



## City of Dover Personnel Policy

(Employee Handbook)

**Updated June 2018**

**The City of Dover Personnel Policy is not a contract of employment. The Personnel Policy is intended to provide guidance and direction in regards to the employee/employer relationship within the City of Dover.**

*My signature below indicates that a representative of the City of Dover has explained that the City of Dover Personnel Policy is not a contract of employment. The Personnel Policy is intended only to provide guidance and direction in regard to the employee/employer relationship within the City of Dover. A copy of this signed notice will be placed in the employee's personnel file indicating that I agree that this Personnel Policy in no way indicates a contract of employment.*

**Employee's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**City Representative Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**City Representative Title:** \_\_\_\_\_

*Original signed copy is located in employee's personnel file.*

# TABLE OF CONTENTS

<u>Article</u>		<u>Page</u>
<b>I.</b>	<b>IMPLEMENTATION OF POLICY</b>	
Section 1	Adoption	8
Section 2	Separability	8
Section 3	Violations of Policy Provisions	8
Section 4	Effective Date	8
<b>II.</b>	<b>ORGANIZATION OF PERSONNEL SYSTEM</b>	
Section 1	Purpose	9
Section 2	Coverage	9
Section 3	Definition of Terms	9
Section 4	Merit Principle	10
<b>III.</b>	<b>THE PAY PLAN</b>	
Section 1	Adoption	10
Section 2	Maintenance of the Pay Plan	10
Section 3	Use of Salary Ranges	10
Section 4	Payment at a Listed Rate	11
Section 5	Salary of a Trainee	11
Section 6	Pay Rates in Promotion, Demotion, Transfer, Reclassification and Upgrading	11
Section 7	Pay Rates in Salary Range Revisions	12
Section 8	Pay for Part-time Work	12
Section 9	Overtime	12
Section 10	Shift Differential Pay	14
Section 11	On Call Pay	14
Section 12	Call Back Pay	15
Section 13	Longevity Pay	15
Section 14	Vacation Sell Back	15
Section 15	Payroll Deductions	15
Section 16	Pay Day	16
Section 17	Pay Period	16
Section 18	Trading of Regularly Scheduled Hours	16

<b>IV.</b>	<b>EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION</b>	
	Section 1	Equal Employment Opportunity and Affirmative Action Policy 17
	Section 2	General Implementation 17
	Section 3	Communication 17
	Section 4	Responsibilities for Implementation 18
	Section 5	Identification of Problem Areas 18
	Section 6	Recruitment 19
	Section 7	Advancement 19
	Section 8	Involvement in Community Activities 19
<b>V.</b>	<b>RECRUITMENT AND SELECTION</b>	
	Section 1	Recruitment Sources 20
	Section 2	Job Advertisements 20
	Section 3	Application for Employment 20
	Section 4	Application Reserve File 20
	Section 5	Qualification Standards 21
	Section 6	Testing 21
	Section 7	Appointments 21
	Section 8	Probationary Period of Employment 22
<b>VI.</b>	<b>TYPES OF APPOINTMENTS</b>	
	Section 1	Promotion 22
	Section 2	Demotion 23
	Section 3	Transfer 23
	Section 4	Temporary Upgrading 23
	Section 5	Employee Evaluation 24
<b>VII.</b>	<b>ETHICAL CONDUCT</b>	
	Section 1	Gifts and Favors 24
	Section 2	Political Activities of Employees 24
	Section 3	Outside Employment 25
	Section 4	Incompatible Activities 25
	Section 5	Limitation of Employment of Relatives 26
	Section 6	Discrimination and Harassment 26
	Section 7	Acceptable Use of Communications and Computer Systems 27
	Section 8	Social Networking, Personal Online/Internet Content 29
	Section 9	Pregnant Workers Fairness Act Guidelines 29

## **VIII. CONDITIONS OF EMPLOYMENT**

Section 1	Unexplained Absence	31
Section 2	Use of City Supplies, Equipment and Vehicles	31
Section 3	Representation and Indemnification	31
Section 4	Surrender of Property	32
Section 5	Travel Expenses	32
Section 6	Vehicle Accident	32
Section 7	Pre-Employment Requirements	32
Section 8	Substance Abuse Policy	32
Section 9	Disclosure of Confidential Information	36
Section 10	Safety Shoes	37
Section 11	Rest Periods	37
Section 12	Meal Periods	37

## **IX. HOLIDAY LEAVE**

Section 1	Holidays	37
	Effect of Work on Holidays or Unscheduled Workdays on Other	
Section 2	Types of Leave	38
Section 3	Holidays - When Work is Required	38

## **X. VACATION LEAVE**

Section 1	Vacation Leave	39
Section 2	Vacation Leave - The Manner of Accumulation	39
Section 3	Vacation Leave - The Maximum Accumulation	39
Section 4	Vacation Leave - Final Pay and Repayment of Vacation Leave	40
	Vacation Leave - Payment for Accumulated Vacation Leave Upon	
Section 5	Death	40
Section 6	Vacation Bonus for Good Attendance	41

## **XI. SICK LEAVE**

Section 1	Sick Leave	41
Section 2	Sick Leave - The Manner of Accumulation	41
Section 3	Sick Leave - The Maximum Accumulation	42
Section 4	Sick Leave - Physician's Certificate	42
Section 5	Sick Leave - Retirement Credit for Accumulated Sick Leave	42
Section 6	Sick Leave - Termination	43
Section 7	Vacation Bonus for Good Attendance	43

## **XII. LEAVE WITHOUT PAY**

Section 1	Limited Leave Without Pay	43
Section 2	Extended Leave Without Pay Policy	43
	Extended Leave Without Pay - Retention and Continuation of	
Section 3	Benefits	43

### **XIII. OTHER TYPES OF LEAVE**

Section 1	Terminal Leave	44
Section 2	Military Leave	45
Section 3	Maternity Leave	46
Section 4	Jury Duty/Civil Leave	46
Section 5	Bereavement Leave	47
Section 6	Family and Medical Leave	47
Section 7	Inclement Weather	49

### **XIV. WORKERS COMPENSATION**

Section 1	Worker's Compensation Leave	51
Section 2	On-The-Job Injuries	51
Section 3	Worker's Compensation Benefits	52

### **XV. SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT**

Section 1	Types of Separation	52
Section 2	Resignation	52
Section 3	Reduction in Force	52
Section 4	Disability	53
Section 5	Retirement Age	53
Section 6	Death	53
Section 7	Disciplinary Actions	53
Section 8	Failure in Performance of Duties	53
Section 9	Failure in Personal Conduct	53
Section 10	Disciplinary Suspension	55
Section 11	Immediate Disciplinary Suspension	55
Section 12	Non-Disciplinary Suspension	55
Section 13	Reinstatement	55

### **XVI. GRIEVANCE PROCEDURE**

Section 1	Policy	56
Section 2	Grievance – Defined	56
Section 3	Purpose of Grievance Procedure	56
Section 4	Procedure	56

### **XVII. EMPLOYEE BENEFITS**

Section 1	Insurance Benefits	57
Section 2	Retirement Benefits	58
Section 3	Deferred Income	59
Section 4	Uniforms	59
Section 5	Blood Bank	59
Section 6	Credit Union	59
Section 7	Service Awards	60
Section 8	Police Chief and Police Major	60

**XVIII. EDUCATIONAL ASSISTANCE**

Section 1	Limited Education Leave with Pay	60
Section 2	Extended Education Leave with Pay	60
Section 3	Educational Assistance	60

**XIX. PERSONNEL RECORDS AND REPORTS**

Section 1	Personnel Records Maintenance	62
Section 2	Access to Personnel Records	62
Section 3	Confidential Information	63
Section 4	Exceptions	63
Section 5	Records of Former Employees	63
Section 6	Remedies of Employees Objecting to Material in File	63

## **ARTICLE I. IMPLEMENTATION OF THIS POLICY**

### **SECTION 1. CONFLICTING POLICIES REPEALED**

All policies, ordinances or resolutions that conflict with the provisions of this policy are hereby repealed.

### **SECTION 2. SEPARABILITY**

If any provision of this policy or any rule, regulation or order thereunder of the application of such provision to any person or circumstances is held invalid, the remainder of this policy and the application of such remaining provisions of this policy of such rules, regulations or order to persons or circumstances other than those held invalid will not be affected thereby.

### **SECTION 3. VIOLATIONS OF POLICY PROVISIONS**

An employee violating any of the provisions of this policy shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty, which may be imposed for the violation of the same.

### **SECTION 4. EFFECTIVE DATE**

This policy shall become effective **July 12, 2004** upon the approval of City Council.



## **ARTICLE II. ORGANIZATION OF PERSONNEL SYSTEM**

### **SECTION 1. PURPOSE**

Policies are defined as the basic rules which guide administrative action to accomplish the organization's objective. Well-conceived policies, consistently and fairly administered, have greatly contributed to the success of many organizations.

This Personnel Policies Employee Handbook contains those policies adopted by and for the City of Dover. Its intended use is to inform all covered employees of their rights, benefits and responsibilities and to assist the City administrative group, department heads and supervisory personnel in seeing that the goals and objectives of the City are met.

Changes with this handbook (i.e. additions, deletions or revisions) will be dated and communicated to all affected employees.

### **SECTION 2. COVERAGE**

This handbook shall apply to all employees of the City of Dover. When an aspect of either this policy or a manual of Department Rules conflicts with the terms and conditions of an employee labor agreement approved by City Council then the employee labor agreement takes precedence.

### **SECTION 3. DEFINITION OF TERMS**

Part-time Employee: An employee, either regular or temporary, who is appointed to a position and is regularly scheduled to work fewer than 37.5 hours weekly.

Full-time Employee: An employee, either regular or temporary, who is regularly scheduled to work 75 or 80 hours biweekly for employees regularly scheduled to shift work or 37.5/7.5 hours or more per workweek/workday for non-shift workers.

Regular Employee: A person appointed/selected to serve in a position for an undetermined duration subject to probationary requirements.

Temporary Employee: A person appointed/selected to serve in a position for 180 calendar days or less.

On-Call Employee: A person who is to be available to work when a full-time regular employee is unavailable (for example, Relief Fire Dispatchers).

Completed Year: A period of twelve calendar months in which the employee is on active pay status or is on Worker's Compensation leave.

Completed Month: Any month in which an employee for one half (1/2) of the workdays either works, is on approved leave with pay, is on Worker's Compensation leave or any combination of these.

Active Pay Status: Any employee who is eligible to receive a biweekly paycheck, except those on terminal leave.

## SECTION 4. MERIT PRINCIPLE

All appointments, promotions and other personnel transactions shall be made on the basis of knowledge, skills and abilities, as stated in the job description for the position.

The above section is subject to employee labor agreements, if applicable.

## **ARTICLE III. THE PAY PLAN**

### SECTION 1. ADOPTION

The position classification plan and salary ranges that were developed by the Public Administrative Service (PAS) is hereby adopted as the position classification plan for the City and can be obtained from the Human Resources Department. Bargaining positions are indicated in employee labor agreements.

### SECTION 2. MAINTENANCE OF THE PAY PLAN

The pay plan is intended to provide equitable compensation for all positions when considered in relation to each other; to general rates of pay for similar employment in the private sector and in the other public jurisdictions in the area; to changes in the cost of living; to financial conditions of the City and other factors. To this end the City Council shall from time to time consider studies of all factors affecting the level of salary ranges and consider such changes in salary ranges as warranted.

The above section is subject to employee labor agreements, when applicable.

### SECTION 3. USE OF SALARY RANGES

For non-bargaining positions, salary ranges are intended to furnish administrative flexibility in recognizing individual performance among employees holding positions in the same class by rewarding employees for meritorious service. The following general provisions will govern the granting of the pay increments:

- a) The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment at a higher rate. Appointments above the minimum rate may be made with the approval of the City Manager when deemed necessary in the best interest of the City. Above the minimum appointments will be based on such factors as the qualifications of the applicant being higher than the desirable education and training for the class, a shortage of qualified applicants available at the minimum step and the need to offer qualified applicants above the minimum steps to secure his/her employment.
- b) All factors affecting an employee's performance shall be considered in determining whether or not the employee shall receive an increase or be retained at the current rate. The performance evaluation shall cover a full year of active service. This provision is for bargaining and non-bargaining positions.
- c) The date for the performance evaluation described in subparagraph (b) above shall be the annual anniversary of an employee's employment date or date of change of position. This procedure applies to all bargaining employees. Another date for a new employee may be designated when deemed necessary in the best interest of the City, and shall be based on such factors as the qualifications of the new employee being higher or lower than the desirable education and training for the class, a shortage of qualified applicants for the job and the need to offer qualified applicants another review date other than their employment date to secure their employment.

#### SECTION 4. PAYMENT AT A LISTED RATE

All non-bargaining employees covered by the PAS salary plan shall be paid at a listed rate within the salary ranges established for their respective job classes except for employees in a trainee status or whose present salaries are above the established maximum rate following transition to a new pay plan or a reclassification.

Non-exempt hourly employees who work a forty (40) hour week and an eight (8) hour day or a thirty-seven and a half (37.5) hour work week and a seven and a half (7.5) hour day shall be paid at a hourly rate within the salary ranges established for their respective job classes.

Nonexempt salaried employees who work a forty (40) hour week and an eight (8) hour day or a thirty seven and a half (37.5) hour work week and a seven and a half (7.5) hour day shall be paid at the listed weekly rate within the salary ranges established for their respective job classes.

Exempt salaried employees who work a forty (40) hour week or a thirty seven and a half (37.5) hour work shall be paid at the listed weekly rate in the salary ranges established for their respective job classes.

The above section is subject to employee labor agreements, when applicable.

#### SECTION 5. SALARY OF A TRAINEE

An applicant hired or an employee promoted to a position in a higher class, who does not meet all the established requirements of the position, may be appointed at a rate in the pay plan below the minimum established for the position. An employee will remain on the trainee step until the department supervisor certifies that the trainee is qualified to assume the full responsibilities of the position, subject to employee labor agreement.

#### SECTION 6. PAY RATES IN PROMOTION, DEMOTION, TRANSFER, RECLASSIFICATION AND UPGRADING

When an employee is promoted, demoted, upgraded, transferred or reclassified, the rate of pay for the new position will be established in accordance with the following rules:

- a) An employee who is promoted shall receive a minimum 5% increase or an increase to the minimum step of the new pay range, whichever is higher.
- b) An employee who is demoted to a position for which he/she is qualified shall receive a salary or hourly rate in the lower pay range.
- c) An employee transferring from a position in one class to a position in another class assigned the same pay range shall continue to be paid at the same rate.
- d) An employee whose position is reclassified to a class having a higher salary range shall receive a minimum 5% increase or an increase to the minimum step of the new pay range, whichever is higher. If the employee's position is reclassified to a lower pay range and the result is that the employee will receive a rate of pay above the maximum established for the new class, that employee will be ineligible for merit pay adjustments until such time that the employee either receives a promotion or benefits from a general class-wide pay increase thereby bringing the employee's rate of pay to or below the maximum rate established for the class.
- e) An employee who is temporarily upgraded and becomes eligible for a pay increase must wait thirty (30) calendar days from the time of his/her upgrade before the increase goes into effect. The increase will take effect on the 31<sup>st</sup> calendar day. The employee shall receive a minimum one step pay increase or an increase to the minimum step of the range of the position that he/she is filling, whichever is higher, until the employee is downgraded. The City Manager

reserves the discretion to give pay increases without the above guidelines being satisfied.

## SECTION 7. PAY RATES IN SALARY RANGE REVISIONS

When a change in pay range is approved for a class of positions, employees whose positions are allocated to that class may have their salary or hourly rate raised or left unchanged.

- a) Depending upon the financial condition of the City, when a class of positions is assigned to a higher pay range, each employee in that class shall receive at least a pay increase to the minimum starting of the new pay range. If the employee's current rate of pay is within the new range, the employee will retain his or her current salary.
- b) When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower class results in an employee being paid at a rate above the maximum step established for the new class, that employee will be ineligible for merit pay adjustments until such time that the employee either receives a promotion or benefits from a general class-wide pay increase thereby bringing the employee's rate of pay to or below the maximum rate established for the class.

## SECTION 8. PAY FOR PART-TIME WORK

The Pay Plan established by this policy is for full-time service. An employee appointed for less than full-time service shall be paid a prorated amount determined by converting the established salary to an hourly rate.

The above section is subject to employee labor agreements, when applicable.

## SECTION 9. OVERTIME

Overtime work shall be that work performed by a non-exempt hourly or salaried full-time employee who either exceeds eight (8) hours per workday or forty (40) hours per workweek or which is accomplished on an unscheduled workday provided however that no fulltime employee shall be paid twice at an overtime rate for the same hours (pyramiding). Non-exempt hourly or salaried employees who work a seven and a half (7.5) hour workday or thirty-seven and a half (37.5) hour workweek will not receive overtime compensation until hours exceed eight (8) hours per day or forty (40) hours per week.

Overtime work shall be the work performed by a part-time employee which exceeds an eight (8) hour workday or forty (40) hour workweek provided that no part-time employee shall be paid twice at an overtime rate for the same hours (pyramiding).

For the purpose of computing overtime pay, time spent on vacation, holidays, earned sick leave, military leave, jury duty and bereavement leave shall be considered hours worked. Terms subject to employee labor agreements. Lost time due to other types of leave such as personal business, unexpected absence and lateness shall not be considered as hours worked. No employee shall be authorized to work overtime (except when necessary in the interest of the City) on the same day that an employee has spent time on leave, with or without pay.

In order for an employee to be eligible for overtime the following provisions apply:

- a) the work is of a regularly scheduled nature and is approved by the Department Head or the authorized representative of the Department Head,
- b) the work is of an unusual, unscheduled or emergency nature and is directed by the Department Head or the authorized representative of the Department Head,
- c) Compensatory time off shall be taken within ninety (90) days from the time it is earned.

In determining whether an employee will receive compensatory time or monetary payment for overtime it is the discretion of the Department Head unless the employee labor agreement for the position the employee occupies indicates otherwise. The employee and Department Head must reach a mutual agreement prior to the overtime occurring.

For non-bargaining employees the following guidelines apply:

When a non-bargaining, nonexempt employee is required to work overtime he or she will be compensated with time off at the rate of one and one half times the overtime hours worked or paid for such time on the basis of one and one half times their regular hourly rate for the overtime hours worked provided that:

- a) the employee and Department Head or authorized representative of the Department Head must reach a mutual agreement concerning receiving pay or Comp-time prior to the performance of overtime work.
- b) the work is of a regularly scheduled nature and is approved by the Department Head or authorized representative of the Department Head prior to the work being performed.
- c) the work is of an unusual, unscheduled or emergency nature and is directed by the Department or an authorized representative of the Department Head.
- d) compensatory time off should be scheduled and taken within ninety (90) days from the time it is earned. The Department Head must approve the compensatory time schedule. If earned compensatory time is not taken within ninety (90) days, the City will have the option of paying overtime to the affected employees.
- e) the Department Head or person designated by the Department Head will keep records of compensatory time earned for all non-bargaining, nonexempt employees in his or her Department.

When a non-bargaining, exempt employee is required to work overtime he or she will be compensated with time off at the rate of one times (1 overtime hour = 1 comp-time hour) the overtime hours worked provided that:

- a) the work is of an unusual, unscheduled or emergency nature and must be completed at a specific time in order to meet a deadline or specific request from an outside agency or authority.
- b) compensatory time off should be taken within ninety (90) days from the time it is earned. Council Appointees and City Manager Department heads may work a flexible work schedule to accomplish receiving the earned comp-time. If the compensatory time is not taken in ninety (90) days, non-bargaining exempt employees will forfeit the time.
- c) the Department Head or person designated by the Department Head will keep records of compensatory time earned for all non-bargaining, exempt employees in their Department.

## SECTION 10. SHIFT DIFFERENTIAL PAY

The above section is subject to employee labor agreement.

## SECTION 11. ON CALL PAY

The City shall provide compensation to exempt and non-exempt hourly and salaried employees scheduled for "on-call" service after hours, weekends and holidays on a full seven (7) day cycle.

The method of reimbursement for the service shall be:

- a. The City shall pay an additional seven (7) hours straight time over and above the normal forty (40) hours worked for an employee assigned "on call" for the week, even if he/she is not called to work. This "on call" pay is computed and should be shown on the biweekly time sheet as one (1) straight time hour per day.
- b. The paid "call-out" time shall be no less than two hours for each separate "call-out." If an employee is on a "call-out" and another trouble call is reported to him/her, this shall be treated as the same "call-out." Only when the employee has returned home and is again called-out shall a new "call-out" be reported. The time spent on a "call-out" begins when the employee reports to the work place or gets to the City vehicle, if it was not taken home. The "call-out" time must be recorded on the biweekly time sheet in the on-call overtime column.
- c. Any trading of "on call" duty between employees must be approved in writing by the Supervisor of the employee who was originally assigned for duty. The assigned "on call" employee shall be the only employee that reports "call-out" time under this policy. Obviously, other personnel may be "called-out" during times of emergencies and their overtime pay shall be determined under Sections 9 and 12 of this Article. Trading of on-call duty is permitted, however subject to department policies.
- d. The employee subject to "on-call" shall be responsible to assure that the phone number listed under their name, with the Dispatch Center, is correct and current. Any employee scheduled and assigned to "on-call" duty who is found to be unavailable when called at the phone number listed with the Dispatch Center of their department will be subject to disciplinary action by the Department Head; including loss of one week "on-call" pay.
- e. Written approval must be obtained in order to trade on-call shifts. Approval must be received prior to the trade. The person who is actually on-call is the employee who is to be reported to payroll.
- f. Exempt employees shall receive comp-time at straight time for the hours that they are called out. The City Manager must approve all on-call statuses. In general, on-call status shall not be provided to Department heads, division heads or management who may from time to time be called in on extraordinary circumstances. (Approved by City Council on January 12, 2009.)

The above section is subject to employee labor agreements, when applicable.

SECTION 12. CALL BACK PAY

Any City employee eligible to receive overtime compensation under this policy who is not "on-call" will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours; provided that the employee who is called back goes home again before the next regular work time.

The above section is subject to employee labor agreement, when applicable.

SECTION 13. LONGEVITY PAY

Longevity pay shall apply to all regular employees working twenty or more hours per week **hired prior to July 1, 1980**. Such pay shall be based on the following schedule:

<u>Number of Years - Continuous Service</u>	<u>Amount of Weekly Increase</u>
9	+.10/hr or \$4.00/wk
12	+.10/hr or \$4.00/wk
15	+.10/hr or \$4.00/wk
20	+.10/hr or \$4.00/wk
25	+.10/hr or \$4.00/wk

Upon completion of 9, 12, 15, 20 and 25 continuous years of service, an employee shall receive the appropriate adjustment in base pay.

SECTION 14. VACATION SELL BACK

A regular employee may, during the month of December, sell back to the City unused vacation in accordance with the following schedules:

REGULAR FULL-TIME EMPLOYEES

<u>Number of Vacation Days</u>	<u>Number of Days Eligible Earned Per Year to Sell Back</u>
12	5
18	5
21	10
24	10

REGULAR PART-TIME EMPLOYEES

<u>Number of Vacation Days</u>	<u>Number of Days Eligible Earned Per Year to Sell Back</u>
6	2.5
9	2.5
10.5	5
12	5

The payment in lieu of vacation shall be made only in December each year and shall be deducted from the current calendar year's unused vacation leave. The employee will be paid based on his/her base salary plus cost-of-living increases and longevity increases at the date of the issuance of the sell back check.

This pay shall be at the City's option. The employee must request in writing to the employee's Department Head, prior to the submission of his/her Department's annual preliminary operating budget to the appropriate City official to reserve the option of pay in lieu of vacation in the budget. The normal City "application for leave" form (COD004) must be completed at least two weeks in advance of receiving pay in December.

Pay in lieu of vacation shall not be considered pay for pension purposes. No employee pension contributions will be deducted, the City will not make pension contributions based on the pay and the pay shall not be used to compute pension benefits.

The above section is subject to employee labor agreements, when applicable.

### SECTION 15. PAYROLL DEDUCTIONS

Federal and State Income Taxes, Social Security Tax, Medicare Tax, Dental, Life and Health Insurance Premiums, Credit Union Contributions, United Way contributions, Public Employees Benefit Services Corporation Contributions (PEBSCO), International City Management Association Contributions (ICMA), U.S. Savings Bonds, pension contributions, Flexible Spending, Union Dues and any other deduction that is court ordered will be deducted at each pay period as authorized by law or by the employee.

### SECTION 16. PAY DAY

Payday falls on Friday for all employees. Should a regular payday fall on a holiday, paychecks shall be issued on the work day that precedes the holiday. Direct Deposit of paychecks is a condition of employment effective July 12, 2004.

### SECTION 17. PAY PERIOD

All employees shall be paid biweekly. The pay period shall be from 12:01 a.m. Sunday to 12:00 p.m. Saturday.

### SECTION 18. TRADING OF REGULARLY SCHEDULED HOURS

Effective April 9, 2003 employees will not be permitted to trade regularly scheduled hours unless stated otherwise in the labor agreement that represents the employee.



## **ARTICLE IV. EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION**

The City of Dover is committed to providing equal employment opportunities to all citizens and maintaining a high-quality workforce that draws upon the talents of our diverse citizenry to effectively operate our City government. Through sound recruitment, promotion, and retention practices Dover will continue to strive for a workforce that reflects the diversity of the City's population.

### **SECTION 1. EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY**

It is the policy of the City to promote and foster equal employment opportunities, nondiscrimination, and a work atmosphere that fosters mutual respect and understanding among persons of different races, sexes, and faiths. The City of Dover shall provide equal opportunity to all qualified individuals in recruitment, hiring and promotion practices and shall assure that no one shall suffer discrimination or harassment by a City employee on the grounds of race, color, religion, sex, sexual orientation, physical handicap, age or national origin. Applicants with physical handicaps shall be given equal consideration with other applicants for positions when the City is able to make reasonable accommodations to help them perform the essential functions of their duties.

### **SECTION 2. GENERAL IMPLEMENTATION**

All personnel responsible for recruitment and employment shall periodically review the implementation of this policy and relevant practices to assure that equal employment opportunity based on reasonable performance related job requirements are being actively observed. This will ensure that no employee or applicant for employment shall suffer discrimination based on age, sex, race, color, religion, national origin, sexual orientation or physical handicap. Notices with regard to equal employment matters shall be posted in conspicuous places on City Government premises where notices are ordinarily posted.

### **SECTION 3. COMMUNICATION**

#### **a) Internal**

This policy shall be thoroughly disseminated and discussed at new employee orientation and management training programs.

This shall be the City's policy, and efforts to achieve the City's objectives in this area shall be published in an informational brochure and given to employees annually.

The intent of this policy and program and the individual responsibility for effective implementation of same shall be explained to staff, management and supervisory personnel.

Equal employment opportunity and affirmative action posters shall be prominently displayed in places readily accessible to both employees and applicants.

All employment advertising shall display the tag lines: "An Equal Opportunity Employer" or its equivalent.

b) External

All sources of applicants for employment shall be notified annually in writing of the City's policy. These sources shall be requested to actively recruit and refer minority, female and handicapped applicants for positions listed.

The City of Dover shall notify minority, female and handicapped organizations, community agencies, community leaders, secondary schools and colleges of the City's policies of non-discrimination and equal employment opportunity, and the Affirmative Action policy.

SECTION 4. RESPONSIBILITIES FOR IMPLEMENTATION

a) Human Resources Director

1. The Human Resources Director of the City of Dover shall serve as the Equal Employment Opportunity Officer and be responsible for implementation of this plan. The department head of each City department shall be responsible for their department and shall be accountable for implementing the City's policy.
2. The Human Resources Director shall be responsible for auditing and continually reviewing the City's hiring practices and employee behavior with respect to the Policy. The City Manager shall be notified of any complaints initiated against the City and any requests from private organizations and people wishing to discuss our employment practices.
3. The Human Resources Director shall have a complaint procedure to permit and encourage employees to discuss with the Human Resources Director any problem resulting from alleged bias, discrimination, lack of employment opportunity or any similar matter.

b) Human Relations Commission

The City of Dover has a Human Relations Commission whose purpose is to make recommendations to the City Council on ordinances which would support inclusiveness and civility, and to engage in education and advocacy for bettering human relations. The Human Relations Commission should be consulted from time to time on progress of this policy, and shall be given opportunities to educate the work force on bettering human relations.

SECTION 5. IDENTIFICATION OF PROBLEM AREAS

A continuing analysis will be made by City Council and the City Manager to determine the composition of the work force, the applicants for employment, and the results of employment activities. The selection process including position descriptions, application forms, interviews, test procedures (if applicable), test validity, referral procedures, final selection process, as well as transfer and promotion practices shall be constantly monitored to assure equal opportunity.

## SECTION 6. RECRUITMENT

The City of Dover will continue to make special efforts to convince minority, female and handicapped individuals in the community that the City offers equal opportunity and a congenial employment environment. In this connection, effective communication will be maintained with the State Human Relations Commission and the State Employment Office to encourage minority individuals to seek employment with the City of Dover.

The City maintains continual personal contact with those having the most access to minority groups and handicapped individuals. These sources include school principals, community leaders, college career advancement offices, religious leaders and heads of minority groups. Referral to the City of Dover for employment is encouraged.

Moreover, to broaden the recruitment base with respect to placing minority, female and handicapped employees in professional categories, the City of Dover will communicate its needs to public and private employment offices emphasizing opportunities that are available. The City will continue to maintain relationships with all organizations which have as an objective the improvement of the employment opportunities for minority, female and handicapped persons.

In all employment advertising, the City of Dover will identify itself as an Equal Opportunity Employer, abiding by all the provisions of Title VII, Civil Rights Act.

A system of quotas shall not be utilized in the recruitment and selection of employees.

Minority, female and handicapped applicants for management and supervisory positions shall be energetically recruited in keeping with all the provisions and intent of this policy.

## SECTION 7. ADVANCEMENT

Minority, female or handicapped employees who have previous experience or who have demonstrated abilities and qualifications comparable to other applicants shall be considered for promotional opportunities--particularly where training or educational refund is to be afforded. They shall be encouraged to undertake training opportunities. The City has no formal training programs other than "on the job" training.

## SECTION 8. INVOLVEMENT IN COMMUNITY ACTIVITIES

The City shall be actively involved in community activities that are minority, female and handicapped oriented. Both elected and non-elected City Officials will donate their free time to minority organizations by giving talks/greetings or attending affairs sponsored by such groups.

## **ARTICLE V. RECRUITMENT AND SELECTION**

### **SECTION 1. RECRUITMENT SOURCES**

Recruitment sources including but not limited to newspapers, on-line recruiting services, employment agencies, job training and referral agencies and schools shall be advised periodically of the City's EEO policy. The City shall include among its recruitment sources the organizations and news media which are used by and are available to minority group applicants. Opportunities for employment with the City, including salary ranges, when appropriate, and employment qualifications for positions to be filled shall be publicized. Information on job openings and hiring practices shall be provided to recruitment sources. Individuals shall be recruited from a geographic area as wide as is necessary to ensure that well-qualified applicants are obtained for City service.

### **SECTION 2. JOB ADVERTISEMENTS**

Employment advertisements shall contain assurances of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters based on race, age, sex, color, sexual orientation, religion, national origin, and physical handicap.

### **SECTION 3. APPLICATION FOR EMPLOYMENT**

With the exception of uniformed police officers, employment applications will only be accepted to fill positions which the City is actively seeking to fill, unless it is determined by the Human Resources Director that it is necessary to broaden representation of minority, female, or handicap employees in which case applications shall be accepted at any time. Applicants are told upon inquiry that applications will be kept under active consideration for six (6) months after the date of application, after which they will be placed in a reserve file (see Section 4 below).

Applications for uniformed police officers are accepted continuously and can be obtained at the Police Department.

Employment practices shall be applied consistently for all applicants and shall be put in writing in sufficient detail to facilitate administration by all employees assigned to work in that area. All citizens must be permitted to file. If qualified applicants are being referred to department supervisors, then all those persons with comparable qualifications shall be referred.

All applicants who are interviewed for a position with the City and not selected shall be told why they were not selected for the position.

The City of Dover will not use any testing procedures to screen applicants other than recognized validated tests.

### **SECTION 4. APPLICATION RESERVE FILE**

Applications shall be kept in an active file for a period of not less than six (6) months. After six months, applications shall be kept in a reserve file for a period of thirty-six (36) months.

To the extent that it is practical, reference to these files shall be made periodically in connection with the City's employment requirements to ensure that equal consideration is given to all applicants.

## SECTION 5. QUALIFICATION STANDARDS

- a) Employees shall meet the employment standards established by the position classification plan and such other reasonable minimum standards of character, aptitude and ability to meet the public need and physical condition as may be established by the City.
- b) The City's policy includes the responsibility for insuring that the hiring qualifications for both entry level and promotional level jobs are fair and will continue to be fairly administered. Qualifications shall be reviewed periodically to assure that requirements conform to the actual job performance requirements. Qualifications and standards shall not be compromised. However, requirements particularly with regard to education, knowledge and experience, for each job shall be reasonable rather than excessive so as not to unwittingly discourage or eliminate minority, female or handicapped individuals whose backgrounds may be minimal in these areas from applying.
- c) In keeping with both these responsibilities, the City may hire applicants who do not meet all minimum qualifications for particular jobs, provided that the deficiencies are such that they can be eliminated through orientation and on-the-job training.

## SECTION 6. TESTING

Tests administered by the City or by the Delaware Department of Labor for the City will conform to applicable legal regulations.

## SECTION 7. APPOINTMENTS

It is the policy of the City to employ according to knowledge, skills and abilities as stated in the job description for the position subject to employee labor agreements, if applicable. To that end, the City shall use all available means to attract qualified candidates for employment and to make such investigations and examinations as are deemed appropriate to assess fairly the aptitude, education, experience, knowledge, skills, character, and other qualities required for positions in the service of the City. Uniformed police officers will be required to meet the standards set by the Counsel on Police Training (C.O.P.T).

It is the City's policy to promote career opportunities for its employees when possible. Therefore, when a current employee applying for a vacant position is the best qualified candidate of all the applicants, that applicant shall be appointed to that position. All internal candidates shall be interviewed for positions for which they apply if they have the outlined qualifications.

When positions are to be filled, the City shall publicize opportunities for employment including the salary ranges, when appropriate, and employment qualifications for positions to be filled. At a minimum, job opportunities shall be publicized in a local newspaper and notice of vacancies shall be posted at designated conspicuous sites within City departments. The Human Resources Director shall also make available to the department heads for consideration current applications on file in the Human Resources Department.

The above section is subject to employee labor agreement, when applicable.

## SECTION 8. PROBATIONARY PERIOD OF EMPLOYMENT

An employee appointed to a regular position other than a sworn police officer shall serve a probationary period of six (6) months. An employee appointed to a regular sworn police officer position shall serve a probationary period of twenty-four (24) months. An employee may be dismissed during the probationary period at any time the department head determines that the employee is not satisfactorily performing the assigned duties. A probationary employee that is terminated or voluntarily leaves during the probationary period will be credited with vacation days earned.

An employee serving a probationary period following initial employment in a full-time or part-time position shall receive all benefits provided in accordance with this policy with the following exceptions or as otherwise provided:

- a) Employees may accumulate vacation and sick leave but shall not be permitted to take his or her leave during the first six (6) months of the probationary period unless the denial of such leave would create an unusual hardship.
- b) Employees serving a probationary period following a promotion shall continue to receive all benefits provided in accordance with this policy and under other supplementary rules and regulations and will be permitted to take vacation and/or sick leave prior to the end of the probationary period.

Before completion of the probationary period, the department head or department head representative shall indicate in writing to the Human Resources Director:

- a) that the employee's supervisor has discussed the new employee's progress (accomplishments, strengths and areas of improvements) with the new employee,
- b) whether the new employee is performing satisfactory work,
- c) whether the probationary period should be extended provided that no employee shall remain on probation for more than one year, other than a sworn police officer and
- d) whether the employee should be retained in the present position or should be released, transferred or demoted.

A proper City of Dover performance evaluation form must be used.

The above section is subject to employee labor agreement, when applicable.

## **ARTICLE VI. TYPES OF APPOINTMENTS**

### SECTION 1. PROMOTION

- a) Candidates for promotion shall be chosen on the basis of existing or anticipated job openings, their qualifications and their work records without regard to age, sex, race, color, creed, religion, national origin, sexual orientation or physical handicap. Performance appraisals and work records for all personnel shall be carefully examined when there are position opening. Employees who are currently serving a probationary period of employment shall be eligible for promotions or lateral transfers.
- b) When a vacancy occurs, the Department Head or designated supervisor in whose department the vacancy occurs shall review all applications, including those from current city employees.

The above section is subject to employee labor agreements, when applicable.

## SECTION 2. DEMOTION

Any employee whose work in his/her present position is unsatisfactory or whose personal conduct is unsatisfactory may be demoted, provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by warning procedures outlined in Article XV, Section

Any employee who wishes to accept a position with less complex duties and responsibilities may be demoted for reasons other than unsatisfactory performance of duties or failure in personal conduct.

If the demotion is for failure in performance of duties or failure in personal conduct, the employee shall be provided with a written notice citing the recommended effective date and reasons for demotion.

Representative causes for demotion because of failure in work performance and failure in personal conduct are listed in Article XV, Sections 8 and 9.

## SECTION 3. TRANSFER

Any employee who has successfully completed a probationary period may be transferred to the same or similar class in a different department. In which case, the employee would be required to complete another probationary period. Any employee desiring to be transferred should make the request to the receiving department and inform the Human Resources Director.

As vacancies occur in other departments and if an employee wishes to be considered for transfer, the employee must complete the same paperwork as required by all interested applicants.

## SECTION 4. TEMPORARY UPGRADING

To assure the orderly performance and continuity of municipal service, the City may find it necessary to temporarily upgrade employees on an acting basis to position of a higher rank. Temporary upgrading may be required in order to fill or compensate for temporary vacancies which may exist for any of the following reasons:

- a) A position is vacant and is scheduled to be filled by a regular full-time employee and a period of time is required so as to proceed with and complete the normal appointment procedure.
- b) A position is temporarily vacant, although regularly filled, because the regular employee is on vacation, sick leave, light duty, Worker's Compensation or some other approved leave of absence.

After having been upgraded under this policy for thirty (30) consecutive or more calendar days, an employee shall become eligible for a temporary upgrade pay increase on the thirty-first (31) calendar day. Pay increase shall be a minimum of 5% or the minimum starting salary of the position, whichever is greater.

The above section is subject to employee labor agreements, when applicable.

## SECTION 5. EMPLOYEE EVALUATION

It shall be the policy of the City of Dover to evaluate all employees prior to their review dates and to recommend increases based on a satisfactory evaluation to be effective on the review date. An employee shall not receive an increase if this evaluation proves to be unsatisfactory.

The following guidelines shall be followed in this review:

1. Every regular employee shall be reviewed for a full year of service.
2. The Supervisor shall arrange to meet with the employee to discuss the employee's evaluation no later than two weeks prior to the employee's scheduled review date. For non-bargaining employees, a supervisor shall arrange to meet with the employee no earlier than May 1 and no later than May 25 of each year.
3. The supervisor shall review the employee's overall status, areas needing improvements as well as major strong points to the employee. The appropriate City of Dover Employee Evaluation form must be used.
4. It is recommended that the employee should be given a copy of the performance evaluation at least two (2) days prior to discussing the evaluation with the supervisor.
5. The supervisor shall request the employee's signature on the overall evaluation and, if, the employee meets the criteria of the Pay for Performance plan, a merit pay increase should be recommended to the appropriate Department Head. If such merit increase is granted, the increase shall be submitted on Pay for Performance Salary Calculation Worksheet, prior to the due date, to the Human Resources Department.

The above section is subject to employee labor agreement, when applicable.

## **ARTICLE VII. ETHICAL CONDUCT**

### SECTION 1. GIFTS AND FAVORS

- a) No employee of the City shall accept any gift, whether in the form of service, loan, thing or promise from any person who, to the employee's knowledge, is interested directly or indirectly in any manner in business dealings with the City.
- b) No employee shall grant, in the discharge of duties, any improper favor, service or thing of value.

### SECTION 2. POLITICAL ACTIVITIES OF EMPLOYEES

- a) No employee of the City shall, directly or indirectly, contribute any money or anything of value to any candidate for nomination or election to any City office, to any City office candidate campaign or take active part in any City political campaign. The only exception to this prohibition is voting.
- b) A person holding a City position shall not, while performing official duties or using City equipment at the person's disposal by reason of his/her position, solicit in any manner contributions for any purpose. Also a person cannot engage in any activity during working hours that impairs the efficiency of the position or presence during the working hours.



- c) A person holding a City position shall not, by the authority of the position, secure or attempt to secure in any manner for any other person an appointment, or advantage in appointment, to a City position or an increase in pay, or other advantage of employment, in any such position for the purpose of influencing the vote of that person, or for any other consideration.
- d) A person who supervises a City employee shall not directly or indirectly solicit the person supervised to contribute money, anything of value or service, for any purpose not connected to said person's employment.
- e) Any person holding a City position who shall become a candidate for any elective office of the City of Dover, shall within sixty (60) days prior to the primary or general election voluntarily or automatically receive a leave of absence. This leave will be without pay and continue until the person is eliminated as a candidate. During this time the person shall perform no duties connected with the office or position so held.
- f) An employee shall terminate his/her employment with the City if appointed or elected to an elective office of the City prior to installation in the position or office.

Any violation of this section shall subject such employee to dismissal or other disciplinary action.

### SECTION 3. OUTSIDE EMPLOYMENT

The work of the City will take precedence over other occupational interests of employees. All outside employment for salaries, wages, commission and self-employment must be reported in writing to the employee's supervisor, who in turn will report to the City Manager or an appropriate City Official for review. The City Manager or the appropriate City Official will review such employment for possible conflicts of interest and/or impact upon the efficiency of the employee. Such request will be placed in the employee's personnel file located in the Human Resources Department. Conflicting outside employment or outside employment which inhibits an employee's efficiency will be grounds for disciplinary action, up to and including dismissal.

### SECTION 4. INCOMPATIBLE ACTIVITIES

An employee shall not engage in any activity or enterprise which is incompatible with his/her duties as a City employee. The following activities shall be considered incompatible with City employment:

- a) Any activity or enterprise which involves the use, for private gain, of the City's time, facilities, equipment, supplies, badge, uniform, prestige or influence of a City office or equipment.
- b) Any activity or enterprise which involves the receipt or acceptance by the employee of any money or other consideration from anyone other than the City for performance of an act which the employee would be required to render in the regular course of City employment or as part of his/her duties as a City employee.
- c) Any activity or enterprise which involves the performance of an act in other than his/her capacity as a City employee which may be later subject, directly or indirectly, to the control, inspection, review, audit or enforcement by such employee or the employing agency.
- d) Any activity or enterprise which involves the employee's time such that it impairs attendance or efficiency in the performance of duties as a City employee.

## SECTION 5. LIMITATION OF EMPLOYMENT OF RELATIVES

- a) Members of an immediate family shall not be employed at the same time if such employment would result in an employee directly or indirectly supervising a member of his/her immediate family.
- b) This policy shall not be retroactive as of April 5, 1984 and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to April 5, 1984.
- c) Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named.

## SECTION 6. DISCRIMINATION AND HARASSMENT

No employee shall discriminate, harass, or use derogatory language toward any person on the grounds of race, color, religion, sex, sexual orientation, marital status, genetic information, physical handicap, age or national origin. This shall include inappropriate, unprofessional or illegal conduct over the City's email system or any communication means provided by the City of Dover.

City of Dover employees are prohibited from engaging in activity defined as discrimination and harassment within the work environment as well as when the employee is acting in the official capacity as a City of Dover representative. The City is to exercise reasonable care to prevent and correct promptly any improper behavior. Failure of any employee to report any instances of discrimination or harassment will be discipline action.

Harassment is defined as behavior intended to disturb or upset. Such behavior is illegal if it creates an environment that a reasonable person would consider to be intimidating, hostile or abusive or if acceptance of the harasser's behavior is made a condition of employment. Perceptions differ about what behaviors constitute harassment. If behaviors are unwelcomed, they may constitute harassment. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, touching, assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Sexual harassment is defined as unwelcomed advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when the conduct is implicitly or explicitly affects an individual's employment, unreasonably interferes with an individual's work performance and/or creates an intimidating, hostile or offensive work environment.

If you are subject to unwelcome conduct, tell the person that you find the behavior unwelcomed and ask him/her to stop immediately. If you cannot talk to the person, report the person to your supervisor, department head, the Human Resources Director or the City Manager giving details relating to the complaint. The supervisor, department head, the Human Resources Director or the City Manager will tell the person that you find the behavior unwelcome and ask him/her to stop. If the behavior continues, the employee should report the person to their supervisor, department head, the Human Resources Director or the City Manager.

### **Reporting Discrimination and/or Harassment and the Investigation**

Any employee who feels that he/she has been discriminated against or harassed or any employee aware of employee discrimination or harassment shall report it immediately to the employee's Supervisor, Department Head, the Human Resources Director or the City Manager. All members of management have a obligation to intercede and stop unprofessional behavior. Complaints can initially be reported verbally. A written statement must also be provided.

The Human Resources Director or a neutral party will promptly conduct a serious and unbiased investigation regarding the complaint of harassment. All complaints will be investigated. The circumstances, including the nature of the harassment and/or discrimination and the context in which the alleged incidents occurred will be investigated. The investigation will be conducted in a discreet manner however it cannot be conducted with complete confidentiality as the accused and witnesses will have to be provided with sufficient information to offer meaningful testimony.

Based upon the findings of the investigation, appropriate corrective action, up to and including termination will be taken. If charges are determined to be invalid, inconclusive or highly questionable based on the investigation it will be documented accordingly and advise parties that no further action will be taken.

At the conclusion of the investigation a private meeting with each party involved will be held to advise them of the results of the investigation. A follow-up interview will be held with the complainant approximately two (2) to four (4) weeks after the decision to ensure no reoccurrence and/or retaliation.

Any employee found to have knowingly and willfully filed false charges of harassment or discrimination will be subject to appropriate disciplinary action.

No employee will be retaliated against for making a good faith complaint or participating in the investigation, proceedings or lawsuit. No person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with that person's right to file a complaint or discrimination or harassment.

## SECTION 7. ACCEPTABLE USE OF COMMUNICATIONS AND COMPUTER SYSTEMS

City of Dover communications and computer systems are vital to our business and critical to overall communications. Our success is directly related to safeguarding and properly using these systems.

What are City communications and computer systems?

City of Dover communications and computer systems or any equipment, hardware, software, or networks (including wireless networks) owned, provided or used by or on behalf of the City of Dover that store or transmit voice or non-voice data. This includes telephones, cellular/wireless telephones, voice mail, computers, e-mail, facsimiles, pagers, and City Intranet or Internet access (including when accessed through personally owned computers).

Users are obligated to never use City systems (such as the Intranet or Internet) to engage in activities that are unlawful, violate City policies, or in ways that would:

- Be disruptive, causing unnecessary offense to others.
- Be considered harassing, discriminatory, or creating a hostile work environment.
- Result in the City of Dover's liability, embarrassment, or loss of reputation.

External groups or organizations are not permitted to access the City's computer network, except as permitted by the Information Technology Department (IT).

While City systems are intended for primarily business/instructional purposes, limited (incidental and occasional) personal use may be permissible when authorized by the employee's supervisor/department head and it does not:

- Interfere with the employee's work responsibilities.
- Involve interests in personal outside business and/or other non-authorized organizations and activities (including, but not limited to selling personal property/items or soliciting for or promoting commercial ventures, charitable, religious, or political activities).
- Violate any of the standards contained in this code or other City policies.
- Downloading of music and video files is specifically forbidden.

City communications and computer systems, including, but not limited to, computer networks, data files, e-mail and voice mail, may be monitored and/or accessed by the IT Staff and management to ensure the integrity of the technology, protect against fraud and abuse, detect unauthorized access or use, and for other business purposes. Although the IT Department does not routinely monitor message or network transactions, IT may, without notification or approval, monitor, access and review any and all communications originating from the City of Dover or delivered to the City of Dover – employees should have no expectation of privacy in regard to use of these services.

Inappropriate use of e-mail includes, but is not limited to, sending or forwarding:

- Messages, including jokes or any language that may be considered discriminatory, harassing, unlawful, defamatory, obscene, offensive, insensitive, or otherwise inappropriate (this includes but is not limited to messages about age, race, gender, disability, national origin, any other legally defined discriminatory classifications or similar matters.)
- Pornographic or sexually explicit materials.
- Chain letters.
- Information related to religious materials, activities, or causes – including inspirational messages.
- Solicitations unless sanctioned by the City of Dover.
- Auction-related information or materials unless sanctioned by the City of Dover.
- Games or other software copyrighted materials without a legitimate business or instructional purpose (and then only according to the rights and licenses granted by the owner of the games, software, or copyrighted material.)
- Messages that disparage other companies or products.
- Materials related to personal commercial ventures or solicitations for personal gain (including, but not limited to messages that could be considered pyramid schemes).
- Information related to political materials, activities, or causes unless sanctioned or permitted by the City of Dover.
- Unauthorized or inappropriate mass distribution of communication.
- Any other materials that would be improper under this policy or other City of Dover policies.

Inappropriate use of the Internet includes, but is not limited to, accessing, sending or forwarding information about, or downloading (from):

- Sexually explicit, harassing, or pornographic sites.
- “Hate sites” or sites that can be considered offensive or insensitive.
- Auction sites for personal use.
- Gambling sites.
- Non-City of Dover business-related chat sites.
- Underground or other security sites which contain malicious software and/or instructions for compromising City of Dover security.
- Games, software, audio, video, or other materials that are not properly licensed to use or transmit, or that are inappropriate.
- Offensive or insensitive materials, such as sexually or racially oriented topics.
- Intentional importation of viruses.

## **REMEDIAL ACTION**

When IT learns of a possible inappropriate use, IT will immediately notify the employee or supervisor who must take immediate remedial action and inform IT of its action. Repeated violations will be addressed with the Department Head. In instances where criminal activity is suspected, IT will work directly with the proper authorities, and follow their guidance in determining appropriate action.

Inappropriate use of City communications and computer systems may be grounds for discipline up to and including dismissal.

## SECTION 8. SOCIAL NETWORKING, PERSONAL ONLINE/INTERNET CONTENT POLICY

City of Dover Employees are advised that their conduct both on and off duty is judged by our citizens and reflects on the City. This includes, but is not limited to, conduct related to materials posted on the internet or disseminated electronically. No employee shall allow or permit any digital media to be posted to the internet that:

1. Could reasonably be interpreted to express the opinions of the City of Dover. An employee may comment on a subject of general interest and of value and concern to the public provided that, in doing so, the employee does not suggest or imply that the views expressed are those of City of Dover.
2. Has both a reference to the employee being affiliated with City of Dover and which contains content that is unprofessional, unbecoming or illegal, such as lewd sexual conduct, excessive alcohol consumption or similar behaviors.
3. Could be reasonably interpreted as having an adverse effect upon discipline issued by the City, the operation of the agency, safety of staff or perception of the public.
4. Contains any recording, including images, obtained while engaged in the performance of duties or other city activities that will have an adverse effect upon the agency.

Clarification on appropriate postings, if needed, shall be directed to the Human Resources Director.

## SECTION 9. PREGNANT WORKERS FAIRNESS ACT GUIDELINES

### **PURPOSE**

The purpose is to set forth the City of Dover's policy regarding workplace protections afforded to pregnant employees and applicants for employment, who have a pregnancy-related condition, including but not limited to child birth and lactation, under the Pregnant Workers Fairness Act (Delaware Senate Bill 212, enacted September 9, 2014).

### **DEFINITIONS**

The following definitions are for the purposes of this policy:

**Pregnancy:** Includes pregnancy, childbirth or a related condition, including, but not limited to, lactation.

**Reasonable Accommodation:** Making reasonable changes in the workplace, including, but not limited to, making facilities accessible, modifying equipment and providing mechanical aids to assist in operating equipment, making reasonable changes in the schedules or duties of the job, temporary transfers, time off to recover from childbirth, or break time and appropriate facilities for expressing breast milk, provided that the accommodations do not impose an undue hardship on agency operations.

**Undue Hardship:** An accommodation which would require significant difficulty or expense to the employer.

### **GENERAL PROVISIONS**

1. It shall be an unlawful employment practice for an employer to fail, refuse to hire, discharge any individual or otherwise to discriminate against any individual with respect to compensation, terms, condition or privileges of employment because of such individual's sex (including pregnancy status).
2. The City of Dover is required to make reasonable accommodations for the known limitations of pregnant employees, as long as the accommodation does not constitute an undue hardship for the employer.

3. Reasonable accommodations must be made for employees whose ability to work is limited by pregnancy, childbirth, lactation and related conditions.
4. Accommodations for pregnant employees must be the same as those that are available to those employees with other injuries or disabilities.
5. Accommodations may include providing periodic rest, light-duty assignments, temporary transfer to an alternative position, modified work schedule or job responsibilities, and providing more frequent or longer breaks. The City is not required to compensate for additional or longer breaks; however, employees taking longer or more frequent breaks for a pregnancy-related condition (including expressing milk) must be compensated consistent with the City's existing policy regarding compensation for break periods.
6. Guidelines Specific to Nursing Mothers:
  - a. The City shall designate a location, other than a bathroom, for nursing mother to express milk, that is shielded from view and free from intrusion from co-workers and the public.
  - b. The City shall provide reasonable break time for an employee to express breast milk for up to one (1) year after the birth of a child.
  - c. The employee must be completely relieved from duty or the time must be compensated as work time.
  - d. Break for expressing breast milk shall not be considered Family Medical Leave Act leave.
7. The City is not permitted to require an employee to take leave (paid or unpaid) under any leave law or policy if another reasonable accommodation can be provided.
8. Medical documentation may be requested in order to determine the employee's restrictions or limitations for purposes of providing a reasonable accommodation.
9. The City shall not take adverse action against an employee in the terms, conditions, or privileges of employment for requesting or using a reasonable accommodation to the known limitations related to the pregnancy of the employee.

#### **EMPLOYEE RESPONSIBILITIES**

1. Employees must notify their supervisor in writing of the need for accommodation, including the need for breaks or facilities to express breast milk. Notification should include the frequency and duration of breaks, when feasible.
2. Employees shall meet with their supervisor and Human Resources to obtain and complete the appropriate forms regarding their accommodation request.

#### **CITY'S RESPONSIBILITIES**

1. The City shall provide employees with written or verbal notification of their rights under this law within ten (10) days of notification of the employee's pregnancy.
2. The City shall provide notice of this policy in writing to new employees at the commencement of employment.

The entire legislation can be viewed at the following link: <https://legis.delaware.gov/BillDetail?legislationId=22971>

Questions are to be directed to the Human Resources Department. 736-7073.

## **ARTICLE VIII. CONDITIONS OF EMPLOYMENT**

### **SECTION 1. UNEXPLAINED ABSENCE**

Any absence of three (3) or more consecutive days without a call-in by any City employee may be deemed and held to be, a resignation by such member and accepted by such as the City.

### **SECTION 2. USE OF CITY SUPPLIES, EQUIPMENT AND VEHICLES**

City equipment, materials, tools and supplies shall not be available for personal use nor be removed from City property except in the conduct of official City business.

An employee shall care for vehicles owned by the City in the same responsible way that an employee would care for his or her personal vehicle. Lack of care can result in disciplinary procedures. Such vehicles are to be used exclusively for official City business, except when by special approval. Use of vehicles for commuting to and from work shall usually be limited to an employee who is subject to an emergency call back to work.

No individual shall operate or ride in a City vehicle except as is required for the conduct of City business.

### **SECTION 3. REPRESENTATION AND INDEMNIFICATION**

**REPRESENTATION:** City employees, in any criminal or civil action against them arising from their official duties or from acts which were within the scope of employment and were not performed with wanton negligence or willful and malicious intent and do not arise out of official misconduct, bribery, robbery, receiving unlawful gratuities or other abuse of office or employment shall be entitled to have the City Solicitor appointed to represent their interest in the matter. The City Solicitor shall represent the person charged at all stages, trial and appellate, until final determination of the matter.

**INDEMNIFICATION:** In addition to the right of representation provided in the preceding paragraph of this Section, City employees who, but for the application of any provisions of the Constitutions or Laws of the United States or the State of Delaware to the contrary, would be entitled to immunity in accordance with 10 Del. S4010 et seq. shall be indemnified by the City of Dover against any expenses including attorney's fees and disbursements, judgements, fines and costs, actually and reasonably incurred by said person in defending against the action, suit or proceeding giving rise thereto provided, however, if the person seeking indemnification chooses to retain his/her own attorney rather than using the City Solicitor, he/she shall be responsible to bear all costs incurred thereby.

The right to indemnification shall automatically apply upon the final determination of any court or administrative tribunal of competent jurisdiction that no claim or cause of action existed, or, but for the application of the Constitutions or Laws of either the United States or the State of Delaware, that no such claim or cause of action would have existed, or upon a verdict or ruling in favor of the person. If a court or administrative tribunal shall determine that no right to indemnification exists because the absence of any of the elements of immunity said determination shall be final and binding at such time as any and all rights or appeals from the decision giving rise to such determination shall have been exhausted. If for whatever reason, including a settlement agreed upon by the parties, the court or administrative tribunal having jurisdiction shall fail or refuse to make the determination required by this Subsection, then the indemnification shall only be granted as to the person upon the affirmative recommendation of a majority of members elected by Council.

#### SECTION 4. SURRENDER OF PROPERTY

An employee who is suspended, discharged, retiring or resigning shall be required to return to the City all items of equipment or uniforms owned by the City. Such items must be returned before issuance of the employee's final paycheck.

#### SECTION 5. TRAVEL EXPENSES

While traveling to an approved conference, training and business related travel of an employee shall be reimbursed for expenses based on the City of Dover's travel policy. Such policy can be obtained from the Finance Director.

#### SECTION 6. VEHICLE ACCIDENT

If any employee is involved in an accident involving a City vehicle or property which results in negligent damage, the employee may be required to reimburse the cost of repair or replacement of the City in full or part. All accidents shall be reported immediately to an employee's supervisor, the Police department for investigation as well as the Human Resources Department. The employee will be required to submit to a drug screening. The City of Dover will bear the cost of the screening. The Human Resources Department shall maintain an accident log by driver.

#### SECTION 7. PRE-EMPLOYMENT REQUIREMENTS

Each person to whom employment with the City is offered may be required to successfully pass a pre-employment physical, complete a background check and drug test at a City designated medical facility at the City cost before an appointment to such employment becomes effective. For person offered employment with the City of Dover as a uniformed Police Officer, he or she will be required to pass a pre-employment physical.

#### SECTION 8. SUBSTANCE ABUSE POLICY

##### **PURPOSE**

It is expected that all employees will maintain an appropriate level of fitness for duty. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination, or not being hired. The guidelines and procedures for this policy are defined in the following programs. All employees are covered under this policy except for police officers, which are covered by a separate agreement contained in the Police Code of Conduct.

##### **POLICY**

- a) **PRE-EMPLOYMENT SUBSTANCE SCREENING:**
  1. A substance screening for excessive alcohol use, misuse of prescription drugs or illicit drugs will be required as a condition of employment for all new hires.
  2. A positive confirming second test, on the original screening sample, will be the basis for disqualification of the applicant.
  3. If either of the tests are negative, the applicant satisfies the substance level requirements.
  4. An applicant whose test shows a positive result will have 24 hours after receiving notification of the positive result to provide a bona fide verification of a current valid



prescription which may have caused the positive result. The prescription must be in the applicant's name.

b) **EMPLOYEES ARE PROHIBITED FROM THE FOLLOWING:**

1. Reporting to work under the influence of alcohol or drugs.
2. Have the odor of alcohol or drugs on their breath or have drugs or alcohol in their possession, while on duty.
3. Sell or provide drugs or alcohol to any other employee or to any other person while such employee is on duty.
4. Have their ability to work impaired as a result of alcohol or drugs.

Such actions will constitute violation of the established personnel policy and are causes for disciplinary action.

- c) The appropriate law enforcement agency will be notified of any sale, and/or distribution, possession of any illegal substance by an employee while on duty or during lunch and other breaks or at any time while the employee is on a City work site or City working time.
- d) Confirmation of drug or alcohol use or abuse will result in disciplinary action in accordance with the failure in the Personal Conduct Section of this manual.
- e) Two disciplinary actions relating to drug or alcohol use may be cause for termination.
- f) 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 leave of absence.
- g) 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 Dover personnel policy Article XV, Section 8, of Failure in Performance of Duties.
- h) Discipline for being under the influence of alcohol or non-prescribed controlled substances during non-job-related activities would be based on the employee's work history, previous disciplinary actions and previous identification of substance use problems.
- i) 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 said employee is subject to disciplinary action based on the Article XV, Section 9 regarding Failure in Personal Conduct.
- j) **SUBSTANCE SCREENING FOR CURRENT EMPLOYEES**
  1. Alcohol and/ or drug tests of existing employees will be conducted randomly and when there is reasonable suspicion that alcohol or substance abuse is involved in the work place.
  2. "Reasonable Suspicion" shall be based on objective and definitive facts sufficient to lead a reasonable prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to safely perform his/her job is reduced.
  3. Another supervisor or higher-ranking supervisor must confirm all charges of reasonable suspicion.
  4. The circumstances in which drug and/or alcohol testing may be required due to a reasonable suspicion of alcohol or drug use or abuse may include, but not limited to, the following:

- Observed alcohol or drug possession or use during work hours (ie. drug paraphernalia, remains of marijuana cigarettes, plastic sandwich bags with non-food residue inside).
  - Apparent physical state of intoxication or drug induced impairment of motor functions (i.e., red and watery eyes, dilated pupils, drowsiness or sleeping, slurred speech, hand tremors, inability to walk a straight line and alcohol on breath).
  - Incoherent or irrational mental state (i.e. irrational physical altercation, irrational verbal altercation, memory gaps).
  - Marked changes in personal behavior or attitude not attributable to other factors (i.e. sudden unexplained changes in mood and personality, changes in disposition, changes in appearance, including inattention to personal hygiene, frequently borrowing money).
  - Deteriorating work performance or attendance problems not attributable to other factors (i.e. excessive tardiness, an above average injury rate, regularly claiming sick benefits or worker's compensation).
  - Employee involvement in an accident during work hours in which a review of the circumstances of the accident or other relevant facts lead to a reasonable suspicion to believe that employee may be under the influence of alcohol or drugs.
  - Incriminating information from a reliable source or other employee actions or conduct that leads to a suspicion that the employee is under the influence of alcohol or drugs, suffers from substance abuse or is in violation of existing City rules concerning the use of such substances (i.e. reports by family members of friends about employee's alcohol or drug abuse, unexplained secret meetings with other employees or others).
5. An employee whose test shows a positive result will have 24 hours after receiving notification of the positive result to provide a bona fide verification of a current valid prescription which may have caused the positive result. The prescription must be in the employee's name.
- k) Drug and alcohol use during off-hours will also violate this policy when such use impairs job performance, at which time, an employee is subject to disciplinary action and the rules regarding reasonable suspicion.
- l) When there is reasonable suspicion of alcohol and/or drug use by an employee involved in serious or repetitive accidents causing death, personal injury to self or others, and/or property damage, alcohol and drug tests shall be administered to employees immediately following such work related accidents. Confirmation of such drug or alcohol use through documented reasonable suspicion and a positive drug/alcohol screen test shall be cause for termination.
- m) When reasonable suspicion has been adequately established, an immediate disciplinary suspension may be issued.
- n) When reasonable suspicion has been adequately established, refusal to submit immediately to an alcohol and/or drug analysis when requested by management will constitute insubordination which is in violation of Article XV, Section 9, pertaining to failure in personal conduct and is cause for disciplinary action.
- o) It is the policy of the City to provide a just procedure for the presentation, consideration and disposition of employee grievances. Such will be done in accordance with the established personnel policy (Article XVI).

## Testing Procedures

- a) To insure accuracy, employee's specimens must be given as soon as possible after charges of drugs or alcohol use or abuse has been made. These charges must follow the guidelines for establishing reasonable suspicion.
- b) In establishing reasonable suspicion, the supervisor of an employee suspected of being impaired by alcohol or drugs shall document his/her observations and confirm those observations with another supervisor or higher ranking supervisor. Following such time, the supervisor may require the suspected, impaired employee to report to a designated physician, clinic or hospital on the City's time and at the City's expense for a fitness for duty examination, which will include, but not be limited to, urine analysis testing.
- c) Any employee who refuses to submit to said testing would be found in violation of this policy. In such a case the two Supervisor's determination of impairment will be binding and the employee will be removed from the work site and subject to disciplinary action.
- d) Alcohol and drug tests on employees shall be administrated immediately following work related accidents that involve personal injury to self or others, property damage or when there is reasonable suspicion that alcohol and/or drug abuse by the employee is involved.
- e) Testing will be done for at least and possibly more of the following substances:

Amphetamines	Opioids – Hydrocodone
Cocaine	Hydromorphone
Marijuana	Oxymorphone
Phencyclidine	Oxycodone
- f) The analysis shall be conducted in accordance with legally established clinical procedures of privacy which include a defined chain of custody and mandatory consent.
- g) The urinalysis or screening method used is the EMIT method. Gas chromatography is used as a confirming second test if the screening is positive. If either of the tests is negative the employee is passed. The City reserves the right to use alternate testing methods.

## Employee Assistance

- a) The City of Dover recognizes alcohol and/or drug dependency as a treatable condition. Any employee whose job performance, health or behavior, has deteriorated as a result of alcohol or drug use may use the employee referral program and health insurance coverage as appropriate. Employees should contact designated department personnel or the Human Resources Department for additional information.
- b) Volunteer efforts to seek and use such help will not jeopardize an employee's employment status. Such efforts will not appear on his/her personnel records if the employee volunteers prior to documented reasonable suspicion. However, said employees must follow suspension guidelines before returning to work.
- c) Employees receiving treatment for drug or alcohol abuse may use sick leave, vacation leave or may be granted a limited leave without pay, or an extended leave without pay in accordance with established personnel policies.
- d) Involvement of an employee in an alcohol and drug program does not suspend disciplinary measures to which an employee may be subject to as a result of conduct or behavior which violates work rules or regulations or is contrary to City policy.

## **Suspension Guidelines**

- a) Employees placed on suspension from employment due to confirmed abuse of alcohol or drugs shall be required to complete the following documentation before reinstatement to any position with the City of Dover:
  1. Submit at least fifteen (15) attendance slips showing proof of daily participation in Alcoholics Anonymous, Narcotics Anonymous or another approved rehabilitation organization.
  2. Submit the name and telephone number of your organization sponsor to the City's Human Resources Department.
  3. Submit the results of at least three (3) drug screening tests beginning on the first day of affiliation with a rehabilitation organization.
- b) Upon submission of the three (3) items listed above an appointment will be required at a designated counseling center to determine the condition of applicable disease. Attendance may also be required at meetings with City personnel to explain the diagnosis. The City Manager or appropriate City official will then consider the safety and security of your employment and a decision will be made as to whether a suspension shall be lifted and reinstatement made in some capacity.
- c) Any employee who has a positive substance screening must be given a return-to-duty substance screening before resuming duties. The City may require additional unannounced screening up to sixty (60) months after duties have been resumed. All costs of such return-to-duty screening and treatment shall be the responsibility of the employee.

## **Confidentiality**

- a) The City shall require unannounced retesting of employees who have agreed to such testing as part of a disciplinary action or rehabilitation program.
- b) Laboratory reports or test results shall appear in an employee's confidential medical file. The reports or test results may be disclosed to a designated person in City management on a strictly need to know basis and to the tested employee upon request.

## **Severability**

The provisions of this policy are severable and if any court of competent jurisdiction shall hold any of its provisions unconstitutional or otherwise invalid; the decision of such court shall not affect or impair any remaining provisions.

A separate policy exists for Uniformed Police Officers. The Police Code of Conduct is located with the Police Chief.

## **SECTION 9. DISCLOSURE OF CONFIDENTIAL INFORMATION**

No employee shall disclose confidential information concerning the property, government or affairs of the City. Nor shall the employee use such information to advance the financial or other private interest of himself/herself or others.

**SECTION 10. SAFETY SHOES**

All employees shall wear safety shoes when it is determined that the employee may be exposed to the hazards of processes or environment that are capable of causing injury or impairment to the feet. The failure to wear safety shoes when exposed to such conditions will be cause for disciplinary action. Each Department Head shall designate which employees in his/her department shall be required to wear safety shoes and those employees to which safety shoes are recommended but not required. For both groups of employees the City has agreed to pay the amount agreed upon in the employee labor agreements.

The City shall provide a yearly allowance to each employee required or recommended to wear safety shoes. An employee may receive an additional allowance if his or her safety shoes have been damaged or destroyed or are not fit to wear due to work directly related to City employment.

The above section is subject to employee labor agreement, when applicable.

**SECTION 11. REST PERIODS**

The City makes no attempt to define or regulate a policy for rest periods that can be uniformly applied for employees in all departments or divisions. Because there are numerous variations, work schedules and conditions, a department head and/or supervisor may establish an appropriate rest period policy that will best serve the City's interest. It must be recognized that there may be circumstances which make designated rest periods impossible and therefore the department head will address the question accordingly.

If it is feasible a department head will provide two fifteen-minute rest periods per day within the building or at the job site. Rest periods are not cumulative or mandatory. Urgent City business always takes precedence over a rest period.

The above section is subject to employee labor agreements, when applicable.

**SECTION 12. MEAL PERIODS**

The meal period for each employee is determined by individual departmental policy. It is the responsibility of each department head to inform employees of the time and length of meal periods.

**ARTICLE IX HOLIDAY LEAVE**

**SECTION 1. HOLIDAYS**

The following days and such other days as City Council may designate are holidays with pay for full-time regular employees.

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

When a holiday falls on a Saturday, a paid holiday is granted on Friday. When a paid holiday falls on a Sunday, a paid holiday is granted on Monday.

The Public Utilities Manager may grant personal leave days to supervisors of IBEW employees or the professional and support staff directly associated with the IBEW supervisors of the Public Utilities department for the holidays that the IBEW union does not observe. The Public Utilities Manager shall provide notice to the Human Resources December 1 for election for the following calendar year. Individual selection of each forfeited holiday is not permitted. The non-bargaining employees will forfeit all holidays that are indicated in the City of Dover Personnel Policy; however, not observed in the IBEW contract. These employees shall be credited with 8 hours of personal leave on January 1 of each year each forfeited holiday. Newly hired, probationary, full-time regular employees hired after January 1 will receive personal days on a prorated basis. Based upon the number of forfeited holidays from the date of hire to December 31 of the year they were hired will determine the amount of personal days the employee receives. Personal leave will be granted on the employee's first paycheck following employment. Personal leave may be taken as earned or carried over into the next calendar year; however, only during the first year of employment. In addition, personal time cannot be used as terminal leave, nor sold back to the City as unused leave. Approved by City Council on January 12, 2009

Recognized City Holidays are subject to employee labor agreements. The Police Chief and Deputy Chief will follow the police holiday schedule. Approved by City Council on January 12, 2009.

Part-time regular employees working twenty (20) hours or more per week shall receive a half-day, four (4) hours, with pay for each holiday designated above. If an employee in this classification works less than twenty (20) hours they are not eligible.

To receive holiday pay an employee must have received pay for his or her entire regularly scheduled work day before and after the holiday. Employees who are receiving worker's compensation from the City's workers compensation carrier are not entitled to holiday pay. Employees shall receive holiday leave credits at a rate of seven and a one-half (7.5) per leave day or eight (8) per leave day earned.

Temporary employees are not eligible for any type of holiday pay. If they are required to work on a holiday they will be paid at their regular hourly rate.

## SECTION 2. EFFECT OF WORK ON HOLIDAYS OR UNSCHEDULED WORKDAYS OR OTHER TYPES OF LEAVES

Regular holidays or special holidays declared by City Council, which occur during any leave period, except extended leave without pay or unpaid military leave, shall not be considered as leave. Unscheduled work days, which occur during any leave period, shall not be considered as leave. While on vacation leave, employees on regular rotating shifts may be required to take pay for any vacation day that is replaced by a holiday at their regular pay rate. The affected Department Head may require these employees to take pay since continuous shifts must be maintained.

## SECTION 3. HOLIDAYS - WHEN WORK IS REQUIRED

Non-exempt employees required to perform work on regularly scheduled holidays or special holidays declared by City Council may be granted compensatory time off at time and one-half or be paid at time and one-half (1.5) times their hourly rate for the hours actually worked in addition to any holiday pay to which they may be entitled. Policy is subject to the Fair Labor Standards Act and Article III Section 9, Overtime Pay.

The above section is subject to employee labor agreement, when applicable.

## **ARTICLE X. VACATION LEAVE**

### **SECTION 1. VACATION LEAVE**

Vacation leave shall be used for rest and relaxation, for medical appointments of illness when sick leave is exhausted and for absences due to adverse weather conditions.

While on vacation leave or sick leave an employee shall continue to earn vacation time and sick leave credit. An employee who converts vacation and sick leave to terminal leave shall not continue to earn vacation and/or sick leave while on terminal leave.

### **SECTION 2. VACATION LEAVE - THE MANNER OF ACCUMULATION**

Effective January 1, 2009 as approved by the City Council on January 12, 2009, full-time regular employees shall accumulate vacation leave on the following schedule:

- a) Each full-time regular employee from their date of hire until completion of six months of service shall earn vacation leave at the rate of one (1) day per completed month.
- b) Each full-time regular employee who has completed six months of service however fewer than eight (8) complete years of continuous service shall earn vacation leave at the rate of one and one-fourth (1 ¼) days per completed month or fifteen (15) days per completed year of service.
- c) Each full-time regular employee with eight (8) completed years of continuous service but less than fifteen (15) complete years of continuous service shall earn vacation leave at the rate of one and three-fourths (1 ¾) days per completed month or twenty-one (21) days per completed year of service.
- d) Each full-time regular employee with fifteen (15) complete years of continuous service but less than twenty (20) complete years of continuous service shall earn vacation leave at the rate of two (2) days per month or twenty-four (24) days per completed year of service.
- e) Each full-time regular employee with twenty (20) or more complete years of continuous service shall earn vacation leave at the rate of two and one-fourth (2 ¼) days per month or twenty-seven (27) days per completed year of service.

Part-time regular employees working twenty (20) hours or more per week shall accumulate vacation leave at one-half (1/2) the rate of full-time employees.

Part-time regular employees working less than twenty (20) hours per week are not eligible for vacation leave.

Temporary employees are not eligible for vacation leave.

Vacation leave accumulated by eligible employees shall be recorded and taken in half-hour increments.

The above section is subject to employee labor agreement, when applicable.

### **SECTION 3. VACATION LEAVE - THE MAXIMUM ACCUMULATION**

Vacation leave is accumulated from year to year; however total accumulated vacation leave on January first of each year is limited to an amount equal to one year's vacation time. One year of vacation is calculated by multiplying 12 (months) by the employee's accrual rate in December of the prior year. An employee must earn pay for one-half of his or her workdays for that month to be credited with vacation leave. The employee cannot use a month's credit until he or she has earned pay for one-half of his or her workdays for that month.

The following schedule was approved by the City Council on January 12, 2009.

- a) Each full-time regular employee with fewer than eight (8) complete years of continuous service cannot have accumulated more than fifteen (15) days of unused vacation leave as of January 1 of each year.
- b) Each full-time regular employee with eight (8) complete years of continuous service but less than fifteen (15) complete years of continuous service cannot have accumulated more than twenty-one (21) days of unused vacation leave as of January 1 of each year.
- c) Each full-time regular employee with fifteen (15) complete years of continuous service but less than twenty (20) complete years of continuous service cannot have accumulated more than twenty-four (24) days of unused vacation leave as of January 1 of each year.
- d) Each full-time regular employee with twenty (20) or more complete years of continuous service cannot have accumulated more than twenty-seven (27) days of unused vacation leave as of January 1 of each year.

Part-time regular employees working twenty (20) or more hours per week with the appropriate complete years of continuous service may accumulate vacation leave at one-half the rate that employees are allowed in a,b,c and d above.

If an employee has accumulated more than the maximum allowable amount of unused vacation leave on January 1, then his/her leave shall be reduced to the proper maximum.

If the City Manager determines that unusual and extenuating circumstances exist which justify allowing an employee to be excused from the requirements of this section for a particular year, he/she may do so. An employee must make the written request to the City Manager in writing prior to December 1 of the year in question.

The above section is subject to employee labor agreements, when applicable.

#### SECTION 4. VACATION LEAVE - FINAL PAY AND REPAYMENT OF VACATION LEAVE

Upon submission of a resignation, an employee shall be paid for vacation leave accumulated to the date of separation. At the time of the employee's separation the following shall be deducted from the employee's final compensation: any vacation leave owed the City, qualified educational assistance and any funds owed to the City by the employee as a result of criminal activity or negligence.

#### SECTION 5. VACATION LEAVE - PAYMENT FOR ACCUMULATED VACATION LEAVE UPON DEATH

The estate of an employee who dies while employed by the City shall be entitled to payment for all of the accumulated vacation leave credited to the employee's account. From this payment the following shall be deducted from the employee's final compensation: any vacation leave owed the City, the value of any City issued uniform and/or equipment not returned by the employee, qualified educational assistance and any funds owed to the City by the employee as a result of criminal activity or negligence.



**SECTION 6. VACATION BONUS FOR GOOD ATTENDENCE**

Effective calendar year 2009, all regular non-bargaining, full-time employees will be eligible for a vacation bonus. Regular full-time non-bargaining employees would be considered for their first bonus on January 1, 2010 for usage from January 1, 2009 to December 31, 2009. The additional vacation hours will be credited in February. Regular full-time non-bargaining employees will continue to earn eight (8) hours of sick leave for January through December each year. The bonus would be based upon the following hours:

<b>Hours Used</b>	<b>Vacation Earned</b>
<b>0</b>	<b>16 Hours</b>
<b>8 hours or less</b>	<b>8 hours</b>

*Approved by City Council on January 12, 2009.*

**ARTICLE XI. SICK LEAVE**

**SECTION 1. SICK LEAVE**

Sick leave with pay is not a right which an employee may demand but a privilege granted by the City for the benefit of an employee when sick.

Sick leave shall be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations/treatment or exposure to a contagious disease when continuing to work might jeopardize the health of others and for the well care of the immediate family residing in the employee’s principle place of residence. Additional situations will be considered for the use of sick time.

While on paid sick leave an employee shall continue to earn sick and vacation leave credits.

The City understands the difficulty of defining or regulating a policy for notification of the desire to take sick leave that can be uniformly applied for employees in all departments or divisions.

Because there are numerous variations and work schedules and conditions, a Department Head may establish an appropriate notification policy for his/her department that will best serve the City's interest. If a Department Head does not elect to establish a separate notification policy for his/her department then the following shall apply:

Notification of the desire to take sick leave shall be submitted to the employee's supervisor prior to the leave or not later than one-half hour after the beginning of a scheduled workday. Failure to do so may result in the employee being considered absent without leave. Due to the critical nature of shift work, shift workers must notify the on-duty shift supervisor of a desire to take sick leave no later than one-half hour prior to the beginning of their shift or the employee may be considered absent without leave.

The above of section is subject to employee labor agreements, if applicable.

**SECTION 2. SICK LEAVE - MANNER OF ACCUMULATION**

Full-time regular employees shall accumulate sick leave at the rate of one (1) day per completed month or twelve (12) days for each completed year of service. An employee must have earned pay for one-half of his or her workdays for that month to be credited with sick leave. The employee cannot use a month's credit until he or she has earned pay for one-half of his or her workdays for that month.

Part-time regular employees working twenty (20) hours or more per week shall accumulate sick leave at one-half the rate for full-time employees. An employee must have earned pay for one-half of his or her workdays for that month to be credited with sick leave. The employee cannot use a month's credit until he or she has earned pay for one-half of his or her workdays for that month.

Part-time regular employees working less than twenty (20) hours per week are not eligible for sick leave.

Temporary employees shall not be eligible for sick leave.

Sick leave accumulated by eligible employees shall be recorded and taken in half-hour increments.

The above section is subject to employee labor agreements, when applicable.

### SECTION 3. SICK LEAVE - MAXIMUM ACCUMULATION

The maximum number of sick days an employee may accrue is one hundred eighty (180) days. After the maximum number of days are accrued, no additional sick leave shall be earned until some of the accrued leave is taken.

Non-bargaining employees are permitted an unlimited accumulation of sick leave.

The above section is subject to employee labor agreements, when applicable.

### SECTION 4. SICK LEAVE - PHYSICIAN CERTIFICATE

A physician certificate is required for an employee to return to work who has been out over three (3) consecutive working days unless waived by a Department Head. A physician certificate requirement can be instituted on a one (1) day basis for habitual lost time at the discretion of the employee's supervisor. In all cases a sick leave form must be completed and signed by the returning employee.

### SECTION 5. SICK LEAVE - RETIREMENT CREDIT FOR ACCUMULATED SICK LEAVE

Employees hired on or before July 1, 2004 and retire under an approved City Retirement Plan shall be paid in full for a maximum of one hundred fifty (150) days of accrued sick leave if the employee is retiring with 25 or more years of service with the City of Dover. The employee retiring with less than 25 years of service with the City of Dover shall be paid in full for a maximum of one hundred thirty (130) days of accrued sick leave.

Effective January 12, 2009, as approved by City Council, employees with 21 to 24 years of service shall be eligible to sell back or use for terminal leave according to the following schedule.

- Up to 130 days with 20 or less completed years of service;
- Up to 134 days with 21 completed years of service;
- Up to 138 days with 22 completed years of service;
- Up to 142 days with 23 completed years of service;
- Up to 146 days with 24 completed years of service;
- Up to 150 days with 25+ completed years of service.

Service for less than a full year does not advance the allowance to the next entitlement. For example, an employee with 21 years and 2 months of service will be entitled to utilize 134 days rather than 138 days.

Employees hired after July 1, 2004 will be permitted to be paid in full for a maximum of one hundred (100) days of accrued sick leave. This payment shall be in a lump sum payable upon retirement or the employee may convert his/her accumulated sick leave, not to exceed the maximum indicated, to terminal leave.

The above section is subject to employee labor agreement, when applicable.

**SECTION 6. SICK LEAVE - TERMINATION**

Any employee who is terminated shall lose all accumulated sick leave. The only exception to this policy is Section 5 of this Article.

**SECTION 7. VACATION BONUS FOR GOOD ATTENDANCE**

Effective calendar year 2009, all regular non-bargaining, full-time employees will be eligible for a vacation bonus. Regular full-time non-bargaining employees would be considered for their first bonus on January 1, 2010 for usage from January 1, 2009 to December 31, 2009. The additional vacation hours will be credited in February. Regular full-time non-bargaining employees will continue to earn eight (8) hours of sick leave for January through December each year. The bonus would be based upon the following hours:

<b>Hours Used</b>	<b>Vacation Earned</b>
<b>0</b>	<b>16 Hours</b>
<b>8 hours or less</b>	<b>8 hours</b>

*Approved by City Council on January 12, 2009.*

**ARTICLE XII. LEAVE WITHOUT PAY**

**SECTION 1. LIMITED LEAVE WITHOUT PAY**

The employee's Department Head may grant employees a leave of absence without pay, not to exceed two (2) weeks, provided the employee has exhausted all accumulated vacation leave. The Human Resources Director must be notified before a decision can be rendered.

The above section is subject to employee labor agreement, when applicable.

**SECTION 2. EXTENDED LEAVE WITHOUT PAY**

A regular employee may be granted a leave of absence without pay for up to six (6) months by the City Manager provided it has been requested in writing and the employee has exhausted all accumulated vacation leave. If an employee is applying for disability insurance under the City of Dover employee's policy, then the employee does not have to exhaust his or her accumulated vacation leave. Generally the leave shall be used for reasons of personal or family disability, continuation of education or special work that will permit the City to benefit by the experience gained or the work performed. An extension of leave for six (6) months may be granted by the City Manager. However no leave of absence may exceed a total of one (1) year. The Human Resources Director must be notified before a decision can be rendered.

The employee shall apply in writing for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the City Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority or pay including salary range adjustments that may have occurred during the said leave. If the employee decides not to return to work, the supervisor should be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested and approved in writing, shall be considered a resignation.

If the City learns that an employee on a leave of absence is no longer using the leave for reasons originally stated in the leave request, then the employee may be terminated.

The above section is subject to employee labor agreement, when applicable.

### SECTION 3. EXTENDED LEAVE WITHOUT PAY – RETENTION AND CONTINUATION OF BENEFITS

An employee shall retain all unused sick leave while on leave without pay. An employee ceases to earn all leave credits on the date leave without pay begins. Completed service credits for the purpose of computing longevity pay, sick and vacation leave shall accrue for a period of forty-five (45) days following the start of leave of absence without pay. The employee may continue to be eligible for benefits under the City's group insurance plans provided the employee shall be responsible for the payment of the total insurance premium to the City prior to the first day of each month while on leave; unless the leave is for an employee illness, disability or maternity case in which the employee is only required to pay the premium amount normally deducted from the employee's pay check.

## **ARTICLE XIII. OTHER TYPES OF LEAVE**

### SECTION 1. TERMINAL LEAVE

Upon retiring directly from City service under an approved City Retirement Plan a regular employee is eligible to take terminal leave prior to his/her retirement date under the following conditions:

- a) For employees hired on or before July 1, 2004, terminal leave shall consist of a total of both an employee's unused sick and vacation leave. A maximum amount sick leave an employee may convert is one hundred fifty (150) days if the employee is retiring with 25 or more years of service with the City of Dover. The employee retiring with less than 25 years of service with the City of Dover shall adhere to the following schedule:

Effective January 12, 2009, as approved by City Council, employees with 21 to 24 years of service shall be eligible to sell back or use for terminal leave according to the following schedule.

Up to 130 days with 20 or less completed years or service  
Up to 134 days with 21 completed years of service;  
Up to 138 days with 22 completed years of service;  
Up to 142 days with 23 completed years of service;  
Up to 146 days with 24 completed years of service;  
Up to 150 days with 25+ completed years of service.

Service for less than a full year does not advance the allowance to the next entitlement. For example, an employee with 21 years and 2 months of service will be entitled to utilize 134 days rather than 138 days.

Employees hired after July 1, 2004, will be permitted to convert a maximum of one hundred (100) days of accrued sick leave to terminal leave.

- a) Once terminal leave begins the employee ceases to earn vacation or sick leave credits and is no longer eligible for annual salary increases.
- b) Once terminal leave begins, the employee can not return to active service unless approved by the City Manager. If a return to active service is approved, then the employee will be required to pay back all expended sick leave credits if the request to return to work was initiated by the employee.
- c) In order to qualify for terminal leave, an employee must request leave in writing a minimum of forty-five
- d) (45) days' notice prior to the employee's retirement date unless waived by either the Civilian or Police Pension Committee.
- e) Any leave taken within 30 calendar days prior to terminal leave beginning will be considered terminal leave.

## SECTION 2. MILITARY LEAVE

### Military Training Leave

Full-time, regular employees who are members of the National Guard or Armed Forces Reserve will be allowed ten (10) work days military training leave per calendar year. If the compensation received while on military leave is less than the base salary that would have been earned during this same time period as a City employee, the employee shall receive partial compensation equal to the difference in the compensation earned as a reservist or guardsman and the base salary that would have been earned during this same period as a City employee. The effect will be to maintain the employee's salary at a normal level during this period. If such military duty is requested beyond this ten (10) work day period, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status. While taking military leave with partial pay or without pay, the employee's leave credit and other benefits shall continue to accrue as if the employee physically remained with the City during this period. An employee may use vacation time for the ten (10) days military duty and receive both vacation pay and pay from the military without reimbursement to the City. An employee must notify his/her supervisor a minimum of ten (10) days prior to taking military leave.

The pay received from the military while on military leave shall not be considered as pay for pension purposes. No employee pension contributions will be deducted, the City will not make pension contributions based on the pay and the pay shall not be used to compute pension benefits.

### **Active Duty**

Full-time, regular employees who are guardsmen and reservists have all the job rights specified in the Veterans Readjustment Assistance Act. All employees who enlist or are reactivated in one of the military services will be granted on application a military leave of absence for a maximum period of five (5) years.

### **Military Mobilization Pay**

If the compensation received by a full-time regular employee while on military leave as a result of individual or military unit mobilization is less than the base salary that would have been earned during this same time period as a City employee, the employee shall receive partial compensation equal to the difference in the military compensation earned as a reservist or guardsman and the base salary that would have been earned during the same time period as a City employee. This differential shall be paid for a time period of up to one year from the date the employee reports to active military service duty and shall cease upon termination of the active duty assignment.

Military compensation shall include base pay, all special pay, bonuses and allotments, and any other direct compensation received as a result of mobilized military service from the government of the United States or any State government.

**Re-employment After Military Service**

Upon release from military service with an honorary discharge, a retiring veteran must apply for reinstatement as follows:

<b>Service Time</b>	<b>Return</b>
30 days or less	Beginning of the next regularly scheduled work period on the first full day following completion of service and expiration of an 8-hour rest period following safe transportation home.
31 to 180 days	Application of reinstatement must be submitted not later than 14 days after completion of military duty.
180 or more days	Application for reinstatement must be submitted not later than 90 days after completion of military duty

**Benefits**

When the veteran is returned to active employment all benefits previously earned such as sick leave, longevity pay, unused vacation time and cost of living increases shall be credited to his record. Time spent while on active duty shall be credited towards completed year’s service with the City for the purpose of computing retirement time, vacation time, and longevity increases. In regards to pension benefits, sworn police officers are subject to the Delaware County and Municipal Police/Firefighter Pension with the State of Delaware. Please contact the State of Delaware Pension Office for complete details.

An eligible City employee shall receive uninterrupted health insurance benefits at the same level as before he or she was called to active duty for a period of up to one year from the date the employee actually reports to active military service. The employee shall also be allowed to continue pension contributions based on his or her normal base pay.

**Part-time Employment**

Part-time regular employees working less than twenty (20) hours per week and temporary employees are eligible for military leave but not partial compensation.

USERRA (Uniformed Services Employment and Reemployment Rights) guidelines apply to all military leave.

**SECTION 3. MATERNITY LEAVE**

Leaves of absence shall be granted to employees affected by pregnancy, childbirth or related conditions; provided such leave shall not exceed six (6) months. At the commencement of a maternity leave of absence, employees have the option of using accrued sick or vacation leave time in order to continue to receive pay. Sick leave is permitted according to Article XI Section 1. Pay will cease when all accrued allowances have been used. The use of accrued time-off shall not extend the length of the leave.

**SECTION 4. JURY DUTY/CIVIL LEAVE**

A City employee called for jury duty or as a witness in any civil or criminal legal proceeding shall receive leave with pay for such duty during the required absence without charge to accumulated vacation or sick leave. This does not apply to an employee if he/she is a defendant or plaintiff in a legal proceeding. While on jury/civil duty, benefits and leaves shall accrue as though on regular duty.

## SECTION 5. BEREAVEMENT LEAVE

Bereavement leave shall be granted to all regular employees and probationary employees who are regularly scheduled to work 20 hours or more per week and who experience a death of a member of the employee's immediate family. Upon request, the employee may be granted up to three (3) working days leave with pay. If the funeral is more than four hundred (400) miles from the City of Dover, the employee shall be granted up to five (5) working days, with pay, not charged to any leave balance, to arrange for and/or attend the funeral service or related matters. An employee may request additional time beyond the time provided. The City Manager or appropriate city official may grant such additional time to be charged against the employee's sick leave.

Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named, in addition to significant other if not married or separated from spouse, and any relative living with the employee.

The City reserves the right to request verification of the relationship and funeral location.

Hours granted as bereavement time shall be counted as hours worked for purposes of computing overtime and shall not be charged as vacation leave if such occurs while the employee is on vacation.

The above section is subject to employee labor agreement, when applicable.

## SECTION 6. FAMILY AND MEDICAL LEAVE

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.

(a) Reasons for taking leave:

Unpaid leave must be granted for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Inpatient care in a hospital, hospice, or residential medical care facility
- A condition requiring absence of more than three consecutive calendar days from work, or other regular daily activities that also involves continuing treatment by a health care provider
- Pregnancy or prenatal care
- A chronic condition (ie. Asthma, diabetes, epilepsy, etc.)
- A permanent or long-term condition requiring medical supervision (Alzheimer's, stroke, terminal diseases, etc.)
- Absences to receive and recover from multiple treatments by or on referral by a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (ie. Chemotherapy, physical therapy, dialysis, etc.)

Leave, as the result of a workers compensation injury, may be counted as FMLA leave.

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 leave use must adhere to City policy regarding use.

Spouses who works for the City and are both eligible for FMLA, are entitled to a combination of 12 weeks of leave during any 12 month period if the leave is taken for the birth or adoption of the employee's newborn child or to care for a parent with a serious health condition.

(b) Advanced Notice and Medical Certification

The employee may be required to provide advanced leave notice and medical certification. Taking of leave may be denied if requirements are not met.

The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable." If 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. The City may require medical certification to support a request for leave because of a serious health condition and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

(c) Job Benefits and Protection:

For the duration of FMLA leave, the employer must maintain the employee's health coverage under any group health plan. Upon returning from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms. In addition, the use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

(d) Unlawful Acts by Employers

FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Once the Human Resources Department is made aware that an employee is on FMLA leave, the City must notify the employee in writing within 2 business days (unless there are extenuating circumstances) that the leave is designated as FMLA leave.

If the City learns that an employee's leave qualifies as FMLA leave after the employee returns to work, the City can retroactively designate the leave within two business days of the employee's return to work.

If an employee did not realize that the leave he or she took qualified as FMLA leave until after his or her return to work, he can notify the employer and request that the leave be designated as FMLA leave within two business days of the employee's return to work.

Absence from work due to FMLA leave may not be considered in promotion decision, performance appraisals, or disciplinary actions.

The information contained in this section is to provide general information about the FMLA. Specific questions or concerns should be directed to the Human Resources Department or to the Department of Labor.



## SECTION 7 INCLEMENT WEATHER

The City of Dover will keep its offices open during regularly scheduled hours unless extreme inclement weather necessitates the curtailment of all but essential services. When City Offices are open, each employee shall report to work and remain at work until officially released.

### **PROCEDURE**

a) Responsibilities:

1. The City Manager will make all decisions concerning the closing of City Offices.
2. Department Heads will determine which positions, by job title, are assigned to maintain essential services when offices are closed. Such positions will be designated as "emergency" positions and employees occupying those positions shall be notified of their "emergency" status.

b) Guidelines:

1. Opening of Offices:

- In most cases of inclement weather, all City Offices will open and remain open for business during regularly scheduled hours.
- When inclement weather is severe enough to create a safety hazard for employees or to cause extremely poor road conditions, each department head shall exercise his/her judgement in assessing employee tardiness.
- Employees who call in and are unable to come to work may, have the option of using vacation, comp time or leave without pay to cover the normal working hours missed as a result of the weather emergency. If an employee chooses comp time, and does not have comp time accrued, that employee will be advanced comp time with the understanding that those hours missed due to the weather emergency will be made up within two (2) weeks of the weather emergency.
- An employee who calls in sick during inclement weather, may be required at the discretion of the supervisor to provide a doctor's certificate to substantiate charging the absence to sick leave. An employee who fails to provide the required certificate when requested to do so, shall have the time reported as leave without pay.

The above section is subject to employee labor agreement, when applicable.

2. Closing of Offices During the Day:

When extreme inclement weather necessitates the closing of offices after the work day has begun, the following will apply:

- All employees not designated as emergency employees will be excused from work. For the remainder of the work day these employees will be placed on excused leave of absence with pay.
- Each employee designated as an emergency employee shall remain on duty for the duration of his/her regular shift or revert to his/her assigned emergency shift, if appropriate.
- Individuals who called in and were placed on vacation leave status will be charged such leave for the entire day. The option of requiring a doctor's certificate for a reported sick leave shall continue to be available to a Supervisor. Individuals who depart on vacation leave prior to official announcement will be charged such leave for the entire remainder of the day.

### 3. Closing the Office before the Start of the Work Day:

When inclement weather prevents the opening of offices for the day, the following will apply:

- Employees will be notified of the closing of offices by the procedures outlined in paragraph D, Public Announcements.
- Each emergency employee shall report to his/her normal shift or emergency shift as appropriate.
- All non-emergency employees are excluded from reporting to work. These employees will be placed on excused leave of absence with pay for their entire workday.
- Employees on previously approved leave status (vacation, etc., (excluding sick) will remain on such leave status.

#### c) Exceptions:

In the event a Department Head determines that it is necessary for non-emergency employees to remain at or report to work after offices are closed as the result of inclement weather, then he/she may direct such employees to do so. Such employees will be paid in accordance with the same policies governing emergency employees.

#### d) Compensation:

Emergency employees who work during their normal or emergency shifts will receive hour-for-hour vacation time in addition to their normal straight time pay for hours worked during the normal shift when City offices are closed by the City Manager due to inclement weather.

The above section is subject to employee labor agreements, when applicable.

#### e) Public Announcements:

FM Radio stations, WDSB 92.9 and Eagle 97.7 and television station WBOC will be asked to carry announcements of the City's order to close offices due to inclement weather.

#### f) Employee Message Center:

Employees may call the City's Employee Message Center in order to determine the City's operating schedule. The phone number is 736-4240. The message will be updated as information is provided by the City Manager.

## **ARTICLE XIV. WORKER'S COMPENSATION**

### **SECTION 1. WORKER'S COMPENSATION LEAVE**

An employee absent from duty as a result of sickness or disability covered by Delaware Worker's Compensation Act may receive Worker's Compensation benefits up to 66 2/3% of the employee's average weekly pay provided the weekly benefit cannot exceed the maximum limit set by State Law. For the first sixty calendar days that an employee is out under a licensed physician's care as a result of an on the job accidental injury, the City will guarantee 100% of an employee's base weekly pay. The sixty (60) calendar days of full pay is per injury and is cumulative. Partial days will be counted towards the 60 calendar days. In each case where the employee must be absent from duty more than sixty (60) calendar days because of an on the job accident, the City will cease its payments but will allow the employee to elect to use accumulated vacation and sick leave as a supplemental payment for the difference between his/her regular salary and the payments received under the Worker's Compensation Act. Such an employee may have deducted from his accumulated vacation or sick leave that fraction of a day which is the same as the fraction that the supplemental payment for one day is of a regular day's pay. Supplemental pay and workers compensation pay shall not exceed the employee's average weekly wage. The City shall continue to pay for his/her individual group health insurance, the City's share of dependent health coverage and the City's share of life, accidental death and dismemberment and accident and sickness insurance coverages. Upon returning to work an employee's salary will be computed on the basis of the last salary earned plus any across the board or reclassification salary increase to which the employee would have been entitled during the disability covered by Worker's Compensation.

Temporary employees and part-time employees working less than twenty (20) hours per week will be placed on leave without pay status and will receive all benefits for which they may be eligible for under the Worker's Compensation Act; but are not eligible for the 100% guarantee of base salary for the first sixty (60) days on Worker's Compensation leave.

The above section is subject to employee labor agreements, when applicable.

### **SECTION 2. ON-THE-JOB INJURIES**

The City of Dover and the Workmen's Compensation Law of Delaware require that the standard "Employer's Report of Occupational Injury or Disease" form be completed and filed with the Human Resources Department within two (2) working days after the injury occurs. The employee's immediate Supervisor must answer questions on the form as completely as possible.

The guidelines listed below will be followed in the event of an on the job injury:

1. Emergency first-aid treatment should be administered, whenever practical, and the injured employee should be transported to Kent Medical Center or Kent General Hospital Emergency Room. The method of transportation whether by the nearest available vehicle or by ambulance shall be determined by the extent of injury and by the person handling the situation.
2. The injured employee, or any other designated person, should notify the injured employee's supervisor as soon as practical after the injury occurs.
3. After the injured employee has received medical treatment he or she shall complete the "Employee's Report" form. The supervisor then shall complete the "Supervisor's Report" form. The injured employee will then complete the "Authorization for Medical and Records" form.

4. After the above three (3) forms have been filled out, the Supervisor and the Human Resources Department will complete the "Employer's Report of Occupational Injury or Disease" form.
5. The completed forms will be delivered to the Human Resources Department for processing.
6. Prior to returning to work from a "lost time injury" the employee must submit, to his/her supervisor, a signed physician's statement authorizing that employee's fitness to return to work status.

### SECTION 3. WORKER'S COMPENSATION BENEFITS

City employees are covered by the Delaware Worker's Compensation Act and are required to report all injuries or possible injuries arising out of and in the course of employment to their supervisor by the end of their normal daily work schedule.

## **ARTICLE XV. SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT**

### SECTION 1. TYPES OF SEPARATION

All separations of employees from positions in the service of the City shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, retirement, dismissal or death.

### SECTION 2. RESIGNATION

A minimum of two (2) weeks' notice is required of all resigning non-exempt personnel and four (4) weeks' notice for exempt personnel. The resigning employee shall give such notice in writing to his/her supervisor. An employee cannot use vacation time as notice for his/her resignation.

The City reserves the right to terminate an employee's employment immediately, after receiving an employee's resignation.

### SECTION 3. REDUCTION IN FORCE

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, the need for the employee's service and seniority in determining those employees to be retained. Employees who are laid off as a result of a reduction in force shall be given at least two (2) weeks' notice of the anticipated lay-off. No regular employee shall be separated while temporary employees continue serving in the same class in the department, unless the regular employee refuses to transfer to the position held by the temporary employee.

The above section is subject to employee labor agreements, when applicable.

#### SECTION 4. DISABILITY

An employee may be separated for disability when the employee cannot perform the required duties as a result of a physical or mental impairment. The employee or the City may initiate action, but in all cases it shall be supported by medical evidence as certified by a competent physician. The City may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the City's service for which the employee may be suited.

#### SECTION 5. RETIREMENT AGE

Sworn Police Officers hired prior to September 1, 1982 shall retire in accordance with the policies governing this, set forth in Section 18-25 of the Police Pension Plan. All sworn Police Officers hired on or after September 1, 1982 shall adhere to the policies set forth in the Delaware County and Municipal Police/Firefighter Pension with the State of Delaware.

All civilian employees shall refer to the City of Dover General Employee Pension Ordinance, Section 2-181 through 2-184.

#### SECTION 6. DEATH

All compensation due in accordance with Article X, Section 5 of this policy, will be paid to the estate of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

#### SECTION 7. DISCIPLINARY ACTION

An employee may be suspended, demoted or dismissed as a result of failure in performance of duties or failure in personal conduct. The employee shall be provided with a written notice including the recommended effective date and reasons for the action.

The above section is subject to employee labor agreements or Police Department rules, when applicable.

#### SECTION 8. FAILURE IN PERFORMANCE OF DUTIES

An employee whose work is unsatisfactory over a period of time shall be notified by the supervisor in what way the employee's work is deficient and what must be done if the work is to be satisfactory.

An employee who is suspended, demoted or dismissed for unsatisfactory performance of duties shall normally receive at least two warnings before disciplinary action is taken. First, one or more oral warnings must be issued by the employee's supervisor, and second, a written warning must be issued by the department head serving notice upon the employee that corrected performance must take place immediately in order to avoid disciplinary action. The supervisor and department head must record the dates of their discussions with the employee, the performance deficiencies discussed and the corrective actions recommended and must file the information in the employee's personnel folder in the Human Resources Department.

Failures in the performance of duties considered to be adequate grounds for suspension, demotion or dismissal include, but are not limited to the following representative examples:

- a) inefficiency, ineffectiveness, negligence or incompetence in the performance of duties,
- b) careless, negligent or improper use of City property or equipment,
- c) physical or mental incapacity to perform duties,
- d) discourteous treatment of the public or other employees,
- e) leaving work assignments during working hours without prior supervisory permission,
- f) habitual improper use of leave privileges,
- g) habitual pattern of failure to report for duty to the assigned time and place and
- h) failure to observe safety rules and regulations.

### SECTION 9. FAILURE IN PERSONAL CONDUCT

An employee may be suspended, demoted or dismissed for causes relating to personal conduct detrimental to City service or for other serious reasons. Such action may be necessary to avoid undue disruption of work or to protect the safety of persons or property.

An employee suspended, demoted or dismissed for causes relating to personal conduct shall be: (1) given a statement of the charges before the disciplinary action, (2) allowed to respond, and (3) given a prompt written statement of the decision of the department head. If circumstances are such that the department head must take immediate action without notice, then Section 11 of this Article shall apply.

The following causes relating to failure in personal conduct are representative of those considered as being adequate grounds for suspension, demotion or dismissal:

- a) fraud in securing appointment,
- b) conviction of a felony or a misdemeanor which would adversely affect performance of duties, or the entry of a plea of "no contest" to either,
- c) misappropriation of City funds or property,
- d) falsification of City records for personal profit or to grant special privileges,
- e) reporting to work under the influence of alcohol or other narcotic drugs or partaking of such things while on duty or while on public property, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary,
- f) any action with the intent to deceive,
- g) theft, unauthorized use or unauthorized removal of City property,
- h) insubordination which shall mean the failure or deliberate refusal by an employee to obey a proper order given by a supervisor or the use of disrespectful language towards his/her supervisor,
- i) disorderly conduct including fighting, practical jokes and horseplay,
- j) abuse of employee benefits,
- k) unapproved outside employment,
- l) gross negligence in performance of duties,
- m) any other actions which reflect adversely upon the City, and

- n) discrimination or harassment of any person on the grounds of race, color, religion, sex, handicap, sexual orientation, physical handicap, age or national origin.

#### SECTION 10. DISCIPLINARY SUSPENSION

An employee who is suspended for disciplinary reasons shall be relieved temporarily of all duties and responsibilities and shall receive no compensation for the period of the suspension.

#### SECTION 11. IMMEDIATE DISCIPLINARY SUSPENSION

An employee may be suspended without notice by the Department Head for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property or for other serious reasons. When a Department Head suspends an employee he/she shall tell the employee to leave City property at once and remain away until further notice. A written summary detailing the circumstances and facts leading to the suspension shall be prepared, one copy delivered to the employee by certified mail and one copy filed in the employee's personnel folder in the Human Resources Department and one copy delivered to the Bargaining Union President (when applicable).

#### SECTION 12. NON-DISCIPLINARY SUSPENSION

During the investigation, hearing or trial of an employee on any criminal charge or during the course of any civil action involving the employee, the Department Head may suspend the employee without pay for the duration of the proceeding as a non-disciplinary action if such action is deemed necessary in the best interest of the City.

Sworn Police Officers will conform to policies outlined in the Police Bill of Rights.

Full recovery of pay and benefits for the period of non-disciplinary suspension may be authorized by the City if the suspension is terminated with full reinstatement of the employee.

#### SECTION 13. REINSTATEMENT

An employee who resigns while in good standing or who is dismissed as a result of reduction in force may be reinstated, with the approval of the Department Head and the City Manager or an appropriate City Official. An employee who enters active service with the Armed Forces of the United States, the Public Health Service or with a Reserve component of the Armed Forces will be granted reinstatement rights commensurate with the Veterans Readjustment Assistance Act.

## **ARTICLE XVI. GRIEVANCE PROCEDURE**

### **SECTION 1. POLICY**

It is the policy of the City to provide a just procedure for the presentation, consideration and disposition of employee grievances. The purpose of this Article is to outline the procedure and to insure all employees that a response to their grievance will be prompt and fair.

### **SECTION 2. GRIEVANCE - DEFINED**

A grievance shall be any disagreement or dispute arising from the application, meaning or interpretation of the conditions, policies and procedures set forth in these personnel rules.

### **SECTION 3. PURPOSES OF THE GRIEVANCE PROCEDURE**

The purposes of the grievance procedure include but are not limited to the following:

- a) providing employees with a procedure by which their grievances can be considered promptly and fairly,
- b) encouraging employees to express themselves about the conditions of work which affect them as employees,
- c) promoting better understanding of the policies, practices and procedures which affect employees,
- d) increase the confidence that employees have that personnel actions are taken in accordance with established fair and uniformed policies and procedures and
- e) increases the sense of responsibility which supervisors exercise in dealing with their employees.

### **SECTION 4. PROCEDURE**

When an employee has a grievance, the following successive steps are to be taken. The number of days for each step should be considered the maximum number of working days unless otherwise provided and every effort should be made to expedite the process. Time limits at any step however may be extended by mutual consent.

All documents used in this procedure must be dated and signed by the respondent and recipient.

The procedure for presentation, consideration and disposition of employee grievances is as follows:

- a) An employee with a grievance concerning rules defined by this personnel policy shall present the matter to his/her immediate supervisor within ten (10) days of its occurrence with the objective of resolving the matter informally. The employee may present his/her grievance either orally or in writing. The supervisor shall then attempt to adjust the matter and give the employee an answer, either orally or in writing no later than three working days after the grievance is presented. The grievance and answer shall be reported to the supervisor's immediate superior.
- b) working days after the grievance is presented. The grievance and answer shall be reported to the supervisor's immediate superior.
- c) If the grievance is not resolved at Step 1 above, the employee may present the grievance to the head of his/her department within five (5) working days after the supervisor's answer is given or due. The Department Head shall confer with the employee regarding the grievance within three (3) working days after the grievance is presented and shall render a written decision within three (3) working days after the conference is held.



- d) If the grievance is not resolved in Step 2 above, the employee may present the written grievance to the City Manager within five (5) working days after the Department Head's decision is rendered or due. The City Manager shall confer with the employee and Department Head regarding the grievance within five (5) working days after the grievance is presented and shall submit his/her written decision to the employee within ten (10) working days after the conference is held. The City Manager's or appropriate City Official's decision shall be final.

If a grievance is not appealed to the next step within the specified time limit or any agreed extension thereof, it shall be considered settled on the basis of the City's last answer. If the City does not provide a written response to the grievance or appeal thereof within the specified time limits, the grievant may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step in accordance with the procedure set forth.

The entire grievance procedure is subject to employee labor agreement, when applicable.

## **ARTICLE XVII. EMPLOYEE BENEFITS**

### **SECTION 1. INSURANCE BENEFITS**

T

he City shall make group life insurance, group hospital, surgical and health insurance, accidental death and dismemberment insurance and off-the-job group accident and sickness available for full-time regular employees. Refer to the applicable employee labor agreements for specific details.

- a) Group Hospital, Surgical and Health: The City shall pay a portion of an employee's health care up to a specific amount. The City shall provide group hospital, surgical and health insurance coverage for employees and their families. The City pays 100% of each full-time regular employee's individual coverage and 75% of the cost of dependent coverage. The above section is subject to employee labor agreement, when applicable.
- b) Group Life: The City shall pay 50% of the cost of individual employee coverage for full-time regular employees. The employee must pay the other 50%. The insurance shall provide coverage equal to twice an employee's annual salary rounded to the next \$1000. Maximum coverage will be determined by insurance policy.
- c) Accidental Death and Dismemberment: The City shall pay 50% of the cost of individual employee coverage for full-time regular employees. The employee must pay the other 50%. The insurance shall provide accidental death insurance coverage equal to twice the employee's annual salary and accidental dismemberment coverage based on a schedule rounded to the next \$1000. Maximum coverage will be determined by insurance policy.
- d) Off-the-Job Accident and Sickness: The City shall pay 50% of the cost of the individual employee coverage for full-time regular employees. The employee must pay the other 50%. The insurance shall provide a weekly check for covered benefits for up to 52 weeks for an off-the-job disability accident or sickness.
- e) For employees who are represented by the Fraternal Order of Police (FOP) please see your employee labor agreements for benefit begin date and waiting periods.
- f) For all employees, with the exception of employees represented by the Fraternal Order of Police (FOP) the following waiting periods and conditions apply:
- g) Sickness: The employee is entitled to up to fifty-two (52) weeks of short-term disability coverage. There is an initial waiting period of 7 calendar days following the onset of an illness. During this 7- d a y period no benefits are paid. The 7- d a y waiting period counts towards the 52 weeks.

- h) Off Duty Accident: There is no waiting period following an off-duty accident. The employee is entitled to up to fifty-two (52) weeks of short-term disability payments.
- i) Long-term Disability Insurance: The City shall pay 100% of the monthly premium for all full-time non-bargaining employees. Approved by City Council on January 12, 2009.
- j) Vision Insurance: The City shall pay 100% of the cost of vision insurance for the employee. Dependent coverage is not available. The plan shall provide for one eye exam every 24 months in addition to benefits for glasses or contact lenses.

In the case of each insurance benefit listed above, it shall be the employee's responsibility to activate the coverage applicable.

If an employee is enrolled between or on the first and fifteenth of the month for any of the insurance coverages, then his/her individual coverage shall be effective the first day of the following calendar month. If an employee is enrolled between or on the sixteenth and the last day of the month, then his/her coverage shall be effective on the first day of the calendar month following one (1) calendar month of employment. Dependent coverage must be taken when the employee enrolls for individual coverage or it may be delayed by the Insurance Carrier.

Part-time regular employees working twenty (20) or more hours per week shall be eligible for the same coverages listed above. However, the City's share and the cost of the coverage shall be one-half (1/2) that for full-time regular employees. For each coverage where the City pays the full cost or a portion of the cost for full-time employees, the City will pay only one-half (1/2) of the same costs for eligible part-time employees.

Part-time regular employees working less than twenty (20) hours per week shall not be eligible for the coverages listed in this section.

Temporary employees shall not be eligible for the coverages listed in this section.

## SECTION 2. RETIREMENT BENEFITS

The City shall make available to full-time regular employees working at least thirty-seven and a half (37.5) hours per week a City Retirement Plan. All employees hired after July 1, 1991 shall be required as a condition of employment to join a plan. Employees shall remain members until their employment with the City ceases, retires or pass away. Pension benefits shall be provided through one of the following:

- (a) Police Pension Plan (Sponsored either by the City of Dover or State of Delaware)
- (b) General Employee Pension Plan
- (c) Defined Contribution Plan

The City shall provide group hospital, surgical and health insurance coverage for retired employees and their families. The City pays 100% of each retiree's individual coverage and 75% of the cost of dependent coverage. This applies to all retirees, unless otherwise specified in employee labor agreements.

### SECTION 3. DEFERRED INCOME

The City shall make available through its membership in the International City Management Association Retirement Corporation (ICMA) and Public Employees Benefit Services Corporation (PEBSCO) deferred compensation plans for regular employees whereby an individual can defer a portion of his/her current salary for use at a predetermined retirement date. The City shall make contributions based upon Employee Labor Agreements when applicable. For regular non-bargaining employees the employee benefit shall be no less than the highest contribution required by an employee labor agreement.

### SECTION 4. UNIFORMS

The City shall provide uniforms for certain personnel. These employees shall be required to wear uniforms so they will be easily identified as City employees while working on or near private property.

The employee is responsible for the uniforms. Therefore, the cost of avoidable damage or loss of uniforms shall be paid by the employee. An employee will wear his/her uniform properly, will not allow them to be worn by other individuals and will wear them only during working hours or to and from work. Upon separation from employment, the employee shall return the uniforms to the City.

The above section is subject to employee labor agreement, when applicable.

### SECTION 5. BLOOD BANK

The City shall make available to full-time regular employees and retirees the option of joining the Blood Bank of Delaware group plan. This program provides protection for the employee/retiree and his/her dependents if the need for blood arises. Under the group plan the employee/retiree and his/her dependents are protected in all 50 states and Canada for an unlimited amount of blood.

The City shall pay annual dues, however, when contacted by the Blood Bank, an employee/retiree must agree to one of the following:

- (a) donate a pint of blood,
- (b) have someone else donate a pint of blood in his/her name
- (c) pay a fee to the City's Blood Bank of Delaware Group Plan.

Part-time regular employees working less than twenty (20) hours per week and temporary employees are not eligible for the Blood Bank.

### SECTION 6. CREDIT UNION

The State of Delaware employs a Credit Union which is a federally insured savings and loan organization. All City employees shall be eligible to become a member subject to the requirements of the Credit Union.

## SECTION 7. SERVICE AWARDS

The City shall provide a Service Award program to recognize employees for continuous and loyal service. Employees who work thirty-seven and a half (37.5) or more hours per week are eligible for the award.

Awards shall be presented to employees who have completed five, ten, fifteen, twenty, twenty-five and thirty years of service.

## SECTION 8. POLICE CHIEF AND POLICE MAJOR

The Police Chief and Police Major shall follow the benefits indicated in the Fraternal Order of Police (FOP) until such time as the current Police Chief and Police Major no longer hold their current position. Thereafter, the Police Chief and Police Major will follow the guidelines for benefits as indicated in the City of Dover Personnel Policy. In addition, they will be entitled to uniforms, dry cleaned, professional liability insurance coverage and follow the police holiday schedule. Approved by City Council on January 12, 2009.

# **ARTICLE XVIII. EDUCATIONAL ASSISTANCE**

## SECTION 1. LIMITED EDUCATION LEAVE WITH PAY

A limited education leave of absence with full or part pay or unpaid leave during regular working hours may be granted to a regular full-time employee upon the recommendation of the department head and with the approval of the City Manager or appropriate City official to permit an employee to take courses of study which will better prepare the employee to perform his/her assigned duties.

## SECTION 2. EXTENDED EDUCATION LEAVE WITH PAY

Full time educational leave of absence at full or part pay or unpaid leave for a period not to exceed twelve (12) calendar months may be granted to regular employees upon recommendation of the City Manager and Department Head with the approval of the City Council. An employee granted such extended educational leave with pay shall agree to return to the service of the City upon completion and training and remain an employee of the City for a period equal to two years or the employee shall reimburse the City for all compensation received while on educational leave in addition to all education reimbursements. This agreement shall not constitute an employment contract.

Article XIII, Section 3 shall apply to an employee on full-time education leave.

## SECTION 3. EDUCATIONAL ASSISTANCE

The City promotes continuing education if this education will better prepare the employee to do his/her job. An employee is allowed to receive reimbursement for a maximum of three (3) courses per semester/quarter/block. This benefit is available to an employee who has successfully completed his or her initial probationary period of employment, with the exception of sworn police officers. Sworn police officers are eligible upon completion of six months of employment.

To be eligible for this benefit an employee must have demonstrated during his/her full-time regular employment with the City, prior to application, that his/her elementary and secondary public school training is sufficient and adequate for extended study and training and that such informal education and training is compatible and commensurate with the employee's chosen extended study and training.

The employee's selected major must be approved in writing and in advance by his/her Department Head and the Human Resources Department. The selected courses of study must be helpful to the employee in his or her present work and basic advancement.

The City shall reimburse the employee for tuition, laboratory fees and books. Reimbursement will be the lower of University of Delaware in-state rates for the level and type of course taken or the actual amounts paid for tuition. Employees shall receive reimbursement based upon the follow schedule:

<b>Letter Grade</b>	<b>Grade</b>	<b>Reimbursement Percentage</b>
A	90 to 100	100%
B	80 to 89	90%
C	70 to 79	80%
D or F	69 and under	0

Receipts and official grade verification must be provided for reimbursement.

The City shall reimburse the employee for books provided the City has the option of retaining the books if it so desires.

An employee who takes advantage of this policy shall be required to complete at least two (2) continuous years of employment with the City upon receiving reimbursement or shall have the amount of the reimbursement deducted from his/her final pay check. This agreement shall not constitute an employment contract.

No employee shall be eligible for benefits under this policy if they are enrolled and receiving benefits under any other Education Association Plan, such as the "G.I. Bill", financial aid or etc.

For complete details on the reimbursement process please contact the Human Resources Department.

## **ARTICLE XIX. PERSONNEL RECORDS AND REPORTS**

### **SECTION 1. PERSONNEL RECORDS MAINTENANCE**

Personnel records are necessary for proper administration of the personnel system and will be maintained by the Human Resources Department with the exception that the Police Chief will maintain files for sworn police officers. The City shall maintain in personnel records only information that is relevant to accomplishing personnel administrative purposes. Supervisors may keep working personnel files but material not maintained in the Human Resources files or the files maintained by the Internal Affairs division of the Police Department may not provide the basis for discipline against an employee.

The following minimum information on each City employee must be maintained:

- (a) name,
- (b) age,
- (c) date of original employment or appointment to City service,
- (d) current position title,
- (e) current salary,
- (f) date and amount of most recent change in salary,
- (g) date of most recent promotion, demotion, transfer, suspension, separation or other change in position classification and
- (h) office to which the employee is currently assigned.

### **SECTION 2. ACCESS TO PERSONNEL RECORDS**

Any person may have access to the information listed in Section 1 except for items e,f and g for the purpose of inspection, examination and copy during regular business hours of the City. Access to such information shall be governed by the following:

- (a) All disclosure of records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: Name of the employee; information disclosed; date information was requested; name and address of person to whom the disclosure is made; purpose for which the information is requested. This information must be retained for two years.
- (b) Upon request, records of disclosure shall be made available within a reasonable time to the employee to whom it pertains.
- (c) An individual examining a personnel record may copy the information. Any available photocopying facilities may be provided and the cost may be assessed to the individual.

### SECTION 3. CONFIDENTIAL INFORMATION

All information contained in a City employee's personnel file, other than the information listed in Section 1, subparagraphs a, b, c, d and h of this Article shall be maintained as confidential and shall be open to public inspection only in the following instances:

- (a) The employee or his/her duly authorized agent may examine all portions of his or her personnel file, except for letters of reference solicited prior to employment.
- (b) A licensed physician designated in writing by the employee may examine the employee's medical record.
- (c) A City employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- (d) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- (e) Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- (f) A record shall be made of each disclosure and placed in the employee's file (except of disclosure to the employee and supervisor).

### SECTION 4. EXCEPTIONS

Exceptions may be granted to Section 2 and 3 of this article upon determination by the City Solicitor that such exceptions are allowable under Chapter 100, Title 29 of the Delaware Code (Freedom of Information Act).

### SECTION 5. RECORDS OF FORMER EMPLOYEES

Former employees are not permitted to review their personnel file. Employees who are laid off with a right of reemployment or are on a leave of absence are permitted to review the file.

### SECTION 6. REMEDIES OF EMPLOYEE OBJECTING TO MATERIAL IN FILE

An employee who objects to material in his/her file may place in his file a statement relating to the material he/she considers being inaccurate or misleading. The employee may seek the removal of such material in accordance with established grievance procedures.

## NOTES



## NOTES