

**AN ORDINANCE OF THE CITY OF CRISFIELD REPEALING AND REPLACING
THE CITY OF CRISFIELD EMPLOYEE HANDBOOK**

WHEREAS, Article VII of the City of Crisfield Charter, entitled "Personnel" provides the City the ability to establish rules and regulations governing employees; and,

WHEREAS, The City of Crisfield adopted an employee handbook in 1978 and amended said handbook on fourteen sperate occasions, with the last amendment occurring in March of 2008; and,

WHEREAS, the labor laws and recommended best practices have been significantly modified since the last amendment to the City of Crisfield Employee Handbook,

NOW THEREFORE, be it enacted and ordained by the Mayor and City Council of the City of Crisfield that the previous employee handbook and all amendments thereto are hereby repealed in full and replaced with the City of Crisfield Employee Handbook attached hereto and made part hereof as Exhibit A.

Section 2. It is the intention of the Mayor and Council of the City of Crisfield that each provision of this Ordinance, to include each section, subsection, paragraph, subparagraph, clause or provision of Exhibit A shall be deemed independent of all other provisions herein.

Section 3. It is further the intention of the Mayor and Council of the City of Crisfield that if any section, subsection, paragraph, subparagraph, clause or provision of this Ordinance, to include Exhibit A, shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

***[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]
[SIGNATURES APPEAR ON THE PAGE THAT FOLLOWS]***

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Crisfield held on the __14th__ day of August, 2024, and, a public hearing was held on the 14th day of August, 2024, following which a second reading occurred and was passed by the Council of the City of Crisfield on the 27th day of August, 2024.

ATTEST:

Joyce L. Morgan, City Clerk-Treasurer

Eric Banks, City Council Vice President

Casey Goldsborough, Councilman

LaVerne Johnson, Councilwoman

Ivan R. Lankford, Councilman

Hitesh Patel, Councilman

Approved, this 27th day of August, 2024.

Darlene M. Taylor, Mayor

This Ordinance shall be effective at the expiration of 20 calendar days following approval by the Mayor or passage by the Council over veto. A fair summary of each ordinance shall be published at least twice in a newspaper or newspapers having general circulation in the municipality, and a statement inviting interested persons to view the complete text of the ordinance at City Hall during regular business hours shall be appended to that published summary.

Exhibit A to Ordinance 730

City of Crisfield Crisfield, Maryland



Employee Handbook

Approved by The Mayor & Council on August 27, 2024

City of Crisfield
Crisfield, Maryland
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**ARTICLE I
INTRODUCTION**

1.1. Application of Employee Handbook; Introduction.

(a) The information contained in this Employee Handbook applies to all employees of the City of Crisfield, Maryland (the "City"). This Employee Handbook as a matter of policy and its contents should not be interpreted as a promise of employment or as a contract between the City and any of its employees.

(b) This Employee Handbook has been prepared to introduce you to our City. It will acquaint you with the policies, rules, pay and benefits, which apply to all employees of the City. You are responsible for reading, understanding, and complying with the provisions of this Employee Handbook. Please keep it handy for future reference. This Employee Handbook is a summary of the City's policies which are presented here only as a matter of information. Please review it with your supervisor or the Human Resources Director if you have any questions.

(c) The City is a committed, caring partner of the community at large and expects each employee to maintain the same level of commitment and care established by the City's Mayor and Council.

(d) If the Employee handbook is in conflict with State or Federal law, the State or Federal law shall control.

1.2. Entire Employee Handbook; Changes to Policies.

(a) This Employee Handbook supersedes all previous employee handbooks and memos that may have been issued, from time to time, by the City on subjects covered in this Employee Handbook. Since the City's business is constantly changing, the City expressly reserves the right to interpret, change, suspend, cancel or dispute with or without notice all or any of our policies, including those covered here, at any time. Normally, we will notify you of these changes by posting them and by other appropriate means. Changes will be effective on dates determined by the City Manager and you should not rely on policies that have been superseded.

(b) No individual supervisor or department head has the authority to change any of the policies contained in this Employee Handbook. If you are uncertain about any policy or procedure, please check with your supervisor and/or the Human Resources Director.

(c) Policies which address sections of the handbook in further detail may be promulgated.

1.3. Section Headings. The section headings contained in this Employee Handbook are for convenience of reference only and do not limit, and shall not be construed or interpreted to affect, any of the provisions set forth in this Employee Handbook.

ARTICLE II EMPLOYMENT RELATIONSHIP & HIRING

2.1. Employment Relationship. All employees of the City of Crisfield are “at-will” employees of the City and may be terminated at any time with or without cause, and with or without notice. THIS EMPLOYEE HANDBOOK IS NOT A CONTRACT, AND DOES NOT GIVE RISE BY IMPLICATION OR OTHERWISE TO CONTRACTUAL OBLIGATIONS. The decision to change an employee’s employment status from “at-will” employment to a contract of employment, conferring certain benefits upon the employee, rests exclusively with the City Manager, and the approval of the majority of council.

2.2. Employment Application.

(a) The City relies on the accuracy of information contained in the employment application and the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

(b) All applicants for employment with the City are required to complete an Employment Application and are subject to initial screening which will include but is not limited to a pre-employment urine drug screening, a criminal background check and TB screening.

(c) A person will be considered fully employed only after:

- (i) Verification of credentials, licenses, any certificates;
- (ii) Receipt and verification of personal and employment references;
- (iii) Receipt of negative results of the TB and urine drug screen; and,
- (iv) Receipt of satisfactory criminal background check.

2.3. Immigration Policy & Compliance.

(a) The City is required by federal immigration laws to verify the identity and work authorization of all new employees. In keeping with the obligation, documentation that shows each person's identity and legal authority to work must be inspected. Each new employee must also attest to his/her identity and legal authority to work on an I-9 Form provided by the federal government. This verification must be completed as soon as possible after an offer of employment is made and in no event more than three (3) business days after an individual is hired and before the individual begins work as an employee of the City. A copy of this form will be provided to you for your completion.

(b) All offers of employment with the City are conditioned upon furnishing evidence of identity and legal authority to work in the United States in compliance with the federal law. Providing falsified documents of identity and eligibility to work in the United States will result in cancellation of your consideration for employment or immediate termination if already employed. Every rehired employee must also satisfy this requirement. It is the employee's responsibility to ensure that the work authorization on file is current. The Department of Homeland Security recommendation is to apply for renewed authorization a minimum of ninety (90) days in advance of expiration. Inability to provide renewed authorization on or prior to the expiration date of the original document will result in the employee’s immediate termination.

ARTICLE III EQUAL EMPLOYMENT OPPORTUNITY POLICIES

3.1. No-Discrimination Policy. The City provides equal employment opportunity to all qualified employees and applicants for employment without unlawful regard to race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, marital status, or any other status protected by applicable federal, state, or local law. This Equal Employment Opportunity (“EEO”) policy applies to all aspects of the employment relationship, including, but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment. All employees are expected to comply with all the City’s EEO policies. Any employee who violates or otherwise fails to comply with any of the terms of the City’s EEO policies shall be subject to corrective action, up to and including termination.

3.2. No-Harassment Policy. The City expressly prohibits harassment of any kind in the workplace, or harassment outside of the workplace that violates its employees’ right to work in a harassment-free workplace.

3.3. Sexual Harassment. Sexual harassment has been defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is “welcome”), when:

(a) Submission to such conduct is made either implicitly or explicitly a term or condition of employment;

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

(d) **Examples of Sexual Harassment.** Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual’s body, sexual prowess, or deficiency; leering, whistling, touching, assault, sexually suggestive, insulting, or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; or discriminatory treatment based on sex. The list provided in this Section 3.3(d) is not intended to be exhaustive.

3.4. Other Forms of Prohibited Harassment. Other forms of prohibited harassment under the City’s EEO policies and applicable federal and Maryland law include, but are not limited to, harassment against an individual based on the individual’s race, color, religion, national origin, age, sexual orientation, marital status, disability, protected activity, or any other status protected by applicable law. Such harassment may include verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of any protected status, such as epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to a protected class or written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

3.5. Complaint Procedure.

(a) If an employee believes that he/she has experienced any harassment and/or discrimination while employed by the City, the employee is expected and required to bring the matter to the attention of his/her immediate supervisor as soon as possible. If an employee believes that it would be inappropriate to discuss the matter with his/her immediate supervisor or if an employee is uncomfortable discussing the issue of discrimination and/or harassment with his/her supervisor, the employee may bypass his/her immediate supervisor and report the matter directly to the Director of Human Resources and/or the City Manager.

(b) Any employee who observes any conduct that he or she believes constitutes harassment and/or discrimination, or who receives information about incidents of harassment and/or discrimination that may have occurred, must immediately report the matter to his/her supervisor, the Director of Human Resources and/or the City Manager.

(c) **Investigation & Corrective Action.** All complaints and reports of harassment and/or discrimination will be promptly and impartially investigated by the City Manager or the City Manager's designee and will be kept confidential to the extent possible, consistent with the City's need to investigate the complaint and address the situation. If discrimination and/or harassment in violation of the City's EEO policies is found to have occurred, the City will take prompt, appropriate corrective action; and, any employee found to have violated any terms of the City's EEO policies will be subject to corrective action, up to and including termination of employment.

3.6. Non-Retaliation Policy. The City expressly prohibits retaliation, in any way, against an employee because that employee: made a good-faith complaint of harassment and/or discrimination in accordance with the City's EEO policies; reported harassing or discriminatory conduct directed at others; or, participated in an investigation of such conduct. Any employee found to have retaliated against another employee in violation of this Non-Retaliation Policy will be subject to corrective action, up to and including termination of employment.

3.7. Confidentiality of Complaint. A complaint of harassment and/or discrimination made under the City's EEO policies will be treated as confidential to the extent that is possible under the circumstances and as is consistent with the City's need to investigate and respond to the complaint.

3.8. Disabled Employees.

(a) No employee of the City will be subjected to discrimination based upon disability or perceptions of disability. Any employee who considers himself/ herself disabled but is able to perform the essential functions of his/her job with reasonable accommodation should submit a request for that accommodation, in writing, to the Director of Human Resources who will treat the employee's request confidentially and act upon it as promptly as reasonably practicable. The City expressly reserves the right to seek appropriate medical documentation relating to an employee's request for reasonable accommodation and/or the employee's underlying disability.

(b) If the City determines, in its reasonable discretion, an employee should submit to a fitness for duty evaluation, performed confidentially at the City's expense, the employee shall cooperate in good faith to determine accurately whether the employee is able to perform the essential functions of his/her job and whether any reasonable accommodation is necessary. The City will extend reasonable accommodations to any disabled employee, unless, in its reasonable discretion, it determines the accommodation requested by the employee would impose undue hardship upon the City.

ARTICLE IV EMPLOYMENT POLICIES

4.1. Definitions of Employment Status. The following terms will be used to describe the classification of employees and their employment status:

- (a) **Exempt Employees** – Employees whose positions meet specific standards established by the Fair Labor Standards Act (“FLSA”) and applicable Maryland law and who are exempt from overtime pay requirements.
- (b) **Nonexempt Employees** – Employees whose positions do not meet FLSA and state exemption tests and who are paid an increase of their regular rate of pay for hours worked in excess of forty (40) hours per week.
- (c) **Regular Full-Time Employees** – Employees who are regularly scheduled to work forty (40) hours or more per week.
- (d) **Regular Part-Time Employees** – Employees who are regularly scheduled to work less than forty (40) hours per week. Employees that work fewer than forty (40) hours per week are ineligible for City benefits.
- (e) **Intermittent Employees** – Employees who are hired to provide services that are not of a regular or recurring basis. Intermittent Employees are called to work as needed and must report to work when called to insure they maintain their employment status. Intermittent Employees receive legally mandated benefits (such as Social Security and Workers’ Compensation insurance) but are ineligible for other the City benefits.
- (d) **Temporary Employees** – Employees who are hired for a pre-established period, usually during peak workloads, temporary vacancies, and special projects or for vacation relief. Temporary Employees may work a full-time or part-time schedule. Temporary Employees are ineligible for City benefits or holiday pay.

4.2. Probationary Period.

(a) All new and rehired employees of the City will work on probationary basis for the first ninety (90) calendar days after their date of hire or rehire. During the probationary period, paid leave is not available for use by new or rehired employees; however, new or rehired employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. New or rehired employees will accrue vacation time and sick leave, respectively, from the first date of employment; however, vacation time and sick leave is not available for use by new or rehired employees until after the probationary period has ended and the new or rehired employee remains employed by the City. The probationary period will have no effect on deferred holidays. Holiday time will be available as of the date a holiday occurs.

(b) If the City, in its sole discretion, determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the new or rehired employee's performance, the City may extend the probationary period, for such employee, for a specified period of time approved by the City Manager. Continued employment after the probationary period does not guarantee the employee will remain employed at the City.

(c) All employees of the City, during and after the probationary period, are at-will employees of the City and may be terminated at any time with or without cause, and with or without notice.

4.3. Employment of Relatives.

- (a) The City has no general prohibition against hiring relatives. However, a few restrictions have

been established to help prevent problems of safety, security, supervision and morale. While the City will accept and consider applications for employment from relatives, close family members (such as parents, grandparents, children, spouses, live-in partners, brothers and sisters, or in-laws) will not be hired or transferred into positions where they directly or indirectly supervise or are supervised by another close family member. Further, such relatives will not be placed in positions where they work with or have access to sensitive information regarding a close family member or if there is an actual or apparent conflict of interest.

(b) If employees begin a dating relationship, or become relatives, partners or members of the same household, and if one party is in a supervisory position, then those employees are required to inform the Director of Human Resources of the relationship. The Director of Human Resources shall determine whether the employees can continue working in the same capacity. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

4.4. Personnel Records.

(a) Important events in each employee's history with the City will be recorded and kept in the employee's personnel file. An employee's employment application, resume, offer of employment letter, job description, salary history, performance reviews, change of status records, commendations, corrective action warnings and/or educational/training attainment records are examples of records maintained within an employee's personnel file.

(b) All employee personnel files are the property of the City and access to such information is restricted. Management personnel who have a legitimate reason to review an employee's personnel file are allowed to do so. Employees who wish to review their own personnel file may do so in the presence of the Human Resources Director or his/her authorized designee.

(c) All employees of the City are responsible for notifying Human Resources of changes to their contact information, including mailing address, telephone number(s) and/or emergency contact information. An employee's personnel data should be accurate and current at all times. Employees will also be required to furnish other documentation as required by state and/or federal agencies, from time to time. Employees who do not furnish required documentation may be subject to disciplinary action up to and including termination.

4.5 Recording of Time Worked; Time Sheets.

(a) An employee's time sheet is a legal record of the hours the employee is at work, and the employee's paycheck is based on the time recorded. Each employee is responsible for accurately recording times in and out. Any addition, correction or change to an employee's time sheet must be made and initialed by the employee's supervisor. Time sheets for all employees are the property of the City.

(b) All employees must accurately record total hours worked, *on a daily basis*, on a time sheet. Furthermore, all employees are required to record the following items:

- (i) Vacation Leave hours taken;
- (ii) Sick Leave hours taken;
- (iii) Holiday Time hours taken;
- (iv) Overtime hours earned;
- (v) All other regularly scheduled hours that the employee did not work, such as time missed due to lateness or other unpaid absence (e.g. FMLA Leave);
- (vi) Excused paid absences such as Bereavement Leave, Jury Duty, or Military Leave; and
- (vii) Shift differential.

(c) The Payroll Department maintains the amount of benefit balances for all employees of the

City.

- (d) Each employee and their supervisor must sign all time sheets.
- (e) All time sheets must be complete, accurate, legible, and signed.
- (f) Paychecks will not be completed until the next pay period, if time sheets are not submitted on time.
- (g) Employee time sheets are legal documents and must accurately reflect the hours worked.
- (h) Unless expressly authorized by the City Manager, all employees are expressly prohibited from signing another employee's time sheet.

4.6. Lunch and Break Periods. The lunch period for a 9-hour shift is 1 hour and for an 8-½ hour shift is 30 minutes. Employees are expected to take a lunch break, as agreed upon, for their shift. Working through lunch to obtain overtime pay is not an option, unless you have received prior written approval from your supervisor. Employees are referred to the City's Policy & Procedures for Overtime Pay form for further details regarding overtime pay and the calculation thereof.

4.7. Employee Performance Appraisals.

(a) The performance appraisal of an employee allows the employee's supervisor to discuss the employee's overall performance and to summarize both formal and informal discussions, held throughout the review period, regarding such employee's job performance. The performance appraisal will review the employee's strengths and also point out ways to the employee can improve his/her job performance.

(b) All employees receive a written performance appraisal after the first ninety (90) days of their employment and again after the first twelve (12) months of service and then every twelve (12) months from the date of the last review. An employee's supervisor will be responsible for completing the performance appraisal form prior to the evaluation meeting with the employee. All items on the form are to be discussed and employees are encouraged to complete the section of the performance appraisal form requesting employee comments. The employee's supervisor, the employee, and the City Manager will review and endorse all performance appraisal forms.

(c) Adjustments to an employee's compensation occur following the completion of the employee's annual performance appraisal. There is no guarantee that an employee will receive an increase in compensation. All performance appraisals and the information contained therein are considered confidential; the original is kept in the personnel file in the Human Resources Department.

4.8. Promotions & Transfers.

(a) The City has a policy of promoting from within whenever practical to fill open positions. The City strives to promote the most capable and experienced individual, based on demonstrated ability to assume greater responsibility. At the same time, the City may need to recruit and hire outside the City to attract the most qualified individual for a particular opening. Position transfers are not permitted within the first one hundred eighty (180) days of the employee being hired for his/her position, unless authorized in writing by the City Manager and Mayor.

(b) Employees are responsible for informing their supervisor of their career and position interests. Employees may inquire of their supervisor or the City Manager, informally and in confidence, about positions available. When an employee formally applies for a promotion or change of position, the employee must inform his/her supervisor, in advance, of their intention to apply for such promotion or change of position.

4.9. Resignation.

(a) Resignation is a voluntary act initiated by an employee to terminate his/her employment

with the City. Although advance notice is not required, employees must provide the City at least three (3) weeks of written resignation notice to be compensated for unpaid and accrued Vacation Leave. the City reserves the right to provide an employee with two (2) weeks of pay in lieu of notice of such employee's resignation in situations where job or business needs of the City warrant such action. If an employee provides less notice than requested, the City will not pay accrued Vacation Leave to the employee and the City may deem the individual to be ineligible for rehire depending on the circumstances regarding the notice given.

(b) Prior to the effective date of an employee's resignation, an exit interview will be scheduled to discuss the employee's reasons for resignation and the effect of the resignation on the employee's benefits.

**ARTICLE V
WAGE AND SALARY POLICIES**

5.1. General Wage & Salary Policy.

(a) The City strives to pay wages and salaries that are competitive with those in our community and industry, recognizing individual effort and contribution to the City's success.

(b) The City's wage and salary plan classifies each position based on:

- (i) Knowledge and ability requirements;
- (ii) Variety and scope of responsibilities; and,
- (iii) Physical and mental demands.

(c) An employee's wage or salary is that employee's personal business. An employee's wage or salary will not be disclosed to anyone except the employee's supervisor. All employees should treat their compensation as confidential and respect the rights of others to the same privacy.

5.2. Overtime Pay.

(a) An employee's supervisor must authorize all overtime work by non-exempt employees in advance. It is the employee's responsibility to obtain a signed Paid Leave-OT Form. The employee should attach the signed Paid Leave-OT Form to their timesheet. If an employee works overtime without prior approval, it could lead to disciplinary action. [Exception: Employees should never leave a shift unattended and should notify their supervisor of the situation immediately. Employees must ensure their relief has arrived, prior to departing their post.] For further details regarding overtime pay, employees are directed to the City's Policy & Procedures for Overtime Pay form. This form will be given to all employees upon hire.

(b) Non-exempt employees are subject to the overtime pay provisions of the Fair Labor Standards Act, Maryland's wage and hour laws, and non-exempt employees of the City must be paid overtime at the rate of one and one-half times the non-exempt employee's regular hourly rate for all time actually worked in excess of 40 hours in a workweek. A non-exempt employee may not receive compensatory time for any of the time worked in a workweek in excess of 40 hours. Paid leave does not count as hours worked in calculating overtime for the week.

5.3. Shift Differential. Evening and night shifts are a part of twenty-four (24) hour coverage. Various shifts are necessary and may vary by department. However, the evening shift typically begins at 4:00 p.m. and runs through 12:30 a.m.; the night shift typically begins at 12:00 a.m. and runs through 8:30 a.m. If a police department employee works the evening shift, a shift differential of \$5 per shift will be paid to each law enforcement officer on duty and \$3 per shift will be paid to each dispatcher, provided the employee works a minimum of 8 hours during the evening shift.

5.4. Payroll Deductions.

(a) Various payroll deductions are made each payday to comply with federal and state laws pertaining to taxes and insurance. Payroll deductions will be made for the following:

- (i) Federal and State Income Tax Withholding;
- (ii) Social Security & Medicare (FICA); and,
- (iii) Other Items designated by the Employee, in writing, to the Payroll Department.

(b) At the end of each calendar year, employees will be supplied with their Wage and Tax Statement (W-2) form. This statement summarizes the employee's income and deductions for the year. If an employee has any questions regarding payroll deductions, the employee should contact the Payroll Department.

5.5. Pay Periods and Paydays. The City compensates all employees on a biweekly basis. There are twenty-six (26) pay periods per year. Paychecks are processed for all employees by the Finance Office and will be available on the designated payday. Employees are paid every other Thursday for all time worked through the preceding Saturday.

5.6. Direct Deposit. Direct Deposit is an all-electronic method by which employees can receive their paycheck. Instead of issuing a payroll check, the employee's direct deposit information is electronically transmitted to the employee's financial institution (i.e. bank). Unless the City elects to utilize Direct Deposit, Direct Deposit is not available.

**ARTICLE VI
EMPLOYEE BENEFITS; EMPLOYEE LEAVE**

6.1. Employee Benefits. The City strives to provide a competitive package of employee benefit programs for its eligible employees. the City's Human Resources Department will provide benefit information for employees as they become qualified for such benefits. The City's group health insurance program may be continued for employees who leave the City under circumstances described by federal law, and employees will receive a detailed explanation of this privilege upon cessation of employment. The existence of these employee benefits and plans, in and of themselves, does not signify that an employee will be employed by the City for the requisite time necessary for the employee to qualify for these benefits and plans.

6.2. Social Security. The Federal Social Security Act covers all employees. A required percentage of each employee's salary/wages is deducted from the employee's paycheck to pay the employee's portion of this protection, and the City matches each employee's deduction dollar for dollar, until the yearly maximum level is reached. The plan is designed for employees' future security and that of employees' dependents and provides for retirement, disability, death, survivor and Medicare benefits.

6.3. Maryland State Unemployment Insurance. No deduction is made from an employee's salary/wages for Maryland Unemployment Insurance. This is funded entirely by the City. If an employee is laid off or otherwise becomes unemployed, the employee should go immediately to the nearest office of the Department of Labor, Licensing and Regulation to register for work and to file a claim for unemployment insurance benefits to determine whether the employee is eligible for such benefits.

6.4. Workers' Compensation.

(a) The City carries insurance to cover the cost of injury or illness sustained by employees while on the job. Employees who sustain an injury or illness while on the job or on the City property must immediately report the injury or illness to the employee's supervisor or Director of Human Resources and complete an Employee's Claim form as soon as reasonably possible. If immediate reporting of an injury is not possible, the injury must be reported to the employee's supervisor or Director of Human Resources as soon as reasonably possible following the occurrence of the injury.

(b) The City expressly reserves the right to require an employee that is, or could have been, involved in a work related incident involving injury and/or damage to property to submit to a drug and/or alcohol test. the City is covered under state statutory worker's compensation laws. Failure to report accidents occurring on the job and/or on the City property is a serious matter, as such failure may preclude an employee's coverage under worker's compensation insurance.

6.5. Reserved

6.6. Vacation Leave.

(a) The City's Vacation Leave plan is designed to provide employees with the opportunity to rest and get away from the everyday routine. Vacation Leave runs from the employee's anniversary date to the day before the following anniversary date of each year.

(b) A regular, full-time non-exempt employee will accrue Vacation Time at the following rates:

Yrs./Ser.	Earning Rate	Days/Yr.	Rec'd On
0-1	After 60 days of employment 1 day per month	10	1 yr. Anniversary
1-6	5/6 day per month	10	2 yr. Anniversary
7-11	1 1/4 day per month	15	7 yr. Anniversary
12-up	1 2/3 day per month	20	12 yr. Anniversary

A year of service accrues on anniversary of the date of hire. An employee who leaves and returns continues earning vacation at their last full year of service and the subsequent date of hire is the new benchmark for a year of service.

(c) Department Heads will accrue annual leave at the following rates:

Yrs./Ser.	Earning Rate	Days/Yr.	Rec'd On
0-1	5 days per quarter	20 days	As earned
1 – 10	1 2/3 day per month	20 days	1 year anniversary
11 +	2 1/12 days per month	25 days	11 year Anniversary.

Department Heads receive comp time due to having to occasionally work in excess of 40 hours due to mandatory work responsibilities. Mandatory work responsibilities include Mayor and Council meetings, weather emergencies and any special projects approved by the City Manager.

(d) Vacation Leave is an earned benefit. Upon an employee's separation of employment, unused Vacation Leave will not be paid unless earned in accordance with Section 4.9.

(e) The general guidelines for Vacation Leave are as follows:

- (i) Employees will start accruing Vacation Leave from their first day of employment.
- (ii) Vacation Leave balances will be maintained by the Payroll Department and each employee will receive a written accounting of their Vacation Leave balances on each pay stub.
- (iii) Vacation Leave must be scheduled and approved the employee's supervisor. All requests to take Vacation Leave must be submitted in writing to the employee's supervisor for approval, one month in advance of the initial date of the request or at the supervisor's discretion, unless the request for Vacation Leave is for emergency reasons. The Mayor approves Department Head leave.
- (iv) To satisfy the Vacation Leave preferences/requests of employees, as well as meet the staffing needs of each department, the City requests employees discuss their Vacation Leave plans with their supervisor at least one month in advance of taking Vacation Leave.
- (v) Up to 120 hours of Vacation Leave may be carried over at the end of the service year. Employees whose Vacation Leave balance exceeds 120 hours on the last day of the service year will lose any accrues time over 120 hours of accrued Vacation Leave; however, the employee will continue to accrue at their earned rate.

- (vi) The calculation of Vacation Leave runs from the employee's anniversary date to the day before the following anniversary date of each year.
- (viii) Employees are not permitted to substitute Sick Leave should an illness occur during the employee's scheduled use of Vacation Leave.

6.7. Holidays.

(a) Regular Full-Time Employees are eligible for the enumerated paid holidays in each calendar year. To receive holiday pay, employees must work the regularly scheduled workday before and after the holiday, unless an exception is approved in writing by the employee's supervisor. A paid holiday does not count as a day worked in calculating whether overtime wages are due for the workweek.

(b) The following holidays are City holidays and are usually observed on the date opposite the holiday:

<u>Holiday</u>	<u>Date Usually Observed</u>
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Presidents Day	Third Monday in February
Maryland Day*	March 25
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving Day	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25
New Year's Eve*	December 31

*City Offices are open on these holidays.

(c) When a City holiday falls on a Sunday, the following Monday will be observed as the holiday. If a holiday falls on a Saturday, the preceding Friday will be observed as the holiday.

(d) Actual holidays may be deferred to other dates if the employee works on the holiday or the holiday falls on a scheduled day off. The Payroll Department will be responsible for maintaining a record of deferred holidays from the employee time sheet. Deferred holidays must be taken within 30 days of the holiday or the holiday is forfeited. Employees must indicate on their time sheet the day on which they took the deferred holiday.

(e) Holidays cannot be deferred during an employee's use of Sick Leave or Vacation Leave. Employees cannot use Holiday Time until it has been earned by the employee.

(f) Personal Holidays

(i) In addition to the regularly scheduled holidays, each regular full-time employee with one (1) year or more is entitled to three (3) other paid holidays each calendar year (January 1 to December 31). The employee must notify the employee's supervisor at least one week in advance of the intention to take a personal holiday. Personal Holidays cannot be carried over to the next calendar year. Employees whose employment with the City is terminated,

either by voluntary or forced resignation, will not be paid for unused personal holidays. Personal holidays cannot be used after resignation has been tendered.

(ii) Employees with less than one (1) year of service (New Employees) will earn personal holidays as follows; after each four (4) months of service, employee may take one (1) personal day until one year's service is complete and up to the beginning of the next calendar year.

6.8. Sick & Safe Leave.

(a) Regular full-time employees are entitled to earn sick and safe leave ("Sick Leave") at the rate of 8 hours every month the employee works, up to a maximum of 76 hours per year. For purposes of accruing Sick Leave, a year commences on the employee's anniversary date.

(b) An employee who is exempt from the overtime provisions of the Fair Labor Standards Act is assumed to work 40 hours per week.

(c) **Use of Sick Leave.** An Employee is not permitted to use Sick leave during the first 30 calendar days of his/her employment. An employee is allowed to use earned Sick pursuant to State and Federal law.

(d) For purposes the City's Sick Leave policy as provided in this Section 6.8, a "family member" includes a spouse, child, parent, grandchild, grandparent, sibling or legal guardian. For a complete list of family members included under Maryland law, employees are directed to review MD Code, Labor & Empl., § 3-1301(g).

(e) Employees are permitted to use Sick Leave in increments of not less than 1 hour.

(f) If an employee's need to use Sick Leave is foreseeable (for example a scheduled doctor's appointment), the employee must provide notice 7 days prior to leave use. Notice must be submitted in writing and directed to the employee's supervisor, with a copy to the Director Human Resources. If an employee's need to use Sick Leave is not foreseeable, the employee must provide notice to his/her supervisor and to the Director of Human Resources as soon as practicable. An employee's request to use earned Sick Leave may be denied if the employee fails to provide the required notice to his/her supervisor and the Director of Human Resources, and the employee's absence from work will cause disruption to his/her department and/or the business operations of the City.

(g) Employees may only use earned Sick Leave for one of the authorized reasons listed above. An Employee who has used earned Sick Leave for an unauthorized purpose or has demonstrated a pattern of abusing Sick Leave may be denied the right to use earned Sick Leave in the future.

(h) If an employee uses Sick Leave for more than 2 consecutive scheduled shifts, the employee must provide verification from his/her healthcare provider that such use of Sick Leave was appropriate.

(i) **Sick leave Donations to Other Employees.** An employee may donate up to 30% of their accrued sick leave, per calendar year, to other City of Crisfield employees.

(j) Sick days after resignation is tendered, will require a doctor's excuse in order to receive sick pay.

(k) Use of sick leave on a day before or after a holiday requires a doctor's note in order to receive sick pay.

(l) **Extended Sick leave.** It is the policy of the City to provide reasonable accommodations to workers who are injured on the job, sick or disabled. Such workers who require light duty or modified duty assignments that are not of prolonged or indefinite duration will be reasonably accommodated to the extent the City may do so without incurring undue hardship. Any injury incurred not on the job will be evaluated

on a case-by-case basis. Because the City employs a small workforce to provide essential service in the public, leave cannot and will not be provided beyond the extent of accrued paid leave; once an employee has exhausted accrued sick leave, the employee may apply accrued vacation without restrictions, or be deemed to be a candidate for reassignment, when a position is available, for medical reasons. Any employee who is absent three or more days, during a 30-day period as a result of this injury on the job, sickness, or disability or three or more days consecutively for medical reasons, must supply a doctor's excuse, and the City may in its discretion require such an excuse for shorter absences. The City will require fitness for duty evaluations and certifications by a physician selected, retained and paid by the City, where the City determines an employee's fitness for duty has become an issue, to the extent permitted by the Federal Americans with Disabilities Act. In a situation where an employee is unable to work for 180 consecutive calendar days due to illness, disability, and injury, the employee will be considered separated from employment with the City of Crisfield. There may be exceptions made to this policy at the discretion of a joint decision by the Mayor and City Council for personnel who are considered critical and hard to replace.

6.9. Liberal Leave.

(a) Liberal Leave may be declared by the Mayor for non-essential personnel during periods when serious weather or other emergency conditions exist. It is expected that employees will use their judgment to determine if they can report to work without taking unnecessary risk regarding their safety.

(b) When Liberal Leave procedures are in effect, employees may request to use leave time on an emergency basis without the usual advance notice. Any Liberal Leave taken by an employee must be reported by the employee as Vacation Leave, otherwise the Liberal Leave will be considered unpaid leave.

6.10. Closure of Facility. In the event the facility is CLOSED by the City Manager due to serious weather or other emergency conditions, the City Manager will determine the timeframe of the closure and non-essential personnel will be sent home or not required to report to work. This absence is considered paid time if the employee was scheduled to work during the period of the closure.

6.11. Bereavement Leave.

(a) Regular Full-Time employees, who have completed the probationary period, are eligible for up to three (3) days Bereavement Leave from work due to a death in the employee's immediate family. For purposes of Bereavement Leave, the term "immediate family" is defined as the employee's: current spouse, children, parents, grandparents, brothers, sisters, mother-in-law or father-in-law or someone who lives in the employee's home.

(b) Employees must notify their supervisor as soon as possible if Bereavement Leave is being requested; and, the employee's timesheet should document the employee requested Bereavement Leave and the relationship of the deceased to the employee.

(c) The City reserves the right to ask an employee who requests Bereavement Leave for documentation confirming the deceased's relationship to the Employee and/or the Employee's attendance at the deceased's funeral.

6.12. Leave for Jury Duty.

(a) Employees summoned for jury duty must notify their supervisor immediately. In the event an employee must serve on a jury during the employee's regularly scheduled shift, the City will pay the employee's normal earnings for the period of jury service. The amount paid to an employee who serves on a jury will only cover the period of time the employee is absent during the employee's normally scheduled 8 hour shift.

(b) In order for an employee to receive full pay for an absence due to serving on a jury, the employee must:

- (i) Contact his/her supervisor immediately upon receiving the notification to appear for jury duty and provide copies of the notification to the Director of Human Resources and the Payroll Department; and,
- (ii) Return to work within one hour of the time the employee is dismissed from jury duty for the day;
- (iii) Provide a signed statement or certificate, from the representative of the court in which the employee served jury duty indicating the date and time the employee had jury duty, to the employee's supervisor and to the Payroll Department; and,
- (iv) Note on the employee's timesheet the hours he/she served on jury duty.

6.13. Family & Medical Leave.

(a) **General Provisions.** In accordance with the Family and Medical Leave Act (the "FMLA"), the City will provide up to 12 weeks of leave, without pay, (or up to 26 weeks, without pay, of military caregiver leave to care for a covered service member with a serious injury or illness), during a 12-month period, to eligible employees (leave provided to employees under the FMLA is referred to as "FMLA Leave"). In the event of any conflict between the City's policy governing FMLA Leave and the applicable law, employees will be afforded all rights required by law. Each employee, regardless of time employed by the City, shall receive five (5) days of paid maternity/paternity leave upon the birth of the child or the adoption date.

(b) **Eligibility for FMLA Leave.** To qualify for FMLA Leave, the employee must meet the following conditions:

- (i) The employee must have worked for the City for at least 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed 7 years. Separate periods of employment will be counted if the break in service exceeds seven years due to the employee's National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the City's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week; and,
- (ii) The employee must have worked at least 1,250 hours during the 12-month period immediately preceding the date when the FMLA Leave is requested to commence. The principles established under the Fair Labor Standards Act ("FLSA") determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked; consequently, the City will not count these hours of leave when determining whether the employee has worked at least 1,250 hours during the 12 month period immediately preceding the start of the requested FMLA Leave.

(c) **Type of Leave Covered by FMLA.** An employee who is eligible for FMLA Leave can request or use FMLA Leave to cover time the employee needs to be away from work for any of the following reasons:

- (i) To care for a newborn child or a newly adopted or newly placed foster care child, as long as the leave is taken in the year following the child's birth or placement.
- (ii) To care for a spouse, child, parent or other dependent who has a serious health condition (defined below).
- (iii) The serious health condition (defined below) of the employee, that renders the employee unable to perform the functions of his/her job.

(d) For purposes of the City's FMLA Leave policy provided in this Section 6.13, a "serious health condition" is defined as: a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or as a condition that requires continuing care by a licensed health care provider.

(e) the City's FMLA Leave policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year. Employees with questions about what illnesses are covered under the City's FMLA policy or under the City's Sick & Safe Leave policy are encouraged to consult with the Director of Human Resources.

(f) **Compensation and Benefits during FMLA Leave.** If an employee takes paid sick leave for a condition which progresses into a serious health condition and the employee requests unpaid FMLA Leave, the City may designate all or some portion of related leave taken by the employee as FMLA Leave, if the City determines the earlier leave meets the necessary qualifications for FMLA Leave.

(g) **Amount of FMLA Leave.** An employee who is eligible for FMLA Leave may take up to 12 weeks for any of the three circumstances described under the heading "Type of Leave Covered by FMLA" during any 12-month period. The City will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any FMLA Leave. Each time an employee takes FMLA Leave, the City will compute the amount of FMLA Leave the employee has taken in the immediately preceding 12 months and subtract such leave from the 12 weeks of available FMLA Leave, and the balance remaining is the amount of FMLA Leave the employee is entitled to take at that time. If a husband and wife both work for the City and each wishes to take FMLA Leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave.

(h) **Use of Paid and Unpaid Leave; Employee Status and Benefits during Leave.** All accrued paid leave runs concurrently with FMLA Leave. While an employee is on FMLA Leave, the City will continue the employee's health benefits during the period of the employee's FMLA Leave, at the same level and under the same conditions as if the employee was not on FMLA Leave and had continued to work. Disability leave for an employee's birth of a child and/or for an employee's serious health condition, including any leave taken by an employee that is authorized by applicable workers' compensation laws (to the extent such leave qualifies), will be designated as FMLA Leave and will run concurrently with FMLA Leave.

(i) **Employee Status after FMLA Leave.** The City expressly reserves the right to request an employee, who takes FMLA Leave, to provide the City with a fitness for duty clearance from the employee's healthcare provider.

(j) **Intermittent Leave or a Reduced Work Schedule.** Eligible employees may take FMLA Leave in 12 consecutive weeks, or they may use FMLA Leave intermittently (take a day periodically when needed over the course of a 12 month period) or, under certain circumstances, they may use FMLA Leave to reduce their workweek or workday, resulting in a reduced-hour schedule. In all cases, the FMLA Leave

taken by an employee may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period, as described below).

(k) Certification for the Employee's Serious Health Condition. The City will require certification for the employee's serious health condition if FMLA Leave is requested. The employee must respond to the City's request for such certification within 15 days of the request or provide a reasonable explanation for the delay in responding to the City's request for certification. An employee's failure to provide certification of the employee's serious health condition for use of FMLA Leave may result in the denial of continuation of the employee's FMLA Leave.

(l) Certification for the Family Member's Serious Health Condition. The City will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

(m) Recertification. The City may request an employee provide recertification of the employee's serious health condition or the employee's family member, when circumstances have changed significantly or if the City receives information casting doubt on the reason given by the employee for his/her absence, or if the employee seeks an extension of his/her FMLA Leave. The City may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with such employee's use of FMLA Leave.

(n) Procedure for Requesting FMLA Leave. Employees requesting FMLA Leave must complete a "Request for FMLA Leave" form and submit it to the Director of Human Resources. When the need for FMLA Leave is foreseeable, the employee should provide his/her supervisor and the Director of Human Resources with at least 30 days' notice. When an employee becomes aware of a need for FMLA Leave less than 30 days in advance, the employee should provide his/her supervisor and the Director of Human Resources with notice of the need for FMLA Leave either the same day the need arises or as soon as is reasonably possible thereafter. Within five business days after the employee has submitted the completed "Request for FMLA Leave" form, the Director of Human Resources will provide the employee with a written response approving, denying or otherwise responding to the employee's request for FMLA leave. The City may require an employee on FMLA Leave to report periodically on the employee's status and his/her intent to return to work.

(o) Reinstatement Following FMLA Leave. Upon returning from FMLA Leave, employees are normally restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. The only exceptions to this restoration policy are for certain key employees of the City, who are notified of their status as a "key employee" when they first request FMLA Leave. Key employees who take FMLA Leave are reinstated to their former or equivalent positions only if their reinstatement does not cause the City substantial and grievous economic injury.

(p) Post-FMLA Leave. In some circumstances, employees who have exhausted their available FMLA Leave may take additional unpaid personal leave. The City cannot guarantee any such employee will be reinstated to his/her previous position, with his/her previous compensation, and/or be re-employed by the City after the employee's Post-FMLA Leave. Furthermore, during a period of Post-FMLA Leave, the employee's health care benefits will not continue unless the employee elects to pay the full cost of COBRA. Employees should be aware that a lapse in benefits coverage or plan participation during a period of Post-FMLA Leave might affect the employee's coverage after he/she returns to work.

6.14. Covered Active Duty Leave and Military Caregiver Leave under the FMLA.

(a) The qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty, applies to an employee whose spouse, son, daughter or parent has

been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: **(i)** short-notice deployment; **(ii)** military events and activities; **(iii)** child care and school activities; **(iv)** financial and legal arrangements; **(v)** counseling; **(vi)** rest and recuperation; **(vii)** post-deployment activities; and/or **(viii)** additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

(b) For purposes of this Section 6.14, "Covered active duty" means: in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; or, in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Title 10 U.S.C. §101(a)(13)(B).

(c) Covered Active Duty Leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period. Military caregiver leave (also known as covered service member leave) applies to an employee who requests FMLA Leave to care for an injured or ill service member or veteran. An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks of unpaid FMLA Leave in a single 12-month period to care for that service member.

(d) Definitions.

- (i)** For purposes of this Section 6.14, the term "next of kin" is defined as the closest blood relative of the injured or recovering service member.
- (ii)** For purposes of this Section 6.14, the term "covered service member" means: a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation or therapy or is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or, a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.
- (iii)** For purposes of this policy, the term "serious injury or illness" means: in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; or, in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

(e) Eligibility of FMLA Military Caregiver Leave. An eligible employee can take up to 26 weeks for the FMLA military caregiver leave circumstance above during a single 12-month period. For this

military caregiver leave, the City will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available. If a husband and wife both work for the City and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

(f) Certification of Qualifying Exigency for Military Family Leave. the City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

(g) Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave. the City will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

6.15. Personal Leave of Absence without Pay.

(a) Should a situation arise that temporarily prevents an employee from working, he/she may be eligible for an unpaid Personal Leave of Absence. This leave will cause the employee's classification to be "inactive." A Request for a Leave of Absence must be submitted in writing to the Director of Human Resources, as far in advance as is reasonably possible. Any Request for a Leave of Absence will be reviewed by the City on a case-by-case basis and can only be approved by the City Manager. To be eligible for a Personal Leave of Absence, the employee must be in good standing and have a minimum of one year of continuous employment with the City. The decision to approve or disapprove a Request for Personal Leave of Absence is based on such factors as: the length of time requested; the employee's job performance; the reason for the leave of absence; the employee's position within the City; the effect the employee's absence will have on the department and/or the City; and, the overall business needs of the City.

(b) A Request for leave of Absence will be considered only after the employee has exhausted all available paid leave. The duration of a Leave of Absence, if granted by the City Manager, will be reviewed on a case-by-case basis, and will not exceed six months. While on an unpaid leave of absence, insurance coverage will end on the date the leave begins, accrual of Vacation Leave will cease and no additional compensation will be provided (e.g. holiday pay) to the employee. Employees will be offered the option of continuing some benefits through COBRA, at the employee's expense.

6.16 Military Leave.

(a) City employees who enrolled in U.S. uniformed services, in accordance with the Uniformed Services Employment and Reemployment Rights Act ("USERRA") (such leave is referred to as "Military Leave"), shall receive fifteen (15) days of paid military leave for the exclusive use of service in the U.S. uniformed service on each anniversary. Advance notice of military service and use of military leave is required from the employee, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

(b) Military Leave, in excess of the fifteen (15) days of military leave, will be unpaid; however, eligible employees may use any available paid leave for his/her absence due to military service. Continuation of health insurance benefits for employees on Military Leave is available as required by USERRA based on the length of the employee's Military Leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. Benefit accruals, such as Vacation Leave, Sick Leave, or Holiday Time, will be suspended while the employee is on Military Leave and such benefits will resume upon the employee's return to work with the City.

(c) Employees on Military Leave for up to 30 consecutive days are required to return to work for the first regularly scheduled shift after the end of their military service, allowing for reasonable travel time. Employees on Military Leave for longer than 30 consecutive days must apply for reinstatement with the City in accordance with USERRA and all applicable state laws.

(d) Employees returning from Military Leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. Employees returning from Military Leave will be treated as though they were continuously employed by the City for purposes of determining the benefits for such employee based their length of service. Any employee who has desires more information, or has questions, about Military Leave is directed to contact the Director of Human Resources.

6.17. Employee Assistance Program.

(a) The City recognizes that personal problems can affect an employee's work performance. The City views personal problems as equivalent to health problems. The existence of a personal problem will not limit an employee's advancement opportunities, assuming that work performance is not being adversely affected. Personal problems in an employee's immediate family can also threaten that employee's work performance. To assist employees with regard to such matters, the City has a contractual agreement to provide personal and professional consultation to employees and their families through the City's Employee Assistance Program ("EAP").

(b) Employees may obtain professional assistance through the City's EAP in the following ways:

(i) **Self-Referral** – An employee or family member who desires confidential assistance for a personal problem should call the EAP Counselor. The EAP Counselor will arrange for an appointment with an appropriate professional. All communications between the EAP Counselor and the employee will be held in the strictest confidence, unless the employee requests, in writing, that the City be notified of the communications between the EAP Counselor and the employee.

(ii) **Supervisor Referral** – The basis of a referral to the City's EAP by the employee's supervisor must be either: (A) a decline in work performance of the employee; or, (B) a particular on-the-job incident, or series of incidents involving the employee, which indicates the possible presence of a personal problem affecting the employee. Once the employee's supervisor establishes the basis for the employee's referral to the City's EAP, the employee's supervisor may wish to contact an EAP Counselor to discuss the nature of the situation involving the employee and begin to develop, from an early stage, the process for referring the employee to the City's EAP. If the employee agrees to accept assistance from the EAP, the supervisor should call and arrange for a meeting between the employee and an EAP Counselor. The only information about the counseling session that will be shared with the supervisor is whether the employee kept the appointment with the EAP Counselor.

(iii) **Supervisor Recommendation** – When conditions do not warrant a formal referral of an employee to the City's EAP, the employee's supervisor may recommend the City's EAP to the employee, and any contact by such employee with the EAP would be handled as a self-referral and no information would be available to the employee's supervisor.

(c) Employees can obtain the contact information for the City's EAP from the Director of Human Resources.

ARTICLE VII

EMPLOYEE COMMUNICATIONS

7.1. Open Door Policy. The City encourages all employees to raise any questions or complaints about the terms or conditions of their employment promptly and without fear of retaliation. An employee's questions or complaints should be directed to the employee's immediate supervisor. If an employee is unable to resolve the matter satisfactorily with the employee's immediate supervisor, then the employee should address his/her concern to the Director of Human Resources. If an employee's question or complaint addresses an apparent violation of the City's equal employment opportunity, harassment or disability policies under Article II of this Handbook, or if an employee believes he/she is not being compensated in compliance with state or federal law, the employee should address his/her question or complaint directly to the Director of Human Resources. If an employee has a question or concern that is not addressed satisfactorily by the Director of Human Resources, the employee may raise such question or concern with the City Manager, and his/her decision on the matter will be final.

7.2. Media Relations. Because the vast majority of the information employees of the City work with is privileged by law, confidential by law, or otherwise extremely sensitive, all contacts with the media or any outside party must be referred to the City Manager. The City Manager must approve all comments, papers, articles, speeches or presentations to non-City persons prior to publication or presentation.

**ARTICLE VIII
EMPLOYEE SAFETY AND HEALTH**

8.1 Workplace Safety. The City strives to provide its employees with safe working conditions, and, in doing so, the City observes all applicable federal and state laws governing workplace safety. the City will not knowingly require any employee to work in an unsafe manner or unsafe environment. Safety is every employee's responsibility, and all employees are expected to obey safety rules and exercise caution and common sense in all work activities. Employees should immediately report any unsafe conditions to their supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report any hazardous, dangerous or otherwise unsafe workplace condition, or where appropriate, fail to remedy any such condition, may be subject to disciplinary action up to termination of employment.

8.2. Fires and Emergencies. IN CASE OF EMERGENCY, DIAL 911 BEFORE RESPONDING IN ANY OTHER WAY. All facilities of the City have an emergency procedure to follow in the event of fire or disaster. Exits, fire extinguishers and first-aid kits are located throughout all the City facilities. Exits and areas around fire extinguishers must be kept clear at all times.

8.3. Accidents or Injury. Employees should immediately notify their supervisor or the Director of Human Resources when an on-the-job injury occurs, no matter how insignificant the injury may seem.

**ARTICLE IX
PROGRESSIVE CORRECTIVE ACTION POLICY;
STANDARDS OF EMPLOYEE CONDUCT**

9.1. Progressive Corrective Action Policy. The City strives to take a constructive approach to disciplinary matters involving its employees to ensure that actions which would interfere with the City's business operations or an employee's job are not continued. Corrective action is a process designed to identify and correct problems that affect an employee's work performance and/or the overall performance of such employee's department and/or any of the City's business operations. The City has adopted a Progressive Corrective Action Process policy, which is set forth below; the Progressive Corrective Action Process policy should be followed consistently within each department of the City and for each problem involving any employee of the City that arises from time to time.

9.2. Progressive Corrective Action Process. The Progressive Corrective Action Process policy adopted and maintained by the City refers to the following corrective actions:

- (a) Counseling or verbal writing;
- (b) Written warning;
- (c) Suspension (number of days will be determined by your supervisor); and/or,
- (d) Termination.

9.3. The violation of the City's Standards of Conduct by an employee will result in one of the following forms of corrective action being taken against such employee: counseling or verbal warning; a written warning (a copy of which shall be maintained in the offending employee's personnel file); suspension; or, termination. In determining the corrective action imposed against an employee for his/her violation of the City's Standards of Conduct, the City will consider the following factors:

- (a) The circumstances surrounding the matter upon which the corrective action is based;
- (b) The seriousness of the employee's infraction; and,
- (c) The past record of the employee.

9.4. Each case is considered on an individual basis. Depending on the circumstances, any step of the Progressive Corrective Action Process may be repeated, omitted, or taken out of sequence; however, the City expressly reserves the right to effect and impose the immediate termination of an employee should the situation warrant such action.

(a) Typically, a preliminary meeting is held with the employee to allow the employee an opportunity to understand the nature of the concern and to explain his/her position on the matter. If necessary, the corrective action documentation would then be put together which would summarize the issue, taking into account any additional information the employee may have provided during the preliminary meeting.

(b) When issuing corrective action, there should be clear and direct communication between the employee and his/her immediate supervisor and/or the Director of Human Resources, as the case may be. Notwithstanding any term to the contrary, the City Manager may place any employee on administrative leave immediately, with or without pay, upon the

occurrence of any incident, in order to allow authorized the City personnel the opportunity to investigate and review the incident(s) which precipitated an employee being placed on administrative leave.

(c) Following the investigation and review of the subject incident, the City Manager's will determine whether to continue the employee's administrative leave, to reinstate the employee or to terminate the employee.

9.5. Infractions Triggering Corrective Action. The following is a list of infractions that will result in the City taking corrective action against the subject employee (this list is intended to be only representative of the types of activities/infractions committed by an employee that may result in corrective action against such employee):

- (a) Falsifying employment application, time sheet, or personnel or other City documents or records;
- (b) Unauthorized possession of corporate or employee property, gambling, carrying weapons or explosives, or violating criminal laws on corporate premises;
- (c) Fighting, throwing things, horseplay, practical jokes or other disorderly conduct which may endanger the well-being of any employee on City premises;
- (d) Engaging in acts of dishonesty, fraud, theft or sabotage;
- (e) Threatening, intimidating, coercing, using abusive or vulgar language or interfering with the performance of other employees;
- (f) Insubordination or refusal to comply with instructions or failure to perform reasonable duties which are assigned;
- (g) Unauthorized use of corporate material, time, equipment or property;
- (h) Damaging or destroying corporate property due to careless or willful acts;
- (i) Conduct which the City feels reflects adversely on the employee or City;
- (j) Performance which, in the City's opinion, does not meet the requirements of the position;
- (k) Engaging in such other practices as the City determines may be inconsistent with the ordinary and reasonable rules of conduct necessary to the welfare of the City, its employees;
- (l) Excessive absenteeism or any absence without notice;
- (m) Negligence in observing fire prevention and safety rules; and/or
- (n) Any other circumstance for which the City determines corrective action is warranted.

The above-referenced list and the additional standards of conduct described below are not intended to be comprehensive and do not, in any way whatsoever, alter the employment-at-will relationship between the employee and the City. Each employee is provided a copy of the City's Code of Ethics and Professional Conduct. Failure to follow these policies may be cause for corrective action, up to termination.

9.6. Conflict of Interest.

(a) The City expects all of its employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of the City and the conduct of its affairs.

(b) Business dealings that represent, or appear to represent, a conflict between the interests of the City and an employee are unacceptable. The City recognizes the right of employees to engage in activities outside of their employment which are of a private nature and unrelated to the business and operations of the City. However, a policy of full disclosure must be followed to assess and prevent potential conflicts of interest from arising. Employees should contact the Director of Human Resources if they have any questions regarding a possible conflict of interest or outside work.

9.7. Attendance Standards.

(a) Attendance at work in compliance with an established work schedule is an essential function of all positions at the City. Employees with a pattern of time-off requests in excess of their leave benefits may face disciplinary action up to and including termination.

(b) Employees who are unable to report for work for any reason or need (or expect) to arrive late and/or leave early, must notify their supervisor or, in such supervisor's absence, the Director of Human Resources before the employee's shift begins. The phone number for the City is 410-219-9000.

(c) The City expressly reserves the right to require a physician's certification of an employee's inability to work for the period during which such employee was on Sick Leave, upon the employee's return to work after such Sick Leave.

9.8. Absence Without Notice.

(a) Employees who are ill and expect to be absent for more than one day should inform their supervisor of approximately how long they expect to be absent from work. Employees who are off for more than one consecutive day may be expected to call their supervisor on a daily basis, unless other arrangements have been made.

(b) Absenteeism creates an unusually heavy burden on other employees who must carry the absent employee's workload in addition to their own respective workloads. Excessive unexcused absenteeism and tardiness will be reflected on an employee's performance appraisal and may be cause for corrective action against the employee, including his/her termination. An employee's failure to report for work without giving prior notification may be cause for corrective action against the employee, up to termination.

9.9. Reserved

9.10. Drug & Alcohol Free Workplace Policy.

(a) The City is committed to providing a workplace environment that is free from alcohol and illegal drugs, and prescription or over-the-counter drugs that impair the performance of essential job functions or increase risk of injury, death, or property loss. The costs of alcohol and drug abuse are staggering and are manifested by accidents, tardiness, absenteeism, property damage, increased occupational injury costs, increased health insurance costs, decreased productivity, the cost of replacing and retraining new employees, and employee theft. In an effort to minimize the effects of alcohol and drugs in the workplace, the City has adopted this Drug &

Alcohol Free Workplace Policy. This policy applies to all employees of the City (except where noted in this policy or where it is inconsistent with applicable law) and applicants for employment. This Drug & Alcohol Free Workplace Policy revises and supersedes all prior drug and alcohol testing policies and practices adopted or otherwise implemented previously by the City.

(b) The following conduct is strictly prohibited and will result in corrective action up to and including termination:

- (i)** An employee's purchase, use, possession, distribution or being under the influence of alcohol on any the City property, during working hours or at any time while performing or otherwise conducting City business.
- (ii)** An employee's purchase, sale, possession, use, manufacture, distribution or being under the influence of any illegal drug, to include cannabis, at any time during his/her employment by the City.
- (iii)** An employee's use or being under the influence of any prescription or non-prescription (over the counter) drug that may adversely affect such employee's performance of his/her essential job functions of your or increase the risk of injury, death or property loss of the employee or others.
- (iv)** An employee's purchase, sale, use, distribution or possession, during working hours or while on City business, of any drug paraphernalia, including, but not limited to, any tools, equipment, supplies or materials used, designed or intended for the illegal or improper use of any drug.
- (v)** An employee reporting to or being at work with a measurable quantity of any alcohol, drug, intoxicant or narcotic in the blood or urine (except for any prescribed or over-the-counter drug of the type and at a level determined in the sole opinion of the City or its designee as neither interfering with such employee's performance of his/her essential job functions nor increasing the risk of injury, death or property loss of such employee or others).
- (vi)** Any employee who, at any time during his or her employment with the City, is charged with, or convicted of, violating any law, the basis of which violation in any way involves the use or being under the influence of alcohol or any drug shall immediately report the charge or conviction to the City Manager, in all cases, no later than the beginning of the employee's next work day, and the City Manager may place the employee on Administrative Leave without pay.
- (vii)** the City reserves the right to randomly drug test any employee at any time. In addition, the City may require a blood test, breathalyzer test, urinalysis, or other drug/alcohol testing of an employee whom the City has reasonable cause to suspect of using or being under the influence of a drug or alcohol while at work. Employees selected for drug testing will report to the designated laboratory and will have the test completed at such laboratory. All employees should notify the laboratory of prescribed medication and all positive drug tests for prescribed medication will require physician clearance.
- (viii)** The City reserves the right to demand the immediate drug testing of any employee involved in an accident or a near accident on the City property or at any location related to the employee's employment, or occurring

during the employee's work hours.

(c) The violation of any part of the policy contained in this Section 9.10 by an employee, including the employee being criminally charge or convicted of, or pleading guilty to, the commission of any crime may result in corrective against the employee, up to and including termination of employment.

(d) Any violation of the City's Drug & Alcohol Free Workplace Policy will be considered a serious breach of the City's Standards of Conduct, and any corrective action imposed against an employee in violation of this policy, up to and including such employee's termination, shall be determined by the City Manager in his/her sole discretion.

(e) **Drug-Testing Procedures.** In accordance with Maryland law, the following terms govern the procedures of the City for drug testing any employee or applicant for employment:

- (i) The City will use only certified laboratories to perform the drug testing of any employee or applicant for employment.
- (ii) Upon the request of the employee or applicant for employment being drug tested, the City will provide such employee or applicant for employment with the address of the laboratory that will perform the drug test.
- (iii) The City will provide any employee or applicant for employment who tested positively, and whose test results have been confirmed, with the following information, within 30 days from the date the test was performed:
 - (A) A copy of the laboratory test including the test results;
 - (B) A copy of the City's Drug & Alcohol Free Workplace Policy;
 - (C) If applicable, written notice of the City's intent to take corrective action against the employee, up to and including termination of employment;
 - (D) A statement or copy of the following provisions of Maryland law, codified at MD Code, Health General, § 17-214, permitting an employee or application for employment to request the independent testing of the same sample for verification of the test result: "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 urine or blood sample for verification of the test results by a laboratory that: holds a permit under this subtitle; or of located outside of the State, is certified or otherwise approved under subsection (f) of this section. The person shall pay the cost of the independent test conducted under this subsection."

(f) **Pre-employment Drug Testing.** Pre-employment drug testing will occur for any person that receives notification from the City of its intent to hire such person. An applicant for employment may not be hired until a negative drug test has been obtained and the hiring of such person may not occur if the person tested positively for any controlled dangerous substance.

9.11. Dress Code Rules.

(a) **Dress Code for Employees Required To Wear a Uniform.**

Employees shall wear the uniform set by the Department Head.

(b) Business Casual Dress Code (For Employees Not Required To Wear a Uniform).

Individual appearance is an important aspect of the City's overall image, and each employee has a responsibility to be properly dressed at all times. Your common sense should lead you to practice good personal hygiene and to wear clothing which is neat, clean, and free of holes, tears, or excessive wear. Employees should avoid wearing clothing with offensive language, images, or logos.

9.12. Tobacco Use Prohibited. Employees are prohibited from using any tobacco product, including, cigarettes, cigars, tobacco pipes, smokeless tobacco, electronic cigarettes or Electronic Nicotine Delivery Systems, anywhere on or within any of the premises owned, leased or otherwise operated by the City, including City vehicles. All facilities and property of the City are designated as tobacco free areas for all employee(s); there are no exceptions to this policy.

9.13. Telephone Use.

(a) City telephones are to be used for business purposes only and in the course of the City's normal business operations. Employees are directed to answer all telephone calls promptly and courteously.

(b) On occasion, personal calls may be necessary, however, the City requests all employees limit personal calls during working hours to emergencies or essential personal business and keep such calls (if necessary) as brief as possible, and, if reasonably practicable, make any personal call during the employee's break time.

(c) City issued cellular phones are issued to employees who are required to be in close contact with the City at all times. Employees who have been issued City cellular phones are required to be professional and conscientious at all times and understand that the phones are for business use only. Employees who are issued a City cellular phone will be required to sign the City Cell Phone Policy. the City has a zero tolerance policy regarding the use of a cell phone by an employee while driving.

(d) Personal cellular phones should be used with the same discretion as City phones. Personal phone calls/texting may be necessary, but should be kept brief, limited to emergencies, or conducted during lunch or break time. The City will not be liable for the loss of personal cellular phones brought into the workplace.

9.14. Blogging and Social Networking Policy. It is not the intention of the City to restrict any employee's ability to have an online presence and to mandate what is said online by an employee; however, in order to avoid any injury or damage to the business operations of the City and the goodwill it has accrued within the community, which could reasonably result from an employee's misuse of this communication medium, the City has adopted the following set of guidelines for the appropriate online conduct of employees:

(a) Employees are prohibited from posting, publishing or otherwise disseminating over the internet or any digital or social media platform any financial, confidential or sensitive information about the City.

(b) When posting, publishing or otherwise disseminating any statement or comment over the internet or any digital or social media platform, employees should communicate respectfully about all current, former and potential employees of the City, even if individuals are not identified by name.

(c) Employees should take care to avoid making any statement or comments via any posting, publishing or other communicative dissemination over the internet or any digital or social media platform that could reasonably be considered to reflect poorly on the employee and/or the City. The internet or any digital or social media platform is not a forum for employees to vent personal complaints about a supervisor, co-worker(s), or the City generally.

(d) Employees are prohibited from using any City-owned equipment (including any City issued cellular phone or mobile device) to conduct, publish or otherwise disseminate any personal work or opinions.

(e) Employees should have no expectation of privacy when using the internet; employees should be aware that any statement, comment or photo posted, published or otherwise disseminated over the internet or any digital or social media platform can be viewed by anyone, including a person employed by or connected with the City.

(e) An employee's violation of this Blogging and Social Networking Policy may result in corrective action taken by the City, up to and including the employee's termination.

9.15. City Computer Hardware/Software Security Policy. City equipment, including computer hardware and software are valuable assets. Accordingly, City equipment may be used for City business only. Employees are prohibited from copying, disseminating or otherwise using any software purchased, leased and/or licensed by the City in a manner that violates or is otherwise contrary to the provisions of the contract entered into by the City for such purchase, leased and/or licensed software.

ARTICLE X
Whistleblower Protection Policy

10.1. It is the intent of the City to adhere to all laws and regulations that apply to the organization including those pertaining to abuse of authority, gross mismanagement or fraudulent use of money, misuse of resources, violation of law or substantial and specific danger to public health or safety. The underlying purpose of this Whistleblower Protection Policy is to support the organization's goal of legal compliance.

10.2. The support of all employees is necessary to achieving compliance with various laws and regulations. If any employee reasonably believes that some policy, practice, or activity of the City is in violation of law, a written complaint must be filed by that employee with the City Manager who will investigate the claim and report to the Executive Committee. In the event the claim involves the City Manager, the Mayor shall investigate the claim, notify all Executive Committee members and keep them apprised of the investigation.

10.3. The City will not retaliate against an employee who in good faith, has made a protest or raised a complaint against some practice of the City on the basis of a reasonable belief that the practice is in violation of law, or a clear mandate of public policy. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of the City and provides the City with a reasonable opportunity to investigate and correct the alleged unlawful activity.

10.4. All efforts will be made to protect the confidentiality of those who report improprieties and choose to do so anonymously. However, in certain situations, legal requirements make it impossible to keep the individual's identity confidential.

EMPLOYEE HANDBOOK RECEIPT AND ACKNOWLEDGMENT

By my signature below, I expressly acknowledge that I have received my copy of the Employee Handbook.

The Employee Handbook describes important information about the City (“the City”), and I understand that I should consult the Director of Human Resources regarding any questions not answered in the Employee Handbook. I have entered into my employment relationship with the City voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the City can terminate the relationship at will, with or without cause, at any time, with or without notice, so long as there is not a violation of applicable federal or state law.

I understand and agree that, other than the Mayor and/or the City Manager, as set forth herein, no employee, agent, supervisor, department head or representative of the City has any authority to enter into any agreement for employment other than at will; only the Mayor has the authority to make any such agreement and then only in writing signed by the Mayor.

This Employee Handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of my employment with the City. By distributing this Employee Handbook, the City expressly revokes any and all previous policies and procedures that are inconsistent with those contained herein.

I understand that, except for my employment-at-will status, any and all policies and practices may be changed at any time by the City, and the City reserves the right to change my hours, wages and working conditions at any time. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies.

I understand and agree that nothing in the Employee Handbook creates, or is intended to create, a promise or representation of continued employment and that employment at the City is employment at will, which may be terminated, at any time, with or without notice, at the will of either the City or myself. Furthermore, I acknowledge that this Employee Handbook is neither a contract of employment nor a legal document. I understand and agree that employment and compensation may be terminated with or without cause and with or without notice at any time by the City or myself.

I have received this Employee Handbook, and I understand that it is my responsibility to read and, at all times during my employment with the City, to comply with the policies contained in this Employee Handbook and any revisions made to it.

Employee Signature

Date

Employee Name (Printed)

After executing this Employee Acknowledgement Form please forwarded the executed form to the Director of Human Resources. The executed Employee Acknowledgment Form will become part of your personnel file. You should keep a copy of the executed Employee Acknowledgment Form for your records.