



**THURMONT TOWN MEETING**  
**MARCH 6, 2018 AT 7:00 P.M.**  
**THURMONT MUNICIPAL OFFICE**  
**MEETING ROOM**

**AGENDA TOPICS**

1. PLEDGE OF ALLEGIANCE
2. APPROVAL OF 2/27/18 TOWN MEETING MINUTES
3. PUBLIC HEARING - ORDINANCE 2018-02- INFRASTRUCTURE BOND – NORTH CHURCH STREET WATER/SEWER REPLACEMENT
4. ADOPTION OF ORDINANCE 2018-02
5. BID APPROVAL – EAST END PARK ADA RESTROOMS
6. WORKSHOP SESSION – EMPLOYEE POLICIES MANUAL
7. COMMISSIONERS' COMMENTS
  - a. Commissioner Buehrer
  - b. Commissioner Hooper
  - c. Commissioner Hamrick
  - d. Commissioner Burns
  - e. Mayor Kinnaird
  - f. Jim Humerick
8. PUBLIC COMMENTS

**UPCOMING MEETINGS/EVENTS:**

- 3/8/18 – TAC MEETING – THURMONT MUNICIPAL OFFICE -6:30 P.M.
- 3/10/18 – MAIN STREET MATINEE – “MAD MAD MAD MAD WORLD” – 2 P.M.
- 3/10/18 – YARD WASTE DROP OFF
- 3/14/18 – GREEN TEAM MEETING - THURMONT MUNICIPAL OFFICE- 6:30 P.M.
- 3/22/18 – PLANNING & ZONING MEETING – 7 P.M.
- 3/30/18 – TOWN OFFICE CLOSED – GOOD FRIDAY
- 4/7/18 – HUNTING CREEK CLEAN UP (GREEN TEAM EVENT) – 8:30 A.M.
- 4/13/18 – 4/22/18 – RESTAURANT WEEK – A TASTE OF THURMONT
- 4/14/18 – YARD WASTE DROP OFF
- 4/14/18 – BULK TRASH PICK UP
- 4/21/18 – THURMONT GREEN FEST – THURMONT REGIONAL LIBRARY – 10A.M. – 2 P.M.
- 4/28/18 – THURMONT BUSINESS SHOWCASE – SOMETHING FOR EVERYBODY – 11 – 2P.M.
- 4/28/18 - THURMONT POLICE COMMISSION SHRED EVENT– 8 A.M.
- 5/11/18 – THURMONT MAIN STREET SPRING ART & WINE STROLL
- 5/19/18 – GREEN TEAM PLANT SWAP – THURMONT REGIONAL LIBRARY
- 6/2/18 – FARMERS MARKET BEGINS

## **Minutes from March 6, 2018 Town Meeting**

A Town Meeting of the Thurmont Board of Commissioners was held on Tuesday, March 6, 2018 at 7 p.m. The following were present: Mayor Kinnaird; Commissioner Buehrer, Hooper, Hamrick, and Burns; CAO, Jim Humerick; Sr. Administrative Assistant, Becky Long; CFO, Linda Joyce; TPD, Chief Gregory Eyler; Town Attorney, Leslie Powell; Samantha Hogan (FNP), Viktor Kraenbring, Dick Lee, Elliot Jones, and Carlie Day (DHCD).

Mayor Kinnaird welcomed everyone to the meeting and led the Pledge of Allegiance.

### **Approval of 2/27/18 Town Meeting Minutes**

**Motion** – Commissioner Hamrick said “I make the motion to approve the 2/27/18 Town Meeting Minutes as they were presented to us.” Commissioner Burns second. Vote – 4-0-1, motion carried. Commissioner Hooper abstained, he was not present at that meeting.

### **Public Hearing – Ordinance 2018-02 – Infrastructure Bond – North Church Street Water/Sewer Replacement**

Mayor Kinnaird asked Mr. Charles Day from the state of Maryland to us what’s going on.

Mr. Day from the Department of Housing and Community Development, “I’m primarily responsible for administering the state’s Local Government Infrastructure Finance Program, which is a loan program that the state legislature created back in 1985 and we did our first financing in 1988... The legislature determined that local governments across the state of Maryland needed access to capital at reasonable rates and reasonable terms in order to fund infrastructure projects, so they created this program”. He explained the types of projects that are funded, how these projects qualify, who has used the program, and how it works, the process.

Mayor Kinnaird thanked Mr. Day for coming to the meeting and explaining this to our residents and helping us with this. There was a brief discussion over interest rates. The Mayor said “we’re going to open a public hearing on Ordinance 2018-02 – Infrastructure Bond – North Church Street Water/Sewer Replacement. I’m going to read the first page, which I think covers everything on this, then we’ll open it to public comment” (see attached).

There were no public comments.

Commissioner Burns reminded everyone that we have had these types of bonds for the last 20, 30, or more years and use them for these types of projects.

Mayor Kinnaird thanked the state of Maryland for allowing us to participate in this program. He asked one more time for any public comment. “Seeing none the public comment portion of this hearing is now closed.”

### **Adoption of Ordinance 2018-02**

Mayor Kinnaird said “next item on the agenda is the Adoption of Ordinance 2018-02, which I read, anybody want me to read it again?” There was no further discussion before moving on to a motion.

**Motion** – Commissioner Hamrick said “I make the motion to adopt Ordinance 2018-02, The Town of Thurmont Infrastructure Bonds, 2018, Series A for the amount of \$2,945,000.00”. Commissioner Hooper second. Vote – 5-0-0, motion carried.

Mayor Kinnaird thanked Jim and Linda for all of their hard work on this.

### **Bid Approval – East End Park ADA Restrooms**

Mr. Humerick said “our goal for some time has been to provide accessible restrooms near our inclusive playground that was constructed last year. We had solicited a request to Program Open Space (POS) for some funding for this project, which we were thankfully awarded, in the amount of \$27,814.00. So, with that in mind we solicited bids from construction companies to renovate a current unused building that’s in the park right now. It used to be used as a concession stand and hasn’t been used in many years as that and its proximity to the playground and the other amenities in the park it makes perfect sense to be able to renovate that existing building into the restrooms we’re looking for. So, the RFPs went out, we received three bids back from contractors.” He then went over the Bid Comparison sheet (see attached). “Based upon these bids and the funding we have available from POS we’re recommending that we move forward with the low bidder, which is Blue Line Construction from Emmitsburg. We’ve worked with Blue Line before on several construction projects here in Town, they’ve always done an exceptional job for us and I might add that the other two companies have as well.” “As you see on your bid comparison sheet there the grant funding is approximately \$5,200 less than the bid price. I met with Linda and Linda believes that if you choose to approve the complete bid tonight to include the Add/Alt. with Blue Line Construction, that we can absorb the additional \$5,286 out of the Parks Department line operating budget.” Ms. Joyce explained that in projecting out thru the year-end there should be a surplus of at least \$5,000 to cover this and towards the end of the year would look at it again and do a budget amendment.

**Motion** – Commissioner Buehrer said “I make a motion that we extend contract to Blue Line Construction Emmitsburg, MD for the amount of \$33,100 to entirely renovate the East End Park Accessible Restrooms”. Commissioner Hooper second. Vote – 5-0-0, motion carried.

### **Workshop Session – Employee Policies Manual**

Mayor Kinnaird stated that they were going into a workshop session and there would be no public input during this part of the meeting.

The discussion began with Policy 606 (see attached Draft II Manual). After many comments, suggestions, and discussions they completed the review of the manual. Ms. Powell is going to finish the revisions, look again at the drug policy and the communications policy, and get back to the Board on some questions they had.

Mayor Kinnaird thanked everyone for their input for this document.

### **Commissioner Comments**

Commissioner Buehrer:

- Catoctin High School again had a State Wrestling Champion, Zach Bryant at 138 lbs. with a 38-1 record for his senior year, he is a 2x State Champion. Josh Small at 160 lbs. was 37-7 and he took 3<sup>rd</sup> place. Ethan Fuss at 126 lbs. he qualified for the State Tournament but he lost.
- Reminder – Seniors there is a Tax Credit available. You can go to any Seniors Center in Frederick County, Department of Aging, or call the office here and we'll put you in contact with the right people.

Commissioner Hooper:

- Had nothing this evening.

Commissioner Hamrick:

- Main Street Matinees, Saturday, March 10<sup>th</sup> – It's a Mad Mad Mad Mad World and on March 31<sup>st</sup> – Dunkirk. Matinees are held the 2<sup>nd</sup> & 4<sup>th</sup> Saturday of each month, but March's will be held the 2<sup>nd</sup> & 5<sup>th</sup> Saturday.
- Restaurant Week – A Taste of Thurmont will be coming April 13 – 22<sup>nd</sup>.
- Thurmont Business Showcase "Something for Everyone" will be held Saturday, April 28<sup>th</sup> from 11 a.m. – 2 p.m. and the Thurmont Ambulance will be selling food for the event.
- The flyer that was in the electric bill this past week talks about the Thurmont Façade Improvement. It's provided by the Maryland Department of Housing and Community Development for façade improvements to qualifying commercial properties within the Designated Main Street. If you are interested contact Vickie Grinder.
- Farmers Market starts Saturday, June 2<sup>nd</sup> and will run every Saturday from 9 a.m. – noon thru September 22<sup>nd</sup>. If you are a vendor and are interested in a space please contact Vickie Grinder. Also this year non-profits can participate in the Farmers Market any Saturday at no charge, you must email [vgrinder@thurmontstaff.com](mailto:vgrinder@thurmontstaff.com) a week in advance of the Saturday you want to participate.
- Rhonda Brown, proprietor of Images of U Hair Studios, has opened and the official ribbon cutting is coming up March 31<sup>st</sup> at 3 p.m.

Commissioner Burns:

- There is a benefit breakfast for the Terry A. Coblenz family at Trinity UCC, 101 E. Main St. in Thurmont on Saturday, March 24<sup>th</sup> from 6 – 11 a.m., adults \$8.50, ages 5-10 \$5 and under 5 eat free. It's sponsored by the Trinity UCC and the Lions Club.
- "All in the Family" learn that addiction is a family disease, learn how to identify if your loved one has a problem, learn what you can do to help your family. On Thursday, March 15<sup>th</sup> at 6:30 p.m. at the Thurmont Carnival Ground Activities Bldg. there will be a guest speaker, a Ms. Rena Larkin, sponsored by the Thurmont Addiction Commission (TAC). We all need to get involved as a community, "I'm encouraging you to go and find out". "The Thurmont Addiction Commission has these different events and they're very, very informative and I'd rather you go out now and learn than to find out your child is addicted or has died because of it and you didn't know anything about it". He also asked about a few things for TAC.
- There is a phone scam going on saying there is a warrant out for you arrest and they are using and posing as a Frederick County Sheriff's Deputy. They never solicit money, they never

threaten over the phone. They are asking you to go out and buy bank cards and then give them the number and they won't come and arrest you. It's a scam.

Jim Humerick:

- On our storm last week, we were pretty busy Thursday night, Friday, and most of the day Saturday. We had 51 calls for service that day, I know that because Becky did a terrific job keeping the log of all the calls she took that day. Those 51 calls resulted in 26 responses from our Electric Department to go out, no major problems. A terrific job by Public Works Staff, our Office here was closed because we lost power, we're not on Thurmont power we have another provider. When our phones shut down everything rolls to one cell phone and Becky was the holder of the phone that day and she took over 75 calls all day long and all night long and I got the phone from here at 8:30 Saturday morning and the power came back on here at 9:00 Saturday morning, so it was timed perfectly. But everyone did a great job, especially Becky and I want to thank everyone for their efforts.

Mayor Kinnaird:

- The storm on Friday, I want to thank all our Staff and Crew for the hard work they did, but I also want to thank the residents for their understanding.
- There is a little trophy here and I want to thank Main Street Manager, Vickie Grinder, our CAO, Jim Humerick, Dick Lee and all the others that worked on the "Tour Thurmont Walk, Bike, and Drive" brochure. The brochure was recently recognized by the Maryland Regional Park Association as the best activity guide for municipalities with a population under 50,000. Vickie and Jim attended the awards ceremony last week and accepted this amazing recognition for a job well done. The brochure provides a Thurmont walking tour and a Thurmont driving tour, each featuring points of local interest. There are also walking, biking, and driving tours that extend into the county and include our three local covered bridges. The brochure was made possible by the Town of Thurmont, Criswell Chevrolet, Frederick County, and Bicycle Escape. This brochure is a great resource for visitors to Thurmont and to our residents who may not be aware of all Thurmont has to offer. Copies of the brochure are available at the Main Street Center on Water Street. Congratulations to Vickie, a lot of hard work went into this. Also another thing Jim gave me a folder that Vickie has had created for handing out information to new residents, new businesses, also to distribute them to some real estate companies so that they can give them a folder with the Town of Thurmont information on it, beautiful folder and I thank her for that too.

### **Public Comments**

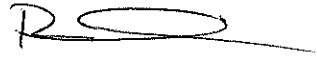
Dick Lee, 13 Jermae, commented the best part about the speaker series for TAC is they will take all of your questions when they are done their speech. Anything that they have talked about that you don't understand or know about, they will explain it and sit down and take their time. He also commented on time off without pay that was discussed during the workshop for the employee policies manual.

Mayor Kinnaird commented on trucks making illegal turns at the square and that it is due to following directions on GPS and asked if there was any way to get this corrected.

**Motion** – Mayor Kinnaird said “do we need a motion to adjourn”? Commissioner Hooper second.  
Vote – 5-0-0, motion carried.

Without further discussion the meeting adjourned at 9:58 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robin Clem', with a long horizontal flourish extending to the right.

Robin Clem  
Recording Secretary

**TOWN MEETING  
TUESDAY, MARCH 6, 2018**

**PLEASE SIGN IN**

	<b>NAME</b>	<b>ADDRESS</b>
1	Viktor Kraenbring	Lawn Ave
2	DICK LEE	13 VERNAE ST.
3	Elliot Jones	42 Catoctin Highlands Cir.
4	Charlie Day	DHCD
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## BID COMPARISONS

**East End Park Accessible Restrooms – renovate current unused concession building into accessible restrooms to accommodate users who are visiting the East End Inclusive Playground and other amenities in East End Park.**

Vendor	Bid Amount	Comments
Blue Line Construction Emmitsburg, MD.	\$30,100 base bid (includes new roof)  Add/Alt. for concrete floors = \$3,000  Total = \$33,100	Low bidder; high quality performance and timely delivery of services in previous contracts  <b>Recommended Vendor</b>
Lonestar Builders, Inc. Hagerstown, MD.	\$43,778 base bid  Add/Alt for new roof = \$3,500  Add/Alt for concrete floors = \$1,575  Total = \$48,853	
Catoctin Custom Builders Thurmont, MD.	\$48,990 base bid  Add/Alt for new roof = \$2,200  Add/Alt for concrete floors = \$5,470  Total = \$56,660	

*Note – Program Open Space Grant funding totals \$27,814.00 for this project. If approved by BOC, \$5,286 to be identified by CFO to fully fund project.*



# ***THURMONT EMPLOYMENT POLICIES***

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903

DRAFT

Cover Page

PROPERTY OF THE TOWN OF THURMONT

Copy No. \_\_\_\_\_

I \_\_\_\_\_ (employee), acknowledge receipt of the Thurmont Employment ("Manual") and that I am responsible for reading and understanding its contents and keeping it updated. I understand that this Manual is Town property that must be returned to the Chief Administrative Officer when I leave the Town's employment.

I further understand that my employment is at will and that this Manual does not create a contract with the Town for any purpose and that the provisions of this Manual may be modified or eliminated at any time.

I understand that it is my responsibility to comply with the policies contained in this Manual and any revisions made to it. I further understand that failure to comply with these policies and procedures may result in disciplinary action.

Issued To: \_\_\_\_\_

Signed: \_\_\_\_\_

Date Received: \_\_\_\_\_

**MAYOR'S LETTER**

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(Date)

To: All Supervisors, Department Heads, and Employees

Re: Personnel Policies

This Manual has been prepared as a guide for all employees as well as providing a reference for employee management at all levels of supervisory responsibility. The Manual has been adopted by the Mayor and Board of Commissioners.

We believe that it is in the best interest of the Town and our employees to have written personnel policies to prevent misunderstandings and problems, and to ensure that all employees know what is expected of them. It is essential that all supervisors understand the role of these policies in meeting the Town's objectives and in limiting our legal exposure.

Any policy, however, is only as good as its implementation. Supervisors who are in direct contact with, and responsible for, a group of employees are essential to effective policy implementation. Supervisors must translate these ideas and principles into action. We depend upon the supervisors and employees for the successful development of a productive, legal, and harmonious working environment.

Accordingly, I require that you thoroughly familiarize yourself with the contents of this Manual so that all personnel policies of the Town may be administered appropriately. Thank you for your continued efforts on behalf of the Town of Thurmton.

---

Mayor John Kinnaird

2/20/18

## **POLICY 101    FUNCTIONS OF THIS MANUAL**

### **Policy:**

It is the policy of the Town that this Manual sets forth the basic personnel policies, practices, and procedures. **The Manual is not intended to and does not alter the employment-at-will relationship between the Town and its employees in any way.** (See Policy 106, EMPLOYMENT-AT-WILL.)

### **Explanation:**

(1) This Manual contains general statements of Town policy. This Manual should not be interpreted as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The Town may add to, revoke or modify the policies in the Manual from time to time with or without notice. The Mayor and Board of Commissioners will try to keep the Manual current, but there may be times when policy will change before this material can be revised.

(2) The Chief Administrative Officer is responsible for distribution of the Manuals to department heads and supervisors who, in turn, are responsible for distributing them to employees along with any approved changes.

(3) The Board of Commissioners will review and authorize changes to the Town's personnel policies. Department heads and supervisors are encouraged to recommend changes or new policies. The Chief Administrative Officer is responsible for disseminating new policy information.

(4) Department heads and supervisors should refer to the Manual whenever questions of policy interpretation or implementation arise. However, issues needing clarification should be referred to the Chief Administrative Officer who shall forward it to the Mayor and Board of Commissioners for clarification.

(5) As used in the Manual:

- (a) The masculine gender should be interpreted to include the feminine gender and vice versa;
- (b) "Supervisor" means an individual with the authority to assign, direct, and review the work of two or more subordinates; and
- (c) "Immediate family" means the employee's spouse, brother, sister, parent, grandparent, child, foster child, grandchild, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, or domestic partner.

## **POLICY 102    EMPLOYEE SUPERVISION**

### **Policy:**

It is the policy of the Town that the work of all employees will be assigned, directed, and reviewed by supervisory personnel. Employees ordinarily will have only one supervisor to whom they report.

### **Explanation:**

(1) A primary role of each supervisor is to provide a link between The Chief Administrative Officer and Town employees. Accordingly, supervisors are expected to communicate the policies of the Town to the employees they supervise. They are expected to communicate to the Chief Administrative Officer the attitudes, suggestions, and complaints of their employees.

(2) In addition to mastering the technical skills needed in their work unit, supervisors should be able to lead and motivate their employees to do their best work.

(3) Supervisors are responsible for ensuring that the Town's goals for employee conduct and performance are achieved and that the personnel policies established by this Manual are implemented.

(4) Supervisors will conduct annual employee performance evaluations which shall be documented and placed in the employee's personnel file. (See Policy 302, PERFORMANCE APPRAISALS) All personnel files are confidential and will not be disclosed other than to the employee upon the employee's request, their immediate supervisor on an official with an employment-related need-to-know basis. (See Policy 901, PERSONNEL RECORDS).



**POLICY 103    CHIEF ADMINISTRATIVE OFFICER**

**Policy:**

It is the policy of the Town that the Chief Administrative Officer is responsible for the day to day operations of the Town and reports to the Mayor. The Chief Administrative Officer takes direction from the Mayor and is responsible for carrying out the policies approved by the Board of Commissioners in the performance of his duties.

**Explanation:**

- (1) The Chief Administrative Officer is the operations manager of the Town.
- (2) The Chief Administrative Officer is responsible for reviewing the Town's human resources function and, in that capacity, serves as a senior consultant to department heads and supervisors on all matters concerning human resource management. In addition, the Chief Administrative Officer provides staff assistance to supervisors and department heads in developing, communicating, and carrying out the Town's policies.
- (3) The Chief Administrative Officer's responsibilities include the following:
  - (a) Planning and formulating general personnel policies, including workforce planning;
  - (b) Overseeing compliance with all federal, state, and local employment laws and regulations;
  - (c) Overseeing recruiting, interviewing, testing, selection, placement, and orientation of new employees;
  - (d) Implementing special education, counseling, training, and development programs;
  - (e) Coordinating the appraisal, transfer, promotion, layoff, recall, demotion, and termination of employees;
  - (f) Implementing appropriate disciplinary and grievance procedures and ensuring that those policies or procedures do not alter the employment-at-will relationship or constitute a contract or promise that those policies or procedures will be followed in every case;
  - (g) Maintaining personnel records and evaluating personnel programs and policies;
  - (h) Acts as the Zoning Administrator in compliance with the Town of Thurmont Zoning Ordinance;
  - (i) Acting as Secretary at Board of Commissioner meetings; and
  - (j) Performing such other duties as may be assigned by the Mayor.

**POLICY 104 CHIEF FINANCIAL OFFICER**

**Policy:**

It is the policy of the Town that the Chief Financial Officer shall be responsible for all the financial duties of the Town and shall be accountable to the Mayor.

**Explanation:**

- (1) The Chief Financial Officer acts as the Town Administrator of benefits and pension plans.
- (2) The Chief Financial Officer shall have the authority, and shall be required to:
  - (a) Assist the Mayor in the preparation of the annual budget for submission to the Board of Commissioners;
  - (b) Supervise and be responsible for the disbursement of all monies and supervision of all expenditures to assure that budget appropriations are not exceeded;
  - (c) Maintain a general accounting system for the Town in such form as the Board of Commissioners may approve, according to State law;
  - (d) Submit a complete financial report at the end of each fiscal year to the Board of Commissioners;
  - (e) Ascertain that all taxable real property within the Town is currently assessed for taxation;
  - (f) Arrange for collection of all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the Town, and any other revenues for which collection the Town is responsible;
  - (g) Supervise the financial affairs and the administration of the budget as adopted by the Board of Commissioners
  - (h) Have custody of all public monies belonging to or under the control of the Town, except funds in the control of trustees, and have custody of all bonds and notes of the Town;
  - (i) Perform any other duties in relation to the fiscal or financial affairs of the Town as the Mayor or Board of Commissioners may require, or as may be required elsewhere in the Charter;
  - (j) Maintain separate accounts for all enterprise funds;
  - (k) Administer compensation programs for both exempt and nonexempt employees
  - (l) Administer employee benefit plans and programs and the disclosure of information concerning benefits to employees; and
  - (m) Assist the Town's auditors in performing their annual audit of the Town.

## **POLICY 105 CODE OF EMPLOYER-EMPLOYEE RELATIONS**

### **Policy:**

It is the policy of the Town to attempt to implement effective personnel policies and to require all employees to support the Town's best interests.

### **Explanation:**

(1) The Town is committed to a mutually rewarding and direct relationship with its employees. Thus, the Town is committed to:

- (a) Provide equal employment opportunity and treatment regardless of race, religion, color, sex, gender identity, marital status, sexual orientation, genetic information, age, national origin, disability unrelated to the performance of the employment, or military status, or any other characteristic protected by applicable federal or state law. (See Policy 201, EQUAL EMPLOYMENT OPPORTUNITY);
- (b) Provide compensation and benefits commensurate with the work performed (See Policy 301, PAY PRACTICES);
- (c) Establish reasonable hours of work based on the Town's needs (See Policy 207, HOURS OF WORK);
- (d) Monitor and comply with applicable federal, state, and local laws and regulations concerning employee safety (See Policy 601 EMPLOYEE SAFETY);
- (e) Offer training opportunities for all employees as appropriate (See Policy 202B, ORIENTATION AND TRAINING);
- (f) Be receptive to constructive suggestions about job duties, working conditions, or personnel policies; and
- (g) Provide appropriate means for employees to discuss matters of concern with their immediate supervisor or department head. (See Policy 902, DISPUTE RESOLUTION PROCEDURE)

(2) The Town, as part of its commitment to providing its residents with excellent service and to creating a productive work environment, expects all employees to:

- (a) Deal with citizens, contractors, and vendors in a professional manner (See Policy 803, CUSTOMER RELATIONS);
- (b) Represent the Town in a positive and ethical manner;
- (c) Perform assigned tasks in an efficient, effective and accurate manner;
- (d) Be punctual (See Policy 701, ATTENDANCE AND PUNCTUALITY,);
- (e) Demonstrate a considerate, friendly, and constructive attitude toward fellow employees; and
- (f) Follow the policies adopted by the Town.

(3) The Town retains the sole discretion to exercise all managerial functions, including the rights to:

- (a) Dismiss, assign, supervise, and discipline employees;
- (b) Determine and change starting times, quitting times, and shifts;
- (c) Transfer employees within departments or into other departments and other classifications;
- (d) Determine and change the size and qualifications of the workforce;
- (e) Determine and change methods by which its operations are to be carried out;

- (f) Determine and change the nature of the services of the Town, and continued operation of programs and benefits; and
- (g) Assign duties to employees in accordance with the Town's needs and requirements and to carry out all ordinary administrative and management functions.

## **POLICY 106 EMPLOYMENT-AT-WILL**

### **Policy:**

It is the policy of the Town that all employees who do not have a written employment contract with the Town for a specific, fixed term of employment are employed at the will of the Town for an indefinite period. This policy is modified for Police Officers to the extent that law enforcement personnel are governed and protected by the Law Enforcement Officers' Bill of Rights (LEOBR) and are subject to the policies and procedures duly established by the Chief of Police and adopted by the Board of Commissioners.

### **Explanation:**

(1) Employees who do not have an individualized written employment contract are employed at the will of the Town and are subject to termination at any time, for any reason, with or without cause or notice. At the same time, these employees may terminate their employment at any time and for any reason with or without cause or notice.

(2) Supervisors and department heads will not make any representations to employees or applicants concerning the terms or conditions of employment with the Town that are inconsistent with Town policies. No statements made in pre-hire interviews or discussions, or in recruiting materials of any kind, alter the at-will nature of employment or imply that discharge will occur only "for cause."

(3) This policy may not be modified by any statements contained in this Manual or any other employee handbooks, employment applications, Town recruiting materials, Town memoranda, or other materials provided to applicants and employees in connection with their employment. None of these documents, whether singularly or combined, create an express or implied contract of employment for a definite period, or an express or implied contract concerning any terms or conditions of employment. Similarly, Town policies and practices with respect to any matter will not be considered as creating any contractual obligation on the Town's part or as stating in any way that termination will occur only "for cause." Statements of specific grounds for termination set forth in this Manual or in any other Town documents are examples only, not all-inclusive, and are not intended to restrict the Town's right to terminate at-will.

(4) At the time of hiring, employees are required to sign a written statement acknowledging that they are employed at the will of the Town and are subject to termination at any time, for any reason, with or without notice, and with or without cause.

(5) Completion of a probationary period or attainment of regular status does not change an employee's status as an at-will employee or in any way restrict the Town's right to terminate the employee or change the terms or conditions of employment. (See Policy 207, PROBATIONARY PERIOD.)

**POLICY 107 WORK FOR HIRE**

**Policy:**

All intellectual property developed by Employees of the Town developed during an employee's work day and or in which the Town's resources or equipment are used constitute works for hire and are Town property unless otherwise expressly agreed in writing by the Town. This includes patents, inventions, and copyrightable works created by employees.

**Explanation:**

(1) For example, if an employee's job includes preparing advertising and promotional materials for the Town, those materials are Town property and the Town holds all rights in such property including the right to create any "derivative works" which are works based upon the advertising or marketing material.

(2) For example, if an employee develops a new mechanical system for certain work while performing services to the Town, the Town has all rights in such a system.

## **POLICY 201 EQUAL EMPLOYMENT OPPORTUNITY**

### **Policy:**

It is the policy of the Town to provide equal employment opportunity to all employees and applicants for employment. No person will be discriminated against in employment because of race, religion, color, sex, gender identity, marital status, sexual orientation, genetic information, age, national origin, disability unrelated to the performance of the employment, or military status, or any other characteristic protected by applicable federal or state law.

### **Explanation:**

- (1) This policy applies to all terms, conditions, and privileges of employment and all policies of the Town.
- (2) The Chief Administrative Officer, who reports directly to the Mayor and Board of Commissioners is responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. The Chief Administrative Officer's duties include:
  - (a) Assisting supervisors and department heads in collecting and analyzing employment data;
  - (b) Developing policy statements, and recruitment techniques designed to comply with the equal employment policies of the Town;
  - (c) Complying with federal and state statutory recordkeeping and notice requirements of employment-related statutes and regulations;
  - (d) Assisting supervisory personnel in arriving at solutions to specific personnel problems;
  - (f) Serving as liaison between the Town and government agencies, equal employment opportunity organizations, and other community groups; and
  - (g) Keeping supervisors and department heads informed of the latest equal employment opportunity developments.
- (4) Any communication from an applicant for employment, an employee, a government agency, or an attorney concerning any equal employment opportunity matter should be referred to the Chief Administrative Officer who will notify the Town Attorney.
- (5) While overall authority for implementing this policy is assigned to the Chief Administrative Officer, an effective equal employment opportunity program cannot be achieved without the support of supervisory personnel and employees at all levels. Any employees who believe they have suffered from discrimination should report this concern to their supervisor or the Chief Administrative Officer.
- (6) Complaints of discrimination will be handled and investigated under the Town's dispute resolution policy (see Policy 902, DISPUTE RESOLUTION PROCEDURE). All complaints of discrimination will be investigated promptly and in an impartial and confidential manner. A timely resolution of each complaint will be reached and communicated to the parties involved. The Town prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about discrimination.

## **POLICY 202      PROFESSIONAL WORK ENVIRONMENT**

### **Policy:**

It is the policy of the Town to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment.

### **Explanation:**

(1) Employees are expected to conduct themselves in a professional manner and maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, including harassment for the following reasons: race, religion, color, sex, gender identity, marital status, sexual orientation, genetic information, age, national origin, disability unrelated to the performance of the employment, or military status. Special attention should be paid to the prohibition of sexual harassment.

(2) Each supervisor has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No employee is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.

(3) Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, nonsupervisory employees, non-employees, or members of the public, is prohibited. This conduct includes:

- (a) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
- (b) Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
- (c) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
- (d) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs;
- (e) Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages (such as email, instant messaging, and Internet materials).

Any of the above conduct, or other offensive conduct, directed at individuals because of their race, religion, color, sex, gender identity, marital status, sexual orientation, genetic information, age, national origin, disability unrelated to the performance of the employment, or military status is prohibited.

(4) Any employee who believes that a supervisor's, manager's, other employee's, or non-employee's actions or words constitute unwelcome harassment has a responsibility to report the situation as soon as possible. The report should be made to the employee's supervisor; or to the department head or Chief Administrative Officer if the complaint involves the supervisor or department head.

(5) Complaints of harassment will be handled and investigated under the Town's dispute resolution policy (see Policy 902, DISPUTE RESOLUTION PROCEDURE). All complaints of harassment will be investigated promptly and in an impartial and confidential manner. Employees are required to cooperate in any investigation. A timely resolution of each complaint will be reached and communicated to the parties involved.

(6) Any employee, supervisor, or department head who, after investigation, is found to have violated the harassment policy or has engaged in behavior creating a hostile work environment will be subject to appropriate disciplinary action, up to and including termination. (See Policy 807, DISCIPLINARY PROCEDURES.) The Town prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about harassment.



## POLICY 203      HIRING

### Policy:

It is the policy of the Town to be an equal opportunity employer and to hire individuals on the basis of their qualifications and ability to do the job. Unless otherwise provided in an employment contract, employment with the Town is considered to be at will, so that either party may terminate the relationship at any time and for any lawful reason. (See Policy 106, EMPLOYMENT-AT-WILL)

### Explanation:

- (1) Supervisors and department heads who need to fill a job opening or want to add a new job position should submit a request to the Chief Administrative Officer who will discuss it with the Mayor for approval.
- (2) The Town will attempt to fill job openings by hiring from within, if qualified internal applicants are available. In addition, the Town will normally give consideration to any known qualified individuals who are on layoff status before recruiting applicants from outside the organization.
- (3) If candidates from within the Town are to be considered for job openings, the Chief Administrative Officer will post the openings in accordance with procedures contained in Policy 206, PROMOTION. Current employee candidates for the openings will be considered and processed as outlined in Policy 205, TRANSFER.
- (4) If candidates from outside the Town are to be considered for job openings, the Chief Administrative Officer and the supervisor will be responsible for recruiting the candidates and should use the recruitment methods and sources he considers appropriate to fill the openings.
- (5) During the recruitment, hiring, and orientation process, no statement shall be made promising permanent or guaranteed employment; and no document is considered a contract unless, in fact, a written employment agreement has been approved by the Mayor and Board of Commissioners. (See Policy 204, EMPLOYMENT AGREEMENTS.) All employees of the Town should be aware that employment with the Town is at-will and should not make any representations otherwise. (See Policy 106, EMPLOYMENT-AT-WILL.)
- (6) When candidates from outside the Town are to be considered for job openings, the following procedures should be implemented:
  - (a) Any candidate for employment must fill out and sign an employment application form in order to be considered for hiring.
  - (b) If the Candidate possesses the bona fide occupational qualifications for the job opening, the Chief Administrative Officer with the advice of the Town Attorney will consider requests for accommodation of disabilities and religious beliefs and will determine what, if any, reasonable accommodation can be made.
  - (c) Applicants determined to be qualified for consideration for available job openings will be interviewed by the Chief Administrative Officer and the Supervisor of that particular department, another department or Commissioner at the discretion of the Mayor.
  - (d) If the Chief Administrative Officer determines that the applicant is qualified for employment, a second interview may be arranged at the discretion of the Chief Administrative Officer.
  - (e) The Chief Administrative Officer has the responsibility to determine whether an applicant is technically qualified for the open position and meets the other job-related criteria necessary to perform the job. The decision whether to hire the applicant is to be made by the Chief Administrative Officer with approval of the Mayor for all departments except the Police Department. The technical qualifications and decision to hire Police Department employees rests with the Chief of Police with the approval of the Mayor.
  - (f) Following a decision to hire the applicant, and with approval from the Mayor, the Chief Administrative Officer will make a written offer of employment which should include any

necessary contingencies or disclaimers. The Chief Administrative Officer will then determine whether the applicant has the legal right to work in the United States and, where appropriate, conduct credit, personal reference, driving record, and criminal background checks. A prior conviction, taken by itself, will not necessarily disqualify an applicant. If the applicant accepts the offer and a medical examination and drug/alcohol screening is required, the Chief Administrative Officer will arrange it. (See Policy 206, MEDICAL PROCEDURES)

- (g) If the background, medical, drug/alcohol, or any other subsequent investigation discloses any misrepresentation on the application form or information indicating that the individual is not qualified for employment with the Town, the applicant will be refused employment or, if already employed, may be terminated.
- (h) The Chief Administrative Officer and Department Head is responsible for orientation of new employees and the processing of their employment forms; the supervisor is responsible for any necessary job training. (See Policy 205, ORIENTATION AND TRAINING)

(7) A member of an employee's immediate family (as defined in Policy 101(5)(c)) will be considered for employment by the Town, with the Mayor's knowledge and consent, if the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if the employment would:

- (a) Create either a direct or indirect supervisor/subordinate relationship with a family member; or
- (b) Create the appearance of, or actual conflict of interest. (See Policy 806, CONFLICTS OF INTEREST)

These criteria will be considered when assigning, transferring, or promoting an employee.

(8) Employees who marry or become members of the same household may continue employment as long as there is not:

- (a) A direct or indirect supervisor/subordinate relationship between the employees; or
- (b) An actual conflict of interest or the appearance of a conflict of interest. (See Policy 806, CONFLICTS OF INTEREST)

Should one of the above situations occur, the Town will attempt to find a suitable position within the Town to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign.

(9) The Town encourages employment and advancement in employment to qualified disabled veterans and qualified disabled individuals. The Town encourages employment and advancement in employment to qualified individuals without regard to race, religion, color, sex, gender identity, marital status, sexual orientation, genetic information, age, national origin, disability unrelated to the performance of the employment, or military status, or any other characteristic protected by applicable federal or state law.

(10) Former employees who left the Town in good standing may be considered for reemployment. Former employees who resigned without written notice or who were dismissed for disciplinary reasons may not be considered for reemployment. (See Policy 214, TERMINATION OF EMPLOYMENT) A former employee who is reemployed will be considered a new employee from the date of reemployment unless the break in service is less than ninety days, in which case the employee may be eligible to retain the same compensation level as the employee held prior to termination. Length of service for the purposes of benefits is governed by the terms of each benefit plan. Employees who retire may be eligible, in certain circumstances, to be considered for rehire. (See Policy 215, RETIREMENT.)

## **POLICY 204      EMPLOYMENT AGREEMENTS**

### **Policy:**

It is the policy of the Town that it may execute written employment agreements with certain employees. Employees who do not have a written employment agreement containing a specified duration of employment are considered at-will employees. (See Policy 106, EMPLOYMENT-AT-WILL.)

### **Explanation:**

(1) The Mayor, with the approval of the Board of Commissioners, or his specific designee is the only Town representatives authorized to enter into a written employment agreement on behalf of the Town with any employee.

(2) Written employment agreements normally will set out the significant terms and conditions of an individual's employment. These terms and conditions often include:

- (a) The length of time that the agreement will last and how, if at all, it can be renewed;
- (b) The job title, duties, and description, reserving to the Town the right to change the employee's duties as the Town's interests require;
- (c) The employee's salary;
- (d) Any other forms of compensation, such as health insurance, pension, incentive plans, or perquisites; and
- (e) Provisions for the termination of employment.

(3) Employment agreements covered by this policy may include any or all of the following elements, depending on individual circumstances:

- (a) **Patents, Inventions, and Copyrights:** The agreement should specify who owns the rights to any patents, inventions, and copyrights obtained by the employee during employment, or as a result of work done while employed, and any royalties or other payments resulting from these items. Unless otherwise expressly agreed in writing, these items are considered a "work for hire" and are Town property. The employee shall assign all rights therein to the Town.
- (b) **Confidential Data:** All employees with access to confidential data are required to safeguard that information and not disclose it except as specifically authorized. (See Policy 806, CONFIDENTIAL INFORMATION)
- (c) **Conflicts of Interest:** The Town's Ethics Ordinance must be adhered to and any agreements shall reaffirm that employees may not accept gratuities or other improper compensation. (See Policy 805, CONFLICTS OF INTEREST)
- (d) **Special Training and Education:** Employees who are selected for an extended period of training or education paid for by the Town will be required to return to work for the Town at the conclusion of the program. Employees who do not return to work or who return but terminate employment voluntarily within two years of course completion, will be required to reimburse the Town for the costs of the training or education.
- (e) **Mediation:** The Town and the employee may agree to submit any dispute over the terms, conditions, or termination of employment to nonbinding mediation.

(4) Prospective employees are encouraged to review carefully any employment agreement and to consult with their own legal counsel to review the terms of any agreement.

## **POLICY 205 ORIENTATION AND TRAINING**

### **Policy:**

It is the policy of the Town to provide, conduct or support training programs that it determines to be appropriate.

### **Explanation:**

(1) Supervisors are responsible for recommending employees for special training programs, for providing on-the-job training, and for arranging outside trainers. Training will normally be conducted during regular working hours.

(3) The Chief Administrative Officer may approve employee participation in continuing education and training programs when that instruction is regarded as beneficial or considered necessary for satisfactory job performance. In some cases, employees may be required to enroll in and complete the programs satisfactorily.

(4) The Chief Administrative Officer will coordinate employee participation in external and in-house programs dealing with supervisory, professional, or management development; cost reduction; quality improvement; and compliance with government regulations.

(5) The Town may consider the feasibility of sponsoring or conducting special programs for groups of employees when continuing education and in-service programs are required for licensing or for recertification of a license. Under those circumstances, it will apply for approval by the licensing authority and will attempt to comply with all requirements established by that authority. However, it may at its discretion cancel, modify, or withdraw from any certification or program.

(6) The Town will provide special training programs explaining its antidiscrimination and harassment policies and for safety and health matters, when considered necessary or as required by government regulation.

(7) Town-sponsored or conducted orientation and training programs may be reviewed periodically to evaluate the quality of the instruction, the content, and the results. The Chief Administrative Officer will administer the evaluation, which may involve the testing of participants.

(8) Employees may receive certificates of completion for successfully finishing Town-approved or Town-sponsored training and educational programs. The Chief Administrative Officer will maintain records of all training programs completed by each employee.

## **POLICY 206 MEDICAL PROCEDURES**

### **Policy:**

It is the policy of the Town that applicants to whom a conditional offer of employment has been extended and current employees may be required to undergo medical tests, procedures, or examinations whenever the Town determines that these are necessary for the safe performance of the employee's duties.

### **Explanation:**

(1) Successful applicants for employment may be required as a condition of employment to take a medical examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others. If a department head determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made should be examined.

(2) Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation for a disability, or has a questionable ability to perform current job duties or the duties of the job for which the employee is being considered.

(3) Employees are encouraged, but not required, to have physical examinations periodically during their employment and to participate in wellness programs.

(4) Medical examinations required by the Town will be paid for by it and will be performed by a physician or licensed medical facility designated or approved by it. Medical examinations paid for by the Town are the property of the Town, and the examination records will be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.

(5) Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to the Chief Administrative Officer if the use might impair their ability to perform the job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking the prescription or nonprescription legal drugs. (See Policy 808, DRUGS, NARCOTICS, AND ALCOHOL.)

(6) The Town reserves the right to require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work. (See Policy 503, SICK LEAVE; and Policy 703, FAMILY MEDICAL LEAVE ACT.) The Town may require a second and, if necessary, third medical opinion regarding an employee's absence because of illness or injury. Any required additional opinions will be paid for by the Town.

(7) Employees returning from a disability leave or an absence caused by health problems may be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves or their fellow employees. (See Policy 503, SICK LEAVE; and Policy 703, FAMILY MEDICAL LEAVE ACT)

(8) Employees who become ill on the job or suffer any work-connected injury, no matter how minor, must report immediately to their supervisors. Supervisors will arrange referral for examination, treatment, and recording of the incident as necessary. Time spent by an employee waiting for and receiving this medical attention will be considered hours worked for pay purposes.

(9) An injured employee's supervisor or department head, or medical personnel are authorized to have the employee transferred to a medical facility for treatment. The Department Heads are responsible for developing and administering programs concerning employee health and safety. (See Policy 601, EMPLOYEE SAFETY)

(10) The Town may require job applicants and current employees to take a test to determine the presence of drugs, narcotics, or alcohol. (See Notice to Applicants and Employees of Controlled Dangerous Substance and Alcohol Testing Policy.)

## **POLICY 207 PROBATIONARY PERIOD**

### **Policy:**

It is the policy of the Town that all new employees and all present employees transferred or promoted to a new job should be carefully monitored and evaluated for an initial probationary period. After satisfactory completion of this period, those employees will be evaluated as provided in Policy 302, PERFORMANCE APPRAISALS.

### **Explanation:**

(1) Normally, the probationary period should last at least six months. Supervisors should observe carefully the performance of each employee in a new job position. When appropriate, weaknesses in performance, behavior, or development should be brought to the employee's attention for correction.

(2) Supervisors should prepare a written evaluation of the employee's job performance by the end of the first six months on the new job. (See Policy 302, PERFORMANCE APPRAISALS.) The evaluation should include a recommendation whether the employee should continue in the position. Copies of the evaluation should be forwarded to the Chief Administrative Officer for inclusion in the employee's personnel file.

(3) Employees generally will be allowed to continue in their new positions if they are given both a satisfactory evaluation by the end of their initial six month employment period and their supervisor's endorsement to continue in the job. Employees who do not receive a satisfactory evaluation and endorsement may be given additional time in 30-day increments to demonstrate their ability to do the job, if the supervisor feels additional time is warranted in order to achieve acceptable job performance.

(4) Supervisors may recommend the termination of a newly hired employee at any time. A recommendation for termination should be submitted in writing to the Chief Administrative Officer for review and should include an evaluation and a list of actions taken to assist the employee. (See also Policy 211, TERMINATION OF EMPLOYMENT.) Action to terminate will be at the discretion of the Mayor after consultation with the Chief Administrative Officer and legal staff.

(5) Newly hired employees are eligible for employee benefits as they are earned, except health insurance which is available the first day of the month following the employee's date of hire. Transferred or promoted employees, although evaluated according to this policy, remain eligible for all benefits while demonstrating their ability to perform their new jobs. The introductory period will be extended by the number of work days missed because of an excused leave of absence.

(6) At the discretion of the department head and/or Chief Administrative Officer, transferred or promoted employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated. Promoted employees who return to their original positions will not retain any salary increase obtained as a result of the promotion.

(7) At all times, including after successful completion of the introductory period, employment with the Town is considered to be "at-will," and the employment relationship may be terminated at any time for any lawful reason by either party. (See Policy 106, EMPLOYMENT-AT-WILL, Policy.)

(8) For the purposes of this section, police officers will be covered by the Law Enforcement Officer's Bill of Rights (LEOBR) and the policy and procedures of the Thurmont Police Department.

## **POLICY 208    TRANSFER**

### **Policy:**

It is the policy of the Town that it may at its discretion initiate or approve employee job transfers from one job to another or from one department to another.

### **Explanation:**

- (1) The Town may require employees to make a temporary job transfer in order to accommodate the Town's needs.
- (2) Employees may request a voluntary job transfer. To be eligible for a voluntary transfer, employees must meet the requirements of the new position, have held their current position for at least six months, have a satisfactory performance record, and have no disciplinary actions during the same period.
- (3) For the purposes of this section, police officers will be covered by the Law Enforcement Officer's Bill of Rights (LEOBR) and the policies and procedures of the Thurmont Police Department.
- (4) Transferred or promoted employees shall be subject to the same introductory period in their new position as new employees. (See Policy 207, INTRODUCTORY PERIOD.) Although evaluated according to this policy, transferred employees remain eligible for all benefits while demonstrating their ability to perform their new jobs. At the discretion of the department head and Chief Administrative Officer, transferred employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated.

## **POLICY 209 PROMOTION**

### **Policy:**

It is the policy of the Town to offer employees promotions to higher level positions when appropriate. The Town prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies, unless outside recruitment is considered to be in the Town's best interest.

### **Explanation:**

(1) All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their supervisor, department head, and the Chief Administrative Officer.

(2) Employee eligibility for promotion will be determined by the requirements of the new job. In addition, to be considered, employees must have held their current position for at least six months, have a satisfactory performance record, and have no disciplinary actions during the same period.

(3) Job openings and promotions for which the Town solicits candidates from within the Town normally will be posted on the bulletin board in the town office. However, as it considers appropriate, the Town may fill job openings or make promotions without posting notices. When job openings or promotion opportunities are posted:

- (a) Interested employees must initiate a written request to the Chief Administrative Officer prior to the cut-off date specified in the posting;
- (b) Supervisors and department heads may initiate the procedure within the same time period and propose employees for the position; and
- (c) The Supervisor, Department Head and/or Chief Administrative Officer may, at its discretion, solicit outside candidates.

(4) Employee candidates for promotion will normally be screened and selected on the basis of attendance and work records, performance appraisals, and job-related qualifications including, in some instances, aptitude or achievement tests. Seniority will be considered if two or more candidates are judged to be equally qualified based on merit, work record, and other qualifications. In addition, employees seeking promotion may be required to have a medical examination and/or drug/ alcohol screening as may be appropriate. (See Policy 206, MEDICAL PROCEDURES, Policy 203; and Notice to Applicants and Employees of Controlled Dangerous Substance and Alcohol Testing Policy)

(5) Promoted employees will be subject to the provisions of the INTRODUCTORY PERIOD policy in their new positions. (See Policy 207, INTRODUCTORY PERIOD) The employee remains an at-will employee at all times and the employment-at-will relationship is not altered by a promotion or completion of the subsequent introductory period. Although evaluated according to this policy, promoted employees remain eligible for all benefits while demonstrating their ability to perform their new jobs. At the discretion of the Town, transferred employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated. Promoted employees who return to their original positions will not retain any salary increase obtained as a result of the promotion.

(6) For the purposes of this section, police officers will be covered by the Law Enforcement Officer's Bill of Rights (LEOBR) and the policies and procedures of the Thurmont Police Department.



## POLICY 210 HOURS OF WORK

### Policy:

It is the policy of the Town to establish the time and duration of working hours as required by work load, production flow, customer service needs, the efficient management of human resources, and any applicable law.

### Explanation:

(1) The normal workweek is Monday through Friday, and consisting of forty hours (or 37.5 hours for administrative staff). The normal workday will consist of eight hours (7.5 for administrative staff) of work with a 30 minute unpaid meal period. Rest or coffee breaks of fifteen minutes or less are considered as time worked.

(2) The schedule of hours for employees will be determined by the Chief Administrative Officer. The department head will inform employees of their daily schedule of hours of work, including meal periods and rest or coffee breaks if applicable, and of any changes that are considered necessary or desirable by the Town. (See Policy 706, MEAL BREAKS)

(3) Department heads may schedule overtime or extra shifts. Supervisors will assign overtime to nonexempt employees (those employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) as needed. Employees are not permitted to work overtime without the prior approval of their supervisor or department head and Chief Administrative Officer. For the purposes of overtime compensation, only hours worked in excess of eighty (75 for administrative staff) during a pay period will be counted.

(4) Employee attendance at lectures, meetings, and training programs will be considered hours of work, and therefore will be compensated time, if attendance is approved by the department head.

(5) Nonexempt employees normally will be granted a minimum of three hours of "reporting pay" and "on-call pay." Reporting pay will be granted when employees report for work and no work is available. When work is not available, the Town will make a reasonable effort before starting time to notify employees not to report to work. On-call pay will be granted when employees are asked to come to work outside of their normal working hours.

(6) Department heads, at their discretion, may allow nonexempt employees to make-up lost time during a given workweek. However, make-up time may not be allowed if the lost time is the result of conditions the employee could control, if there is no work the employee is qualified to do, or if adequate supervision is not available.

(7) All nonexempt employees are required to complete an individual time record showing the daily hours worked. Time records cover two workweeks and must be completed by the close of each workday. The following points should be considered in filling out time records:

- (a) Supervisors should review employees starting time, time out for lunch, time in from lunch, quitting time, and total hours worked for each workday;
- (b) Employees are not permitted to sign in or begin work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of their supervisor;
- (c) Employees are required to take scheduled lunch or meal breaks, unless emergency work prevents it;
- (d) Employee time records should be checked and signed by the supervisor involved. Unworked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) should be entered by the supervisor on the time record. Authorized overtime should be identified by the supervisor;
- (e) Unapproved absences should not be considered as hours worked for pay purposes. (See Policy 701, ATTENDANCE AND PUNCTUALITY.) Supervisors should inform employees if they will not be paid for certain hours of absence; and
- (f) Filling out another employee's time record or falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination.

(8) Personnel employed in executive, administrative, professional, or certain computer-related capacities generally are exempt from the provisions of the Fair Labor Standards Act. These employees are not required to fill out hourly time records but must account for daily attendance. In addition, exempt employees will not receive overtime compensation, but may be eligible for compensation after working abnormally long hours and upon approval of the Board of Commissioners.

(9) For policies and procedures regarding pay practices, See Section 300, PAY PROCEDURES.

(10) For the purposes of this section, police officers will be covered by the Law Enforcement Officer's Bill of Rights (LEOBR) and the policies and procedures of the Thurmont Police Department.

## **POLICY 211 OUTSIDE EMPLOYMENT**

### **Policy:**

It is the policy of the Town to allow its employees to engage in outside work or hold other jobs, subject to certain restrictions explained below.

### **Explanation:**

(1) The Town requires that employees' activities and conduct away from the job, including outside employment, must not compete or conflict with or compromise its interests, or adversely affect job performance and the ability to fulfill all responsibilities to the Town. For example, employees may not accept any employment relationship with any organization that does business with, or competes with, the Town. (See Policy 305, CONFLICTS OF INTEREST.) This prohibition extends to the unauthorized use of any Town tools or equipment and the unauthorized use or application of any confidential information. In addition, employees should not solicit or conduct any outside business during paid working time.

(2) Employees are cautioned to consider carefully the demands that additional work activity will create before requesting permission from the employee's supervisor to seek or accept outside employment. Permission may be denied in the Supervisor's discretion if the Supervisor believes that the outside Employment will adversely affect the employee's performance or the interests of the Town. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued; and, if necessary, normal disciplinary procedures will be followed to deal with the specific problems. (See Policy 807 DISCIPLINARY PROCEDURE.)

(3) Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination.

(4) The Town may revoke its consent for outside employment if the Town determines it is in its best interests to do so.

(5) For the purposes of this section, police officers will be covered by the Law Enforcement Officer's Bill of Rights (LEOBR) and the policies and procedures of the Thurmont Police Department.

## **POLICY 212    EMPLOYEE CLASSIFICATIONS**

### **Policy:**

It is the policy of the Town to classify employees as full-time, part-time, temporary, or seasonal and as exempt or nonexempt for the purposes of compensation administration. In addition, the Town may supplement the regular workforce, as needed, with other forms of flexible staffing.

### **Explanation:**

(1) The Chief Administrative Officer is responsible for classifying employees. Employees generally may be categorized as follows:

- (a) A full-time employee is an individual who works a normal forty-hour (37.5 hours for administrative staff) workweek and is hired for an indefinite period. A full-time employee may be classified as either exempt or nonexempt.
- (b) A part-time employee is an individual who works less than a normal workweek and is hired for an indefinite period. A part-time employee may be classified as either exempt or nonexempt.
- (c) A temporary employee generally is an individual who is hired either part-time or full-time for a specified, limited period. A temporary employee may be classified as either exempt or nonexempt.
- (d) A nonexempt employee is generally subject to the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA") and is typically paid either on an hourly or salary basis.
- (e) An exempt employee is exempt from the provisions of the FLSA and is not entitled to overtime payments. Exempt employees typically are paid on a salary basis and include administrative, executive, and professional employees, supervisors, and certain highly-skilled computer professionals.

Other flexible staffing classifications or arrangements may be added as needed.

(2) Temporary and part-time positions generally will be filled in accordance with the procedures contained in Policy 202, **HIRING**, when hiring seasonal or part-time employees.

(3) Full-time employees who are given temporary transfers are not considered temporary employees unless their job has been eliminated and only temporary employment is available.

(4) The Town may use students and other similar applicants for flexible staffing purposes, as allowed by law. Minor applicants generally will be required to provide a certificate of age. The Chief Administrative Officer and/or Supervisor will handle the assignment of students to special temporary or part-time jobs that are part of training programs.

(5) Full-time employees are generally eligible for paid absences, vacations, and holidays as discussed in Policies 502 through 505 of this Manual. Eligibility of temporary and part-time employees for these benefits is discussed in those policies. An employee whose status changes from full-time to part-time may use any days of paid absence or vacation already earned as a full-time employee. Benefits will thereafter be those provided to part-time employees. An employee whose status changes from temporary or part-time to full-time will be considered as hired on the date of the change of status for purposes of eligibility for full-time benefits. Information concerning eligibility for other Town benefits, such as the pension plan, is available from the Chief Administrative Officer. (See Policy 501, **DISCLOSURE OF BENEFITS**).

(6) All employees, regardless of classification, are considered to be employed "at will" and may quit or be terminated at any time and for any lawful reason. (See Policy 106, **EMPLOYMENT-AT-WILL**.)

## **POLICY 213 LAYOFF AND RECALL**

### **Policy:**

It is the policy of the Town that, if it must reduce employment because of adverse economic or other conditions, layoffs and recall from layoffs generally will be conducted in a manner that is consistent with Town requirements and in accordance with the procedures described below.

### **Explanation:**

(1) The Town will attempt to avoid layoffs and, whenever possible, will consider alternatives to layoff before any final decisions are made. In the event that a layoff is expected, the Town will attempt to communicate information about an impending layoff as soon as possible. However, the Town reserves the right to alter the layoff procedure and withhold information about the layoff as permitted by law in order to protect the Town's interests.

(2) Generally, layoffs that are expected to be temporary will be handled according to the provisions of this policy. Layoffs that are expected to be permanent will be made according to this policy and handled according to policies outlined in Policy 214, TERMINATION OF EMPLOYMENT.

(3) Nonexempt employees (those employees who are covered by the minimum wage and overtime provisions of the Fair Labor Standards Act) within each affected unit typically will be selected for layoff in the following order:

- (a) New employees within the introductory period, (See Policy 207, INTRODUCTORY PERIOD), will be laid off first;
- (b) Seasonal and part-time employees will be laid off next. (See Policy 212, EMPLOYEE CLASSIFICATIONS); and
- (c) Full-time employees will be laid off next, based on their length of service, their demonstrated ability to perform the available work, and their possession of required licenses, certifications and accreditations.

(4) Exempt employees within each affected unit typically will be selected for layoff based on evaluation of the following criteria:

- (a) Demonstrated current and past performance;
- (b) Promotion potential and transferability of skills to other positions; and
- (c) Length of service with the Town.

(5) An employee's length of service is measured from the original date of employment with the Town, as long as there has not been a break in service greater than 30 days. During a layoff, employees with breaks in service greater than 30 days, but less than one year per break, are credited only for their time actually worked, i.e., the break time does not get counted unless required by law. Employees with a break in service greater than one year receive credit for service only from their most recent date of hire with the Town.

(6) Employees selected for layoff will be given as much notice as required by law or as much notice as possible under the circumstances. Employees will be informed of the reason for the layoff, the estimated length of the layoff, and any rights they have to appeal their selection for layoff to the Chief Administrative Officer.

(7) Employees who are laid off will be maintained on a recall list for six months or until the Chief Administrative Officer determines the layoff is permanent, whichever occurs first. Removal from the recall list terminates all job rights the employee may have. While on the recall list, employees should report to the Chief Administrative Officer if they become unavailable for recall. Employees who do not keep a current home address on record with the Chief Administrative Officer will not be considered for any recall to work.

(8) Employees will be recalled according to the Town's need, employee's classification, and their ability to perform the job. Notice of recall will be sent by registered mail, return receipt requested, to the current home

address on record with the Chief Administrative Officer. Unless an employee responds to the recall notice within seven days following receipt of the notice, or its attempted delivery, the employee's name will be removed from the recall list and the employee will not be considered for recall.

(9) Employees who are laid off will not accrue vacation or sick leave during the layoff. When an employee returns to work following a recall, the employee may use any vacation or days of paid absence accumulated but not used during the time of the layoff. **NONE WILL BE ACCUMULATED DURING THE LAYOFF – DO YOU WANT TO REQUIRE USE PRIOR TO THE LAYOFF WHICH I THINK MAKES MORE SENSE.**

## **POLICY 214 · TERMINATION OF EMPLOYMENT**

### **Policy:**

It is the policy of the Town to terminate employment because of an employee's resignation, discharge, or retirement; the expiration of an employment contract; or a permanent reduction in the workforce. Discharge can be for any reason or no reason as long as it is not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and for any reason. (See Policy 106, EMPLOYMENT-AT-WILL.)

### **Explanation:**

(1) Employees are requested to give written notice of their intent to resign. Failure to give written notice may result in forfeiture of non-vested Town benefits (including accrued, unused vacation time or sick leave) and ineligibility for reemployment. (See Policy 203, HIRING; and Policy 502 VACATIONS.) The following guidelines are suggested:

- (a) Supervisory and managerial employees should give four weeks' notice; and
- (b) All other employees should give at least two weeks' notice.

Employees who are absent from work for three consecutive days of scheduled work without being excused or giving proper notice will be considered as having voluntarily quit. (See Policy 701, ATTENDANCE AND PUNCTUALITY.)

(2) For policies and procedures leading up to discharge for disciplinary reasons, see Policy 807, DISCIPLINARY PROCEDURE.

(3) For policies and procedures governing resignation as a result of retirement, see Policy 215 RETIREMENT.

(4) For policies and procedures governing expiration of an employment contract, see Policy 204 EMPLOYMENT AGREEMENTS.

(5) For policies and procedures governing a permanent reduction in force, see Policy 213 LAYOFF AND RECALL.

(6) Supervisors should send notices of resignation or recommendations for termination to the Chief Administrative Officer for review. This information should be accompanied by any needed supporting documents, such as performance appraisals or disciplinary reports.

(7) Notice of involuntary terminations should be handled carefully and discreetly, preferably in a private meeting including the employee to be terminated, the Chief Administrative Officer, the immediate supervisor.

(8) The Chief Administrative Officer should conduct an exit interview not later than the employee's last working day.

(9) The Chief Administrative Officer should maintain written reports of the termination notice meeting (when applicable) and exit interview.

(10) The Chief Administrative Officer will have the final pay for terminating employees available on their scheduled pay day. The Chief Administrative Officer will be responsible for securing the return from terminated employees funds advanced and all Town property in their possession, such as Town identification cards, keys, credit cards, tools, and vehicles. If the employee owes the Town any money or is responsible for any lost or damaged property, those accounts are to be settled as originally agreed or by deduction from final pay. A separate agreement authorizing deduction for such items shall be executed by the Employees.

(11) The Chief Administrative Officer is responsible for notifying terminated employees who are covered by the Town's group health plan of their right to continue coverage under that plan pursuant to the Consolidated Omnibus Budget Reconciliation Act ("COBRA") or applicable state law.

(12) Terminated employees may be eligible for future employment if recommended by their supervisor. However, employees who resigned without written notice or were dismissed for disciplinary reasons will not be considered for reemployment.

(13) Requests for employment references should be made in writing to the Chief Administrative Officer and should include an authorization by the employee for the release of the requested information. Generally, the Town will not release reference information without the employee's authorization, or will limit the information to verification of the employee's position, job location, and dates of employment with the Town.

(14) Termination and discharge procedures are only guidelines and do not create a legal contract between the Town and its employees. The Town reserves the right to implement its policies and procedures as it sees fit. In addition, specified grounds for termination are not all-inclusive. (See Policy 807, DISCIPLINARY PROCEDURE.)

(15) For the purposes of this section, police officers will be covered by the Law Enforcement Officer's Bill of Rights (LEOBR) and the policies and procedures of the Thurmont Police Department.



## **POLICY 215 RETIREMENT**

### **Policy:**

It is the policy of the Town to provide a retirement plan for employees who are eligible for retirement benefits. Employee participation in the retirement plan is mandatory for all employees working in excess of 500 hours per calendar year.

### **Explanation:**

(1) The Town is a participant in the Maryland State Retirement System. The System provides survivor, disability and service retirement benefits. The System is a cost sharing, multi-employer defined benefit pension plan for the employees and school teacher personnel for the State's 24 subdivision boards of education and certain local governmental entities that chose to participate in the System.

(2) The employee's contribution is 7% of base pay. Employees earn service credit towards retirement benefits for each day worked with payment of the required contribution. Employee's service credit and age determine when they are eligible for retirement and how much the retirement benefit will be.

(3) Employees must enroll by submitting an Application for Membership and Designation of Beneficiary Forms. The forms are provided at the time of hire by the Town's retirement coordinator.

(4) The employee becomes vested in the pension system after 5 years of service (10 if hired on or after 7/1/2011). If employment is terminated prior to the 5 or 10 year period, the member contributions may be refunded, and all service credit will be lost. Should employment terminate after 5 or 10 years service, service and contributions will be held until such time as the staff member is eligible to retire.

(5) The Pension System provides a monthly retirement annuity, death benefit, disability benefits, and compound cost of living adjustments after retirement. For more information, see the Maryland State Retirement Pension System Handbook.

(6) Members of the Maryland State Retirement Pension System may apply unused sick leave to additional retirement credit. (See Policy 503, SICK LEAVE.) This unused sick leave is applied only in the event of a retirement. If the employee terminates his or her employment with the Town, although he or she may be vested, unused sick leave will not be applied for retirement credit.

(7) The Chief Financial Officer administers the plans and questions regarding the plan should be directed to the Chief Financial Officer.

## **POLICY 301 SALARY ADMINISTRATION**

### **Policy:**

It is the policy of the Town to pay compensation that is nondiscriminatory and competitive. However, all compensation policy decisions must take into consideration the Town's overall financial condition.

### **Explanation:**

(1) The Chief Administrative Officer is responsible for coordinating the continuing internal review of all compensation and for ensuring that each job is evaluated and assigned a job grade and salary range. (See Policy 303, JOB EVALUATION.) This review should determine whether compensation accurately and fairly reflects each individual's responsibilities and performance.

(2) The Chief Administrative Officer will, when considered appropriate, participate in or conduct compensation surveys covering other employers with similar jobs. This and other available information should be used to help set pay policy and to determine the relative competitive position of the Town's pay structure.

(3) New employees generally will be hired at the starting rate assigned to their job grade. Supervisors may recommend higher or lower starting rates depending on an applicant's experience or skill level or other competitive considerations. These recommendations should be reviewed and approved by the Mayor before implementation by the Chief Administrative Officer.

(4) The Chief Administrative Officer is responsible for conducting a compensation review in conjunction with a performance review with each employee at least annually. Compensation decisions generally should be based on performance, length of service, and budget considerations. (See Policy 302 PERFORMANCE APPRAISALS.)

(5) Supervisors, when conducting compensation reviews, should show employees the relationship between pay and job performance, length of service, and other significant factors. In addition, supervisors should make clear that overall compensation includes numerous noncash benefits and that the Town contributes to Social Security and unemployment insurance on each employee's behalf. (See Policy 501 DISCLOSURE OF BENEFITS.)

(6) Employees who are not satisfied with the results of their compensation review or who have questions about the Town's salary administration and benefits program should direct their concern to their supervisor, department head, or the Chief Administrative Officer. (See Policy 902, DISPUTE RESOLUTION PROCEDURE.)

## **POLICY 302 PERFORMANCE APPRAISALS**

### **Policy:**

It is the policy of the Town that the job performance of employees should be evaluated periodically by the employee's supervisor.

### **Explanation:**

(1) Supervisors should complete performance appraisals upon the following occasions:

- (a) By the end of the first six months of employment (see Policy 207, INTRODUCTORY PERIOD);
- (b) In conjunction with the annual salary review (see Policy 301, SALARY ADMINISTRATION);
- (c) When the employee is transferred or promoted to a new job;
- (d) When the employee is assigned to a new supervisor;
- (e) When a reduction in staff is necessary; and
- (f) When an employee does not meet supervisor's expectations and a performance improvement process is initiated.

If a performance appraisal has been completed within one month of the above occasions (except as a result of an event falling under subsection (1)(f) after the appraisal was completed), a new appraisal does not need to be completed. Between scheduled appraisals, supervisors should discuss with employees on an informal basis any performance issues that require attention and should keep records of any significant incidents.

(2) In evaluating employees, supervisors should consider factors such as the experience and training of the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that normally should be considered include knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, customer service, past disciplinary actions, and acceptance of responsibility.

(3) Supervisors should prepare a written appraisal of each employee's job performance. The appraisal should include the supervisor's comments and recommendations, an action plan for both the employee and supervisor, and performance goals for the next evaluation period.

(4) Department heads should review each supervisor's written evaluation to help assure that the evaluation function has been properly completed in as fair and objective a manner as possible.

(5) After the written evaluation has been reviewed by the department head, the supervisor and employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation and make written comments about any aspect of it. The employee and supervisor should then sign and date the evaluation and forward it to the Chief Administrative Officer for review and inclusion in the employee's personnel file.

(6) In addition to adding written comments to their performance appraisal, employees may request a review by their department head or the Chief Administrative Officer. (See Policy 902, DISPUTE RESOLUTION PROCEDURE.)

(7) Information derived from the performance appraisal may be considered when making decisions affecting training, pay, promotion, transfer, or continued employment.

(8) The procedures discussed in this policy are only guidelines. The Town may, in its sole discretion, modify or revoke them in whole or in part at any time. Therefore, these procedures are not a promise or contract, express or implied, and the Town retains the right to determine whether and how they will be applied, depending on the circumstances. (See Policy 106, EMPLOYMENT-AT-WILL.)

(9) For the purposes of this section, police officers will be covered by the Law Enforcement Officer's Bill of Rights (LEOBR) and the policies and procedures of the Thurmout Police Department.

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**POLICY 303    JOB EVALUATION**

**Policy:**

It is the policy of the Town to evaluate all jobs (positions) in order to establish a consistent basis for establishing salary and compensation levels.

**Explanation:**

- (1) The Chief Administrative Officer is responsible for developing and administering the job evaluation program.
- (2) Written job descriptions should be prepared for each position in the Town. Each job then should be evaluated and ranked using a standardized rating system that measures the job content and worth of the job in the external marketplace.
- (3) Each grade or classification has a salary range assigned to it and provides for a spread from a minimum to a maximum rate. Employee compensation within any labor grade or classification is based on factors such as merit, experience, individual productivity, length of service, and external market factors.
- (4) The Chief Administrative Officer should evaluate all new positions and review on a periodic basis all job descriptions and evaluations to assure that they accurately reflect current conditions. Employees may request a job reevaluation or an adjustment to grades or classifications.

## **POLICY 304 PAY PROCEDURES**

### **Policy:**

It is the policy of the Town to pay employees direct deposit on a regular basis and in a manner so that the amount, method, and timing of wage payments comply with applicable laws and regulations.

### **Explanation:**

- (1) Employees normally will be paid biweekly.
- (2) Employees on each payday will receive, in addition to their deposit, a statement showing gross pay, deductions, and net pay and accrued leave. Local, state, federal, and Social Security taxes and pension contributions will be deducted automatically. No other deductions will be made unless required or allowed by law, contract, or employee obligation. Employees may elect to have additional voluntary deductions taken from their pay only if they authorize the deductions in writing.
- (3) Employees who discover a mistake in their pay should notify the Chief Administrative Officer immediately. In the case of a mistake, the error will be remedied promptly.
- (4) Employees who are eligible for vacation may receive an advance on their vacation pay as long as an approved request for it is submitted to the Chief Administrative Officer at least one pay period before the beginning of the vacation. Under normal circumstances, no other advances or loans for employees will be made without the prior approval of the Chief Administrative Officer.
- (5) Nonexempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation at the rate of one and one-half times their regular hourly rate for work in excess of eighty hours (75 for administrative staff) during their normal pay period. (For a more detailed discussion of exempt and nonexempt status, see Policy 212, EMPLOYEE CLASSIFICATIONS.)
- (6) Nonexempt employees will receive holiday pay at two and one-half times their regular rate for work on Town recognized holidays.
- (7) For policies and procedures regarding on-call and reporting pay, see Policy 210, HOURS OF WORK. For policies and procedures governing pay upon termination, see Policy 214, TERMINATION OF EMPLOYMENT.
- (8) Employees should discuss any questions or concerns regarding their rate of pay and other compensation issues with their department head or with the Chief Administrative Officer.
- (9) For the purposes of this section, police officers will be covered by the Law Enforcement Officer's Bill of Rights (LEOBR) and the policies and procedures of the Thurmont Police Department.

**POLICY 305      OVERTIME PAY**

**Policy:**

Overtime pay must be approved in advance by an employee's supervisor or the Chief Administrative Officer.

**Explanation:**

(1) Non-exempt employees may not routinely arrive early to work or stay late unless specifically authorized to do so.

(2) Non-exempt employees may not work over-time unless there is a specific need that must be met that cannot be performed during the employee's normal work day. The employee's supervisor must approve the reason and the request for over-time work.

## **POLICY 401 AUTOMOBILE USAGE**

### **Policy:**

It is the policy of the Town to provide vehicles for Town business, to allow employees to drive on Town business, and to reimburse employees for business use of personal vehicles according to the guidelines below.

### **Explanation:**

(1) Employees may not drive vehicles for Town business without the prior approval of their supervisor. Before approving a driver, the supervisor must check the employee's driving record, verify the existence of a valid driver's license and personal auto liability insurance coverage, and make certain that the employee is eligible for coverage under any applicable Town insurance.

(2) Employees whose jobs require regular driving for business as a condition of employment must be able to meet the driver approval standards of this policy at all times. In addition, employees holding those jobs must inform their supervisors of any changes that may affect their ability to meet the standards of this policy. For example, employees who lose their licenses, receive tickets for driving infractions, or are involved in accidents as a driver, must report this to their supervisors. For all other jobs, driving is considered only an incidental function of the position.

(3) Town vehicles will be assigned to those departments that have demonstrated a continuing need for them. Additional vehicles are maintained in a motor pool for use as needed. Employees who receive prior approval from their supervisors may rent a car when traveling out of town on Town business.

(4) Employees who need transportation in the course of their normal work may be assigned a Town vehicle for their use. All other employees needing transportation for Town business may use vehicles assigned to their department or those drawn from the motor pool. As a last alternative, when no Town vehicles are available, employees may use their own vehicles for business purposes, but only with the prior approval of their supervisor.

(5) Employees who drive a vehicle on Town business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and follow all traffic laws, to avoid distractions while driving (such as using cellular telephones), and to maintain the security of the vehicle and its contents. Employees who use their own vehicles for business purposes must make sure that the vehicle meets any Town or state legal standards for insurance, maintenance, and safety. Employees are responsible for any driving infractions or fines that result from their driving and must report them to their supervisors. Smoking, Vaping, and/or use of any tobacco products are prohibited in all Town vehicles. (See Policy 605, SMOKING AND TOBACCO PRODUCTS)

(6) Employees are not permitted, under any circumstances, to operate a Town vehicle, or a personal vehicle for Town business, when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication. (See Policy 808, DRUGS, NARCOTICS, AND ALCOHOL)

(7) Employees may not use Town vehicles for non-business purposes.

(8) Employees driving on Town business may claim reimbursement for parking fees and tolls actually incurred. In addition, employees driving Town vehicles may claim reimbursement for gasoline and other expenses directly incurred for business purposes. All requests for reimbursement must be approved by the employee's supervisor.

(9) Employees who use their personal vehicles for approved business purposes will receive a mileage allowance equal to the Federal Government Joint Travel Regulation (JTR) mileage allowance for the use. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance.

(10) Employees must immediately report any accident, theft, damage, breakdown, or mechanical problem involving a Town vehicle or a personal vehicle used on Town business to their supervisor and the Chief



Administrative Officer, regardless of fault, the extent of damage, or lack of injuries. Employees are expected to cooperate fully with authorities in the event of an accident. However, they should not make any statements other than in reply to questions of investigating officers.

(11) Employees involved in any accident or incident causing damages to another vehicle or other personal property will be required to undergo post-accident drug/alcohol screening.

(12) Time spent by nonexempt employees (those covered by the minimum wage and overtime provisions of the Fair Labor Standards Act) in driving a Town or personal vehicle on Town business during normal working hours is considered hours worked for pay purposes. Commuting time before the start and after the end of the workday is not treated as work time for pay purposes.

(13) For the purposes of this section, police officers will be covered by the Law Enforcement Officer's Bill of Rights and the policies and procedures of the Thurmont Police Department.

## **POLICY 402 PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS**

### **Policy:**

It is the policy of the Town to encourage employees to participate in certain trade and professional associations.

### **Explanation:**

(1) Employees are encouraged to participate in trade and professional associations that promote Town goals, individual skills development, and professional recognition. However, employee participation in those associations must not conflict with the Town's interests. (See Policy 805 CONFLICTS OF INTEREST.)

(2) The Town may identify certain trade and professional associations in which representation is desirable and then designate the employees that it will sponsor for membership. Employees who are designated for membership act as Town representatives in the association and are expected to promote its interests and to participate accordingly.

(3) Employee participation in trade and professional association activities will not be considered as hours worked for pay purposes for employees classified as nonexempt under the Fair Labor Standards Act, unless participation is at the Town's request or under its direction and control.

(4) Department heads are responsible for coordinating representation in trade and professional associations. The following factors normally will be considered in selecting associations for representation and in designating employees to be sponsored for membership:

- (a) The nature and purpose of the association;
- (b) The potential benefit to the Town, including enhancement of the Town's reputation and the development of the employee's leadership and organizational skills;
- (c) The cost to the Town;
- (d) The extent to which the Town is already represented in the association; and
- (e) The employee's job responsibilities, length of service, and overall qualifications for membership.

(5) The Chief Administrative Officer is responsible for planning, budgeting, and approving the expenses of employees' participation in association activities. The Town will pay or reimburse the approved and reasonable expenses of employees sponsored for membership in trade and professional associations. Employees not sponsored for association membership may be eligible for reimbursement for the expenses of special association events, if participation in the activity is approved in advance.

(6) Employees must have the Chief Administrative Officer's advance approval before soliciting or accepting any official position in a trade or professional association. If the employee receives approval, the Chief Administrative Officer should determine the extent of compensation that the employee will receive for association activities conducted during working time. Additionally, the Chief Administrative Officer should decide the extent that the employee will be reimbursed for expenses incurred in performing official duties.

(7) Employees are encouraged to contribute articles, present papers, and give talks to trade and professional associations. However, employees must obtain prior approval for any communication that might represent the Town's position or involve any information that is confidential or calls into question the reputation of the Town or creates a potential conflict of interest.

## **POLICY 501 DISCLOSURE OF BENEFITS**

### **Policy:**

It is the policy of the Town to provide its employees with various benefits and pension plans. Information and summaries intended to explain these benefit plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis. The Town reserves the right to modify, amend, or terminate its welfare and pension benefits as they apply to all current, former, and retired employees. Benefits under each benefit plan will be paid only if the Chief Financial Officer decides in his or her discretion that the applicant is entitled to them.

### **Explanation:**

(1) The Town offers certain benefits to eligible employees, including health, life, and disability insurance and pension and retirement plans. Eligibility will depend upon the specific requirements of each benefit plan. The Town also provides a number of other benefits such as leaves of absence and paid vacation, holidays, and sick days consistent with the policies contained in this Manual.

(2) All benefits provided by the Town are described in official documents that are kept on file by the Chief Administrative Officer. These documents are available for examination by any plan participant or beneficiary. In addition, these documents are the only official and binding materials concerning the Town's benefits and pension plans. All summaries and communications, both written and verbal, must refer to these documents as binding in cases of questions or disputes.

(3) The Chief Financial Officer serves as Administrator of the Town's benefits and pension plans. The Administrator is responsible for all communications and disclosures concerning Town benefits and for compliance with all applicable laws and regulations. In addition, the Administrator is available to answer questions concerning the benefit plans.

(4) Under certain Town insurance and retirement plans, each employee must designate a beneficiary for the employee's death benefits. The designation must be made in writing and in a form acceptable to the Administrator. It is the employee's responsibility to maintain the proper beneficiary designations and to alert the Administrator to any changes in status affecting eligibility or designations. (See Policy 901 PERSONNEL RECORDS.)

(5) The Administrator will furnish appropriate information to each participant in a pension plan.

**POLICY 502 VACATIONS****Policy:**

It is the policy of the Town to grant annual vacations with pay to full-time and part-time employees in accordance with the guidelines established below.

**Explanation:**

(1) The established vacation year is the calendar year, January 1 through December 31 each year. Vacations are accrued or earned based on the employee's length of service and on the time actually worked. In addition, 80 hours (75 for administrative staff) of unused vacation may be carried over to the following year. Hours exceeding 80 (or 75 for administrative staff) will be lost unless used by the end of the calendar year.

(2) Full-time employees will earn paid vacation according to the following schedule:

<u>Service Period</u>	<u>Paid Vacation</u>
First Calendar Year	5 Days per calendar year
Calendar Years 2 through 4	10 Days per calendar year
Calendar Years 5 through 14	15 Days per calendar year
Calendar Years 15 through 24	20 Days per calendar year
Calendar Years 25 and over	25 Days per calendar year

Employees may not take paid vacation until they have actually earned the vacation. New employees will begin to accrue paid vacation upon initial employment at the rate of .42 days per month until the beginning of the next calendar year. Employees hired between January 1 and March 31 will be eligible for ten days' vacation starting in calendar year two. Employees hired beginning April 1 through June 30 will be eligible for eight days' vacation starting in calendar year two; employees hired between July 1 through September 30 will be eligible for six days' vacation starting in calendar year two; and employees hired beginning October 1 through December 31 will be eligible for five days' vacation in Calendar Year 2. Vacation will be as set forth above without adjustment starting in year 3 going forward.

(3) Part-time employees who work at least 20 hours per week (1,040 per year) are entitled to vacation on a pro-rata basis. The length of the vacation will be determined on the same basis as for full-time employees, but the pay will be based on the employee's average number of part-time hours per week during the vacation accrual year. Part-time employees working less than 20 hours per week and temporary employees do not receive paid vacation (See Policy 212, EMPLOYEE CLASSIFICATIONS.)

(4) During each vacation accrual year, employees must work at least ninety percent of their normally scheduled time each month, not including time off for vacations, sick days, comp-time, or holidays, in order for the month to count for vacation accrual purposes.

(5) Employees who feel that there is a discrepancy in the calculation of their vacation pay or eligibility may request a review of that calculation by the Chief Financial Officer. (See Policy 902, DISPUTE RESOLUTION PROCEDURE.)

(6) Vacation pay for full-time and part-time employees will consist of the employee's regular rate of pay for the vacation period and generally will be paid on the regularly scheduled payday.

(7) Generally, employees should submit vacation plans to their supervisor at least four weeks in advance of the requested vacation date. Management reserves the right to designate when some or all vacations must be taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts based on length of service. However, employees who want to change their plans after the vacation schedule has been set lose their seniority consideration.

(8) Employees on a leave of absence under the Family Medical Leave Act (See Policy 703) are required to use all accrued paid vacation time as part of the leave. In addition, employees on a leave of absence described in Policy 702 will not accrue any new vacation time during any unpaid leave.

(9) Employees who are entitled to a vacation of two weeks or less may take their full vacation at one time. Those who are entitled to a vacation of more than two weeks normally may take only a maximum of two weeks consecutively, with the balance to be taken separately as full weeks or as individual days.

(10) Employees may receive five (5) days maximum vacation pay in lieu of time off, or may be paid for any unused vacation remaining at the end of the vacation year when specifically approved by the Board of Commissioners.

(11) When employment is terminated, employees will receive accrued vacation pay for any unused vacation at the time of termination unless a separation agreement dictates otherwise.

(12) If a paid holiday falls within an employee's vacation period, the holiday will not be counted against the Employee's accrued leave balance. (See Policy 504, HOLIDAYS.) No allowance will be made for sickness or other compensable type of absence occurring during a scheduled vacation.

(13) For the purposes of this section, police officers will be covered by the Law Enforcement Officer's Bill of Rights (LEOBR) and the policies and procedures of the Thurmont Police Department.

**POLICY 503 SICK LEAVE**

**Policy:**

It is the policy of the Town to grant sick leave with pay to full-time and part-time employees in accordance with the guidelines established below.

**Explanation:**

(1) Ten (10) days sick leave is granted after six (6) months of employment for full-time employees. After that time ten (10) days is granted per calendar year. Of the ten (10) days per year, you may use two (2) days for personal business leave. However, pursuant to the Maryland Flexible Leave Act, the Town shall allow all employees to use all accrued paid leave, including sick days, to care for a spouse, parent, or child or step-child suffering from an illness. An employee may accrue a maximum of 260 sick days.

(2) Part-time employees who work at least 20 hours per week (1,040 per year) are entitled to sick leave on a pro-rata basis. Part-time employees working less than 20 hours per week and temporary employees do not receive paid sick leave. (See Policy 212, EMPLOYEE CLASSIFICATIONS.)

(3) If an employee retires under the Maryland State Retirement System, on or before 30 days after separation of employment with the Town of Thurmont, the employee is entitled to receive additional creditable service for any unused sick leave.

(4) Unused sick leave cannot be used to qualify an employee for retirement or reduce an early retirement deduction.

(5) If an employee is terminated for any reason, unused sick leave will not be compensated.

(6) If an employee is in sick leave status, written certification from the health care provider of the ill or injured employee verifying the need for leave is required if the absence exceeds three consecutive scheduled work days and also may be required for certain shorter absences. (See Policy 206, MEDICAL PROCEDURES; and Policy 702, LEAVES OF ABSENCE.) Employees who falsify the reason for an absence will be subject to disciplinary action, up to and including termination, and compensation for the absence will not be provided. (See Policy 807, DISCIPLINARY PROCEDURE.)

(7) Employees who wish to donate Sick Leave to another employee who has exhausted Sick Leave may do so by completing a "Donation of Sick Leave Form" and submitting to their supervisor. All requests will be approved only at the discretion of the Chief Administrative Officer.

## **POLICY 504 HOLIDAYS**

### **Policy:**

It is the policy of the Town to designate and observe certain days each year as holidays. Eligible employees will be given a day off with pay for each holiday observed.

### **Explanation:**

(1) The schedule of holidays the Town will observe during each calendar year will be published by the Chief Administrative Officer before the beginning of the calendar year.

(2) Full-time employees are eligible to receive their regular rate of pay for each observed holiday. Part-time employees are eligible to receive holiday pay only for holidays on which they normally would be scheduled to work and only for their regularly scheduled number of hours. Temporary employees and employees on leaves of absence or on layoff are not eligible to receive holiday pay.

(3) To receive holiday pay, an eligible employee must be at work or taking an approved absence on the work days immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation. If an employee is absent on one or both of these days because of an illness or injury, the Town may require verification of the reason for the absence before approving holiday pay. (See Policy 206, MEDICAL PROCEDURES.)

(4) A holiday that occurs on a Saturday or Sunday generally will be observed by the Town on either the preceding Friday or following Monday.

(5) If a holiday occurs during an employee's vacation period, the employee will be given an additional paid day off. The additional day off may be taken at the beginning or end of the vacation, or as a "floating" holiday at another time during the year, if approved in advance.

(6) The Town recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the Town's regular holiday schedule. Accordingly, employees who would like to take a day off for those reasons may do so provided advance notice has been provided to the employee's supervisor. Employees may use accumulated days of paid absence or "floating" holidays for these occasions, or they may take the time off as an unpaid, excused absence.

(7) Employees may take a paid holiday on their birthday. The birthday holiday must be approved in advance and must be taken in the month in which it occurs, but does not have to be taken on the actual birth date. The eligibility requirements for holidays apply to birthdays. (See Paragraphs (2) and (3), above.)

(8) The Town may schedule work on an observed holiday as it considers necessary. Normally, work on an observed holiday will be paid as if the day were a regularly scheduled day. Employees will be given the option of receiving additional pay for the day or a "floating" holiday that may be taken, with the prior approval of their supervisor, at another time during the year.

(9) For the purposes of this section, police officers will be covered by the Law Enforcement Officer's Bill of Rights (LEOBR) and the policies and procedures of the Thurmont Police Department.

**POLICY 505    COMP-TIME**

**Policy:**

It is the policy of the Town to allow comp-time in accordance with the guidelines established below.

**Explanation:**

- (1) Comp-time may be accrued in lieu of overtime pay. It is up to the employee to designate overtime worked as comp-time accrued.
- (2) Comp-time shall accrue as time and one-half or two and one-half, as applicable (see Policy 304), the same way the overtime would be paid. (Example: For one hour of overtime worked, the employee receives one and one-half hours comp-time.)
- (3) Comp-time balances shall not exceed 80 hours (75 for administrative staff) at any given time. Any overtime worked by an employee who already has 80 (75) hours of comp-time will be paid in the normal course as overtime pay.
- (4) Comp-time balances shall be carried over into the next calendar year.
- (5) The use of Comp-time shall be scheduled in advance with approval of the supervisor. Comp-time may be taken in the form of a full shift/day or hour by hour as long as it is approved by the supervisor.
- (6) Only employees who are eligible for overtime pay (non-exempt employees) may elect to accrue Comp-time.
- (7) Once an employee has elected to receive comp-time, the employee cannot thereafter request overtime pay for that particular comp-time election.
- (8) When employment is terminated, employees shall receive pay for any unused comp-time accrued at the time of termination unless a separation agreement dictates otherwise. Such payment shall be calculated as the greater of the average regular rate received by such employee during the last 3 years of the employee's employment, or the final regular rate received by such employee, whichever is higher.



**POLICY 506    BEREAVEMENT LEAVE**

**Policy:**

It is the policy of the Town to provide paid bereavement leave in the event of the death of a parent, spouse, domestic partner, child, step child, foster child, grandchild, father in law, mother in law, daughter in law, and son in law. Up to three days of paid leave will be provided to all full time employees and part-time employees working in excess in of 20 hours per week.

**Explanation:**

(1) Part-time employees will receive paid leave in an amount equivalent to the hours that the employee works on the days the employee takes Bereavement Leave. For example, a part-time employee working four hours per day would receive four hours of paid leave for each day the employee takes bereavement leave.

## **POLICY 601    EMPLOYEE SAFETY**

### **Policy:**

It is the policy of the Town to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment as free as practicable from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by the Town or by federal, state, or local law.

### **Explanation:**

(1) The Town's Chief Administrative Officer will oversee the Town's safety policies and procedures. The responsibilities include:

- (a) Monitoring compliance with Town safety rules and regulations and the applicable safety and health standards established as a result of the Occupational Safety and Health Act and any other applicable federal, state, or local employee safety laws or regulations;
- (b) Developing and implementing written safety plans or programs as needed;
- (c) Investigating, correcting, and reducing recognized unsafe and unhealthful working conditions or potential hazards;
- (d) Conducting periodic safety and health inspections of all work areas, machinery, equipment, and any recognized potentially hazardous Town facilities;
- (e) Representing the Town during investigations conducted by the Occupational Safety and Health Administration ("OSHA"), by any other federal, state, or local safety and health personnel, or by insurance underwriting representatives;
- (f) Organizing the safety training and retraining of employees;
- (g) Monitoring compliance with the various requirements established by any law or by the organization's insurance carrier relating to recordkeeping and the retention of records;
- (h) Establishing fire prevention and fire fighting programs, conducting fire drills, testing fire fighting equipment, and enforcing no smoking policies where appropriate;
- (i) Developing disaster preparedness plans;
- (j) Investigating all accidents, hazardous incidents, and fires involving Town employees, or which occur on Town premises, and preparing the required reports;
- (k) Posting notices required by law or by the organization's insurance carrier; and
- (l) Evaluating the effectiveness of the Town's safety program.

(2) Supervisors are responsible for ensuring that employees under their supervision understand and comply with all Town safety rules, regulations, and procedures. Supervisors' safety responsibilities include:

- (a) Being familiar with all safety and health procedures relevant to the operations under their supervision;
- (b) Inspecting their work areas periodically;
- (c) Training their employees in safety matters or arranging for safety training where appropriate;
- (d) Identifying conditions that are recognized in the Town's industry as being unsafe; and

- (e) Reporting accidents and injuries to the Employee's supervisor immediately and ensuring that any injured employee is referred to appropriate medical care. (See Policy 203, MEDICAL PROCEDURES.)

(3) Employees should report to the Chief Administrative Officer all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or others.

(4) Employees are encouraged to submit suggestions to the Chief Administrative Officer concerning safety and health matters. The Town will make appropriate awards to employees whose suggestions are adopted and significantly enhance safety, reduce costs, or increase productivity.

(5) The Town will provide special clothing or equipment, or reimburse for it, when special clothing or equipment is required by law or by Town policy. Employees are responsible for the proper use and maintenance of the clothing and equipment.

(6) Supervisors shall not discharge an employee or discriminate in any manner against an employee because the employee has instituted a safety-related proceeding, has testified in that type of proceeding, or has otherwise exercised any right provided by law. Employees may accompany government safety compliance officers during so-called "walk-around inspections," but they will not be provided additional compensation for that time unless specifically assigned the task by their supervisor or department head and the inspection occurs outside the employee's normal working hours.

(7) Supervisors should provide information about the potential for employee exposure to known toxic substances and recognized harmful physical agents at the time they are first hired and at least annually after that. These employees also should be notified that they may be required to submit to medical examinations and tests at intervals determined by the length of their time on the job and whenever there is reason to believe that they were unduly exposed to toxic substances or harmful physical agents. (See Policy 206, MEDICAL PROCEDURES.) Copies of the OSHA regulation requiring access to information regarding potential exposure and medical records are available in the office of the Chief Administrative Officer for examination.

(8) Violations of Town safety rules, regulations, or procedures will result in disciplinary action, up to and including termination. (See Policy 801, BEHAVIOR OF EMPLOYEES; and Policy 807, DISCIPLINARY PROCEDURE.)

**POLICY 602 MAINTENANCE OF WORK AREAS**

**Policy:**

It is the policy of the Town that work areas must be kept clean and orderly at all times.

**Explanation:**

- (1) Employees are responsible for maintaining their work areas in a clean and orderly fashion. To fulfill this responsibility, each employee should, at a minimum, do the following:
  - (a) Place coats, boots, umbrellas, and other items of clothing in designated areas so that work stations are not unnecessarily cluttered;
  - (b) Prior to the end of the workday, clean and store all tools and equipment and properly secure any items, papers, or information of value (see Policy 604, SECURITY; and Policy 806, CONFIDENTIAL INFORMATION).
- (2) Supervisors are responsible for having their employees maintain their work areas according to the requirements of this policy. Each supervisor should:
  - (a) Make sure that aisles, floors, and walls are free of debris and other unnecessary items and that all end-of-the-shift tasks have been performed;
  - (b) Monitor the facilities and equipment and issue maintenance requests where appropriate;
  - (c) Arrange for the removal of any items from the workplace that are not needed for the flow of business or the enhancement of employee comfort;
  - (d) Report to the Chief Administrative Officer any existing or potential workplace hazards and safety violations (see Policy 601, EMPLOYEE SAFETY); and
  - (e) Ensure the proper disposal of all trash, waste, and scrap.
- (3) The Town will attempt to maintain the temperature, lighting, and noise level of its facilities at a level that is comfortable for employees and also appropriate for the nature of its operations. Employees should inform their supervisor of any concerns about working conditions.
- (4) Employees must abide by the smoking and tobacco use restrictions established by state or local law and may smoke and use tobacco only in the areas where it is specifically permitted by Town policy. (See Policy 605, SMOKING AND TOBACCO PRODUCTS.)
- (5) For the purposes of this section, police officers will be covered by the Law Enforcement Officer's Bill of Rights and the Policies and Procedures of the Thurmont Police Department.

**POLICY 603    PARKING**

**Policy:**

It is the policy of the Town to provide parking facilities, when practical, for the benefit and convenience of its employees, customers, and visitors.

**Explanation:**

(1) The Town will provide parking for as many employees as practical. Special spaces may be designated for certain employees, customers, and visitors.

(2) Employees are expected to observe the parking rules established. In addition, the parking lot is considered part of the Town premises; therefore, all Town policies and rules apply to employees and their vehicles while on the lot. (See Policy 801, BEHAVIOR OF EMPLOYEES.) The Town reserves the right to search vehicles parked in the Town parking lot. (See Policy 604, SECURITY.)

(3) Employees who use Town parking lots do so at their own risk. Employees are encouraged to lock their cars at all times when left in the parking facilities. The Town assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lot. (See Policy 604, SECURITY.)

## **POLICY 604 SECURITY**

### **Policy:**

It is the policy of the Town to make reasonable efforts to provide for the security of its property, its employees, and authorized visitors to its premises.

### **Explanation:**

(1) Employees (except Police Officers), customers, suppliers, and guests are prohibited from possessing firearms or other weapons on Town property and at events sponsored by the Town. Employees are further prohibited from carrying weapons in employer-provided vehicles or in personal vehicles while on town business.

(2) At the end of each workday, employees shall store and secure all Town equipment, items, papers or confidential information or other information of value. (See Policy 806, CONFIDENTIAL INFORMATION.)

(3) Employees who want to take Town property or equipment off premises must have their supervisor's written authorization. Removing property or equipment without authorization will result in discipline up to and including termination. Employees are responsible for the proper care and return of all Town property and equipment in their possession.

(4) Employees may be searched, questioned, and subject to surveillance whenever the Town believes this is necessary to maintain security. All personal property brought onto the Town's premises, such as vehicles, packages, briefcases, backpacks, purses, bags, and wallets, are subject to inspection. In addition, the Town may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and may remove all Town property and other items that are in violation of Town rules and policies. Employees have no right of privacy in Town lockers, storage areas or other areas on Town property.

(5) Employees working in sensitive or high-security jobs must meet any applicable special security requirements specified for those jobs. These requirements may include more extensive background checks, fingerprinting, bonding, or other special security measures. Failure or inability to meet or comply with any special security requirements is grounds for termination of employment.

(6) Employees may enter or remain on the Town's premises outside their normal working hours only when authorized to do so by their supervisor. Supervisors should notify the Police Department of the authorization so that an approved list can be maintained and Police Officers on duty can be notified.

(7) Employees are expected to exercise reasonable care for their own protection and for that of their personal property while on the Town premises and while away from the premises on business. The Town assumes no responsibility for loss, damage, or theft of personal property.

(8) Employees are expected to know and comply with the Town's security procedures and should report any violations or potential problems to the Police Department and Chief Administrative Officer. Violations of Town security rules or procedures will result in disciplinary action, up to and including termination. In addition, illegal acts committed by employees may be reported to law enforcement authorities.

(9) For the purposes of this section, police officers will be covered by the Law Enforcement Officer's Bill of Rights and the policies and procedures of the Thurmont Police Department.

## **POLICY 605 SMOKING AND TOBACCO PRODUCTS**

### **Policy:**

It is the policy of the Town to comply with all applicable federal, state, and local regulations regarding smoking and tobacco use in the workplace and to provide a work environment that promotes productivity and the well-being of its employees. The Town recognizes that smoking and tobacco use in the workplace can adversely affect employees. Accordingly, smoking and tobacco use is restricted at all of its facilities.

### **Explanation:**

- (1) Smoking and tobacco use are prohibited inside all Town facilities. Supervisors are expected to enforce the regulations. This policy applies to employees during working time and to customers and visitors while on the Town's premises.
- (2) Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to this policy. Smokers have a special obligation to keep smoking areas litter-free and not to abuse break and work rules. Complaints about smoking and tobacco issues should be resolved at the lowest level possible but may be processed through the Town's dispute resolution procedure. (See Policy 902, DISPUTE RESOLUTION PROCEDURE.) Employees who violate the policy will be subject to disciplinary action including termination. (See Policy 807, DISCIPLINARY PROCEDURE.)
- (3) The Town does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the use occurs during nonworking time and off Town premises.
- (4) Employees may contact the Chief Administrative Officer for information regarding the effects of smoking and tobacco use and the availability of assistive programs.
- (5) Smoking and tobacco use in Town vehicles is strictly prohibited.
- (6) For the purpose of this section "smoking" includes the use of electronic cigarettes and other similar products.
- (7) For the purposes of this section, police officers will be covered by Law Enforcement Officer's Bill of Rights and the policies and procedures of the Thurmont Police Department.

## **POLICY 606 TOOLS AND EQUIPMENT**

### **Policy:**

The Town will provide all necessary equipment and tools for employees to perform their work.

### **Explanation:**

(1) Employees may not bring their personal tools or equipment to work for use in performing their duties unless specifically authorized by the employee's supervisor or the Chief Administrative Officer.

(2) In the event the use of personal tools or equipment is permitted, the employee will identify the tools or equipment in writing to the employee's supervisor and the supervisor shall keep a written record of the employee's tools or equipment if it is left on Town property. Typically such tools or equipment should not remain on Town property overnight or left unattended.

(3) The employee assumes the risk of loss or breakage of the tools or equipment if they remain on Town property and the Town has no responsibility to the employee to safeguard or protect such tools or equipment.



## **POLICY 701 ATTENDANCE AND PUNCTUALITY**

### **Policy:**

It is the policy of the Town to require employees to report for work punctually and to work all scheduled hours and any required overtime. Poor attendance and excessive tardiness disrupt work flow and service to the Town's residents and will not be tolerated.

### **Explanation:**

(1) Supervisors should notify employees of their starting, ending, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time.

(2) Employees should notify their supervisor as far in advance as possible whenever they are unable to report for work. If the supervisor is unavailable, notification should be made to the Chief Administrative Officer. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. An employee who fails to notify the Town of an absence before the employee's start time will be charged with an unauthorized absence.

(3) An employee who is unable to report for work shall use vacation leave, sick leave, comp-time, or request a leave of absence under Policy 702 to cover the absence. If one or more types of leave is available and appropriate, the employee shall determine which to use. An employee who does not report to work who does not have any available vacation leave, sick leave, or comp-time and does not qualify for leave under Policy 702 shall be charged with an unauthorized absence.

(4) Employees who are absent from work for three consecutive scheduled work days without giving proper notice to the Town will be considered as having voluntarily quit. At that time, the Town will formally note the termination and advise the employee of the action by certified mail to the employee's last known address. (See Policy 211, TERMINATION OF EMPLOYMENT.)

(5) Employees should notify their supervisor as far in advance as possible whenever they know they will be late or must leave early. If the supervisor is unavailable, notification should be made to the Chief Administrative Officer. The notice should include a reason and, if the employee will be late, an indication of when the employee can be expected to report for work. Nonexempt employees who are delayed in reporting for work more than 30 minutes and who have not notified their supervisor of their expected tardiness may lose their right to work the balance of the work day.

(6) Nonexempt employees will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds 10 minutes after starting time or before quitting time.

(7) Employees who report for work without proper equipment or in improper attire may be sent home to remedy the issue and/or not be permitted to return work. (See Policy 601, EMPLOYEE SAFETY; and Policy 802, PERSONAL APPEARANCE OF EMPLOYEES.) Nonexempt employees will not be compensated for any work time missed because of failure to comply with this policy. Employees who report for work in a condition considered not fit for work, whether for illness or any other reason, will not be allowed to work. (See Policy 206, MEDICAL PROCEDURES; and Policy 808, DRUGS, NARCOTICS, AND ALCOHOL.) Employees not permitted to work under this paragraph shall use vacation leave, sick leave, comp-time, or request a leave of absence under Policy 702 to cover the absence. If one or more types of leave is available and appropriate, the employee shall determine which to use. An employee who does not report to work who does not have any available vacation leave, sick leave, or comp-time and does not qualify for leave under Policy 702 shall be charged with an unauthorized absence without compensation.

(8) Employees generally are expected to report for work during inclement weather conditions if the Town does not declare an emergency closing. Nonexempt employees who are unable to report because of weather conditions will be granted an authorized unpaid absence or, if they, chose may use vacation leave or comp-time. Nonexempt employees who are late because of weather conditions will be given a chance to make up their missed time if work schedules and conditions permit.

(9) Nonexempt employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness, unauthorized absence, authorized absence, or any other reason if the result will be that the employee works more than 40 hours during the workweek.

(10) Employees must report to their supervisor after being late or absent, give an explanation of the circumstances surrounding their tardiness or absence if it was not approved in advance, and, when applicable, certify that they are fit to return to work. The supervisor shall record all absences and, for nonexempt employees, any tardiness or early departures exceeding ten minutes in the employee's file and forward a copy to the Chief Administrative Officer. When appropriate, the supervisor should counsel the employee on the importance of good attendance and warn that excessive tardiness or absences will lead to discipline, up to and including termination. (See Policy 807, DISCIPLINARY PROCEDURE.)

(11) Employees must obtain permission from their supervisor in order to leave the Town premises during working hours. (See Policy 706 MEAL BREAKS.) In addition, employees who are frequently away from the premises for business reasons should inform their supervisors of their whereabouts during working hours.

(12) Unauthorized absences or excessive tardiness and early departures will result in disciplinary action, up to and including termination. (See Policy 807, DISCIPLINARY PROCEDURE.) Generally, an employee with more than three instances of unauthorized absence, tardiness, or early departure in a three-month period will be subject discipline up to and including termination.

**POLICY 702 LEAVES OF ABSENCE**

**Policy:**

In addition to providing vacation leave (see Policy 502), sick leave (see Policy 503), holiday leave (see Policy 504) and comp-time (see Policy 505), it is the policy of the Town to grant employees leaves of absence in the circumstances listed in this section.

**Explanation:**

(1) The following types of leave are available for all eligible Town employees:

(a) Family Medical Leave Act: The Town will provide unpaid leave to all employees eligible under the Family Medical Leave Act ("FMLA"). Policy 703 outlines the FMLA's requirements, including when an employee qualifies for FMLA leave, the rights and obligations of employees under the FMLA, notification requirements, and the Town's obligations.

As an employer of 15-49 employees, the Town recognizes that it is also a covered employer under the Maryland Parental Leave Act (MPLA). The MPLA provides six weeks of unpaid leave for the birth of an employee's child or the placement of a child for adoption or foster care. The FMLA also provides twelve (12) weeks of unpaid leave for the birth of an employee's child or the placement of a child for adoption or in foster care. Accordingly, the six weeks leave an employee is entitled to under the MPLA shall run concurrently with the twelve weeks unpaid leave available under the FMLA such that an employee will be entitled to no more than twelve weeks leave under the FMLA and MPLA combined.

(b) Military Leave of Absence: The Town will provide leave for military or reserve duty as required by state and federal law. The Town will also provide leave for emergency Civil Air Patrol missions and for the deployment or return from active duty of an employee's family member as required by Maryland law. (See Policy 704)

(c) Jury Duty: The Town will provide leave to allow employees to serve jury duty. (See Policy 705)

(2) Requests for a leave of absence or any extension of a leave under any of the categories listed above ordinarily should be submitted in writing to the employee's department head at least thirty days before the start of the leave or extension period. When the need for leave or an extension is not foreseeable, employees should give as much notice as is possible. The department head will forward the request to the Chief Administrative Officer, recommending approval or denial. The final decision concerning the request will be made by the Chief Administrative Officer. All employees on approved leave are expected to report to the Chief Administrative Officer any change of status in their need for a leave or in their intention to return to work.

(3) If an employee requires leave for any reason not covered by the above listed categories no leave will be granted if the employee does not have any vacation days, sick days, or comp-time available.

(4) Employees who are on an approved leave of absence may not perform work for any other employer during that leave, except when the leave is for military or public service. (See Policy 211, OUTSIDE EMPLOYMENT.)

(5) The Town will provide health insurance and other benefits to employees on leave as required by law. Benefits that accrue according to length of service (such as paid vacation, holiday, personal, and sick days) do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation or disability benefits unless otherwise specifically provided by the terms of the benefit plan document or policy. (See Policy 501, DISCLOSURE OF BENEFITS.)

(6) Employees returning from a leave of absence will be reinstated to their same job or to an equivalent job with equivalent status and pay, as required by law. Employees returning from a medical leave must provide certification of their ability to perform the functions of their job. Employees returning from a military leave also must comply with all of the reinstatement requirements specified by federal law. If the same job or one of equivalent status and pay is not available as a result of a reduction in force, the employee will be treated in the same manner as though he had been actively employed at the time of the reduction in force. (See Policy 213, LAYOFF AND RECALL.)

(7) Employees who are unable to report for work because of arrest and incarceration will be placed on unpaid leave of absence. If the employee is unable to secure bail, the leave of absence will continue until final disposition of the charges. If the employee is freed on bail, the employee's department head, the Chief Administrative Officer, and the Mayor will decide whether active employment is appropriate pending final disposition of the charges. Employees are still responsible to notify their supervisor or have others make the notification. Failure to do so will be subject to disciplinary action up to and including termination. Non-notification for three consecutive scheduled work days will be considered as having voluntarily quit (See Policy 701, ATTENDANCE AND PUNCTUALITY.)

(8) If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.

## **POLICY 703 FAMILY AND MEDICAL LEAVE ACT**

### **Policy:**

The Town will comply with all applicable requirements of the Family and Medical Leave Act ("FMLA").

### **Explanation:**

The FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools), to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. The 12-month period is a rolling period measured backward from the date an employee uses any FMLA leave.

### Employee Eligibility

The FMLA defines eligible employees as employees who: (1) have worked for the Town for at least 12 non-consecutive months; and (2) have worked for the Town for at least 1,250 hours in the previous 12 months.

### Leave Entitlement

Eligible employees may take leave for the following reasons: (1) to care for the employee's child upon birth or in connection with a child's placement with the employee for adoption or foster care; (2) to care for a parent, spouse, or child ("covered family members") with a serious health condition; (3) when the employee is unable to work because of the employee's own serious health condition; or (4) a qualifying exigency such as service in the National Guard Reserves or Armed Forces.

Serious health condition. According to the FMLA, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care (i.e., an overnight stay), including any period of incapacity or any subsequent treatment in connection with the inpatient care; or (2) "continuing treatment" by a health care provider which includes any period of incapacity as a result of:

- (a) a health condition lasting more than three consecutive days and any subsequent treatment or period of incapacity relating to the same condition that also includes (i) treatment two or more times by or under the supervision of a health care provider; or (ii) one treatment by a health care provider with a continuing regimen of treatment;
- (b) Pregnancy or prenatal care, including severe morning sickness;
- (c) A chronic serious health condition that continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity;
- (d) A permanent or long-term condition for which treatment may not be effective, if the employee is under the supervision of a health care provider (but not necessarily receiving active treatment); or
- (e) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

For further information on what is considered "continuing treatment," contact the Chief Administrative Officer. Spouses employed by the same employer are jointly entitled to a combined leave of 12 workweeks of family leave in the 12-month period to care for a parent who has a serious health condition. However, each spouse may take up to 12 workweeks of leave to care for a child or spouse with a serious health condition.

Birth, adoption, or foster care of children. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the same employer are jointly entitled to a combined leave of 12 workweeks of parental leave in the 12-month period for the birth or placement of a child for adoption or foster care.

Intermittent or reduced work schedule leave. In certain circumstances, eligible employees may take FMLA leave intermittently (for example, in blocks of time) or by reducing their work schedule. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the Town's permission. If the FMLA leave is because of the employee's serious illness or to care for a seriously ill family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary.

Care of Member of Armed Forces. Eligible employees may take up to 26 weeks to care for an injured member of Armed Forces.

Notice and Certification

Employees who want to take FMLA leave ordinarily must provide the Town at least 30 days notice of the need for leave, if the need for leave is foreseeable. If the employee's need is not foreseeable, the employee should give as much notice as is practicable. When leave is needed to care for a covered family member or for the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment in order to minimize disruptions of the Town's operations.

In addition, employees who need leave for their own or a covered family member's serious health condition must provide medical certification from a health care provider of the condition. The Town also may require a second, and if necessary, a third opinion (at the Town's expense), periodic re-certifications of the serious health condition, and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work.

The Town may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The Town also may delay or deny approval of leave for lack of proper medical certification.

Benefits During FMLA Leave

Employees taking leave under the FMLA are entitled to receive health benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. If applicable, arrangements will be made for employees to pay their share of health insurance premiums while on leave. If an employee chooses not to return to work from FMLA leave, the Town may be entitled to recover premiums it paid to maintain health coverage during the leave.

The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, the employee must use any accrued paid vacation, personal, and sick days during an unpaid FMLA leave taken because of the employee's own serious health condition or the serious health condition of a family member. In addition, the employee must use any accrued paid vacation or personal days (but not sick days) during FMLA leave taken to care for a newborn or newly placed child. Vacation, personal and sick leave does not accrue during FMLA leave.

Job Restoration After FMLA Leave

The Town will reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the Town's operations. A "key" employee is an eligible salaried employee who is among the highest paid ten percent of employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

Other Provisions

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Under an exception to the Fair Labor Standards Act ("FLSA") in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees who are exempt from the minimum wage and overtime requirements of the FLSA, and records of leave taken may be kept for those employees, without affecting the employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of leave required by the FMLA.

Further Information

For more information, employees may contact the Chief Administrative Officer.

**POLICY 704    MILITARY AND OTHER RELATED LEAVE**

**Policy:**

The Town shall provide unpaid leave for military or reserve duty as required by state and federal law, including leave for service in the Civil Air Patrol. The Town shall also provide leave to employees with family members deploying or returning from active duty as required by the Maryland Deployment of Family Members in the Armed Forces Act.

**Explanation:**

(1) The Town will provide leave to all employee that require an absence to serve in the uniformed services of the United States pursuant to federal and state laws. An unpaid military leave of absence will be granted for a period of up to five years (not including certain involuntary extensions of service). An employee is eligible for military leave beginning the first day of employment. Employees seeking a military leave of absence must notify their supervisor and provide a copy of their orders as soon as possible. Pursuant to federal law, employees on military leave have the right to maintain their health insurance coverage. Employees who perform and return from service in the Armed Forces, the Military Reserves, the National Guard, or certain Public Health Service positions will retain certain rights with respect to reinstatement, seniority, layoffs, compensation, length of service promotions, and length of service pay increases, as required by applicable federal or state law.

Employees with one year or more of Town service will be eligible for pay during participation in annual encampment or training duty in the U.S. Military Reserves or the National Guard. In these circumstances, the Town will pay the difference between what an employee earns from the government for military service and what the employee would have earned from normal straight-time pay on the job. This difference will be paid for up to two weeks in a calendar year.

(2) The Town will provide up to fifteen (15) days of unpaid leave to all employees responding to an emergency mission of the Maryland Wing of the Civil Air Patrol. The employee shall provide the Town with as much notice as possible when leave is required, notify the Town with an estimate of the amount of leave needed as soon as possible, and inform the Town of any necessary changes to the time required to complete the emergency mission. The employee need not use any other form of accrued leave before using leave under this paragraph.

(3) The Town will provide one day of unpaid leave to employees on the day a spouse, parent, stepparent, child, stepchild, or sibling is leaving for or returning from active duty outside the United States as a member of the armed forces of the United States. The employee need not use any other form of accrued leave before using leave under this paragraph. To be eligible for leave under this paragraph, an employee must have worked for the Town for the previous twelve (12) months for at least 1,250 hours.

**POLICY 705 JURY DUTY**

**Policy:**

Recognizing it is the obligation of every citizen to serve as a juror when called upon to do so, the Town will provide all employees called for jury service or subpoenaed as a witness with leave.

**Explanation:**

(1) The first two weeks of an employee's juror service shall be paid; however, the employee shall remit all compensation received for their juror service to the Town.

(2) If an employee's juror service extends beyond two weeks, the Town will grant the employee unpaid leave for the remainder of their service and the employee shall retain any compensation received for their juror service from that point forward.

(3) Leave benefits will accrue during this time period.



**POLICY 706 MEAL BREAKS**

**Policy:**

It is the policy of the Town to provide meal breaks during the course of each workday.

**Explanation:**

- (1) Full-time employees are allowed a meal break near the middle of the workday.
- (2) Part-time employees scheduled to work more than five consecutive hours during any workday will receive a meal break of the same duration as full-time employees in their department.
- (3) Supervisors are responsible for balancing workloads and scheduling meal breaks and should take into consideration the workload and the nature of the job performed. Whenever necessary, the duration and time of meal periods may be changed.
- (4) Employees required to work more than ten hours in any workday will be allowed a second meal break no later than six hours after returning from their first meal break.
- (5) Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for their meal breaks unless they are required to work during their breaks. Nonexempt employees must sign out and back in on their time cards for all meal breaks. (See Policy 210 HOURS OF WORK.)
- (6) Employees who leave the Town's premises during their meal break must notify their supervisor before leaving. Generally, nonexempt employees may not leave early or extend meal breaks beyond their assigned period. Employees will be subject to discipline if tardy returning from a break. (See Policy 701, ATTENDANCE AND PUNCTUALITY.)
- (7) Employees on meal breaks are not permitted to interfere with other employees who are continuing to work.
- (8) For the purposes of this section, police officers are covered by the Law Enforcement Officer's Bill of Rights (LEOBR) and policies and procedures of the Thurmont Police Department.

## **POLICY 801 BEHAVIOR OF EMPLOYEES**

### **Policy:**

It is the policy of the Town that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the Town, or is offensive to the public or coworkers will not be tolerated.

### **Explanation:**

(1) Employees are expected at all times to conduct themselves in a positive manner in order to promote the best interests of the Town. Appropriate employee conduct includes:

- (a) Treating all citizens, visitors, and coworkers in a courteous manner (see Policy 803, RELATIONS WITH THE PUBLIC);
- (b) Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the Town's best interests (see Policy 202, PRODUCTIVE WORK ENVIRONMENT);
- (c) Reporting to a supervisor or department head suspicious, unethical, or illegal conduct by coworkers, customers, or suppliers (see Policy 604, SECURITY);
- (d) Reporting to a supervisor or department head any threatening or potentially violent behavior by coworkers or visitors;
- (e) Cooperating with Town investigations;
- (f) Complying with all Town safety and security regulations (see Policy 601, EMPLOYEE SAFETY; and Policy 604 SECURITY);
- (g) Wearing clothing appropriate for the work being performed (see Policy 601, EMPLOYEE SAFETY; and Policy 802, PERSONAL APPEARANCE OF EMPLOYEES);
- (h) Performing assigned tasks efficiently and in accord with established quality standards;
- (i) Reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time (see Policy 701, ATTENDANCE AND PUNCTUALITY);
- (j) Giving proper advance notice whenever unable to work or report on time (see Policy 701, ATTENDANCE AND PUNCTUALITY);
- (k) Smoking and using tobacco only at times and in places not prohibited by Town rules or local ordinances (see Policy 602, MAINTENANCE OF WORK AREAS; and Policy 605 SMOKING AND TOBACCO USE);
- (l) Eating meals only during meal periods and only in the designated eating areas (see Policy 706 MEAL BREAKS); and
- (m) Maintaining cleanliness and order in the workplace and work areas (see Policy 602 MAINTENANCE OF WORK AREAS).
- (n) Refraining from personal use of cell phones during working hours.

(2) The following conduct is prohibited and individuals engaged in it will be subject to discipline, up to and including termination (see Policy 807, DISCIPLINARY PROCEDURE):

- (a) Engaging in or threatening acts of workplace violence, including but not limited to:
  - (i) With the exception of police officers, possessing firearms or other weapons on Town property;
  - (ii) Fighting or assaulting a coworker, supervisor, visitor, or any other person;

- (iii) Threatening or intimidating a coworker, supervisor, visitor, or any other person;
- (b) Engaging in any form of sexual or other harassment (see Policy 202, PRODUCTIVE WORK ENVIRONMENT);
- (c) Reporting to work under the influence of alcohol, illegal drugs, or narcotics or using, selling, dispensing, or possessing alcohol or illegal drugs or narcotics on Town premises (see Policy 808, DRUGS, NARCOTICS, AND ALCOHOL);
- (d) Disclosing confidential Town information (see Policy 806, CONFIDENTIAL INFORMATION);
- (e) Falsifying or altering any Town record or report, such as an employment application, medical reports, production records, time records, expense accounts, absentee reports, or shipping and receiving records;
- (f) Stealing, destroying, defacing, or misusing Town property or another employee's or visitor's property;
- (g) Misusing Town communications systems, including electronic mail, computers, Internet access, and telephones (see Policy 804, USE OF COMMUNICATION SYSTEMS);
- (h) Refusing to follow a supervisor or department head's instructions concerning a job-related matter or being insubordinate;
- (i) Failing to wear assigned safety equipment or failing to abide by safety rules and policies (see Policy 601, SAFETY);
- (j) Smoking or using tobacco where prohibited by local ordinance or Town rules (see Policy 605 SMOKING AND TOBACCO USE);
- (k) Using profanity or abusive language;
- (l) Sleeping on the job without authorization;
- (m) Gambling on Town property;
- (n) Playing pranks or engaging in horseplay; and
- (o) Wearing improper attire or having an inappropriate personal appearance (see Policy 802, PERSONAL APPEARANCE OF EMPLOYEES).

(3) The examples of impermissible behavior described in Paragraph (2), above, are not intended to be an all-inclusive list. At the Town's discretion, any violation of the Town's policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action. Questions about this policy should be directed to the Chief Administrative Officer.

## **POLICY 802 PERSONAL APPEARANCE OF EMPLOYEES**

### **Policy:**

It is the policy of the Town that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation.

### **Explanation:**

(1) Employees are expected at all times to present a professional, businesslike image to the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the Town. (See Policy 602, MAINTENANCE OF WORK AREAS) Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Town issued uniform items must be worn during work hours and kept in an acceptable appearance.

(2) Employees must comply with the following personal appearance standards:

- (a) Employees are expected to dress in a manner that is normally acceptable in similar business establishments. Employees should not wear suggestive attire, jeans, athletic clothing, shorts, flip-flops, T-shirts, novelty buttons, baseball hats, and similar items of casual attire that do not present a businesslike appearance.
- (b) Hair should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of length.
- (c) Sideburns, moustaches, and beards should be neatly trimmed.
- (d) Tattoos and body piercings (other than earrings) shall not be visible.

(3) Employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms.

(4) Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Nonexempt employees (those employees subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy also will result in disciplinary action.

(5) For the purposes of this section, police officers will be covered by the Law Enforcement Officer's Bill of Rights (LEOBR) and the policies and procedures of the Thurmont Police Department.

## **POLICY 803    RELATIONS WITH THE PUBLIC**

### **Policy:**

It is the policy of the Town to be customer- and service-oriented and to require employees to treat the public, citizens and visitors in a courteous and respectful manner at all times.

### **Explanation:**

- (1) To promote excellent relations with our citizens, all employees must represent the Town in a positive manner and make citizens and visitors feel appreciated when dealing with the Town.
- (2) Employees are required to report recurring citizen-related problems to their supervisor and to make suggestions for changes in Town policies or procedures to solve problems.
- (3) Employees should be prepared to pay careful attention to citizen complaints and deal with them in a helpful, professional manner. If a controversy arises, the employee should explain Town policy respectfully and clearly. Individuals who become unreasonable, abusive, or harassing should be referred to the employee's supervisor if the employee cannot resolve the problem.
- (4) Employees should be polite and thoughtful when responding to citizens. A positive contact with an individual can enhance goodwill, while a negative experience can destroy a valuable relationship. The following telephone procedures should be observed whenever possible:
  - (a) Use a pleasant tone of voice, give the name of the department, and identify yourself;
  - (b) If the person with whom the caller wishes to speak is on another line, ask if the caller wants to be placed on hold;
  - (c) If a caller has been placed on hold, carefully monitor the time and offer to have the call returned if the person called is not available within a reasonable period;
  - (d) When a caller leaves a name, number, or message, make sure it is recorded correctly and given promptly to the appropriate individual; and
  - (e) All employees should take and place their own telephone calls.

## **POLICY 804 USE OF COMMUNICATION SYSTEMS**

### **Policy:**

It is the policy of the Town to provide or contract for the communications services and equipment necessary to promote the efficient conduct of its business.

### **Explanation:**

(1) Communications services and equipment include mail, electronic mail ("e-mail"), courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, Internet connections, Intranets, computer files, telex systems, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, voice mail, and bulletin boards. Supervisors are responsible for instructing employees on the proper use of the communications services and equipment used by the organization for both internal and external business communications.

(2) Most communications services and equipment have toll charges or other usage-related expenses. Employees should be aware of these charges and should consider cost and efficiency needs when choosing the proper vehicle for each business communication. Employees should consult their supervisor if there is a question about the proper mode of communication.

(3) All Town communications services and equipment, including the messages transmitted or stored by them, are the sole property of the Town. Accordingly, the Town may access and monitor employee communications and files as it considers appropriate. Employees whose communications may be monitored generally will be asked to sign a consent form authorizing the monitoring.

(4) On-line services and the Internet may be accessed only by employees specifically authorized by the Town. Authorized employees must disclose all passwords for accessing non-personal accounts or services that provide access to the Town's internal computer/information system to their supervisors. Employees should not share these passwords with other employees. Employees' on-line use generally should be limited to work-related activities, except as allowed in Paragraph (6). In addition, employees should not duplicate or download from the Internet or from an e-mail any software or materials that are copyrighted, patented, trademarked, or otherwise identified as intellectual property without express permission from the owner of the material. When appropriate Internet material or e-mail files are downloaded, they should be scanned using the Town's antivirus software.

(5) Employees should not use e-mail, facsimiles, cellular telephones, or any other unsecure communication system to communicate confidential, proprietary, or trade secret information. (See Policy 806, CONFIDENTIAL INFORMATION.) In addition, e-mail generally should not be saved for more than 30 days unless required as part of the Town's record retention policy. (See Policy 901, PERSONNEL RECORDS.)

(6) Incidental personal use by employees of the Town communications services and equipment is allowed as long as the use does not interfere with the employee's work or the Town's operations and does not violate any Town policies. Employees must properly log any personal user charges and reimburse the Town for them. Employees have no right of privacy in such use. However, whenever possible, personal communications that incur user charges should be placed on a collect basis or charged directly to the employee's personal credit card or account. Town communications property or equipment may not be removed from the premises without written authorization from the employee's supervisor.

(7) Employees who do not have direct access to a Town telephone should make provision to have emergency or other necessary incoming calls routed to their supervisor or to the Chief Administrative Officer, if the supervisor is not accessible. Although the Town will attempt to deliver personal messages to employees, it cannot and does not accept responsibility for the prompt or accurate relay of these messages.

(8) Employees should ensure that no personal correspondence appears to be an official communication of the Town since employees may be perceived as representatives of the Town and, therefore, damage or create liability for the Town. All outgoing messages, whether by mail, facsimile, e-mail, Internet transmission, or any other means, should be accurate, appropriate, and work-related. Employees may not use the Town's address for

receiving personal mail or use Town stationery or postage for personal letters. In addition, personalized Town stationery and business cards may be issued only by the Town.

(9) Improper use of Town communications services and equipment will result in discipline, up to and including termination. Improper use includes any misuse as described in this policy, any misuse that would result in violations of other Town policies, any misuse that creates a security risk of data breach, as well as any harassing, offensive, demeaning, insulting, defamatory, intimidating, or sexually suggestive written, recorded, or electronically retrieved or transmitted communications. (See Policy 801, BEHAVIOR OF EMPLOYEES.)

(10) From time to time and at the Town's discretion, communications equipment may be issued to employees. The employee shall use the equipment/communications systems in accordance with terms of Addendum: Town Issued Equipment.

(11) No communications may be recorded in the absence of all parties' consent to the recording.

(12) For the purposes of this section, police officers shall be covered by the Law Enforcement Officer's Bill of Rights (LEOBR) and the policies and procedures of the Thurmont Police Department.

## **POLICY 805    CONFLICTS OF INTEREST**

### **Policy:**

It is the policy of the Town to prohibit its employees from engaging in any activity, practice, or conduct which conflicts with, or appears to conflict with, the interests of the Town, its customers, or its suppliers. All employees of the Town are covered by and subject to the ethics provisions of Chapter 12 of the Town of Thurmont Code (Ordinance 2014-01). Since it is impossible to describe all of the situations that may cause or give the appearance of a conflict of interest, the prohibitions included in this policy are not intended to be exhaustive and include only some of the more clear-cut examples.

### **Explanation:**

(1) Employees are expected to represent the Town in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisor. Supervisors, department heads and employees who have contact with contractors and vendors may be required to sign a special statement acknowledging their understanding of and adherence to this policy.

(2) Employees may not engage in, directly or indirectly either on or off the job, any conduct which is disloyal, disruptive, competitive, or damaging to the Town. Prohibited activity also includes any illegal acts.

(3) Employees may not accept any employment relationship with any organization that does business with, or competes with, the Town. This prohibition on employment includes serving as an advisor or consultant to any organization of that type, unless the activity is conducted as a representative of the Town. (See Policy 211, OUTSIDE EMPLOYMENT.)

(4) Employees may be asked to disclose any financial interest they or their immediate family have in any firm that does business with the Town or that competes with the Town. The Town may require divestiture of the interest if it considers the financial interest to be in conflict with its best interests.

(5) Employees and their immediate family may not accept/seek/solicit gifts, except those of nominal value, or any special discounts or loans from any person or firm doing, or seeking to do, business with the Town. The meaning of gifts for purposes of this policy includes the acceptance of lavish entertainment and free travel and lodging.

(6) Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative of a customer, of a potential customer, or of a financial institution in connection with any transaction or business that the Town may have with that customer, potential customer, or financial institution.

(7) Employees may learn information about the Town which, if known to the public, might affect the decision of an investor to buy, sell, or hold securities issued by the Town. Employees are prohibited from misusing inside information, prior to public disclosure, by purchasing or selling the Town's securities for their own benefit or for the benefit of members of their immediate family. In addition, employees may not disclose inside information to anyone, either inside or outside the organization, who does not have a legitimate business need to know it.

(8) Employees may not, for personal gain or the benefit of another, use their position as an employee of the Town of Thurmont in promoting or selling any product or service not offered by the Town.

(9) Any conflict or potential conflict of interest must be disclosed to the Town. Failure to do so will result in discipline, up to and including termination.

(10) For the purposes of this section, police officers will be covered by the Law Enforcement Officer's Bill of Rights (LEOBR) and the policies and procedures of the Thurmont Police Department.



**POLICY 806    CONFIDENTIAL INFORMATION**

**Policy:**

In limited circumstances, Town employees have access to confidential information which employees have a continuing obligation to protect.

**Explanation:**

(1) Information designated as confidential may not be discussed with anyone outside the Town government and may be discussed within the Town only on a "need to know" basis.

(2) Employees are prohibited from attempting to obtain confidential information for which they have not received authorization. Employees violating this policy will be subject to discipline, up to and including termination, and may be subject to legal action.

(3) Department Heads are responsible for identifying information that should be classified as confidential and should work closely with the Chief Administrative Officer to develop procedures to secure and control the information. Information that is designated as confidential should be clearly identified and properly secured. (See Policy 604, SECURITY.) A list of employees authorized to have access to the information should be prepared, and all access should be recorded.

(4) All media inquiries, requests for information under the public information act and inquiries of a general nature should be referred to the Chief Administrative Officer. In addition, all press releases, publications, speeches, or other official declarations must be approved in advance by the Chief Administrative Officer.

(5) Requests for employee references or other information concerning current or former employees should be referred to the Chief Administrative Officer.

(6) For the purposes of this paragraph, police officers will be covered by the Law Enforcement Officer's Bill of Rights and the policies and procedures of the Thurmont Police Department.

## **POLICY 807 DISCIPLINARY PROCEDURE**

### **Policy:**

It is the policy of the Town that all employees are expected to comply with the Town's standards of behavior and performance and the policies of this Manual and that any noncompliance with these standards must be corrected.

### **Explanation:**

(1) Under normal circumstances, the Town endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees as employees-at-will or in any way restrict the Town's right to bypass the disciplinary procedures suggested.

(2) The normal application of progressive discipline should be:

- (a) If an employee is not meeting Town standards of behavior or performance or the policies of this Manual, the employee's supervisor should take the following action:
  - (i) Meet with the employee to discuss the matter;
  - (ii) Inform the employee of the nature of the problem and the action necessary to correct it; and
  - (iii) Prepare a memorandum for the Chief Administrative Officer's own records indicating that the meeting has taken place, the matter discussed and a corrective action plan which shall be signed by the employee and placed in the personnel file.
- (b) If there is a second occurrence, the Chief Administrative Officer should hold a meeting with the employee and Supervisor and take the following action:
  - (i) Issue a written reprimand to the employee;
  - (ii) Warn the employee that a third incident will result in more severe disciplinary action; and
  - (iii) Prepare and forward to the Mayor a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee. This information will be included in the employee's personnel file. (See Policy 901, Personnel Records.)
- (c) If there are additional occurrences, the supervisor should take the following action, depending on the severity of the conduct:
  - (i) Issue a written reprimand or warning;
  - (ii) Suspend the employee for up to five working days; or
  - (iii) Suspend the employee indefinitely and recommend termination.

After taking action under Paragraph (2)(c), above, the Chief Administrative Officer should prepare and forward to the Mayor a written report describing the occurrences, indicating the timing between the occurrences, and summarizing the action taken or recommended and its justification.

(3) In cases involving serious misconduct, or any time the Chief Administrative Officer determines it is necessary, such as a major breach of policy or violation of law, or if other circumstances warrant (for example, the employee engages in different types of infractions or violates different policies), the procedures contained in Paragraph (2), above, may be disregarded. Typically, the Chief Administrative Officer should suspend the employee immediately and an investigation of the incidents leading up to the suspension should be conducted to determine if any further action, such as termination, should be taken. (See Paragraph (5), below.)

(4) At an investigatory interview conducted for the purpose of determining the facts involved in any suspected violation of Town rules and regulations, the following procedures normally should apply:

- (a) Before the interview, the employee who is suspected of violating Town rules and regulations should be told in general terms what the interview is about.
- (b) A nonsupervisory employee may request that a coworker be present at the interview if it may lead to disciplinary action for that employee. Such coworker, however, may not participate in the interview and must acknowledge and agree to the confidentiality of the proceeding.

(5) Employees who believe that they have been disciplined too severely or who question the reason for discipline are encouraged to use the dispute resolution procedure. (See Policy 902, DISPUTE RESOLUTION PROCEDURE.)

(6) If a disciplined employee works a full year without further disciplinary action under this policy, the next failure to meet behavior or performance standards may be treated as a first occurrence under this policy. However, the Town may still consider all past disciplinary actions in evaluating the employee. (See Policy 302, PERFORMANCE APPRAISALS.)

(7) For the purposes of this section, police officers shall be covered by the Law Enforcement Officers' Bill of Rights (LEOBR) and the policies and procedures of the Thurmont Police Department.

**POLICY 808 DRUGS, NARCOTICS, AND ALCOHOL**

**Policy: DRUG-FREE WORKPLACE POLICY**

The Town of Thurmont is committed to providing a drug and alcohol-free workplace in accordance with the requirements of the U. S. Drug-Free Workplace Act of 1988. The Town recognizes the importance and responsibility of providing a safe and healthy work environment for all employees, the successful accomplishment of Town goals and objectives, and the need to maintain employee productivity. Toward that end, the Town recognizes that illegal drug use raises serious health, safety, and security issues, as well as lost productivity. The Town takes this issue very seriously and it is important for employees to understand that this policy applies to *all* employees of the Town, without exception, including all part-time and temporary staff. Volunteers who serve on the Board of Appeals, Planning Commission, Police Commission, and any other appointed position are also subject to this policy.

**Explanation:**

The Town shall enforce the following policy:

(1) No employee is permitted to consume, possess, sell, transfer, or purchase illegal drugs, narcotics or controlled substances. Involvement in such activities constitutes grounds for disciplinary action, up to and including termination. Any prohibited substances found will also be turned over to the appropriate law enforcement agencies and may result in criminal prosecution in addition to any disciplinary actions imposed by the Town.

(2) The Town will not tolerate any employee who reports for duty while impaired by, or is under the influence of, alcohol or illegal drugs. Employees who work under the influence of an illegal substance or alcohol are considered to be a threat to the safety of themselves, their coworkers, and the public. All employees have a duty to report any evidence of alcohol or drug abuse to a supervisor immediately. Failure to report, especially in cases where the illegal substance poses an immediate threat to that individual, his/her coworkers or the public, may result in disciplinary action for the non-reporting employee.

(3) The unlawful manufacture, distribution, or dispersal of a controlled dangerous substance is prohibited and will result in disciplinary action in accordance with the Town's Employee Policies and Procedures.

(4) Employees must report to their supervisor any arrest or conviction under a criminal drug statute within five days after the arrest or conviction.

(5) Employees who operate town vehicles must report any DUI or DWI arrest or conviction within five (5) days after the arrest or conviction.

(a) This policy applies to offenses committed within the workplace, as well as outside the workplace.

(b) This policy applies to offenses committed while the employee is in an official work status, as well as non-work status.

(6) Employees must, as a condition of employment, abide by the terms of this policy.

(7) Acceptable uses of drugs include non-performance affecting "over-the-counter" medications and those substances that have been prescribed by a licensed physician. An employee shall not bring a prescription drug on the Town premises, unless it is a prescription in its original container that has been prescribed by a physician in the name of the employee. Applicants and employees may submit medical documentation supporting the lawful use of an otherwise illegal controlled dangerous substance. Any employee who is under prescribed medication but who

may be in any way impaired by its side effects must report its use to his/her supervisor immediately and may not operate any motor vehicles or heavy equipment (i.e. forklifts, backhoes, etc.)

(8) Employees and applicants are subject to substance and alcohol testing. Each employee and applicant is required to review and sign the Notice to Applicants and Employees of Controlled Dangerous Substance and Alcohol Testing Policy. Any employee or job applicant required to take a drug test who refuses to submit to a test or submits an altered, degraded or switched specimen will have his employment immediately terminated. Any applicant found offering an altered, degraded or switched specimen will be ineligible for hire.

**POLICY 809      USE OF SOCIAL MEDIA****Policy:**

The Town recognizes that social media has become a prevalent method of expression and communication in our society. The Town respects the rights of its employees to use this medium of expression. However, because social media activity can adversely affect the Town's operation, as well as undermine public trust and confidence, some guidance and regulation is required. This policy attempts to balance the interest of employees in engaging in social media activity and the Town's interest in preventing unnecessary disruption and or interference with its operation and relationship to the public it serves.

**Explanation:**

(1) Social Media Defined: "Social media" is defined as online technology that allows for the sharing and communication of information. Social media includes, but is not limited to, websites such as Facebook, Twitter, LinkedIn, YouTube, and Tumblr. Social media also includes online applications such as blogs, message boards, podcasts and wikis. "Activity" is defined as sharing and communicating information, including but not limited to posting, uploading, reviewing, download, and or forwarding text, audio recordings, video recordings, photographs/images, symbols or hyperlinks.

(2) All employees of the Town should remain mindful that, as public servants, they are generally held to a higher standard than the general public with regard to their on-duty and off-duty conduct, professionalism, and ethics. As a result, certain social media activity that may be tolerated or even acceptable in the private sector may nevertheless constitute a violation of this policy.

(3) Each employee of the Town who engages in social media activity must take personal responsibility for ensuring that such activity is consistent with all policies of the Town, including but not limited to those relating to harassment (See Policy 202, PRODUCTIVE WORK ENVIRONMENT), employee behavior (See Policy 801, BEHAVIOR OF EMPLOYEES), confidentiality (See Policy 806, CONFIDENTIAL INFORMATION) and conflicts of interest (See Policy 805, CONFLICTS OF INTEREST).

(4) Employees must refrain from engaging in any social media activity which disqualifies them from performing, or in any way reasonably calls into question their ability to objectively perform an essential function of their job.

(5) No employee may disclose or otherwise reveal through social media any privileged or confidential information of the Town, identify any other current or former employee of the Town, or any applicant for employment of the Town.

(6) Employees are strongly discouraged from disclosing or otherwise revealing their status as employees of the Town through social media and, except as otherwise authorized by the Chief Administrative Officer, are strictly prohibited from directly or indirectly representing themselves to be speaking on behalf of the Town. Similarly, unless otherwise approved, employees' social media activity should not reveal or depict the Town's logo, seal, symbols, uniforms, patches, badges, or similar items identified with the Town. Employees should understand that social media activity is more likely to be found in violation of this policy if their status as of Town employee is disclosed in connection with it.

(7) Except as otherwise authorized in advance by the Chief Administrative Officer, if an employee's status as an employee of the Town is disclosed, revealed or otherwise made apparent in connection with the employee's social media activity, the employee's social media activity must include a prominently displayed disclaimer to the effect that the activity reflects only the employee's personal views or opinions and not those of the Town. However, this disclaimer alone will not shield the employee from disciplinary action for violations of this policy.

(8) Except as otherwise authorized by the Chief Administrative Officer, employees shall not use Town Equipment, including computers and cellphones, for the purposes of engaging in social media activity.

(9) Except as otherwise authorized by the Chief Administrative Officer or other supervisor, employees shall not use social media to make announcements or to explain Town projects and activities. All announcements

and explanations made on social media shall be made from an official social media account of the Town by an employee authorized to do so by the Chief Administrative Officer.

(10) The Town reserves the right to require any employee to remove immediately any post on social media, including comments, pictures, audio recordings and video if such posted material constitutes a violation of this policy or any other Town policy.

(11) Employees should be aware that social media activity is not secure or private, even when steps are taken to restrict access. Information posted and exchanged on social media is generally traceable and accessible. Accordingly, employees should have no expectation of privacy as to any social media activity, and have no right of privacy if such activity is conducted in the workplace on Town equipment.

## **POLICY 901 PERSONNEL RECORDS**

### **Policy:**

It is the policy of the Town to maintain personnel records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government recordkeeping and reporting requirements.

### **Explanation:**

(1) The Town tries to balance its need to obtain, use, and retain employment information with a concern for each individual's privacy. To this end, it attempts to maintain only the personnel information that is necessary for the conduct of its business or required by federal, state, or local law.

(2) The Chief Administrative Officer is responsible for overseeing recordkeeping for all personnel information and will specify what information should be collected and how it should be stored and secured. (For the need to maintain separate medical files, see Policy 206, MEDICAL PROCEDURES.)

(3) Employees have a responsibility to keep their personnel records up to date and should notify the Chief Administrative Officer in writing of any changes in at least the following:

- (a) Name;
- (b) Address;
- (c) Telephone number;
- (d) Marital status (for benefits and tax withholding purposes only);
- (e) Number of dependents;
- (f) Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only);
- (g) Beneficiary designations for any of the Town's insurance, disability, pension, and profit sharing plans; and
- (h) Persons to be notified in case of emergency.

In addition, employees who have a change in the number of dependents or marital status should complete a new Form W-4 for income tax withholding purposes within ten days of the change.

(4) Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Inspections by employees must be requested in writing to the Chief Administrative Officer and will be scheduled at a mutually convenient time. A reasonable charge, not to exceed the actual cost to the Town, may be made for any copies of records made by the employee.

(5) Employees who believe that any file material is incomplete, inaccurate, or irrelevant may submit a written request for file revisions to the Chief Administrative Officer. If the request is not granted, the employee may place a written statement of disagreement in the file and make a complaint using the regular grievance procedure. (See Dispute Resolution Procedure, Policy 902.)

(6) Only supervisors, department heads or those employees who have an employment-related need-to-know for information about another employee may inspect the files of that employee. The inspection must be approved by the Chief Administrative Officer and should be recorded in the file inspected.



(7) Employees should refer all requests from outside the Town for personnel information concerning applicants, employees, and past employees to the Chief Administrative Officer. The Chief Administrative Officer normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who need specific employee information. In addition, exceptions may be made to release limited general information, such as the following:

- (a) Employment dates;
- (b) Position held; and
- (c) Location of job site.

## **POLICY 902 DISPUTE RESOLUTION PROCEDURE**

### **Policy:**

It is the policy of the Town that employees should have an opportunity to present their work-related complaints and to appeal decisions through a dispute resolution procedure. The Town will attempt to resolve promptly all disputes appropriately submitted under this policy.

### **Explanation:**

(1) An appropriate dispute is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by department heads, supervisors, or other employees. Examples of matters that may be considered appropriate disputes under this policy include:

- (a) A belief that Town policies, practices, rules, regulations, or procedures have been applied inconsistently to an employee;
- (b) Treatment considered unfair by an employee, such as coercion, reprisal, harassment (including sexual harassment), or intimidation;
- (c) Alleged discrimination because of race, religion, color, sex, gender identity, marital status, sexual orientation, genetic information, age, national origin, disability unrelated to the performance of the employment, or military status; and
- (d) Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.

(2) Employees should notify the Town in a timely fashion of any dispute considered appropriate for handling under this policy. The dispute resolution procedure is the exclusive remedy for employees with appropriate complaints. As used in this policy, the terms "timely fashion," "reasonable time," and "promptly" means within five (5) working days of the event forming the basis for the complaint.

(3) The dispute resolution procedure has a maximum of three steps, but disputes may be resolved at any step in the process. Disputes will be processed promptly within twenty (20) working days. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.

(4) Employees who feel they have an appropriate dispute should proceed as follows:

- (a) Step One — Promptly bring the complaint to the attention of the Department Head. If the dispute involves the Department Head, then the employee may proceed directly to step two. The Department Head should investigate the complaint or refer it to the Chief Administrative Officer for handling by a qualified investigator, attempt to resolve it, and give a decision to the employee within a reasonable time. The Department Head should prepare a written and dated summary of the dispute and proposed resolution for the employee's personnel file.
- (b) Step Two — Appeal the decision to the Chief Administrative Officer, if dissatisfied with the Department Head's decision, or initiate the procedure with the Chief Administrative Officer if Step One has been bypassed. This appeal or initial dispute notification must be made in a timely fashion within five (5) working days of the first decision or the initial event if the Department Head is the subject of the complaint. The employee must submit a written document stating the basis for the appeal and the reasons that it should be granted. The Department Head's version of the dispute and decision will then be submitted using a similar written memo. The Chief Administrative Officer will, in a timely fashion, confer with the employee, the supervisor, department head and any employees considered appropriate;

investigate the issues; and communicate a decision in writing to all the parties involved within fifteen (15) working days of the submission of the appeal.

- (c) Step Three — Appeal an unsatisfactory Chief Administrative Officer decision to the Mayor. Such an appeal must be submitted in writing to the Mayor within five (5) working days of the determination appealed from. The Mayor will review and investigate the dispute and will then issue a written, final, and binding decision within fifteen (15) working days.

(5) Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are officially stated as Town policy. When appropriate, the decisions will be retroactive to the date of the employee's original dispute notification.

(6) Information concerning an employee dispute is confidential. Supervisors, department heads, and other employees who investigate a complaint may discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.

(7) Time spent by employees in dispute discussions during their normal working hours will be considered hours worked for pay purposes.

(8) Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises complaints in bad faith or solely for the purposes of delay or harassment or repeatedly raises meritless disputes. Implementation of the dispute resolution procedure by an employee does not limit the right of the Town to proceed with any disciplinary action that the Town deems appropriate in its discretion. Employees and supervisors are prohibited from retaliating against an employee who properly uses the dispute resolution procedure.

(9) The Town shall investigate any and all complaints of harassment on the basis of race, religion, color, sex, gender identity, marital status, sexual orientation, genetic information, age, national origin, disability unrelated to the performance of the employment, or military status under this policy.

(10) This policy does not alter the employment-at-will relationship in any way. (See Policy 106, EMPLOYMENT-AT-WILL.)

(11) For the purposes of this section, police officers are covered by the Law Enforcement Officer's Bill of Rights (LEOBR) and policies and procedures of the Thurmont Police Department.

**POLICY 903 POLITICAL ACTIVITY**

**Policy:**

The Town recognizes that, subject to limited restrictions, employees have the right to participate in any political activity and express any political opinion.

**Explanation:**

- (1) An employee may not engage in political activity while on the job during working hours.
- (2) An employee may not advocate the overthrow of the government by unconstitutional or violent means.
- (3) An employee may not be required to provide political service.

## **APPENDIX A: NOTICE TO EMPLOYEES REGARDING THE AMERICANS WITH DISABILITIES ACT**

### **Policy:**

The Town will comply with all applicable requirements of the Americans with Disabilities Act ("ADA").

The Town will not discriminate against qualified individuals on the basis of disability in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.

The Town will provide reasonable accommodations needed to allow a qualified individual with a disability to perform the essential functions of the job sought or currently held unless the Town can demonstrate that such accommodation would create an undue hardship on the Town.

### **Definitions**

The ADA defines a **qualified individual** as an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. This includes satisfying the job requirements for educational background, employment experience, skills, licenses, and other qualification standards that are job related.

The ADA defines a **disability** as a physical or mental impairment that substantially limits one or more major life activities, including but not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major life activities also include bodily functions such as the operation of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

### **Procedures for an ADA Accommodation Request**

It is the responsibility of the individual with a disability to notify the Town of the need for an accommodation. The individual with a disability should notify their supervisor, who should refer the request to the Chief Administrative Officer for follow-up. The Town will determine whether the person is disabled within the meaning of the ADA and whether an appropriate, reasonable accommodation can be made without creating undue hardship for the Town.

If the Town determines that an accommodation is unreasonable, it is the responsibility of the Town to demonstrate that any criterion for a job is job-related and consistent with business necessity, and that the performance by the employee cannot be accomplished by a reasonable accommodation.

Reasonable accommodations may include: (1) making physical facilities accessible and usable; (2) job restructuring; (3) modification of work schedule; (4) reassigning the disabled individual to another position; (5) acquiring or modifying equipment or devices; (6) adjusting or modifying examinations, training materials, or policies; (7) providing qualified readers or interpreters or; (8) providing other similar accommodations.

### **Interview Policy**

During the recruitment and hiring process (See HIRING, Policy 202), the interviewers may not make pre-employment inquiries regarding the existence, nature, or severity of a job applicant's disability, if any. The interviewer must know, in detail, the requirements of the position for which application is being made and may ask the applicant about his/her ability to perform all functions that are job-related.

Once an applicant is hired, the applicant cannot be required to submit to a medical examination or questioned about his/her disability unless it can be demonstrated that the medical information sought is job-related and necessary. Voluntary medical examinations that are part of an employee health program may be conducted.

#### **Disclosure to Supervisors**

The ADA provides that supervisors and managers may be informed regarding any necessary restrictions on work or duties of the employee and any accommodations which are necessary for the employee to perform the job. In addition, the Town may inform first aid and safety personnel when appropriate, if, for example, the disability might require emergency treatment.

**APPENDIX B:  
NOTICE TO EMPLOYEES REGARDING MARYLAND REASONABLE  
ACCOMMODATIONS FOR DISABILITIES DUE TO PREGNANCY ACT**

**Policy:**

The Town will comply with all applicable requirements of the Maryland Reasonable Accommodations for Disabilities Due to Pregnancy Act (the "Act").

The Town will provide reasonable accommodations for an employee's disability caused or contributed to by pregnancy unless such accommodation would create an undue hardship on the Town.

**Procedures for an Accommodation Request**

It is the responsibility of the pregnant employee to notify the Town of the need for an accommodation. The individual with a disability should notify their supervisor, who should refer the request to the Chief Administrative Officer for follow-up. Reasonable accommodations may include: (1) changing the employee's job duties; (2) changing the employee's work hours; (3) relocating the employee's work area; (4) providing mechanical or electrical aids; (5) transferring the employee to a less strenuous or less hazardous position or; (6) providing leave.

**Transfer to Less Strenuous/Hazardous Position**

Upon request, the Town will transfer a pregnant employee to a less strenuous or less hazardous position as a reasonable accommodation if the employee's health care provider advises the transfer and the Town can provide the reasonable accommodation by transferring the employee without: (1) creating additional employment that the Town would not otherwise have created; (2) discharging any employee; (3) transferring any employee with more seniority than the employee requesting the reasonable accommodation; or (4) promoting any employee who is not qualified to perform the job.

**Certification**

The Town may require an employee to provide certification from the employee's health care provider concerning the medical advisability of a reasonable accommodation.

**Notice**

The Town will post information concerning an employee's rights to reasonable accommodation and leave for disability caused or contributed by pregnancy in a conspicuous location.

**TOWN OF THURMONT**  
**NOTICE TO APPLICANTS AND EMPLOYEES OF**  
**CONTROLLED DANGEROUS SUBSTANCE AND ALCOHOL TESTING POLICY**

As a condition of employment and continued employment with the Town, applicants, independent contractors and employees are subject to testing for controlled dangerous substances or alcohol use, which may include: 1) pre-employment applicant testing; 2) random testing of employees; 3) testing of employees based on suspicion of controlled dangerous substance or alcohol use; 4) testing of employees involved in on-the-job accidents or who engage in unsafe activities while on the job; and, 5) voluntary testing requested by an employee.

Any employee who refuses to submit to a test or submits an altered, degraded or switched specimen will have his employment immediately terminated. Any applicant found offering an altered, degraded or switched specimen will be ineligible for hire.

An employee shall not bring a prescription drug on the Town premises, unless it is a prescription in its original container that has been prescribed by a physician in the name of the employee.

Applicants and employees may submit medical documentation supporting the lawful use of an otherwise illegal controlled dangerous substance.

The employee will notify the Town of any criminal controlled dangerous substance statute conviction for a violation occurring while on the premises or during the employee=s shift, including a disposition of probation before judgment, no later than five days after such conviction.

In conducting job-related controlled dangerous substance and alcohol testing, the Town will use only laboratories certified or approved by the Maryland Department of Health and Mental Hygiene to engage in job-related alcohol or controlled dangerous substance testing.

In conducting job-related controlled dangerous substance testing, it is the Town=s policy to inform the person tested, at the person=s request, of the name and address of the laboratory that will test the specimen. Whenever a person tests positively and the test results have been confirmed, the Town will within thirty days of the testing date provide, in person or by certified mail, the person with:

1. A copy of the laboratory test including the test results;
2. A copy of this written policy on the use or abuse of controlled dangerous substances and alcohol;
3. If applicable, written notice of the Town=s intent to take disciplinary action, terminate employment or change the conditions of continued employment;
4. A statement or a copy of the following provisions of Maryland Code Ann., Health-Gen. Art. ' 17-214(e)(1) permitting an employee to request independent testing of the same sample for verification of the test result:

(e)(1) A person who is required to submit to job-related testing, under subsection (b) or (c) of this section, may request independent testing of the same specimen for verification of the test results by a laboratory that:

- i. Holds a permit under this subtitle; or



ii. If located outside the State, is certified or otherwise approved under subsection (f) of this section.

(2) The person shall pay the cost of the independent test conducted under this subsection.

In conducting preliminary screening procedures to test job applicants, the Town shall contract a medical review officer to review a positive test result after laboratory confirmation of the positive test result. The medical review officer shall be a licensed physician with knowledge of controlled dangerous substance abuse disorders and controlled dangerous substance and alcohol testing.

Signature acknowledges receipt and understanding of this document.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print full name

# **ADDENDUM: TOWN ISSUED EQUIPMENT**

## **A. Town Issued Equipment**

I understand that any equipment issued to me by the Town remains the exclusive property of the Town. Town issued equipment is not to be used for personal recreation. While the equipment is in my possession, I understand and agree that it is my responsibility to maintain in in good condition and to take steps necessary to protect it from theft, damage, and excessive wear and tear.

I agree to notify my supervisor as soon as I detect a malfunction of any kind and I will not undertake to try to fix the problem myself. I further agree to notify my supervisor immediately if the equipment is stolen while under my care and to file the proper police report if necessary.

I understand that upon termination of my employment or at any time upon the Town's request, I will be expected to return the equipment in the same condition as I received it, taking into account normal wear and tear. I also understand that the Town will not be responsible for recovering any personal items that I may have stored on or in the equipment. I understand also that if I do not return the equipment or if I return it in excessively poor condition, I may be charged the fair market value of the equipment. Any such charge shall be deducted from my final paycheck or I will be required to reimburse the Town immediately. If I fail to reimburse the Town, and it has to initiate collection efforts, I will be responsible not only for the value of the equipment, but also for all costs and expenses, including attorneys' fees, expended in connection with the collection and enforcement efforts.

## **B. Special Provisions for Communications Equipment**

In addition to the above listed provisions, the following provisions apply to any Town issued communications equipment. For the purposes of this section, communications equipment includes, but is not limited to, desktops, laptops, and cell phones.

Communications equipment is not to be used for personal recreation. (See USE OF COMMUNICATION SYSTEMS, Policy 804).

If the communications equipment contains confidential information, I agree to take all necessary measures to protect this data from being stolen or hacked to the best of my ability.

I agree to comply with all federal and state laws when using the communications equipment, including Maryland laws prohibiting the use of handheld cellular telephones while driving.

I understand that upon termination of my employment or at any time upon the Town's request, I will be expected to return the communications equipment in the same condition as I received it, taking into account normal wear and tear. I also understand that the Town will not be responsible for recovering any personal items that I may have stored on or in the communications equipment. I understand also that if I do not return the communications equipment or if I return it in excessively poor condition, I may be charged the fair market value of the communications equipment. Any such charge shall be deducted from my final paycheck or I will be required to reimburse the Town immediately. If I fail to reimburse the Town, and it has to initiate collection efforts, I will be responsible not only for the value of the communications equipment, but also for all costs and expenses, including attorneys' fees, expended in connection with the collection and enforcement efforts.

I, the undersigned, have read and understand the Town Issued Equipment Policy.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

2/20/18

**ADDENDUM: PAY DEDUCTIONS FOR DAMAGE OR DESTROYED EQUIPMENT**

I, the undersigned, authorize the Town to deduct from my paycheck the fair market value of any Town issued equipment lost, damaged (other than ordinary wear and tear), or destroyed while in my possession. I also authorize the Town to deduct from my paycheck the fair market value of any equipment I fail to return to the Town.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name