job duties, in accordance with the Fair Labor Standards Act.

##### **4.6.C INTERMITTENT / SEASONAL / SPECIAL:**

A position which requires working either a full-time, part-time or variable schedule, and requires working to complete special projects where additional resources are required, to cover fluctuations in work, to fill vacancies for employees absent from the workplace or to fill other employment needs that may arise. Intermittent / Seasonal / Special positions may be classified as either FLSA exempt (salaried) or FLSA non-exempt (hourly), and may be paid on various pay schedules, including piece rate, depending on their job duties, in accordance with the Fair Labor Standards Act. Volunteers and contracted temporary agency workers do not qualify as any type of City employment.

All required payroll forms must be completed, along with employee orientation administered by the Human Resources Administrator, at the start of employment with the City.

In situations where an employee retirement or resignation can be anticipated or planned for, a position may be filled, with the approval of the Appointing Authority, up to several months early to allow for education and training for the individual replacing the departing employee.

#### **4.7 PRESENT EMPLOYEE CONSIDERATION**

When a City position becomes vacant, the City may initiate both internal and external recruitment processes simultaneously to find the best candidate to fill the vacant position. If, in the determination of the Appointing Authority, a sufficient pool of internal candidates

exists, to comply with collective bargaining agreements or to promote career development and succession planning, the City may elect to only open a recruitment internally.

#### **4.8 EMPLOYMENT OF RELATIVES**

The City of Milford permits the employment of qualified relatives of employees, of the employee's household or immediate family as long as such employment does not create actual conflicts of interest. That is, the intent is that no employee is permitted to work within the chain of command of one's relative and be in a position of influence over the work responsibilities, salary, schedule, career progress, benefits or other terms and conditions of employment. For purposes of this section, relative is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, step relation, or any member of the employee's household.

The following guidelines control hiring of relatives:

- There will be no direct reporting or supervisor to subordinate relationship allowed;
- No relatives of Department Directors will be permitted to work within the chain of command of his/her department;
- No relatives of City Council Appointees or the Human Resources Administrator will be permitted to work in any department;
- Employees who marry, become part of the same household while employed, or are in a relationship are treated in accordance with this policy and may be transferred at the earliest practicable time;
- No relatives of the Mayor or of a City Councilmember shall be hired by the City during that elected official's term in office.

The only exceptions to this policy are seasonal employees, with the approval of the Appointing Authority and pre-existing situations which are grandfathered in and may remain in place, as long as the employees are retained by the City in those employment positions. Once an employee is transferred or separated from employment, these pre-existing situations are no longer permitted.

#### **4.9 LENGTH OF SERVICE / ANNIVERSARY DATES**

The employee's anniversary date is defined as the date an employee reports to work following appointment to a regular full-time or regular part-time position with the City. The anniversary date is important in relation to any type of merit pay consideration, certain benefits and paid vacation. Specific application of anniversary dates and length of service information are covered in other sections of this manual.

#### **4.10 EMPLOYEE ELIGIBILITY**

Federal law requires that all individuals who become employees of any organization be authorized to work in the United States. Upon hiring, every individual will be required to submit documentation and complete an I-9 form to prove his or her authorization to work in accordance with relevant federal regulations.

#### **4.11 NEW EMPLOYEE ORIENTATION**

To help each employee get off to a good start in his/her employment with the City of Milford, a New Employee Orientation will be provided. This orientation will include a range of information, administrative matters, and personal introductions.

#### **4.12 INTRODUCTORY PERIODS**

The introductory six (6) month period shall be utilized as an opportunity to observe a new employee's work, to train and aid the new employee in adjustment to his/her position, and to terminate any new employee whose work performance fails to meet required work standards.

All new exempt and non-exempt employees shall serve a six (6) month non-contestable introductory period. A newly hired introductory employee may be terminated at any time, with or without cause, during the introductory period.

Supervisors shall observe the employee's work performance and counsel any introductory employee whose work performance is marginal or inadequate. Supervisors shall document said counseling and any deficiencies.

Promotional employees placed internally shall serve an introductory period of up to six (6) months in the new position. Such promotional appointees, at the discretion of the Appointing Authority, who exhibit inadequate performance during the introductory period, may be placed in another position, terminated, or subject to a six (6) month introductory period in the new position.

The introductory period may be extended for employees which the Appointing Authority, Director and supervisor determine to have the ability to succeed in the position.

During the introductory period, vacation leave will only be approved for an emergency and must have the approval of the Department Director.

#### **4.13 LAYOFFS**

The Appointing Authority may lay off any employee due to lack of funds, curtailment of work or abolishment of a position. At the discretion of the Appointing Authority, employees shall be laid off in reverse order of anniversary date unless there are compelling operational needs. No regular full-time employee will be laid off while there are newly-hired introductory or intermittent employees working in the same or related classes of positions in that department, unless the introductory employee is applying a special and unique skill set, or the intermittent employee is working on a unique project for which training another individual is exceptionally costly or time-consuming.

To the extent available, an employee who is laid off may retain reinstatement rights for up to one year. Questions concerning reinstatement rights should be directed to the respective Appointing Authority.

#### **4.14 RESIGNATIONS / RETIREMENT / SEPARATION FROM SERVICE**

An employee who resigns from the City is expected to present a letter of resignation to his/her supervisor, including reason for leaving, at least two (2) weeks prior to his/her departure. Department Directors, Superintendents and Administrators are encouraged to provide at least ninety (90) days' notice of resignation.

Employees may retire pursuant to the provisions of the State of Delaware County & Municipal General Pension Plan or State of Delaware County & Municipal Police & Firefighters' Pension Plan. Employees are encouraged to provide at least four (4) months' notice of their retirement by presenting a letter to his/her supervisor with a copy to the Human Resources Administrator who will initiate the employee's pension application process.

In the event a non-introductory employee is involuntarily terminated, the employee may follow the grievance procedure to appeal the termination.

Prior to final separation, it will be the supervisor's responsibility, in collaboration with the Human Resources Administrator, to see that all administrative matters of the retirement, separation or resignation, including the return of City property, computer access, reimbursement of any reimbursable training and an exit interview, are managed in a timely and appropriate manner.

### **SECTION 5 - HOURS OF WORK / ATTENDANCE**

#### **5.1 HOURS OF WORK**

Regular hours of work for full-time employees consist of forty (40) hours per week for all general employees, or eighty (80) hours bi-weekly for all police officers, as assigned by the Appointing Authority. For police officers, hours of work will be in accordance with the applicable requirements of the Fair Labor Standards Act.

#### **5.2 ATTENDANCE RECORDING**

In order to ensure accurate reporting of an individual's time for payroll purposes and attendance record maintenance, each non-exempt employee is required to complete entries into the City's Time Keeping System, or by other approved documentation, in a timely and accurate manner and each exempt employee is required to complete entries into the City's Time Keeping System or by approved documentation for any leave of absence (in accordance with the forms and deadlines established by the Finance Department), including employee signature and supervisory approval and signature, as required.

Non-exempt employees should report to work no more than 15 minutes prior to their scheduled starting time nor stay more than 15 minutes after their scheduled stop time without express prior authorization from their supervisor.

Employee time from 1 to 7 minutes will be rounded down, and thus not counted as hours worked, but employee time from 8 to 14 minutes will be rounded up and counted as a quarter hour of work time.

### **5.3 WORK SCHEDULES**

Work schedules shall be determined by the Department Directors for employees in their departments, subject to the Appointing Authority's approval, and may vary to meet a department's unique needs. Work schedules shall be arranged to meet the needs of the City.

Use of flex time is permitted in accordance with the FLSA by exempt and non-exempt personnel. Flex time practices must be pre-approved by the Appointing Authority and specific situations must be approved by the employee's supervisor. Use of flex time may not be approved if absence from work will cause impairment to the performance of the department or the City.

Appointing Authorities may permit exempt employees to occasionally work from home, in lieu of regular work hours, where circumstances are deemed appropriate for an employee to be compensated for performing assigned responsibilities while working at home. Working from home requests must be pre-approved following the determination that all or significant components of the work can be done at home, operational needs of the department are met, and the work is considered official City business. In all cases while working from home, employees may be requested to provide additional documentation of work records, as deemed necessary by their supervisor. When the request to work from home is related to a medical situation, the employee must submit a request for a reasonable accommodation and that request will be reviewed and considered by the Human Resources Administrator and the Department Director.

Alternative work schedules may be approved by Appointing Authorities when customer service needs, weather or other circumstances dictate modified schedules.

### **5.4 ATTENDANCE AND TARDINESS**

Regular and punctual attendance at work is required of all employees. If an employee will be detained or unable to report for work, he/she must notify their supervisor before the scheduled start of their shift. An employee who fails to notify a supervisor that he/she is unable to report to work prior to the scheduled start of his/her shift shall result in the employees' loss of pay for that day unless circumstances outside of the control of the employee prevented the employee from giving notice.

### **5.5 LUNCH AND BREAK PERIODS**

All regular, full-time employees working 7.5 hours or more in a day, as designated by State of Delaware Labor Law, will be provided with one half hour unpaid lunch break, each regularly scheduled day. Meal breaks will be given sometime after the first two hours of work or before the last two hours of work as designated by the Department Director / Superintendent / supervisor. Employees will be relieved of all active responsibilities and restrictions during their meal break and will not be compensated for that time.

Each employee is normally entitled to two (2) paid fifteen (15) minute breaks per work day, which shall be taken separately unless authorized in advance by the Department Director / Superintendent / supervisor to use to extend the one-half hour unpaid lunch break. Breaks are subject to the discretion and approval of the Department Director / Superintendent /

supervisor, depending on, but not limited to, staffing levels, level of work and temporary fluctuations in workload. Break periods must be used as assigned.

## **SECTION 6 - CLASSIFICATION, PERFORMANCE EVALUATION, AND COMPENSATION**

### **6.1 THE CLASSIFICATION PLAN**

A position classification plan is in place to provide a basis for evaluating positions, assigning a pay grade to each position, and ensuring that individual employees are compensated competitively, taking into account both internal and external equity.

A position description will be maintained for each position, including position title, reporting relationship, summary of position, specific duties, education and experience requirements, and any special knowledge and skill requirements, along with FLSA status and pay grade.

### **6.2 MAINTENANCE OF THE POSITION CLASSIFICATION PLAN**

The respective Human Resources Administrator shall be responsible for the proper and continuous maintenance of the Position Classification System.

### **6.3 PAY GRADES**

Each position within the classification system will be assigned a pay grade that indicates the minimum and maximum pay rates for employees within a particular pay grade. Periodic adjustments may be made to the pay grades, with the approval of City Council.

### **6.4 WORK WEEK AND PAY PERIODS**

The normal work week for all employees shall begin on Sunday 7:00 a.m. through the following Sunday 6:59 a.m. Paydays shall be on a bi-weekly schedule and will occur on Fridays, unless otherwise scheduled.

### **6.5 COMPENSATION**

Employee compensation may be comprised of, but not limited to, the wage rate and/or any other special provisions outlined in this Manual or under a collective bargaining agreement.

Wage increases, initiated by the respective Department Director and approved by the respective Appointing Authority, under the direction of City Council, may be granted for meritorious service. Except as otherwise provided, no employee shall receive pay in addition to the wages authorized by the pay plan for services rendered.

### **6.6 OVERTIME COMPENSATION**

#### **6.6.A ELIGIBILITY:**

All FLSA non-exempt employees shall be eligible for overtime compensation. (\*NOTE: There are special rules for police officers, please refer to the FLSA Special 7[k] Work Periods rules.)

#### **6.6.B SCHEDULING:**

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. Overtime scheduling in all departments must be approved by the Department Director, Superintendent or supervisor prior to overtime work, except in the case of an emergency.

Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

#### **6.6.C OVERTIME PAY:**

FLSA non-exempt employees shall be compensated at the rate of one and one-half times the equivalent hourly rate of the employee for overtime hours worked. The work week starts at 7:00 a.m. Sunday and ends at 6:59 a.m. the following Sunday. Hours worked in excess of forty (40) hours in the work week, for regular non-exempt employees or 80 hours in a pay period for non-exempt police officers, will be paid at overtime rate. Vacation leave, bereavement, and paid holidays will be considered hours worked for purposes of performing overtime calculations, unless otherwise specified in a collective bargaining agreement. Hours worked by regular full-time employees on a holiday, which has been approved by City Council as an observed City holiday, shall be compensated at the rate of one and one-half times the equivalent hourly rate of the employee. When a holiday occurs on a Saturday or Sunday the holiday will be observed and paid on Friday or Monday (in accordance with the section of this manual regarding pay periods). An employee shall receive only one paid holiday per holiday.

### **6.7 FLEX TIME**

This policy applies to all non-exempt employees whose employment status is regular full-time and regular part-time. All non-exempt employees are subject to the overtime pay provisions of the Fair Labor Standards Act and must be compensated for all hours worked, including all hours worked on and off work premises. They cannot donate their services and are not permitted to work, in excess of their regularly scheduled work hours, without prior supervisory approval.

Exempt and non-exempt employees are eligible in certain circumstances to adopt a flexible work schedule, either continuous or intermittent. The flexible work schedule, whether only for a particular day or week, must be arranged in advance and the employee and supervisor must mutually agree upon the schedule and then obtain the written approval of the Department Director or Appointing Authority. At all times, normal business hours as well as the operational needs of the department must be maintained. In addition, the immediate supervisor is to conduct a periodic review of the staff member's flexible work schedule to determine whether it should continue or not. No flex schedule is to be considered as permanent or in perpetuity. Flex time is not to be used as a means of facilitating or responding to tardiness. Employees are expected to be on time for the designated starting hour of work. Flextime should be documented on the employee's timesheet.

## **6.8 EMERGENCY CONDITIONS**

Emergency conditions, including severe weather, can disrupt the City's operations and interfere with work schedules.

The City Manager or designated appointee will determine whether and the extent to which the City will operate in inclement weather. Employees in positions designated as Essential Employees are required to report to work during emergency closures.

In the event that such an emergency closing occurs before 8:00 am or after 4:30 pm (normal business hours), the closing will be posted on the city's website ([www.cityofmilford.com](http://www.cityofmilford.com)) and the City Manager or designated appointee will contact each Department Director, who will then notify their staff if or when they need to report during the emergency closing. City of Milford emergency closing information will also be provided to local media.

Since the City of Milford is responsible for providing essential public services during emergency conditions, each department / division supervisor or appointed designee will determine which employees are essential to their department's operation or department's designated duties during the emergency closing. Employees that have been designated essential for an emergency should report as instructed during the emergency. The supervisor or appointed designee will notify each employee that has not previously been designated as essential when and if they are required to work during the emergency closing. When an emergency closing occurs during normal M-F work hours, non-essential non-exempt and exempt employees that have been allowed to leave work, report to work on a delay opening or not report for work shall receive a supplement of hours to ensure that they have eight (8) hours of pay or salary for the day. Essential non-exempt employees which are required to work shall be paid their regular eight (8) hours of pay for the day, plus time and one half for the actual number of hours worked during the emergency closing. Essential exempt employees which are required to work shall receive their salary for the day and be granted compensatory time off, as approved by the City Manager.

All Police Department officers and dispatchers are classified Essential personnel and are required to work their normal scheduled shifts. Depending on the circumstances of the emergency closing and with the authorization of the Chief of Police, the Police Department may require additional staff to report. The Police Department officers and dispatchers will be granted compensatory time equal to the number of hours that the City of Milford emergency closing was in effect during a normal eight (8) hour business day. These compensatory hours will be added to the holiday accrual bank for each officer and dispatcher.

If inclement weather does not result in an emergency closing for the City of Milford and an employee is unable to commute to work due to the weather conditions, the employee should contact their supervisor prior to the start of their shift to make arrangements to obtain transportation to work or be approved to use vacation leave.

## **6.9 COMPENSABLE BENEFITS**

In accordance with IRS regulations, certain benefits, such as those pertaining to vehicles, communication services / devices or uniforms, may be considered compensable and therefore subject to certain taxes.



## **6.10 BILINGUAL PAY DIFFERENTIAL ALLOWANCE**

A pay differential allowance may be paid to employees required to use a second language as designated and approved by the Appointing Authority. Designation of bilingual differential positions is the sole prerogative of the City. Positions can only be designated to receive the Bilingual Pay Differential Allowance when it benefits the immediate needs of the City.

## **6.11 PERFORMANCE REVIEW**

The City of Milford recognizes that timely, candid performance feedback and discussion with employees is essential to good work performance and employee development. To that end, supervisors should review each employee's individual performance at least annually.

The purpose of the Performance Review program is to create an understanding with the employee as to how well he/she is performing and establish a plan for improved work performance and future job / professional growth in accordance with the procedures and guidelines for Performance Evaluation as established by the respective Appointing Authority. In accordance with a merit-based pay system, the results of a Performance Evaluation may impact an employee's pay.

The performance of all regular full-time and part-time employees will be reviewed at approximately mid-point (3 months) of their introductory period and again prior to when their introductory period (6 months) ends. Individual employees may be required to complete a self-appraisal as part of the overall performance review process.

Human Resources, supervisors, Department Directors, and Appointing Authorities are responsible to see that this program is implemented in a timely and consistent manner.

## **6.12 EMPLOYEE RECORDS**

The following individual employee records will normally be maintained by the Human Resources Office:

- Application/Job Description
- Compensation History/Status Changes
- Performance Reviews
- Disciplinary Documents
- Training/Certifications
- Commendations/Miscellaneous
- Employment Verifications
- Benefit Documents
- Medical/HIPAA Documents (which are kept separately from other personnel documents)

The Finance Department will maintain records relating to payroll, taxes, garnishments, wage attachments and unemployment compensation. The City's Human Resources Administrator will maintain records relating to workers compensation, FMLA leaves, and other non-payroll employee-related items.

Employee records are the property of the City of Milford and access to the information is restricted. Generally, only administrative officials of the employer who have a legitimate reason to review information in a file are allowed to do so. With reasonable advance notice, an employee may review material in his or her personnel records, but only in the Human Resources Office and in the presence of the individual appointed to maintain the file. Employees should contact the Human Resources Administrator if they would like to review their personnel records.

## **SECTION 7 - EMPLOYEE BENEFITS**

### **7.1 VACATION**

Regular, full-time employees will be entitled to take vacation time off upon the accrual of usable vacation hours with the approval of their supervisor. For newly hired full-time employees who are completing an introductory period, vacation leave will only be approved for an emergency and must have the approval of the Department Director.

Vacation pay will be calculated based on the employee's straight time pay rate (in effect when vacation benefits are used) times the number of hours the employee would otherwise have worked on the day(s) of absence.

Employees who have accrued usable vacation hours may submit scheduled vacation requests through the submission of a leave request into the City of Milford time keeping system which their supervisors will then review. Vacation requests will be granted on a City seniority basis. Employees who desire to schedule vacation time for periods of more than one (1) day during the calendar year must submit the leave request into the City of Milford time keeping system by January 31<sup>st</sup> each year. Requests for vacation time for periods of one (1) day or less shall be submitted into the City of Milford time keeping system at least five (5) working days in advance. Requests will be granted based upon anticipated operating requirements and staffing considerations during the proposed period of absence. In the event that an employee's request is submitted after January 31<sup>st</sup> it shall be handled on a first-come, first-served basis without regard to City seniority.

Employees are strongly encouraged to use their earned vacation. A maximum balance of 240 vacation hours may be carried forward as the employee's beginning balance at the employee's anniversary each year, except to the extent it is necessary to carry over vacation hours because the employee is not permitted to take his or her vacation hours subject to approval by the Department Director or Appointing Authority.

Upon termination of employment employees will be paid for vacation benefits that have accrued through the last day of work, up to the maximum of 240 hours. For the purposes of this calculation any partial month of service will be treated as a full month of service.

Vacation benefits accrue monthly and are available as updated to the employee's usable vacation leave. The Vacation Benefits Eligibility Table below defines when vacation benefits become available to employees and how much vacation is accrued per month by employees. Vacation benefits will be awarded to eligible employees according to the following schedules:

### Vacation Benefits Eligibility Table

<u>Years of Service</u>	<u>Hours of Leave</u>	<u>Monthly Hours Accrued</u>
1 year – 5 years	80 hours	6.67 hours
6 years – 9 years	120 hours	10.00 hours
10 years – 14 years	160 hours	13.33 hours
15 years plus	200 hours	16.67 hours

Employees with six (6) years or more of service are eligible to sell back up to 40 hours of unused vacation each fiscal year provided that the employee has used at least two (2) weeks of vacation during the course of the year. An employee's vacation sell back request must be given to their supervisor for approval prior to budget submission for their department / division. Any approved vacation sell back will be confirmed with the employee at least two (2) weeks before being paid out and will be paid with the first payroll of December at the rate then in effect for the employee.

The City Manager may negotiate and approve vacation leave as part of an offer to hire for exempt employees not to exceed 120 hours.

Employees can accrue vacation hours monthly but at their anniversary their beginning balance will not exceed 240 hours. (Employee is paid 100% of vacation time accrued up to 240 hours upon termination.) In the event of an employee's death, any remaining compensation will be forwarded to the employee's estate.

### **7.2 SICK LEAVE**

Regular, full-time employees (including introductory employees) will be provided with paid sick leave benefits for periods of temporary absence due to illness or injuries. Sick leave benefits will accrue at the rate of eight (8) hours per month and can accumulate up to a maximum of 1,040 hours.

An eligible employee may use sick leave benefits for an absence due to illness or injury sustained by either that employee or a family member. For this section, family member shall mean: employee's spouse, parent, child, step-child, grandparents, grandchildren or siblings.

Employees who are unable to report to work due to an illness or injury must notify their supervisor before the scheduled start of their shift. An employee who fails to notify a supervisor that he or she is unable to report to work prior to the scheduled start of his or her shift, shall result in the employees' loss of pay for that day unless circumstances outside of the control of the employee prevented the employee from giving notice. The supervisor should also be contacted regarding each additional day of absence.

If an employee is absent for three (3) or more consecutive days due to illness or injury, a physician's statement must be provided verifying the nature of the disability and its beginning and expected ending dates. Such verification may be requested for sick leave

absences of less than three (3) days when the employee uses leave in a pattern that suggests sick leave abuse, including but not limited to, the following: (1) using sick leave or other leave in lieu of sick leave as soon as it is earned; (2) a pattern of unscheduled sick leave or requests on Monday's or Friday's or preceding or following a holiday; (3) habitual tardiness based on reports of illness; (4) information that an employee's justification for using sick leave is false; and (5) use of sick leave following the denial of a vacation request.

Verification may be the basis for payment authorization of sick leave benefits.

Appointing Authorities may permit exempt employees to occasionally work from home, in lieu of regular work hours, where circumstances are deemed appropriate for an employee to be compensated for performing assigned responsibilities while working at home. Working from home requests must be pre-approved following the determination that all or significant components of the work can be done at home, operational needs of the department are met, and the work is considered official City business. In all cases, while working from home employees may be requested to provide additional documentation of work records, as deemed necessary by their supervisor. When the request to work from home is related to a medical situation, the employee must submit a request for a reasonable accommodation and that request will be reviewed and considered by the Human Resources Administrator and the Department Director.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence. As an additional condition of eligibility for sick leave benefits, an employee must apply for any other available compensation and benefits, such as state disability insurance. Sick leave benefits will be used to supplement any state disability insurance or workers' compensation benefits that an employee is eligible to receive. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal earnings.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a maximum total of 1,040 hours' worth of sick leave benefits. Accrual will begin again if the employee's sick leave balance drops below the maximum total of 1,040 hours until which time they again reach the maximum total. Because sick leave benefits are intended to provide income protection in the event of an actual illness or injury, unused sick leave benefits cannot be used for any other paid or unpaid absence.

At the time of termination, accumulated sick leave which was provided by the City will be compensated up to 240 hours of sick hours accumulated.

If an employee has exhausted all of their available leave and is not eligible for disability benefits, the Approving Authority may approve donated sick leave, in accordance with the *Voluntary Leave Donation Policy*.

Employees that do not require the use of their sick leave benefit will be eligible for recognition through the *Employee Recognition Policy*.

### **7.3 HOLIDAY**

The City will grant holiday time off to all employees on all legal holidays officially adopted and approved by the Milford City Council each calendar year. Holiday pay will be calculated based on the employee's straight time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

To be eligible for holiday pay, employees must work or be on approved leave the last scheduled day immediately preceding the holiday and the first scheduled day immediately following it.

If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation, sick leave, etc.), holiday pay will be provided instead of the time off benefit that would otherwise have applied.

If an eligible employee works on a recognized holiday, he or she will receive holiday pay plus wages at one and one-half times his or her straight time rate for the hours worked on the holiday.

The City will provide to employees a list of holidays each year after approval of the City Milford Council.

When a holiday falls on a Saturday, the preceding Friday will be the observed holiday. When a holiday falls on a Sunday, the following Monday will be the observed holiday.

If an employee is absent from work the day before or after a holiday, holiday pay will not be provided until proof of sickness or excusable absence is established to the satisfaction of the Department Director.

#### **7.4 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The City of Milford recognizes that problems of a personal nature can have an adverse impact on an employee's family life and job performance. To provide resources to employees dealing with personal problems, the City, in connection with the State of Delaware health insurance plan, provides access to an employee assistance organization to provide confidential counseling and referral services.

The Employee Assistance Program (EAP) is designed to assist with a broad range of problems including family and marital discord, nervous or emotional disorders, drug or alcohol abuse, poor physical health and other personal problems. Services provided by EAP counselors may include some combination of assessment, direct problem assistance, referral and follow-up.

The Employee Assistance Program (EAP) provides early identification, short-term problem solving and referral to appropriate care in order to enhance the treatment process.

The EAP is available to all City employees, their spouses, and dependents residing in the employee's home. Participation in the program and all records and discussions will be handled in a strictly confidential manner, in accordance with applicable law.

If employees or their dependents realize they have personal problems that could be resolved through the EAP, they are encouraged to seek assistance on their own by contacting the EAP directly. In certain situations, management may opt to refer an employee (or employees) to the EAP.

Charges for additional services beyond those covered by the EAP will be subject to insurance coverage and/or may be the personal responsibility of the employee. For additional

information about the EAP, employees are encouraged to contact the Human Resources Administrator or their supervisor.

### **7.5 HEALTH INSURANCE**

Regular full-time employees, including any eligible family members, are eligible to enroll in the City's health insurance plans. Initial enrollment takes place the first of the month following the employee's date of hire. Employees may also enroll during the City's annual open enrollment or within 30 days of an involuntary loss of coverage.

The employee and the City share the cost for this benefit. Plan coverages and employee contribution amounts, as determined and adjusted periodically by the City, are available from Human Resources or Payroll.

### **7.6 DENTAL INSURANCE**

Regular full-time employees, including any eligible family members, are eligible to enroll in the City's optional dental insurance plans. Initial enrollment takes place the first of the month following the employee's date of hire. Employees may also enroll during the City's annual open enrollment or within 30 days of an involuntary loss of coverage.

The employee assumes the cost for this optional benefit. Plan coverages and Employee contribution amounts, as determined and adjusted periodically by the City, are available from Human Resources or Payroll.

### **7.7 VISION INSURANCE**

The City currently provides employee vision coverage, to regular full-time employees. Regular full-time employees may voluntarily, at their cost, add eligible family members in the City's vision insurance plan. Initial enrollment takes place the first of the month following the employee's date of hire. Employees may also enroll eligible family members, during the City's annual open enrollment.

Plan coverages and employee contribution amounts, as determined and adjusted periodically by the City, are available from Human Resources or Payroll.

### **7.8 LIFE, AD&D AND LTD INSURANCE**

The City currently provides regular full-time employees, without charge, life, accidental death and dismemberment and long-term disability insurance coverage. Coverage for the employee begins the first of the month following the employee's date of hire.

### **7.9 VOLUNTARY SHORT-TERM DISABILITY INSURANCE**

The City currently offers Voluntary Short-Term Disability Insurance. Regular full-time employees are eligible to enroll at time of hire. Coverage, which is at the employee's cost, would begin the first of the month following the employee's date of hire. For eligibility after hire, contact Human Resources.

## **7.10 PENSION PLAN**

Regular full-time employees will be enrolled in either the State of Delaware County and Municipal General Pension Plan or the State of Delaware County and Municipal Police and Firefighter Pension Plan and are subject to the terms and conditions of the Plan as determined by the Trustees of the Plan.

## **7.11 457(B) DEFERRED COMPENSATION PLAN**

Regular full-time employees will be eligible to enroll in the City's 457(b) Deferred Compensation Plan at hire for their own contributions.

To be eligible for the City's approved match, the employee must be employed by the City one (1) year or one thousand (1,000) hours with the match commencing with the first payroll of January or July.

The City's approved match information is available from Human Resources or Payroll.

## **7.12 WORKERS' COMPENSATION**

In accordance with applicable state laws, employees may be eligible for workers' compensation benefits in the event of accidental injury or occupational disease arising out of employment with the City of Milford, requiring medical treatment, hospitalization or loss of work time.

In the case of an accidental injury to a regular full-time employee which occurs while on the job and is covered by Workman's Compensation Insurance, the City shall guarantee 100% of the injured employee's gross salary less State and Federal and employment taxes and regular benefit and voluntary deductions for the first ninety (90) calendar days that the employee is absent from work under a licensed physician's care. In each situation where the employee must be absent from work because of an on-the-job injury beyond the ninety (90) days period, the City Manager, after reviewing the employee's case, may at his/her discretion, grant extensions of the employee's 100% pay for additional periods of time not to exceed a total of 180 calendar days. The employee will sign over their workers compensation checks received during the period in which the employee is paid by the City.

## **7.13 UNEMPLOYMENT INSURANCE**

In accordance with applicable state laws, City of Milford employees may be eligible to receive unemployment compensation if laid off for reasons including budgetary or grant limitations and elimination of positions.

## **SECTION 8 - CONTINUING EDUCATION**

The City encourages employees to share information with each other and to continually enhance their knowledge and skills. This process will assist in keeping current with technology changes and will result in improved service to our residents. Following are two (2) approaches to continuing education:

## **8.1 ATTENDANCE AT CONFERENCES AND SEMINARS**

The Appointing Authority or Department Director may approve attendance at non-mandatory conferences and seminars and other training sessions that are work related and in the best interest of the City after recommendation of the supervisor and if funds are available. At times the City may opt to provide on-site training in City facilities to meet employee training needs.

If approved, the City will normally cover costs of conference, seminar and other training sessions including registration, travel, lodging, parking and meals. Employees will be paid at their regular pay rates while attending training sessions, in accordance with the Fair Labor Standards Act. Budgetary constraints may limit or negate conference attendance. Participants are encouraged to share information obtained at conferences and seminars with other interested employees.

The Appointing Authority or Department Director when approving job related training will determine if the training is deemed to be reimbursable to the City if the employee leaves employment within one (1) year of completing the training. If so, prior to the training the employee may be required to sign an agreement to repay the City if the employee leaves employment within one (1) year of completing the training.

## **SECTION 9 - TIME AWAY FROM WORK**

There are times for a variety of reasons when an employee must be away from work. The following guidelines will apply to time away from work:

### **9.1 LEAVE APPLICATION PROCESS**

Prior to any planned absence from work, employees must complete a leave request into the City of Milford time keeping system indicating date(s) of absence and the type of leave being requested. The employee must submit the form to his/her immediate supervisor for approval.

In the event of an unplanned absence, the employee should complete a leave request at the earliest opportunity following the initial absence from work.

The approved leave request must be reconciled with the time keeping entry by the Department or Division Supervisor and then submitted to the payroll office.

For employees utilizing flex time, they must adhere to the *Flex Time* section in this manual.

### **9.2 BEREAVEMENT LEAVE**

In the event of a death in the immediate family of an employee the employee shall be granted up to three (3) working days with pay not charged to any leave balance to arrange for and/or attend the funeral service or related matters. In the event of a death in the extended family of an employee the employee shall be granted one (1) working day with pay not charged to any leave balance to attend the funeral service or related matters.

Immediate family shall be defined as the employee's spouse, parent, child, step-child, grandparents, grandchild or sibling; the employee's spouse's parent, child, step-child,



grandparents, grandchild or sibling; the employee's child's spouse. Extended family defined: Described as the employee's aunt, uncle, niece, nephew or first cousin; employee's spouse's aunt, uncle, niece, nephew or first cousin. Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships.

Payment for absences due to a death in the family will not be made in addition to sick leave payments or holidays which may occur simultaneously.

An employee may request additional available leave time as approved by the Appointing Authority beyond the time provided. The Department Director may grant such additional time to be charged against the employee's sick leave.

Hours granted as bereavement time shall be counted as hours worked for the purpose of calculating overtime and shall not be charged as vacation if the employee is on vacation at the time of the death.

### **9.3 FAMILY AND MEDICAL LEAVE ACT PROCEDURE (FMLA)**

The Family and Medical Leave Act of 1993 (FMLA) requires covered employers to provide up to 12 weeks of unpaid, job protected leave to eligible employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

In certain circumstances, employees may be eligible for Family and Medical Leave. This benefit is designed to assist certain eligible employees who need time away from work to care for themselves or certain family members when they are experiencing a serious health condition, as defined by the Family and Medical Leave Act (FMLA). This benefit has also been expanded to provide leave for eligible employees when certain circumstances arise that cause a qualifying exigency arising out of service in the Armed Forces, or to care for certain family members experiencing a serious injury or illness when those members are covered service members of the Armed Forces.

The employee should provide thirty (30) days advance notice, to their supervisor and Human Resources, when the leave is foreseeable. If a thirty (30) day notice is not possible due to a medical emergency or the employees' uncertainty as to when the leave will be required to begin, notice must be given as soon as it is practical to do so.

Employees who are or will be absent for more than three (3) days should notify Human Resources of their absence and obtain a Certification of Health Care Provider form to have completed by the attending physician of the employee or qualified family member for verification of a qualifying serious health condition.

While the Family Medical Leave Act provides for 12 weeks of unpaid job protection the City permits the employee to use his or her accrued leave time in conjunction with FMLA leave in order to avoid a loss in wages. The use of accrued leave does not extend one's FMLA leave. Accrued sick leave may be used for any medical related absences and accrued vacation leave may be used for any non-medical absences.

The City will track FMLA leave on a rolling year which is a 12-month period measured backward from the date an employee uses any FMLA leave and not a calendar year, which is a defined 12-month period, such as a calendar, anniversary or fiscal year.

Leave as the result of a workers' compensation injury will be counted as FMLA leave.

For more specific information and procedures pertaining to the FMLA, contact Human Resources.

#### **9.4 MILITARY LEAVE**

A leave of absence without pay will be granted to any employee who enters any branch of the United States armed services. Benefit accruals for any employee serving on active duty longer than 30 consecutive days will be calculated in accordance with federal laws or as approved by the Approving Authority.

The employee will be reinstated with full seniority to his/her former position or to a comparable position if application for re-employment is made within ninety (90) calendar days of the date of an honorable discharge or the date of release from hospitalization following discharge.

Any employee who is a member of a reserve component of the armed forces will be placed on unpaid leave for his/her annual two-week training or one weekend per month required duty. Benefit programs will be unaffected by the leave and the employee may elect to use any vacation entitlements for the absence. Training leaves will not normally exceed two weeks per year, plus reasonable travel time.

#### **9.5 JURY DUTY / COURT APPEARANCE**

Any regular full-time employee called for jury duty or as a witness in any civil or criminal legal proceeding will be given a leave of absence with pay (at their base rate of pay for the hours served) for the duration of their service on jury duty. If employee is dismissed from jury duty at least three hours prior to the end of the employee's work day, the employee shall report to work. This obligation to work applies both to the end of the employee's jury duty and on each day during the employee's jury service.

Employees will be required to obtain documentation from the court as to a record of their attendance.

Leave time without pay or approval to use vacation leave, as deemed appropriate by the Appointing Authority or Department Director, shall be granted for court attendance when an employee is the defendant or is engaged in personal litigation, unless such actions are a result of an act performed as a part of the employee's duties as a City employee; provided, however, that an employee will not be paid for court attendance if the employee is pursuing a claim against the City.

If an employee is required to serve beyond this period of paid leave, he/she may request to use vacation leave or request an unpaid leave of absence which would not affect accrual for benefit calculations.

## **9.6 LEAVE WITHOUT PAY**

Requests for leave without pay will be evaluated on a case-by-case basis and approved at the sole discretion of the Appointing Authority.

During a period of leave without pay of 30 days or less, an employee will be retained on the City of Milford's health plan under the same conditions that applied before the leave commenced. To continue health coverage and any other optional benefits that are eligible to be continued, the employee must continue to make any contributions that he/she made before taking leave (please refer to section §1 of Employee Benefits, above). Vacation and sick leave will not accrue during an employee's leave without pay.

At certain times, the City may implement temporary periods during which employees may request a voluntary leave to mitigate certain financial hardship issues facing the City. This decision will be made jointly by the City's Appointing Authorities.

## **9.7 UNAUTHORIZED ABSENCE**

Any unauthorized absence of an employee from duty shall be considered an absence without pay and may be grounds for disciplinary action. Any employee who is absent for three (3) or more days without authorized leave arranged through his/her Department Director, Superintendent or supervisor may be discharged for cause. In the event extenuating circumstances are found, a leave may be granted retroactively based upon recommendations of the Department Director, Superintendent or supervisor and approval of the Appointing Authority.

## **SECTION 10 - VOLUNTARY LEAVE DONATION POLICY**

The City recognizes that employees may have a personal or family medical emergency or major disaster resulting in a need for additional time off in excess of their available sick / vacation time. To address this need, all eligible employees will be allowed to donate sick time from their unused balance to their co-workers in need of leave in accordance with the policy outlined below. This policy is strictly voluntary.

### **10.1 ELIGIBILITY CRITERIA**

#### **10.1.A ELIGIBLE EMPLOYEES**

Employees must be employed by the City for a minimum of one (1) year and have no disciplinary actions for abuse of leave time to be eligible to donate and/or receive donated sick time. For an employee to be eligible to receive donated leave they must have exhausted all available paid leave down to a vacation balance of 40 hours which may be reserved for future use. An employee who is on an approved leave of absence may not donate.

#### **10.1.B ELIGIBLE EVENTS**

Leave donations may be requested only for a medical emergency and/or major disaster, which are defined as follows:

A “medical emergency” is a medical condition of the employee or a family member that will require the extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. A family member is defined as a spouse, child or parent.

A “major disaster” is a disaster declared by the President of the United States under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), or as a major disaster or emergency declared by the President pursuant to 5 U.S.C. §6391 for federal government agencies. An employee is considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee or to a family member of the employee that requires the employee to be absent from work.

### **10.1.C ELIGIBLE DONATIONS**

Donations must be made in no less than four (4) hour increments. An employee may not receive more than 480 hours (12 weeks) of donated time in any rolling 12-month period. Donations may be made only of time already accrued; employees may not borrow against future sick leave to donate.

## **SECTION 11 - EMPLOYEE CONDUCT, DISCIPLINARY ACTION AND GRIEVANCE PROCEDURE**

### **11.1 DISCIPLINARY ACTION**

The City of Milford expects each employee to work productively, responsibly, and professionally at all times, and to treat all persons with consideration, dignity and respect. Employees will conduct themselves in strict conformity with all local, state and federal laws and ordinances. No employee shall attempt to further his/her self-interests through the use of his/her position.

On occasion, negative work performance or negative behavior may arise. It is the objective of the City to correct performance and behavior issues as quickly as possible. Such correction efforts may include a management referral or directive to the Employee Assistance Program.

Examples of unacceptable behavior include, but are not limited to:

- Unsatisfactory work performance, including failure to work productively or in accordance with standards and procedures.
- Failure to respond to an assigned emergency call.
- Poor attendance and tardiness, including failure to adhere to department rules regarding notification of absences.
- Failure to treat all persons with consideration, dignity and respect.
- Unauthorized or careless use of tools, vehicles, equipment or financial resources.
- Operating equipment and vehicles in a careless or unsafe manner. Refer to *Safety and Health and Vehicle Use / Insurability*.
- Illegal gambling while on duty or while on City property.

- Providing confidential or sensitive information to unauthorized individuals or entities.
- Repeated instances of creating or contributing to unsanitary conditions or poor housekeeping at work.
- Failure to follow prescribed timekeeping procedures.
- Disregard for safety policies, procedures and use of safety equipment and/or clothing.
- Failure to report any personal injury, accident, or unsafe condition to the employee's supervisor in a timely manner.
- Violation of City *Smoke-Free/Tobacco-Free Environment Policy*.
- Directing abusive or profane language toward co-workers, residents, business representatives, government officials or anyone involved in City business.
- Violation of department policies.
- Failure to adhere to City *Dress Code Policy*.
- Performing personal work on City time or with City property.
- Unauthorized entry to City facilities.
- Unauthorized use or possession of alcohol, controlled substances or illegal drugs.
- Unauthorized possession of a weapon on municipal property or in a City vehicle.
- Insubordination or refusal to carry out assigned duties.
- Theft or unauthorized possession of City property.
- Sexual harassment or other forms of harassment.
- Fighting, issuing threats or verbal or physical abuse or other disorderly conduct while performing City of Milford business.
- Scandalous or disgraceful conduct, either on or off duty where conduct brings employee's department or City into public disrepute.
- Unauthorized absence.
- Conviction of a felony or misdemeanor involving moral turpitude, casting doubt on ability to perform the job. Moral turpitude is defined as an act of baseness, vileness or depravity in private or social duties. Examples of moral turpitude include income tax evasion, perjury or its subornation, theft, indecent exposure, sex crimes, conspiracy to commit a crime, defrauding the government and illegal drug sales.

Depending on the severity of the offense, the corrective action procedure may include any or all of the following, including termination:

#### 11.1.A VERBAL REPRIMAND

A verbal warning to an employee that if his/her actions continue the formal discipline process will begin. (Supervisors must document the verbal reprimand and have the employee sign acknowledging that they have received the verbal reprimand.)

#### 11.1.B WRITTEN REPRIMAND

A written warning that places the employee on notice that additional incidents will result in more severe disciplinary action. The notice shall detail the specifics of the problem as well as what further action can be taken. This warning shall be placed in the employee's personnel file.

#### 11.1.C SUSPENSION

Suspension is the temporary removal from duty status, without pay, of an employee for cause for a period of one (1) to thirty days. The City also reserves the right to suspend with pay, at the discretion of the Appointing Authority. Suspension shall be recommended by the Department Director and approved by the Appointing Authority.

#### 11.1.D DEMOTION

An employee may be moved to a position in a class with a lower maximum salary rate for serious misconduct. Demotion shall be recommended by the Department Director and approved by the Appointing Authority. This action may be used in selected situations that would not be disruptive to other employees or to the level of service to the public. If a position for demotion is unavailable the City may implement a period of disciplinary probation in which the terms and conditions of probationary status are applied to the employee's appointment for a period of time to be determined by the Appointing Authority, not to exceed one (1) year.

#### 11.1.E DISMISSAL

An administrative review session shall be held for the employee to challenge anything in the employer's report. The Appointing Authority shall make the final decision.

### **11.2 DISCRIMINATION & HARASSMENT**

The City of Milford is committed to providing a work environment that is free of discrimination and harassment. Employees will not, by means of speech, touching or body language, abuse, harass or be discourteous to their fellow employees or members of the general public for any reason including someone's age, race, color, creed, citizenship status, sexual orientation, gender / sex, marital status, gender identity or expression, religious or political beliefs, military / veteran status, ancestry, national origin or disability.

All employees must also be allowed to work in an environment free from all forms of harassment and intimidation.

All employees are to refrain from sexual harassment. Unwelcome sexual advances, flirtations, propositions or requests for sexual favors, or other verbal or physical conduct of a sexual nature are considered sexual harassment under the following conditions:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as a basis for any employment decisions affecting that individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.

The display in the workplace of sexually suggestive objects or pictures is prohibited. The Delaware Discrimination in Employment Act prohibits discrimination against any employee based on pregnancy, childbirth, or related condition, including, but not limited to, lactation. If you believe that you have been subject to pregnancy discrimination, please inform a member of management as soon as reasonably possible. The City is committed to providing a

workplace free of discrimination and harassment and will take prompt action to investigate and address any such allegations.

The Delaware Discrimination in Employment Act also entitles employees to reasonable accommodation of known limitations related to pregnancy, childbirth, and related conditions, provided that the accommodation does not impose an undue hardship on the company. An employee need not be disabled to request a reasonable accommodation related to pregnancy, childbirth, or a related condition(s). If you suffer from a limitation that prevents you from performing the essential duties of your job, please inform your supervisor so that we can promptly begin the process of identifying a reasonable accommodation. Employees are encouraged to request a reasonable accommodation as soon as possible before performance problems arise.

### **11.3 PARTICIPATION IN POLITICAL ACTIVITY**

Employees may not engage in political activity during working times. Political activities include:

- Solicitation, distribution, or receipt of any assessment, subscription or contribution for any political party or cause; and
- Campaigning for any candidate or issue, including posting, wearing or distributing political material of any kind.

### **11.4 GIFTS AND GRATUITIES**

City of Milford employees will not accept any gratuities, loans, gifts, merchandise, meals or other items of other than nominal value in connection with or resulting from their employment with the City in compliance with the City of Milford and State of Delaware's ethics laws and policies. Solicitation of gratuities of any sort by City employees is strictly prohibited. Employees are referred to the Delaware Ethics Law and Related Statutes published by the Delaware Public Integrity Commission.

### **11.5 OUTSIDE EMPLOYMENT**

Employees must notify their supervisor and Department Director of any outside employment. The City of Milford will not object to an employee having outside employment as long as the employee is successfully and competently performing his/her job duties as determined by the Department Director or Appointing Authority and without negative impact on attendance and so long as it would not create a potential conflict of interest. Secondary employment is prohibited if:

- The secondary employment is doing business with or seeking to do business with the City.
- Such employment will create a conflict of interest or the appearance of a conflict of interest.
- Such employment is a direct conflict with any municipal functions or ordinances.

## **11.6 VOLUNTEER FIRE RESPONSE**

Employees must notify their supervisor and Department Director of any outside employment. Any regular full-time employee who is an active volunteer fire fighter with the Carlisle Fire Company of Milford may, with the approval of the employee's supervisor and Department Director, in consultation with the Appointing Authority, be permitted to respond to fire calls during regular business hours without loss of pay. Special consideration will be given to other active volunteer fire fighters when Carlisle Fire Company is in need of extra fire fighters.

## **11.7 DRESS CODE / APPEARANCE / UNIFORMS / SAFETY WORK BOOTS**

All employees are required to maintain a neat and clean personal appearance including clothing, personal hygiene and grooming appropriate for their positions and to follow any department dress code and appearance guidelines.

The City may provide uniforms and clothing items for employees in certain positions. The City reserves the right, in the City's best interest, to determine the type(s) of clothing worn by City employees. Employees may not wear hats which display advertising. The City will provide hats to employees as needed. Employees who are provided uniforms are expected to wear them while at work and may wear them while traveling to and from work only. At any time while wearing City issued uniforms or clothing employees are expected to act as a representative of the City of Milford.

All City provided uniforms and City marked clothing must be returned upon separation of employment. Employees should return all items to their supervisor or Department Director.

Safety Work Boots which meet or exceed the requirement and safety standards as defined by each department's duties will be purchased for the employees who hold certain positions as defined in the *Safety Work Boots Policy* each fiscal year during the month of October.

A newly hired employee filling any of the eligible positions will have their initial pair of safety work boots purchased for them after a successful three (3) month evaluation of their six (6) month introductory period.

Supervisors or their appointed designee will be responsible to select the appropriate safety work boots from an approved vendor of safety work boots which meet the safety requirements of their department's approved positions with a maximum price to be established by the City Manager.

## **11.8 INTERNET & EMAIL**

Internet access is to be conducted in a responsible and professional manner reflecting the City's commitment to ethical and non-discriminatory government practices. It is also the City's desire to protect the organization as much as possible from viruses or illicit attempts to access the City's servers. The City of Milford maintains an electronic mail system to conduct City business. All email messages composed, sent, received and/or stored are the property of the City and not the property of any employee. The City has a *Computing Resource Use Policy* which explains how email and the internet must be utilized. Before using email or the internet employees must acknowledge that they have reviewed and understand the City's



*Computing Resources Use Policy.* Employees have no expectation of privacy in any information or message sent, received, or stored in or through the City's computer or network.

If you have questions regarding appropriate use of the internet and City email, please contact your supervisor or your respective Appointing Authority.

## **11.9 TELEPHONE, CELLULAR PHONE AND DATA SERVICE**

Personal use of the City telephone or cellular phone system is limited to emergency or pressing reasons preferably during breaks and meal periods. Staff should refer to the detailed policy.

The Appointing Authority and his/her appointees are authorized to have cellular phones or smart phones, to conduct City business. In addition, Appointing Authorities may receive or authorize a monthly communications allowance in lieu of use of a City issued cell phone, smart phone or data device. The amount of such communications allowance will be established in the City's policy regarding telephones and data devices. All other City employees must obtain approval from their Appointing Authority for use of a City cellular phone, smart phone or data device. Cellular phone use must be in compliance with the City's *Safety and Vehicle Usage Policy*.

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of City telephones and cellular phones. Please refer to the City's *Cell Phone Policy*.

## **11.10 EMPLOYEE RECOGNITION**

The City will recognize employees who uniquely distinguish themselves through outstanding performance or innovation that exemplifies dedication, creativity and personal integrity. Upon recommendation by the Department Director and approval by the Appointing Authority, the employee may receive a letter of commendation and/or may become eligible for consideration for an additional salary increase at the time of their annual review. Please refer to the City's *Employee Recognition Policy* for procedures.

## **11.11 GRIEVANCE**

A grievance shall be defined as any difference, dispute or complaint regarding the interpretation or application of the terms of this Policy. All grievances filed shall contain a concise statement of the facts alleged to support the grievance. Grievances shall be processed in accordance with the following procedure and shall be determined by application of the terms of this Policy.

### **Step 1:**

An employee who has completed the Introductory Period shall within five (5) business days of the date of the occurrence, the action or event from which the grievance arose, or within five (5) business days when the employee obtains knowledge or should have obtained knowledge of the act or event, contact his/her Superintendent or supervisor to discuss and attempt to resolve the grievance. The Superintendent or supervisor shall

discuss the grievance with the employee and shall reply in writing to the employee within five (5) business days of the meeting held with the employee. For the purposes of this section a business day is defined as any day between and including Monday through Friday, between 8:00 a.m. and 4:00 p.m.

**Step 2:**

If, after receipt of the decision of the Superintendent or supervisor, the grievance has not been satisfactorily resolved, the aggrieved employee may, within five (5) business days of receiving the reply, file a written grievance with the Department Director or designee. The appeal shall be set forth in the form of a written statement explaining the grievance, giving the date of the occurrence, and the remedy sought. The Department Director or designee may schedule a meeting with the employee to discuss the grievance. Within five (5) business days of the meeting, or the receipt of the grievance if no meeting is held, the Department Director or designee shall respond to the employee in writing.

**Step 3:**

If, after receipt of the written decision of the Department Director or designee, the grievance has not been satisfactorily resolved, the employee shall meet with the City Manager or designee in an attempt to resolve the grievance within ten (10) business days. The City Manager or designee shall respond in writing within five (5) business days of the conclusion of the meeting and this decision will be final.

## **SECTION 12 - SAFETY AND HEALTH**

### **12.1 GENERAL CONSIDERATIONS**

The City of Milford will provide a reasonably safe and healthy work environment for its employees and the general public. City safety leadership includes sponsorship of safety committees, safety orientation for new employees, employee education and relevant health and safety training, provisions for personal protective equipment as appropriate, accident and/or unsafe acts investigations, as well as other directed training opportunities.

City employees are expected to:

- Work in a safe manner at all times.
- Maintain proper housekeeping in individual work areas.
- Be alert for unsafe acts or conditions; correct them or report them *immediately* to a supervisor.
- Ask for assistance, every time, when attempting to lift, pull or push heavy objects; lift in a proper manner.
- Follow the reporting requirements when he/she has been injured or *could have been* injured on the job (please refer to your supervisor for more information).

For more information, please refer to the City's *Safety Manual*.

## **12.2 ACCIDENT REPORTING**

Any employee sustaining an on-the-job injury, following the receipt of any appropriate first-aid treatment, shall immediately report the injury to his/her supervisor. In the event that an incapacitated employee requires professional medical care, the supervisor is required to report the injury to Human Resources as soon as practical. Failure to report injuries in a timely manner may result in disciplinary action. The supervisor will investigate the accident in a timely manner, secure whatever assistance is required, prepare required reports, and determine what preventive measures should be taken in the future. A review of the incident may be done by the City's Safety Committee as warranted.

## **12.3 VEHICLE USE / INSURABILITY**

City of Milford employees are constantly in the public eye and those who drive a vehicle in the performance of their duties are representing the City. Employees are not only responsible for their own safety and security, but the safety and security of residents and visitors to the City. As a result, employees are required to exercise the utmost care and caution while operating a motor vehicle and other vehicle, tools and equipment on City business. Employees who operate City owned vehicles or personally owned vehicles while performing City business are required to abide by all applicable State laws in addition to the following rules and regulations.

City owned or leased vehicles are to be used for the following purposes:

- a. Transportation to conduct official City business during the normal working day.
- b. Transportation to conduct official City business before and/or after the normal business day.
- c. Transportation between the employee's principal work location and the employee's residence in order to facilitate quick response by those authorized and assigned to drive take home City vehicles by the respective Appointing Authority.
- d. Transportation to conventions, conferences, meetings and training programs. If using a personal vehicle for approved City business when no City vehicle is available employees will receive the current mileage reimbursement at the mileage rate as determined by the Internal Revenue Service.
- e. Rental Cars may be used for both in-state and out-of-state travel, if authorized by the respective Department Director or Appointing Authority.

Use of City vehicles for day-to-day operations must be approved by the Department Director / Superintendent / supervisor. Assignment of a City vehicle to an individual for a continuous, regular or indefinite period must be approved by the Appointing Authority (please refer to the *Use of Equipment and Vehicles Policy*).

Employee Responsibilities: Those driving vehicles in the course of their employment:

- Must have a valid license for the type of vehicle being driven and must obey all traffic laws.
- Must provide a copy of their driver's license to their Appointing Authority when hired in order to verify that the driver's license is valid.
- Will have their driver's license reviewed at least annually to verify validity.

- Are responsible for ensuring a current, valid copy of their license is on record with the City.

Any employee who is required to operate a City owned or private vehicle to perform City business must immediately report any license suspension, revocation or serious violation to his/her supervisor, ideally within 24 hours of the action. An employee must immediately report to the Department Director any motor vehicle violations while performing City business, including parking violations incurred while utilizing a City vehicle before the end of the work day in which the violations occur. The supervisor will notify the Appointing Authority of any suspensions, revocations and violations that affect the employee's ability to drive. Any license suspension, revocation or serious violation not reported immediately to the supervisor will be subject to disciplinary action up to and including termination.

If operating a vehicle to perform City business, employees are required to be insurable through the City's insurance carrier.

Employees must wear a seat belt at all times when operating or riding in a City vehicle.

City vehicles and/or fuel shall not be used for personal use. Only City employees may operate City vehicles. No employee under the age of eighteen (18) is allowed to operate a City vehicle.

Employees are prohibited from transporting passengers except: 1) other City employees; or 2) individuals conducting business with or on behalf of the City.

Personal vehicles shall not be used to pull trailers or haul equipment while being used in City related business.

Employees are prohibited from making any modifications, alterations or additions to any City vehicle or equipment without the prior express approval of his/her supervisor.

#### **12.4 SMOKE-FREE / TOBACCO-FREE ENVIRONMENT POLICY**

The City is dedicated to providing a healthy and productive work environment for employees, clients, visitors and contractors. The goal of the Smoke-Free / Tobacco-Free workplace policy is to improve the health of the employees and citizens by promoting tobacco use cessation.

The following policy applies:

In accordance with State law there is no smoking allowed in any City building. In order that we convey a professional image to the public and are respectful of other current and future users of City vehicles, smoking and use of e-cigarettes or smokeless tobacco is prohibited in City vehicles and while working. Use of e-cigarettes is prohibited in City facilities and City vehicles.

Tobacco or e-cigarettes may be used during approved break times and at approved locations. If you have any questions about appropriate times and/or locations, please contact your supervisor. If you are a tobacco user and would like information about quitting, please

contact Human Resources. Questions concerning the application of this policy should be directed to the individual's supervisor.

## **12.5 ALCOHOL & DRUG-FREE WORKPLACE**

The goal of this policy is to maintain a safe and healthy work environment. The successful implementation of this policy will also enable the City to provide quality service to the public by maintaining efficiency and productivity. The use of illegal drugs and/or the misuse of alcohol or legal drugs are inconsistent with this goal.

Employees will receive and acknowledge a copy of the *Drug-Free Safety Program Policy* during new employee orientation. Additional copies are available in Human Resources.

### **12.5.A PROHIBITED ACTIVITIES**

Employees are prohibited from engaging in the following activities:

1. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
2. Being under the influence of alcohol or illegal drugs while on duty.
3. The operation of any City vehicle in violation of the guidelines set forth in this policy.
4. The refusal to submit to an alcohol or drug test as defined and required by this policy.

The appropriate law enforcement agency will be notified of any sale, distribution or possession of any illegal substance by an employee at any time.

While use of medically prescribed or some other legal medications and drugs is not a violation of this policy, when such drug use adversely affects job performance, the employee will be required to use sick leave or take a leave of absence. Failing to notify an employee's supervisor before beginning work, when taking medications or drugs which may interfere with the safe and effective performance of duties by a City employee, may result in disciplinary action up to and including termination. Such actions will constitute violation of the City of Milford's Employee Policy Manual. When an employee's driver's license is suspended due to alcohol or drug use and driving is required by the employee's job description, the employee is subject to disciplinary action as described in Section 11.1.

### **12.5.B TESTING**

#### **12.5.B.1 PRE-EMPLOYMENT**

Each individual who has been conditionally offered employment with the City of Milford will be required to take a drug test as a condition of employment. The offer of employment may be withdrawn from any individual whose test reveals the presence of a controlled substance

#### **12.5.B.2 RANDOM**

Each employee who is assigned to a position which requires the possession of a CDL shall be part of the CDL random testing pool. All other employees shall be placed in the non-CDL pool for random testing for alcohol and for the use of

controlled substances. Such test shall be conducted on a random, unannounced quarterly basis and in accordance with this policy.

#### 12.5.B.3 REASONABLE SUSPICION

The request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor. These observations may include indications of the chronic and withdrawal effects of controlled substances as defined by the Federal Motor Carrier Safety Administration (FMCSA). Two trained supervisors must witness the conduct and be trained in the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

#### 12.5.B.4 POST-ACCIDENT

Each employee who operated a City vehicle while it was involved in a traffic accident which resulted in the loss of human life or the issuance of a traffic citation shall be tested for alcohol content and for the use of controlled substances.

#### 12.5.C TESTING PROCEDURES

All testing required by this policy will be conducted in accordance with the Omnibus Transportation Employee Testing Act of 1991. The testing will only be conducted by certified, qualified individuals who are either employed by a contractor hired by the City for this purpose or are sworn, law enforcement personnel. To ensure accuracy, employee's must be tested immediately following reasonable suspicion or post-accident as described above.

Testing will be done for the following substances, however not limited to:

- Alcohol
- Marijuana (THC)
- Cocaine
- Amphetamines and methamphetamine
- Opioids
- Phencyclidine (PCP)

Refusal by an employee to cooperate or submit immediately to an alcohol and/or drug test when requested by management, will constitute insubordination and is cause for disciplinary action in accordance with 11.1 of this manual.

#### 12.5.D PAYMENT

The City shall pay the cost of testing for alcohol and controlled substances. The employee shall pay the cost of any confirmation test requested by the employee to deny the use of a controlled substance if the results of the initial test are positive. If the results of the confirmation test are negative, the City shall pay the cost of the confirmation test. The City shall not pay the cost of evaluating, counseling or rehabilitation which may be required by the Omnibus Transportation Employee Testing Act of 1991.

#### 12.5.E POSITIVE TESTS

Confirmation of drug or alcohol use or abuse will result in disciplinary action in accordance with Section 11.1 of this manual. Two disciplinary actions relating to drug or alcohol use may be cause for termination.

Discipline for being under the influence of alcohol or nonprescribed controlled substances during non-job-related activities will be based on the employee's work history, previous disciplinary actions and previous identification of substance use problems.

Employees who test positive, or otherwise violate this policy, will be subject to discipline, up to and including termination. Depending on the circumstances, the employee's work history/record and any state law requirements, the City of Milford may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up alcohol and drug testing at times and frequencies established by the City. These follow-up tests will be determined by the Human Resources Administrator and Department Head and will take place for a minimum of one year but not more than two years. A waiver of the right to contest any termination resulting from a subsequent positive test will also be provided. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be immediately discharged from employment.

## **SECTION 13 - ADMINISTRATION**

### **13.1 TRAVEL ON OFFICIAL CITY BUSINESS**

Whenever an employee travels for City-related business (training, meeting, seminar, conference, etc.) the employee must obtain prior authorization from their supervisor, including authorization of budget expenditures for the estimated cost of the travel. Meal and Incident Expense (M&IE) Per Diem Rates ([www.gsa.gov/perdiem](http://www.gsa.gov/perdiem)) and Mileage Reimbursement Rates ([www.gsa.gov/mileage](http://www.gsa.gov/mileage)) should be confirmed with the Finance Department by contacting the Accounts Payable Administrator with the details which should include the date(s), location(s) of the travel and any services that will be included in any registration fees before processing a purchase order for the employee's M&IE and/or mileage reimbursement.

The City encourages the use of any authorized available City vehicle, especially for local travel; however, if the employee has been approved to use their privately-owned vehicle, they can request mileage reimbursement for the actual miles (round trip) between locations. If more than one employee is traveling to the same event, the City encourages the sharing of vehicles to conserve fuel and City funds. When two or more employees travel together in a privately-owned vehicle, only one mileage reimbursement will be approved.

When employees are booking hotel reservations, they should obtain the lowest rate possible. Some conferences have discounted blocks of rooms reserved and most hotels offer a government rate which may be lower than an advertised rate. After obtaining the hotel rates, the employee must obtain approval from their supervisor of the hotel expense prior to the final booking of the hotel reservation.

Employees must acquire receipts for any expenses (hotel, parking, gas, rental car, taxi, tolls, etc.), which are being charged directly to the City or those which will be submitted for

reimbursement to the employee and that are not included in the M&IE allowance. The receipts with an itemized expense sheet should be turned in to the employee's supervisor immediately upon the employee's return to work. The supervisor, after the review and approval of the receipts, should complete a purchase order for any reimbursement due to the employee or for any expenses that had not previously been processed through the purchase order system. The supervisor should then submit the signed approved receipts to the Accounts Payable Administrator to be processed for payment with the next payment cycle.

Employees receiving an M&IE allowance adhere to GSA and IRS regulations regarding covered incidental expenses. Accordingly, the following expenses will not be reimbursed by the City except under extraordinary circumstances and with approval of the Appointing Authority:

- All meals,
- Room service,
- Laundry, dry cleaning and pressing of clothing, and
- Fees and tips for persons who provide services, such as food servers and luggage handlers.

Employees travelling to conferences, training or other events that include meals which meet the employee's nutritional requirements for some or all days, should reduce the per diem accordingly based on the breakdown on the GSA website. In addition, the first and last days of travel are at a reduced M&IE rate. Please note that amount on the GSA website and on travel request forms.

### **13.2 OTHER EXPENSE REIMBURSEMENT**

The City will reimburse employees for necessary business expenses beyond travel provided these expenses have been approved by a Department Director or Appointing Authority and are submitted on the proper form with supporting receipts.

## **SECTION 14 - MODIFICATIONS TO THIS MANUAL**

This manual will be modified from time to time as conditions change. Members of management will normally initiate modifications and updates; however, any employee may suggest changes and discuss them with his/her supervisor. The City Council will be involved appropriately to review and approve changes. Appointing Authorities will be responsible for reconciling modifications with the City Charter.



## **EMPLOYEE ACKNOWLEDGEMENT FORM**

The Employee Policy Manual describes important information about the City organization and I understand that I should consult with the Department Director or Human Resources Administrator regarding any questions not answered in the manual.

Since the information, policies and benefits described here are necessarily subject to change, I acknowledge that revisions to the manual or external policies, referenced within the manual, may occur. All such changes will be communicated through official notices and I understand that revised information may supersede, modify or eliminate existing policies. Only the City Council of the City of Milford has the authority to adopt any revisions to the policies in this manual, except as noted within the manual which designates authority to the Appointing Authority for external policy changes and updates.

Furthermore, I acknowledge that I have received a copy of the Employee Policy Manual and I understand that it is my responsibility to read and comply with the policies contained herein and any revisions which may occur.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Name (Typed or Printed)